

City of Coral Gables City Commission Meeting
Agenda Item F-3
March 27, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Pat Keon
Commissioner Vince Lago
Commissioner Frank Quesada
Commissioner Michael Mena

City Staff

City Manager, Cathy Swanson-Rivenbark
Assistant City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Historic Preservation Officer, Dona Spain

Public Speaker(s)

Jorge Hernandez
George Volsky

Agenda Item F-3 [0:00:00 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, by amending Article 4, "Zoning Districts," Section 4-101, "Single-Family Residential (SFR) District;" and Article 5, "Development Standards," Article 8, "Definitions," and Appendix A, "Site Specific Zoning Regulations;" to modify and clarify provisions regulating single-family residential standards related to garages, Floor Area Ratio (FAR) calculations, building height, fences and walls, accessory uses, and lot coverage; providing for a repealer provision, severability clause, codification, and

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providing for an effective date. (03 14 18 PZB recommended approved, Vote 5-0)
(This is an action related to the City Commission Workshop that was held on
January 8, 2018.)

Mayor Valdes-Fauli: Item F-3. You want to read it?

City Attorney Ramos: Yes, sir. Item F-3 is an ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code, by amending Article 4, "Zoning Districts," Section 4-101, "Single-Family Residential District;" and Article 5, "Development Standards," Article 8, "Definitions," and Appendix A, "Site Specific Zoning Regulations;" to modify and clarify provisions regulating single-family residential standards related to garages, Floor Area Ratio calculations, building height, fences and walls, accessory uses, and lot coverage; providing for a repealer provision, severability clause, codification, and providing for an effective date. This is a public hearing item. It's on first reading.

Mayor Valdes-Fauli: Yes, sir. Good morning. I mean, good afternoon.

Jorge Hernandez: Good afternoon. Jorge Hernandez, at 337 Palermo Avenue. Just as a little refresher, we were here before this body a number of months ago, and then you asked -- collectively, you asked for a special workshop, which we did have, and I thought that was very productive. Some of the text has been slightly modified as a result of your input at that workshop. And then I believe, last week or two weeks ago, Mr. Trias took the document to the Planning and Zoning Board. It did get a unanimous approval from the Planning and Zoning Board, but I'm happy to go over it in outline, in case you have more questions or additional questions or new insights. You let me know -- I'm happy to do it because, of course, there's people watching on television. And if this is the first time they see it, you should probably do an outline form of it, but I'm...

Mayor Valdes-Fauli: Yeah. We can...

Mr. Hernandez: Did you have a question, Commissioner?

Commissioner Quesada: No. I was going to say I didn't think you needed to go through it because we've gone through it so many times.

Mayor Valdes-Fauli: We've gone through it.

Vice Mayor Keon: (INAUDIBLE).

Commissioner Quesada: And I'm going to tell you, thank you so much.

Mayor Valdes-Fauli: Yeah.

Commissioner Quesada: I mean, we had a pretty...

Mayor Valdes-Fauli: Great job.

Commissioner Quesada: Long meeting with you working through that workshop. And I know I asked too many questions at that workshop.

Mr. Hernandez: No, never.

Commissioner Quesada: But I just want to say thanks. I think it's -- there's a lot of good, logical fixes that we're making here...

Mr. Hernandez: Yeah.

Commissioner Quesada: That is the kind of thing that a homeowner doesn't realize it affects them until they try to make a revision and then -- until it's too late. So, I'm glad that we're going to resolve a lot of those problems for a lot of people.

Mr. Hernandez: Thank you.

Commissioner Quesada: So, and thank you for that because you didn't have to do this, so we're very thankful to you.

Mr. Hernandez: Well, I should say that it wasn't me alone. As you know, as a board, a volunteer board of professionals, architects, many of which have served as designers of single-family homes in the City for at least two decades, sometimes more than three decades, so it was really -- and the members of the Board of Architects also came and gave of their time and the special consultants. Peter Iglesias was very -- was invaluable in terms of certain conditions that have to do with flooding, which, you know, Hurricane Irma had just passed while this board was deliberating, so flooding was very much on our mind. So, it's not a single effort. I'm just...

Commissioner Quesada: Yeah.

Mr. Hernandez: The mouthpiece, so to speak.

City Manager Swanson-Rivenbark: Mr. Mayor, there are 14 slides for the PowerPoint. And so, you might want to just quickly go through them so the...

Mayor Valdes-Fauli: Yeah. Why don't we do that.

City Manager Swanson-Rivenbark: Public is aware. And then, a question about how does this relate to the Zoning Code rewrite that is underway.

Mr. Hernandez: Well, I'm going to ask Ramon to come up for that, and then -- so, we'll just figure it out.

Planning and Zoning Director Trias: Mayor, we placed the PowerPoint in case Jorge (INAUDIBLE) images, but I guess both of us can go through it, if you want to. Could we have the PowerPoint, please? Or maybe not. I guess we...

Mr. Hernandez: Well, while we're waiting, I could...

Planning and Zoning Director Trias: Yeah.

Mr. Hernandez: Filibuster, certainly. And generally, there are -- as I said, it was a board of -- a volunteer board of citizens. We had, you know, deep knowledge. It's amazing the land surface...

Planning and Zoning Director Trias: Okay, here.

Mr. Hernandez: Of our city. I'll finish this filibuster.

Planning and Zoning Director Trias: Go ahead.

Mr. Hernandez: It's amazing the land surface of our city that is actually occupied by either beautiful green spaces, like the golf courses or single-family homes. In fact, the area of the city which is given over to multifamily or to commercial is maybe 20 percent. So, as the single-family home goes, so goes Coral Gables, if you think of the old Bank of England quote, right. And what we tried to do generally fell in four categories. One is to establish parity and clarity of the Code where there were difference in parity. The second one was to realign the Code with sort of time-honored planning traditions of Coral Gables. And I want to emphasize that is a kind of planning tradition that we're looking at. Yes, our city has a very beautiful and inspiring

aesthetic tradition as well, but we really looked at this more so in terms of planning issues; not all the time, but mostly. Advanced -- this is very important and I know it's a passion of many of you on the board, if not all of you -- is to advance the sustainability and the congruity of the built environment with the natural environment, which I think is a flagship quality of the city. It has been from the -- before the time that we had coined those terms, from the beginning. And also, we wanted to acknowledge, first and foremost -- and Mayor, I heard you say that at the end of the previous item before we took the break. To acknowledge and also to restore the authority and the good work of the Board of Architects because these people give almost 20 percent of their workweek, and we are unique in that we have that board. And of course, gaps happen. Gaps happen in all systems. But by and large, I think our city looks the way it does because we care so much about how it looks, and the Board of Architects is an important part of that infrastructure of care. So, that was a kind of an intro.

