

City of Coral Gables City Commission Meeting
Agenda Item F-11
August 27, 2019
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli

Vice Mayor Vince Lago

Commissioner Pat Keon

Commissioner Michael Mena

Commissioner Jorge Fors

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

Deputy City Attorney, Cristina Suarez

City Clerk, Billy Urquia

Public Speaker(s)

Taciana Amador

Maria Cruz

Anthony De Yurre

Agenda Item F-11 [0:00:00 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Section 4-206, "Business Improvement Overlay District (BIOD)," to permit a conditional use for outdoor seating on private property for nonrestaurant facilities; providing for a repealer provision, severability clause, codification, and providing for an effective date.

(Sponsored by Commissioner Fors, Jr.)

Mayor Valdes-Fauli: F-11.

City Attorney Ramos: F-11 is an ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Section 4-206, "Business Improvement Overlay District," to permit a conditional use for outdoor seating on private property for nonrestaurant facilities; providing for a repealer provision, severability clause, codification, and providing for an effective date. This is a public hearing item. Ms. Suarez.

Deputy City Attorney Suarez: So, this ordinance would also provide for a conditional use process -- application and process for nonrestaurant facilities, but in this case, that are located within the BID -- within the boundaries of the BID, but not on Miracle Mile or Giralda. And for these properties, it would be only as to their private property. So, similar as to the other ordinance, it's a conditional use process. They'd have to go through that process. The same conditions can be imposed by the Commission, as appropriate. The same application and permit fees would apply. The term would be for two years, renewable administratively, provided that there have been no changes to the outdoor seating and they're otherwise in compliance. This will also go to Planning and Zoning between first and second reading.

Commissioner Fors: I sponsored this bill sort of as a spin-off on Vice Mayor Lago's bill. I thought it was a good idea, his bill, of allowing especially -- not only in Miracle Mile and Giralda, but in that entire business improvement district for folks who also serve alcohol to be able to offer some seating outside, if it makes sense. But of course, it is a conditional use, just like all other outdoor seating. I thought it was a -- I believe truly that it's a very narrowly tailored extension of what Commissioner Lago's proposing, being that it only permits conditional use of outdoor seating on private property, something that we'll be able to critically review, application by application. This is property that these folks either pay property taxes for or rent. It's property that it may lead, I believe, to the beautification of the backs of certain buildings in that key area. One business that brought it to my attention was Galiano Cigar Bar. Right now, the back of their building faces

outdoor seating at Galiano Market. Patrons there look at the, frankly, ugly backside of a building. This is one business that may be able to take advantage of it, if all conditional -- if all the factors are met when they submit their application. I think we should give them a chance to see what they can do on their own private property outside. I think it's going to activate areas that are otherwise not very attractive and continue to vitalize our Business Improvement District as a whole.

Commissioner Mena: Can I ask a question on -- actually, related to both items. I see Taciana in the back. What's the BID's position on these two items, if they have one?

Taciana Amador: Good morning, Commissioners. I'm Taciana Amador, the executive director of the Business Improvement District. To answer your question, Commissioner Mena, it's -- the overlay was created as a starting point to give the business owners and property owners additional conditional uses and conditions for their properties in the district. It's always been a -- it's a working, living document. So, any time that there is an enhancement or an improvement that is favorable to the business, that's an amenity to the downtown, it's something very positive for downtown Coral Gables.

Commissioner Mena: Okay.

Vice Mayor Lago: Thank you.

Ms. Amador: If you have any questions, I'm here.

Mayor Valdes-Fauli: Do I hear a motion?

Vice Mayor Lago: Just...

City Attorney Ramos: Is there anyone present to speak on this item?

Mayor Valdes-Fauli: Motion...

Commissioner Mena: I think he has a...

City Clerk Urquia: The Mayor has a speaker card.

City Attorney Ramos: Sir, I think you have a speaker card.

Commissioner Mena: You have a card.

Mayor Valdes-Fauli: Oh, yeah. I have a card. I'm sorry. Yes, Maria Cruz, please.

Maria Cruz: Maria Cruz, 1447 Miller Road. I am concerned. I think we're moving a little fast on this. I have no -- nothing against having outside seating, but I think we need to try it first and see how it goes before we make it anybody can ask because then we're going to be on a slippery slope. That's my only thing. You know, we're trying on Galiano. Let's see if there's no issue, then move on, as opposed to making it anybody can apply anywhere.

Vice Mayor Lago: You mean Giralda.

Deputy City Attorney Suarez: Just -- yes.

Ms. Cruz: I mean Giralda. I'm sorry.

Vice Mayor Lago: So, that's...

Commissioner Keon: But...

Vice Mayor Lago: That was my point before, and that's why I asked Miriam to bifurcate the legislation, F-10 and F-11, from public and private. Because I wanted to just make sure that we focus on Miracle Mile and Giralda. That's what I've been working on for almost a year now with some of the merchants who, again, didn't sell food, but were in a situation where they were selling alcohol already. So, I wanted to make sure that it worked and that there wasn't any issues in regards to outdoor seating and that everything worked out well and that we focused on the fact that we had just made a \$25 million investment and I wanted to make sure that the businesses in those streets have first dibs at this opportunity because they made a very, very strong investment. So, I don't have an issue moving on in the future, in a year or two years, if this works out well, but I wanted to give preferential treatment where I know it will already work. It's on Miracle Mile and Giralda. That was my only comments. And that's where I wanted to make sure that we took small steps forward addressing this issue but didn't just have a free-for-all for the entire CBD, which I think maybe something that we need to be a little bit careful with.

