

City of Coral Gables City Commission Meeting
Agenda Item E-2
September 26, 2023
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Rhonda Anderson

Commissioner Melissa Castro (On Zoom)

Commissioner Ariel Fernandez

Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez

City Manager, Peter Iglesias

City Clerk, Billy Urquia

City Planner, Jennifer Garcia

Public Speaker(s)

Agenda Item E-2 [11:30 a.m.]

An Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code, Article 2, “Zoning Districts,” Section 2-403, “Giralda Plaza District Overlay;” by allowing a television screen on the inside of a window on the pedestrian street of Giralda Plaza; providing for severability clause, repealer provision, codification, and providing for an effective date. (Sponsored by Mayor Lago)

Mayor Lago: Now we move onto item E-2.

City Attorney Suarez: E-2 is an Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code, Article 2, “Zoning Districts,” Section 2-403, “Giralda Plaza District Overlay;” by allowing a television screen on the inside of a window on the pedestrian street of Giralda Plaza; providing for

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*Agenda Item E-2 – Ordinance providing for text amendments to official zoning code Article 2
Giralda Plaza District Overlay*

[Date]

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severability clause, repealer provision, codification, and providing for an effective date. This is a public hearing item.

Mayor Lago: How are you.

City Planner Garcia: Good morning. This is a change to our zoning code to allow TVs in restaurants facing Giralda. After...yesterday we've actually determined that maybe it's more appropriate to allow curb 25 feet increments on Giralda, this is first reading. It goes back to Planning and Zoning after this, we can discuss that.

Mayor Lago: So, for my colleagues on the Commission, I think that this is an opportunity to continue to build upon what we started in Giralda when we transformed the city that was in dire straits to something that if you go there, in the evenings and on weekends is a place where people come to have a great time and to enjoy great food, great spirits, but most importantly it's a family opportunity. I've had the opportunity of watching soccer games, football games on Giralda and it is a wonderful experience. It's safe, it's a great amenity. When there's art, we throw some culture in there, when there's a band. So, to me, I think that this was, as we heard from the tenant and the landlord before, I think it's an opportunity to continue to stay true to who we are here in the City of Coral Gables, because we're really only allowing it in this area. I don't want to see this throughout the city. We are very thoughtful, very careful about how we curate this, but this is an area that makes sense. You don't have cars driving through it, you have a lot of pedestrian accessibility. The intent of it is for people to sit down, enjoy fine dining, enjoy a beverage, enjoy a band outside and again, potentially enjoy while they watch TV or some sporting event. This does not affect our noise ordinance at all. Our noise ordinance is not touched. It remains the same. We're limiting the amount of TVs that can be placed. We're limiting the amount of time – we're not going to be running them all night. Again, the intent is to bring it forward between first and second reading. Have the Commission have Planning and Zoning provide any guidance that they'd like, but I think this is an opportunity to just continue to support a street that I believe draws a significant amount of people to our community and we just continue to build on that. Mr. Manager.

City Manager Iglesias: Thank you Mayor. That is true. Giralda is a plaza, that really is a plaza, and our Planning Official has been able to – we've looked at various options. Our Planning Official has been able to look at what the actual storefronts are on Giralda and that's how we came up with a 25-foot dimension as far as what is required for a TV screen. I believe that the presentation has a drawing that shows the actual storefront. These lots are

actually 25 feet and some of the storefronts are quite small and probably don't properly have a TV there. So, with that, I'll let our Planning Official present.

City Planner Garcia: Yes. I can pull up the slide there from IT, if they could pull up the slide. Thank you. So, as you can see, some of the properties were developed at 25 foot increments, as it was platted, but some of them have been subdivided or developed as 50-foot-wide lots, buildings rather, and they were subdivided into something even as small as 15 and 16, 17 feet wide, which is a very, very small storefront. This is...this is actual tenant space, its fronting Giralda. So, they range between, like I said, 15 feet is probably the narrowest up to about 70 feet more or less. This is a crude study just to see what the facts of this ordinance would do and that's how we determined that 25 foot increments would be allowed. So, if you're less than 25 feet, maybe it's not appropriate that you would have a screen facing Giralda. If you have a much longer frontage on Giralda, maybe you should be able to have more than one screen.

