

City of Coral Gables City Commission Meeting
Agenda Item F-8 and F-9
May 10, 2022
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors, Jr.

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Assistant City Attorney, Naomi Levi-Garcia

Assistant Director, Economic Dev., Belkys Perez

Public Speaker(s)

Maria Cruz

Agenda Items F-8 and F-9 are related [2:20 p.m.]

F-8: An Ordinance of the City Commission amending City Code Chapter 105 "Buildings and Building Regulations", Article II "Building Standards", Division I "Generally", Section 105-29 "Condition of Commercial Property" of the Code of Ordinances, striking language regarding window coverings and relocating the regulation of window wraps to the Zoning Code, providing for severability clause, repealer provision, codification, and providing for an effective date. (Sponsored by Mayor Lago)

F-9: An Ordinance of the City Commission providing for a text amendment to the City of Coral Gables official Zoning Code by striking Appendix E "Business Improvement Overlay District (BIOD)," Section E1 "Business Improvement Overlay District (BIOD)," Subsection B(1)(D) "Temporary Window Signs/Wraps", and creating Article 11 "Signs", Section 11-101 "Purpose and Applicability," Subsection C(9) "Temporary Window Wraps," to uniformly

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Agenda Items F-8 and F-9 are related – Ordinance amending Chapter 105 Buildings and Building Regulations and Zoning Code (BIOD), temporary window signs/wraps

regulate temporary window wraps within the City; providing for severability clause, repealer provision, codification, and providing for an effective date. (Sponsored by Mayor Lago)

Mayor Lago: Moving onto F-8, F-9.

City Attorney Ramos: F-8 is An Ordinance of the City Commission amending City Code Chapter 105 "Buildings and Building Regulations", Article II "Building Standards", Division I "Generally", Section 105-29 "Condition of Commercial Property" of the Code of Ordinances, striking language regarding window coverings and relocating the regulation of window wraps to the Zoning Code, providing for severability clause, repealer provision, codification, and providing for an effective date. This is a public hearing item. Ms. Levi-Garcia.

Assistant City Attorney Levi-Garcia: Good afternoon, Naomi Levi-Garcia, Assistant City Attorney and Intergovernmental Affairs Manager. Mayor, thank you for sponsoring these ordinances. This is part of our collaborative effort to uniformly regulate window wraps citywide. So currently they are regulated in the zoning code, in the city code, and there is some more specific regulations in the B.I.D. Overlay. We are trying to move away from that, streamline it, make it more clear. So that's exactly what these ordinances do. It brings all of the regulations into the zoning code and it requires that if you have a vacant or unoccupied storefront on the ground floor, it must be screened by a temporary window wrap.

City Attorney Ramos: So, if we are going into the actual zoning code provision, let me read that one too.

Assistant City Attorney Levi-Garcia: Sure.

City Attorney Ramos: An Ordinance of the City Commission providing for a text amendment to the City of Coral Gables official Zoning Code by striking Appendix E "Business Improvement Overlay District (BIOD)," Section E1 "Business Improvement Overlay District (BIOD)," Subsection B(1)(D) "Temporary Window Signs/Wraps", and creating Article 11 "Signs", Section 11-101 "Purpose and Applicability," Subsection C(9) "Temporary Window Wraps," to uniformly regulate temporary window wraps within the City.

Assistant City Attorney Levi-Garcia: So in addition to having the windows screened, if you are using a preapproved design, you can go ahead and do that without a permit; and if you are using a unique design, you can do that as long as its graphically consistent with the city's window wraps-style guide, and an incoming business will be opening within 180 days. That requires administrative aesthetic review. So, in addition to that, there are some general guidelines in the zoning code as well that pertains to text orientation, text size, size of the window wrap, and those

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apply across the board. So the idea here is to make it simple, have a more cohesive look and feel in all commercial areas of the city and to allow economic development to work hand-in-hand with the business owners so they can open quickly, and have something very aesthetically pleasing in their windows in the meantime while they are closed.