Commissioner Fors: I think, Commissioner Lago, you know, I understand his concerns and I probably would be on the same boat -- or maybe I wouldn't regarding making the amendment that he proposed applicable to the entire business district. However, I think the real distinction here is that part of the concern of outdoor seating -- or not part, but a large part of it is the fact that we're permitting it to do on Coral Gables land. And this additional proposal, F-11, simply permits it on private property. So, if you're talking an extension or an expansion of the original proposal, you're talking about millimeters of expansion. In fact, there may not be that many businesses that are able to take advantage of it. So, I think that in and of its own inherently it will serve as a pilot project. We can see how it works out, and if somebody proposes something that doesn't make sense, we have the right to approve here conditionally and we'll be able to take it on a case by case basis and make sure that it doesn't "become a free-for-all," which I'm pretty confident that it won't.

Commissioner Keon: The seating that you are looking at for the one particular establishment you had mentioned, is it in back of the store? It's...

Commissioner Fors: For that particular establishment, it is in back of the store.

Commissioner Keon: It's in back of the store, which, you know, I think is their own property.

Commissioner Fors: It is their own property.

Commissioner Keon: I'd rather be -- see -- I would truly rather have people smoking their cigars in back of their store than on the sidewalk.

Commissioner Fors: Right.

Commissioner Keon: To be honest with you. So...

Mayor Valdes-Fauli: Alright. We have...

Commissioner Keon: I don't have a problem with it. I want to say, to Ms. Cruz's concern, is that the Building Department, you know, has put together a sidewalk café and outdoor seating Zoning Code regulation that will go out to -- I'm sure, with the BID and the -- all of the people that have restaurants or anything that could have seating outside that's very clear. And it's also very clear that there's a few violations out there now that I think they're going to start looking at and cleaning up. But you know, there is -- I'd gladly share with Ms. Cruz so you can see how they are going to regulate those -- that seating. Okay, I'll move Commissioner...

Commissioner Fors: Second.

Commissioner Keon: Fors' item.

Mayor Valdes-Fauli: We have Anthony De Yurre, who wishes to speak.

Commissioner Keon: Oh.

Anthony De Yurre: Good morning, Commission. I happen to be here on another item. I don't have a client on this. But I just want to express, I guess, the same concerns that Commissioner Lago has for this item that it not be a free-for-all. If it is going to be done, that it be done as a conditional use and we look at each one individually because every one of them merits, you know, some critical examination from the City because we don't want it to become a free-for-all. But at the same token, there are a number of restaurant uses, I think, similar to the -- to Wolf's Wine and Cigars that I work with in other municipalities that as a resident I would love to see come to the CBD. And I'll leave it to the wisdom of the Commission. Thank you very much.

Commissioner Keon: You would like to see them be able to use their private property to expand onto? Is that what...

Mr. De Yurre: Yeah.

Commissioner Keon: You're saying?

Commissioner Keon: As long as it's not a free-for-all because I hear what Commissioner Lago's saying. And as long as, you know, you do it on a conditional basis, specifically and scrutinize and understand what they're trying to accomplish.

Vice Mayor Lago: That's why I mentioned, you know, to start with one area, see how it goes, especially the area that we just spent \$25 million investing in. So, one area and then move on from there. That's low-hanging fruit. You know, most of the individuals here on the Commission, I think, except for Commissioner Fors, when we had a very heated conversation about two tables and four chairs at Liberty Café.

Mr. De Yurre: Oh, yes, yes.

Vice Mayor Lago: Remember that, Commissioner Keon?

Commissioner Keon: Yes.

Mr. De Yurre: Yeah.

Vice Mayor Lago: And we...

Mayor Valdes-Fauli: Alright.

Vice Mayor Lago: Talked...

Mayor Valdes-Fauli: The motion has been made and seconded. Will you call the roll, please?

City Clerk Urquia: I'm sorry. Who seconded it?

Commissioner Fors: I'll second it.

Mayor Valdes-Fauli: Commissioner Fors.

Deputy City Attorney Suarez: May I just ask for one point of clarification as to this F-11? I just want it to be clear that you would like it to be only open to those nonrestaurant facilities that have obtained the ability to sell alcohol pursuant to Section 6-4 of the City Code.

Commissioner Fors: Correct.

Deputy City Attorney Suarez: Okay.

Commissioner Fors: And only on private property...

Deputy City Attorney Suarez: Yes.

Commissioner Fors: And with a...

Deputy City Attorney Suarez: With everything else.

Commissioner Fors: Conditional use.

Deputy City Attorney Suarez: Absolutely, with everything else that's in there, okay.

Vice Mayor Lago: So, I just -- if I just may add onto the comment I was saying. That was a pretty contentious item that was discussed and we were talking about two tables and two chairs. And remember, you know, we're talking about giving an opportunity for people in wheelchairs or elderly individuals or people like myself who may have an unruly four-year-old child once in a while, you know, who's dying for an ice cream cone and doesn't get the ice cream cone because my wife doesn't let her have the ice cream cone, so she's out there kicking and screaming. I'd rather have -- I'd rather my daughter be outside than be in the middle of a restaurant. That was pretty heated. So, if anybody remembers that, I don't want to push this forward without -- I know that that's a little bit of -- that's a residential neighborhood, but that was a pretty contested item, so I wanted to bring that up also as...

Mayor Valdes-Fauli: A motion has been made and seconded. Will you call the roll, please?

Commissioner Fors: Yes.

Commissioner Keon: Yes.

Vice Mayor Lago: No.

Commissioner Mena: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 4-1)

Mayor Valdes-Fauli: Thank you.