

CITY OF CORAL GABLES
PLANNING & ZONING MEETING
EXCERPT OF ITEM E-4

January 9, 2019
405 Biltmore Way
Coral Gables, Florida 33134

Planning & Zoning Board
Chairperson Eibi Aizenstat
Vice Chairperson Maria A. Menendez
Board Member Rhonda A. Anderson
Board Member Robert Behar
Board Member Julio Grabiell
Board Member Alex Mantecon
Board Member Maria Velez

1 01-09-19
2 Planning & Zoning Meeting
3 Item E-4
4 *****
5 MR. AIZENSTAT: The next item is E-4.
6 Craig, if you would please.
7 MR. COLLER: Sure.
8 Item E-4, an Ordinance of the City Commission
9 of Coral Gables, Florida providing for a text
10 amendment to the City of Coral Gables Official
11 Zoning Code by amending Article 5, "Development
12 Standards," Division 11, "Landscaping" Section
13 5-1104, "General requirements," limiting locations
14 for artificial turf, providing severability,
15 repealer, codification, and an effective date.
16 Item E-4, public hearing, I'm pleased to say
17 that I did not do this one, and that Ramon, I
18 believe, is going to handle the explanation.
19 MR. TRIAS: Chairman, I had the pleasure of
20 drafting this ordinance personally. So here we
21 have my understanding of what the latest commission
22 discussion has been on the topic of artificial
23 turf.
24 Number one, that a permit should be required
25 so to clarify that issue and, number two, was to

1 PARTICIPANTS:
2 Chairperson Eibi Aizenstat
3 Vice Chairperson Maria A. Menendez
4 Board Member Rhonda A. Anderson
5 Board Member Robert Behar
6 Board Member Julio Grabiell
7 Board Member Alex Mantecon
8 Board Member Maria Velez
9 Craig Collier, Special Counsel
10 Ramon Trial, Planning & Zoning Director
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1 separate single family and duplex requirements from
2 other, for example, commercial properties in
3 general. And the idea was that in the single
4 family or duplex it would be allowed in the rear
5 yard with a buffer, some kind of acceptable buffer
6 like a fence or a wall to the neighbors, and that
7 any other location that is not the rear yard would
8 be reviewed by the landscape services staff and
9 determined on a case-by-case basis. And that in
10 the other zoning districts, meaning the commercial
11 buildings, for example, or mixed-use buildings,
12 that it would not be allowed at the ground level.
13 In other words, ground level should be grass. If
14 somebody has a pool on the fifth floor and they
15 have a pool deck, for example, in a mixed-use
16 building, there it would be okay. But not on the
17 ground level.
18 That's the concept, that's the way that I
19 understand the commission was leaning towards, and
20 they were looking for your opinion and
21 recommendations.
22 MS. ANDERSON: Well, I do have some questions
23 for you.
24 MR. TRIAS: Yes.
25 MS. ANDERSON: The draft that, you know, I've

1 read doesn't address retroactivity for existing
2 installations and residential properties as to FAR
3 MF-1 zoning districts, so I presume that permit had
4 been pulled for those. But from what I'm hearing
5 it doesn't sound like permit was pulled for those.

6 MR. TRIAS: Well, if there is no permit, then
7 that would be an issue of code enforcement, and we
8 just wanted to clarify that, that a permit is
9 required.

10 MS. ANDERSON: Okay. How are we going to deal
11 with existing installations that did pull a permit?
12 Is there going to be a retroactive provision so
13 that if it needs to be reinstalled, they can't do
14 it again, or is it going to be grandfathered in, or
15 is it going to be just outright prohibited?

16 MR. TRIAS: Well, if one has a valid permit
17 it's grandfathered in generally, so it's not like
18 this retroactive enforcement.

19 I don't know if there are any specific issues
20 that you're thinking or specific instances of
21 application of this artificial turf.