Planning and Zoning Director Trias: And in terms of the PowerPoint, some of that is summarized with the text, but we also have included (INAUDIBLE) images. In addition to the Zoning Code amendments, we have also prepared a best practices manual just to provide the visual ideas that I think are needed. And they're illustrated with drawings by Walter DeGarmo, who was one of the great architects from the early days, but certainly, it's a living document. We could add many more. This illustrates the fact that some older houses have a five-foot setback. One of the issues that is listed in the Code is that the Board of Architects may recommend variances according to the context and so on for such a setback, in cases where it made sense. Another one of the big ideas is that now height is defined as 25 feet, and then the bottom, the actual -- the place where we start measuring from changes, depending on the flood conditions of the site. So, I think Jorge and Peter worked really hard to come up with the right language. They're actually still working on it. They're almost there, but the second reading's going to be just perfect. And I think that makes a big, big difference and it really helps.

Mr. Hernandez: I might add that -- so, now, we will measure what is easy to measure, which is from your first finished floor to the top of your tie-beam. That's very easy to implement and

measure. And then how you get from the earth to your floor will be governed by best practices FEMA, County flood practices and certain license for free board space, which is the best practices that we know now because of increased flooding. You'll be ahead of the ballgame.

Commissioner Quesada: So...

Mr. Hernandez: And the roof will then -- go ahead, but let me finish and then go ahead. And then the last zone of a building -- if you think of the first zones being from earth to floor; second zone, the body, floor to tie-beam; third zone, the roof. Then the roof issue will be at the discretion of the Board of Architects. Go ahead.

Commissioner Quesada: I am looking at Section 6. You know, you really don't have to pull it up. It's one sentence. It states, height, two stories or twenty-five feet, measured from finished floor of the tie-beam on the top floor, excluding a raised floor of 30 inches. I mean, for all of -- for 90 percent of Coral Gables, fine. It's no problem. I just don't want -- because here's -- I just don't want to -- with the way this is written -- dissuade anyone from purchasing a house in the Gables Estates, Snapper Creek, the -- you know, the homes that sell for \$20 million plus. I don't want to preclude that. And here's my concern, okay. I see you like...

Mr. Hernandez: I'm ready to answer.

Commissioner Quesada: You're ready with your answer. No, no, keep listening to my question.

Mr. Hernandez: Okay, okay, okay, okay.

Commissioner Quesada: My concern is we'll never really find out about it because what they'll do is, they'll hire an architect, sell -- maybe buy this piece of land and build a monstrosity on the water and, you know, a \$30 million house, and we'll never -- they'll say, no, we could only do two stories in Coral Gables. That doesn't work for us. I want more than that. Or I want more

height because I want a large -- and during the workshop, we discussed -- I gave an example -- I don't want to put it on the public record, but I gave an example of a home that I've been to in that area -- in that neighborhood that when you walk in and, man, it seemed like it was 50 feet up, you know. Again, it's the type of family that's got more than enough money to be able to afford that ten times over. I just don't want to dissuade -- I don't want to hurt property values or future property values in those areas. Again, that only really applies to a small part of the city, but I don't want to hurt that area of the city.

Mr. Hernandez: I think what I heard you say is very important, which -- and let me answer it by saying the following thing. This Code in general, not just that point, but the entire workings, which seem very simple, was done in the spirit of awarding or facilitating the best design, okay, that we had. And it has, if anything, been liberal rather than punitive, okay. So, that 20-foot height from finished floor to top of tie-beam is more than they can do now. So, rest at ease, we're not discriminating against those neighborhoods...

Commissioner Quesada: Is that easily understood by an architect...

Mr. Hernandez: An architect, yes.

Commissioner Quesada: In...

Mr. Hernandez: Yes.

Commissioner Quesada: Miami-Dade County area?

Mr. Hernandez: Yes. The problem...

Commissioner Quesada: Okay.

Mr. Hernandez: That your comment -- which I think your comment had two parts to it. One was are we punishing them. No...

Commissioner Quesada: Alright.

Mr. Hernandez: Absolutely not. The other comment is, is the perception the perception that we are? And if that -- we are coming back one more time. This is first reading.

Commissioner Quesada: Yeah.

Mr. Hernandez: And that's a very good point for us to sort of figure out. Maybe it happens as a preamble or a footnote because what we're seeing is the current Code measures from earth to tip, tip, tiptop of the roof, and that's very hard to administer and that's very hard to change at a time when our thoughts about flood levels are changing (INAUDIBLE).

Commissioner Quesada: So, if property...

Mr. Hernandez: So...

Commissioner Quesada: X -- just property X is at -- explain to me how to measure it not from, as you defined -- as what you just defined it right now, from the earth to the tippy top.

Mr. Hernandez: Okay, so, in that property that you were referencing at the workshop...

Commissioner Quesada: Yes.

Mr. Hernandez: Okay, it's right on the coast. It's right on the Atlantic.

Commissioner Quesada: Right on the water, yeah.

Mr. Hernandez: Right on the water, right, facing Atlantic. So, the way the Code currently governs that property is you measure from established grade, which either is sidewalk or crown of road...

Commissioner Quesada: Okay.

Mr. Hernandez: At the top of the building.

Commissioner Quesada: Okay.

Mr. Hernandez: Then FEMA requires you to build one entire floor that -- because it's in a high-velocity zone, a VE zone, and that floor, when we get the storm surge, has to have -- is required to have breakaway walls. That floor falls down, it yields. Those walls become sacrificial.

