

**City of Coral Gables City Commission Meeting
Agenda Item E-3
February 28, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick**

City Staff

**City Manager, Cathy Swanson-Rivenbark
Assistant City Manager, Peter Iglesias
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Planning and Zoning Director, Ramon Trias
Economic Development Director, Javier Betancourt**

Public Speaker(s)

Agenda Item E-3 [0:00:00 a.m.]

An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 4, "Zoning Districts," Section 4-206, "Business Improvement Overlay District" to include special provisions for all properties within the District for pedestrian-oriented signage, hours of operation, and outdoor dining; providing for a repealer provision, severability clause, codification, and providing for an effective date. (Scheduled for PZB on 03 15 17)

Mayor Cason: Okay. Let's move on to E-3. This also...

City Manager Swanson-Rivenbark: Mr. Mayor, with E-3, we've been speaking to the BID on it. We've been working on it. They came to us asking over a year ago to allow them the flexibility that places like the Village of Merrick Park has in terms of signage, in terms of sidewalk café operating hours and all. And so, this is not about development rights, about can they build six stories and what the parking requirements would be. This is an operating guide that we have developed together with the Business Improvement District. I'd like Ramon to make the presentation, but the BID leadership has been a vital contributing part to this, and we're hopeful that it will be well received on first reading. And again, since we're meeting with the -- with many of the property owners between first and second reading, we'll have the opportunity. But, the City Attorney will say allow him to read him into the record.

City Attorney Leen: Thank you, Madam City Manager. Mr. Mayor, this is an ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 4, "Zoning Districts," Section 4-206, "Business Improvement Overlay District" to include special provisions for all properties within the District for pedestrian-oriented signage, hours of operation, and outdoor dining; providing for a repealer provision, severability clause, codification, and providing for an effective date. This was -- it says scheduled for Planning and Zoning Board on March 15, 2017. It's my understanding, because we're moving forward on this -- and they'll hear it between first and second reading. Is that the idea?

Planning and Zoning Director Trias: That is correct, yes.

City Attorney Leen: It's a public hearing item.

Planning and Zoning Director Trias: Okay, thank you. May I have the PowerPoint, please? Mayor, as the City Manager has explained, I want to thank the contribution of the BID. Many of the people that have been working with us are here today. They may want to have some thoughts. And, also thank the City Manager for her leadership, allowing us to get to this point; this discussion has been going on for a very, very long time. And, I think that there have been many issues that are related, and the only issues before you today are operational. They don't change the uses. They don't change the size of buildings or the parking requirements. Simply the operations of business and activities. Now, the area that this is applied to is the BID. The significance of that area is that it includes Miracle Mile and also Giralda Plaza. The overlay streetscape projects that are under construction right now are covered by this overlay. There are some changes on the rules that we have already in place, such as hours of operation, which are not in the Zoning Code, but we are placing them in the Zoning Code, so it's more clear and everybody can understand what's going on. Some changes are in the music outdoors, alcohol sales, and also noise levels, some changes.

Vice Mayor Quesada: Let me ask you about the alcohol sales.

Planning and Zoning Director Trias: Yes.

Vice Mayor Quesada: Since you're running by that one. What does this mean? I can walk up to a window -- I can walk -- give me an example of how that would work.

Planning and Zoning Director Trias: The...

Vice Mayor Quesada: Because, my mind immediately goes to New Orleans and Key West and Fort Lauderdale that you can walk up to a little booth outside or you walk up to a window and you buy a beer and then you can walk down the street. Is that what you're envisioning?

Planning and Zoning Director Trias: No. What we're saying is that we -- that the City should allow what the state allows in terms of the regulation of alcohol. So, I think that in the past we've had some additional requirements that sometimes made it difficult to have outdoor cafés and certain uses, for example.

Vice Mayor Quesada: But -- okay, now, but give me a practical example.

Planning and Zoning Director Trias: A practical example is a business that may be, let's say, selling alcohol as a retail store and they may also want to have some alcohol service on the outdoor seating. For example, currently because that wouldn't be allowed, because of the fact that it's not a restaurant per se, it would make it difficult to process those kinds of requests. It was a desire that issues like that could be more flexible.

Vice Mayor Quesada: So, if Navarro wanted to put some seating outside and sell alcohol, if you want to sit down and have a beer outside of Navarro, then you would be allowed to do so?

Planning and Zoning Director Trias: You would have to have a state license to do it, so I don't...

Mayor Cason: Liquor license.

Planning and Zoning Director Trias: Believe...