22 MS. ANDERSON: There is a specific instance in
23 which I'm thinking because I've seen it in the
24 front of a particular property. But historically
25 I've also seen where there's been a change in a

1 MR. TRIAS: Yes.

2 MS. ANDERSON: Okay.

3 MR. BEHAR: And that's a code violation issue
4 and, yes, they would have to pull a permit?

5 MR. TRIAS: Yes.

6 MS. ANDERSON: Okay. Even though it's already
7 installed?

8 MR. TRIAS: Clearly we would have to look at
9 it on a case-by-case basis.

10 MS. ANDERSON: So --

11 MR. TRIAS: And in some cases the permit could
12 be given retroactively --

13 MS. ANDERSON: Right.

14 MR. TRIAS: -- if it's a reasonable
15 application, which I think most of the time the
16 ones that I've seen that I've been made aware of
17 they tend to be very reasonable, it was just that
18 they were done without permits.

19 MS. ANDERSON: Right. So I would suggest that
20 the courtesy notice then be given to those property
21 owners now that we have a clear provision and
22 they're going to have to pull a permit in order to
23 have that allowed.

24 MR. TRIAS: I think that the courtesy notice
25 is the code enforcement -

1 zoning code from many years ago, for instance, a
2 swing set in the front yard was permitted at one
3 point. Once the swing set rusted out and was
4 removed, you couldn't put it back again even though
5 you had a permit for it in the first instance.

6 MR. TRIAS: Well, I'm glad you mentioned that
7 because I'm working on those issues, and that's
8 coming next, swing sets and play houses and so on.

9 MS. ANDERSON: Right. So is it going to be
10 that type of instance where they have to when they
11 go to replace the turf they're not allowed to
12 replace the turf because now it's not allowed? Do
13 they have to re-pull a permit?

14 MR. TRIAS: Possibly, yeah. Clearly one
15 cannot speculate on the details without a specific
16 case. I mean, I think that the idea is to try to
17 not make it visible.

18 MS. ANDERSON: Right.

19 MR. TRIAS: However, we do have an option
20 that, you know, if there are no other -- if the
21 site conditions make it very difficult in other
22 locations to have grass, it can be approved by the
23 landscape department staff.

24 MS. ANDERSON: So if a permit wasn't pulled,
25 they now have to pull a permit?

1 MS. ANDERSON: Norm.

2 MR. TRIAS: -- action. And I mean that
3 seriously, the first action is just to inform
4 there's a violation and that they can go ahead and
5 fix it.

6 MR. AIZENSTAT: So this will count towards the
7 green space that's required during the construction
8 of a home?

9 MR. TRIAS: Yes. And I think that it's
10 probably more relevant in the construction --

11 MR. AIZENSTAT: You were a little hesitant, it
12 took a little time, so I want to be clear on that.

13 MR. TRIAS: Well, let me be clear on that. It
14 won't be up to me. It will be up to the landscape
15 professionals to determine that it does comply with
16 the, let's say, previous requirements, if that is
17 one of the cases -- if that's the case.

18 MR. AIZENSTAT: It shouldn't be in the code
19 that dictates a percentage of the property or how
20 much you can?

21 The reason I ask is because of lot of the
22 properties in certain areas of the Coral Gables
23 work on septic tanks.

24 MR. TRIAS: Yes.

25 MR. AIZENSTAT: So when you start dealing with

1 septic tanks in areas, how are you going to -- how
2 are you also going to deal with the artificial
3 turf?

4 MR. BEHAR: Well, keep in mind that I would
5 say 99 percent of the septic tanks has to be the
6 front of the property, and this artificial turf is
7 not -- would not be allowed to be in the front
8 yard.

9 MR. AIZENSTAT: Go ahead.

10 MR. MANTECON: Artificial turf companies with
11 their septic tanks they also have a -- there's a
12 register that -- there's actually a mechanism to be
13 able to access septic tanks underneath artificial
14 turf.

15 MR. AIZENSTAT: Right. You're required to
16 have the lid or whatever it is either way, but --

17 MR. TRIAS: Mr. Behar is correct. I mean, 99
18 percent of the time that's not going to be an issue
19 based on the text.

20 MR. BEHAR: This is more for the rear yard,
21 you know, where it would be acceptable or not.

22 MR. TRIAS: Yes.

23 MR. BEHAR: I got one concern. I'm okay in
24 single family in the rear of the properties, you
25 know, with above, et cetera, et cetera. My concern

1 level on a mixed use project, on a commercial
2 project, et cetera.

