

City of Coral Gables City Commission Meeting
Agenda Item E-1
November 14, 2023
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Rhonda Anderson

Commissioner Melissa Castro

Commissioner Ariel Fernandez

Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez

City Manager, Peter Iglesias

City Clerk, Billy Urquia

City Planner, Jennifer Garcia

Public Speaker(s)

Agenda Item E-1 [12:48 a.m.]

An Ordinance of the City Commission providing for text amendments to the City of Coral Gables official Zoning Code, Article 6, “Landscape,” by amending the utilization of artificial turf on open joints of pavement; and Article 10, “Parking and Access,” by providing review of materials in pavement joints; and providing for a repealer provision, severability clause, codification, and providing for an effective date. (10-11-23 PZB recommended denial, Vote 4-3)

Mayor Lago: Let’s take item E-1, Ordinance on Second Reading.

City Attorney Suarez: E-1 is an Ordinance of the City Commission providing for text amendments to the City of Coral Gables official Zoning Code, Article 6, “Landscape,” by amending the utilization of artificial turf on open joints of pavement; and Article 10, “Parking and Access,” by providing review of materials in pavement joints; and providing

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for a repealer provision, severability clause, codification, and providing for an effective date.

Mayor Lago: I think we pretty much discussed it on first reading. If you drive through the city, you are seeing a little bit of this proliferation happening throughout the city. I think it fell through the cracks, and our zoning director is here, if you'd like to come up. I think there's an opportunity to kind of make sure that we keep on brand with the city, and make sure that we address the issue before it becomes too prevalent in the city. Madam Zoning Director how are you. Thank you for being here.

City Planner Garcia: Good afternoon, Jennifer Garcia, City Planner. So, this one is between first reading and second reading at the Planning and Zoning Board. They had concerns about restricting, I guess, the flexibility of materials for a driveway. Before second reading there's been no changes since first reading.

Mayor Lago: The only restriction is that when you take a look at it, and I deal with artificial turf all the time. I install in schools. I've done multiple projects over the last year. Even with very high-end quality materials, in the Florida sun, and the Manager will tell you, it just doesn't stand up, that's number one. Number two, if it's not properly kept up, glued down properly, it just starts to go missing. Even the gentleman from the school is shaking his head, because he knows it's true. It just doesn't look on par with what I think and many of us think the city should. The city has spent so much time and effort in sending a message. To me, I think it's pretty simple legislation. It just cleans up something that is an issue. Go ahead.

Vice Mayor Anderson: You are intentional perhaps on the fall through the cracks. A number of years ago the city moved away from artificial turf in the front yards, because of the aesthetic issue and this was overlooked. And while I don't like to limit what folks can do, this is not a retroactive applicable matter. We're not making folks rip it out and replace it, and it looks worse where tires turn in that swale area where the mud accumulates. I can only imagine what it would look like on my driveway, since I have mud coming down from the rest of the block, from the swales that are not as well maintained. So, for those reasons I'm in favor of it. This is not a penalty for folks that currently have it, but going forward, I think a much more durable material needs to go between the cracks, because of the heavy wear and tear of a vehicle on artificial turf is much different than having a strip in a yard even. So, for those reasons I'm in favor of this.

Commissioner Castro: During the first reading, I didn't agree with this change. I still don't agree with this change. In fact, I think this is something that maybe the Board of Architects should have had more of a professional opinion on it. I think that we should still leave the artificial turf between the concrete slabs in comparison to...and you're driving through them, and they are spreading around, or the grass is dead. We have a Code Enforcement Department. If the artificial turf is not looking good, we need to make them comply. We need to fine them, issue a violation. We can also, another suggestion is, we could provide an approved vendor list that's up to our standards when it comes to artificial turf. So, maybe I'm the only one that thinks like this, but I stand strong with, I don't think we should change it.

Mayor Lago: If I may just answer. So, when I've installed this, the issue and the gentleman from the school who was shaking his head in agreement, the issue is, not only is the material, the wear and tear on the material with the tires, but also the sun. It's also the fact that you're talking about a very thin cut, just doesn't stand up well to the pressure. When you have it on a larger surface like a field, and artificial field, like I installed at Cushman School on a rooftop, with the proper drainage and the proper sloopage. It has a lot more management, it's manageable in regard to the wear and tear. If you have a very small piece, it doesn't hold up well to the elements. I've seen this before when we installed in and we get call backs constantly to fix it, and eventually it just says, you know what, forget it, let's just install rocks here for proper drainage, because the look obviously between the slabs, it's basically the soil or crushed rock, perforation of a slab base. Again, I've installed this on many, many different occasions. Going to be installing it right now on another school, and the larger the space, the more appropriate it is. When you start cutting it into spaces and putting it into little nooks and crannies, especially when you're driving over it excessively, the wear and tear just shows. This doesn't look good.