Commissioner Quesada: Okay.

Mr. Hernandez: And what remains is essentially like a cage of columns.

Commissioner Quesada: So, you're saying it's 25 feet or two stories above that floor?

Mr. Hernandez: From -- exactly. And currently, it's measured from the bottom of the lowest structural member of that floor.

Commissioner Quesada: So, even though it's -- those two stories are 25 feet from the finished floor, that means it's really 3 stories.

Mr. Hernandez: The floor to get from the earth to the first finished floor, the two floors...

Commissioner Quesada: Got it.

Mr. Hernandez: Forget the roof because we also count the roof in the existing language. And we're giving you an extra space of free board...

Commissioner Quesada: Got it.

Mr. Hernandez: In the proposed language that Peter and I are still tweaking.

Commissioner Quesada: So, we're making the assumption that the term "finished floor" is the -- I'm assuming -- I am making the assumption that "finished floor" is a term commonly used in the architectural world.

Mr. Hernandez: Yeah.

Commissioner Quesada: That's not someone that if there's an architect that comes from New York or California, they're going to read that and not know what that is. They will absolutely know what that is.

Mr. Hernandez: They will know.

Commissioner Quesada: Okay.

Mr. Hernandez: And if we want, we can add the adjective "interior," or the...

Commissioner Quesada: I would just make it for a little bit more layman term, maybe explanation...

Mr. Hernandez: Sure.

Commissioner Quesada: Just a little something, that's it. Again, I just don't want to discourage...

Planning and Zoning Director Trias: The particular...

Commissioner Quesada: You know...

Planning and Zoning Director Trias: Issue you're dealing with is number seven, which is...

Mr. Hernandez: Yeah.

Planning and Zoning Director Trias: The one that includes the FEMA. Number 6 doesn't, but number 7 includes the FEMA elevations.

Mr. Hernandez: And this language, I think, can even be massaged more, but what I have not heard before -- and I hear you loud and clear -- is let's make sure it doesn't only cover the matter, but cover the perception of the matter, which I think is a very...

Commissioner Quesada: Yeah.

Mr. Hernandez: Valid point.

Commissioner Quesada: And 7 doesn't address it.

Mr. Hernandez: Yeah. It certainly doesn't address the perception issue.

Commissioner Quesada: Maybe the last sentence does, okay.

Mr. Hernandez: Yeah.

Planning and Zoning Director Trias: It does and -- but, as I said, they're still working on the language. Number 6...

Commissioner Quesada: It could be written a little clearer.

Planning and Zoning Director Trias: Yes.

Mr. Hernandez: Yes.

Commissioner Quesada: We don't have to write it in such a way that you have to read it six times to understand it.

Mr. Hernandez: Exactly.

Planning and Zoning Director Trias: Number 6 doesn't address it; number 7 does...

Commissioner Quesada: That's it.

Planning and Zoning Director Trias: But it's not clear.

Commissioner Quesada: Right. Thank you.

Mr. Hernandez: Thank you for that question.

Planning and Zoning Director Trias: That was a very good...

Mr. Hernandez: I think it is important.

Planning and Zoning Director Trias: That's the fundamental change...

Commissioner Quesada: No, because I'm just trying to anticipate a very wealthy homeowner coming in and saying whether they're going to buy it or not and they're going to look at the Code. So, I would think an architect would look at it or maybe a land use attorney, and I don't know if a land use attorney understands that term as well. I've never seen that. I've never come across finished floor before, so I just want to make sure it's easy to understand.

Planning and Zoning Director Trias: I think that this image basically tells you...

Commissioner Lago: It's pretty standard.

Planning and Zoning Director Trias: What...

Commissioner Quesada: Okay.

Commissioner Lago: Finished floor.

Vice Mayor Keon: Yeah.

Commissioner Quesada: Alright, fine. He just wants to rub it in. I didn't know that.

Mr. Hernandez: He wants a net to make sure that he doesn't lose any fish. I think you want the kind of net that's not going to lose a fish.

Commissioner Quesada: Exactly.

Mr. Hernandez: I got it.

Commissioner Quesada: Yeah. It doesn't hurt for it to be a little clearer.

Commissioner Lago: I think it's a great point. I think it's a great...

Mayor Valdes-Fauli: Yeah.

Commissioner Lago: Point that we clarify it as much as possible so that it's simple as possible.

Commissioner Quesada: Yeah, that's it.

Mayor Valdes-Fauli: Yeah.

Commissioner Quesada: That's all I'm saying.

Commissioner Lago: I think it's good.

Unidentified Speaker: Go ahead, Ramon.

Vice Mayor Keon: Do you do that in...

Planning and Zoning Director Trias: The...

Vice Mayor Keon: Do you define finished floor or is finished floor -- is finished floor in the definitions...

Mr. Hernandez: Yes.

Vice Mayor Keon: That go in the Code?

Mr. Hernandez: Yeah.

Vice Mayor Keon: So, it would define it.

Planning and Zoning Director Trias: That's a term of art. That's defined...

Vice Mayor Keon: Okay.

Planning and Zoning Director Trias: Yes.

Vice Mayor Keon: Alright. So, you'll define it.

Planning and Zoning Director Trias: And the thing is that what it doesn't include is roof...

Vice Mayor Keon: Right.

Planning and Zoning Director Trias: So you have more flexibility with roof design or the bottom of the structure, so it gives you some flexibility. So, that's it. We're dealing with driveways. We're trying to make sure driveways are in well proportion with the buildings, the houses. I'll go very fast with this. We're also having some garage proportions that have (INAUDIBLE) mentioned many times. We're making them more clear. And the fact that we're illustrating it with the nicer examples that we have in the City I think also is very helpful because many times people say, well, we cannot really do that. Well, here are some examples. So, our thinking is that it could be a much more user-friendly process with those...

Mr. Hernandez: Ramon, I'm going to interrupt...

Planning and Zoning Director Trias: Yes.

Mr. Hernandez: You at times. We're seeing...

Planning and Zoning Director Trias: Yes, please.