Vice Mayor Quesada: Yeah, of course. You would have to have a liquor license...

Planning and Zoning Director Trias: Yes.

Vice Mayor Quesada: Is the caveat.

Mayor Cason: But, if a wine store...

City Manager Swanson-Rivenbark: And you would have to have a sidewalk...

Mayor Cason: On Miracle Mile wanted to serve -- sit outside...

City Manager Swanson-Rivenbark: Outdoor dining -- outdoors permit.

Mayor Cason: You would be able to, Wolfe's.

Planning and Zoning Director Trias: You would have to...

Vice Mayor Quesada: Got it, so Wolfe's Wine Shoppe is a better example.

Planning and Zoning Director Trias: That's a much better example, yes.

Vice Mayor Quesada: Got it, okay. No, I'm just trying to think of practical...

Unidentified Speaker: They sell alcohol at Navarro.

Vice Mayor Quesada: No, I know they do, but you don't sit down outside and drink a beer, you know.

Planning and Zoning Director Trias: I don't want to make it seem that this is mostly about alcohol. It actually is not.

Vice Mayor Quesada: No, I know it's not, but I'm -- again, I mean, my apologies, but it jumps out at me. I don't want a situation where you can -- you know, we have a lot of people drinking up and down just walking around.

Planning and Zoning Director Trias: Right.

Vice Mayor Quesada: It's not -- that's not the atmosphere I think we...

Planning and Zoning Director Trias: And that would not be allowed.

Vice Mayor Quesada: That is our character...

Planning and Zoning Director Trias: Based on the state law, that is not allowed.

Vice Mayor Quesada: Got it, okay.

Planning and Zoning Director Trias: Now, in addition, there are some regulations about outdoor dining and the main idea here is to try to streamline that process by having some preapproved areas and some pre-approved furniture, and so on. Also, we have the option of doing something different, if one wants to. But, at least have that very clear as an upfront approval. There's some new ideas, such as new signs, new signage that allows for the kind of business activity that is compatible with the wide sidewalks and the pedestrian activity. I like to call them pedestrian-oriented signs and they deal with directory signs, digital kiosks, window decal signs, a variety of signs that actually are not allowed right now, but they contribute to the vitality and the activity of a street. We're also allowing some special event signs and "A-Frames" will be allowed as a special event. "A-Frames" are always a difficult item to regulate, but that will be allowed as such. And then, we have some new ideas, some new regulations that deal with pop-up retail, a disclosure form for residences and a possible management agreement to further define the activities that may take place at Giralda or at Miracle Mile. So, that's something that may happen in the future. All of these ideas, I want to thank Javier Betancourt for helping us with crafting the language on this. That's the overview of the proposed language. It's a fairly lengthy amendment. It has a lot of detail in it, but basically, it deals with the issues that I covered. If you

have any questions, I'll be available. Otherwise, I believe maybe the BID may want to have some comments.

Mayor Cason: Does the BID, the Chamber, anyone else want to make a -- Venny?

(COMMENTS MADE OFF THE RECORD)

Mayor Cason: You're fine with it? Okay.

Vice Mayor Quesada: I think this is a long time coming.

Mayor Cason: Yeah, very long.

Vice Mayor Quesada: I think it's one of those items when you stand on Miracle Mile and you look down the street -- I think I first heard this from Mark. You look down the street and you have no idea what store is where, because we have no signage that actually attracts any kind of customers to identify them, you know, identify what location they're going to. So, I think this is great. I think it's a good first step. I think we're going to be tweaking it as we move forward, but I'm glad that we're finally at this point that we can have some nice signage in the city, so...

Mayor Cason: Yeah, I think that...

Vice Mayor Quesada: Thank you for everyone who contributed to it.

Mayor Cason: I think that the -- particularly the projection signs and I used to live in Washington, D.C. and we'd go down to Georgetown and Alexandria, Virginia and you could see all these beautiful signs that, as you drive by or walk, you can actually see what's coming up. Right now, you know, you don't know until you get up in front, so I think this is -- I think Marina Foglia, when she was with the BID, referred to this about a year ago as the software that

complements the hardware, the actual physical work we're doing on the streetscape to allow the full potential, so that people can see what's there and be able to -- if you go into a restaurant, you know what the daily special is, those sorts of things. So, it seemed very reasonable improvements to what we have right now. Do we have any speaker cards?

City Clerk Foeman: No, Mr. Mayor.

Mayor Cason: We'll close the public hearing. Any more discussion? Go ahead.

