

1 CITY OF CORAL GABLES  
2 PLANNING AND ZONING BOARD MEETING  
3 VERBATIM TRANSCRIPT

3 CORAL GABLES CITY COMMISSION CHAMBERS  
4 405 BILTMORE WAY, CORAL GABLES  
5 JUNE 15, 2005, 6:25 P.M.

5 Board Members Present:

6 Cristina Moreno, Chairwoman  
7 F. Michael Steffens, Vice-Chairman  
8 Eibi Aizenstat  
9 Pat Keon  
10 Tom Korge  
11 Javier Salman  
12 Michael R. Tein

13 City Staff:

14 Eric Riel, Jr., Planning Director  
15 Walter Carlson, Assistant Planning Director  
16 Elizabeth M. Hernandez, City Attorney  
17 Jill Menendez-Duran, Administrative Assistant

18 Also Participating:

19 Charles Siemon, Consultant  
20 Todd G. Messenger, Consultant  
21  
22  
23  
24  
25

1       THEREUPON:

2               The following proceedings were had:

3               CHAIRWOMAN MORENO:  Would you call the  
4 roll, please, Jill?

5               MS. MENENDEZ-DURAN:  Eibi Aizenstat?

6               MR. AIZENSTAT:  Present.

7               MS. MENENDEZ-DURAN:  Pat Keon?

8               Tom Korge?

9               MR. KORGE:  Here.

10              MS. MENENDEZ-DURAN:  Cristina Moreno?

11              CHAIRWOMAN MORENO:  Here.

12              MS. MENENDEZ-DURAN:  Javier Salman?

13              MR. SALMAN:  Here.

14              MS. MENENDEZ-DURAN:  Michael Steffens?

15              MR. STEFFENS:  Here.

16              MS. MENENDEZ-DURAN:  Michael Tein?

17              CHAIRWOMAN MORENO:  Okay.

18              MS. HERNANDEZ:  He's going to be late.  He  
19 did mention that to me.

20              MR. RIEL:  He called.  He indicated he's  
21 going to be about an hour late.

22              MS. HERNANDEZ:  Slow, but here.

23              CHAIRWOMAN MORENO:  Okay, we have for  
24 approval the minutes of the meeting of May 18th.

25              MR. KORGE:  I'll move to approve.

1 MR. STEFFENS: Second.

2 MR. SALMAN: I'll second.

3 MR. STEFFENS: I don't know if you can. You  
4 weren't here.

5 CHAIRWOMAN MORENO: Okay, Mr. Steffens'  
6 second. Please call the roll?

7 MS. MENENDEZ-DURAN: Eibi Aizenstat?

8 MR. AIZENSTAT: Yes.

9 MS. MENENDEZ-DURAN: Tom Korge?

10 MR. KORGE: Yes.

11 MS. MENENDEZ-DURAN: Javier Salman?

12 MR. SALMAN: Yes.

13 MS. MENENDEZ-DURAN: Michael Steffens?

14 MR. STEFFENS: Yes.

15 MS. MENENDEZ-DURAN: Cristina Moreno?

16 CHAIRWOMAN MORENO: Yes.

17 Mr. Siemon, are we ready?

18 MR. RIEL: Well, while Charlie is coming up,  
19 let me just note, you have a revised agenda in front  
20 of you this evening. If you'll note on the agenda,  
21 under Item 4, we were going to consider Article 4,  
22 which is Prohibited Uses, Article 5, Parking and  
23 Loading and Driveway Requirements, and Article 5,  
24 Signs.

25 Regarding Article 5, Telecommunications, we

1 have deferred that to the August 10th meeting.  
2 Therefore, we will not be presenting that this  
3 evening, and I would also note, I have one item at  
4 the end of the agenda: I would like to distribute  
5 the new zoning map as a result of the Zoning Code  
6 rewrite, and it's just a presentation and  
7 distribution of the map. It should take about two to  
8 three minutes.

9           So, with that, I'll hand it over to Mr.  
10 Siemon.

11           MS. HERNANDEZ: Okay, if I may also  
12 interject, there's two other topics that we are still  
13 working on that will come at a later meeting, which  
14 is suggested discussion items on the truck provisions  
15 and also on political signs. Those will not be heard  
16 this evening, okay?

17           CHAIRWOMAN MORENO: Okay. So we will not be  
18 hearing telecommunications, we'll not be hearing  
19 anything on the trucks, and we'll not be hearing  
20 political signs.

21           MS. HERNANDEZ: Correct.

22           MR. RIEL: And then, also, in front of you,  
23 you have -- it's not in color version but, you know,  
24 I usually give you the updated tracking sheet. The  
25 items that are shown in white, which begins on Page

1 3, are those -- those are the items that we are  
2 considering this evening.

3 MR. AIZENSTAT: I do want to say that this  
4 tracking sheet, at least for myself, it really helps  
5 quite a bit, and I want to thank you for that.

6 MR. RIEL: Thank you.

7 CHAIRWOMAN MORENO: Okay.

8 MR. RIEL: Oh, and another item, I  
9 apologize. We also put in front of you Article 8,  
10 the definitions. A couple meetings back, you asked  
11 us, how were some of these terms defined. You have  
12 that in front of you, as well. It's not the final  
13 version, but it's been updated since you got it the  
14 first time.

15 As you know, our discussion has been that we  
16 will, at the end of the entire discussion of the  
17 rewrite, be looking at this, but if you'd like to  
18 refer back to terms specifically dealing with  
19 prohibited uses, that's why we gave it to you this  
20 evening.

21 MR. KORGE: Thanks.

22 CHAIRWOMAN MORENO: I think that's very  
23 helpful.

24 MR. KORGE: Thank you.

25 MR. RIEL: I have nothing else.

1 CHAIRWOMAN MORENO: Thank you.

2 MR. SIEMON: Good evening.

3 CHAIRWOMAN MORENO: Now he's letting you  
4 speak.

5 MR. SIEMON: I'm going to start with -- I'm  
6 joined tonight by Todd Messenger, who is a planner  
7 and a lawyer who works in our office, who has played  
8 a role in this, but in limited areas, and when we get  
9 to those, I'm going to have him present and answer  
10 questions relative to signs, the ones we are going to  
11 address, and he also -- as you recall, when we talked  
12 about parking, you all asked us to collect some  
13 information about what other communities were doing,  
14 and Todd was responsible for compiling that, so he's  
15 here for that, and he also got me into the HOV lane,  
16 which helped, as well.

17 The first we're going to talk about is  
18 Article 4, Division 4, and the principal activity  
19 that was involved in this section was really a  
20 consolidation of some of the provisions that had been  
21 included in one district or another district, and so,  
22 as was the case in many of the other divisions, we  
23 consolidated things into certain areas.

24 We also eliminated some things that were in  
25 some areas because, for example, circuses, carnivals,

1 open-air tent shows, et cetera, were actually  
2 permitted as temporary uses, not as full-time uses,  
3 and so that has been transferred to the temporary use  
4 provisions and affirmatively addressed what can go,  
5 and we -- I guess we start with, the only change we  
6 made to the first, 4-101 (sic), is the elimination of  
7 these temporary items, moving billboards to signs,  
8 instead of having it in this provision, and we added  
9 the word "principal" in Line 10, the first word,  
10 because of some difficulty with some activity which  
11 is not the principal purpose of entertainment,  
12 entertainment that accompanies a restaurant, et  
13 cetera.

14 But other than that, the crematory, the  
15 electronic video, et cetera, were existing provisions  
16 in your existing Code and have just been relocated.

17 CHAIRWOMAN MORENO: Just to make sure, we  
18 only have three things here, A, B and C, right?

19 MR. SIEMON: That's correct.

20 CHAIRWOMAN MORENO: Okay.

21 MR. SIEMON: And two were eliminated. Those  
22 were circuses, carnivals, et cetera, which are  
23 temporary uses, and billboards went to signs.

24 MR. STEFFENS: And nightclubs existed  
25 previously?

1 MR. SIEMON: Yes.

2 MR. RIEL: Yes.

3 MR. SIEMON: The only change we made was  
4 "principal."

5 MR. RIEL: And I'd like to make a comment on  
6 that. This was an issue that was brought up at the  
7 City Commission last week, and I haven't even  
8 conveyed that information to Mr. Siemon.

9 The Commission asked us and provided some  
10 very specific direction in terms of tightening up the  
11 language, to allow better enforcement regarding  
12 nightclubs. So I'm going to give Mr. Siemon that  
13 transcript, and there will, in all probability, be  
14 changes to that nightclub definition, to further  
15 clarify what is a nightclub.

16 MR. AIZENSTAT: And the reason that you put  
17 in there casino, is that in the event that it happens  
18 or it comes forth --

19 MR. SIEMON: We put it in because it's in  
20 the existing Code and we didn't want to imply that it  
21 was --

22 MS. HERNANDEZ: Allowed.

23 MR. SIEMON: -- that we were changing that.

24 MR. AIZENSTAT: Just a question. There are  
25 a lot of charitable events that happen throughout the

1 City, and a lot of times, one of those ways that they  
2 do fund-raise is through casino nights. Would  
3 something like this impede them?

4 MR. SIEMON: I would believe that they  
5 would not. The standard term "casino" is a  
6 for-profit operation.

7 MR. AIZENSTAT: Okay.

8 MR. SIEMON: But I'm quickly turning to  
9 Article 8, to check the definition of casino --

10 MS. HERNANDEZ: I was just looking for that,  
11 yeah.

12 MR. SIEMON: -- to make sure that we haven't  
13 inadvertently done something --

14 There is no definition, so that --

15 Todd, would you make a note?

16 MR. MESSENGER: Casinos.

17 MR. SIEMON: It probably should be defined  
18 so that it doesn't exclude charitable events, which  
19 are not real gambling.

20 MR. AIZENSTAT: Correct. Thank you.

21 MR. SIEMON: I also would note that there  
22 may be, and I didn't realize this until I looked at  
23 this, a little while ago -- We have addressed,  
24 specifically, some aspects of entertainment in the  
25 commercial districts, including them within locations

1 of a certain size, certain dimension, certain times  
2 of operation, and also within double doors, no music  
3 that can be heard outside, et cetera, and that  
4 emerged with conversations with both Code Enforcement  
5 and Zoning about trying to recognize those accessory  
6 entertainment activities that are related to, for  
7 example, some restaurants in the community, some  
8 hotels, provided that they're internal, provided  
9 there's no outdoor loitering, all that sort of stuff,  
10 and we may have to, as I look at that prohibition --

11 MR. RIEL: Remember, we did that with the  
12 nighttime uses, where we had certain thresholds, over  
13 a certain size, and if you're in proximity to  
14 single-family, you needed to go through a major  
15 conditional review, or a minor, and the major being  
16 that it would need to come to this Board for review.

17 CHAIRWOMAN MORENO: If I may make a  
18 suggestion, it seems to me that the prohibited uses  
19 should be nightclubs or casinos and that you should  
20 define each of them in the definitional section, as  
21 opposed to, the way that I read this, you're defining  
22 it here, yet this definition is not as tight as your  
23 definition of nightclub in your definitional section.

24 MR. SIEMON: And I think that you're  
25 correct, that that's a disconnect, and that we just

1 simply moved it, left it as -- edited it as it was,  
2 and I think that has been the way we have treated  
3 everything else.

4 CHAIRWOMAN MORENO: Yes. My first reading  
5 of this, I was a little concerned about whether a  
6 theater, for example, would be caught in this,  
7 because it wasn't sufficiently clear to me that the  
8 sale of alcoholic beverages was a requisite, but when  
9 you look at the definition of nightclub, it's very  
10 clear. So I think that your definition is better  
11 than what this says.

12 MR. KORGE: Also, I'd be real careful about  
13 referencing for-profit as opposed to nonprofit,  
14 because that can come back to bite us in ways we  
15 don't anticipate.

16 MR. SIEMON: Well, what I think that we'll  
17 do is look at what the Florida Statutes say on that  
18 subject. Probably there is a distinction drawn with  
19 what's gambling what's not.

20 MS. HERNANDEZ: Right.

21 MR. SIEMON: If I recall. So we'll try to  
22 see if we can borrow defensible --

23 Okay. Now, let me find my way back to my  
24 cheat sheet here, so I can explain to you all, if you  
25 have a question where it came from.

1           So that's -- that really is all the changes  
2           that are in 4-401, and I understand and recommend and  
3           support the notion of taking -- just making the first  
4           one nightclubs and casinos, putting the definition of  
5           what those are in Article 8, and making sure that  
6           those definition are then good, Code-wise, because of  
7           the other treatment of some accessory entertainment  
8           activities related to restaurants.

9           The next is a section that was your existing  
10          Code, Section 8-2, and we modified the language to  
11          address the potential conflict between the  
12          prohibition for business conducted outside a building  
13          and/or restaurants to make sure that outdoor --  
14          open-air cafes and outdoor dining, as permitted under  
15          this Code, are not included in this prohibition.

16          There had been some spot amendment,  
17          somewheres else in the Code, I don't remember exactly  
18          where it was, and this was added in to modify that,  
19          and the locations were in the existing Code and we  
20          did not change those.

21          The other two provisions, in B and C and in  
22          D, are all as were previously written in the Code and  
23          do not have any changes.

24          MR. KORGE: You know, when I read  
25          Subdivision or Subsection A, I got a little confused,

1 and I might suggest you look at deleting the words  
2 "upon lots or premises abutting" -- on Line 23 and  
3 24.

4 I assume that you meant to include Ponce de  
5 Leon Boulevard between Southwest 8th Street and Bird  
6 Road as being permitted to use open-air cafes and  
7 outdoor dining, but when I read the "upon," it just  
8 got confusing to me, and I thought maybe that was  
9 prohibiting -- I just found it confusing.

10 CHAIRWOMAN MORENO: I think the whole  
11 drafting of that section is difficult, because the  
12 exception falls in the wrong place, so that it reads  
13 as though everything behind it is talking about where  
14 you're permitting open-air cafes, whereas my  
15 understanding is that you are prohibiting service  
16 stations, public garages, et cetera, on Coral Way, on  
17 Biltmore Way and on Ponce de Leon between Southwest  
18 8th Street and Bird Road.

19 MR. AIZENSTAT: That's correct.

20 MR. KORGE: Is that what you'd intended?

21 MR. AIZENSTAT: I did, also.

22 CHAIRWOMAN MORENO: Yeah, but I see why you  
23 read it the way you read it.

24 MR. KORGE: But then, what about Flagler  
25 Street? If we're going to 8th Street, why isn't it

1 to Flagler Street, on Ponce?

2 MR. STEFFENS: Because that's the  
3 single-family residential area.

4 MR. KORGE: So we're going to permit service  
5 stations, public garages and auto repair shops?

6 MR. STEFFENS: No, they're not permitted at  
7 all.

8 CHAIRWOMAN MORENO: They're automatically  
9 prohibited. This is a use that is permitted in the  
10 commercially-zoned area --

11 MR. KORGE: I got it. I got you. Okay.

12 CHAIRWOMAN MORENO: -- but it's prohibited  
13 on these -- and when it says abutting, because there  
14 is a gas station on the corner of Ponce and Bird, so  
15 what does abutting mean? Does it mean your principal  
16 address is on there or what?

17 MR. SIEMON: Abutting, under this Code,  
18 means it has a common boundary.

19 CHAIRWOMAN MORENO: So how does that gas  
20 station on Bird and Ponce exist?

21 MR. SIEMON: Under the definition, it would  
22 be nonconforming.

23 CHAIRWOMAN MORENO: Okay.

24 MR. SIEMON: I don't know its particular  
25 district.

1 MS. HERNANDEZ: We would have to pull the  
2 history file on it, but it probably was a  
3 nonconforming use when we adopted it initially, and  
4 it continued to be that.

5 CHAIRWOMAN MORENO: Okay.

6 MR. STEFFENS: Would this --

7 MR. KORGE: What would -- Excuse me for  
8 interrupting, but what would force it to conform?

9 (Thereupon, Ms. Keon arrived.)

10 MS. HERNANDEZ: If it burned down, if it  
11 burned down to the ground and -- I mean, there are  
12 many ways, an abandonment of the use, a for sale sign  
13 and then they -- you know, they don't -- they shut it  
14 down as a gas station --

15 MR. KORGE: It's not what we would like?

16 MS. HERNANDEZ: -- for more than a period of  
17 time, don't renew their license, you know.

18 MR. KORGE: Is that something we want? I  
19 mean, it's been there as long as I can remember. It  
20 serves the community. It's not -- it's not  
21 inappropriate for its location. I'm just wondering.

22 MS. HERNANDEZ: Right, but then they would  
23 have to come to the Commission to request, you know,  
24 the use to continue.

25 MR. STEFFENS: Did that --

1 MS. HERNANDEZ: That would have to be a  
2 public hearing, if -- you know, if they lost their  
3 status --

4 MR. KORGE: Uh-huh.

5 MS. HERNANDEZ: They would have to ask for  
6 the Commission to grant them that status, either by  
7 variance from the provisions of the Code or, you  
8 know, for the continuation of a nonconforming use.  
9 It depends on the circumstances under which it would  
10 come to you, so --

11 MR. KORGE: So you're suggesting or  
12 recommending that we don't make any changes?

13 MS. HERNANDEZ: Absolutely.

14 MR. KORGE: Okay.

15 MR. STEFFENS: Just to the west of that gas  
16 station, across Ponce, there's another building  
17 that's now -- I believe it's an antique shop.

18 MS. HERNANDEZ: Right.

19 MR. STEFFENS: But it was probably a gas  
20 station, looking at the form and placement and  
21 everything.

22 MS. HERNANDEZ: Right.

23 MR. STEFFENS: Is that a building that lost  
24 its ability to remain as a gas station because it  
25 didn't --

1 MS. HERNANDEZ: I would have --

2 MR. STEFFENS: -- keep up its license or its  
3 occupational status?

4 MS. HERNANDEZ: Right. I would have to look  
5 at the file on that particular property, but I would  
6 tell you that I'm of the opinion that they have  
7 probably lost their right to be a gas station in the  
8 future. It's over.

9 MR. KORGE: I guess I don't understand why  
10 that would be a problem in that location, to have a  
11 gas station. Do you remember why it was originally  
12 prohibited?

13 MS. HERNANDEZ: Despite my youthful  
14 appearance, I'm even younger here in the City than  
15 Mr. Zahner ever was, so I would not remember the  
16 history of that file.

17 MR. STEFFENS: Charlie, in this Section A,  
18 what about open-air cafes and outdoor dining at  
19 locations other than Coral Way, Biltmore Way or Ponce  
20 de Leon? How would they be handled?

21 CHAIRWOMAN MORENO: They fall under 4-403.

22 MR. RIEL: I think we really need to go back  
23 and look at this Ordinance 2622, as referenced above,  
24 and get a little bit more history on this issue and  
25 this language. This language is very confusing.

1 MR. STEFFENS: Because we have several --

2 MS. HERNANDEZ: Well, remember that the area  
3 has developed and changed --

4 MR. RIEL: Right.

5 MS. HERNANDEZ: -- over the years.

6 MR. STEFFENS: Because we have several other  
7 outdoor dining establishments. I know we have Books  
8 & Books, we have La Palma, and the Globe has outdoor  
9 seating on --

10 CHAIRWOMAN MORENO: Yeah. It's covered by  
11 4-403.

12 MR. STEFFENS: -- Alhambra Circle.

13 CHAIRWOMAN MORENO: 4-403 permits it.

14 MR. SIEMON: What has happened here, to be  
15 candid, is that an amendment was suggested -- this is  
16 something that was submitted to us for A --

17 MR. STEFFENS: Uh-huh.

18 MR. SIEMON: -- and we did not catch the  
19 inconsistency, we just put it in, and I don't even  
20 like the way it reads, so I'm intending to rewrite  
21 it.