3 MR. TRIAS: Maybe the phrasing is not clear
4 enough, but that was the intent in the sense that
5 it says, "in accordance with the open space
6 requirement," you know, whatever's in the code
7 already, and the review and approval --

8 MR. BEHAR: Upon review and approval.

9 MR. TRIAS: Which is what the code requires.

10 MR. BEHAR: But if they -- but when it comes
11 to landscape area, plant material, which I'm okay
12 with that, and you know, that in some cases the
13 input from the public service division, it's good.

14 I just don't think that the artificial turf at
15 those locations needs to be part of this process.

16 MR. MANTECON: Yeah, I think it should just
17 read more the way it says for the single family
18 residential where it says "allowed" as opposed to
19 "upon review and approval." I mean, maybe that
20 would clarify it.

21 MR. TRIAS: Yeah, we can -- I don't think it
22 was meant to be an extra step. I mean, I think
23 it's just the normal review step that takes place.
24 Maybe we need to make it more clear that that's
25 what it's meant to be.

1 is all other zoning districts not allowed at the
2 ground level. I'm okay with that.

3 What I'm not okay is that in other locations,
4 for example, if you do -- and let's look at a mixed
5 use project that you got on the fifth level, on the
6 tenth level, whatever, you do have some amenities
7 area and you want to incorporate it, to be approved
8 by the public work landscape services division, I
9 don't think that at those location needs to be
10 approved by them. At the ground level I'm
11 100 percent okay with it.

12 MR. TRIAS: But, Mr. Behar, they do review the
13 landscape plans already. I mean, that's what that
14 really means, it's part of the normal review.

15 MR. BEHAR: They review landscape for plant
16 material, but I think -- and we've seen this, the
17 use of the artificial turf in those locations more
18 and more because, you know, as a maintenance,
19 especially when you're around a pool area.

20 MR. TRIAS: And it's approved, I think, all
21 the time.

22 MR. BEHAR: But I am subject to, you know,
23 their liking if they want to approve it or not.

24 MR. MANTECON: I agree. I think it should be
25 just approved at a level that's not at the ground

1 MR. BEHAR: Because at the end of the day,
2 look, what's important to us I think it's the
3 ground level.

4 MR. TRIAS: Yes.

5 MR. BEHAR: To me that's what's important.
6 The upper level, which the public would not see, to
7 me is not important.

8 MR. TRIAS: We could stop after the zoning
9 code period and just say in "accordance with the
10 open space requirements of the zoning code,"
11 period.

12 MR. BEHAR: I'm okay with that. That would
13 be good. That's acceptable.

14 MR. TRIAS: That may be better.

15 MS. ANDERSON: I would agree with that.

16 MR. GRABIEL: I have one.

17 MR. AIZENSTAT: Yes, please.

18 MR. GRABIEL: The only -- I agree with this
19 whole thing and the changes. The only time that I
20 have used artificial grass on the ground floor is
21 when a client wants a driveway that is made of
22 stone or pavements separated by green. I've tried
23 for years to maintain the grass doing everything
24 possible, it never grows. It ends up being just
25 sand.

1 And I think we've discussed this before and we
2 said that maybe the option of allowing them, you
3 know, with a dimension of four, six inches,
4 whatever it is, using pavements would be allowed on
5 the ground floor.

6 I don't know how the rest of the board feels,
7 but I'd hate to see large driveways paved with
8 grass that is always gray and --

9 MR. AIZENSTAT: Sand.

10 MR. GRABIEL: -- sand.

11 MS. ANDERSON: It's a good point, very good
12 point.

13 MR. GRABIEL: Ramon?

14 MR. TRIAS: I think in that case I would tend
15 to interpret that as a pavement material more than
16 a landscape material, and I think it probably can
17 be approved as part of a driveway design.

18 MR. GRABIEL: Assuming, you know, the
19 residents that want that look.

20 MR. TRIAS: Let me think about how to
21 interpret that into the code. I mean, as you know
22 the zoning code if you put too much information in
23 it, it's not necessarily better. We're going to
24 be --

25 MR. BEHAR: Really?

1 MR. BEHAR: On a corner lot.

2 MR. MANTECON: -- on a corner lot or where
3 the -- you know, where does it define -- I mean, in
4 the rear yards typically are the ones where your
5 grass doesn't grow because you've got, you know,
6 smaller setbacks and you've got trees and stuff, et
7 cetera.