Commissioner Keon: I just have a question. On the design standards and all of the elements that you will allow and kiosks and whatever, is there -- will you have advertising on them or is it just strictly Coral Gables and our logo and information about the stores themselves and not, you know, paid advertising?

Planning and Zoning Director Trias: The content is listed as a tenant sign, logo and other tenant-related words or images. That's what the text says.

Commissioner Keon: Okay.

Planning and Zoning Director Trias: And, that was the preference, I believe, of...

Commissioner Keon: Right. I mean, I don't want to see, you know, an advertisement for...

Mayor Cason: Coca-Cola.

Commissioner Keon: I don't know, a realtor or for some other business that's not on the Mile.

Mayor Cason: Or a soft drink.

Commissioner Keon: I only want to see the listing of the shops on the Mile or whatever. I don't want advertising used to -- for the purposes of paying for these things, these -- any signage or kiosk or whatever. I mean, if it's directly related to the merchant or the shop people or whatever it is, that's -- I don't have a problem with it. But I don't want to see them become, you know, advertising, you know -- to be billboards.

Mayor Cason: No.

Planning and Zoning Director Trias: There's also a prohibited sign that says no advertisement signs will be allowed. So, it's multiple times through the text we make that point...

Commissioner Keon: Okay.

Planning and Zoning Director Trias: And the belief was that the branding of Miracle Mile was different than, let's say, creating all these billboards that may advertise some other commercial (INAUDIBLE)...

Mayor Cason: Let me ask you a question. When will this take effect? For example, if we finish on the -- on one side of Miracle Mile, two blocks is all done, everything's finished, will this kick in at that point or when the whole Miracle Mile, all of Giralda's done?

Planning and Zoning Director Trias: As soon as the second reading is approved, that's when it takes effect.

Mayor Cason: Okay.

Economic Development Director Betancourt: I do want to add for clarity -- I'm sorry, Javier Betancourt, Director of Economic Development. There is one exception to the advertising. We are anticipating that with the digital kiosks, these are those digital...

Commissioner Keon: Right.

Mayor Cason: Kiosk.

Economic Development Director Betancourt: Essentially televisions that we're going to have on the Mile and on Giralda that we may be looking for advertising there, but they would be controlled advertising either controlled by the City or the BID or another entity, potentially.

Commissioner Keon: But, related to...

Economic Development Director Betancourt: But, in terms of limiting that content to businesses in the City.

Commissioner Keon: Okay, and the other thing is there from -- anywhere where -- I know that it calls out here for the signage on the storefront or over the storefront. In areas where there are arcades or if in the redesign of a store there is an arcade created, is the signage allowed to be on the -- like at the colonnade. Are they allowed to have signage on the arcade itself, because the arcade is what is visible and sometimes it's the storefront that is not visible. So, storefront, we -- signage would be allowed on the arcade as well as the storefront?

Planning and Zoning Director Trias: The answer is yes, upon review by the Board of Architects to make sure that it fits the architecture. Now, the additional thing we've done for the colonnades and the arcades is to allot 25 percent extra area for more visibility due to the fact that it's inherently difficult to see sometimes those signs. So, yes, it can be in the arcade, and also, it could be a larger sign than would be typically allowed.

Commissioner Slesnick: That's especially important over near like Tarpon Bend, because there's...

Mayor Cason: Yes.

Commissioner Slesnick: Restaurants in the back and you don't...

Commissioner Keon: Right.

Commissioner Slesnick: Even know they're back there.

Commissioner Keon: You can't see they're back there.

Mayor Cason: Exactly.

Commissioner Keon: So, they -- in addition to having -- they can have both signage on the arcade and on the storefront, so they can have two signs?

Planning and Zoning Director Trias: That is one of the things that we're allowing, because in the current Code, it's an awning sign or -- you can only have one type of sign.

Commissioner Keon: Right.

Planning and Zoning Director Trias: Here, you can have multiple.

Commissioner Keon: Okay, so you can have enough, so if somebody's driving down the street, they can clearly see the sign. And if you're walking on the sidewalk, you can still clearly see a sign to identify that business.

Economic Development Director Betancourt: Yes. On page 4 of the text under H, we added that section also in addition to being able to have the multiple signs, the increase of the amount of signage by 25 percent, and that is to directly address that issue of visibility.

Commissioner Keon: You know, I didn't know if the -- I didn't know what the 25 percent -- in reading it, I wasn't sure what the 25 percent, you know, referred to. Does the 25 percent mean it's 25 percent larger than what is allowed, or like it's 25 percent more signage? What is -- I didn't -- it was hard to understand.