22 MR. KORGE: Okay.

23 MR. SIEMON: But also, it's got to be  
24 reconciled with 4-4 --

25 MR. KORGE: 403?

1 MR. SIEMON: No, 4-403, E.

2 MR. KORGE: You mean, F?

3 MR. SIEMON: And why we delete the -- this  
4 404, E, which is now F, excuse me, 404, F.

5 MS. HERNANDEZ: Uh-huh.

6 MR. SIEMON: And I can't honestly sit here  
7 and tell you why that --

8 CHAIRWOMAN MORENO: But I'm clear --

9 MR. SIEMON: Other than it was an amendment  
10 that was suggested --

11 MR. KORGE: But you'll reconcile that for us  
12 and rewrite it?

13 MR. SIEMON: Yes, it's got to be reconciled.

14 CHAIRWOMAN MORENO: Charlie, I'm sorry.  
15 I'm clear as to what they're doing. You're allowed  
16 to have an open-air cafe anywhere in the City, as  
17 long as it's approved under the LDR ordinances.

18 MS. HERNANDEZ: Right.

19 CHAIRWOMAN MORENO: But what 4-402 does is,  
20 it says, on these particular streets, no outdoor use  
21 is permitted except for open-air --

22 MR. SIEMON: As otherwise provided in this  
23 Code, explicitly provided in this Code.

24 MS. HERNANDEZ: Exactly.

25 CHAIRWOMAN MORENO: Right.

1 MR. SIEMON: It doesn't say that.

2 MR. KORGE: 4-403?

3 CHAIRWOMAN MORENO: Right.

4 MR. STEFFENS: But why would you need to say  
5 it twice? If you're allowed to do it in F, why do  
6 you need to say it in A?

7 MR. KORGE: Well, A should cross-reference  
8 F, so that there's no misunderstanding about it.

9 MR. SIEMON: Well, there's an ambiguity  
10 here, because the language does say that restaurants,  
11 outdoor businesses in conjunction with restaurants,  
12 are not permitted otherwise in -- no. No, I'm  
13 correct. It should say, "except as otherwise  
14 explicitly provided for in this Code."

15 MS. HERNANDEZ: Exactly.

16 MR. SIEMON: Is what the language needs to  
17 say.

18 CHAIRWOMAN MORENO: I disagree.

19 MR. KORGE: No.

20 MR. SIEMON: No?

21 CHAIRWOMAN MORENO: No.

22 MR. KORGE: It should reference the specific  
23 section.

24 CHAIRWOMAN MORENO: No. I'm sorry. Let's  
25 go back. This section is prohibiting uses otherwise

1 permitted in the Code, including uses permitted under  
2 4-403 on these streets. It's saying you cannot have,  
3 on Miracle Mile, a service station. You cannot have,  
4 on Miracle Mile, a commercial nursery. Even though  
5 those uses are specifically permitted under 4-403,  
6 they're singling out those streets --

7 MS. HERNANDEZ: Right.

8 CHAIRWOMAN MORENO: -- as areas where those  
9 uses are prohibited, notwithstanding that they're  
10 allowed elsewhere in the Code.

11 MR. KORGE: So, if you want to accept  
12 open-air cafes and outdoor dining, then you need to  
13 cross-reference the subparagraph in 403 that permits  
14 that.

15 CHAIRWOMAN MORENO: No, I disagree.

16 MR. KORGE: Yes.

17 CHAIRWOMAN MORENO: What you need to say is,  
18 "No service station, public garage, auto repair shop,  
19 machine shop, used car lot, or any business conducted  
20 outside a building, and/or restaurants, shall be  
21 permitted on any lot abutting," et cetera, et cetera,  
22 et cetera, "except that open-air cafes and outdoor  
23 dining shall be permitted under Article 5, Division  
24 3.

25 MS. HERNANDEZ: Right, at the end.

1 CHAIRWOMAN MORENO: After the -- you need to  
2 put the "except" at the end --

3 MS. HERNANDEZ: Exactly.

4 MR. KORGE: Whatever.

5 MS. HERNANDEZ: Instead of in the middle.

6 CHAIRWOMAN MORENO: Uh-huh, and that will  
7 take care of it, the intent, which is, all of these  
8 exceptions of 4-403 do not apply on those streets.  
9 That's the idea.

10 MR. STEFFENS: Are we going to have an  
11 industrial district left when we get through with  
12 this Code change?

13 MR. RIEL: Yes.

14 MR. SIEMON: Yes.

15 MR. STEFFENS: We will?

16 MR. SIEMON: At least at this point.

17 MR. RIEL: About three square feet. No, we  
18 will have some left.

19 MR. SALMAN: And we'll have an adult  
20 bookstore, right?

21 CHAIRWOMAN MORENO: Are we allowing an  
22 open-air car dealership outside the industrial area?

23 MR. STEFFENS: Open-air car dealership or  
24 used car dealership?

25 MR. SIEMON: Car lot.

1 MR. KORGE: It's just used car lot.

2 CHAIRWOMAN MORENO: Here -- no, but see --

3 MR. RIEL: Yes, they're permitted.

4 CHAIRWOMAN MORENO: See the addition,  
5 "or as accessory to a new car dealership."

6 I wouldn't want to see The Collection now  
7 having their used cars outdoors.

8 MS. HERNANDEZ: Go back to the paragraph  
9 you're saying it on again.

10 CHAIRWOMAN MORENO: 4-404.

11 MS. HERNANDEZ: "Shall not be conducted  
12 anywhere except upon premises in Industrial District  
13 or as accessory to a new car dealership."

14 CHAIRWOMAN MORENO: So this says to me that  
15 if I have The Collection, which is a new car  
16 dealership, they could have an open-air used car lot  
17 even though they're not in the industrial district.

18 MR. STEFFENS: What's the problem?

19 MS. HERNANDEZ: But it doesn't say they can  
20 have an open-air -- I mean, it just says they can  
21 have it as an accessory to a new car dealership, just  
22 like we have here, Bill Ussery. They have a used  
23 car --

24 MR. STEFFENS: Mercedes has an open-air used  
25 car lot.

1 MS. HERNANDEZ: But we have -- we've had --  
2 over the years, our Code Enforcement Department has  
3 shut down many establishments that have tried, along  
4 Southwest 8th Street, to convert into these used car  
5 dealerships, you know. It has to be as an accessory  
6 to a new car dealership.

7 CHAIRWOMAN MORENO: I stand corrected. You  
8 are prohibiting it under 4-403 and you are permitting  
9 it as an accessory --

10 MS. HERNANDEZ: Right.

11 CHAIRWOMAN MORENO: -- with a new car  
12 dealership, but in that case, it could not be  
13 open-air. Okay.

14 MS. HERNANDEZ: Correct.

15 CHAIRWOMAN MORENO: I'm clear.

16 MR. STEFFENS: So you cannot have an  
17 open-air used car lot as an accessory use?

18 MR. RIEL: As a primary use.

19 MS. HERNANDEZ: Not as of right.

20 MR. RIEL: As a primary use. As an  
21 accessory use, yes.

22 MR. KORGE: Yeah, it is permitted as an  
23 accessory use.

24 CHAIRWOMAN MORENO: Right.

25 MR. STEFFENS: As an accessory use, you can

1 have an open-air used car lot.

2 CHAIRWOMAN MORENO: No, you cannot.

3 MR. KORGE: It says it, right here.

4 CHAIRWOMAN MORENO: No, you cannot.

5 MS. HERNANDEZ: Where?

6 CHAIRWOMAN MORENO: Okay, 4-403, no business  
7 shall be permitted unless it's under cover of a  
8 building except used car lots when located in an  
9 industrial district.

10 MR. KORGE: Right.

11 MS. HERNANDEZ: Right.

12 CHAIRWOMAN MORENO: Okay. 4-404 says: The  
13 business of a used car lot shall not be conducted  
14 anywhere within the City except upon premises in the  
15 industrial district or as an accessory to a new car  
16 dealership.

17 What Liz is saying to me is, this doesn't  
18 authorize them to be open-air. It can be --

19 MS. HERNANDEZ: Correct.

20 CHAIRWOMAN MORENO: -- enclosed as part of  
21 The Collection.

22 MR. KORGE: Okay, so then Bill Ussery is  
23 nonconforming? Are they currently non --

24 MR. AIZENSTAT: Because across the street,  
25 in different blocks.

1 MS. HERNANDEZ: They're not currently  
2 nonconforming. They're --

3 MR. KORGE: So we're going to make them  
4 nonconforming? We're --

5 MS. HERNANDEZ: We're not making them  
6 nonconforming, because they're not in the industrial  
7 section. Bill Ussery is in the commercial district.

8 CHAIRWOMAN MORENO: But an open-air used car  
9 lot, you're telling me, is nonconforming under this  
10 regulation, because it's open-air?

11 MS. HERNANDEZ: Correct.

12 MR. STEFFENS: And it's not in the  
13 industrial district.

14 MS. HERNANDEZ: Correct.

15 MR. AIZENSTAT: What -- Charlie --

16 MR. KORGE: How do you arrive at that  
17 conclusion? I'm sorry, I get the exact opposite  
18 conclusion.

19 CHAIRWOMAN MORENO: If it's to be open-air,  
20 it must be in the industrial district, under 4-403.

21 MR. KORGE: So Bill Ussery is -- that's an  
22 open-air and it's not in the industrial district --

23 MR. STEFFENS: It will become --

24 CHAIRWOMAN MORENO: Therefore, it's  
25 nonconforming.

1 MR. KORGE: That's what I asked, and you  
2 said that --

3 CHAIRWOMAN MORENO: Yes.

4 MR. STEFFENS: It will become nonconforming.

5 MR. KORGE: It will become nonconforming as  
6 a result of this?

7 MS. HERNANDEZ: Correct.

8 MR. RIEL: I think we need to clarify  
9 Section 4-404, to say open-air.

10 MS. HERNANDEZ: Okay.

11 MR. RIEL: We need to clarify that, if  
12 that's the intent.

13 MR. KORGE: So the intent is that it will  
14 not become nonconforming at Ussery?

15 MR. RIEL: It will be.

16 MR. STEFFENS: It will be.

17 MS. HERNANDEZ: The intent is for Bill  
18 Ussery --

19 MR. STEFFENS: It will be.

20 MR. KORGE: It will be.

21 MS. HERNANDEZ: -- to be not, or for it not  
22 to be not?

23 MR. RIEL: What I'm hearing is, you do not  
24 want to allow open-air used car dealerships outside  
25 the industrial district.

1 CHAIRWOMAN MORENO: Yes, that is my --

2 MR. KORGE: Is that what you had proposed?

3 MR. RIEL: That's -- well, it doesn't say  
4 that. It just says --

5 MR. KORGE: I'm not asking what it says.  
6 I'm asking what you were proposing. That's  
7 different.

8 MR. RIEL: I --

9 CHAIRWOMAN MORENO: They were proposing not  
10 to permit it.

11 MR. KORGE: That's what you --

12 MS. HERNANDEZ: Correct.

13 MR. KORGE: That's what you want? You want  
14 them --

15 MS. HERNANDEZ: Correct.

16 MR. KORGE: -- to be nonconforming?

17 MR. STEFFENS: Are we permitting open-air  
18 new car dealerships outside of the industrial  
19 district?

20 CHAIRWOMAN MORENO: I think we should not  
21 allow that, either, right?

22 MR. AIZENSTAT: If you don't do one --

23 CHAIRWOMAN MORENO: Yeah. It makes it --

24 MR. STEFFENS: I don't really see the  
25 difference.

1 MR. RIEL: I don't think it's really been  
2 clarified whether it's an open-air or within a  
3 building. I think this discussion has brought light  
4 to that fact.

5 MR. AIZENSTAT: Right.

6 MR. RIEL: So we'll clarify.

7 CHAIRWOMAN MORENO: Neither. In the  
8 commercial district --

9 MR. RIEL: Neither --

10 CHAIRWOMAN MORENO: -- it must be enclosed.

11 MR. RIEL: -- open-air, used or new car --

12 MR. AIZENSTAT: Correct.

13 MR. RIEL: -- lots shall be permitted.

14 MR. AIZENSTAT: Charlie, what's your  
15 definition of under cover of a building, Section  
16 4-403?

17 MR. SIEMON: The definition of building  
18 is --

19 MR. AIZENSTAT: Under cover of a building.

20 CHAIRWOMAN MORENO: If you think they should  
21 be allowed, say it.

22 MR. KORGE: I mean, I don't -- I've got to  
23 tell you, I'm perplexed why we're turning a  
24 long-standing business, Bill Ussery Motors, into a  
25 nonconforming use, I mean, because -- I just don't

1 understand why we would do that.

2 MR. SIEMON: A structure having a roof --

3 MR. STEFFENS: They can continue to use it.

4 MR. KORGE: I understand that, but --

5 MR. SIEMON: -- supported by columns or  
6 walls, attached to a shelter, housing or enclosure,  
7 of an individual (inaudible) goods or material of any  
8 kind. So it's under --

9 (Simultaneous comments by Board Members)

10 MR. AIZENSTAT: So it has to be a structure,  
11 by walls. It can't be -- they can't put up an  
12 awning, an extension of an awning --

13 MR. RIEL: Board Members, we can only have  
14 one person talking.

15 CHAIRWOMAN MORENO: Let's have one person.  
16 Let's have one person.

17 Okay, Eibi.

18 MR. AIZENSTAT: I'm sorry?

19 CHAIRWOMAN MORENO: Eibi, you're on.

20 MR. AIZENSTAT: Charlie actually went ahead  
21 and answered the question while everything was going  
22 on. My definition was, what was -- my question was,  
23 what was the definition of under cover of a building?

24 CHAIRWOMAN MORENO: And the answer, Charlie?

25 MR. SIEMON: And I gave the answer of the

1 building, which is a structure that's supported by  
2 walls, columns and a -- that's designed to enclose  
3 goods, people, services, et cetera.

4 MR. AIZENSTAT: My concern was just that it  
5 wasn't --

6 MR. SIEMON: Right, an awning.

7 MR. AIZENSTAT: -- an overhang or an awning  
8 that would constitute such. I just wanted to be  
9 clear on that.

10 CHAIRWOMAN MORENO: Okay. Thank you.

11 Now, Tom, address your question.

12 MR. KORGE: Well, I mean, if this had been  
13 in existence when Ussery rebuilt its facility,  
14 expanded its facility, assuming the 50 percent rule  
15 applied, they would have had a problem. They would  
16 have had to enclose that lot at the same time.

17 MR. STEFFENS: I don't think so, because  
18 that's a separate piece of property. They could  
19 operate it as a separate --

20 MR. KORGE: They wouldn't be able --

21 MR. STEFFENS: -- division of the company.  
22 I mean, they wouldn't -- It's on a completely  
23 separate area.

24 MR. KORGE: Then if it --

25 MR. STEFFENS: They wouldn't have to.

1           MR. KORGE: But it's an accessory use to the  
2 new dealership.

3           MR. AIZENSTAT: They would not have been  
4 able -- they would not be able to at all.

5           MR. KORGE: They wouldn't be able to at all.  
6 They wouldn't have been able to operate at all, if it  
7 weren't an accessory use to the dealership. When  
8 they rebuilt the dealership facility, they would have  
9 had to enclose that lot.

10           So I mean, just, we need to be clear that in  
11 the future we're directing them, when they expand or  
12 whatever, that they're going to have to enclose that  
13 lot, also.

14           MR. STEFFENS: I believe they will.

15           CHAIRWOMAN MORENO: I think the value  
16 judgment is that car dealerships are now developing  
17 as enclosed dealerships, and that that's a preferable  
18 way to go in the City of Coral Gables, and therefore,  
19 our value judgment is, we do not want to permit this  
20 in the commercial area, we want to permit it only in  
21 the industrial area; at least that's my understanding  
22 of what we're doing with this.

23           MS. HERNANDEZ: Okay. That's correct.

24           MS. KEON: Can I ask a question?

25           CHAIRWOMAN MORENO: Yes.

1 MS. KEON: Does that -- like at Bill Ussery,  
2 if they didn't have the lot where the cars are on,  
3 but sometimes you'll see at dealerships where  
4 there's, you know, a couple of -- there's cars  
5 displayed outside of the building, in the front. Is  
6 that an outdoor lot, or is a lot defined as more than  
7 two cars or whatever else? You know, if somebody  
8 builds one and there's a display space in the front,  
9 will they be -- you know, will Code Enforcement, you  
10 know, determine that to be an outside lot, I mean, if  
11 somebody has display space that is outside, for one  
12 or two cars or something?

13 CHAIRWOMAN MORENO: Pat, the way I'm reading  
14 Section 4-403, which Charlie tells me has not  
15 changed, is, we have never permitted that, or at  
16 least the old Code did not permit that type of use.  
17 It says clearly, "No business shall be permitted  
18 unless such business is carried on within and under  
19 cover of a building."

20 MS. KEON: Okay, but I mean, I know like  
21 Bill Ussery also now has -- you know, on that corner,  
22 they usually have whatever the latest model of that  
23 car is, outside on that lot, you know.

24 MS. HERNANDEZ: Right.

25 MS. KEON: I mean, oftentimes --

1 MS. HERNANDEZ: But that's part of the --  
2 you mean, in the new building?

3 MS. KEON: Pardon me?

4 MS. HERNANDEZ: You mean, in the new  
5 building?

6 MS. KEON: Right, but it's not -- it's  
7 outside of the building.

8 MS. HERNANDEZ: But that's all part of the  
9 approved site plan of the new building.

10 MS. KEON: Okay, that's what I'm asking, is  
11 that, even though it's outside, it's not considered  
12 outside, because it's part of that building site?

13 MS. HERNANDEZ: Correct.

14 MS. KEON: So Code Enforcement wouldn't --

15 MS. HERNANDEZ: Correct.

16 MS. KEON: They wouldn't be forced, then, to  
17 move that inside?

18 MS. HERNANDEZ: Correct.

19 MS. KEON: Okay.

20 MS. HERNANDEZ: But if they parked them in  
21 front of the meters, plus put a little, you know, for  
22 sale sign, they would be cited, and I say that, but I  
23 will tell you that we would have -- you know, at  
24 Cocoplum Circle, people would come and park their  
25 cars --

1 MS. KEON: All the time.

2 MS. HERNANDEZ: Everybody has tried all  
3 kinds of --

4 MR. AIZENSTAT: Well, that's why they put a  
5 two-hour limit there, also.

6 MS. HERNANDEZ: -- methods. Yeah, that's  
7 right.

8 MR. KORGE: That's why they invented tow  
9 trucks.

10 CHAIRWOMAN MORENO: Mr. Siemon, did we throw  
11 you off enough?

12 MR. SIEMON: No. I understand that. I'm  
13 just reconciling something. It's --

14 Okay, let's go onward. After -- The changes  
15 in 4-405, adult book store, are all just technical,  
16 that is, M to industrial district, and Code to LDRs.

17 MR. KORGE: I have a question.

18 MR. SIEMON: Uh-huh.

19 MR. KORGE: Can we also impose a minimum  
20 distance from any residential --

21 MS. KEON: Uh-huh.

22 MR. KORGE: -- zoned property, in addition  
23 to the restrictions set forth in 4-405?

24 MS. HERNANDEZ: Yes, and I believe --

25 MR. SIEMON: You mean, in the industrial

1 district?

2 MR. STEFFENS: No.

3 MR. KORGE: No, that any -- any adult  
4 bookstore, adult theater or massage salon that  
5 operates in an industrial district --

6 MS. HERNANDEZ: Uh-huh.

7 MR. KORGE: -- must also be a certain  
8 minimum distance from any nearby residential  
9 community.

10 CHAIRWOMAN MORENO: Right.

11 MR. SIEMON: There is an issue where a  
12 community, through spacing requirements, precludes  
13 any practical location of certain uses, and they're  
14 confined here to the industrial district because that  
15 is the place, despite its limited opportunities,  
16 where it is lawfully possible to establish such use.