Mr. Hernandez: Improvisational duet here. So, the dealing with driveway things, you know, when we talked about the time-honored planning principles, you know, garages in the midcentury took over, right. large portions of façades became garages in the midcentury, and we have a lot of midcentury fabric. And when Commissioner Keon was on the Planning Board, I remember they were dealing with this. And she once said, what's the right proportion of façade to garage. And somebody in the audience said a third, two-thirds, and that's the classic answer, right. A lot of this even calibrates at a little more -- in very simple terms -- that you don't know until you actually get into the design nitty-gritty. But there's also now a desire to put garages on secondary side streets, which I think is the right thing to do, and that's related to -- we actually did very little changes of the sort of sacred cows, let's call them. And the sacred cows are FAR, footprint, height and setbacks. Okay, so we just talked about how we tweaked the height for very good reasons, for flooding, right, and for ease of measurability. So, in terms of the setbacks, the front setback has become sacred. The side -- the rear setback is sacred. The setback from a side street, right now, the way the Code reads, is -- does not have parity because if you happen to have a side street and your back neighbor is 15 feet from that side street, then you can be 15 feet from that side street. But if you happen to have a back neighbor who is 25 feet, then you can't have 15 feet, and that creates a lack of parity, which is unpredictable because 50 percent of the lots are one way and 50 percent of the lots are the other way. And it's distributed all over the city, from the north, all the way to the south -- as far south before you get to the very large acreage. So, by saying, okay, all side setbacks from an interior -- from a side street are 15 feet, it creates parity, right. And it also does one other thing. On a 50 by 100-foot lot, if you enforce the 25-foot side street setback, you have to build your entire house in the width of 20 feet, so the structure would be 20 feet. That's very difficult, and that's why we don't get development. And that's why we have so many cases go to the Board of Adjustment. Now,

we've taken off the serendipity aspect of it. Everybody goes to 15 feet on the side setback. So, we've touched these very important sort of columns of planning, but only in cases like to avoid confusion, to avoid conflict, to avoid kind of preferential treatment, which is not preferential. The guy happened to have a bad neighbor that built the house 30 years ago who was setback 15 feet. We've sort of purged it of that sort of unpredictability, let's say. I'm sorry, go ahead.

Planning and Zoning Director Trias: No. And I'll just summarize it. There was a few other things, such as this interactive map, zoning map, that includes the site specifics, which is a very significant part of the way that we design houses in Coral Gables. And that's designed for quality and so on, so that's already there. And the best practices manual, which includes all of the illustrations that I think could be exemplary for architects and homeowners, and that was the end of the PowerPoint. And the rest of it is really fairly technical language that, as Jorge has said, it doesn't change the content. It just makes it more user-friendly, and hopefully, we can get it just right for the second reading.

Commissioner Quesada: So moved.

Commissioner Lago: Well, I just have...

Mayor Valdes-Fauli: There's a public hearing. Is there anybody -- a member of the public that wishes to speak? George, you want to speak?

George Volsky: Yes. I want to...

City Attorney Ramos: George, remind us of your full name and address, please.

Mr. Volsky: George Volsky, 1008 Alhambra Circle. I want to state that I -- and I think many people regard any changes in zoning with a great grain of salt. And I would -- believe that any change of zoning ought to be done in a -- or at least the Commission ought to hear the voice of

residents, and I'm not going to quarrel with the presentation of Mr. Hernandez. I know he has had a number of projects in the city. He's talking about proportionality, and I think this is something that recalls unhappily some other projects of his. So, I would say that any changes of zoning ought to be very judicious and cannot be made very fairly rapidly. That's what I believe and many people do as well.

Mayor Valdes-Fauli: I agree with you, George. But this is clearing up the Zoning Code. This does not affect any ability to do something in a part of the city that wasn't able to be done now. This has to do with driveways, the side entrance of the garage, setbacks, et cetera. This is merely cleaning up our Code versus allowing new things versus changing what's permitted and what's not.

Mr. Volsky: So this is a minor adjustment?

Mayor Valdes-Fauli: Minor, but important, yes.

Mr. Volsky: Very minor.

Mayor Valdes-Fauli: Right.

Mr. Volsky: But has the public been advised of this issue?

Mayor Valdes-Fauli: No. It has been noticed, and this has been going on for months now, I think. And these are minor technical changes, yes.

Commissioner Mena: I think it's been a year.

Commissioner Lago: It's been a year.

Commissioner Mena: We had a...

Vice Mayor Keon: It's been a year.

Commissioner Mena: We actually had a public meeting that was noticed only dealing with this issue, I don't know, a month ago or two months ago, so...

Mr. Volsky: Well, look, a lot of things that come up escape my attention, but I think it would be remiss of me not to express my views and many other views...

Mayor Valdes-Fauli: No, no, you're right. You're right and your views are very appreciated.

Mr. Volsky: Because that's the essence of Coral Gables. Zoning...

Mayor Valdes-Fauli: I agree.

Mr. Volsky: Zoning is our sacred...

Mayor Valdes-Fauli: This will make us better.

Mr. Volsky: I won't say cow, but sacred covenant with...

Mayor Valdes-Fauli: I agree.

Mr. Volsky: The 50,000 people.

Mayor Valdes-Fauli: I agree. Thank you, George.

Mr. Volsky: Thank you.

Commissioner Lago: Thank you, George.

Mayor Valdes-Fauli: Alright. I heard a motion.

Commissioner Lago: Second. Can I just ask one question, though?

Mayor Valdes-Fauli: Yes.

Commissioner Lago: Mr. Trias, Mr. Hernandez, I just want to make sure we discuss and we -- I know this is a point of discussion on multiple occasions, the issue of Hammock Lakes and Snapper Creek, the lot coverage and the site specifics. Because I was -- from what we had discussed in that Sunshine meeting that Commissioner Mena mentioned, was, obviously, we're going to transition from 15 percent, which is a little heavy-handed, in my opinion...

Mr. Hernandez: Yeah.

Commissioner Lago: And I think we all agreed on that, and move into more what's acceptable and kind of throughout the City. Again, I think you had discussed 35 percent lot coverage is a little bit significant. And my understanding is that we're discussing 25.

Mr. Hernandez: 25.