Planning and Zoning Director Trias: The intent is the area. The area of the sign will be up to 25 percent larger, and we may have to clarify the language a little bit, because you are correct. Sometimes it's hard to understand.

Commissioner Keon: Okay, so within the colonnade, the signage can be larger, so it's more visible from the street.

Planning and Zoning Director Trias: Yes.

Commissioner Keon: I'm assuming.

Planning and Zoning Director Trias: Yes.

Commissioner Keon: But in addition to that, they can also have signage on the arcade itself.

Planning and Zoning Director Trias: Yes.

Commissioner Keon: Okay. I just want -- I want that to be clear.

City Attorney Leen: Mr. Mayor, can I add something briefly here? The -- I'm sorry I had to step out. I just wanted to talk to the BID about the notice that we're going to provide. But, so the -- I wanted to make one point that I meant to read in when I did the ordinance. There's two points that the City Manager and I discussed. One is on the hours of operation. The terms were -- I don't know if you've said this yet. Have either of you? This is on page 6. It talks about bars, lounges, and/or entertainment establishments. And it basically establishes hours of operation. My understanding is that it does not apply to pure restaurants, so -- and we just wanted to make that very clear that this does not apply to restaurants. And then the second point is item G-1, we're going to be discussing to what extent can the City place a condition that there not be outdoor smoking in the outdoor permits that are granted for basically for having outdoor seating. And my office believes that we can do that. I believe that we can do that. It's not in the ordinance right now, because we wanted to have item G-1 first and see what the Commission's will is on that, but that could come in later, and excuse me for the interruption.

Mayor Cason: Okay.

City Attorney Leen: I just wanted to make those two points.

Commissioner Slesnick: I wanted to ask about sandwich boards, because we have discussed this before; because the gelato store right up the street has been asking repeatedly for sandwich boards.

City Manager Swanson-Rivenbark: We call them "A-Frames".

Commissioner Slesnick: "A-Frames"?

City Manager Swanson-Rivenbark: "A-Frames".

Commissioner Slesnick: Okay. Is that -- you've mentioned just specifically for special events.

Planning and Zoning Director Trias: Yes.

Commissioner Slesnick: And, would a special be if they had a weekend selection of new food or something in? Is that a special event for them or -- I mean, how do you term special events?

Mayor Cason: Would it be things like Valentine's Day, so...

Commissioner Slesnick: Yes.

Mayor Cason: A board for the flower shop. I mean...

Planning and Zoning Director Trias: Yes. I think that we do have a process for review of special events. We could expand that process based on the, perhaps, Economic Development ideas. The main issue though is that the "A-Frame" signs, my recommendation to you is to regulate them in some way, because otherwise they proliferate and...

Commissioner Slesnick: So, not general just menu signs, a special of the day is not a special event.

Planning and Zoning Director Trias: Right. That's a different -- menu signs are allowed. That's also in the Code.

Commissioner Slesnick: Oh, menu signs are allowed.

Planning and Zoning Director Trias: It's a separate...

Mayor Cason: One. Is that right? One for a restaurant?

Planning and Zoning Director Trias: Yes, yes.

Mayor Cason: Outside. One “A-Frame” or whatever we call it, menu board. Or is it a menu board that could be on a -- the front of their -- does it matter where it is or how is it...

Economic Development Director Betancourt: It’s regulated.

Planning and Zoning Director Trias: Yeah, there are several options. It could be on the sidewalk. It can be on the building. But, the thing is that right now they’re not allowed, so this overlay has that as one of the types of signs that’s allowed.

Mayor Cason: Okay.

Economic Development Director Betancourt: And a special event is essentially anything that gets a special event permit. There is that process. You get the permit. It could be a small event. It could be a large event, but that’s what it refers to.

Mayor Cason: But you need a permit, so you got to go through the Special Events Committee, so it’s not going to be every day.

Economic Development Director Betancourt: Correct.

Planning and Zoning Director Trias: Right.

Mayor Cason: Okay.

City Manager Swanson-Rivenbark: Well, some things are decided administratively too, so...

Mayor Cason: Okay.

City Manager Swanson-Rivenbark: The “Wellness Wednesdays” or the “Jazz-on-the-Mile” or the “Movies-on-the-Mile” would be a perfect example.

Mayor Cason: So, “Wellness Day” could be don’t eat the hot dogs here on “Wellness Day”.

City Manager Swanson-Rivenbark: If that’s what your version of wellness is, Mayor.

Mayor Cason: Okay.

