

City of Coral Gables City Commission Meeting
Agenda Item F-1
May 28, 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

Interim City Manager, Peter Iglesias

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Planning and Zoning Director, Ramon Trias

Public Speaker(s)

Agenda Item F-1 [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, by amending Article 3, “Development Review,” Division 5, “Planned Area Development” Section 3-502, “Standards and Criteria;” Article 4, “Zoning Districts,” Section 4-201, “Mixed Use District (MXD);” Article 5, “Development Standards,” Section 5-604, “Coral Gables Mediterranean Style Design Standards,” and Section 5-1105, “Landscape Requirements;” and Article 8, “Definitions,” to clarify what constitutes open space; providing for a severability clause, repealer provision, codification, and providing for an effective date. (Updating Zoning Code to clarify what constitutes as required open space)

(Sponsored by Vice Mayor Lago)

City Attorney Ramos: F-1 is an ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, by amending Article 3, "Development Review," Division 5, "Planned Area Development" Section 3-502, "Standards and Criteria;" Article 4, "Zoning Districts," Section 4-201, "Mixed Use District;" Article 5, "Development Standards," Section 5-604, "Coral Gables Mediterranean Style Design Standards," and Section 5-1105, "Landscape Requirements;" and Article 8, "Definitions," to clarify what constitutes open space; providing for a severability clause, repealer provision, codification, and providing for an effective date. This is a public hearing item.

Mayor Valdes-Fauli: Okay, this is an ordinance on second reading and a public hearing.

Planning and Zoning Director Trias: There are no changes from first reading.

Mayor Valdes-Fauli: Thank you. Are there any members of the public that wish to be heard? No.

Commissioner Mena: Do we...

Vice Mayor Lago: Mayor -- go ahead.

Commissioner Mena: So, I just had a question on this. The -- we sometimes require right-of-way improvements, which sometimes -- I use the phrase green space. How does that -- is that sort of not part of this calculus in terms of how we calculate green space, or is that -- would that be...

Planning and Zoning Director Trias: It's not changed. It is calculated into green space, but we're not making any changes on that aspect of things. What we're saying is that anything in addition to that has to be on the ground level.

Commissioner Mena: Right, but if we require somebody to improve the right-of-way and create green space there, we wouldn't sort of -- that wouldn't be a credit towards whatever amount of green space they have to have?

Planning and Zoning Director Trias: Yes, it is. It is, and it already was before.

Commissioner Mena: So, it would be?

Planning and Zoning Director Trias: Yeah. It doesn't change -- yes. The answer is yes.

Vice Mayor Lago: The only purpose here of this ordinance is clarifying like what the Director mentioned is making sure that we have this open space on the first floor and we're not including, you know, second floor, mezzanines or pool decks on the open space calculation, which is -- again, that's a separate calculation. But in reference to the first floor, I think the key is to make sure that we're holding everybody accountable when we talk about the open space calculation. I just wanted to bring it to my colleagues. I imagine that you've probably been -- I don't know if you've been reached out to by architects. There is a concern about whether we can deliver this open space. I have spoken to staff who told me they are going to work with every single project that comes before us, but there is a legitimate concern. And I've met with several architects over the last two weeks who told me, listen, Vince, some sites are tight and, you know, this could hinder us. And that goes to the discussion that we had on multiple occasions in reference to what are we willing to do or give to make sure that we have open space and green space on the first floor. And I think that's something that you're going to have a lot of developers come to you and say, listen, this is a very tough ordinance. It holds us accountable. I understand that, but it also may tie our hands in reference to the project that they can deliver. You expect -- you think that's going to happen?

Planning and Zoning Director Trias: Well, I did talk to one of the architects last week and I was actually pleasantly surprised that he wasn't very concerned, that he did think that it was possible, but he shares your view. We need to test it and we need to make sure that it works out.

Mayor Valdes-Fauli: Why don't we test it and we'll give a variance if it's unreasonable what we're requesting and then we'll look at it in the future?

Vice Mayor Lago: Right. I just wanted to, you know, put it on the record...