17 If the distance to adjacent -- to  
18 residential was such that it would have the practical  
19 effect of prohibiting those uses, there would be some  
20 exposure of the City to a challenge for a total  
21 prohibition, that you probably can't justify.

22 MS. HERNANDEZ: Correct.

23 MR. KORGE: But that --

24 MS. HERNANDEZ: We can have some distance  
25 requirements, but we just have to study it and see --

1 MS. KEON: Right.

2 MS. HERNANDEZ: -- whether we would be  
3 allowing --

4 MR. KORGE: Right. Just if there's any, you  
5 know, fringe area in the industrial area adjacent to  
6 residential, where it might be -- create friction, if  
7 we could just minimize that. It doesn't have to be a  
8 big distance.

9 MR. SIEMON: Within the industrial  
10 district, you clearly have the ability to control  
11 where within that district and guide it towards --  
12 permit it only in places where it's not adjacent to  
13 or across the street from certain uses, so long as  
14 you don't have a practical exclusion from any  
15 circumstance.

16 MR. KORGE: Right.

17 CHAIRWOMAN MORENO: But that new area that  
18 we permitted, that MDX area for Oscar --

19 MR. STEFFENS: South of Bird.

20 MS. HERNANDEZ: I'm sorry? Yes, ma'am?

21 CHAIRWOMAN MORENO: That new MDX district  
22 that we permitted for Oscar --

23 MR. KORGE: The overlay.

24 MS. HERNANDEZ: Yes.

25 CHAIRWOMAN MORENO: -- where the overlay --

1       Isn't that next to the industrial?

2                   MS. HERNANDEZ:   Yes.

3                   MR. RIEL:    That whole area is industrial.

4                   MS. KEON:    That is the industrial area.

5                   CHAIRWOMAN MORENO:  Right, so --

6                   MR. RIEL:    Village of Merrick Park is  
7       industrial.  Everything from Bird Road, all the way  
8       down to --

9                   CHAIRWOMAN MORENO:  So in the middle of that  
10       development that we approved, you could have an adult  
11       bookstore?

12                   MR. RIEL:    On the edge of that development,  
13       you could have an adult bookstore.

14                   MR. SIEMON:   Outside of that project.

15                   CHAIRWOMAN MORENO:  In the middle of that  
16       project --

17                   MR. RIEL:    You could have, on LeJeune Road,  
18       an adult bookstore.

19                   CHAIRWOMAN MORENO:  But could you have it  
20       in --

21                   MS. HERNANDEZ:  I think State law does not  
22       allow -- there's a distance on adult bookstores, to  
23       the schools.  We have a school right on LeJeune  
24       there, right at the border, so I think -- we would  
25       have to study -- if you want, we will go do a study

1 for you as to what State law prohibits and, you know,  
2 the boundaries of our industrial zone, in order to be  
3 able to tell you specific locations, if that's what  
4 you'd like.

5 CHAIRWOMAN MORENO: Well, my question is, my  
6 understanding of an overlay district was that that  
7 was a choice.

8 MS. HERNANDEZ: Right.

9 CHAIRWOMAN MORENO: So, theoretically,  
10 they -- Oscar could choose to put in a residential  
11 building and some guy could say, "I don't want the  
12 overlay zoning, I want the industrial zoning, and I'm  
13 allowed to put in an adult bookstore there."

14 MR. SIEMON: Right.

15 MS. HERNANDEZ: Correct.

16 MR. RIEL: Correct.

17 CHAIRWOMAN MORENO: And I think that, then,  
18 that goes to the point that Tom was making, that we  
19 should say you cannot be in the middle of a  
20 residential apartment building.

21 MS. HERNANDEZ: But we also have to allow it  
22 someplace, and as our industrial section is -- is  
23 rapidly diminishing in size --

24 MR. RIEL: Let us do --

25 MR. KORGE: Well, what if we eliminated it?

1 Do we have to have an adult bookstore in the  
2 community?

3 CHAIRWOMAN MORENO: Yes.

4 MR. RIEL: Let us do the research and look  
5 at some minimums, five hundred, a thousand, you know,  
6 maybe beyond, and find out what properties are still  
7 available, based upon --

8 MS. HERNANDEZ: Right.

9 MR. RIEL: -- the new zoning map.

10 MS. KEON: I would not like to see them be  
11 located along Bird Road, adjacent and across the  
12 street from that residential area, or along South  
13 Dixie Highway, across from that residential area, in  
14 particular.

15 MR. KORGE: And in the overlay district.

16 MS. KEON: Those areas, particularly, are  
17 where I think they might tend to go because of the  
18 exposure.

19 I have another question about massage  
20 salons.

21 MS. HERNANDEZ: Yes, ma'am. Where are we?

22 MS. KEON: In 4-405 --

23 MS. HERNANDEZ: Yes.

24 MS. KEON: -- where you're prohibiting  
25 massage salons.

1 MS. HERNANDEZ: Are we defining --

2 MS. KEON: Massage is getting popular these  
3 days.

4 MR. KORGE: Yeah.

5 MS. KEON: Does that -- is that a salon that  
6 is limited solely to massage, or if there are -- I  
7 mean, most spas have --

8 MS. HERNANDEZ: I am not an expert in this  
9 area, so I can't --

10 MS. KEON: -- have massage salon -- I mean,  
11 they offer massages within most spas, and so there's  
12 spas within these areas.

13 MR. RIEL: Massage salon means, "Any place  
14 or establishment where a massage is made available,  
15 but not including a massage establishment." That's  
16 the definition.

17 MS. KEON: But I mean, we have a  
18 couple of -- In the Village --

19 MS. HERNANDEZ: Yeah.

20 MS. KEON: -- of Merrick Park, you have -- I  
21 mean, you have throughout the City --

22 MS. HERNANDEZ: Yes.

23 MS. KEON: You have spas, and they offer  
24 massages within the spa. So, you know, I think  
25 you -- you need to do something else besides --

1           MR. KORGE: His definition, as I read it,  
2 is that if there's a licensed massage therapist  
3 practicing massage in there, then it's permitted.  
4 Otherwise, it's --

5           MS. KEON: (Inaudible).

6           MR. KORGE: In other words, the salon would  
7 not include a massage place that has a licensed  
8 practicing massage therapist.

9           MS. KEON: A massage salon means any place  
10 or establishment where a massage is made available,  
11 not including a massage establishment.

12           MR. KORGE: Including a massage  
13 establishment, and a massage establishment means a  
14 site or premises where a licensed massage therapist  
15 practices massage.

16           Therefore, if there is no licensed  
17 practicing therapist there, it's a massage salon.  
18 Otherwise, it's a massage establishment. If it's a  
19 massage salon, Section 4-405 applies.

20           MS. HERNANDEZ: Correct.

21           MR. KORGE: Otherwise, 405 doesn't apply.

22           MS. HERNANDEZ: So it would not be the type  
23 of massage that you would go to with a licensed  
24 massage therapist.

25           MR. SIEMON: Now, who are you going to say

1 is the kind of person who would go to the salon  
2 where --

3 MS. HERNANDEZ: Well, I -- no, I don't  
4 comment on those issues. I just listen to them.

5 MS. KEON: So this is not excluding an  
6 establishment that has a licensed massage therapist?

7 MS. HERNANDEZ: Correct.

8 MS. KEON: Okay.

9 MS. HERNANDEZ: Thank you for bringing that  
10 up.

11 CHAIRWOMAN MORENO: So if the spa has a non-  
12 licensed massage therapist, they're in trouble.

13 MS. KEON: If it's unlicensed, they're in  
14 trouble.

15 MR. SIEMON: I do think, although the  
16 definitions have incorporated the existing terms,  
17 that use of the massage establishment in the  
18 definition of a massage salon is not -- is too  
19 confusing, and we ought to clarify that.

20 MS. KEON: Right.

21 MR. STEFFENS: The present industrial area,  
22 we have the overlay district on the north half of the  
23 existing industrial area. Are we intending to leave  
24 that industrial zoning underlying, and have an  
25 overlay, or is our intention to --

1 MR. SIEMON: Ta da!

2 MR. STEFFENS: -- to have that just become a  
3 mixed-use district?

4 MR. RIEL: We're still discussing that  
5 matter, and it has to do with, we're possibly  
6 assigning that overlay to the southern section, and  
7 we're now working with the property owner that's a  
8 major landholder there --

9 MR. STEFFENS: So --

10 MR. RIEL: -- and we're working through  
11 those issues.

12 MR. STEFFENS: So that overlay --

13 CHAIRWOMAN MORENO: That was addressed --  
14 that was addressed by you, right?

15 MR. STEFFENS: So that overlay might go over  
16 the southern section, also, in which case --

17 MR. RIEL: It will.

18 MR. STEFFENS: -- both of those areas could  
19 have mixed-use residential sprinkled in them --

20 MR. RIEL: Yes.

21 MR. STEFFENS: -- in which case a radius of  
22 25 feet would probably exclude any kind of use.

23 MR. RIEL: That's why I said we needed to do  
24 further research, because of pending discussion  
25 regarding the assignment of that overlay to the

1 southern area.

2 MR. STEFFENS: So the intention is to keep  
3 the underlying zoning as industrial and expand the  
4 overlay?

5 MR. RIEL: It's either to keep it as  
6 industrial and leave the mixed-use overlay or  
7 designate the area mixed-use, and we're working that  
8 out.

9 MR. STEFFENS: Okay.

10 MR. RIEL: You will see it on the map, this  
11 evening, shown as industrial, the new map I'm  
12 presenting to you. We have not changed it at this  
13 point.

14 MR. STEFFENS: Okay.

15 MR. SIEMON: If we have no more discussion  
16 about 4-405, 406, fortune tellers, and 407,  
17 laundries. The only change is, again, going from M  
18 to I, in the districts. The language is otherwise  
19 what's in your --

20 MR. STEFFENS: Does laundry prohibit --

21 MS. HERNANDEZ: Yeah, that's --

22 MR. STEFFENS: -- dry cleaning?

23 MS. HERNANDEZ: Say that again?

24 MR. STEFFENS: Does laundry prohibit dry  
25 cleaning?

1 MR. SIEMON: A dry cleaning plant?

2 MR. AIZENSTAT: What about drop-off and  
3 pick-up?

4 MS. KEON: Some people do on-premises dry  
5 cleaning.

6 MR. STEFFENS: Some do on-premises dry  
7 cleaning.

8 MR. SIEMON: You have one right across the  
9 street here.

10 MS. HERNANDEZ: Yes, we do.

11 MR. STEFFENS: We have a lot of them.

12 MS. KEON: We have a lot of them, and I like  
13 them.

14 MR. AIZENSTAT: And what about drop-off  
15 sites without plants?

16 MR. SIEMON: I'm looking at the definition.

17 MR. STEFFENS: There isn't one.

18 MR. RIEL: There isn't one.

19 MS. HERNANDEZ: There is no definition.

20 MR. SIEMON: There is one?

21 MR. STEFFENS: There isn't one.

22 MR. RIEL: There is not one.

23 MS. KEON: And coin laundries would also be  
24 excluded; is that right?

25 MS. HERNANDEZ: Correct. I think this is

1 definitely aimed at coin laundries.

2 MS. KEON: But isn't there one up on Ponce  
3 now? There used to be.

4 MR. STEFFENS: There might be.

5 MR. KEON: I mean --

6 CHAIRWOMAN MORENO: But that might be in the  
7 industrial district.

8 MR. STEFFENS: No --

9 MS. KEON: No, up on Ponce, north. North.

10 CHAIRWOMAN MORENO: Oh. Really?

11 MS. KEON: The northern -- yeah, up beyond  
12 Coral Gables Elementary, up in that area.

13 MR. STEFFENS: No, it's further north.

14 MS. KEON: Further north?

15 MR. STEFFENS: I think it's near Domino's.

16 MS. KEON: There is a coin laundry. There's  
17 a coin --

18 MS. HERNANDEZ: You mean, that new place  
19 that has that huge -- for the blankets?

20 MS. KEON: No, there's a wash and whatever,  
21 across the street from -- on the same side of the  
22 street as Coral Gables Elementary, up -- I think up  
23 beyond it a little bit, up by the -- what is it,  
24 Office Max? Office Max, up there, across the street  
25 from there, there is a drop-off -- I mean, a dry

1 cleaner/laundry kind of a place, where you can drop  
2 off and they have the machines in there, and you can  
3 do whatever. Yeah, up the street there.

4 I mean, I wouldn't -- I would like to really  
5 not consider this, because if you want to create a  
6 residential community in the North Gables, most  
7 places where there are -- you know, where you have  
8 residential apartments, mixed-use places, and you  
9 have, you know, young professionals or whatever else,  
10 they like laundromats. I mean, you can require nice  
11 laundromats and you can do what you need to do, but I  
12 think to exclude them is to exclude a service that  
13 is --

14 MR. KORGE: Appropriate.

15 MS. KEON: -- much in demand and appropriate  
16 for a residential area.

17 MR. RIEL: Typically, communities don't  
18 allow the actual -- the commercial establishment, the  
19 actual cleaning of the laundry on site. They allow  
20 for drop-offs, and they allow those more intensive  
21 uses, because obviously, the chemicals that are  
22 involved would be in more industrial areas.

23 MS. KEON: Right, but laundries is just a  
24 washing machine and a dryer. I mean, that's not a  
25 chemical --

1                   MR. SIEMON: You're talking about a  
2                   laundromat.

3                   MS. KEON: Laundromat, yes. Is that a  
4                   laundry?

5                   MR. SIEMON: No, this is the commercial  
6                   laundry.

7                   MR. KORGE: I think you need to define  
8                   commercial laundry.

9                   CHAIRWOMAN MORENO: Right.

10                  MS. KEON: That's what I'm asking. Does  
11                  that mean the laundromat?

12                  MR. SIEMON: Yeah.

13                  MS. KEON: And a laundry? Are they the same  
14                  thing?

15                  MR. SIEMON: I don't think that that subject  
16                  is addressed --

17                  MR. KORGE: No, it isn't.

18                  MR. SIEMON: -- in this Code.

19                  MS. KEON: Yeah, I don't, either, but  
20                  I think you need to.

21                  MR. KORGE: So we need a definition for  
22                  commercial laundry. I think that --

23                  MR. SIEMON: Well, the more important  
24                  question is, what do you want to permit? It's clear  
25                  that --

1 MS. KEON: Okay, I think --

2 MR. SIEMON: -- there was no intention to  
3 exclude pick-up and drop-off of cleaning --

4 MS. KEON: Right.

5 MR. SIEMON: -- in the commercial districts,  
6 and that commercial laundries should be limited to  
7 the industrial district.

8 The next question is, are they -- and you're  
9 talking about laundromats.

10 MS. KEON: Right.

11 MR. SIEMON: And then there's the question  
12 of laundries in the commercial district, where, for  
13 example, there's one right across the street.

14 MS. KEON: Right.

15 CHAIRWOMAN MORENO: Right.

16 MS. KEON: I mean, I think that a laundromat  
17 is an appropriate --

18 MS. HERNANDEZ: Right.

19 MS. KEON: -- business within the commercial  
20 district, or even, you know, in the North Ponce area.  
21 I think within any mixed-use district, I mean, beyond  
22 even just the commercial district, in a mixed-use  
23 district, I also think it's appropriate, and --

24 MS. HERNANDEZ: So is that a recommendation  
25 of the Board? I mean, is that a motion now or --

1 MS. KEON: I'm just saying, I think it's  
2 appropriate, and I want somebody else to talk to me  
3 about it. I mean, maybe there's --

4 MR. KORGE: I think --

5 MS. KEON: -- something that I don't  
6 understand about it, or there's maybe more  
7 information I would need to tell you that maybe it  
8 shouldn't be there.

9 MR. KORGE: I think the way to handle this  
10 is to make clear that commercial laundries are those  
11 facilities that actually process laundry, you know,  
12 dry cleaning, that do the actual --

13 MS. KEON: Right.

14 MR. KORGE: -- physical processing of the  
15 laundry. That's what they intended. If you make  
16 that clear, then the rest should fall into place.

17 MS. KEON: Well --

18 MR. KORGE: Because commercial -- you know,  
19 because a laundry -- you know, the other types of  
20 laundries, whether they're laundromats or, you know,  
21 drop-off service points, are going to be permitted in  
22 the commercial area, which includes the mixed-use  
23 area, the rest should just take care of itself.

24 The problem is that this is -- this is -- as  
25 I read it, I read it the same way you did. I thought

1 a commercial laundry meant, you know, the place where  
2 I drop off my shirts.

3 MS. KEON: Yeah.

4 MR. KORGE: So I read this to be limiting it  
5 to the industrial district. That's not what was  
6 intended. So we just need to make it clear.

7 MR. RIEL: So we want to have laundries with  
8 on-site cleaning or processing only to be permitted  
9 in the industrial district.

10 MR. KORGE: Well --

11 MS. KEON: No.

12 MR. RIEL: No?

13 MS. KEON: I think it should be included in  
14 any commercial or mixed-use district.

15 CHAIRWOMAN MORENO: Wait, wait, wait. We're  
16 talking two different things, okay? Laundromats,  
17 where you go in and you put in a coin and you wash  
18 your clothes, are going to be permitted in the  
19 commercial area?

20 MR. RIEL: Yes.

21 CHAIRWOMAN MORENO: Laundries, commercial  
22 laundries, big loads, that goes in the industrial  
23 district. That's the idea.

24 MS. KEON: Okay --

25 CHAIRWOMAN MORENO: Where you drop off and

1 somebody else washes for you, as opposed to where you  
2 go and you put in a coin and you wash your own  
3 clothes.

4 MS. KEON: No, because a lot of the  
5 laundromats now, I mean, particularly that serves,  
6 you know, younger people, they're drop and fold or  
7 whatever they call that. I mean, they go by and they  
8 don't even have time to do their own laundry. I  
9 mean, they drop off the laundry, there's somebody in  
10 there that puts it in those machines, they do the  
11 laundry, they put it in the dryer, they fold it, and  
12 you come back and pick it up, because you don't have  
13 time to go in there and sit and do your laundry  
14 yourself.

15 I mean, that's the practice of, you know,  
16 like the working people and, you know, particularly  
17 young people, they use that kind. So I don't have a  
18 problem with that. But you're also -- what I also  
19 see, in addition to just wash machines now, in those  
20 laundromats, is that generally there's a dry cleaning  
21 machine in there, also, you know, so they have that  
22 available to them, too, that, you know, if you want  
23 to -- when you're doing your sheets, you can do your  
24 sweaters or whatever, you know, that you can do, you  
25 know, those things, which I think is also appropriate

1 in a mixed-use district.

2 I mean, how you limit it so it's not -- I  
3 think there is a difference between a commercial  
4 laundry that does industrial-type laundry --

5 MR. STEFFENS: Hotel sheets or --

6 MS. KEON: -- that may be uniforms, right,  
7 and --

8 MR. STEFFENS: Uniforms and stuff like that.

9 MS. KEON: And tablecloths, I mean, that  
10 that's strictly what they do, is just, you know,  
11 commercial type of work.

12 MR. KORGE: Why is that different?

13 MS. KEON: Well, I mean, I -- probably  
14 because of the volume, as opposed to who your  
15 customer base is.

16 MR. KORGE: But let's just take the typical  
17 laundry where you go --

18 MS. KEON: Your dry clean --

19 MR. KORGE: -- like Dry Clean U.S.A.

20 MS. KEON: Right.

21 MR. KORGE: If they did it on the premises,  
22 they do a large volume of business --

23 MS. KEON: Right.

24 MR. KORGE: -- and it would become an  
25 industrial type of use, where the facility originally

1 or currently is designed or permitted to provide the  
2 service, the drop-off and pick-up service.