Commissioner Keon: I have a question about just the wording. I’m having trouble reading this. Maybe it’s the way I’m reading it or I don’t know if it’s the words.

City Attorney Leen: Which one?

Commissioner Keon: On page 6, number 3, A-1...

City Attorney Leen: Yes.

Commissioner Keon: It says Sunday through Thursday the hours of operation of public outdoor portions of bars, lounges, and/or entertainment establishment is prohibited between the hours of 12 and 8 am the following day. What is the...

City Attorney Leen: I see your point.

Commissioner Keon: Okay, so is -- yeah, what does the following day mean?

Economic Development Director Betancourt: It’s the 8 am.

City Attorney Leen: The 8 am is the following day. We're treating 12 am as if it was 11:59 pm.

Economic Development Director Betancourt: We should just say midnight.

City Attorney Leen: We will...

Commissioner Keon: Yeah.

City Attorney Leen: Put midnight.

Commissioner Keon: The following day is like -- is hard to read. It's also in the second part of that one, you know, between 11 and 10 am.

City Attorney Leen: That's a good point. We'll address that.

Commissioner Keon: I mean, maybe you could just look at -- it's in both 1 and 2. If you could make it just a little clearer, it would be a good thing. Thank you. Now, the noise ordinances still apply, because I know that, you know, like Tap 54 -- 48...

Mayor Cason: Forty-two.

Commissioner Keon: Forty-two, I'm sorry, you know, has been exceedingly successful. And they have been, you know, very, very good business operators and working with us when it was brought to their attention that their music or whatever was keeping up their -- the residential community near them. So, even though they're -- these are allowed to stay open later, if they're near residential areas or whatever, all of our noise ordinances still apply and they need to be able to monitor the decibel levels. You know, I think -- how do we do this?

City Attorney Leen: The ordinance specifically addresses that.

Commissioner Keon: Right.

City Attorney Leen: It does that in the section on page 9 -- 7, which is applicant and then it goes standards, criteria and conditions. And one of the provisions says that live entertainment or speakers placed in permitted areas shall comply with noise regulations, which is the noise ordinance, and hours of operation. I'm not sure if there's other references in here.

Economic Development Director Betancourt: It is. On page 6, 3...

Commissioner Keon: Yeah. It does say it on 6, but what happened with that particular establishment and what the complaint was from the neighbors is that, you know, the noise was -- apparently was above whatever the decibel level was and, you know, by the time they called the police and the police came out and then somebody had, you know, the ability to measure the decibel level and that became very complicated and was tough to enforce at midnight and whatever. But, -- and I know what that particular restaurant did. They purchased -- is that right? -- they purchased a decibel reading equipment or whatever that it -- is that a very expensive item?

Vice Mayor Quesada: No.

Commissioner Keon: It's pretty inexpensive.

Vice Mayor Quesada: You can buy one for \$2 in the app store.

Commissioner Keon: You know, I would like to see us maybe look at that. I mean, I don't want to be a burden to these establishments, but since it's hard to -- it's difficult to have law enforcement regulate that, that maybe we can make it a self-regulating feature in the ordinance that would require them to be able to monitor their decibel level.

Vice Mayor Quesada: You know...

Commissioner Keon: Tell me about that. Because it doesn't work when it's related...

Vice Mayor Quesada: I hate -- you know what, I hate the idea of overregulation.

Commissioner Keon: I do too, but I also know that it's very...

Vice Mayor Quesada: And now you're putting an extra burden on a retailer.

Commissioner Keon: But, that's what you said to me. It's a \$2 thing.

Vice Mayor Quesada: I know, but it's another...

Commissioner Keon: The responsibility is on them to comply with the noise ordinance.

Mayor Cason: Well, it is now too.

Commissioner Keon: So, it's not on the police department to make the institution comply.

Commissioner Lago: I mean, if I could just add my two cents to that. Look at Tap 42. They've been an exceptional downtown...

Commissioner Keon: But, because they bought it themselves, so that's why I'm asking.

Commissioner Lago: But I mean --, but they're out there -- I've gone out there on two occasions.

Commissioner Keon: Right.

Commissioner Lago: Met with -- I met with the ownership. You know, and you haven't heard of one -- not that I'm aware of, maybe staff has. But, after we had that first encounter...

Commissioner Keon: Right.

Mayor Cason: And that's it.

Commissioner Lago: With the residents across the street and they're complying...

Vice Mayor Quesada: That was very proactive.

Commissioner Lago: They've actually invited the residents to come in to...

Commissioner Keon: Absolutely.