Mayor Lago: Again, my intention and I welcome feedback from anybody who would like. I ask you to make it a point to go to Giralda, preferably on a Thursday night, Friday, Saturday, Sunday, so you can kind of get the vibe, so you really understand what we're trying to chase after, because there's a really good crowd there – really upscale crowd, its families, its people who want to come and try to go during a soccer game, especially now, try to go during a football game, when the Hurricanes are playing, the Dolphins are playing, when Inter-Miami are playing, so you can really experience what I'm talking about. There's going to be more kids on that street than actually adults, that's the interesting part about it, depending on when you go, obviously you go at night or during the day, but the opportunity is there to maintain order, but for people to be able to activate the exterior. You look at what's going on in Florida outside of three months out of the year, it is incredibly hot. This is another opportunity for these businesses to have people come in and spend money while they sit down and enjoy the game. Maybe they're claustrophobic, maybe these individuals are nervous about Covid, or one reason or another, but they want to sit outside. This is an opportunity in a controlled atmosphere to offer an amenity like watching TV outside, without the blaring noise, without competing. This is not about advertisement. This is about sporting events. This is about showing something that again, attracts people to our community to want to watch it.

Commissioner Fernandez: If I may Mr. Mayor. Wholeheartedly agree. I think the city has invested a lot of money on Giralda Plaza over the years and so have the business owners who have invested in their businesses, and they've been able to weather the storm, so to say. Obviously, "Umbrella Sky" was our most successful event there and we still get the

calls from business owners who want us to bring it back, but the city has invested in art displays that have really attracted residents and it has become a staple in the community. It's a place for people to go and just relax and enjoy. Speaking of sporting events, I mean, this Sunday was a perfect example. We had the Marlins and the Dolphins playing at the same time, both of them won. They were phenomenal games and at home I was trying to flip between one and the other just to be able to watch both games. If you're able to go to an establishment, sit out there and enjoy with other Coral Gables residents, I think this is a phenomenal opportunity. The one question that I would have is regarding the locations that have less than 25 feet, can we maybe have an option where there's an application process and through the Manager, staff can make a decision whether a TV is appropriate for that establishment, just to not leave them completely out of it. There may be some establishments that have 22 feet I saw or 20 feet that they may not qualify under this, but there may be a location that they can place a TV that would not hinder with what we're trying to do. What are your thoughts on that, Mr. Manager?

City Manager Iglesias: I don't have an issue with that. I think we can look at anything under 25 feet on a case-by-case basis.

Mayor Lago: Vice Mayor.

Vice Mayor Anderson: I was going to go out and look at that between first and second reading to just get a better feel for it, because I was having some of the same thoughts for those smaller, if you have a little pub or something like that and you may not be ready to expand yet, but you're starting out. It might be a good opportunity, but I think this is a great start and we can come back by second reading with some analysis.

City Manager Iglesias: If the Commission agrees, I think we can set on 25 feet, every 25 feet and then we can look at have some, tweak the ordinance to look at anything smaller is handled on a case-by-case basis. We can certainly look at that before we present to P&Z and before second reading.

Commissioner Menendez: I just want to in general; I think is great legislation. I appreciate the gentleman coming here earlier today and supporting the legislation. I think it's very important for all of us, because you live it, you work it, you breathe it; and I remember back in the day when our downtown area there was nothing. You weren't even allowed to open your business until a certain time of day on Sundays, I think like one o'clock, you couldn't be open, and now, we are not only the vision of activating our downtown,

especially Giralda Plaza, it's becoming a reality. So, this further, not only moves it forward in a good way, but also it creates a way to sustain this. So, I think this is great legislation.