Commissioner Lago: Why didn't we decide 25 versus 30?

Mr. Hernandez: You know, for the same reason you just expressed this. Maybe this is an issue that we can take up on second reading. The Board seemed to think that it was enough of a delta to come up from 15 to 25. I...

Planning and Zoning Director Trias: Plus 5 -- 25 plus 5.

Mr. Hernandez: It's 25 plus 5 in the rear yard.

Commissioner Lago: Okay.

Mr. Hernandez: And we were talking -- I mean, you were speaking earlier about issues that still are hard to comprehend in the Code. And this is the desire to purge it of that. So, the problem -- and we know that we're going to have another pass of this. We're -- you've hired a consultant to look at the Code again, et cetera, et cetera. The problem is that when you write a Code that says 5 percent of the rear yard, okay, what does that mean? So, that means if I have a stand of oaks in the front yard that I want to protect and will be forced to protect, I must move the house back, right? Let's say that you have two lots. The lot is clear. One lot is clear and the other lot has a stand of oaks in the front, okay. These are acres that we're talking about. So, now, all of a sudden, to save the stand of oaks -- because I want to, let's say -- have to push the lot back. Then for doing the good thing, what happens is the 5 percent of my rear yard is less space than my neighbor, who has a clear lot. That has not been purged from this document. So, that's a philosophical question that we bring to you. The neighborhoods in question, these two neighborhoods in question that, for years, have had a lack of parity in the lot coverage are Snapper Creek and Coral Gables. They are gated communities like...

Vice Mayor Keon: Hammock Oaks.

Mr. Hernandez: I'm sorry, Snapper Creek and Hammock Lake, yes.

Planning and Zoning Director Trias: And if I could -- it also affects the proposed annexation.

Commissioner Lago: Yeah. And I just want to be very clear on that, and I'm...

Mr. Hernandez: So, just to finish...

Commissioner Lago: Happy you made those comments...

Mr. Hernandez: But just to finish -- so, again, we were trying to look at like kind. Those neighborhoods have acre and acre plus lots, like Gables Estates does and like Journey's End does, okay. They are gated communities, like Gables Estates is and Journey's End is. They are not part of our intracoastal waterways. They face lakes and/or Snapper Creek, the tributary of Snapper Creek. But they are -- to use Commissioner Quesada's term -- our premier neighborhoods. And there was a material deficiency in the lot coverage. I also prepared some drawings, if you want to see them.

Vice Mayor Keon: We do.

Commissioner Lago: And I do because I just want to make sure -- again, we can address them on second reading and I don't want to take up much more time, but I want everybody here to consider the fact that I've spoken to one couple, an elderly couple, and another individual who's disabled and told me, look, this lot coverage issue is becoming a problem because I don't want to put a second floor on my house because of personal reasons and I don't want to be going up and down stairs. I want to age in grace, you know, gracefully, and I want to be in this home for the next 15 years and it's going to be very difficult. So, I'm looking to both of you and to the committee to decide whether 25 plus 5 is appropriate or if it's 30 or...

Mr. Hernandez: Yeah.

Commissioner Lago: And I think we can address it between first and second. And I'll look at the drawings...

Mr. Hernandez: Yeah.

Commissioner Lago: And we can meet and...

Mr. Hernandez: I'm going to pass this around.

City Attorney Ramos: Ramon and Jorge, I see Hammock Lakes addressed. I don't see Snapper Creek addressed.

Planning and Zoning Director Trias: Yes. And that's something that we could discuss further because that was the issue that was brought up by the Commission.

City Attorney Ramos: Okay, so between first and second.

Planning and Zoning Director Trias: Yeah.

Mr. Hernandez: Let me get back to the mike.

Mayor Valdes-Fauli: Thank you.

Planning and Zoning Director Trias: So, Jorge did the analysis, and basically, it's -- the language that we have proposed is 25 plus 5, which is 30. The language in the single-family is 35, so it's very close.

Commissioner Lago: Okay.

Planning and Zoning Director Trias: Yeah.

Mr. Hernandez: So, it's the second page of the handbook, not the -- for the little handout. Not the first -- and so, it's really -- just to be clear, it's really not -- 25 plus 5 is not really 30 because the plus five, as I just said, varies depending on circumstance.

Planning and Zoning Director Trias: Sure, sure.

Mr. Hernandez: If the lot width -- okay. And so -- but is it a material improvement? Yes, it's a material improvement. What the little handout shows is a little bit of what you were speaking of, Commissioner Lago, which is -- that's the discrepancy as it stands in the Code. Everywhere else in Coral Gables, including Gables Estates and Hammock Lakes, the premier -- everywhere else, from the north, from a 50 by 100-foot lot in the north of our town to the lots at the south of our town that are waterfront, everybody gets that 35 percent lot coverage uniformly, okay. In these two neighborhoods, they don't. They get 15, and that's a material reduction. That's less than 50 percent. Now, what does it do? As you said, it discriminates against one-story massing options. If you want to age in place and you don't want stairs and you want to have a one-story house, the maximum you can build in those places versus the maximum you can build on an acre everywhere else in Coral Gables, FAR is 14 to 18, 14,218 square feet.

Commissioner Lago: Or, if you're in a situation like we all have, where you have a parent or a fellow family member...

Mr. Hernandez: Exactly.

Commissioner Lago: That's disabled for one reason or another or, you know...

Mr. Hernandez: So, the massing...

Commissioner Lago: Or has an illness and has to live on the first floor versus living their entire life on the second floor, it becomes a problem. It becomes a situation. You cannot build, you know, an addition currently.

Mr. Hernandez: And so -- and just to -- and so, on that lot -- on those lots, the maximum one-story house FAR you could produce is 6,534 versus 14,218. That forces you to a two-story option, as you said. And then if you build a two-story box with no relief, wall over wall, which is, again, not desirable from an aesthetic point of view -- if you build a two-story box, you can build -- you can build a straight two-story box, kind of like a bunker, but that still leaves you deficient 1,100 square feet, in the case of the existing Code. So, there's a great lack of parity there. And we just did something to put the issue before you. I think this is something we can discuss on second reading, but I believe that if the 35 holds from the northernmost part of Coral Gables to the southernmost part of Coral Gables, with all of its variances, I don't understand what distinguishes the places as being different.