Commissioner Lago: Enjoy the establishment. They've taken precautionary measures, so it's working out. Again, it all has to do with the venue that we're discussing or that we're not discussing. They've got to take the proactive measures to basically be a team player. They have to. If not, I mean...

Commissioner Keon: Well...

Commissioner Lago: If you're going to play the music as loud as you can, obviously, you know, you're going to run into some problems.

Commissioner Keon: Right, but they assumed, you know, the responsibility to self-regulate. So, that's what I'm asking...

Mayor Cason: But, I wouldn't want to see a place like Demetrio's having to go out and buy some device and have a waiter walk out every once in a while and check the noise. I mean, there's only certain places that are going to have a lot of noise, because of the big crowds. But, to have every business have to buy a noise...

Commissioner Keon: No, no. It is places that have -- that play music or that this would -- or can we have a provision that if there are repeated violations, they would have to self-regulate, do some monitoring themselves?

Mayor Cason: Something like that, but...

Commissioner Keon: Alright. We can come back to that.

Commissioner Slesnick: I think we really...

Commissioner Keon: We can come back to that.

Commissioner Slesnick: The restaurants have really, in some of these places, calmed down.

Mayor Cason: Yeah.

Commissioner Slesnick: And, you know, there's one or two complaints and the police coming out has served as a reminder that there are other people in the neighborhood.

Commissioner Keon: But, I think in a couple of instances...

Mayor Cason: Yeah.

Commissioner Keon: What we found was that it was over a long period of time and the ability of the police to actually have that -- I don't know that they have that equipment with them when they come out. I mean, it's more, yeah, it seems too loud or whatever, you know.

Economic Development Director Betancourt: I would suggest that if you want to...

Commissioner Keon: We can...

Economic Development Director Betancourt: You know, look at the noise ordinance, maybe do that apart from the overlay.

Commissioner Keon: Yeah.

Economic Development Director Betancourt: Because it should apply citywide.

Mayor Cason: Yeah, that's a separate issue, but we could take that up.

Commissioner Keon: Or if it's people that are, you know -- there's enforcement against them for it, we can go back and look at it. Okay, it's not...

City Attorney Leen: In answer to your question, though, you could add a requirement that if there was a repeat offender, in addition to the fine or whatever might occur, that they have some requirement to have security or someone there that will help monitor sound.

Commissioner Keon: That will monitor sound, okay.

Mayor Cason: Do we have any more...

Commissioner Keon: Okay, alright. We can do that.

Mayor Cason: Discussion on E-3?

Commissioner Keon: No.

Mayor Cason: Do we have a motion?

City Manager Swanson-Rivenbark: We may tweak in between, but we'll alert you to what we've changed.

Mayor Cason: Okay.

Vice Mayor Quesada: Well, I have one more item on that same page, item 3, E-2.

Economic Development Director Betancourt: Page 6.

Vice Mayor Quesada: Why not? Rooftop terraces. Rooftop terraces shall not be accessed directly from the public right-of-way. Why not? What's the rationale there?

Planning and Zoning Director Trias: The...

Vice Mayor Quesada: I'm a big proponent of rooftop terraces in downtown. I think we have -- I think it's a major opportunity we're missing out on there to do something different. Imagine if there was additional seating with umbrellas on top of Hillstone, and you could look down the Mile, on top of Seasons 52, on top of California Pizza Kitchen. I think it expands the restaurant in a great way. I think people would love it. You know, maybe we'd be able to -- you know, I'd be able to have lunch at Hillstone every now and again and not have to wait for an hour and a half to get a table. But, I'm just saying I think it could be a fun way to enhance a little bit there.

Mayor Cason: So, what's your rationale?

Vice Mayor Quesada: The problem is you have some of these buildings that are small. They're constrained. They're not going to be able to put in a stairwell. Why not if they put in a stairwell from the back? You know, I think of Sushi Maki. I know Sushi Maki thought about doing this a while back and I think about the backside of their property, because, you know, stairs going from the outside from the back of their property. So, what's the rationale to preclude them from accessing from the public right of way?

Planning and Zoning Director Trias: The idea is that they're an accessory use to a restaurant. For example, so you go through the restaurant then go to the terrace. That's one aspect of that. The second aspect of that is that you do have to have two means of egress and also ADA access whenever you have any kind of public use. So, for example, having a stair going to the terrace is just not allowed by the Building Code. In addition, there's some fire separation issues that the Building Official...

