

1 Thank you very much.  
 2 CHAIRMAN AIZENSTAT: Next item.  
 3 MR. CEBALLOS: Item E-2, an Ordinance of  
 4 the City Commission of Coral Gables, Florida,  
 5 providing for text amendments to the City of  
 6 Coral Gables Official Zoning Code, Article 3,  
 7 "Uses," Section 3-315, "Restaurant, open air  
 8 dining at ground level and other locations;" by  
 9 removing Floor Area Ratio requirements from the  
 10 rooftop dining; providing for severability,  
 11 repeater, codification, and providing for an  
 12 effective date.  
 13 MS. GARCIA: All right. Good evening,  
 14 Jennifer Garcia, City Planner.  
 15 A Text Amendment that's very small. During  
 16 the Zoning Code update, there was less emphasis  
 17 on rooftop dining. So, right now, if you want  
 18 to do rooftop dining, it counts against your  
 19 FAR, even if it's open to the sky. This, I  
 20 guess, was meant to discourage some rooftop  
 21 dining in some projects. Looking at this now,  
 22 it doesn't make much sense and you're actually  
 23 discouraging rooftop dining, that kind of  
 24 active use, if you want to have it on the  
 25 rooftop for Downtown, as well as when you're

1 changing the use or a restaurant is expanding  
 2 and wants to use the rooftop. They're stuck,  
 3 as far as they don't have enough FAR to be able  
 4 to do that or parking.  
 5 So that's basically striking through. The  
 6 Text Amendment is attached to your Staff  
 7 Report. It's striking through that sentence  
 8 about it's going to count against your FAR and  
 9 also clarifies an FAR of trellis and canopy are  
 10 not counted against your FAR. So a rooftop --  
 11 and that's common practice right now, as far as  
 12 FAR. If you have a trellis or some kind of  
 13 canopy on your roof, that's not counted against  
 14 your FAR, because the FAR, as we all know, is  
 15 the mass or bulk of the building.  
 16 So that's basically just clarifying that,  
 17 so that if a rooftop -- a restaurant wants to  
 18 expand on the rooftop, they could have some of  
 19 that portion covered by trellis or by a canopy.  
 20 That's the extent of the text amendment.  
 21 CHAIRMAN AIZENSTAT: Robert?  
 22 MR. BEHAR: Motion to approve.  
 23 MR. WITHERS: I have a question.  
 24 CHAIRMAN AIZENSTAT: Hold on a second.  
 25 Before we do that, Jill, do we have anybody in

1 the audience for this item?  
 2 THE SECRETARY: No.  
 3 CHAIRMAN AIZENSTAT: Anybody on Zoom?  
 4 THE SECRETARY: No.  
 5 CHAIRMAN AIZENSTAT: Phone participant?  
 6 THE SECRETARY: No.  
 7 CHAIRMAN AIZENSTAT: Okay. At this time,  
 8 I'd like to go ahead and close it for public  
 9 comment.  
 10 MR. WITHERS: I like it, but I just have a  
 11 question. So if I have a 5,000 square foot  
 12 restaurant on the ground floor, that counts  
 13 against my FAR?  
 14 MS. GARCIA: Yes.  
 15 MR. WITHERS: If I have a 5,000 restaurant  
 16 with a trellis over it on the roof, that  
 17 doesn't count as my FAR?  
 18 MS. GARCIA: The trellis, actually, is  
 19 limited to 50 percent of the rooftop, because  
 20 we don't want to have the whole thing covered  
 21 in a giant canopy. We do want to have some  
 22 open area.  
 23 MR. WITHERS: That doesn't count as my FAR?  
 24 MS. GARCIA: Right, because you're not  
 25 adding to the bulk of the building.

1 MR. WITHERS: So the same use, the same  
 2 seat, the same service, if it's on the first  
 3 floor, it counts as my FAR?  
 4 MS. GARCIA: Correct.  
 5 MR. WITHERS: On the roof, it doesn't  
 6 count?  
 7 MS. GARCIA: Right. Exactly.  
 8 MR. WITHERS: And the reason for that is?  
 9 MS. GARCIA: We want to encourage that  
 10 active rooftop use and because it's not adding  
 11 to the bulk and the mass of the building,  
 12 because FAR is floor area ratio. So it's the  
 13 bulk and mass of the building.  
 14 MR. WITHERS: No, I understand. So is it a  
 15 restaurant, is it a bar?  
 16 MS. GARCIA: No bars in Coral Gables, only  
 17 restaurants.  
 18 MR. WITHERS: Well, okay, a lounge. A bar  
 19 area within a restaurant.  
 20 MS. GARCIA: Sure.  
 21 CHAIRMAN AIZENSTAT: We have a motion. Is  
 22 there --  
 23 MR. BEHAR: He seconded it.  
 24 CHAIRMAN AIZENSTAT: So we can enter into a  
 25 discussion, is there a second?