Mayor Valdes-Fauli: This is your...

Vice Mayor Lago: Because I think it's important.

Mayor Valdes-Fauli: Your issue and, you know...

City Attorney Ramos: I was asked by at least one attorney who represents developers about when we want this to take effect. In other words, if you're plans are in the pipeline and you did not consider this ordinance, what's going to be the trigger date?

Vice Mayor Lago: What's pipeline?

City Attorney Ramos: Is it going to be...

Vice Mayor Lago: Is it BOA?

City Attorney Ramos: That's the question. Is it going to be final BOA? Where are we going to draw that line? They want some...

City Manager Iglesias: We have...

City Attorney Ramos: Direction.

City Manager Iglesias: We have been enforcing something similar to this for some time now. And we have not really -- we have not had a project that I'm aware of come with our approval that has corridors and rooftops and so forth as open space.

Planning and Zoning Director Trias: Right.

City Manager Iglesias: So, I think we've been able to work this out for some time, so I don't think there are projects in that have a recommendation from Planning & Zoning that don't incorporate most of these issues already.

City Attorney Ramos: So, they may not have a recommendation, but there's definitely some in the pipeline because...

Unidentified Speaker: Yeah.

City Attorney Ramos: The individual told me he had projects he had submitted. So, I just...

Vice Mayor Lago: No, and I met...

City Attorney Ramos: Just for your consideration.

Vice Mayor Lago: And I've met with two architects in the last week that told me they had concerns. And I said I don't -- I understand. I respect your concerns, but this is about aesthetics. And I think this is going to, you know, liven up and really bring quality product to the downtown. So, I -- and I think my colleagues agree with me that that's something that, you know, we want to see our city move to a little bit more open space, where people can sit down, they can enjoy, they can have a moment to themselves. They don't have to search out a park. Maybe they can have an area where they can sit down, even if it is -- not asphalt, but it's something, let's say, like a paver

where they can sit down. So, I just wanted to bring that up because I imagine you will be contacted saying this is very strict and, you know, it puts a burden on the developer.

Mayor Valdes-Fauli: And if it is very, very strict and makes something impossible, then we'll look at it.

Vice Mayor Lago: Okay.

Mayor Valdes-Fauli: Alright. Do I hear a motion?

Commissioner Keon: Can I ask a question?

Mayor Valdes-Fauli: Yes, of course.

Commissioner Keon: With regard to -- the -- under Article 8, the paseos, that all paseos are pass-way -- rights-of-way or whatever, have to be open to the sky. I was -- you know, it's -- I don't want them to be, you know -- you'd like them to have some height and volume. But I was -- last week, I was in Palm Beach, and I noticed that there are a number of -- that go -- you know, that allow you to cut through the blocks and they're really pretty. I mean, there were a couple that were -- they were very tall, and they had skylights in them, so they, you know, took you out of the weather. They took you out of the sun. They were very attractive. I mean, they were very pretty, and yet, they're not open to the sky, I mean, because there is some covering. And I know throughout -- particularly, in London, you have all of the different -- like Auber Mall -- what do you call it...

Mayor Valdes-Fauli: Yeah, but they're...

Commissioner Keon: The throughway -- the pass-throughs and those different things. And I know when we did the overlay for North Ponce, where you need to break the -- you know, the block,

you know, straight through -- and we said we wanted them open. You know, I am -- I have some questions about it. It's not -- you know what it is? It's like I'm not sure about it, you know what I mean? It's like I -- I think it's a good thing, but I've seen so many examples where, you know, there are opportunities where they are covered and, you know, they're beautiful because...

Mayor Valdes-Fauli: But then...

Commissioner Keon: Of the way they're covered. So, I don't know how you do that.

Mayor Valdes-Fauli: But then there are a lot of opportunities where they are...

Commissioner Keon: They're terrible.

Mayor Valdes-Fauli: (INAUDIBLE) and they are horrible...

Commissioner Keon: You're right.

Mayor Valdes-Fauli: Including the one connecting one of our parking lots on Miracle Mile, which is filthy and...