Commissioner Mena: What would -- and I was just thinking that. I agree with what you just said. And so, I guess my question is, what's the countervailing view? Like what...

Mr. Hernandez: Well, there's...

Commissioner Lago: Those measures were taken...

Commissioner Mena: What's the reasoning behind not having it be 35?

Mr. Hernandez: Well...

Commissioner Lago: Those measures were taken during annexation...

Mayor Valdes-Fauli: Yeah.

Commissioner Lago: Many, many...

Commissioner Mena: Right.

Commissioner Lago: Years ago, where I think Mr. Hernandez and Mr. Trias mentioned that right now you have premier, you know, locations like Gables Estates, Cocoplum...

Mr. Hernandez: Yeah.

Commissioner Lago: That are not affected by this kind of -- I hate to use the word discrimination, but it's kind of where we're imposing our will on these residents.

Mayor Valdes-Fauli: No, we're not -- I'm sorry, I'm sorry. We're not imposing anything on the residents. That's what they had when we annexed them and we promised, like we did today, that we would respect their regulations and their codes. And we respected them, and this is the result.

Mr. Hernandez: Yeah.

Commissioner Lago: But the interesting -- hold on. But what I'm saying is...

Mr. Hernandez: Yeah.

Commissioner Lago: We are imposing, in a sense, when somebody -- like the resident who came to see me and said, listen, I want to build an addition on my home...

Mr. Hernandez: Right.

Commissioner Lago: Because I'm not going to use a second floor. I'm 70 plus years old, you know. I'm disabled. Is there an opportunity for me currently to build an addition? I'm sorry, you can't build an addition.

Mayor Valdes-Fauli: But that's not -- but they had that...

Commissioner Lago: You have to sell your house.

Mayor Valdes-Fauli: And we promised that we would respect...

Commissioner Lago: Hold on.

Mayor Valdes-Fauli: Their...

Commissioner Lago: But Mayor...

Mayor Valdes-Fauli: Building Code.

Commissioner Lago: But you have to understand, too -- and the issue here is when a person's been in their home for 25 years and they have a taxable value on that home, you're basically telling them your only option is to sell the home and have to buy another home and have to pay even more taxes. Maybe they're...

Mayor Valdes-Fauli: They're asking now for us to undo what we told them we were going to respect.

Mr. Hernandez: Yeah. I think that what the Mayor's providing is historical content.

Commissioner Lago: No, I understand.

Mayor Valdes-Fauli: Yeah.

Mr. Hernandez: And I think because you just came from that item...

Commissioner Lago: I think we need to be a little bit more flexible on certain things.

Mayor Valdes-Fauli: I agree.

Mr. Hernandez: Yeah. But anyway, what's in there -- we think that what's in there addresses the lack of parity. And if you guys -- if all of you -- if you gentlemen and lady want to take the issue up at the next one now that you've had a little more time to think about it...

Planning and Zoning Director Trias: Yeah.

Mr. Hernandez: I think it's an important philosophical question to think about.

Planning and Zoning Director Trias: And the issue raised by the City Attorney is accurate. It is only being proposed for Hammock Lakes, yet you, as the Commission, may want to propose it for...

Mr. Hernandez: It should be for...

Planning and Zoning Director Trias: Everywhere else.

Mr. Hernandez: Both of them.

Commissioner Lago: But why...

Mr. Hernandez: That was because...

Commissioner Lago: I thought we had discussed Snapper Creek with the consideration also? Why...

Planning and Zoning Director Trias: Yeah. And that's up to you. That's a hundred percent up to you. And the issue is we had this language for you to discuss, and then at second reading, we can have the -- whether you have to have 35 percent or 25 percent or...

Commissioner Mena: I recall discussing Hammock...

Mr. Hernandez: Yeah, let's...

Vice Mayor Keon: Okay.

Mr. Hernandez: Call it a...

Commissioner Mena: I don't recall if we discussed Snapper Creek, but I know we discussed Hammock Lakes.

Mr. Hernandez: We can call it a scrivener's error.

Planning and Zoning Director Trias: Yeah.

Commissioner Lago: Okay.

Vice Mayor Keon: Well, if it also applies to Snapper Creek...

Commissioner Lago: Yeah, but it affects Snapper Creek.

Vice Mayor Keon: I think we should...

Planning and Zoning Director Trias: Yeah, you probably should...

Vice Mayor Keon: We should.

Planning and Zoning Director Trias: Should apply it everywhere.

Commissioner Lago: Yeah.

Vice Mayor Keon: Yeah.

Planning and Zoning Director Trias: I think.

Vice Mayor Keon: I -- you know, this is -- everything else that you're proposing is really, you know, a cleanup and provides more clarity and everything else. This is a significant change for these two neighborhoods. Could you have a meeting or have a public meeting in Hammock Oaks and Snapper Creek on this so that they're...

Mr. Hernandez: Hammock Lakes...

Vice Mayor Keon: Aware of it?

Mr. Hernandez: Hammock Lakes.

Vice Mayor Keon: Hammock Lakes.

Mr. Hernandez: Yeah.

Vice Mayor Keon: Sorry, Hammock Lakes and Snapper Creek so they're aware of it. You know, I don't know -- I have no idea why historically the -- it was a 15 percent lot coverage. I have no idea. When it came from the County, that's the way it came. You know, I don't know if it was the desire or that was the aesthetic of the neighborhood is to have these big, open green spaces with, you know, smaller homes on them and that may have changed significantly over the 20 years that they now have been in Coral Gables. It's a different -- probably a lot of different people live there now. But I don't...

Planning and Zoning Director Trias: What happens in the big picture is that the County has many single-family designations, including some estate designations that have those requirements. The City only has one.

Vice Mayor Keon: Right.

Planning and Zoning Director Trias: So, that's really the issue. So, the way that that issue is addressed is through the site specifics.

Mr. Hernandez: The County designation...

Vice Mayor Keon: Okay.

Mr. Hernandez: At the time for acreage is EU-M 1 or 2.

