

City of Coral Gables City Commission Meeting
Agenda Item F-5
June 13, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

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

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Planning and Zoning Director, Ramon Trias

Public Speaker(s)

Agenda Item F-5 [3:10:05 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 4-201, "Mixed Use District (MXD);" Article 5, "Development Standards," Section 5-604, "Coral Gables Mediterranean Style Design Standards," and Section 5-1105, "Landscape Requirements;" and Article 8, "Definitions," to increase the requirements for landscaped open space and clarify what constitutes open space; providing for a repealer provision, providing for a severability clause, codification and providing for an effective date. (Sponsored by Commissioner Lago).

Mayor Valdes-Fauli: F-5.

City Attorney Leen: F-5 is 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 4-201, "Mixed Use District (MXD);" Article 5,

“Development Standards,” Section 5-604, “Coral Gables Mediterranean Style Design Standards,” and Section 5-1105, “Landscape Requirements;” and Article 8, “Definitions,” to increase the requirements for landscaped open space and clarify what constitutes open space; providing for a repealer provision, providing for a severability clause, codification and providing for an effective date. This is sponsored by Commissioner Lago. It’s an Ordinance on First Reading.

Planning and Zoning Director Trias: Thank you Craig. I want to thank Commissioner Lago and the Commission for their leadership on this idea and basically all we have are three things, three types of amendments to the Code. One, we are including the word ground level before landscape requirements in multiple places, which I think is a key issue here. Ground level is what we mean when we talk about open space, ground level in conjunction with public space.

Mayor Valdes-Fauli: Not half a step up or whatever.

Planning and Zoning Director Trias: Or ten stories up, which prior to that – and there is only one exception which is in townhouses we are allowing the upper areas to be counted, but that’s very specific, everything else is ground level. The second thing, we are increasing the percentage somewhat in a field of the districts. For example, CL goes to 15 percent; the mixed use also goes to 15 percent, etc. That is a fairly small change, but I think it’s going to make a big difference in terms of the requirements that we have. The third thing that we are doing is, we are modifying the definitions, basically saying, open space – we have open space and it has to be open to the sky, and I think that also is going to be very helpful. So those are the three big ideas. If you have any specific questions, I’m here to answer.

Commissioner Lago: Can you go over again just the percentages, so we are very clear on that. What is the code, give me an example now of what the code requires in regards to open space.

Planning and Zoning Director Trias: For example, MF1 is 40 percent, which is great for a duplex, MF2 is .5 percent, and what we are saying here is it has to be provided at ground level very specifically. Then the CL, which is Commercial Limited, is 15 percent, it’s proposed to be 15 percent at the ground level, and then MX use, the mixed use and the commercial and industrial are also proposed to be 15 percent. Now from a practical point of view all of this was pretty much happening in terms of the site plan design, it’s just that it wasn’t clearly stated in the Code. The other thing that we are doing is that we are making sure that the non-green areas of open space can only be up to half of the open space. Right now it cut of 75 percent of the open space to be pavers and...

Commissioner Lago: ...pavers for example.

Planning and Zoning Director Trias: Yes, which is open space, but it's really not what one...

Commissioner Lago: For example on commercial, CU requires to be 15 percent open space now on the ground floor. Where before you potentially didn't get that 15 percent because we are using separate floor mezzanine or...

Planning and Zoning Director Trias: Arcades...

Commissioner Lago:...arcades or open staircase to get to that 15 percent. Now we are ensuring that there is 15 percent open space on the bottom floor and that's 7.5 percent of that, 50 percent of that would be 7.5 percent has to be actual tangible green space.

Planning and Zoning Director Trias: Absolutely – and I think that that combined with some of the definitions in which we are saying paseos have to be open to the sky to count for open space.

Commissioner Quesada: Can you do me a favor – do you have a PowerPoint that you have included, can you put it on the screen, it's a little bit more helpful.

Planning and Zoning Director Trias: Sure, we can do that; I was trying to go a little faster.