3 MS. KEON: Right.

4 MR. KORGE: So what you're asking is to  
5 change that and to permit it also to be used for the  
6 more industrial use, which is the actual processing  
7 of the clothes.

8 MS. KEON: Well, I mean, I don't -- well,  
9 they exist today, you know, in our commercial  
10 district, Downtown. There are dry cleaners that the  
11 dry cleaning is done on premises, on the premises.

12 MR. KORGE: So this makes --

13 MR. STEFFENS: Lots and lots of them.

14 MS. KEON: Lots of them.

15 MR. SIEMON: So this is turning them all  
16 into a nonconforming use.

17 MS. KEON: Well, I don't know. I don't know  
18 if a dry cleaner is a laundry.

19 MR. KORGE: This is not existing Code,  
20 then?

21 MR. SIEMON: Yes, it is.

22 MR. KORGE: It's existing Code?

23 MS. KEON: This is existing Code, okay, so  
24 they're --

25 MR. KORGE: So they're all nonconforming

1 now?

2 MR. SIEMON: Well, I think that the -- This  
3 is one that somehow we didn't identify. When we  
4 went, long ago, back through the uses, we didn't  
5 identify this particular problem that was in the Code  
6 and nobody flagged it, so I don't think we addressed  
7 it --

8 MS. KEON: I think maybe --

9 MR. SIEMON: -- but my experience is that  
10 what's addressed here, commercial laundries, are  
11 confined to industrial districts because -- and they  
12 are not retail.

13 MS. KEON: Right.

14 MR. SIEMON: They are serving business to  
15 business and wholesale.

16 MS. KEON: Right.

17 MR. SIEMON: And the principal -- There are  
18 two principal adverse, negative aspects of them.  
19 One, they operate all night --

20 MS. KEON: Right.

21 MR. SIEMON: -- because they are delivering  
22 fresh linens every morning to hospitals and hotels  
23 and other things. And the other is that they are  
24 fairly noisy, because they're operating and they get  
25 hot, and at night they open the doors. So that's why

1 they were historically --

2 We haven't looked at this. I would have  
3 interpreted the Code to allow the kind of things,  
4 retail sales and service of cleaning, whether it's on  
5 premises, for their retail customers, or not, as  
6 being permitted in the Code.

7 However, the discussion of the laundromat, I  
8 think if that's to be included in that, and I don't  
9 think we gave it any discussion, there are a few  
10 performance standards, we'd suggest, that ought to be  
11 added to that --

12 MS. KEON: Right. I do, too. Yes.

13 MR. SIEMON: -- as minor conditional uses,  
14 because they can become problematic in terms of  
15 loitering and other nighttime activities, because  
16 they are principally used in the --

17 MS. KEON: Right.

18 MR. SIEMON: Now, we have a great one in the  
19 kids called -- in the Keys, called Duds & Suds.

20 MS. KEON: Yes.

21 MR. SIEMON: And people go there and do  
22 their duds and have a few suds, and then they go  
23 home, and it's quite a place. But I don't think that  
24 fits into some of your --

25 MS. KEON: Right.

1 MR. SIEMON: -- some of your commercial  
2 districts.

3 MR. RIEL: That's a nightclub.

4 CHAIRWOMAN MORENO: But certainly it would  
5 fit across from the University of Miami.

6 MR. SIEMON: It sure would.

7 MS. KEON: Yeah.

8 MR. SIEMON: And I would just say that, I  
9 mean, you all -- we've all seen, in near-downtown  
10 urban neighborhoods, six to 13-story buildings, it's  
11 not uncommon to find a self-wash as a place that's  
12 actually almost a place of assembly within the  
13 community.

14 MR. STEFFENS: Well, that's what I was  
15 saying, that, you know, Pat's idea, this might work  
16 as those little corner neighborhood shops on  
17 Galiano --

18 MR. SIEMON: Charles says -- but Charles  
19 says, we need your input, but we have to go back and  
20 redefine this and make sure that we understand it,  
21 but that's what -- my instincts, if you left me  
22 alone, I would draft it -- go back and recraft it to  
23 make sure that it's understood that commercial  
24 laundries are business-to-business institutions.

25 CHAIRWOMAN MORENO: Yeah.

1 MR. KORGE: So we should leave you alone.

2 MR. SIEMON: That there probably ought to be  
3 some size limitations on the on-premises cleaning --

4 MR. STEFFENS: I think it's a scale issue.

5 MR. SIEMON: -- for retail, and then we  
6 ought to have some performance standards for  
7 self-service, just to ensure that they don't -- like  
8 nighttime activities, don't have adverse impacts on  
9 the neighbors. That's my instincts of where we  
10 should be.

11 MS. KEON: Okay.

12 CHAIRWOMAN MORENO: And I don't think it  
13 should be in that commercial limited area, that CL  
14 area --

15 MR. SIEMON: No.

16 CHAIRWOMAN MORENO: -- that abuts the  
17 residential.

18 MR. SIEMON: I agree with that. I mean, I  
19 don't know how you mitigate that activity, noise,  
20 smell and nighttime activities on a one-block -- one  
21 lot deep.

22 CHAIRWOMAN MORENO: The other question I  
23 have is, do we have a problem with areas in the City  
24 where the discharge of this water is a problem for  
25 water and sewer?

1           MR. RIEL: I think it's well enough  
2 regulated that it's not a concern.

3           MR. SIEMON: I think that's been remediated.  
4 It wasn't at one time, but I think that we've gotten  
5 control of that in the environmental section.

6           CHAIRWOMAN MORENO: Okay.

7           MS. KEON: There's a lot of DERM regulations  
8 in effect.

9           CHAIRWOMAN MORENO: Yeah, okay.

10          MR. SIEMON: Now I lost my cheat sheet, so  
11 I'll have to go back to it.

12          Houseboats. This is simply as it was  
13 drafted. It's a prior regulation, and we've had no  
14 input previously that would suggest that  
15 modifications were appropriate. But we haven't  
16 investigated it.

17          MR. AIZENSTAT: A question that I had on  
18 that was under where it says that a -- "No boat,  
19 houseboat, vessel or watercraft of any kind that is  
20 not propelled by its own power shall be allowed to be  
21 or remain in any of the waterways or canals or in  
22 Biscayne Bay or City of Coral Gables for more than  
23 six hours."

24          What about barges and so forth, that work on  
25 docks and pilings?

1 MR. STEFFENS: They would have a permit.

2 MR. AIZENSTAT: They would have a permit,  
3 but under this, they would not be allowed to remain  
4 more than six hours, is the way I'm reading it, and  
5 our City has a lot of fingers, waterways and so forth  
6 with a lot of work that's done.

7 MR. KORGE: They don't allow a canoe for  
8 more than six hours.

9 MR. AIZENSTAT: No, what I'm saying is, if  
10 you need to get a barge in there to do your  
11 pilings --

12 MR. RIEL: But it says place for abode.

13 MR. KORGE: Yeah, that's a very good point.

14 MR. RIEL: It says place for abode, so it  
15 means --

16 MR. AIZENSTAT: I'm sorry?

17 MR. RIEL: It says place for abode, so it  
18 means residing on it.

19 MS. KEON: Right.

20 MR. RIEL: That's how I would interpret  
21 that.

22 MR. AIZENSTAT: So we're only talking about  
23 residing?

24 MR. SIEMON: No, I think the two sentences  
25 are --

1 MR. STEFFENS: Different.

2 CHAIRWOMAN MORENO: Uh-huh.

3 MR. SIEMON: Yeah, independent there --

4 MR. AIZENSTAT: Right.

5 MR. SIEMON: -- unfortunately.

6 MR. AIZENSTAT: Because I read it as two  
7 separate statements, myself. And like I said, I do  
8 see a lot of construction work going on within our  
9 City because of our proximity to the water, and as  
10 such, I have a concern as to what's going to happen  
11 when you start having these barges coming in to do  
12 work.

13 MR. SIEMON: I'm just smiling because  
14 there's a barge across from me, I mean --

15 MR. AIZENSTAT: It's been there for two  
16 weeks, I imagine.

17 MR. SIEMON: It's doing maintenance dredging  
18 for all of us, in my house in the Keys, and it's been  
19 there for two months.

20 MR. AIZENSTAT: Two months, okay.

21 MR. KORGE: There's one on the waterway  
22 right now --

23 MR. AIZENSTAT: Yeah.

24 MR. KORGE: -- building a dock at --

25 MR. SIEMON: And it doesn't -- it's not

1 self-propelled.

2 MR. AIZENSTAT: Right.

3 MR. SIEMON: So --

4 MR. AIZENSTAT: The barges, none of them are  
5 self-propelled.

6 MR. SIEMON: We would need some guidance to  
7 address that. I have to tell you that, candidly,  
8 we're not familiar enough with your marine  
9 environment to make judgments on this. We simply  
10 brought it in as it was drafted.

11 MR. RIEL: I know this --

12 MR. SIEMON: Nobody previously raised an  
13 issue, but we can investigate it, but we're going to  
14 have to get some support from Staff on that.

15 MR. RIEL: I know this has become a problem  
16 where houseboats have been asked to leave.

17 MR. AIZENSTAT: Right. I understand that,  
18 but I'm not so much concerned with houseboats.

19 MR. RIEL: We need to clarify --

20 MR. AIZENSTAT: I know you're addressing  
21 that issue. I'm more concerned with the barges that  
22 come in to actually do work or maintenance within the  
23 properties.

24 MR. SIEMON: Actually, some communities, the  
25 City of Clearwater, for example, requires in order to

1 have a -- I forget, there's a name that we use for  
2 the barge that you're -- a work barge, in order to  
3 have it there for more than -- less than a one-day  
4 period, you had to obtain a temporary permit.

5 MR. AIZENSTAT: That's actually what I was  
6 getting to.

7 CHAIRWOMAN MORENO: That would be, I  
8 think --

9 MR. AIZENSTAT: I would like that idea very  
10 much, that you have to secure a permit. Now, whether  
11 it -- what body handles that permit, I don't know.

12 MR. RIEL: A permit for a barge?

13 MR. AIZENSTAT: Yeah.

14 MS. KEON: It would be like --

15 MR. RIEL: It would be a building permit.

16 CHAIRWOMAN MORENO: No, they're talking  
17 about construction-type barges.

18 MR. SIEMON: Yeah.

19 CHAIRWOMAN MORENO: So --

20 MR. RIEL: Yeah, they would have to get a  
21 building permit --

22 MR. SIEMON: I think it's called a  
23 construction barge, actually.

24 MR. RIEL: -- for the work they're doing  
25 that's associated on the waterway or on the land.

1           MR. AIZENSTAT: But that building permit,  
2           though, doesn't name the type of equipment that is  
3           allowed to be used.

4           MR. RIEL: Absolutely.

5           MR. AIZENSTAT: It does?

6           MR. RIEL: Absolutely.

7           MR. AIZENSTAT: So, when somebody goes to  
8           build their dock, it states exactly that such a such  
9           a barge --

10          MR. SIEMON: There is a dock permitting  
11          process.

12          MR. RIEL: Absolutely.

13          MR. AIZENSTAT: Oh, there is?

14          MR. SIEMON: Yeah.

15          MR. RIEL: Absolutely.

16          MR. SIEMON: And very extensive.

17          MS. KEON: Oh, yeah.

18          MR. SIEMON: But I don't know whether it  
19          addresses whether you can leave the barge overnight  
20          while you're --

21          MR. KORGE: You have to go to the County,  
22          too.

23          MR. AIZENSTAT: No, I realize the steps that  
24          you have to take, but I just was not aware that you  
25          had to get a separate permit for the tool or the

1 vehicle that you're using to perform that work.

2 MR. RIEL: Well, as a part of the permit for  
3 the type of work you're doing, they'll ask you what  
4 type of --

5 MR. AIZENSTAT: Well, I know that if you're  
6 going to, for example, do your seawall, you have to  
7 go to DERM, you have to go to the City, and it's very  
8 strict, and I agree with that. But I don't know  
9 if -- Do they actually ask you what type of barge  
10 you're bringing in, how long it will stay there and  
11 so forth?

12 MR. RIEL: My guess is yes.

13 MR. SIEMON: I think so.

14 MR. RIEL: I mean, that's --

15 MR. AIZENSTAT: I just want to be -- I just  
16 want to be covered on that end.

17 CHAIRWOMAN MORENO: So you may need to say,  
18 "except for barges performing work that has been  
19 properly permitted," something like that?

20 MR. SIEMON: Well, what I'd like to -- Is it  
21 a consensus that if there's a permitting process,  
22 work barges, pursuant to those permits, would be  
23 appropriate?

24 CHAIRWOMAN MORENO: Yes.

25 MR. SIEMON: And if it is, we'll find out

1     how it fits into the permitting process with DERM and  
2     what the City is already administering through its  
3     Building Code, and then come back with you with a  
4     revision.

5             MR. AIZENSTAT:  Let me take that one step  
6     further.  There's lots of times that barges are sent  
7     out to a job site, and sometimes they remain longer  
8     there than need be, because they can't get the proper  
9     equipment to get rid of it at that point or move it  
10    to the next job, or they leave it there until they've  
11    got the next job, to move on, and that really hampers  
12    the neighbors that live within that community or on  
13    that waterway.  Is there a way to regulate that?

14            MR. SIEMON:  Yes.  Usually, these -- I mean,  
15    I cannot personally tell you what the DERM permits,  
16    but the programs I'm familiar with, particularly in  
17    Clearwater, which we worked on not too long ago, the  
18    permit is for a period of time, and I will tell you  
19    that our permit in the Keys, in Monroe County, the  
20    City of Marathon, I've had to renew it three times.

21            MR. AIZENSTAT:  How long has it lasted?

22            MR. SIEMON:  Well, we've --

23            MR. AIZENSTAT:  Each period?

24            MR. SIEMON:  The longest it was there was 90  
25    days.

1 MR. AIZENSTAT: That's a long time --

2 MR. SIEMON: It was a long time.

3 MR. AIZENSTAT: -- to keep a barge in one  
4 place.

5 MR. SIEMON: Well, we were pretty desperate  
6 to have this done. We were trying to get out from  
7 underneath some of Hurricane Georges' uninvited  
8 sandbars that came to visit behind our houses.

9 MR. AIZENSTAT: But that barge was  
10 physically working in those --

11 MR. SIEMON: But we have to go -- yeah. We  
12 have to go to the city hall and get a renewal of the  
13 permit, and we have to tell them -- give them some  
14 reason why we aren't done yet.

15 MR. AIZENSTAT: I'm not -- I think that's a  
16 very long time --

17 MS. HERNANDEZ: Right.

18 MR. AIZENSTAT: -- for the City of Coral  
19 Gables.

20 MR. SIEMON: I'm not disagreeing with you.  
21 I've been having to tilt up my engine for too long,  
22 to get out. But I think that our experience with  
23 that is, maybe you want to -- maybe when we find out  
24 what it is, no more than one extension, or no time  
25 more than 90 days.

1           I do think that there is a problem I've  
2 observed, and we've had complaints in other  
3 communities that we've addressed, that sometimes the  
4 work barge finishes its work on a site. Until they  
5 need it at the next site, it stays right there,  
6 and --

7           MR. AIZENSTAT: I would not be so much  
8 concerned about extensions, as long as the work is  
9 going on and it's needed. I would be more concerned  
10 of a barge being left at a certain project --

11          MR. KORGE: Right.

12          MR. AIZENSTAT: -- because of the inability  
13 to move it to the next project, or for whatever other  
14 reason.

15          CHAIRWOMAN MORENO: You want to make it more  
16 expensive for it to stay than for it to be moved.

17          MR. AIZENSTAT: Yeah. I want to know that  
18 if it's there and it's imposing upon its neighbors,  
19 it's there for a reason and it's working.

20          Now, by the flip side, I think that those  
21 barges do cost money just to even leave it there,  
22 because when it's not running, it does cost money.

23          MR. RIEL: They're not cheap. They're not  
24 cheap.

25          MR. AIZENSTAT: They're not cheap, I

1 understand.

2 MR. RIEL: They're not cheap.

3 MR. AIZENSTAT: But a lot of times, they  
4 don't have that tug or whatever it is, to come and  
5 pick it up and move it to the next job, or they don't  
6 have their permit at that next site yet, so they  
7 leave it at a specific site. I know it's happened to  
8 me on some properties.

9 MR. SIEMON: This is going to be more of a  
10 problem as we lose more and more of the working  
11 waterfront, and I will tell you that our operator --  
12 and I'm in a situation, and you shouldn't take it as  
13 an example, because all the neighbors are together,  
14 pitching in on this, but he has asked us to go get an  
15 extension of time, between two sessions of work,  
16 because he doesn't have a place to put it, because  
17 they are all turning into high-end condominium marina  
18 slips, and he just has no place to put it.

19 MR. AIZENSTAT: Right.

20 MR. SIEMON: So it is an issue, and we think  
21 that if you'll give us permission to look at that,  
22 we'll figure out what the permitting is and come back  
23 with a specific recommendation.

24 I think the first sentence is all right.

25 MR. AIZENSTAT: Yes.

1 MR. SIEMON: It's the second sentence.

2 MR. AIZENSTAT: It's the second sentence --

3 CHAIRWOMAN MORENO: Yes.

4 MR. AIZENSTAT: -- that I have trouble with.

5 MR. SIEMON: And it probably doesn't even  
6 belong under houseboats. It probably ought to be --  
7 and since this is a prohibited use, this is really --  
8 ought to be in a regulated category, not a prohibited  
9 use.

10 MR. AIZENSTAT: I agree.

11 MR. SIEMON: The first sentence is probably  
12 all right. The second is not. But I'm going to --  
13 we need to do a little research before we can give  
14 you a cogent recommendation.

15 MR. KORGE: Okay, well, you're going to  
16 allow saiboats, right? You're not going to --  
17 because the second sentence literally prohibits  
18 sailboats unless they have an engine in them.

19 MR. STEFFENS: No, a sail is --

20 MR. AIZENSTAT: Well, no, a sailboat is  
21 powered by its --

22 MR. STEFFENS: A sail is under its own  
23 power.

24 MR. KORGE: Huh?

25 MR. AIZENSTAT: It's a different method of

1 requiring the power.

2 MS. KEON: It's not the sail, it's the wind  
3 that powers it. It's not the sail.

4 MR. KORGE: I wouldn't have read that it  
5 way. Maybe that's technically correct.

6 MS. KEON: I think the wind gives the power,  
7 not the sail.

8 MR. SIEMON: You would think that she's a  
9 lawyer or something.

10 I think that that's worthy of  
11 clarification.

12 MR. KORGE: And, you know, people use kayaks  
13 and canoes and other things, so -- whatever.

14 MR. SIEMON: It's really an external source  
15 of mechanical power to drive a vessel that's not  
16 associated with the principal vessel.

17 MS. KEON: Are you trying to prevent  
18 derelict boats? Is that what that says?

19 MR. SIEMON: What?

20 MS. KEON: Derelict boats, I mean, is that  
21 what it is, to prohibit derelict boats?

22 MR. SIEMON: No, I think it's to avoid  
23 people storing vehicles in the waters of the City.

24 MR. RIEL: And residing on them.

25 MR. SIEMON: Yeah. Well, that's the next

1 step.

2 MR. KORGE: Well, I'm sorry, I just --

3 MS. KEON: You've already prohibited living  
4 on them, so --

5 MR. RIEL: Correct.

6 MS. KEON: -- it wouldn't make any  
7 difference where they park them; you prohibit living  
8 on them.

9 MR. KORGE: So, if there are certain types  
10 of boats, like houseboats, that we want explicitly to  
11 prohibit, then we should do so, but I'm confused  
12 about -- I read it to include saiboats. I certainly  
13 don't think you can read it to -- not to prohibit --  
14 It certainly prohibits canoes, does it not, for  
15 example?