8 MR. TRIAS: The short answer to that question
9 is defined by the discussion that takes place
10 between the applicant and the review person or the
11 architect and the review person.

12 What happens is that there's no way to codify
13 a rear yard definition that's going to work for
14 every possible site. And all I'm saying is keep in
15 mind that all of this is implemented by highly
16 trained professionals, both on the applicant side
17 and the review side, and they deal with this issue
18 all the time.

19 Now, my preference is to think of the rear
20 yard of anything that is behind the building,
21 actually behind the building. Some people may say,
22 well, you know, that should be a little bit forward
23 all the way to the front of the building, and
24 that's where the gave and take takes places in the
25 review process. That's normal, it happens most of

1 MR. TRIAS: I mean, we do have very tough
2 professionals, some of them serve here on this
3 board that design projects and they need to have
4 flexibility, and then there's professional staff
5 also. So it's not just the language of the code.
6 But I think that in that case particularly I'm
7 inclined to think that's really not landscaping.

8 MR. AIZENSTAT: Yeah, that's a very good point
9 because, you know, what are the options if you're
10 doing concrete in between? It's either sand, rock
11 or artificial because grass won't grow in there.

12 MR. TRIAS: Or you may want to design, let's
13 say, a granite band. I mean, that would be part of
14 the pavement, not necessarily part of the
15 landscape, right? So let me work on -- yeah, let
16 me take a look at it.

17 MR. GRABIEL: It gives residents an
18 opportunity to do that.

19 MR. TRIAS: Yeah.

20 MR. BEHAR: Good point.

21 MR. MANTECON: I have two questions.

22 So what is the definition of rear yard? What
23 defines rear yard versus side yard? Because it's
24 kind of -- it's a little weird to have a -- you
25 know, if you have a house --

1 the time. Yeah. And what happens is that if you
2 read the definitions, basically that's what I'm
3 describing to you.

4 Now, clearly we can have more text and be more
5 precise and so on, but that is not going to make
6 the code better, and I'm telling you that from a
7 professional point of view. It's not a better code
8 if you make it more specific because you can never
9 put the code all the --

10 MR. MANTECON: That's why I'm asking because
11 rear yard is defined as from the rear from the
12 furthest point of the house to the rear fence or
13 whatever, then I think you have a problem because
14 then that's black and white and, you know, then
15 you're just going to have this weird --

16 MR. BEHAR: Demarcation line.

17 MR. MANTECON: -- demarcation in the backyard
18 which --

19 MR. TRIAS: A recent example was that the side
20 yard makes sense as artificial turf also in a
21 recent example that I looked at, and that was
22 approved. And in that case, for example, the rear
23 in a general sense could be interpreted to include
24 that side yard, for example.

25 MR. BEHAR: You're right, because you could

1 have in the front of a house, you know, the
2 setback, whatever, you could have a wall that you
3 don't see, a screen that you don't see behind.

4 MR. TRIAS: Right.

5 MR. BEHAR: And the side yard could be part of
6 it, you know.

7 MR. MANTECON: I just want to make sure that
8 the, because I haven't read the definition of rear
9 yard, that the rear yard isn't specific to the rear
10 of the house and back.

11 MR. TRIAS: It says "an occupied area
12 extending across the full width of the lot between
13 the main building and the rear line of the lot."

14 Well, that as you can see is as close as we
15 get to a definition. So what I'm saying is please
16 keep in mind the zoning code is just one of the
17 information that is used, that you also have the
18 professionals designing the building and the
19 professionals reviewing it. There's always room
20 for interpretation and to make a decision, yeah,
21 that is part of the area that should or should not
22 be used for artificial turf.

23 And if there's a disagreement there's an
24 appeals process. You could appeal if you don't
25 like it.

1 let's keep that in mind also in the sense that if
2 all of a sudden everything is artificial turf, then
3 pretty soon we lose some of the most important
4 qualities of the city.

5 MR. BEHAR: I agree.

6 MR. MANTECON: Then my last question is, is
7 there already -- when you pull permits, I mean, one
8 of our biggest things is percolation.