Commissioner Castro: I don't think it should be up to us to restrict if they should put turf or not. It should be up to the Board of Architects to approve whether it looks appropriate to put turf or not.

Commissioner Fernandez: I was in favor of this on first reading and having several conversations with architects and residents and watching the Planning and Zoning Board meeting. I think it is borderline over-regulation on the city side. I agree with Commissioner Castro. We do have a Board of Architects who do a very tedious job of making sure that things fall in line with what they should be. I think that we should maybe try to find a way where we find approved vendors or approve material limiting the actual material that's used to make sure that it's higher quality and can stand the weight. It's being used all over

the country. I mean you go to California; most homes have this in their front lawns, because of the fact the grass doesn't grow. I'm of the opinion, we have a beautiful tree canopy in our city. There are many residents who cannot grow grass on their swales. I think the contrast between the cement and the green turf is a lot better than cement and rocks that are going to be flying all over the place. So, today, I would be a no on this.

Vice Mayor Anderson: So just because I've heard rocks flying. Ms. Garcia, could you please let the Commissioners know that the standard currently regarding the rocks as opposed to prior times when we had rocks installed to avoid the loose rock issue.

City Planner Garcia: Talking with the City Architect, he had suggested that it be no smaller than three-quarters of an inch each. So, it's not something that stands or something that moves a lot. It's actually substantial rocks that go between these joints.

Mayor Lago: River rocks. It's common. It's common in most driveways that want something a little bit more tasteful, considered a little more elegant.

Vice Mayor Anderson: And there's a poxy as well, they can hold the rocks in place.

Commissioner Menendez: I think I asked this the first time, but just want to get a clarification. So, if someone does have artificial grass as of today, and a year or two goes by and they need to replace it, because of the wear and tear, then what happens.

City Planner Garcia: They can still.

City Attorney Suarez: If there is no permit required to just replace that artificial turf, they would just be able to replace it.

Commissioner Menendez: What this legislation is basically saying.

City Attorney Suarez: So, this is for the approval of the driveway.

Commissioner Menendez: Correct.

City Attorney Suarez: But if you already have the artificial turf and you're just replacing that strip, you don't need a permit for that, am I correct Mr. Manager?

City Manager Iglesias: That would be repair.

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Commissioner Menendez: So, if they take out the strip and they put it back on down the road, they can still do that.

City Attorney Suarez: Correct. If they redo their driveway, however, then that's different. They would need a permit for the driveway and then they would be subject to this review.

City Manager Iglesias: If they were permitted originally.

Commissioner Menendez: And so, we have code enforcement, I mean, they check to see if your roof is pressure cleaned, do we have the administration follow up on those types of details – their driveway, do we even check if its well-kept, if it needs to be replaced.

City Planner Garcia: I believe in the, I don't have it with me right now, but in the artificial turf section of our code in Article 6, it talks about if it's in disrepair or uneven or faded, in the sun too long that Code Enforcement can go out and cite them if they're not complying with the zoning code. Now if it's a regular team of our officers, probably not.

City Manager Iglesias: Well, we haven't really had it long enough to really get to that point.

Commissioner Menendez: Well, that might be part of the problem. Obviously, if it does wear and tear, we need to follow up and have them correct the situation. Those are basically my top two questions.

City Manager Iglesias: It does take vehicular loading at that point that normal field, like a soccer field would not. So that's a whole different ballgame between large areas between segmental concrete is what we're talking about.

Commissioner Menendez: In PNZ, what did they say, I didn't see the tape, why they said they...

City Planner Garcia: I think it was both the timing of it, after a lengthy discussion of the first item they talked about. This one came right afterward. They wanted the first item to be a little more restrictive from a development standpoint. This item came right afterward, I think they felt the contrast of the two, they felt this was too overbearing for our residents to comply with. That's going to be the concern.

Commissioner Castro: You're trying to tell me that if we replace artificial turf, because it's all gone bad, we don't need a permit, is that accurate?

City Manager Iglesias: This allows if you were permitted originally, and you have to make some repairs then you are certainly allowed to.

Commissioner Castro: So, if Code Enforcement drive by and I am replacing the artificial turf, that's not questionable?

City Attorney Suarez: Let's clarify though. Not just any artificial turf. I think it would be the strips. If you had a permit and then you're approved to have your driveway with these pavers with the artificial turf in the joints, if that was approved, that's different than like if you just have general artificial turf. We're talking about two different things.

Commissioner Castro: If you're replacing everything because everything is not up to our standards, you're going to tell me you don't need a permit.