1 MR. REVUELTA: I seconded it.  
 2 CHAIRMAN AIZENSTAT: Okay. Continue With  
 3 the discussion.  
 4 MR. WITHERS: But if it's covered on the  
 5 roof, then it counts as FAR?  
 6 MS. GARCIA: Right. If you're adding to  
 7 the bulk of the building -- like if you want to  
 8 have an enclosed amenities space, that has, you  
 9 know, dining and chairs inside of it, you're  
 10 adding to both, the height, obviously, and to  
 11 the bulk of the building.  
 12 MR. WITHERS: So a restaurant on the ground  
 13 floor inside of a atrium, which is open to the  
 14 sky, does that count as FAR?  
 15 MS. GARCIA: An atrium, as if like the  
 16 ground floor is open to the sky?  
 17 MR. WITHERS: The paseo.  
 18 MS. GARCIA: To the paseo? No, that would  
 19 not count as FAR.  
 20 MR. WITHERS: As in the space between the  
 21 two buildings --  
 22 MS. GARCIA: An actual paseo that's open to  
 23 the sky, that's not counted against FAR.  
 24 MR. WITHERS: It's outdoor dining --  
 25 MS. GARCIA: That's just outdoor seating.

1 long as it's non-air conditioned space, and  
 2 what is going to be put there for sheltering  
 3 sun in the late afternoon or rain in the  
 4 evening, it's allowable, so we don't get into  
 5 discussions with architects and developers,  
 6 well, it's open, but you cannot put a trellis  
 7 or it's open, you cannot put an umbrella.  
 8 I was wondering -- and excuse me for my  
 9 ignorance and not knowing how the whole Code  
 10 reads in this part, but I'm suggesting to try  
 11 to be as clear as we can.  
 12 MR. IGLESIAS: This is actually -- the  
 13 reason that we can do this is because it was a  
 14 Florida Building Code change that really  
 15 addressed this.  
 16 CHAIRMAN AIZENSTAT: Just for the  
 17 stenographer, if you don't mind just stating --  
 18 MR. IGLESIAS: Excuse me, Peter Iglesias,  
 19 City Manager. Excuse me, Mr. Chair.  
 20 There was a Building Code change that now  
 21 allows for this rooftop parking (sic), whereas  
 22 before you needed a 20-foot fire separation on  
 23 either side, unless you were in a corner or  
 24 facing an alley or a street.  
 25 So, you can imagine, if you have an

1 MR. WITHERS: -- the same as on a sidewalk  
 2 basically?  
 3 MS. GARCIA: Right. A little bit  
 4 different, but, yes.  
 5 MR. WITHERS: A rooftop is basically the  
 6 same --  
 7 MS. GARCIA: Right.  
 8 MR. GRABIEL: Balconies off the building  
 9 doesn't count, either?  
 10 MS. GARCIA: No. If it's in a balcony,  
 11 yes.  
 12 MR. WITHERS: So, basically, you can say  
 13 open air dining doesn't have any FAR?  
 14 MS. GARCIA: Open air dining, yes.  
 15 MR. BEHAR: Basically -- you're right.  
 16 MS. GARCIA: Right. Yes. Yes. No, you're  
 17 right.  
 18 MR. REVUELTA: If I may ask a question,  
 19 because I have come up on this in certain  
 20 cities, I mean, with issues of Code  
 21 definitions, and I believe it's a very good  
 22 idea -- I'm in support of it -- but when you  
 23 have a rooftop dining, there will be a need to  
 24 have some sort of a shelter for rain, and I  
 25 wonder if the Code is clear enough, that as

1 interior width of 50 feet, 20 and 20 only  
 2 leaves you 10.  
 3 So, right now, because of the fire  
 4 separation requirements, that went away with  
 5 the prior Code cycle, so the Code really now  
 6 has opened up the ability to have more rooftop  
 7 dining. It's not as easy as it seems, because  
 8 now you have an assembly occupancy up there,  
 9 your load requirements are double, triple what  
 10 they are for a roof. You have egress issues.  
 11 So it's not like you can just go ahead and  
 12 start putting this up. It's not an easy  
 13 requirement, because now you have a restaurant,  
 14 you have a hundred people up there, your roof  
 15 is done for 30 pounds. You've got to go 80 to  
 16 100. So your structural issues are huge. You  
 17 have to have two means of egress.  
 18 CHAIRMAN AIZENSTAT: Life-safety issue.  
 19 MR. IGLESIAS: Of course, you have to have  
 20 an elevator, because you have ADA  
 21 accessibility. So, for existing buildings, it  
 22 will be a much more difficult job to do, but  
 23 for newer buildings, then it provides that kind  
 24 of additional rooftop dining environment that  
 25 we're looking for. So that's how it opened up.