Vice Mayor Keon: Okay.

Mr. Hernandez: So, in the County Code, that's a EUM designation. That's for acreage.

Vice Mayor Keon: Okay.

Mr. Hernandez: Okay. And at the time, it was 15 percent, but of gross lot area, which meant you measured to the centerline of the street.

Vice Mayor Keon: Oh.

Mr. Hernandez: Our Code, at the time, Coral Gables Code defines lot area as the lot you own, between your property lines.

Vice Mayor Keon: Oh, I see.

Mr. Hernandez: That nuance did not carry over. Since then...

Vice Mayor Keon: I see.

Mr. Hernandez: That has been corrected. It's just too many years of memory.

Vice Mayor Keon: Oh, okay, okay.

Mr. Hernandez: So, we're dealing with a cleanup of sorts also...

Vice Mayor Keon: Okay, then the...

Mr. Hernandez: Because both...

Vice Mayor Keon: Centerline...

Mr. Hernandez: Places have been shifting...

Vice Mayor Keon: Right.

Planning and Zoning Director Trias: And the County...

Mr. Hernandez: And this is a good time to have that discussion.

Planning and Zoning Director Trias: And the County changed...

Vice Mayor Keon: Okay.

Planning and Zoning Director Trias: The percentage later on, after...

Commissioner Lago: But let's...

Planning and Zoning Director Trias: Annexation for some other properties.

Vice Mayor Keon: Okay. Well, then, that's fine.

Unidentified Speaker: Yeah.

Vice Mayor Keon: I don't have any problem with that at all. I think...

Mayor Valdes-Fauli: Okay.

Vice Mayor Keon: What you -- thank you...

Mayor Valdes-Fauli: Go ahead.

Vice Mayor Keon: Very much for what you've done.

City Manager Swanson-Rivenbark: Mr. Mayor, if I can just ask one question, perhaps, clarification between first and second reading. It was a painful discussion when a second story was too close to a single family.

Mr. Hernandez: Yeah.

City Manager Swanson-Rivenbark: And so when I look at language that says that it will not count towards FAR, I see the term stacked or two-level porches. Are we walking into the same problem that we had had there with that -- so we don't have to worry about...

Mr. Hernandez: No. I don't believe so. And you know, this can -- this has many nuanced aspects of it. When you go into the second phase of it with the consultant, there are site specific definitions of where things are measured to in site specifics that are conflicting with our general code definitions. For example...

Vice Mayor Keon: Yeah.

Mr. Hernandez: In Hammock Lakes, you measure the setback not to the wall, but to the overhang, which is counter -- so, if the New York architect comes and gets the Coral Gables Building Code and reads that Code, she will think I'm covered, and then she has to deal with changes in a neighborhood association. Hopefully, all those things will be continued to be cleaned up when you enter the professional phase of this work. This is the volunteer phase to get things going, but there are many...

Vice Mayor Keon: We've addressed...

Mr. Hernandez: Nuanced aspects that need cleaning, essentially.

Vice Mayor Keon: We've addressed this issue of carports?

Mr. Hernandez: Yes.

Vice Mayor Keon: That don't count for...

Mr. Hernandez: Yes.

Vice Mayor Keon: Okay. So, we'll have no more of those?

Mr. Hernandez: We don't -- I think the language is as clean as we can get it.

Vice Mayor Keon: Okay.

Mr. Hernandez: Yes.

Vice Mayor Keon: So, thank you very much.

Commissioner Lago: So, you made a motion?

Vice Mayor Keon: Long overdue.

Commissioner Lago: I'll second the motion.

Mayor Valdes-Fauli: Alright. Will you call the roll, please?

Commissioner Quesada: Yes.

Vice Mayor Keon: Yes.

Commissioner Lago: Yes.

City Commission Meeting

March 27, 2018

Agenda Item F-3 - Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, to modify and clarify provisions regulating single-family residential standards related to garages, Floor Area Ratio (FAR) calculations, building height, fences and walls, accessory uses, and lot coverage.

Mayor Valdes-Fauli: Yes.

(Vote: 4-0)

City Manager Swanson-Rivenbark: Commissioner Mena may have brought up -- had he been here -- artificial turf nonstatic because, apparently, the Board of Architects is not in favor of nonstatic, but there can be some sparks when kids are playing in park property.

Mr. Hernandez: Right.

City Manager Swanson-Rivenbark: Do we need to regulate to that level of static versus nonstatic?

Mr. Hernandez: I think that's when we said there are certain things we could leave to the Board of Architects because new materials -- it takes a while to digest -- absorb and digest how new materials really affect a place. I would like to think that because this is a city that constantly manages its performance aesthetically and planning wise, for which I'm very thankful, since I live here, that those materials can continue to be checked out because of the time they've been on the market and the time they've been in use. So, I don't think you -- this, I think, is more of an -- the Planning -- the Zoning Code is more of an overarching document. But you have the vehicle for those more granular checkpoints. And I would like to think that this document acknowledges that and lets your staff -- and maybe the staff brings the issue up to you. Let's your staff take that up with the professionals which volunteer their time on the Board of Architects.

Commissioner Lago: Well...

Commissioner Quesada: So, hold on. On the artificial turf, I'm glad you bring that up. I just reread it. This doesn't work for me.

Mr. Hernandez: It doesn't? So, let me look at the language.

Commissioner Quesada: I'll tell you why. It says artificial -- I'm looking at...

Planning and Zoning Director Trias: It's page 10.

Commissioner Quesada: 5-1104, page 10. Artificial Turf. The Board of Architects or Development Review Official may approve specific applications of limited areas of recyclable artificial turf at the ground-level within a building site based on the neighborhood compatibility. The second reading...

Mr. Hernandez: It's too loose.

Commissioner Quesada: Absolutely not. I will not vote for this. I don't know about everyone else.

Vice Mayor Keon: What is it you...

Planning and Zoning Director Trias: What...

Vice Mayor Keon: What is it you...

Mr. Hernandez: What does it need to be?

Vice Mayor Keon: Object to in that?

Commissioner Quesada: The fact that it's whatever the Board of Architects wants. And what we had...