City Manager Iglesias: It would be like a canvas recovery. If you have a canvas then you can repair your canvas, if it's actually damaged. So, if you have artificial turf in between your pavement sections, this is only really – it's not done for pavers, it's done for large segmental pavement driveways then you could replace that. Now that does take vehicular loading, it does take turning wheel loading, it does take a number of things. Most architects are not in favor of artificial products, so that's just a general.

Mayor Lago: When you talk about the city, the city as-a-whole, we've never been in favor of having artificial products so visible from the street. It's something that we've been clear on. For example, allowing artificial turf on a swale or allowing artificial turf in front of a house, we've been very restrictive on that.

City Manager Iglesias: Mayor, we've never allowed artificial turf on swales.

Mayor Lago: I know we've never, but I'm saying we've also taken a roll where when somebody has an issue, for example, we've allowed it on the side of a house, we've allowed it in the back. We've been very thoughtful on that front, because you want to try to help somebody out who has a shade issue with a tree or an issue where they can't grow, but if we're going to start allowing artificial turf in the front of the house and on swales, I'm not a fan of that. I don't think that would be the best look for the city. So, this is why I brought it up. I've talked to several residents who have told me they brought it up to my attention.

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I've gone. I've driven and looked for some of these driveways. I think the stones look natural to me. They don't look like they belong in the city. There's a lot of opportunities to do something beautiful with the driveway – Chicago brick, pavers, stones, concrete slabs. There's a lot of things that you can do. I just think that adding that detail between the slats just doesn't jive or doesn't kind of coincide with our aesthetic that the city, in my opinion, but again, if it's not the will of the Commission, I don't have a problem. We can take it to the Architectural Board to see what their opinion is on the matter, but I didn't think it was that much of a big deal.

Commissioner Fernandez: I disagree with the fact that we haven't approved it as a city. We have approved it on development projects next to the sidewalk. We've approved it in our parks, which are visible from the street. The only ones who are not able to take advantage of that are the residents. That's a concern that has been raised to my attention and I really didn't have a counter argument with that person.

Mayor Lago: What parks besides the one for children.

Commissioner Fernandez: Salvadore.

Mayor Lago: But we only allow it in that one park, is my understanding.

Vice Mayor Anderson: I'm just going to clarify. We don't allow it anywhere in the swale, anywhere.

Commissioner Fernandez: Not in the swale. I'm talking about...

Vice Mayor Anderson: Not commercial.

Commissioner Fernandez: The Mayor said, it's not allowed in front of any property. It is allowed. It was allowed on at least two development projects.

Mayor Lago: Which ones?

Commissioner Fernandez: The one across from...on Giralda, they have a green space for dogs, which is turf and there's...

Mayor Lago: Do you know which space?

City Planner Garcia: That would have been approved before the rewrite of the turf section of the code.

Commissioner Fernandez: When was the rewrite of the...

City Planner Garcia: The Giralda Complex you're thinking of.

Mayor Lago: I know we don't allow it. I know we don't allow it. We've never allowed it and that was cleared up because we had a long conversation and we actually put it into the code and corrected that. I've had many, many, many residents come up to me and say, I want to put turf in front of my home right up to the street. I personally don't think that that looks good. I think it's an issue where again, it takes away from the lushness of the city and allowing it on the swale, when you said swale, it caught me off guard because I've never seen it on a swale and I've never – I would never approve a development that has some sort of artificial turf that's visible from the street. I can't remember a project that I'm aware of. The last project that I saw where it was actually installed, and it was removed was in Merrick Park. They had installed it adjacent to Aries on that strip and Code Enforcement came and told them you can't have that there. So that was removed. But I haven't seen it anywhere. Maybe I'm wrong, but I haven't seen it.

Vice Mayor Anderson: It might be dated projects because this came before Planning and Zoning while I was serving. So, they might be a bit older. We even have residents that have it as well but imagine this artificial turf on the swale is the worst possible solution, and you'll hear it from the Board of Architects about how they care about having good materials and genuine materials being used that can withstand the wear and tear. The swales are like a non-starter, putting anything in the swale like that. You've seen frayed and torn carpets and stuff that putting that on the swale just doesn't make sense to me. We have great swale packages for that.

Commissioner Menendez: So, we allow grass to be there which gets eaten up, especially if it rains, but not this product. So, they can put grass between the slabs, right.

Vice Mayor Anderson: Yes, depends on whether or not you do it. You make a choice based on what you can grow. Okay. If you have a big driveway, take a long driveway, you'd probably put the grass in. But if you don't have a big, long driveway, and you have a short one like I do, you're not going to be putting grass in it, because you are going to be shading it most of the time, just like grass anywhere. You are going to put something else between those cracks or you're not going to have it at all. I cut mine into sections for drainage, but

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the stones can go in there. You can have them epoxied in to prevent the stones from moving. My neighbor has done it and it's beautiful.

