

City of Coral Gables City Commission Meeting
Agenda Item J-3
November 14, 2017
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
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Assistant Development Services Director, Charles Wu

Public Speaker(s)

Agenda Item J-3 [10:40:52 a.m.]

Consideration of allowing a downtown cigar retail establishment at 2320 Galiano Street to add the sale of alcoholic beverages for consumption on premises as an accessory use to the retail cigar establishment, provided that the total receipts from the sale of alcoholic beverages not exceed 25 percent of the total annual gross receipts and subject to a valid certificate of use and local business tax.

Mayor Valdes-Fauli: Shall we take that up, J-3.

City Manager Swanson-Rivenbark: Certainly. This item was brought to our offices attention, it was an upscale cigar retail establishment wanting to come to Coral Gables, but the Code wasn't clear as to whether or not it would be allowed to sell accessory liquors and...associated with the experience. We reached out to the Chamber of Commerce, Mark Trowbridge, we reached out to Taci Amador from the Business Improvement District, and we worked with Economic Development on looking at parameters or concerns that we should be considering if we were to allow this type of retail establishment in Coral Gables, including no sidewalk, no outdoor tables,

and those kinds of conditions and protections, and we felt it was important to have the City Commission weigh in. The City Attorney has researched how indeed it could be handled administratively, but because it is a different use than we usually have in the downtown, you made those adjustments with Wolf's Wine Shop allowing them also to sell wine by the glass. Several conditions would be attached to it and it would be tied to the certificate of use. Commissioner Mena had raised the issue of, if it is indeed no more than 25 percent alcohol how do we make sure that they adhere to those requirements, and so we would attach a certified CPA statement attesting to that amount as a part of total revenue. Quite honestly, we are interested in getting Commission feedback, because if the Commission is willing to move forward with this concept, I'm confident we'll be able to develop the parameters that would make you comfortable in having it as a part of the downtown.

Mayor Valdes-Fauli: I think in an effort to bring people, young people, businesses, etc. to Coral Gables, I think that valued menu of options for people with different interests I think are very good.

Commissioner Mena: My only comment was when you addressed that it would be a good idea, not only that but you have to have this 25 percent, you make them have to send in some sort of affidavit or signed certification and make it signed by a CPA is going to take that certification seriously, will actually look at the financials without us having to administratively deal with it.

Commissioner Lago: What are the current standards right now Madam City Manager?

City Manager Swanson-Rivenbark: Is Ramon – Ramon can you answer that or Charles, I'm sorry, Charles, in terms of the cigar shop wanting to sell 25 percent alcohol, where would the code conflict ends gave us pause?

Commissioner Lago: My question was more like, I know the answer, but I want to put it on the public record. The question is, I've been approached by different entities who want to open up shop in the City of Coral Gables, but I've always told them there has to be a percentage of food versus beverage, and that's always been a little bit of a confusing conundrum for people who want to open businesses here in the City. What are the current percentages versus alcohol versus food, food versus alcohol?

Assistant Building Director Wu: For this specific provision in the City Code, for the record Charles Wu, you cannot exceed the total receipts of the establishment 25 percent the alcohol. Now whenever there is a restaurant involved and there is alcohol involved then the total receipt cannot exceed 50 percent, this is about the non-restaurant component selling alcohol.

City Manager Swanson-Rivenbark: Commissioner, are you talking about also the definition of bar and how Coral Gables zoning code deals with that?

Commissioner Lago: The reason why I'm asking this question is because I agree with the Mayor and Commissioner Mena's statement, I think that we need to be a little bit more progressive in this aspect and try to bring as many people to our downtown, which by the way is already happening. If you go to downtown on the weekends and on the weekdays on Thursdays, places like Giralda, Aragon, Andalusia, Miracle Mile, I'm seeing a lot more foot traffic. But I want to be careful, I want to be careful that people don't get the wrong impression that we are moving forward in a direction we are going to have bars, and we are going to have nightclubs, that we are going to have classy establishments continue to define what Coral Gables is all about, because we will be inundated with e-mails and phone calls saying, hey this is not South Beach, we don't want it to be South Beach.

Assistant Building Director Wu: Full disclosure, we have six existing cigar retail establishments in the City.

Vice Mayor Keon: I'm sorry, could you repeat that.

Assistant Building Director Wu: Six existing cigar retail uses.

Mayor Valdes-Fauli: Do I hear a motion?

Vice Mayor Keon: Could I ask one question?

Mayor Valdes-Fauli: Of course.