Commissioner Quesada: But this one is a little bit more detailed and you have a nice chart makes it easier.

Planning and Zoning Director Trias: Thank you, thank you Commissioner. Basically, what we have here is we are making some increases, we are making sure that the landscape requirements are at the ground level, and you can see the different zoning designations that are affected by this, so it's complicated from the point of view of the details because we have multiple zoning designations that are being amended. However, in terms of the concept is the same, the same idea in all of them; and then the fact that we are adding better definitions, that in order to count as open space things have to be basically open to the sky and be bonafide open space. Now it may be a little hard to read, but here is where we have the existing and the proposed, and this is in your package in terms, for example the existing commercial is 10 percent, the proposed is 15 percent, the commercial limited is 10 percent, existing proposed 15 percent. We have, for example, the fact that in mixed use there was no minimum. Now that doesn't mean that they provided no open space, from a practical point of view it was provided, but now we are saying clearly that it has to be a minimum of 15 percent.

Commissioner Lago: Fifteen (15) percent of footprint?

Planning and Zoning Director Trias: Yes, the ground level, the ground level.

Commissioner Lago: The ground level. Just want to make sure it's not 15 percent of the open space.

Planning and Zoning Director Trias: Fifteen (15) percent of the ground level, because right now what we are saying, if you can provide any kind of open space that was provided before, it's just that it's not counting toward that 15 percent on the ground level. So that's the solo or the practical effect of all these changes.

Commissioner Lago: And what cause and effects do you think, is it positive or negative effects this will have on future projects?

Planning and Zoning Director Trias: I think the only effects are going to be positive and they have to do with a much better way of understanding the public space is for public use and it should be at the ground level, which is the fundamental idea of any city that attempts to have high quality pedestrian areas. So, I think that was in the Code, but it was not clear, now we are making it very clear and we are making it a requirement.

Commissioner Quesada: You know the best part about it is it defines open space the way an average individual would define open space, not by a land use specialist.

Planning and Zoning Director Trias: We try. Thank you very much.

Commissioner Quesada: I think that was Commissioner Lago's goal, I think it's going to be helpful.

Commissioner Lago: Do you think the fruits that will hopefully be borne out of this where you see more projects, and when I say more projects, I'm talking about the ground floor, I'm not talking about the overall project; more projects like what happened at 33 Alhambra, what happened at Valencia where there is actual significant amounts of lush greenery, not only in parks, but in the front of the building, you see that its more active.

Planning and Zoning Director Trias: Absolutely – and it makes it easier for staff and for the Board of Architects and for you as a Commission to come up with a better design to the site plan process, because keep in mind all this requires a very effective and a very careful coordination of building space, sidewalk, etc.

Mayor Valdes-Fauli: We have to be very, very careful what we do here and when you say ground floor, you should mean ground floor and not one step up. My experience with ground floor parks or open space is that if you raise that space by one step, one step nobody every uses it, and I'm talking about the Columbus Center project in Alhambra Circle which they have beautiful open space, but it's one step up and I've never seen anybody there. Ground floor – ground floor, not an inch above sidewalk on street level.

Vice Mayor Keon: Can I ask a question? You have a picture on the handout that you have...

Planning and Zoning Director Trias: This one?

Vice Mayor Keon: Yes – is that what you are looking for?- is that acceptable or it's not acceptable?

Planning and Zoning Director Trias: Yes, because it's at ground level – and what happens is that...

Vice Mayor Keon: Well actually it looks like it is where you have the beds those are elevated planters, which you said would be existing and now you are saying proposed is remove elevated areas. I'm going to tell you that to me looks like an elevated area. It isn't a ground level where those people are walking. It is elevated above the pedestrian walkway, it is on a pedestal, it's got a step up and then another step up and it's a planter. So to me the language you have here would not allow that, and I think that's quite lovely, and sometimes the stepping up, it's not like one step up, I've seen plazas that have kind of wide steps that lead up into, it's still the ground floor, it still creates entry into a building, but it's not the first ground floor without a step. There is a step and then you step up and then there is a plaza. That to me is not what you have written here.