Mayor Lago: Thank you very much, by the way.

Assistant City Attorney Levi-Garcia: No problem. We also have a presentation.

Mayor Lago: Yes. Love it. Let's see it. As we start the presentation, I just want to say thank you to Economic Development, to Naomi, to Chelsea, to Business Improvement District, to Mark Trowbridge. We had about half a dozen meetings over the last six, seven months.

Assistant City Attorney Levi-Garcia: Yes, we met several times with the B.I.D. and with the Chamber to get their feedback and to move the dial on this, and we did incorporate their comments along the way.

Mayor Lago: So, like Naomi mentioned, the purpose of this is very simple, we wanted to build consensus, this goes hand-in-hand with what Ms. Bell is working on in regard to the landscaping, our cleanup efforts, our Public Works. The reason why we are doing in regard to the downtown, its no longer going to be a free-for-all. What we are doing with Code Enforcement, with Ms. Cabrera, and the team, cleaning up the garbage cans, landscaping which is forthcoming, the window wraps. This is all tied together, and like I've said, I know this is not the same topic, but we are going to mention it here, June 30th is the deadline, you have to clean your sidewalks every six months, make sure you clean it, if not you'll be getting a visit from Code Enforcement and we're willing to help you in any way that we can, but this is just one of the many tools that we are applying to make sure that we have a world class down. So, Naomi, please the presentation.

Assistant City Attorney Levi-Garcia: Sure. I'd love to introduce our Assistant Director for Economic Development, Belkys Pererz, she is going to give the presentation, which in large part is giving you an example of what the style guide will look like. We don't have it finalized yet. By second reading we hope to deliver that to the Commission, but this will give you a preview, as to what that will look like.

Mayor Lago: This is what caught my attention and why I sat down with our team and started working on this six months ago.

Assistant Director Perez: Exactly Mayor. And so, for this one, what we've been seeing in the downtown is that you can go from a beautiful wrap to a combination of brown paper bag, white paper bag, trash bag even, that we've seen. In this case, they actually covered the wraps, the areas that were in violation which were vertical writing, vertical text, that's not allowed in the city, and

so they've since opened and so there is no need for wraps, but that's just when we saw things like this we wondered this one as well. We questioned what is actually in the zoning code and how it was adequate, what was there was adequate in order to achieve the aesthetic look that we are looking for in the downtown, particularly in the areas of the streetscape, which is our gem. So we found language for temporary window wraps in the zoning code and in the city's code and we needed to make sure that we consolidated all of it related to temporary window wraps for a more uniform standard. What we are doing is not regulating the wording and that's important to point out, its just the aesthetic look so we can have a cohesive look.

Mayor Lago: And by the way, just so my colleagues understand, we are simplifying the process and saving people money. Let me tell you why. Because these businesses open up, they do not go through the proper procedures, they get cited, or they are in construction and they have to go and pay for another window wrap, so they get cited and they have to pay for two window wraps. So what we are trying to do here is that, we are trying to educate all the business owners, all the landlords to say, when you have a new tenant, this is the package that you give them, because there are some landlords out there who owns several properties out there who know better, but they continue to do as they please. For example, Terra Nova; Terra Nova knows very well what they are doing, and I've told them, Steve Batel is a professional. He has not only done this here in Coral Gables, he's done this in Miami Beach where he continues to turn a blind eye and be flagrantly abusive in regards to doing and upholding our standards here in the City of Coral Gables. He is aware of where we are moving, because that's why I made it a point to have these meetings with the Business Improvement District. He has an individual on the board. So what we are trying to do here is streamline the process, not only make it look beautiful, but also ensure that people are not cited, because when you sign a lease your landlord should give you a copy of this requirement and say, if you're going to put a window wrap, which is required during construction and its required, right before you open your business, this is what needs to be done. No more excuses. This is a simple way, and it will ensure quality. Sorry about that, thank you.