Commissioner Keon: Gross, yes. So, I agree with you on that, I do. So, it's...

Mayor Valdes-Fauli: Yeah.

Commissioner Keon: How do you strike that balance?

Planning and Zoning Director Trias: All we're saying is that to count as open space...

Commissioner Keon: Right.

Planning and Zoning Director Trias: They have to be open to the sky. If they are not open to the sky, they can be there, but they don't -- they won't count...

Commissioner Keon: And you can...

Planning and Zoning Director Trias: Yeah.

Commissioner Keon: Close them, whatever, but they're...

Planning and Zoning Director Trias: Now, the examples you're mentioning, I think you're thinking of Via Mizner and Via Parigi by Addison Mizner. Those are classic examples...

Commissioner Keon: They're beautiful.

Planning and Zoning Director Trias: In architecture. And then some of it is open; some of it is not. It's a variety of things.

Commissioner Keon: Right.

Planning and Zoning Director Trias: In that case, the open areas would count as open space in our Code, and the enclosed areas wouldn't count. But the connection will still be there. That's the idea of this definition, to encourage more open space and not to discourage the paseos that would be very functional and may be part of a building.

Commissioner Keon: So, if...

Vice Mayor Lago: And that's why...

Commissioner Keon: (INAUDIBLE)

Vice Mayor Lago: No, no, please, Commissioner.

Commissioner Keon: But is there that opportunity when you design a paseo that is -- has, you know, some really beautiful attributes to it, you know, is there the opportunity to come back and have that discussion?

Planning and Zoning Director Trias: I believe so.

Commissioner Keon: You can always do that? And then it will be...

Mayor Valdes-Fauli: We can do that.

Commissioner Keon: Oh, okay.

Vice Mayor Lago: That's why I mentioned at the beginning...

Commissioner Keon: Yeah,

Vice Mayor Lago: I want to be flexible. I don't want to be heavy handed.

Commissioner Keon: Right.

Vice Mayor Lago: But I want -- if a developer comes to me and says, listen, I can design this exceptional project, which is very welcoming to the community, not only to the residents and the business community that inhabit that building, but to people who are going to be walking and shopping in our downtown or on US-1 or wherever that may be. But I may need the following, or it's going to basically bite into my project and not allow me the following square footage or it's

an issue. I'd rather see a better designed building, which is welcoming than just have a building that goes setback to setback and their open space is included in stairwells.

Unidentified Speaker: Right.

Planning and Zoning Director Trias: Right.

Vice Mayor Lago: Which is not open space. And I think that we all agree on that. And that -- even though the City Manager mentioned that's not happening now, it was happening for many, many years.

Planning and Zoning Director Trias: It did.

Vice Mayor Lago: And we started having this discussion two years ago, when it was happening.

Planning and Zoning Director Trias: And what happens is that the Design Code doesn't design the projects.

Vice Mayor Lago: Yeah.

Planning and Zoning Director Trias: It just gives you some rules.

Vice Mayor Lago: Parameters.

Planning and Zoning Director Trias: Now, we have the Board of Architects, we have staff review. We have a variety -- and then eventually, we have the Commission review. I think it's working well. I think the City Manager explained it very well, that most projects exceed the requirements already. And yes, there's one or two in the pipeline that staff is not ready to recommend approval,

that may be being discussed, but that's part of the process. We simply have a chance to review them. Based on the merits, we make a recommendation.

Vice Mayor Lago: By passing this legislation, we memorialize what we want to see in the city...

Commissioner Keon: Right.

Vice Mayor Lago: And we tell developers very, very clearly, we want quality. We don't want projects that just are setback to setback, to squeeze every last square footage of -- and you know, this is not a vanity play. This is a play in regards to delivering the best for our city.

Mayor Valdes-Fauli: Right.

City Attorney Ramos: So, to be clear...

Mayor Valdes-Fauli: Okay.

City Attorney Ramos: The effective date is today. Any project that has not received final approval by today will have to comply with this ordinance.

