

City of Coral Gables City Commission Meeting
Agenda Item E-4
September 11, 2014
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Pat Keon

Commissioner Vince Lago

Commissioner Frank Quesada

City Staff

Interim City Manager, Carmen Olazabal

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Assistant Zoning Director, Charles Wu

Public Speaker(s)

E-4 [Start: 10:18:00 a.m.]

Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida repealing Sections 101-20, 101-21, 101-22, 101-23, 101-24, 101-25 and 101-26 of Article II “Development Review Committee” of Chapter 101, “Administration and Enforcement”, of the Coral Gables Code of Ordinances in its entirety; repealing Division 8 of Article 2, “Decision Making and Administrative Bodies” of the Zoning Code of Coral Gables in its entirety; amending Section 101-19, “Development Review Committee” of Chapter 101, “Administration and Enforcement” of the Coral Gables Code of Ordinances; amending Section 3-204, “Review by Development Review Committee”, of the Zoning Code of Coral Gables, and providing for a new Division 8, of Article 2, of the Zoning Code of Coral Gables by updating, revising and codifying Development Review Committee (DRC) procedure and review requirements as originally established in Ordinance No. 2003-45; providing for severability, repealer, codification and an effective date.

Mayor Cason: Agenda Item E-4 is an Ordinance on First Reading, which is a Zoning Code Text Amendment. Madam Interim City Manager please read the title of Agenda Item E-4 into the record.

Interim City Manager Olazabal: Yes. E-4 is a Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida repealing Sections 101-20, 101-21, 101-22, 101-23, 101-24, 101-25 and 101-26 of Article II “Development Review Committee” of Chapter 101, “Administration and Enforcement”, of the Coral Gables Code of Ordinances in its entirety; repealing Division 8 of Article 2, “Decision Making and Administrative Bodies” of the Zoning Code of Coral Gables in its entirety; amending Section 101-19, “Development Review Committee” of Chapter 101, “Administration and Enforcement” of the Coral Gables Code of Ordinances; amending Section 3-204, “Review by Development Review Committee”, of the Zoning Code of Coral Gables, and providing for a new Division 8, of Article 2, of the Zoning Code of Coral Gables by updating, revising and codifying Development Review Committee (DRC) procedure and review requirements as originally established in Ordinance No. 2003-45; providing for severability, repealer, codification and an effective date. Charles.

Mr. Wu: Thank you Mayor, thank you City Manager. This is merely a housekeeping matter. We are consolidating the provisions in the City Code regarding the Development Review Committee into the Zoning Code, and that’s why we are appealing so many sections of the City Code today. We are also as part of the consolidating; we are updating the Code to reflect our current practices for Development Review Committee. There is really nothing substantive in addition to add, we are just merely including the purpose and intent, the review criteria, committee membership, committee responsibilities, things like applications, peer application meeting requirement, and the DRC schedule and application deadlines. There is really nothing of substance that we are changing, all we do in practice. We request that you approve it to formalize our process.

Vice Mayor Kerdyk: The only question I have is, I saw that Mrs. Menendez was talking about public input at the DRC.

Mr. Wu: Yes.

Vice Mayor Kerdyk: Are we allowing that?- not allowing that?- noticing that we are not allowing it?- did we finally come to the conclusion as far as that goes?

Mr. Wu: We decided that it was at the discretion of the Chairman of the Committee.

Vice Mayor Kerdyk: OK.

Mr. Wu: We thought that it would be on a case-by-case basis, so it's not a forum set up for a public hearing because it's really a staff administrative review, it's a technical review.

City Attorney Leen: I'd like to give an opinion related to that because this issue has come up.

Vice Mayor Kerdyk: OK.

City Attorney Leen: It's my view that the DRC is not a Sunshine Committee, it's a committee of staff, it's a technical committee, what they are really doing is individual members of staff; directors of departments are giving their comments related to projects. They need to be able to talk to each other those projects, so they don't make any decision. All they do is review the matter and then let the applicant know what process they are going to have to go through and what issues they are going to have to address. So in my opinion it is not a Sunshine Committee, which means – and also it's not making any decision, which means there would be no right to speak unless you provide it in the Code at the meeting. However, we did discuss the issue and we thought that it was worthwhile. There are some issues that will come up where the matter is of great public importance or of interest and we thought that if the Chair had the authority to allow public comment that would address that issue.