Assistant Director Perez: So, we started off with the city's secondary color palette as part of the style guide, and so, the ones that you see on the top are the city's secondary color palette, and then we came up with three additional color palettes that are just complimentary of the initial one. We are not looking to be prescriptive; we are looking to just give ideas of what it should look like and what is complimentary of each other. And as the Mayor said, we are creating a style guide document, and so, any business coming into the city will be given this document as well. This is an example of the backgrounds that you can use. Basically, we wanted to make sure to be flexible enough to have textured looks, floral looks, tiled looks. We are going to also incorporate some fauna, flora and fauna into this, so it can be more tropical foliage as well. And then we've got examples, we wanted also to show them visually what it would look like. So this is with the warm palette; we have a tiled look and then we have a solid colored backdrop for the door where you

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can put your logo if you'd like. The same thing here. This is a tiled pattern of floral, and ivy or a vine and then you've got a solid panel as well where you would put your logo. This doesn't mean that – this also is good, as you said Mayor, for property owners because it takes the thought process out of it. You can just pick from where one of these colors and you can put your for lease sign and you don't need a permit.

Mayor Lago: Again, you have well-knowing business owners who are running construction projects with their windows wide open or are using cardboard or are using black paper bags or garbage bags to hide the construction sites. That's unacceptable. We are much better than that.

Assistant Director Perez: This is an example of something that's existing right now and that we think matches and is a good example of what we're trying to achieve and that's a solid panel with a complimentary floral. So basically, there is some cohesiveness in your ad, according to your brand, you can add it there. Another example, which is currently on Miracle Mile, also with color panels with a little bit of a watermark feature as well. And then, if you are a business that's coming in, and you are 180 days from opening up, you have the ability to go through a custom approval process, and so, basically it requires administrative aesthetic review, and the design does have to be graphically consistent with the style guide. You can have small scale elements, like you see this one, this is the storefront that used to be Opera House, which is now a restaurant in the Gables, but they did have some sort of clip art, but its all complimentary. And we are encouraging some muted palettes. This would have to come down 72 days after opening, 72 hours, sorry, 72 hours. And that's it.

Vice Mayor Mena: I was going to say, I'm thinking of more like national brands, right, the mom-and-pop stuff is easy, but national brands have a lot of rules about colors they can use, limitations, they have a corporate structure that limits their ability to kind of go off what they would do on a national level, Apple, or just think of any major or national company, right. Do you foresee like a problem with that? I guess they've got to just comply, it is what it is.

Assistant Director Perez: No, you're right, and everyone has, when you've got a chain like that, they have their own brand. We are going to have to work with them and that's why we made this custom aesthetic review process, which we have it right now, we do have an aesthetic review process, except its for every temporary wrap. But in this case, its going to be just for those significant ones that come in. But we are going to have to concede some things in that, but we will work with them.

Commissioner Fors: Don't we have a scheme for signs where you are allowed to, you get a little bit more rights if your brand is registered, is a registered federal trademark? I thought you were allowed to have a bigger sign if your brand was federally trademarked.

Commissioner Anderson: For instance, copy righted work.

Assistant Director Perez: This is temporary window wraps though.

Commissioner Fors: I know, but when you talk about national brands you can say that if they are federally trademarked then perhaps more allowance would be given to some of the color schemes used. Just a thought.

Mayor Lago: But I think the important thing is that, we are giving them a frame where they can put their logo, where they can put some sort of statement that obviously is consistent with our brand. But they are going to be able to have their logo, its not going to take away from their logo, its going to be something that, again, is very professional, very clean. Again, I know my colleagues are just as manic as I am in regards to cleanliness and aesthetics, but when you really walk by the downtown, like I've done with staff. Belkys and I were picking up trash on Ponce at one of these pick-up events, and one of your colleagues also, and we were looking at the buildings; we were looking at the aesthetic appeal of properties that were under construction and it was, again, sometime when you really stop and you take a look at and you see what's currently happening, you notice that that is way, way below our standards. Some of these properties didn't even have any coverings on the glass and it was a full-fledged construction site that was demolished. That happened on the corner of Ponce and Miracle Mile. Mr. Steve Batel had a site fully exposed for well over three months on main and main while he was building a construction site. He only fell into compliance because obviously, Code Enforcement was called. That again, ils unacceptable and its not within our standards. So that's why we are bringing this forward. I think it's a good opportunity. And by the way, like Belkys said, we are going to tweak this, we are going to tweak this. This is a work in progress. But like Naomi said, this is going to simplify the process and make sure that when a tenant comes in, says look, this is what you need to do, kind of like what we were doing with organizations that have not been aware or have been aware but have been turning a blind eye in regards to landscaping for years. They will be made aware that their landscaping will be monitored to ensure that we remain the City Beautiful.