Mayor Valdes-Fauli: Okay.

Commissioner Mena: Final approval...

Mayor Valdes-Fauli: Okay. So, we -- do I hear a motion?

Commissioner Mena: Final approval from?

City Attorney Ramos: Period, final approval. If today is the effective date, then any project in the pipeline...

Commissioner Mena: That seems...

City Attorney Ramos: Would have to conform. That's all I'm saying.

Commissioner Keon: The permitting.

Mayor Valdes-Fauli: Okay.

Commissioner Mena: But that's...

Vice Mayor Lago: What do you think, Mike? I mean, Commissioner Mena, what do you think?

Commissioner Mena: No, I'm just trying to be...

Vice Mayor Lago: No, and I'm with you. I'm asking you.

Commissioner Mena: If somebody's already got...

Vice Mayor Lago: That's why I'm asking.

Commissioner Mena: You know, drawings and architects worked on, I mean, that's a significant amount of money invested in a possible project. So, I would consider some sort of period -- you know, I don't know if it's a time period or if it's a stage within our process.

Mayor Valdes-Fauli: We should have a stage within the process.

Vice Mayor Lago: Cut-off point.

City Attorney Ramos: In the past, we have made it final BOA.

Mayor Valdes-Fauli: What?

City Attorney Ramos: Is that correct, Ramon?

Planning and Zoning Director Trias: Yes.

Commissioner Keon: In the past, it's been BOA.

Planning and Zoning Director Trias: We've done that before, yes.

City Manager Iglesias: And let me say again...

Commissioner Keon: And BOA is far enough along in the process, yes.

Planning and Zoning Director Trias: It's at the end of the process.

Commissioner Keon: It's at the end of the process.

Planning and Zoning Director Trias: The final review is at the end of the process and...

Commissioner Mena: That still seems to be a little late in the process.

Vice Mayor Lago: That's before they go on to CD, so it's not -- you know, they're not formalizing their CDs, their construction documents. They're...

Planning and Zoning Director Trias: Final BOA means that it would have been to the City Commission already, so...

Mayor Valdes-Fauli: Okay.

Planning and Zoning Director Trias: So, that's at the end of the process.

Commissioner Mena: Again, that seems to be a little late. I mean, I -- it sounds -- I'm not an architect or engineer, but it sounds to me like to adjust to this, you might have to make fairly significant changes to your project. I mean...

Commissioner Keon: Well, but I think it -- Board of Architects is conceptual. You still don't have construction documents, so they don't have that amount of money -- and what they have is money invested in concept, but not invested in...

City Manager Iglesias: But...

Commissioner Keon: Construction documents yet.

City Manager Iglesias: But let me say that we look at these projects during the DRC process.

Commissioner Keon: Right.

City Manager Iglesias: I think it's -- everybody knows out there right now that if it didn't come in with substantial green space, that it will not -- that they're not going to get a favorable recommendation from Planning & Zoning. So, I don't think that -- I think that we have not had a project come through yet that doesn't more or less comply with that. And if we do have a project that it will -- that -- where the green space is not applicable -- for instance, it was in -- maybe in the business district or Miracle Mile or something like that, then we would recommend for an

alternate use of that space. So, we are very cognizant of it and the fact that most of these projects are not as-of-right and require Commission approval, it allows us to take care of it at that time.

Commissioner Keon: Okay. That's at BOA?

Mayor Valdes-Fauli: Yeah.

City Manager Iglesias: Well, at the DRC.

Commissioner Keon: Or is this at DRC?

City Manager Iglesias: We take care of it at DRC.

Mayor Valdes-Fauli: However, most people are aware of this requirement. They've been hearing us for the last, god knows how many years, especially Commissioner Lago and his concern for open space and green space.

Commissioner Keon: Right.

Mayor Valdes-Fauli: And I think that they're very much aware of this. It's not going to catch anybody by surprise. Do I hear a motion?

Vice Mayor Lago: So moved.

Commissioner Keon: So, it's BOA?

Mayor Valdes-Fauli: Yeah.