16 MS. KEON: Right. The boat doesn't have  
17 power, it's the person.

18 MR. KORGE: And kayaks. People are always  
19 riding kayaks up and down the waterway.

20 MS. KEON: So it's not --

21 MR. KORGE: But if the goal is to prohibit  
22 houseboats or similar types of boats, whether they're  
23 powered or not, then we should just say so.

24 MR. SIEMON: But likewise, I wasn't here  
25 when this was drafted, but I would bet that the --

1 based on my experience, that the regulatory mentality  
2 was, the first step in the violation is starting to  
3 store boats within the water, and pretty soon  
4 somebody is living on it, and that's nonpowered  
5 boats, and so you cut it off at the first pass and  
6 then absolutely prohibit it, so you can enforce it.  
7 That's my guess.

8 MR. KORGE: Uh-huh.

9 MS. KEON: But it says here -- I mean, when  
10 it says, "that is not propelled by its own power," so  
11 that shall not -- so -- but if I have a boat that is  
12 propelled by its own power, I could leave it there?

13 MR. SIEMON: Absolutely. Yachts are  
14 permitted.

15 MS. KEON: That doesn't make a lot of  
16 sense. I don't think it achieves what you want to  
17 achieve.

18 MR. STEFFENS: You can live on your yacht.

19 MS. KEON: What?

20 MR. AIZENSTAT: Well, you can't live on your  
21 yacht, but you can park it outside your yard.

22 MR. SIEMON: I think the first sentence  
23 says --

24 MS. KEON: It's fine.

25 MR. SIEMON: -- that you can't live on it.

1 MS. KEON: Yeah.

2 MR. AIZENSTAT: Right.

3 MR. KORGE: Right.

4 MR. AIZENSTAT: That's what I'm saying. You  
5 cannot live on it.

6 MR. SIEMON: But the second sentence says  
7 that if it's self-propelled, you can keep it there  
8 full time.

9 CHAIRWOMAN MORENO: That second sentence  
10 makes no sense.

11 MS. KEON: No, it doesn't.

12 CHAIRWOMAN MORENO: Or I'm not sure what  
13 it's getting at --

14 MS. KEON: Or I don't understand what it --

15 CHAIRWOMAN MORENO: -- because I initially  
16 thought what they didn't want was the houseboat that  
17 you didn't live on but that you used kind of for  
18 recreation. But if you're allowed to use your yacht  
19 for recreation, why can't you use a houseboat for  
20 recreation?

21 MR. SIEMON: If it's self-propelled, I think  
22 you can use it for recreation. It's only vessels  
23 that are not self-propelled that this is targeted at.

24 CHAIRWOMAN MORENO: I know, but that goes  
25 to Tom's point, a canoe or -- you know.

1                   MR. SIEMON: I'm not defending it. I'm  
2 trying to explain it. My --

3                   CHAIRWOMAN MORENO: I'm just trying to  
4 figure out what it is intended to prohibit. If it  
5 means it's a derelict boat --

6                   MR. SIEMON: I think it's nonpowered boats  
7 that are no longer used for recreational boating and  
8 are being stored for some potential future use and  
9 are candidates to become low-income -- or, you  
10 know --

11                  MS. KEON: Right.

12                  MR. SIEMON: -- affordable housing.

13                  MS. KEON: I think it's derelict boats.

14                  MR. SIEMON: That's what I think is going  
15 on.

16                  CHAIRWOMAN MORENO: Okay.

17                  MR. SIEMON: And that's what -- and I bet  
18 this was borrowed from some other community that had  
19 a more --

20                  CHAIRWOMAN MORENO: Right.

21                  MR. SIEMON: -- pressing problem.

22                  MS. KEON: I don't think that this clearly  
23 says that. I mean, if it's derelict boats, then  
24 address derelict boats.

25                  MR. RIEL: Well, let Charlie and I --

1 CHAIRWOMAN MORENO: Because the way that  
2 this reads, you could theoretically have a nonworking  
3 yacht parked behind your house and that wouldn't be  
4 prohibited.

5 MS. KEON: Right, if your boat needed to  
6 be repaired --

7 CHAIRWOMAN MORENO: It's broken, you know.

8 MR. RIEL: Let us go back and check with  
9 Building & Zoning --

10 CHAIRWOMAN MORENO: Okay.

11 MR. RIEL: -- and we'll clarify this  
12 language.

13 CHAIRWOMAN MORENO: Okay.

14 MR. AIZENSTAT: Thank you.

15 MR. SIEMON: I'll just take a shot and see  
16 if we can figure out where it is.

17 MR. RIEL: Charlie, let's just move on to  
18 recreational vehicles.

19 MR. SIEMON: Okay. I wanted to explain that  
20 to you.

21 MS. KEON: Derelict boats, I'm sure.

22 MR. SIEMON: Recreation vehicles. We  
23 incorporated this, in our original draft of this, as  
24 it is in the Code. However, in regard to Subsection  
25 A, our note said, "Not certain of the meaning of the

1 last phrase of this section," referring to this  
2 "which is not a concomitant and" -- "upon a duly  
3 licensed, legally operated parking area, which is not  
4 a concomitant and required under the zoning or other  
5 ordinance of the City," and we've never had any  
6 explanation, but that concern still is -- and nobody  
7 has been able to explain to us where that -- nobody  
8 responded to our comment, and so it didn't get  
9 changed, to tell you the truth. I don't know what it  
10 means.

11 CHAIRWOMAN MORENO: So take it out.

12 MR. KORGE: Well, I guess I wouldn't know  
13 without sitting down and -- it's qualifying the  
14 preceding clause, "parked upon" --

15 CHAIRWOMAN MORENO: "Legally operated  
16 parking area."

17 MR. KORGE: -- "a duly licensed or legally  
18 operated parking area," and I suppose it meant that  
19 the parking area is not essentially dedicated to  
20 parking for vehicles, but it's like, you know, a  
21 hotel or something, parking there temporarily. I'm  
22 just guessing.

23 MR. STEFFENS: What kind of license are they  
24 talking about? Is this a specially licensed RV  
25 parking space?

1 MS. KEON: Like the massage parlor.

2 MR. SIEMON: That's where the massage  
3 saloons are going to be permitted.

4 MS. KEON: That's right. They'll move the  
5 massage into it.

6 MR. STEFFENS: They have to keep moving.

7 MR. SALMAN: It will operate as a  
8 recreational vehicle.

9 MR. KORGE: Well, why don't you figure  
10 out --

11 CHAIRWOMAN MORENO: I would take out from  
12 "unoccupied," period, and take out that whole  
13 section.

14 MR. KORGE: Well, take out "and unoccupied"?

15 CHAIRWOMAN MORENO: No, stop at  
16 "unoccupied."

17 MR. KORGE: Oh. Well, why don't you look it  
18 over and then come back with a recommendation to us,  
19 so we --

20 MR. SIEMON: Well, my recommendation is, "or  
21 parked upon a duly licensed or legally operated  
22 parking area, which is not a concomitant and required  
23 under the zoning or other ordinance" doesn't make any  
24 sense to us. I mean, I don't know why you want  
25 recreation vehicles in your surface parking lots.

1                   CHAIRWOMAN MORENO: I agree. Stop at  
2 "unoccupied," period.

3                   MR. SIEMON: So that's what I would  
4 recommend.

5                   MR. STEFFENS: Is there a reason to describe  
6 the calendar week like that, or should it just say  
7 "any seven-day period"?

8                   MR. SIEMON: I can't think of any good  
9 reason for that. I think a strict reading of that  
10 would mean that --

11                   CHAIRWOMAN MORENO: You could park it on  
12 Saturday night and keep it there until Sunday  
13 morning.

14                   MR. SIEMON: Well, the calendar week starts  
15 with Sunday, right?

16                   MR. STEFFENS: Yeah.

17                   MR. SIEMON: You could have it Saturday and  
18 Sunday.

19                   MR. STEFFENS: Saturday night.

20                   MR. SIEMON: Saturday and Sunday, right?

21                   CHAIRWOMAN MORENO: Yeah.

22                   MR. AIZENSTAT: As far as "duly licensed" --

23                   MS. KEON: What?

24                   MR. STEFFENS: So you could theoretically  
25 park it there all weekend.

1 MR. SIEMON: I don't know whether that was  
2 intended, cleverly, or it was an inadvertence.

3 MR. AIZENSTAT: The discussion --

4 MR. SIEMON: Do we have a historian?  
5 Walter?

6 MR. RIEL: I can tell you, by the number  
7 that's after it, it was done in the early eighties.

8 (Simultaneous comment by Ms. Keon)

9 MR. RIEL: The 2536, that's the ordinance  
10 number.

11 MR. STEFFENS: I'm sorry?

12 MR. KORGE: Beginning on Sunday, and ending  
13 on Saturday.

14 MR. RIEL: The ordinance, that Number 2536  
15 is the ordinance number, and that is the number that  
16 generally --

17 CHAIRWOMAN MORENO: Yeah, but the 24  
18 hours --

19 MR. RIEL: -- is an early 1980s.

20 CHAIRWOMAN MORENO: -- means that if you  
21 park it on Saturday of Week 1, and you keep it for 24  
22 hours until Sunday, then you have less -- it's two  
23 different weeks.

24 MR. STEFFENS: Then the week -- the next day  
25 is another week, so you can leave it there another 24

1 hours.

2 (Inaudible discussion between Mr. Siemon and  
3 Mr. Carlson)

4 MR. SIEMON: The number, (2536).

5 MR. CARLSON: That's the ordinance.

6 MR. RIEL: That's the ordinance number.

7 MR. SIEMON: But that's not a general  
8 ordinance?

9 MR. CARLSON: No.

10 MR. RIEL: No, but the numbering tells me  
11 that ordinance was adopted around the early 1980s.  
12 So we need to go back and look at this definition.

13 CHAIRWOMAN MORENO: I would just say, "not  
14 to exceed 24 hours within any consecutive seven-day  
15 period."

16 MS. KEON: Yeah.

17 MR. AIZENSTAT: What was the definition of  
18 duly licensed that you were saying? There was a  
19 question on that, that was just brought up.

20 CHAIRWOMAN MORENO: We're taking it out.

21 (Simultaneous comments between Ms. Keon and  
22 Mr. Salman)

23 MR. AIZENSTAT: Well, did it mean, duly  
24 licensed, for example, a U-Haul center or so forth,  
25 that was within the City limits?

1           MR. STEFFENS: Well, we don't allow U-Haul  
2 centers within the City limits.

3           CHAIRWOMAN MORENO: Under the recreational  
4 vehicles --

5           MR. AIZENSTAT: I think what happens a lot  
6 of times is that gas stations are actually given  
7 licenses or permits from the dealers themselves to be  
8 able to rent U-Hauls on the weekends or certain days  
9 of the week. I don't know how the City feels about  
10 that.

11          CHAIRWOMAN MORENO: But this is just  
12 recreational vehicles.

13          MR. SIEMON: These are RVs, and we're  
14 striking -- I'm recommending striking it after the  
15 word "unoccupied."

16          MR. KORGE: Right.

17          MR. SIEMON: In A.

18          MR. KORGE: And then Cristina recommended,  
19 on Line 40, deleting "calendar week beginning Sunday  
20 at 12:01 a.m. and ending at midnight on Saturday,"  
21 and inserting instead, "consecutive seven-day  
22 period."

23          MR. SALMAN: Does it matter if it's within a  
24 week or a month? How about just 24 hours?

25          MR. STEFFENS: Well, then you could do it

1 every other 24 hours?

2 CHAIRWOMAN MORENO: No, 24 hours. No more  
3 than 24 hours in any consecutive seven-day period.

4 MR. KORGE: Yeah.

5 CHAIRWOMAN MORENO: So you could do it 24  
6 hours on Wednesday --

7 MR. KORGE: You could leave it for a day.

8 CHAIRWOMAN MORENO: -- and then 24 hours --

9 MS. KEON: Right.

10 MR. KORGE: That's it, bye-bye.

11 MR. STEFFENS: No, but they're saying --

12 MR. KORGE: In any week.

13 MS. KEON: After 24 hours.

14 MR. KORGE: Yeah, that works.

15 MS. KEON: Not to exceed 24 hours.

16 MR. KORGE: That's technically closer to  
17 what they intended all along.

18 MS. KEON: Unless such vehicle is parked or  
19 stored --

20 CHAIRWOMAN MORENO: Yeah, I think he's  
21 right, just take out the thing about the -- Who  
22 cares? It's just 24 hours, period.

23 MS. KEON: 24 hours. You have a day.

24 Maybe they excluded Sunday because garages  
25 weren't open or something, I don't know, and they

1 gave them a period of time to get it there.

2 CHAIRWOMAN MORENO: Okay. 410?

3 MR. SIEMON: What was the recommendation  
4 about 24 hours?

5 MS. KEON: That it be just 24 hours.

6 CHAIRWOMAN MORENO: Not to exceed 24 hours.

7 MR. SIEMON: Right.

8 MS. KEON: Period.

9 MR. SIEMON: Period?

10 CHAIRWOMAN MORENO: Yeah.

11 MS. KEON: Right.

12 MR. KORGE: Or comma. You can leave in the  
13 "unless."

14 CHAIRWOMAN MORENO: Yeah, and unless --

15 MS. KEON: Unless.

16 CHAIRWOMAN MORENO: -- it's within the  
17 confines of a garage and unoccupied, period.

18 MR. SIEMON: Not to exceed 24 hours during  
19 any one-week period?

20 CHAIRWOMAN MORENO: No.

21 MS. KEON: At all. Not to exceed 24 hours.

22 MR. SIEMON: Well, 24 hours per what?

23 MR. STEFFENS: Per year, per lifetime, per  
24 visit of recreational vehicle?

25 MR. KORGE: Well, it's a continuous period

1 of 24 hours.

2 MR. STEFFENS: So how long --

3 MR. KORGE: If they're there for 25 hours,  
4 they've violated it.

5 MR. STEFFENS: Okay, so how long do you have  
6 to move it away before you --

7 MS. KEON: Oh, I see.

8 MR. AIZENSTAT: If they move it for an hour,  
9 they can come back?

10 MR. KORGE: That's why it's there, so they  
11 can't come back an hour later -- go away for an hour  
12 and come back.

13 CHAIRWOMAN MORENO: Yeah, yeah, yeah, yeah,  
14 okay.

15 MR. STEFFENS: So when could they come back?

16 MR. KORGE: So it would be during any  
17 consecutive seven-day period.

18 MR. SIEMON: At least seven days later.

19 MR. AIZENSTAT: Correct.

20 MR. SIEMON: It's going to be there for --  
21 it could be there for 24 hours, every seven days.

22 MR. KORGE: Right.

23 MR. SIEMON: It's unlikely.

24 MR. STEFFENS: At the maximum.

25 MR. SIEMON: At a maximum, that's correct.

1 MR. KORGE: Right.

2 MR. SIEMON: Not to exceed.

3 CHAIRWOMAN MORENO: Well, I had a neighbor  
4 who had a sports training facility coming to his  
5 house every week for a day, one of these, you know --

6 MS. KEON: Oh, yeah.

7 MR. SIEMON: And it probably was a  
8 recreational vehicle.

9 CHAIRWOMAN MORENO: Yeah, theoretically, it  
10 was. It had sports equipment.

11 MR. SIEMON: Urban assault vehicle.

12 Remember the movie, Stripes?

13 MR. KORGE: Uh-huh.

14 CHAIRWOMAN MORENO: No longer living there.  
15 No longer living there, so I don't have a conflict.

16 MR. SIEMON: Okay. B is as is, and it just  
17 says you can't sleep in it, not even overnight, no  
18 matter what else.

19 The next provision, tents, detachable -- or  
20 detached screen enclosures are not permitted except  
21 in conjunction with a permitted temporary use.  
22 Screened enclosures, however, will be permitted as an  
23 accessory use in conjunction with a residential or  
24 special use district as provided in Article 5,  
25 Section 1.

1           That, the residential or special use  
2 accessory, was added at the recommendation of Staff,  
3 because that's something that is experienced.

4           Other than that, we made no further -- there  
5 were no further changes.

6           The -- in Parking in Residential Areas,  
7 there were only two changes that were made in this,  
8 other than what's indicated in the document you have,  
9 in 6, which has a cross-reference which is clarified,  
10 and those changes were just one grammatical about --  
11 talking about, the text used to say City which is  
12 zoned -- which is zoned residential, and we modified  
13 that to, City which is in -- located in a residential  
14 zone, instead of zoned, which isn't really a word, a  
15 verb.

16           The other change was that there was an  
17 enforcement provision sitting right in the middle of  
18 this district that said that the Building & Zoning  
19 Director shall be charged with responsibility of  
20 determining compliance with this. We moved that to  
21 the duties and responsibilities of the building  
22 official, out of the prohibited use provision.

23           But that, I believe is all -- everything  
24 else was as is in the Code, and interestingly, this  
25 is also the same ordinance number that the RV was

1 attributed to, 2536.

2 MR. AIZENSTAT: Can -- in the City of Coral  
3 Gables, till what time are you allowed to do work by  
4 a contractor? Is it five o'clock?

5 MR. SALMAN: Yeah.

6 MS. HERNANDEZ: Six o'clock.

7 MR. STEFFENS: I think it's at least -- I  
8 think it's at least six.

9 MR. AIZENSTAT: Is it six?

10 MS. HERNANDEZ: I apologize. Yes, six,  
11 except when the Manager allows an extended time  
12 period, and there has to be a written request to the  
13 Manager.

14 MR. AIZENSTAT: The manager of --

15 MS. HERNANDEZ: The City Manager.

16 MR. AIZENSTAT: The City Manager.

17 MS. HERNANDEZ: And that's by ordinance.

18 MR. AIZENSTAT: Okay.

19 CHAIRWOMAN MORENO: In the next section,  
20 Charlie, 4-412, there's a reference to this section  
21 that's incorrect. It says, at the end, 4-410, and  
22 now you've renumbered it. It's 4-411.

23 MR. STEFFENS: On Section 4-411, A, the  
24 first line, "It says it shall be unlawful to park,"  
25 blah, blah, blah, any truck. And when we go to

1 definition for truck, it says it means, "Any motor  
2 vehicle designed, used or maintained for transporting  
3 or delivering property or materials used in trade or  
4 commerce in general. Trucks shall include any motor  
5 vehicle having space designed for and capable of  
6 carrying property, cargo or bulk material, which  
7 space is not occupied by passenger seating."

8 We have these -- I think there's a lot of  
9 vehicles operating today that would fall under the  
10 definition of truck, that many people think are SUVs  
11 or --

12 MS. KEON: But they have passenger seating.

13 MR. STEFFENS: Not necessarily.

14 CHAIRWOMAN MORENO: But then we don't want  
15 them.

16 MR. KORGE: Liz said we're not going to deal  
17 with that.

18 MR. RIEL: I thought we weren't going to  
19 discuss trucks this evening.

20 MR. STEFFENS: I'm sorry?

21 MR. RIEL: I thought we weren't going to --

22 MR. KORGE: We're not discussing that.

23 MR. RIEL: -- broach the idea of trucks this  
24 evening.

25 MR. STEFFENS: We're not discussing it?

1 MR. KORGE: No, she's going to come back to  
2 us with something, so let's --

3 MR. STEFFENS: With what, definitions?

4 MR. KORGE: With trucks.

5 MR. STEFFENS: Oh.

6 MR. KORGE: I guess, yeah.

7 MR. RIEL: The issue on trucks.

8 MR. KORGE: But she said specifically we're  
9 not going to discuss trucks or political signs at  
10 this time.

11 Right?

12 MS. HERNANDEZ: That is correct.

13 MR. KORGE: So let's just move on.

14 MR. STEFFENS: I -- okay.

15 MR. SIEMON: Just for the record, I drive a  
16 truck, according to this definition.

17 MS. HERNANDEZ: What did you just say?

18 MR. STEFFENS: I think a lot of people do.

19 MR. SIEMON: I drive a truck, according to  
20 this definition.

21 MS. HERNANDEZ: Leave. Is it seven o'clock?

22 MR. SIEMON: It's in your parking lot.

23 MS. HERNANDEZ: Well --

24 MR. SIEMON: I guess I've got to go.

25 MS. HERNANDEZ: Good night. May the force

1 be with you.