Vice Mayor Mena: One tangential comment. First of all, I think this is great and I do think that at the end of the day, a 180 day custom...

Mayor Lago: Resolves a lot of the issues.

Vice Mayor Mena: Resolves a lot of what I was describing for the national-type brands. As a sort of tangential issue though, because the Mayor is talking about when you have this ongoing construction, I brought this up in the context of residential, I brought it up in the context of commercial and I'm not trying to have a full-fledged discussion on it today, but for future discussion. I don't know what we can do, but there are certain projects that I see throughout the

city that take a really long time, to the point that you're kind of just – I'm thinking right now as we talk about the commercial district of the building immediately south of the Anthony's Pizza on Ponce, that's been under like, all kinds of construction for, it feels like they started on project and they started a new project. Its been under construction perpetually for...

Mayor Lago: Three years.

Vice Mayor Mena: Three years – and I don't even see that its even close, and this is not a particularly big building. It's a commercial space, but its not like a highrise.

Mayor Lago: They are doing a rooftop, Vice Mayor excuse me, they are doing a rooftop.

Vice Mayor Mena: I don't even know who it is. I don't want to be taking a shot at somebody.

Mayor Lago: But they've been having major issues, major issues.

Vice Mayor Mena: Some of these projects and I see it in the single-family too, and I know that we have some rule that basically, you can't have a permit open longer than X amount of days and that's kind of the trigger we have, but you can really drag that out. You see some of these houses under construction for two, three, four years and the person living next door is living with that. Now to the extent its on the city because our process is taking too long, that's a separate issue. I'm putting it on staff's radar. I brought it up before and I would really love some creative ideas on how to deal with that kind of stuff going forward.

Mayor Lago: Listen, a prime example, that is what is Ortega, we talked about it at the last Commission meeting. That was ongoing and now there seems to be, thanks to Ms. Cabrera and her team, there is fire that has been lit and there are things that are being addressed. But for too long, for too long that property was allowed to be in a position where the residents were calling in on a weekly basis, basically asking me to come and visit the site. There was no toilet, the fence was down, the major problem, the property changed hands twice, you have multiple submissions for review in the city that would never even pass in a neighboring municipality, not even close to our standards. I agree with you, and I would love to see something. Look, I live now for the last ten years on San Amaro. There was a property that I know Ms. Cabrera helped me out with this, that two blocks down when I would walk the neighborhood, the house had fallen on itself. That was basically – it had to be demolished and the individual was there, a very nice gentleman, but he was living in that state, and that was ongoing in that neighborhood for years and years and years until finally, one day it was forcibly demolished, because if not, potentially it could cause him his life. And those are certain things that happen here in this community that – they are not common, thank God, but when they happen they literally hold an entire neighborhood hostage.

City Manager Iglesias: There is a difference between Code Enforcement issues and when a site becomes a permitted site under the Building Code. At that point, if you get one legitimate inspection, it provides you with 180 days until the second inspection. But that is not a Code Enforcement issue, its now a legitimate building site, so the building site is safe, is correct and everything else, and every legitimate inspection provides you 180 days. You can take that to the board of Rules and Appeals and they will still keep on going because it is a legitimate building site. But one thing is a Code Enforcement issue, which the Mayor was talking about, but then I think you mentioned a legitimate building site which is something else.