1 Even though the fire separation requirements  
2 have come down, you still have your basic  
3 occupancy requirements for structural loading,  
4 fire, egress, ADA, and so forth.

5 So it's not easy to do, and unless -- the  
6 project on Giralda did it, because they did a  
7 complete rehab of that building, and that  
8 building, at that time, was way over 75 feet.  
9 I think it was 100 feet. So even if you take  
10 away 20 and 20, you're still left with 60.  
11 They did it prior to the Fire Code change. So  
12 they were able to do it, but they had to  
13 reinforce their whole roof, extend elevators,  
14 provide two means of egress. So it's a costly  
15 proposition and not something easily done on  
16 existing buildings.

17 CHAIRMAN AIZENSTAT: Any other discussion?  
18 No?

19 We have a motion and a second. Having no  
20 further discussion, call the roll, please.

21 THE SECRETARY: Luis Revuelta?

22 MR. REVUELTA: Yes.

23 THE SECRETARY: Venny Torre?

24 MR. TORRE: Yes.

25 THE SECRETARY: Chip Withers?

1 MR. WITHERS: Yes.

2 THE SECRETARY: Robert Behar?

3 MR. BEHAR: Yes.

4 THE SECRETARY: Julio Grabiell?

5 MR. GRABIELL: Yes.

6 THE SECRETARY: Eibi Aizenstat?

7 CHAIRMAN AIZENSTAT: Yes.

8 Thank you.

9 MR. IGLESIAS: Thank you very much. Let me  
10 just say, if I can say to the Board, Happy  
11 Holidays, all of the very best. I appreciate  
12 all of the work you all do and it's much  
13 appreciated. So thank you very much for really  
14 all of the hard work you do. It's really much  
15 appreciation by the Administration, by the  
16 Commission and by our residents. Thank you  
17 very much. Happy Holidays.

18 CHAIRMAN AIZENSTAT: Thank you, sir. Happy  
19 Holidays.

20 MR. WITHERS: I appreciate all you do.

21 MR. IGLESIAS: Thank you very much,  
22 Commissioner.

23 MR. WITHERS: I mean that very sincerely.

24 MR. IGLESIAS: Thank you very much. Much  
25 appreciated. Thank you.

1 CHAIRMAN AIZENSTAT: We still have one more  
2 item.

3 MR. CEBALLOS: Item E-3, an Ordinance of  
4 the City Commission of Coral Gables, Florida  
5 providing for text amendments to the City of  
6 Coral Gables Official Zoning Code, Article 2,"  
7 Zoning Districts", Section 2-101,  
8 "Single-Family Residential District," amending  
9 performance standards for ground area coverage  
10 by deleting required covenant; and providing  
11 for severability, repeater, codification, and  
12 providing for an effective date.

13 CHAIRMAN AIZENSTAT: Thank you.

14 MS. GARCIA: Again, Jennifer Garcia, City  
15 Planner. And this is a part of our Code in the  
16 Single-Family Zone that we don't really deal  
17 much with, but there's a requirement -- there's  
18 a list of different items that are not counted  
19 against the building's square foot floor area,  
20 and one of that is the floor space and one  
21 story roof terraces or breezeways cannot be  
22 more than thirteen stories.

23 So, right now, the way it reads is --

24 MR. BEHAR: 13 feet.

25 MS. GARCIA: I'm sorry, thirteen feet, not

1 13 stories. As you can see, I don't read this  
2 part of the Code very often.

3 So, right now, the requirement is that if  
4 you do that, you have to have a covenant on the  
5 land saying, "I promise I will not enclose this  
6 space," right. This seems to be a burden on a  
7 lot of new properties and a lot of new  
8 construction of new houses. It seemed to be a  
9 little excessive to promise this. It seems  
10 like -- and property owners, when they come  
11 forward with an existing house and want to  
12 enclose it, they'll ask for a permit. At that  
13 time, Zoning will review it and say, "I'm  
14 sorry, you can't do that. You will be over  
15 your floor area."

16 So what's proposed is to strike through  
17 that requirement right now.

18 CHAIRMAN AIZENSTAT: So what you're saying  
19 is, the Code is going to dictate whether you  
20 can close it or not?

21 MS. GARCIA: Right, as it does right now.  
22 It's not going to require the covenant on the  
23 property owner.

24 CHAIRMAN AIZENSTAT: And why was a covenant  
25 ever considered for that, what was the purpose?