City Manager Iglesias: Commissioner, I'm sorry. We have a swale package that allows different options for areas that have a lot of issues and so forth, and so those swale packages really address everything in the swale. This type of material has no load-bearing capacity. It's all based on what the sub-surface is. So, if you were to put it in a swale area, you'd have a serious problem with vehicular traffic, but you would not have certainly in a soccer field or a field that's actually prepared for that where you have people running on or people standing on it. So, it's not really a good package. It's not really good for vehicular traffic. We have the swale packages that allow you, not only plantings, but different materials where there is a sunlight issue.

Mayor Lago: I worked on that package with the Manager. I was the sponsor of that legislation and allowed for the first time ever to use some sort of crushed stone material, along with, I think, four or five African Congo's and ferns. I applied that to my swale, because of shade issues and I don't have any crushed stones. I wanted it to be all ferns, but the crushed stones are used to allow for somebody to park in an area where again, there's a mud issue or just doesn't hold well. Several people have it on their block and it's not really an issue. It looks very clean, very contemporary.

Vice Mayor Anderson: So, I'm going to share a story with you that helped inform me. My in-laws bought a house up in Kissimmee that was one of the sample homes and they were using the garage as an office space, so they put down a piece of carpet in the garage. Well, of course once you start driving on the carpet it starts to move and put ripples in it, and this is no different from trying to put carpet in between slats – cement, it's going to have that wear and tear. It's going to move, then you put some mud in there. Just imagine some mud on your carpet, it's going to look bad. You are not going to have the drainage capacity there to deal with the mud that you would with rocks between the cracks. I know everybody makes choices, but I doubt seriously when you hear from the Board of Architects, you'll understand how they feel about aesthetics that artificial materials are not going to be anything that they would be entertaining. Okay. So, it would be an extra step for folks to take that's going to be for naught.

Commissioner Menendez: When could the Board of Architects give us their thoughts on this. I mean I know you mentioned.

Vice Mayor Anderson: Two o'clock you'll have the Chairman from the Board of Architects here.

Commissioner Menendez: Oh, the whole board will be here.

Vice Mayor Anderson: Not the whole board, the Chairman.

Commissioner Menendez: Enough people, a quorum.

City Planner Garcia: Just one.

Vice Mayor Anderson: Just one. I've sat for weeks in front of them and listening to them talk about materials. So, I have a fair idea how they feel about materials being used on all types of...

Commissioner Menendez: I'd like to hear what they have to say, but at the end of the day also, going back to my natural grass versus artificial, natural grass has its drawbacks and this does too. Like I said, if you have natural grass between the slabs, it rains in South Florida a lot, and if a car goes over it, it becomes a mud pit; and as discussed before, if you have beautiful tree canopy, which you think is part of the beauty of Coral Gables, the grass won't grow. Well, and then a year later, you have an unsightly space between it, just like with the artificial. So, both have their advantages, but both have their disadvantages. But I'd love to hear from the Board of Architects.

Vice Mayor Anderson: Go take a walk down in Gables Estates and you'll see grass growing between slats, because they have the big, long driveways. Okay. I don't think anybody that doesn't have enough sunlight to grow grass is going to put grass, they'll choose the rocks.

Commissioner Castro: Let's remember, we have Code Enforcement. So, all these issues that we're facing, if the grass looks bad, if the grass is overgrown, if it's muddy, and if it's not up to our standards, this is something Code Enforcement should be taking care of. So, either way.

Mayor Lago: So, if it's the will of the Commission then we'll wait till 2 o'clock and hear from the representative from the (board).

Commissioner Fernandez: I think what we wanted was for it to go to the Board of Architects, to the entire Board of Architects to opine. So, it would be a motion to send this to the Board of Architects before it comes back to Commission.

Commissioner Menendez: When do they meet.

City Manager Iglesias: Thursday.

Mayor Lago: If that's the will of the Commission.

City Attorney Suarez: What was the question?

Commissioner Fernandez: When do they meet.

City Planner Garcia: They meet every Thursday.

Mayor Lago: Let's have one conversation through the Mayor, because again, we want to make sure it's properly documented. Go ahead.

City Attorney Suarez: I think Commissioner Menendez was asking a question about when.

City Manager Iglesias: For the record, the Board of Architects meets every Thursday.

Mayor Lago: Madam Director, I think it's the will of the Commission. They want to send it to review by the Board of Architects, whenever there's an opening in the next few weeks. Again, no rush on the issue and we'll move forward from there. Okay. We have a long agenda. Thank you very much.