Planning and Zoning Director Trias: I will look at it more closely, but I don't think that's the case and the reason I'm saying that is that those are planters, those are not walkways.

Vice Mayor Keon: Mr. Trias you have here existing can be provided at street level, within the right of way, on elevated areas, planter boxes, etc., but I'm telling you that is existing, that is exactly what is there and you have proposed remove elevated areas, that's an elevated area.

Planning and Zoning Director Trias: We'll follow up and look at it.

City Manager Swanson-Rivenbark: So between First and Second Reading, we are going to take it to Planning and Zoning Board. We wanted to test it to make sure that it's what the Commission's intention was, the general concept, we'll revise it, at least the illustrations if not

the actual language. The idea was ground floor and thank you Mayor for the clarification of flush to the ground, that it was greener than paver, and that it was legitimate real open space.

Vice Mayor Keon: But Madam Manager, this is not flush on the ground.

City Manager Swanson-Rivenbark: I understand...I think perhaps the illustration...understand.

Vice Mayor Keon: I think the illustration is beautiful and for drainage purposes and so nobody is stepping on them and everything else, I think that it is appropriate. Your language does not reflect the conversation that you are having. The other question I wanted to ask you was, in many parts of the country you see very, very large potted plants, like annuals, different where they can replant seasonally the pots, they are better for drainage, they get them up a little off the ground so they are not so hot, they drain, so they don't get swallowed in the torrential rains we had over the last week. Do pots and things like that, those very large pots on a patio; do they count as green space as long as they continue to be planted?

Commissioner Mena: Are they built in or are you talking about a stand-along pot?

Vice Mayor Keon: Pardon me?

Commissioner Mena: You are talking about like a built in like what they just showed us or a pot?

Vice Mayor Keon: Well you know they also have, if you walk along Michigan Avenue in Chicago, they are like this big, those pots, they are beautiful with beautiful flowers in them.

Commissioner Lago: My goal with presenting this today is to finalize what Commissioner Quesada was saying it's always been ambiguous. What the Mayor said is 100 percent in line with what I want and what I think the City and the residents want. They want to have an urban downtown that where you can sit down, for example, like 33 Alhambra, and have 10,000 square feet of green space, or like what's going on in Valencia. If we can achieve that and build...that are next to each other where we could link these pieces of open space together, you could potentially put together some pretty impressive linear parks, and I think that's the goal. I do not want elevated portions, even a step, like the Mayor said, I agree with him on that. I don't want pots to be considered open space, I don't think children – people can access it with their dog, start running around a giant planter. I think it has to be real, true open space. Another issue that didn't really catch on that Commissioner Keon was mentioning in the photo was the issue of, there really isn't open space there, it's all pavers, flooring was by the design, by the look it wasn't even permeable pavers, so it wasn't the most appropriate example and that's OK.

Mayor Valdes-Fauli: Do I hear a motion?

City Attorney Leen: Mr. Mayor I just have to add one thing. I just need to make this clear for the record, the Manager alluded to it. So this is a little different procedure because it's going to be coming to you first, then to the Planning and Zoning Board, which in my opinion retains the same discretions so they can propose changes between First and Second Reading, and then it would come back to you on Second Reading. I looked at the Zoning Code, there is nothing that prohibits that, and so in my opinion though you need to know about it when you vote and its part of the ordinance. Because this is an ordinance you can always approve a different procedure with any ordinance you adopt, and if the Commission likes that, this is something that could be done in the future from time to time when there is time sensitivity or when guidance is needed from the Commission.

Commissioner Quesada: Commissioner Lago do you have any amendments?

Commissioner Lago: Well exactly what the Mayor mentioned, also what Commissioner Keon mentioned in regards to planters, I'm opposed to that, and I'm more than willing to send this to P&Z if you like and come back for First Reading, I don't have an issue. I hope the Planning and Zoning Board...

Commissioner Quesada: It will come back for Second Reading.