2 MR. SIEMON: The force was with me on my way  
3 down.

4 Next, boats and trailers, no change, except  
5 that we had -- we have used, universally, the setback  
6 rather than yard, because of the inconsistent use, so  
7 we use it in the required setback. So the term is  
8 used, setback, instead of yard.

9 MR. KORGE: What does interior side mean?

10 MR. SIEMON: Interior side or rear setback  
11 only. Interior side is a side that is adjacent to  
12 another residential lot, not on a street, and the  
13 rear yard is --

14 MR. SALMAN: It's not the corner side.

15 MR. SIEMON: Yeah.

16 MR. KORGE: So does it have to be screened  
17 from the street?

18 MR. SALMAN: That was one of my questions.

19 MR. AIZENSTAT: Yeah, that was --

20 MS. HERNANDEZ: No.

21 MR. AIZENSTAT: No?

22 MR. KORGE: No.

23 MR. AIZENSTAT: Should it be screened from  
24 the street?

25 MR. KORGE: What's the practice now?

1           MR. AIZENSTAT: I thought that it needed to  
2 be screened from the street.

3           MR. RIEL: It needs to be screened. That's  
4 not in this section, because this --

5           MR. AIZENSTAT: I thought that maybe that's  
6 why you had the 2852, 2992, that it referred to  
7 the --

8           MS. HERNANDEZ: No, those are the  
9 ordinances that were adopted, dealing with this  
10 matter.

11          MR. RIEL: It requires screening. There is  
12 a whole other supplemental section that deals with  
13 boats and trailers.

14          MR. KORGE: Okay, so it will show up  
15 elsewhere.

16          CHAIRWOMAN MORENO: But then you need to put  
17 a reference.

18          MR. AIZENSTAT: Shouldn't we put this  
19 together?

20          MR. SIEMON: Well, that's in the  
21 performance -- in the division part.

22          MR. RIEL: Right. These are prohibited  
23 uses.

24          MR. AIZENSTAT: Okay.

25          MR. KORGE: Right. Okay.

1 MR. RIEL: Remember?

2 MR. AIZENSTAT: Yes. Yes.

3 MR. SIEMON: And this is that they're  
4 prohibited in the yards, except for --

5 MR. AIZENSTAT: Yes.

6 CHAIRWOMAN MORENO: But then this means that  
7 I could have a boat in my front yard, as long as it's  
8 within the side setback of my front yard.

9 MR. AIZENSTAT: No.

10 MR. SIEMON: No, the front yard is the front  
11 setback area.

12 CHAIRWOMAN MORENO: That's my front setback.

13 MR. SIEMON: And that runs from the  
14 boundary at either width of the lot.

15 CHAIRWOMAN MORENO: So what's my side  
16 setback? I mean, isn't there a space --

17 MR. SIEMON: It's from the front setback,  
18 along the side of the lot, back to the rear setback.

19 CHAIRWOMAN MORENO: Okay.

20 MR. AIZENSTAT: Five feet.

21 MS. HERNANDEZ: You cannot --

22 CHAIRWOMAN MORENO: Okay, but it's still my  
23 front yard if it's not -- if my setback -- let's say  
24 I have a 10 --

25 MR. SIEMON: If your building is set back

1 further --

2 CHAIRWOMAN MORENO: Yes.

3 MR. SIEMON: -- than the --

4 CHAIRWOMAN MORENO: Setback.

5 MR. SIEMON: -- minimum required setback,  
6 that's correct.

7 MS. HERNANDEZ: You cannot have --

8 MR. SIEMON: And so, if you wanted to make  
9 it move with the building, not with the required  
10 setback, you would have to do that, say, or the  
11 required setback, or -- but in no case shall be  
12 located closer to the street than the facade, the  
13 street facade of the principal building.

14 (Thereupon, Mr. Tein arrived.)

15 CHAIRWOMAN MORENO: Okay. My house, I have  
16 the house up here, then I have the garage recessed,  
17 and there's a whole area between the house and the  
18 side yard. I could put a boat there, from the way  
19 I'm reading it. Right? Because --

20 MR. SIEMON: Well, I'm -- do your diagram  
21 again.

22 CHAIRWOMAN MORENO: Here's the street, right  
23 up here.

24 MR. SIEMON: Okay.

25 CHAIRWOMAN MORENO: Okay? Here's my house.

1 MR. SIEMON: Right.

2 CHAIRWOMAN MORENO: My garage -- it's an Old  
3 Spanish -- is back here.

4 MR. SIEMON: Right.

5 CHAIRWOMAN MORENO: Here's the side yard.  
6 I could theoretically have a boat right here.

7 MR. SIEMON: Where's your setback?

8 MS. HERNANDEZ: No, you could not. You  
9 could not have a boat there.

10 CHAIRWOMAN MORENO: Why?

11 MR. STEFFENS: Why?

12 MS. HERNANDEZ: Because -- not only by the  
13 case law that we won, on the challenge of our  
14 setback, many, many years ago, but our Code does not  
15 allow you to have a boat or a trailer in your front  
16 yard.

17 MR. SIEMON: But she's saying that's not the  
18 front yard --

19 CHAIRWOMAN MORENO: That's not what it says.

20 MR. SIEMON: -- the required front yard.

21 MR. KORGE: It doesn't say that.

22 CHAIRWOMAN MORENO: It's not in my front  
23 setback. It's in my front yard.

24 Here's the street. This is my setback.

25 Here's my house. Here's my garage. I've got a

1 driveway here. Theoretically, I could put my boat  
2 here --

3 MR. KORGE: Right.

4 CHAIRWOMAN MORENO: -- based on what it says  
5 here.

6 MR. SIEMON: Well, it depends on where the  
7 front yard setback line is located.

8 CHAIRWOMAN MORENO: Right here.

9 MR. STEFFENS: At the front of the house.

10 CHAIRWOMAN MORENO: Right here, at the front  
11 of the house.

12 MS. KEON: The front of the house.

13 MR. MESSENGER: It has to be in the side  
14 setback, so it has to be on the side of the building  
15 (inaudible).

16 MR. STEFFENS: So could it be right here?

17 CHAIRWOMAN MORENO: Right there.

18 MS. KEON: Yes, it could be right there.

19 MR. STEFFENS: Let's say you're not -- let's  
20 say this --

21 MS. HERNANDEZ: She can't hear you.

22 MR. STEFFENS: -- is the side setback, next  
23 to the garage. Could it be right here?

24 MR. KORGE: So we need just to clarify it.

25 MR. SIEMON: As this is drafted, yes.

1 CHAIRWOMAN MORENO: Yes.

2 MR. KORGE: We just need to clarify it.

3 MR. SIEMON: As it's always been drafted.

4 MS. HERNANDEZ: Right.

5 MR. KORGE: So we need to clarify it,  
6 that's all.

7 MS. HERNANDEZ: Could we also note, for the  
8 record, that Mr. Tein has arrived and has joined us?

9 Welcome.

10 MR. TEIN: Thank you. Sorry I'm late.

11 CHAIRWOMAN MORENO: If the intent is that it  
12 cannot be in the front yard -- I think what happened  
13 is, you changed the word "yard" to "setback," and  
14 that was not the intent.

15 MR. SIEMON: The definition of yard is the  
16 distance between the front building line -- the front  
17 property line and the required setback line.

18 MS. HERNANDEZ: Right.

19 CHAIRWOMAN MORENO: Okay.

20 MR. SIEMON: So --

21 CHAIRWOMAN MORENO: Then -- but your idea  
22 is, Liz, that it cannot be in the front yard.

23 MS. HERNANDEZ: Right.

24 CHAIRWOMAN MORENO: It cannot be visible  
25 from the street. That's not the way that this reads.

1           MR. STEFFENS: Well, it could be in the side  
2 setback and be visible from the street.

3           MR. SIEMON: Let me just make two drawings  
4 here, though, and -- Your garage is in back of the  
5 front setback?

6           CHAIRWOMAN MORENO: Right.

7           MR. SIEMON: Right.

8           CHAIRWOMAN MORENO: Way back.

9           MR. SIEMON: Okay.

10          CHAIRWOMAN MORENO: And I think that's true  
11 of a lot of Old Spanish houses, right, Michael?

12          MR. SIEMON: In this -- in this scenario, if  
13 this was the front setback sign, you could put your  
14 boat here. It's an interior side lot.

15          CHAIRWOMAN MORENO: Uh-huh.

16          MR. SIEMON: And you could put your boat  
17 here, as this is drafted.

18          MS. KEON: Right.

19          MR. AIZENSTAT: And your house is set back?

20          MR. STEFFENS: The garage is set back.

21          MR. SIEMON: The garage is set back.

22          MR. KORGE: But we don't intend it to be  
23 that way, so we need to fix it.

24          MR. SIEMON: Well, that's what I need to get  
25 at.

1           MR. KORGE: We need to fix it so that it's  
2 always -- always behind the part of the building that  
3 is --

4           MR. SIEMON: Because what I'm hearing --

5           MS. HERNANDEZ: Correct.

6           MR. SIEMON: -- if you give up on the  
7 garage and use it for storage, you can put the boat  
8 in your driveway in front of the --

9           MS. HERNANDEZ: Right, and no, you'll be  
10 cited.

11          MR. STEFFENS: It should be behind the front  
12 plane of the house.

13          MS. KEON: But if it's permitted in front --

14          MR. KORGE: No, not the front plane. It  
15 should be behind whatever part of the building it's  
16 next to.

17          MR. STEFFENS: The plane -- the plane on  
18 that house on the right steps, so whichever side it's  
19 adjacent to, it would have to be behind --

20          MR. KORGE: So that's what we want. You  
21 figure out how to write it.

22          CHAIRWOMAN MORENO: The rearmost plane.

23          MR. SIEMON: I understand what you want.

24          MR. KORGE: Okay.

25          MR. SIEMON: If there's a consensus with

1 that description.

2 CHAIRWOMAN MORENO: Yes.

3 MS. KEON: Right.

4 MR. SIEMON: I don't know exactly how to  
5 draw it, but --

6 MR. SALMAN: Madam Chair?

7 MR. SIEMON: Todd, have you gotten that  
8 down?

9 CHAIRWOMAN MORENO: Yes.

10 MR. SALMAN: This section is one about  
11 prohibited uses.

12 CHAIRWOMAN MORENO: Right.

13 MR. SALMAN: And just scanning all of them,  
14 they all begin, "It is unlawful," "It shall not be  
15 allowed," and yet this is the only provision that  
16 says, "Boats and trailers may be placed."

17 MR. KORGE: Right.

18 MR. SALMAN: It's just a matter of semantics  
19 and the way it's written.

20 MS. HERNANDEZ: Right.

21 MR. SALMAN: I find it to be unclear,  
22 incomplete, because I think the intent is that we do  
23 have screening, and it's referring you to other  
24 places. Either it gets moved out of here or it needs  
25 to be cleared up.

1           MR. STEFFENS: Well, it should say boats and  
2 trailers shall not be placed in front of the front  
3 plane of the house.

4           MR. SIEMON: Specific areas.

5           MR. KORGE: Shall not be placed on the  
6 property, except --

7           CHAIRWOMAN MORENO: In an enclosed garage --

8           MR. KORGE: Right.

9           MR. SIEMON: Subject to the provisions of  
10 Article 5 --

11          MR. KORGE: Right.

12          MR. SIEMON: -- Division such and such.

13          MS. HERNANDEZ: Right.

14          CHAIRWOMAN MORENO: I think that's better.

15          MS. KEON: I do, too.

16          MR. SIEMON: I agree, but my diagram is what  
17 you want me to achieve?

18          MR. KORGE: Yes.

19          MR. SALMAN: With proper screening.

20          MR. SIEMON: Yeah.

21          MR. AIZENSTAT: Well, the screening is  
22 somewhere else.

23          MR. SIEMON: The screening is in there.  
24 It's the cross-reference to the screening standards  
25 that's missing from this provision.

1 MR. AIZENSTAT: Right.

2 MR. SIEMON: Todd, did you get that down?

3 MR. MESSENGER: I believe so.

4 MR. SIEMON: Did you get my drawing? No,  
5 because it's on the back of the official volume of  
6 the Code; it's my notes.

7 MR. MESSENGER: If I may approach.

8 MR. SIEMON: All right.

9 CHAIRWOMAN MORENO: Wild Animals.

10 MR. SIEMON: In Wild Animals, we have --  
11 That's okay, that's not okay.

12 MR. MESSENGER: All right.

13 MR. SIEMON: In the original version of  
14 this, we eliminated a statement that said, "For the  
15 purposes of this section, the phrase 'wild animal'  
16 shall be as defined in the definitions." Well, all  
17 the terms are defined in the definitions, so we  
18 eliminated that, and then we just had a cross-  
19 reference.

20 During the review process, we were -- we got  
21 input from Professional Staff that we should delete  
22 Item A, with regard to snakes, and there was no  
23 general objection to that, and so we did incorporate  
24 it.

25 MR. STEFFENS: Well, shouldn't you be a

1 little bit more specific about reptiles, like  
2 venomous reptiles or something like that, because,  
3 you know, you're requiring a permit for a turtle.

4 MS. KEON: For a what?

5 MR. STEFFENS: A turtle, or an iguana, or  
6 any kind of reptile.

7 MR. TEIN: Why is reptile in there?

8 MS. KEON: Snake.

9 MR. TEIN: A reptile is an animal.

10 MR. SIEMON: I'll turn to --

11 MR. STEFFENS: Because you do have  
12 alligators in there.

13 MR. TEIN: That's a wild animal.

14 MR. SIEMON: I will turn to our -- oops,  
15 our historian is gone.

16 MR. STEFFENS: So a turtle is --

17 MR. SIEMON: Where's Walter?

18 (Simultaneous comments by Board Members)

19 MR. SIEMON: I have no idea, I mean, where  
20 this came from.

21 MR. TEIN: Wild animal is probably enough.

22 MS. HERNANDEZ: Say this again?

23 MR. TEIN: Just say wild animal.

24 CHAIRWOMAN MORENO: Well, wild animal is  
25 defined to mean animals and reptiles of a species not

1 usually domesticated. So the definition covers  
2 reptiles.

3 MS. HERNANDEZ: Right.

4 CHAIRWOMAN MORENO: So, in here, you can  
5 take out the reptiles. But it doesn't address the  
6 concern about whether you need a permit for a  
7 turtle.

8 MR. KORGE: Well, is the turtle  
9 domesticated?

10 CHAIRWOMAN MORENO: I don't know.

11 MS. KEON: If he's a Ninja --

12 MR. KORGE: I mean, they're pets. They're  
13 pets, right? A pet turtle, is that a domesticated  
14 pet? No?

15 MR. STEFFENS: I mean, with a turtle, you  
16 might get botulism or something like that from a  
17 turtle, but --

18 MR. KORGE: No, I'm -- I'm not making a  
19 joke.

20 MR. SIEMON: I've asked them all, but they  
21 never told me.

22 MR. KORGE: I didn't know I was making a  
23 joke.

24 CHAIRWOMAN MORENO: You can't domesticate a  
25 lion.

1           MR. TEIN: Well, the definition of wild  
2 animal says it does not refer to pets customarily  
3 found in and about homes, such as baby turtles, small  
4 nonpoisonous lizards and the like.

5           MR. SIEMON: Well, the problem with that is  
6 that --

7           MR. TEIN: Adult turtles are the problem.

8           MR. SIEMON: -- there's a prohibition, so  
9 you've got to get --

10           (Simultaneous comments by Board Members)

11           MR. SIEMON: This requires you, however, to  
12 get a permit for them, because it's not just for wild  
13 animals. It's for wild animals or reptiles.

14           MS. HERNANDEZ: And so long as they're not  
15 dangerous and harmful to human safety, unless they're  
16 expressly prohibited, the Manager can give a permit?

17           MR. SIEMON: No, I'm reading -- sorry. I  
18 think it's all set out in the next page. No  
19 elephants.

20           MR. STEFFENS: We're going to have a line  
21 outside the City Manager's door soon.

22           MR. KORGE: Well, we should eliminate --

23           MR. SIEMON: And monkeys who lie are  
24 prohibited.

25           MR. KORGE: Subsection A should eliminate

1 reptiles.

2 CHAIRWOMAN MORENO: I can't believe an  
3 elephant --

4 MR. KORGE: Is that right, Mr. Siemon?

5 MR. SIEMON: I can just see Manager Brown  
6 with his tape, measuring the seven feet, eleven inch  
7 lizard.

8 MR. AIZENSTAT: Put the lizard on the  
9 scale.

10 MS. HERNANDEZ: I think he might ask an  
11 expert to measure it for him.

12 MR. TEIN: Eight feet seems a little bit too  
13 much of a leeway, doesn't it? I mean, at least, you  
14 know, for my street, I'd ask that it be seven.

15 MS. HERNANDEZ: I've got to tell you, this  
16 is scary.

17 MR. STEFFENS: I'll let you put your  
18 street in there for the lizards if you let  
19 me close --

20 MR. TEIN: How about a lizard --

21 MR. STEFFENS: -- close my street.

22 MR. TEIN: A lizard in excess of two feet in  
23 length? That would seem to be sufficient for Coral  
24 Gables.

25 CHAIRWOMAN MORENO: And then please change

1 alligators to two feet, as well.

2 MR. TEIN: Yeah. How about any alligator?

3 MR. STEFFENS: I don't think iguanas --

4 MR. TEIN: Period.

5 MR. STEFFENS: I think it should be any  
6 venomous reptile.

7 MS. KEON: Yeah, but you know what? Like  
8 constrictors and those things are not venomous, but  
9 they're equally as troublesome or, you know, raise  
10 that kind of concern.

11 MR. SIEMON: Did you see where they found a  
12 13-footer up in Delray or something, out by the  
13 railroad tracks?

14 MS. KEON: Uh-huh.

15 MR. SIEMON: The sucker was that big around,  
16 and 13 feet long.

17 I'm at somewhat of a loss. I have to tell  
18 you that we've done a number of wild animal  
19 ordinances. One of the most notable we ever did was  
20 for Manatee County, which is where all the circus  
21 industry is located, and it came about because a  
22 large black rhinoceros escaped and tried to butt  
23 heads with a Volkswagen, and the Volkswagen lost, and  
24 so -- but it's what the community's values and terms  
25 are, and we don't have any way of judging it. You

1 all either -- some way, we've got to decide what we  
2 want to do here. This is --

3 MR. RIEL: Well, I think what happened,  
4 obviously, Building & Zoning is the one that, you  
5 know, enforces this and has had experience, if any,  
6 on any of these things, and if they would have  
7 identified any changes -- so they did not identify  
8 any change except for the one with the snakes.

9 MR. SIEMON: Other than doing away with  
10 snakes.

11 MR. RIEL: No, I would just -- probably just  
12 leave this as is.

13 MS. HERNANDEZ: Right.

14 MR. KORGE: What, the definition or the  
15 section itself?

16 MR. RIEL: Leave it as is, with the  
17 recommendation of removing the snakes.

18 MR. KORGE: So we would delete reptiles from  
19 Subsection A?

20 MR. RIEL: That's what -- yeah.

21 MR. TEIN: At Line 51.

22 MR. KORGE: At Lines 51 and 54, okay.

23 MR. AIZENSTAT: But that's not leaving it  
24 the way it is.

25 MR. KORGE: Can we go to the next subsection

1 now?