Vice Mayor Keon: What are smoking regulations with regard to cigars indoors or whatever?- is it only for – I don't smoke cigars and I don't buy them, so tell me when you go into buy a cigar in a cigar store do you smoke the cigar or you are just buying cigars?

Assistant Building Director Wu: You can buy the cigar and you can smoke.

Vice Mayor Keon: You can smoke them inside?

Assistant Building Director Wu: Yes.

Vice Mayor Keon: OK. Like how much is a cigar?

Assistant Building Director Wu: Well they estimate between \$6 and \$76, the applicant is here and can explain more detail, and the spirits range from \$8 to \$75 a glass.

Vice Mayor Keon: Oh, OK. I know when I go out to dinner, you go out to dinner oftentimes your bar bill is equal to your food bill...so that's why I wondered about 25 (percent), maybe we can take a look at – after you do this for a year or two we can look at it 25 percent is the right amount.

Commissioner Mena: I think a lot of their business people coming in and buying and taking home.

Commissioner Lago: Like a bottle of wine.

Commissioner Mena: It's not all on premise.

Mayor Valdes-Fauli: If it's on premise its fine.

Commissioner Lago: But if it's on premise, in my opinion I'm with the Vice Mayor, don't see it working.

Mayor Valdes-Fauli: Sometimes you are there...you are going to smell like a cigar and if not, you don't go in there. Do I hear a motion?

Vice Mayor Keon: It's just that I don't know if usually the price of the drink or the price of the glass of wine generally is commiserate with the price of the cigar you are buying. I would think somebody that's buying a \$76 cigar is probably buying a pretty good glass of wine. I don't really know. I guess it's the 25 percent that I wondered where did that...

Assistant Building Director Wu: It's the City Code. If I could add one item where the concern about the bar proliferation, the City Code also limits the counter space can exceed 45 square feet, so they are pretty strict; 45 square feet of counter space at 25 percent...

Vice Mayor Keon: So it's quite small.

Commissioner Lago: When we bring this back for Second Reading, right?- it's not really Second Reading.

City Manager Swanson-Rivenbark: I believe we are getting feedback from the Commission, because the way that the City Attorney and we'll check with the City Attorney, the future City

Attorney to confirm her ruling on it, that we can handle it administratively, but I thought it was important to get direction from the Commission.

Commissioner Quesada: I was handling something, but I was listening outside. Commissioner Lago I think put it well, in my opinion on this; we are at a very precarious spot with our downtown. We've renovated Miracle Mile, we've renovated Giralda; Giralda's got so much more foot traffic, I think you guys have all seen that. I've tried to go out and gauge it and it's very busy even during the week. Now we've got to be careful. I'm not against it, but we've really got to be careful. We don't want this to get out of control; we don't want to be a bar and drinking destination that's not what our downtown is. I'm not saying this is, but I just hope that this doesn't open up a Pandora's Box with precedent.

Mayor Valdes-Fauli: I don't think it will, but we can always revisit it and come back. I agree with you.

Commissioner Quesada: I'm just saying...just be mindful of that. We don't want to become a Bourbon Street.

City Attorney Leen: Can I speak to the precedent issue? So J-3, the reason it's on the agenda is, there is a special provision in our Code which allows the City Commission to approve something like this up to 25 percent could be the alcohol use, and the reason why that's so important that we comply with that is that that's what doesn't make it a precedent. Every time it comes up you are going to have to take a look at it and determine whether it's appropriate in that particular place and you can impose conditions of approval.

Commissioner Lago: That's what I was going to mention before. I really think this should be a conditional use, which has to come before the Commission for approval.

Mayor Valdes-Fauli: It comes to us anyway.

Commissioner Lago: I want to highlight that over and over again, because I agree with...

City Attorney Leen: The Commissioner I've spoken with, Commissioner Quesada is, one thing we don't have in Coral Gables are taverns, one thing that Coral Gables is known for is even at a place that has a bar, you can always be served food at the bar. So that's one thing that we have a number of regulations that protect against and this sort of review for a cigar bar where they serve alcohol that's what protects against that becoming something that you would not like and you can always rescind that approval in the future if you wish.

Assistant City Manager Iglesias: Certificate of use not to the property.

Mayor Valdes-Fauli: Make the motion somebody.

Commissioner Quesada: So moved.

Mayor Valdes-Fauli: Second?

Commissioner Mena: Second.

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

Commissioner Mena: Yes

Commissioner Quesada: Yes

Vice Mayor Keon: Yes

Commissioner Lago: Yes

Mayor Valdes-Fauli: Yes

(Vote: 5-0)

[End: 10:50:38 a.m.]