Commissioner Lago: Come back for First Reading if you want. I'll do it anyway you want. You can do First Reading today...

Commissioner Quesada: Let's keep it moving.

Commissioner Mena: As far as my position, the work comes back for Second Reading, because I want to be clear. I'm not a big fan of the planters myself, but I want to be careful not to be too, not even an inch above ground, I think we are getting a little bit too technical. There might be other reasons...

Mayor Valdes-Fauli:...like Columbus Center.

Commissioner Mena: There might be other reasons why there needs to be a step up and then you have a really great green space.

Planning and Zoning Director Trias: The issue with the elevation has to do with...the elevation of the building; sometimes, sometimes arcades are a little bit higher, because they are at the same

elevation as the building, that's a problem and that is a problem that the Mayor was mentioning. We work very hard doing the site plan review process to avoid that problem, but that has happened in the past, and that's one of the biggest challenges that we have. In terms of the planter boxes, they are allowed in the Code currently and we were not taking them out.

Vice Mayor Keon: But does this meet the requirement for green space?- does this picture?- would this?

Planning and Zoning Director Trias: I think it generally does, we can look at it more closely.

Commissioner Quesada: So if you look at the actual ordinance...

Vice Mayor Keon: Does this to you?

Commissioner Lago: No.

Vice Mayor Keon: Commissioner Lago who is sponsoring this item, this is not acceptable, that's why I'm saying to you – I let it go the first time, I let it go back to Planning and Zoning and then we'll come back.

Commissioner Quesada: But stop for a second. I'm looking at the actual ordinance and if you look at it, I'm looking at bottom of page 2, top of page 3, reference number 8, Landscape Open Space Area, each coffee shop provide the following minimum ground level landscape open area, subsection (c) 25 percent for residential properties. The total area shall be based upon the total lot area. This landscape area can't be provided at street within the public right-of-way, planter boxes, planters, etc., so that's what the Code is going to say.

Commissioner Lago: And I'm in favor of potentially removing the planter discussion.

Commissioner Quesada: So planter would be in addition to...

Commissioner Lago: A planter only offers beauty, and again, you can't get into a planter get any use out of it...

Mayor Valdes-Fauli: A motion has been made; let's make sure that we have the amendments in place.

Vice Mayor Keon: The thing that I think with respect to these commercial properties, this is not in the public right-of-way, this is on the commercial property. Now I can understand that we

would require green space on the commercial property, I think it's probably to the commercial property owner can place these in a bed, can place probably elevated, so that your kids or anybody isn't walking through the bed because of their maintenance issues with regard to it where you may want it on the ground floor, I think that's an extraordinary burden to put all of these beds on the ground floor where they are going to get stepped on. If you want an open area, a grassy open area on the ground at floor level that's much different than what this says. I want to make sure since it's yours that what the words are express what you want.

Commissioner Lago: Very simple – between First and Second Reading making amendments you need to make, I want to see the similar example as what happened in Valencia and what happened at 33 Alhambra, that's what I'm shooting for and that's what the neighbors and residents I've spoken to are pleading for, and that's what they are looking for. So, I want developers not to tuck away hidden pieces of green space inside their property similar to the photo, like you provided where it says public versus private where you have to go into the building to access that open space, that's not my objective. My objective is to have the open space accessible to anybody who is walking by, make it a more pedestrian-friendly atmosphere.

Mayor Valdes-Fauli: OK.

City Manager Swanson-Rivenbark: And sir just as a clarification, the reason why we are pushing for now is because you only have one meeting in July, that's July 11th and you only have one meeting in August, that's August 29th and I don't want projects not to capture the intended amendment.

Commissioner Lago: Perfect.

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

City Clerk Foeman: I need a second Mr. Mayor.

City Attorney Leen: And there is no public comment.

City Clerk Foeman: No.

Commissioner Lago: Who made the motion? Did I make the motion?

Mayor Valdes-Fauli: You did.

Commissioner Quesada: 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: 3:29:21 p.m.]