Vice Mayor Quesada: But, hold on a second. Your ADA issue that you mentioned really has nothing to do with E-2. What the requirement should say then if there is a rooftop terrace, there needs to be elevator access to get to it. But, that doesn't impact whether it comes from the right-of-way or not, so -- okay, but go to your next point.

Planning and Zoning Director Trias: No. I mean, clearly, we're doing this indirectly and in a very simple way. We could write all of those things that I'm saying in more detail.

Vice Mayor Quesada: I just -- I don't want to make it prohibitive. I want to encourage people to have a rooftop terrace.

Planning and Zoning Director Trias: The fundamental...

Vice Mayor Quesada: I don't want to discourage them, because I want -- for example, going back to Hillstone. If Hillstone were to have a rooftop terrace, they're going to go, well, hold on a second, we have to rip up the whole restaurant to put a stairway to go up? I don't think they'd do it. But, if they could tuck in an elevator, which is just one solid column to go up and down, then I think it's more encouraging. I think we're -- I think this regulation would -- it encourages them not to try to do it.

Planning and Zoning Director Trias: I -- and we can make it easier from a zoning point of view, but the real fundamental problem is that from a Building Code point of view, in the past, the Building Official has said that outdoor terraces are not allowed when the buildings touch each other, because of fire separation issues. I don't agree with that interpretation, but that's been the interpretation in the past and that is why we don't have outdoor terraces as a matter of standard procedure in Miracle Mile. Now, that has to be revised or reviewed, I believe. And I think that your suggestions, if we can incorporate them in a way that is consistent with the Building Code requirements, which again, we mentioned that in the text, the Building Code issues.

Vice Mayor Quesada: Perfect, so then we can get rid of E-2.

Mayor Cason: Between first and second.

Planning and Zoning Director Trias: Yeah, we will be fine.

Commissioner Slesnick: Do you need a staircase plus an elevator in the building?

Planning and Zoning Director Trias: Yes.

Mayor Cason: ADA.

Commissioner Slesnick: When you said two accesses.

Planning and Zoning Director Trias: Yes.

Mayor Cason: For ADA.

Commissioner Slesnick: So, like Hillstone...

Planning and Zoning Director Trias: You would need two stairs plus an elevator.

Commissioner Slesnick: Two stairs?

Planning and Zoning Director Trias: Yes.

Commissioner Slesnick: Plus an elevator?

Planning and Zoning Director Trias: Yes.

Commissioner Slesnick: That takes up a lot of space inside.

Vice Mayor Quesada: Yeah.

Mayor Cason: Yeah.

City Attorney Leen: But, look...

Commissioner Lago: And that's not...

City Attorney Leen: I would just like to...

Commissioner Lago: Craig, just one second, sir. Ramon, I think we need to clarify, so that my colleagues understand. That's not our requirement.

City Attorney Leen: Yeah.

Planning and Zoning Director Trias: No, no. That's the Building Code. That's the means of egress...

Mayor Cason: Florida.

Planning and Zoning Director Trias: That is required...

City Attorney Leen: I just want to make...

Planning and Zoning Director Trias: For any kind of (INAUDIBLE)...

City Attorney Leen: A legal point. And Peter has said this many times to me and he's correct. We don't want to conflate the Zoning Code and the Building Code. So, if this requirement is really a Building Code requirement, it should just be taken out. He already has the authority under the Florida Building Code.

Vice Mayor Quesada: But, here's what I want to do, between -- I want to remove E-2, but I want you to consider it for a second. And before we vote on this on second reading, I want staff to really take a hard look and talk to the Fire Department and see what really can be done, so we can encourage -- I mean, if the rest of the Commission agrees -- that rooftop outdoor dining aspect on Miracle Mile. Because I think it'd be a nice amenity for the downtown. And again, I'm not saying to build a separate structure. I'm just saying the existing roof, they can put a tile. They can put an artificial turf. They can put whatever they want to put. Put some tables,

umbrellas. I think that'd be a nice amenity that I don't think you see in South Florida anywhere. So, if you guys could...

Mayor Cason: Peter.

Vice Mayor Quesada: Look at that and keep that in mind for next meeting so you can really fully vet it out to see how we can encourage that.

Mayor Cason: Peter.

Assistant City Manager Iglesias: Unfortunately, roof loads don't -- the design for the roof does not meet the loads required for a restaurant. And so, you'd have to upgrade your roof system to be able to do that. Two, this issue...

Vice Mayor Quesada: Perfect. I want you to think about the positive ways to get it done, not the negative ways.

Assistant City Manager Iglesias: No, I'm just saying they'd have to...