2 MR. STEFFENS: On Item 2, within that  
3 section --

4 MR. KORGE: Well, before we get to Item 2,  
5 can we deal with Item 1? I have one question on  
6 that.

7 MR. STEFFENS: Okay.

8 MR. KORGE: Paragraph 1, there will be a  
9 presumption against the issuance of a permit, for  
10 whatever falls into that classification. Is that a  
11 conclusive presumption?

12 CHAIRWOMAN MORENO: I think that that is a  
13 legal question.

14 MR. KORGE: No, I mean, are we prohibiting  
15 it?

16 MR. SIEMON: Typically, a presumption  
17 implies that it's not determinative and that it can  
18 be rebutted with evidence of something, which is not  
19 specified here. But a presumption is without, you  
20 know --

21 MR. KORGE: So we're going to --

22 MR. SIEMON: The naked word implies that I  
23 guess the Manager could look at the nine-foot lizard  
24 and decide it was a good one, I don't know.

25 MR. KORGE: Well --

1 MS. HERNANDEZ: This is a policy decision  
2 for this Board, but if you look at Paragraph -- the  
3 new Paragraph A, I'm assuming the idea is that in the  
4 residential areas of the City, we don't want wild  
5 animals or reptiles.

6 For some reason, someone believes that if an  
7 individual can get a permit from the City Manager,  
8 then they can have these wild animals or reptiles,  
9 and then there's some minimal standards here.

10 You know, it's up to this Board as to  
11 whether -- you know, the Commission wants to hear  
12 what you want to do, policy-wise.

13 MR. TEIN: May I make the suggestion --

14 CHAIRWOMAN MORENO: Okay, let's back off.

15 First of all, in the residential area, I  
16 think we should prohibit wild animals, period, end of  
17 story. What are you talking about? You're not going  
18 to have an elephant on my block. I don't care  
19 whether it's a presumption or not a presumption.

20 MS. HERNANDEZ: Then you have to, you  
21 know --

22 CHAIRWOMAN MORENO: You know.

23 MS. HERNANDEZ: Then the section -- then  
24 this has to read, "It shall be unlawful for any  
25 person or persons to keep any wild animals or

1 reptiles, provided that this section shall not apply  
2 to parks, zoos, pet shops, medical or scientific  
3 institutions or other places licensed for the showing  
4 or keeping of all animals or reptiles," period, and  
5 remove the rest of the section. I mean, you know,  
6 it's one or the other.

7 MR. AIZENSTAT: Has this section worked for  
8 how many years it's been in place?

9 MR. RIEL: I don't know the answer to that,  
10 but I'm sure --

11 MR. KORGE: I like that suggestion.

12 MR. AIZENSTAT: Our historian is here.

13 MR. KORGE: The great one was --

14 CHAIRWOMAN MORENO: Do you want an  
15 alligator next door to you?

16 MR. KORGE: No, she's going to eliminate it.  
17 You can't have it at all.

18 MS. HERNANDEZ: No, no, I'm asking.

19 MR. KORGE: Yeah, I mean, what you're  
20 suggesting is that --

21 MS. HERNANDEZ: We are merely your  
22 servants.

23 MR. KORGE: We would not permit any of those  
24 wild animals; the only place they'd be permitted is  
25 at parks, zoos, pet shops, medical or scientific

1 institutions or other places licensed for the showing  
2 or keeping of wild animals.

3 MS. HERNANDEZ: Right, because it's the  
4 keeping. Now, when residents come out and say,  
5 "Well, are you outlawing" -- you know, we do have  
6 some wild foxes that no one owns. Apparently, there  
7 are wild peacocks in certain areas of the City that  
8 no one actually owns. We know that people feed  
9 these, you know, animals. I'm not aware of any  
10 others. Okay, that's -- those are the only  
11 complaints that I will get a resident calling me,  
12 saying, "You need to get somebody, a professional,  
13 out there to catch that fox," or "to catch that  
14 peacock," and then I immediately refer them to Code  
15 Enforcement. But those are the only complaints, in  
16 10 years, I have ever had. I've never heard of  
17 anybody complaining of elephants.

18 CHAIRWOMAN MORENO: Have you heard anybody  
19 keeping an elephant?

20 MS. HERNANDEZ: No. Apes, I have. I did  
21 have a complaint of someone keeping a commercial --

22 MR. RIEL: Monkey.

23 MS. HERNANDEZ: -- you know, 40 parrots in  
24 their house.

25 MR. RIEL: Monkeys. Monkeys have been

1 caught.

2 MS. HERNANDEZ: Monkeys, we caught in  
3 Hammock Oaks and we got -- but we did not allow them  
4 there. They had to remove the monkeys. They were  
5 determined by both the County and the City to be --  
6 the ones these people had were dangerous.

7 So, you know, yes, we've had complaints of  
8 people trying to, in a residential area, run a  
9 commercial establishment. We don't use the wild  
10 animal provisions against them. We use the "no  
11 commercial establishment in a residential district"  
12 provisions against those individuals.

13 Again, if y'all want us to go out and do  
14 surveillance as to whether someone has an elephant in  
15 their home, do tell us what you want us to do.

16 CHAIRWOMAN MORENO: Liz, we're joking, but  
17 there --

18 MS. HERNANDEZ: I know.

19 CHAIRWOMAN MORENO: There was a person in  
20 Key Biscayne who had a tiger in his apartment, and he  
21 was walking it around.

22 MR. AIZENSTAT: He had a what?

23 MR. STEFFENS: A what?

24 CHAIRWOMAN MORENO: Tiger.

25 MS. HERNANDEZ: At Key Biscayne.

1 CHAIRWOMAN MORENO: You know --

2 MS. HERNANDEZ: No, I'm not -- no, trust me,  
3 I'm not joking. What you adopt as law, I am forced  
4 to enforce. So I say that with the limited  
5 resources that my office has to enforce these  
6 provisions.

7 MR. SIEMON: The tiger won't happen here,  
8 but either will -- I want to just point out to you, I  
9 know what was intended, but f, lf, says, "All members  
10 of the flesh-eating order of Carnivore, including  
11 non-domestic dogs, cats" -- not limited to  
12 non-domesticated, so any of you guys who have got  
13 cats better get down to the Manager's office and  
14 demonstrate that he's friendly.

15 MS. HERNANDEZ: Well, no, because then go to  
16 415, and as you know, the County ordinance requires  
17 all cats and all dogs to be registered, anyway,  
18 through the County, so --

19 MR. SIEMON: Right.

20 MR. TEIN: Why not make 414 basically  
21 parallel 415, as the Chairperson said, just have A,  
22 delete permit required, and delete Section B, under  
23 414, eliminating that whole next --

24 MS. HERNANDEZ: Right.

25 MR. TEIN: -- Lines 1 through 22, on Page 4

1 of 4, and just say it's unlawful for anybody to keep  
2 any wild animals, and then provided, blah, blah,  
3 blah. There are no exceptions for eight-foot-long  
4 lizards; we don't even consider that. There's not  
5 going to be a presumption or a rebuttal presumption;  
6 you're not going to have that in Coral Gables.

7 MR. RIEL: So that would mean you could not  
8 have a one-foot lizard, then.

9 MR. SIEMON: Go back to the permits?

10 MR. STEFFENS: No, you can.

11 MR. RIEL: If you're saying --

12 MR. TEIN: No, no, wild animals --

13 MR. RIEL: -- wild animals are prohibited --

14 MR. TEIN: -- are defined in the definition.

15 MS. KEON: Yeah.

16 MR. STEFFENS: It says you can have baby  
17 turtles, small nonpoisonous lizards and the like.

18 MS. KEON: And the like.

19 MR. TEIN: And I'm just changing baby  
20 turtles to small turtles. You can have small  
21 turtles, you can't have a big Galapagos turtle. And  
22 you can have a small, nonpoisonous lizard, and you  
23 can have the like.

24 MR. SALMAN: Small means? Define bigger --  
25 or smaller than a breadbox?

1 MR. TEIN: Yes, exactly.

2 MR. SALMAN: Define small.

3 MR. STEFFENS: You just did.

4 MR. SIEMON: Having a carapace of no greater  
5 than six inches?

6 MR. AIZENSTAT: I would like to go back and  
7 just ask, how long has this been in place, the way  
8 it's written?

9 MR. RIEL: I don't know the answer to that.

10 MS. HERNANDEZ: We can bring you back that  
11 response.

12 MR. RIEL: I can bring you back that  
13 response, but my suggestion is --

14 MR. AIZENSTAT: Have there been any problems  
15 during that period?

16 MR. RIEL: I would just leave this section  
17 the way it reads.

18 MR. AIZENSTAT: That's what I'm --

19 MR. RIEL: It hasn't been a problem.

20 MR. AIZENSTAT: -- asking.

21 MR. RIEL: That's my --

22 MS. KEON: You know what? I think that  
23 sometimes, something happens and there is an  
24 overreaction to whatever happens and you start, you  
25 know, well, we can't have this, and we can't have

1 that, and we can't have that, and it happens to be of  
2 the moment in time that this occurs, you know, and I  
3 think it's appropriate now that you just clean it up  
4 and get rid of the whole thing.

5 MS. HERNANDEZ: Right.

6 MS. KEON: I really do.

7 MS. HERNANDEZ: I mean, and that's the  
8 purpose of the Zoning Code rewrite --

9 MS. KEON: You know, it's --

10 MS. HERNANDEZ: -- is to take provisions --

11 MS. KEON: Right.

12 MS. HERNANDEZ: -- that found their way into  
13 our Code, for whatever reason, and if they are not --  
14 you know, we're supposed to really be trying  
15 to use --

16 MS. KEON: Clean it up.

17 MS. HERNANDEZ: -- right, our powers here to  
18 clean up this Code.

19 MS. KEON: And I agree with -- I would like  
20 to make that motion, then, that we just -- "It shall  
21 be unlawful for any person or persons to keep any  
22 wild animals."

23 CHAIRWOMAN MORENO: See, the problem is,  
24 when this was written, we lived further apart --

25 MS. KEON: Right.

1 CHAIRWOMAN MORENO: -- but as we live closer  
2 and closer together, keeping a wild animal in your  
3 neighborhood is not a nice idea.

4 MS. KEON: Right, and you can -- "however,  
5 this section shall not apply to" -- whatever,  
6 whatever, you know, the rest, but, you know, the  
7 whole -- without first having to say, you know --

8 MR. SIEMON: Take out the permit.

9 MS. KEON: Take out the permit --

10 MR. SIEMON: It will -- it is unlawful --

11 MS. KEON: -- and the standards to issue a  
12 permit --

13 MR. SIEMON: -- to maintain --

14 MS. KEON: Yes.

15 MR. SIEMON: -- a wild animal.

16 CHAIRWOMAN MORENO: And then define wild  
17 animal.

18 MS. KEON: Right, which is defined.

19 MR. SIEMON: Which is defined. However,  
20 this section shall not apply to parks, zoos, pet  
21 shops, medical or scientific institutions --

22 CHAIRWOMAN MORENO: Right.

23 MR. SIEMON: I don't know why you'd leave  
24 pet shops in there. That's just inviting violations.  
25 I mean, you can sell them here, but you can't keep

1       them here.

2                   CHAIRWOMAN MORENO: Right.

3                   MR. SIEMON: Fireworks.

4                   MS. KEON: Well, maybe you could. You'd  
5 sell them to somebody -- I mean, you're going to sell  
6 them here, and maybe in some other area of the city,  
7 you could do it, but maybe somebody commercially does  
8 that. That happens to be a business.

9                   MR. KORGE: No, I think it's a legitimate  
10 point.

11                   MS. KEON: I would leave the pet shop thing  
12 in there, or whatever, but -- and then take out the  
13 standard -- you know, this whole issue of permits.

14                   MR. KORGE: Well --

15                   CHAIRWOMAN MORENO: If you can't keep it,  
16 you won't have a pet shop --

17                   MR. KORGE: Well, I would take a through  
18 h --

19                   MR. SIEMON: No, for only wild animals.

20                   MS. KEON: Right, yeah.

21                   CHAIRWOMAN MORENO: You're just going to  
22 say, "It shall be unlawful for any person or persons  
23 to keep any wild animal in any residential area of  
24 the City, provided" -- or I guess --

25                   MR. SIEMON: Any residential area?

1 CHAIRWOMAN MORENO: In the City, I guess,  
2 "provided, however, this section shall not apply -- "

3 MR. KORGE: I would add to the definition of  
4 wild animal, to include but not be limited to the  
5 Items a through h, in Paragraph 1, just so it's  
6 clear, because some of these -- Lizards in excess of  
7 eight feet, et cetera, I mean --

8 MR. SALMAN: Wild animals shall include but  
9 not be limited to the following --

10 MR. KORGE: Right.

11 MR. SALMAN: -- a, b, c, d, e, f, g.

12 MR. KORGE: And I would add something along  
13 the lines of Paragraph 2, which prohibit, also, any  
14 animal that may be dangerous, harmful to human safety  
15 or create -- otherwise create a nuisance.

16 CHAIRWOMAN MORENO: Does Section 2 allow the  
17 City Manager, by himself, to prohibit pit bulls, for  
18 example?

19 MS. HERNANDEZ: I'm so sorry -- No, pit  
20 bulls are outlawed in the County.

21 MR. TEIN: I just think --

22 CHAIRWOMAN MORENO: Okay, but just as an  
23 example, this Section 2 that says, "The City Manager  
24 may still, in the exercise of discretion, deny a  
25 permit where the keeping of such animal is dangerous

1 and harmful to human safety" --

2 MS. HERNANDEZ: Okay, I thought that you --  
3 we had eliminated all of that.

4 CHAIRWOMAN MORENO: Right, but I'm asking --  
5 I'm going back and saying -- I'm eliminating the  
6 whole thing, but do I need to say, at some point, the  
7 City Manager can take what is a domesticated animal,  
8 a dog, a type of dog, like the pit bulls --

9 MR. KORGE: Right.

10 CHAIRWOMAN MORENO: -- and say pit bulls are  
11 so dangerous that even though it is a domesticated  
12 animal and not a wild animal, I'm going to prohibit  
13 it?

14 MS. HERNANDEZ: Okay, I don't believe -- I  
15 am of the legal opinion that the City Manager cannot  
16 independently render that decision --

17 MR. STEFFENS: The City Commission.

18 MS. HERNANDEZ: -- and that opinion, I think  
19 that there are departments in the County that  
20 regulate that, and that most cities, including the  
21 City of Coral Gables, are subject to those  
22 regulations. State law regulates that, and our Code  
23 Enforcement Department and our Police Department  
24 would enforce that.

25 We had a dog in Snapper -- in the Snapper

1 Lakes area that attacked a woman and ripped the side  
2 of her stomach, and Dade County Animal Control, Coral  
3 Gables Police Department and Coral Gables Code  
4 Enforcement had the animal removed and exterminated.

5 CHAIRWOMAN MORENO: Okay.

6 MS. HERNANDEZ: You know, so we have the  
7 laws, and we never relied on this.

8 CHAIRWOMAN MORENO: So we don't need to do  
9 that. Okay. All right.

10 MR. KORGE: But again, I would take Items a  
11 through h, and show them as examples that are  
12 included within the definition of wild animal.

13 MS. HERNANDEZ: I agree.

14 MR. SIEMON: Could I --

15 MR. TEIN: I think that makes it too  
16 complicated. It's already in the definition, species  
17 not usually domesticated in the United States.

18 CHAIRWOMAN MORENO: Because you might leave  
19 something out. Like, lions and tigers aren't in here  
20 unless you call them, you know, flesh-eating  
21 Carnivores, dogs, cats and foxes.

22 MS. KEON: I think it's better to leave it  
23 as a broad wild animal.

24 CHAIRWOMAN MORENO: Yeah.

25 MR. TEIN: Let's make it simpler rather than

1 more complicated.

2 MS. KEON: Right.

3 MS. KEON: Eliminate the whole thing.

4 CHAIRWOMAN MORENO: Right.

5 MR. SIEMON: I just -- I think it's sort  
6 of -- I mean, I'm looking at this seven-foot lizard  
7 that weighs 24 and a half pounds --

8 MS. HERNANDEZ: You have stayed with that  
9 for a while now there, Charlie. It's going to  
10 happen.

11 MR. KORGE: Let's look at Item g. A horse  
12 would fit within Item g, okay? Are we allowing  
13 horses?

14 MR. SIEMON: No. Next paragraph.

15 MS. KEON: No. There's the next provision  
16 that talks about domesticated animals and fowl.

17 MR. TEIN: Section 4-415, you can't take a  
18 horse -- you can't have a horse.

19 CHAIRWOMAN MORENO: Yeah.

20 MR. KORGE: Okay.

21 MR. SALMAN: Or a cow.

22 CHAIRWOMAN MORENO: Let's leave it that way.

23 MS. HERNANDEZ: And that, let me tell you,  
24 is an interesting question, because in some of the  
25 areas that wish to be annexed, they keep horses, just

1 so that you know. Okay. I'm not trying -- I'm not  
2 trying to keep you off your schedule. I'm just  
3 giving you pause for wonder.

4 MR. TEIN: Pat has a motion, I think.

5 MS. KEON: I do.

6 MR. STEFFENS: The motion was to eliminate  
7 everything after Item a?

8 MS. KEON: Well, it says, "It shall be  
9 unlawful for any person or persons to keep any wild  
10 animal. However, this section shall not apply to  
11 parks, zoos, pet shops, medical or scientific  
12 institutions or other places licensed for the showing  
13 or keeping of," whatever, animals. That, and then  
14 eliminate the whole issue of standards for issuance  
15 of permits.

16 CHAIRWOMAN MORENO: It takes out the  
17 permits required.

18 MS. KEON: All the way down to Section  
19 4-415. It would eliminate everything after that.

20 MR. SALMAN: I'll second it.

21 MR. TEIN: I'll second that.

22 MR. RIEL: I would suggest, in front, that  
23 you add the word "animal" in front of "parks,"  
24 because we do have a lot of parks within the City.  
25 If you clarify animal parks, that will --

1 MS. KEON: Animal parks?

2 MR. RIEL: Yes.

3 MS. KEON: What do you mean?

4 MR. SALMAN: As opposed to a zoo?

5 MR. TEIN: Why don't we just take the word

6 "parks" out?

7 MS. KEON: What's an animal park?

8 MR. RIEL: Either that or -- It's basically

9 a zoo.

10 MR. SALMAN: Take the word "parks" out.

11 MR. TEIN: Take the word "parks" out.

12 MR. RIEL: We can take "parks" out.

13 MS. KEON: But you may have a -- you may --

14 but you may do it at a -- well --

15 MR. RIEL: No.

16 MS. KEON: To keep it a park?

17 MR. RIEL: By leaving that in there, you're

18 saying all these would be --

19 CHAIRWOMAN MORENO: I mean, they can exist

20 in those areas in the wild or whatever. I mean --

21 MS. KEON: Right.

22 CHAIRWOMAN MORENO: -- we're not banning

23 foxes that live in my neighborhood and that no one is

24 keeping them inside their house or whatever.

25 MR. KORGE: You should eliminate parks, I

1 think.

2 MS. KEON: Well, but what if somebody -- I  
3 mean, you may have -- Does that prohibit the use of,  
4 like, if you have -- you know, like the zoo, you  
5 know, they bring those show-and-tell things.

6 CHAIRWOMAN MORENO: The traveling zoo, yeah.

7 MS. KEON: You know, the zoo brings out  
8 animals.

9 MS. HERNANDEZ: You're talking about special  
10 events. The City Code deals with special events.

11 MS. KEON: Okay.

12 MS. HERNANDEZ: And you get permits for  
13 that --

14 MS. KEON: Right.

15 MS. HERNANDEZ: -- and for a very limited  
16 period.

17 MS. KEON: Okay, so that wouldn't affect  
18 this.

19 MS. HERNANDEZ: Right.

20 MR. RIEL: If you leave --

21 MR. STEFFENS: If you leave -- if you leave  
22 parks in --

23 MR. RIEL: If you leave parks in here, all  
24 these things would be allowed in a park.

25 MR. STEFFENS: -- then you could keep your

1 tiger at Salvador Park.