9 MR. TRIAS: Yes.

10 MR. MANTECON: There's different ways of
11 installing this. I mean, is there a building code
12 for installation of artificial turf that requires
13 more rock versus sand. If you just go with
14 compressed sand you have zero percolation versus,
15 you know, different types of materials.

16 MR. TRIAS: That is why we have the
17 professional review by the landscape professionals
18 because there's different types of grass, there's
19 different qualities of grass, there's different
20 percolation. I mean, it has to be reviewed.

21 MR. MANTECON: Okay.

22 MR. BEHAR: I'll make a motion to approve with
23 the condition that we strike out the last sentence
24 of No. 2, where it says "upon review and approval
25 by the public work landscape service division," and

1 MR. BEHAR: Alex, in a single family instance
2 I'm okay with the landscape, you know, review
3 committee, whatever, you know, making those
4 determinations because every case may be different.

5 You know, I think it would be very practical,
6 you know, if it was a little more clear where it
7 says even side yards or something could be included
8 but, you know -- Ramon, do you feel comfortable
9 that, you know, this should stay like this or
10 should we maybe modify the language maybe slightly?

11 MR. TRIAS: I mean, the way I read this is
12 that allow it in the rear yard, that's pretty clear
13 it should be, and then all other locations are
14 reviewed, and that's really the best way that I can
15 think of that allows for enough flexibility.

16 MR. BEHAR: And I've see instances where in a
17 single family -- what I would not like to see is in
18 a single family in the front yard, which you see as
19 you drive, and I see it every day when I drive,
20 okay, and it's the whole yard, it looks great
21 because it looks manicured perfectly. But, you
22 know, I don't want to see that throughout the city.

23 MR. TRIAS: It doesn't look great in the
24 context of Coral Gables which is about
25 authenticity, it's about landscape, it's about --

1 I welcome whatever other comment from board members
2 to the motion.

3 MR. AIZENSTAT: Before we do that, is there
4 anybody here that would like to speak on this
5 subject matter? No?

6 Is there a second to Robert?

7 MR. MANTECON: I'll second it.

8 MR. BEHAR: Any friendly amendment to the
9 motion?

10 MS. ANDERSON: Just clarifying for the record
11 that you meant after the comma in that second
12 sentence --

13 MR. BEHAR: Yes.

14 MS. ANDERSON: -- not the entire second
15 sentence?

16 MR. BEHAR: Correct. Correct. You're
17 correct. That's why we have attorneys here on the
18 board.

19 MS. ANDERSON: Hey.

20 MR. AIZENSTAT: So we have --

21 MR. BEHAR: A motion.

22 MR. AIZENSTAT: -- a motion, a second. Any
23 discussion?

24 MS. ANDERSON: No.

25 MR. AIZENSTAT: Having heard none, call the

1 role please.

2 THE CLERK: Maria Velez?

3 MS. VELEZ: Yes.

4 THE CLERK: Rhonda Anderson?

5 MS. ANDERSON: Yes.

6 THE CLERK: Robert Behar?

7 MR. BEHAR: Yes.

8 THE CLERK: Julio Grabiell.

9 MR. GRABIEL: Yes.

10 THE CLERK: Alex Mantecon?

11 MR. MANTECON: Yes.

12 THE CLERK: Eibi Aizenstat?

13 MR. AIZENSTAT: Yes.

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1 REPORTER'S CERTIFICATE

2

3 STATE OF FLORIDA

4 COUNTY OF PALM BEACH

5

6 I, Jessica A. Donnelly, Florida Professional Reporter

7 and Notary Public in and for the State of Florida at

8 large, do hereby certify that I was authorized to and

9 did report said excerpt of Planning & Zoning Meeting in

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13 Zoning Meeting.

14 I further certify that said excerpt of Planning &

15 Zoning Meeting was taken at the time and place

16 hereinabove set forth and that the taking of said

17 excerpt of Planning & Zoning Meeting was commenced and

18 completed as hereinabove set out.

19 I further certify that I am not an attorney or

20 counsel of any of the parties, nor am I a relative or

21 employee of any attorney or counsel of party connected

22 with the action, nor am I financially interested in the

23 action.

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IN WITNESS WHEREOF, I have hereunto set my hand and

16th day of January, 2019.

Jessica A. Donnelly
Jessica A. Donnelly