Vice Mayor Quesada: I understand.

Assistant City Manager Iglesias: You can, you can.

Vice Mayor Quesada: I understand that...

Assistant City Manager Iglesias: This is also...

Vice Mayor Quesada: Some buildings are going to have limitations that they will have to redo it. That's fine.

Mayor Cason: Okay.

Assistant City Manager Iglesias: The fire separation issue was actually taken twice to the Board of Rules and Appeals and twice it was turned down.

Mayor Cason: So, maybe there's one or two places theoretically someday might be able to do it, and you will tell us between now and the second reading.

Planning and Zoning Director Trias: I will work with Peter to see if we can come up with better ideas.

Commissioner Slesnick: And Peter, does the metal fire escapes -- again, just thinking about Hillstone's -- coming down in the alleyway in case they're needed, does that suffice for a second staircase?

Assistant City Manager Iglesias: It would have to be a stair -- those metal dropdowns are not -- are no longer allowed. It would have to be a stair...

Commissioner Slesnick: So, a ladder straight down on the building...

Assistant City Manager Iglesias: You would have to -- you need a -- either two means of egress and an elevator or an egress and a fire safety elevator, which is very expensive.

Commissioner Keon: Commissioner Quesada, on 6, it says that -- I thought the only prohibition on this is -- it says outdoor dining areas and lounges may occupy rooftop terraces in accordance with the hours of operations and all those things, and the only thing it's telling you that it is prohibiting is that if the -- from the public right-of-way as opposed to being from within the restaurant.

Vice Mayor Quesada: Correct.

Commissioner Keon: So, is it you want it from the public right-of-way?

Vice Mayor Quesada: No. I'm saying if we have to have two sets of stairs and...

Commissioner Slesnick: An elevator.

Mayor Cason: Elevator.

Vice Mayor Quesada: An elevator, it'd be impossible to do both sets of stairs interior as well as an elevator. You'd take up so much of that square footage. Why not allow one of those to be from the public right-of-way.

Commissioner Keon: Because you're either taking up the alley or you're taking up the sidewalk or whatever in order to do that.

Vice Mayor Quesada: Or, if you look at Sushi Maki...

Commissioner Keon: Yeah.

Vice Mayor Quesada: They have a parking lot in the back. Why can't they go from their parking lot in the back?

Commissioner Keon: They have their own...

Mayor Cason: You will look at this between...

Commissioner Keon: But, that's...

Vice Mayor Quesada: I guess that's not the public right-of-way.

Mayor Cason: First and second reading.

Commissioner Keon: That's not the public right-of-way.

Vice Mayor Quesada: That's true.

Commissioner Keon: So, that's...

Mayor Cason: Yeah, that's private.

Commissioner Keon: You know, that's not the public right-of-way. And some of them have, you know, indentations that's not...

Vice Mayor Quesada: But, what's your concern...

Commissioner Keon: The public right-of-way.

Vice Mayor Quesada: What's your concern if a staircase leads you out to a sidewalk?

Commissioner Keon: It isn't -- that isn't really the issue. It's more that it's to maintain the adequate public right-of-way.

Vice Mayor Quesada: That's fine. But, here's the thing...

Commissioner Keon: That's my issue, is the...

Vice Mayor Quesada: You've been all over the world...

Commissioner Keon: And I think -- yeah, but most restaurants don't want direct access into their facility from...

Mayor Cason: Parties at four in the morning.

Commissioner Keon: The outside where you don't monitor...

Mayor Cason: Who comes in.

Commissioner Keon: Who is coming and going...

Vice Mayor Quesada: Yeah, but...

Commissioner Keon: From your establishment. I don't -- I mean, yes, I've been to things where they do, but there is usually someone...

Vice Mayor Quesada: Or there's a door. They could put a door block -- or they could put a gate blocking that stairwell when it's not in use, the upstairs area.

Commissioner Keon: Yeah, but I mean, I think...

Vice Mayor Quesada: I just say let's not limit -- let's not -- I don't want to be so limiting...

Mayor Cason: Alright, let's do this. Between first and second reading, you all research it and come back and tell us if there's any way to do what he wants to do.

Vice Mayor Quesada: So moved.

Mayor Cason: Alright, do we have a second?

Commissioner Slesnick: Second.

Mayor Cason: Commissioner Slesnick. So, the Vice Mayor made the motion. Commissioner Slesnick seconds. City Clerk.

Vice Mayor Quesada: Yes.

Commissioner Slesnick: Yes.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Mayor Cason: Yes.

(Vote: 5-0)