Commissioner Quesada: I think it's a "slippery slope" with that committee. When a new project is being presented, you guys can tell me better than I guess what I'm about to say, so I'd love to hear your input, but when an architect is presenting, a developer is presenting they want to hear the technicalities with what the City is going to require. If it's also a public hearing at the same time they are not going to get that technical input, whereas there are many other occasions where the public can give input. Again, I'm not trying to stifle public input, but I don't know if that's the right setting for it, considering they are not the decision-makers for the overall project and it's a very technical meeting. I don't know if maybe what we can do is revise the, I guess the purview of that Board, maybe allow submissions from residents in writing at that time, so that the project understands so that it's not the very technical aspect of that meeting isn't slowing down, I think it's very beneficial because also the members from staff are going to tell you, hey if you are going for "X" variance or "Y" variance, we don't think the neighborhood is going to like that either because they can give that input as well. I guess my concern is that because it is very technical and it's at a level detailed minutia that we don't get into our meetings, I just don't know if it's the right setting to do it that way.

Vice Mayor Kerdyk: And can I say one more thing to that. We have residents all the time, at least I have residents all the time come to me and say, OK, I'm going to this committee and I'm going to speak, so I'm thinking maybe they are going to the Planning Board, but it's the DRC Committee and if they are able to speak then I'm going to have to say one thing. If they are not

able to speak, then I can say something else. I think that we need to have, like you said Commissioner, we need to have some clear direction on yes or no, and maybe it's probably not the best way to proceed.

Commissioner Quesada: They have an opportunity to speak at the Planning and Zoning meeting, they have an opportunity to speak, there are many opportunities. I just don't know if so early in the process and such a detailed -- I don't know if it's the right time.

Vice Mayor Kerdyk: I just want to send the right message. I think we all need to send the right message -- yes you can speak or no you are not going to speak, but if they show up and they expect to speak they are going to need to speak.

Mr. Wu: If I can offer an observation and you can make your directive to staff based on that observation. What we have done in practice is to have exhausted staff comments at the beginning and if you see people that are interested in your audience we allow them to speak, but there is no exchange in dialog, we just mainly accept the comments. The benefit is we know up front what the concerns are and we know and developers know, so when they go back there are these outstanding issues that they should address. That is the one benefit that we see. Again, it's not if we accept comments, it's not to create a dialog and debate, but just mainly to accept the comments and thank you very much, we conclude the meeting.

Mayor Cason: Do you prefer to have them in writing or oral or does it make any difference to you?

Mr. Wu: That's fine with us. I think that is a good alternative that we do not allow accept public comment, that if you have any concerns give it to us in writing, we'll share with the developer at the meeting. I think that's a wise alternative.

City Attorney Leen: The current language, the proposed language is that public comment is not intended to be solicited. So I do think that that the answer to the question would be no, there is no public comment. I guess there was a couple of times we've seen DRC where an attorney has come and there is some information they want to present or there is some legal issue and we've allowed them to speak. I know that occasionally residents, members of the public have been allowed to speak. I didn't know if the Commission wanted to forbid that as opposed to leaving it to the Chair. This is pretty clear that you don't have a right to speak and it's not intended. You could make it stronger or you could put the written alternative as well. Ultimately it's up to you.

Mayor Cason: Let's leave it to the discretion of the Chairman, so. If it seems reasonable to that person then they'll allow it.

Mr. Wu: Yes.

Mayor Cason: Do we have any public hearing, any speaker cards on this issue?

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: So we'll close the public hearing part. Any discussion?

Commissioner Lago: The only points I would have made are in line with the Vice Mayor and the Commission.

Mayor Cason: OK. Do we have a motion?

Commissioner Keon: I'll move it.

Commissioner Quesada: I'll second.

Mayor Cason: Commissioner Keon makes the motion, Commissioner Quesada seconds it.

City Clerk

Commissioner Lago: Yes

Commissioner Quesada: Yes

Commissioner Keon: Yes

Vice Mayor Kerdyk: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 10:25:48 a.m.]