Mayor Lago: But Mr. Manager, and this goes to the Vice Mayor's comments, if we have a situation where our site is under litigation, whether the owner of that property was stopped in the middle of construction, as a result of a lack of funds or an issue whether getting their plans reviewed and its significant review revisions, it could take three months. They could have an issue, whatever issue that may be, a family issue, construction has had to cease for six months. At a minimum, the site should be clean, the sidewalks should be clean, there should be no weeds. You can go in front of the building that he's talking about right now on Ponce, in front of Anthony's Coal Fire, all the curb is full of weeds, the entire curb; glass, broken glass, the storefronts are painted, they are not even covered the right way, there is no roof. Again, I don't have a problem...

City Manger Iglesias: That is a Code Enforcement, that is...

Mayor Lago: So to me, to me, its perfectly fine, and if you go across the street all the sidewalks have to be cleaned, they are black, the sidewalks are black, they haven't been cleaned in 10 or 15 years. They have to be cleaned. I can give you an example. It become obvious when sidewalks are not cleaned when you go to Kerdyk's building and Kerdyk just cleaned them last month, so you compare one sidewalk to the other, it looks ridiculous, and that's what's happening.

City Manager Iglesias: Those are issues, as you know Mayor, we can deal under Chapter 33 of the...so we can deal with those issues. By the way, if a site is under litigation, many times a permit is stayed, so you still have to maintain the site under the Building Code.

Mayor Lago: Fine – but we can maintain the site and we lien them.

City Manager Iglesias: And that would be a Code Enforcement issue.

Mayor Lago: And we lien them. But I would ask you please, Mr. Manager, to have Code Enforcement visit the site and I appreciate the Vice Mayor bringing it up and visit that entire block. You have the beautiful buildings that were just finished in front of Ponce Circle Park and neighboring properties, so take a look at every single property. Look at the alleys, make sure they are clean. This is an example; this is on one of our main streets on Ponce and it just shouldn't look that way. Its just a black eye on the city.

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City Manager Iglesias: We will Mayor.

Mayor Lago: Thank you. Anything else?

Assistant City Attorney Levi-Garcia: I believe that's all we have. I just want to mention that the intent here is for enforcement to be prospectively not retroactive.

Mayor Lago: Yes.

Assistant City Attorney Levi-Garcia: So if anyone put up a window wrap under previous provisions of the code, we would allow them to keep it up.

Mayor Lago: So with that being said, I'd like to thank you again, Belkys and your entire team, Economic Development, the B.I.D., Mark Trowbridge of the Chamber, my office, Chelsea, you guys did a great job over the last six to eight months to bring this in for a landing and I think this is going to pay big dividends on all of the landscaping and cleaning up of the streets and sidewalks. Everything goes hand-in-hand. So thank you for all that work, along with Code Enforcement which is doing a great job. I'll entertain a motion.

Commissioner Menendez: Motion.

Commissioner Anderson: Second.

City Clerk Urquia: Just making sure this is on agenda item F-8.

Mayor Lago: Yes.

Vice Mayor Mena: Yes

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Commissioner Fors: Yes

Mayor Lago: Yes

(Vote: 5-0)

Mayor Lago: Moving onto F-9. I'll entertain a motion.

Commissioner Menendez: I'll move it.

Commissioner Anderson: Second.

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City Clerk Urquia: Mr. Mayor, we do have a member of the public requesting to speak on F-9.

Mayor Lago: Who is that?

City Clerk Urquia: Ms. Maria Cruz.

Mayor Lago: Ms. Cruz the floor is yours.

Ms. Cruz: Can someone please remind me, I'm in my car, what was F-9?

Mayor Lago: F-9, Ms. Cruz was, window wraps.

Ms. Cruz: I agree 100 percent with the discussion and very happy that you discussed it. Thank you.

Mayor Lago: Thank you.

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Commissioner Fors: Yes

Vice Mayor Mena: Yes

Mayor Lago: Yes