Commissioner Lago: But...

Commissioner Quesada: Discussed -- it gives too much power to the Board of Architects to say no.

Mr. Hernandez: So, why don't we say it this way...

Commissioner Quesada: I don't like that.

Mr. Hernandez: But you mean the language is just too loose? The language needs to be tightened.

Commissioner Quesada: It gives the Board of Architects too much power. I don't want them...

Commissioner Lago: But Frank, we had discussed the fact that, we, as a board -- and correct me, if I'm wrong -- we didn't want artificial turf in the front of a home or it was visual from the street.

Commissioner Quesada: Hold on.

Commissioner Lago: But also, on these larger lots, for example, that we were talking about, do you want somebody to be able to put artificial turf in their entire one or two acres in the back of their yard?

Vice Mayor Keon: No, but it says limited.

Commissioner Lago: No, I'm saying, but how limited.

Commissioner Quesada: So, what we had discussed is if it cannot be seen from the street, you know, from the front of the house, then we would allow the artificial turf. And if it was in the

front of the house, it would be case by case, with the Board of Architects. That's what I recall we had discussed.

Vice Mayor Keon: Right.

Commissioner Quesada: Now, you brought up a point that I hadn't thought about before is if they have two acres back there, should they be able to do that? And my feeling is, if you can't see it from the front, I think you should be able to do what you want with your backyard. I just -- the way it's written here, if the Board of -- if we have a Board of Architects and I've -- years ago, maybe like two or three years ago, someone wanted to put artificial turf. And I just happened to be in here because I was looking for Dona and she was in here, and I popped -- now, she had no involvement in this. But I popped my head in here and there just happened to be someone saying, oh, can I put artificial turf right here and they were -- you know, and the table's set up there. And I walked in and go, of course, you should be able to. And they're like, no. And like three of the people on the Board of Architects, that's disgusting. I'll never allow that. That's what scares me.

Mr. Hernandez: Right.

Commissioner Quesada: The way it's written, if they don't like it...

Mr. Hernandez: It's too open.

Commissioner Quesada: It's never going to be put in.

Mr. Hernandez: Let us bring...

Commissioner Lago: Let's work on that between first and second.

Commissioner Quesada: I don't know what the in-between is...

Commissioner Lago: Let's work on that.

Commissioner Quesada: I just don't want it to be that, okay, now it's written in, but the Board of Architects always says no, so therefore, what we have legislated is worth nothing.

Mr. Hernandez: Is ineffective, right.

Commissioner Quesada: So, that's my fear.

Commissioner Lago: Jorge.

Mr. Hernandez: I took your notes.

Commissioner Lago: I want to say thank you for all your efforts, along with Ramon and everybody who was involved, the Board, the staff. You guys did an exceptional job. For second reading, can you make sure that we bring up Snapper Creek and we have a little bit more of a breakdown in regards to -- like we'll flush out the lot coverage discussion.

Mr. Hernandez: Okay.

Commissioner Lago: Along with...

Mr. Hernandez: The artificial turf.

Commissioner Lago: Quesada's proposed soccer fields that he wants to put behind his house.

Mr. Hernandez: Thank you, actually.

Mayor Valdes-Fauli: Thank you, Jorge.

Vice Mayor Keon: Can I ask you a question with regard to artificial turf? I mean, even if you say you can use it in your backyard no matter what, does artificial turf -- doesn't -- does it percolate water the same as regular turf?

Commissioner Lago: Yep.

Mr. Hernandez: Yes.

Vice Mayor Keon: So, there's no issues with flooding or runoff or any of that?

Mr. Hernandez: No.

Vice Mayor Keon: No?

Mr. Hernandez: It percolates water.

Vice Mayor Keon: Okay.

Mr. Hernandez: Nobody's tested it in a strong storm.

Vice Mayor Keon: Yeah.

Mr. Hernandez: It's a new material.

Vice Mayor Keon: Yeah.

Mr. Hernandez: There are places -- and thankfully...

Vice Mayor Keon: There's football fields made out of it.

Mr. Hernandez: Thankfully, we have the kind of tree canopy...

Vice Mayor Keon: Yeah.

Mr. Hernandez: Which allows us to use it...

Vice Mayor Keon: Right.

Mr. Hernandez: Where we need to use it.

Vice Mayor Keon: Right.

Mr. Hernandez: And it's another one of those discussions that are going to keep running around philosophically because it's a relatively new thing.

Vice Mayor Keon: Right.

Mr. Hernandez: What it doesn't do is it doesn't provide oxygen for worms.

Vice Mayor Keon: Oh, no.

Mr. Hernandez: You see. So, it's a new thing. We got to start seeing how our relationship to the new thing...

Commissioner Lago: You brought that up.

Mr. Hernandez: And the earth...

Vice Mayor Keon: With the worms.

Mr. Hernandez: Works...

Vice Mayor Keon: Yes.

Mr. Hernandez: And so on and so forth.

Mayor Valdes-Fauli: We're going to have a...

Mr. Hernandez: You have the kind of...

Mayor Valdes-Fauli: Worm endangered species.

Mr. Hernandez: Cultural climate in here, which is, I think, a blessing, that allows you to -- I agree. We have a large tree canopy. Lawn dies. Let's allow it. And then in five, six years, they'll see what happens when you allow it too liberally or -- so, it does allow water to enter the earth. It does not allow worms to flourish, which then starts to affect the food cycle chain.

Mayor Valdes-Fauli: Thank you.

Mr. Hernandez: So...

Mayor Valdes-Fauli: Will you call the roll, please?

Commissioner Quesada: Thank you.

Mr. Hernandez: Alright.

Commissioner Lago: We did.

Mayor Valdes-Fauli: Thank you.

Commissioner Quesada: We did.

City Attorney Ramos: We did.

Mayor Valdes-Fauli: We did. Yeah, that's right.

Mr. Hernandez: Thank you...

Mayor Valdes-Fauli: Alright.

Mr. Hernandez: Actually for allowing...

Mayor Valdes-Fauli: F-4 and F-5.

Mr. Hernandez: Us to do this.

Commissioner Lago: Thank you, sir.