City Attorney Ramos: As it stands right now, it's today.

Vice Mayor Lago: Do BOA?

City Attorney Ramos: It's not BOA.

Mayor Valdes-Fauli: BOA.

Vice Mayor Lago: Let's do BOA.

Mayor Valdes-Fauli: BOA.

City Attorney Ramos: So, it's with an amendment to BOA.

Vice Mayor Lago: I want to make sure the entire Commission feels comfortable because they're going to get calls from architects.

Mayor Valdes-Fauli: Yeah, BOA.

Vice Mayor Lago: And we can always bring this back. I want to be clear. This is -- even though this is my legislation, I want my colleagues to come back to me and say, hey, we may need to tweak it, and it's okay.

Commissioner Keon: Right.

Vice Mayor Lago: Just like Commissioner...

City Attorney Ramos: But with...

Commissioner Mena: And I -- yeah. And I think the point that Commissioner Keon raises interesting -- as far as how it's going to play out here because I think at some point -- I understand the logic behind it being open to the sky and that's what counts as open space. But maybe if it's large enough...

Commissioner Keon: It has enough volume.

Commissioner Mena: Yeah.

Vice Mayor Lago: Yeah.

Commissioner Mena: Where you still have a feel of open space, then it doesn't necessarily have to be open to the sky. You know, I think we have to look at that.

Commissioner Keon: I think if somebody comes forward with a really well-designed paseo or connection, it shouldn't be thrown out.

Commissioner Mena: Because think about like Douglas Entrance.

Vice Mayor Lago: Let me give you an example, too, like...

Commissioner Mena: Right?

Vice Mayor Lago: 2020 Salzedo.

Commissioner Keon: Right.

Vice Mayor Lago: 2020 Salzedo has a very nice paseo with an entrance.

Commissioner Keon: Yes.

Vice Mayor Lago: Where you...

Commissioner Keon: That courtyard is...

Vice Mayor Lago: With that courtyard, where you can dine.

Commissioner Keon: Yeah.

Vice Mayor Lago: You know, and the kids can run around. They can have a good time, and it's not...

Commissioner Keon: But I think that there is...

Vice Mayor Lago: And it's not green space. It's not green space. They have a water feature there. They have tables.

Planning and Zoning Director Trias: That's a good example. The open area counts as open space. Based on these rules, the enclosed area wouldn't count anymore, so that's a very good example.

Mayor Valdes-Fauli: Okay.

City Attorney Ramos: This is a public hearing item.

Commissioner Keon: But I think we need to...

Mayor Valdes-Fauli: Yeah. I called it. There's nobody.

Commissioner Keon: We need to make -- keep that flexibility. So, I don't know how you do it, but I hope it's in the interpretation or somewhere along the line that you really -- and maybe not as the role of the BOA.

Planning and Zoning Director Trias: And at staff -- and there are multiple reviews. And I think - - I cannot think of a project that the open to the sky issue with the paseo would have made a difference because there are so many other ways to meet the open space requirement, so it's complex and it requires, I think, good input. So far, I haven't heard anybody oppose this a hundred percent and...

Commissioner Keon: Okay.

Planning and Zoning Director Trias: All they're saying is that they want to look at it and see how they can make it work.

Commissioner Keon: Okay.

Vice Mayor Lago: Okay.

Commissioner Keon: Thank you.

Mayor Valdes-Fauli: Alright. It's been moved and seconded. Will you call the roll, please?

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

Mayor Valdes-Fauli: I think it was Commissioner Keon, no?

Commissioner Keon: Yeah, I will.

City Clerk Urquia: Okay.

Mayor Valdes-Fauli: No?

Commissioner Keon: I don't know if anybody did. I will.

City Clerk Urquia: Okay.

Commissioner Keon: I think.

Vice Mayor Lago: Yes.

Commissioner Mena: Yes.

Commissioner Fors: Yes.

Commissioner Keon: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Mayor Valdes-Fauli: Alright, F-2.

Vice Mayor Lago: Thank you.