Mayor Lago: So, if I may, between first and second reading, I'd like for you, if possible, through the Manager, to work with our City Attorney. I want to really restrict the times that we do this. What do I mean by restrict? I don't want the TVs on at 3 in the morning, 4 in the morning, 5 in the morning, it doesn't make sense. It's a nuisance, in my opinion. I want it to be certain times that, again, we have times where we can sell alcohol here in the city, there's got to be limitations. Number two, I spoke to the City Attorney on this already, preparing for, not this gentleman, but anybody else that may make a mistake, this is not about advertisement, this is about sporting events. And I also want to be very careful about public nudity and other things that could happen on a street like this where there's a lot of young children. I know what the City Attorney said that preemption and all kinds of things, I get it, but I still want to put it on the record, because I don't want to hear later that there's a problem. We need some sort of like a permit or something where it puts people on notice that we have standards here. While we ask you to please, please, while we can't stop you, but if there's a bad apple that come along everybody is going to lose its privilege, because again, I know that the moment that the Commissioners get a letter or a phone call from somebody saying that somebody was showing an inappropriate movie and there's public nudity and you have young children or something happens, it happens, or they start advertising and its all about advertising, its no longer about sporting events, and we become like a billboard. We don't have billboards here in the city for a reason. We don't have bus stops that have billboards on them. Again, it could be significant revenue for the city. Look at other municipalities around us that benefit from that type of advertisement. We currently, I don't support it, do not seek to have revenue by putting billboards all over the city. That's not the plan. We've all been visited by lobbyists who want to do billboards throughout the city. I don't think its within, my opinion, the best opportunities to raise revenue here in the city, and I want to be careful that this is not confused for an opportunity to just continue to be on loop, have commercials or selling products, or showing something that is not up to our city's standards. So, I know that we may be preempted, but you've got to put something together that we ask people to act in their best interests, the best interests of the city and act in good faith. Madam City Attorney.

City Attorney Suarez: Yes Mayor. As we discussed, the regulation of the content of the screens has free speech implications.

Mayor Lago: I know.

City Attorney Suarez: Nonetheless, between first and second reading, my office can draft some proposed additional regulations that would be very carefully tailored to protect and important government interests such as concerns about obscenity and things like that.

Mayor Lago: We want to be, again, apple pie and good times, that's what we're all about. We don't want to put ourselves in a predicament where somebody is turned off or we don't come to the City of Coral Gables because they are showing something that's abrasive.

Commissioner Fernandez: Are we able to limit it to just sporting events?

City Attorney Suarez: I think that would be problematic, but we'll look into it between the first and second reading.

Commissioner Fernandez: Okay.

Vice Mayor Anderson: So, I'm going to add to that, since you're going to be doing some research, I might as well make sure I give you a complete menu. Some of the concerns, you know, you are showing movies, you are competing with our theaters, okay. So, content-wise, you know, you put up a screen at so and so's to play ET in Ponce Circle Park. There is a permit process for that. And I understand the free speech implications, but then again, we also have other businesses in the community that need to bring in patrons for movies and cinema and things of that nature. So, I'd like you to look at it from that vein. I do believe that the type of things that people watch when you're at a sports bar is typically your sports, that's all I've ever seen or at election time people may have a watch party for election results. Those are predominantly what it is, but I'm very concerned about our local businesses here who are theaters that we're not causing a competition from another space, another venue to take business away from them.

Mayor Lago: Any other further comments, if not, I'll entertain a motion.

Commissioner Fernandez: Motion.

Commissioner Menendez: I'll second.

City Clerk Urquia: Mr. Mayor, before we take a vote, we have a member of the public requesting to speak on this item.

Mayor Lago: Perfect.

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City Clerk Urquia: Maria Cruz.

Ms. Cruz: [Inaudible]

Commissioner Menendez: Yes

Vice Mayor Anderson: Yes

Commissioner Castro: Yes

Commissioner Fernandez: Yes

Mayor Lago: Yes
(Vote: 5-0)