2 MS. KEON: At the park, right.

3 CHAIRWOMAN MORENO: Yeah, but you can't.

4 MR. KORGE: So parks should be eliminated.

5 And what about pet shops?

6 MS. KEON: Well, we said pet shops are fine.

7 CHAIRWOMAN MORENO: Let's leave it.

8 MS. KEON: Okay.

9 CHAIRWOMAN MORENO: So we're eliminating  
10 parks. Do we have a second?

11 MR. TEIN: Yes, second.

12 CHAIRWOMAN MORENO: Michael Tein seconded.

13 Call the roll.

14 MS. MENENDEZ-DURAN: Pat Keon?

15 MS. KEON: Yes.

16 MS. MENENDEZ-DURAN: Tom Korge?

17 MR. KORGE: Yes.

18 MS. MENENDEZ-DURAN: Javier Salman?

19 MR. SALMAN: Yes.

20 MS. MENENDEZ-DURAN: Michael Tein?

21 MR. TEIN: Yes.

22 MS. MENENDEZ-DURAN: Michael Steffens?

23 MR. STEFFENS: Yes.

24 MS. MENENDEZ-DURAN: Eibi Aizenstat?

25 MR. AIZENSTAT: Yes.

1 MS. MENENDEZ-DURAN: Cristina Moreno?

2 CHAIRWOMAN MORENO: Yes.

3 MS. HERNANDEZ: I'm sure the Manager thanks  
4 you.

5 MR. SIEMON: I think that -- I would suggest  
6 you consider, in 4-415, based on our conversation,  
7 that the word "maintain" really does -- would  
8 probably be a defense to feeding animals that are  
9 otherwise living in the neighborhood or in the area.

10 MS. HERNANDEZ: Right.

11 MR. SIEMON: And "harbor" -- "keep, harbor  
12 or breed," I think, would give you an enforcement  
13 opportunity.

14 MS. HERNANDEZ: But we -- and Key West has  
15 the issue of maintaining the roosters and chickens,  
16 because none of them is harboring them.

17 MR. SIEMON: Right.

18 MS. HERNANDEZ: But they're maintaining  
19 them, so --

20 MR. SIEMON: That's why I'm recommending we  
21 eliminate "maintain" and just say "keep, harbor or  
22 breed."

23 MR. KORGE: I'm sorry, I'm confused. Why  
24 would you take out "maintain"?

25 MS. HERNANDEZ: Right. I would recommend we

1 keep it.

2 MR. SALMAN: Don't feed the wild animals.

3 MS. HERNANDEZ: Right. We have a lot of  
4 people in the City that feel very prone to going out  
5 and feeding, and they're maintaining those animals.

6 MR. KORGE: Well --

7 MR. STEFFENS: If we leave it this way, then  
8 that would make that illegal.

9 CHAIRWOMAN MORENO: Yeah.

10 MR. KORGE: It should be illegal.

11 MR. SIEMON: Why not "feed"?

12 MS. HERNANDEZ: Because we don't want to  
13 encourage --

14 MR. SIEMON: I mean, "or feed."

15 MS. HERNANDEZ: "Or feed," okay, yeah.

16 MR. KORGE: I'm sorry, I'm confused. Why  
17 are we taking out "maintain"?

18 CHAIRWOMAN MORENO: He's saying, "to keep,  
19 harbor, breed or feed."

20 MS. KEON: "Feed," that's good.

21 MR. KORGE: "Maintain" was too ambiguous?

22 CHAIRWOMAN MORENO: Yeah. "Feed" is better.

23 MR. KORGE: Then put "feed or maintain."

24 MS. KEON: But "feed" doesn't read right  
25 into that sentence, does it?

1           MR. SALMAN:  What about "feed, maintain or  
2 support"?

3           MS. KEON:  "Feed upon any," that doesn't --  
4 I mean, "feed" doesn't read --

5           CHAIRWOMAN MORENO:  "It shall be unlawful  
6 for any person to keep, harbor, breed, feed or  
7 maintain upon any premises."

8           MS. KEON:  Yeah.

9           MR. STEFFENS:  Well, do you have to say  
10 premises?

11          MR. SIEMON:  Yeah.

12          MR. STEFFENS:  If you're maintaining, you're  
13 maintaining something -- I mean, the intention is --

14          MS. KEON:  But it's harbor on --

15          MR. STEFFENS:  If the intention is here that  
16 you don't want people to maintain wild animals --

17          MR. KORGE:  Anywhere.

18          MR. STEFFENS:  -- they might not be  
19 maintaining them on their premises.

20          MR. SIEMON:  No, these are not wild  
21 animals.  These are domesticated animals.

22          MR. STEFFENS:  Well, they're not going to be  
23 maintaining them on their premises or feeding them on  
24 their premises.

25          MR. KORGE:  It says any premises.

1 CHAIRWOMAN MORENO: I would leave it the way  
2 it is. I would leave it the way it is.

3 MR. RIEL: Okay.

4 CHAIRWOMAN MORENO: We've already done  
5 enough --

6 MS. KEON: Yeah.

7 CHAIRWOMAN MORENO: -- here.

8 And I'm ready for a break.

9 MR. RIEL: But, Madam Chair, as I've asked  
10 you in the past, I need motions on all the decisions  
11 that you've made this evening. I've been taking  
12 copious notes. I have about a page and a half, so --

13 MR. KORGE: Okay.

14 MR. RIEL: -- if you'd like, I can kind of  
15 summarize those, or if you just want to say, "as per  
16 the record reflects," I will need a motion to that  
17 effect on all the changes.

18 MR. KORGE: Why don't you go through them?

19 MS. HERNANDEZ: Do you want to do 416?

20 MR. SIEMON: 416 is the last provision of  
21 this section.

22 MR. STEFFENS: Yeah, let's do 416.

23 CHAIRWOMAN MORENO: Yeah, okay. I thought  
24 we were done with it. So, sorry.

25 MR. SIEMON: There is a --

1 MS. HERNANDEZ: This is one of the more  
2 popular provisions of the Code Enforcement Division.  
3 We get more cases per month on dogs and cats, and we  
4 had one lady who had 27 cats that she was feeding,  
5 and her neighborhood was going crazy, that the smell  
6 is unbearable.

7 I would recommend that we keep this section  
8 as it is. It is a minimum housing standard, as far  
9 as I'm concerned, but, you know, most of us love cats  
10 and dogs, so four is a good number.

11 MR. AIZENSTAT: So four -- just to be clear,  
12 because you've got that four in there, four means you  
13 can either have two and two?

14 MS. HERNANDEZ: No.

15 CHAIRWOMAN MORENO: Four and four.

16 MR. KORGE: Four of each.

17 MS. HERNANDEZ: Four or four.

18 MR. AIZENSTAT: Four --

19 MS. HERNANDEZ: Four adult cats --

20 MR. AIZENSTAT: Or --

21 MS. HERNANDEZ: -- four adult dogs.

22 MR. AIZENSTAT: -- four adult dogs, at any  
23 one time.

24 MS. HERNANDEZ: Right.

25 CHAIRWOMAN MORENO: Or of each?

1           MR. AIZENSTAT: I just don't see it as  
2 saying --

3           MR. KORGE: Yeah, that's a lot.

4           MR. AIZENSTAT: -- you can have four adult  
5 cats and four adult dogs.

6           MS. HERNANDEZ: Correct.

7           MR. STEFFENS: It says "or."

8           MR. AIZENSTAT: Right, so --

9           MR. SALMAN: Eight.

10          MR. AIZENSTAT: What if I have a mix of  
11 both?

12          MS. HERNANDEZ: Two and two, three and one.

13          MR. AIZENSTAT: That's what I was asking.

14          MR. TEIN: You can have eight, right? You  
15 could have four and four?

16          MR. SIEMON: You can have four.

17          MR. AIZENSTAT: No, you can't have eight,  
18 the way --

19          MR. KORGE: Well, that's what it reads.

20          MS. KEON: No, it says "or," so --

21          MS. HERNANDEZ: "Or."

22          MS. KEON: -- you want "and/or."

23          MR. AIZENSTAT: No.

24          MS. HERNANDEZ: At any one time.

25          MR. AIZENSTAT: I don't see the "and." I

1 just see the "or." That's why I'm asking the  
2 question.

3 MS. HERNANDEZ: No more than four adult cats  
4 or --

5 MR. AIZENSTAT: Or --

6 MS. HERNANDEZ: -- four adult dogs.

7 MR. KORGE: So if they have four cats --

8 MR. STEFFENS: What if you have three adult  
9 cats and three adult dogs?

10 MR. AIZENSTAT: You're not allowed.

11 CHAIRWOMAN MORENO: Yes, you are. Yes, you  
12 are.

13 MR. STEFFENS: Yes, you are.

14 CHAIRWOMAN MORENO: The way that this reads,  
15 because it's a negative. It starts with a negative.

16 MR. KORGE: Exactly.

17 MS. HERNANDEZ: "It shall be unlawful for  
18 any person to possess, harbor, shelter or keep more  
19 than four adult cats or four adult dogs."

20 MR. STEFFENS: Yeah, but you don't have the  
21 cumulative number there. It could be three and  
22 three.

23 CHAIRWOMAN MORENO: No, it's either. You  
24 can have three and three. Yes, you can.

25 MR. KORGE: Right.

1 MR. AIZENSTAT: No.

2 MR. KORGE: That's the way it's written.

3 CHAIRWOMAN MORENO: The way that that  
4 reads -- the way that that reads in English is --

5 MS. HERNANDEZ: Well, let me tell you, the  
6 way our Board has interpreted it, our Code  
7 Enforcement Division has interpreted it, you get  
8 four.

9 MR. KORGE: Total. Then we should make  
10 that very clear.

11 MS. KEON: Well, then, they need to  
12 understand that they are not -- that they're wrong.

13 MR. AIZENSTAT: Well, that's why I'm asking  
14 that question.

15 CHAIRWOMAN MORENO: Yeah, because the way  
16 that that reads in English, when you have a negative  
17 and you have an "or," you can have either of them.

18 MR. SIEMON: I think so.

19 MR. STEFFENS: We need to remove one of the  
20 fours. Four --

21 MR. SIEMON: Four adult pets --

22 MR. STEFFENS: -- adult cats or dogs.

23 MR. SIEMONS: Cats or dogs.

24 MR. STEFFENS: Yeah.

25 MS. HERNANDEZ: Four adult pets, perfect.

1 MR. SIEMON: Cats or dogs.

2 MS. HERNANDEZ: Adult pets.

3 MR. SIEMON: Four adult cats or dogs as  
4 pets. No, four adult -- either four adults of --  
5 (Simultaneous comments by Board Members.)

6 MS. KEON: But that doesn't mean you can  
7 have -- but you can't have both.

8 MR. AIZENSTAT: Four adult dogs.

9 CHAIRWOMAN MORENO: Multiple puppies.

10 MS. HERNANDEZ: We're back to --

11 CHAIRWOMAN MORENO: Multiple kittens.

12 MR. SIEMON: Lots of puppies. You can  
13 have --

14 MS. HERNANDEZ: -- four adult cats or dogs  
15 as pets.

16 MR. TEIN: What about the person that feeds  
17 all the cats in the neighborhood at their house?  
18 (Simultaneous comments by Board Members)

19 MS. HERNANDEZ: Say that again?

20 MR. KORGE: You can't have them.

21 MR. TEIN: But that's not --

22 MR. SIEMON: No.

23 MR. TEIN: 415 doesn't apply to cats.

24 MR. SIEMON: That's not strictly prohibited  
25 in this provision.

1 MS. KEON: I think that that is a provision  
2 that we should address.

3 MS. HERNANDEZ: Say that again, I'm sorry.

4 MR. TEIN: The person who, every morning --  
5 I happen to have, you know --

6 CHAIRWOMAN MORENO: I do, too.

7 MR. TEIN: -- some experience with this in  
8 my neighborhood --

9 MS. KEON: The cat woman.

10 MR. TEIN: -- feeds all the cats in the  
11 neighborhood.

12 MS. HERNANDEZ: Right.

13 MR. TEIN: Now, it's far enough away from me  
14 that I don't mind that much, but I bet that the  
15 people right around there, that's at least an issue  
16 that we should address, whether you can do that or  
17 not.

18 MR. KORGE: I agree.

19 CHAIRWOMAN MORENO: There's a person on  
20 Greenway that -- I don't know who it is, but they  
21 drop food along different --

22 MR. KORGE: They're doing it all over --

23 CHAIRWOMAN MORENO: -- on sidewalks.

24 MR. KORGE: All over the City. They're  
25 doing it in the commercial district, too.

1           CHAIRWOMAN MORENO: Just dropping food.

2           MS. KEON: Yes.

3           MR. KORGE: Yeah.

4           MS. HERNANDEZ: And if caught, they are, you  
5 know, feeding and therefore in violation of our Code,  
6 just like you can't be walking on the road on North  
7 and South Greenway.

8           MS. KEON: How -- where in the Code --

9           CHAIRWOMAN MORENO: And they do.

10          MS. KEON: Liz, where in the Code does it  
11 prohibit somebody from feeding cats?

12          MR. KORGE: Right.

13          MS. HERNANDEZ: Okay.

14          MR. SIEMON: It doesn't.

15          MR. KORGE: It doesn't.

16          MS. KEON: I don't think it does.

17          MR. KORGE: We need to write that in.

18          MS. KEON: I mean, I think it prevents you  
19 from owning them.

20          MS. HERNANDEZ: Possess, harbor, shelter or  
21 keep.

22          MS. KEON: But you don't -- but you don't  
23 own those cats. Those cats own themselves.

24          MR. KORGE: They're feral cats, most of  
25 them.

1 MS. KEON: Some of them are, but I mean,  
2 some are not feral.

3 MR. TEIN: I think what you're talking  
4 about is a new provision regarding feeding of cats.

5 MS. KEON: I think that there should be one.

6 (Simultaneous comments by Chairwoman Moreno  
7 and Mr. Korge)

8 MS. HERNANDEZ: All right.

9 MS. KEON: But I also think you have to be  
10 very careful how do you that, because of the  
11 outspokenness of the cat network. I mean, I really  
12 think that that's an issue that they should meet with  
13 the people that are cat aficionados, to help craft an  
14 ordinance to deal with that, because the outcry will  
15 be overwhelming, will amaze you, at the number of  
16 people that will come out and deal with that.

17 So I think it's -- you know, that's  
18 something that -- and I don't know, how does that --  
19 who does -- how does that work, Liz? I mean, how do  
20 we -- how do you say, we really would like to address  
21 the issue of feeding of stray cats?

22 MS. HERNANDEZ: We actually have contacts.  
23 We have contacts that the Building & Zoning  
24 Department deals with when they see that there's a  
25 lot of cats --

1 MS. KEON: Right.

2 MS. HERNANDEZ: -- in any one location;  
3 they'll contact this group --

4 MS. KEON: It's the cat network.

5 MS. HERNANDEZ: -- which has them neutered.

6 MS. KEON: And they come in -- right, the  
7 cat network come and they trap them and they move  
8 them and they do that, but --

9 MR. KORGE: No, they feed them. That's the  
10 group that's feeding them.

11 MS. KEON: No.

12 MS. HERNANDEZ: No.

13 MS. KEON: No, they actually remove  
14 them, that group.

15 MS. HERNANDEZ: The people who actually  
16 feeds them are these elderly ladies --

17 MS. KEON: Yeah, they're people that just  
18 like cats.

19 MS. HERNANDEZ: -- who walk around the block  
20 with this bag of, you know, Kibbles 'n Bits or  
21 whatever it is they give them.

22 MS. KEON: See, we have to ask -- you know,  
23 we need -- How do you go about doing that? Who do  
24 you talk to?

25 MR. SIEMON: Isn't, really -- isn't that

1 really B?

2 MS. HERNANDEZ: I thought so, but, you  
3 know --

4 MS. KEON: You think that's B?

5 MR. AIZENSTAT: I agree.

6 MR. KORGE: Well, it's not enforced, though.

7 MR. SALMAN: I think we're trying to enforce  
8 a behavior through a land control ordinance, and I  
9 don't think that that's the place for it, here.

10 MS. KEON: How else would you do it?

11 MR. SALMAN: Through a law.

12 MS. HERNANDEZ: You believe this belongs in  
13 the City Code.

14 MS. KEON: Right, okay.

15 CHAIRWOMAN MORENO: Okay.

16 MS. HERNANDEZ: I don't necessarily disagree  
17 with you.

18 MR. STEFFENS: Because you're not --

19 CHAIRWOMAN MORENO: Well, there's two  
20 different issues.

21 MR. STEFFENS: You're not keeping it.

22 CHAIRWOMAN MORENO: What belongs in the  
23 Zoning Code is using your property for this purpose.

24 MS. KEON: Right.

25 CHAIRWOMAN MORENO: But what belongs in the

1 City Code --

2 MS. KEON: Right.

3 CHAIRWOMAN MORENO: -- is feeding stray  
4 cats.

5 MS. KEON: Right.

6 MS. HERNANDEZ: All right, and I will -- I  
7 believe there's some provisions to that effect, that  
8 I will check for you and bring it back.

9 MS. KEON: Okay. Then it's not our issue.

10 MR. KORGE: (Inaudible).

11 CHAIRWOMAN MORENO: Okay, can we have a  
12 motion to --

13 MR. KORGE: We need to go through all the  
14 changes.

15 CHAIRWOMAN MORENO: I thought she said she  
16 was going to --

17 MR. AIZENSTAT: As per record.

18 MR. RIEL: As per the records reflects. I  
19 mean, I can go through them.

20 MR. KORGE: It would be better, because the  
21 record is not going to be as clear as we hope --

22 MR. RIEL: But you understand, this is in  
23 summary form of two hours of discussion, so --

24 MR. KORGE: Yeah, just give --

25 MR. RIEL: -- I might not have caught

1 everything, so --

2 Okay, I'm just going to go through it really  
3 fast. Include definition of casino and nightclub.  
4 Casinos for nonprofit shall be permitted, however,  
5 research Florida Statutes to clarify.

6 Redraft Section 4-402 to clarify language.

7 Check Section 4-403, F, for possible  
8 conflict.

9 CHAIRWOMAN MORENO: I'm sorry, Eric, it's  
10 4-402, A.

11 MR. RIEL: Okay.

12 MR. KORGE: Right.

13 MR. RIEL: Prohibit open-air used in new car  
14 lots except in industrial district.

15 Research, including minimum distance for  
16 adult uses from residential.

17 Clarify massage salon definition.

18 Define laundromat, laundries with on-site  
19 cleaning, processing, with retails -- those with  
20 retail sales, include performance standards. Not  
21 allow in the CL zoning district.

22 CHAIRWOMAN MORENO: And limit size, we said.

23 MR. RIEL: That's what I said about  
24 performance standards.

25 CHAIRWOMAN MORENO: Okay.

1 MR. RIEL: Revise Section 4-408 to clear up  
2 possible inconsistency and prohibition as it relates  
3 to sentence number two.

4 Work barges are permitted pursuant to  
5 seeking applicable City permits, Section 4-409 --

6 MS. KEON: Wait, wait, and 408, it was  
7 also --

8 MR. RIEL: That was for --

9 MS. KEON: -- to deal with the issue of, you  
10 know, non-propelled boats or whatever. If it's to  
11 deal with derelict boats --

12 CHAIRWOMAN MORENO: Saiboats, canoes,  
13 kayaks, et cetera.

14 MS. KEON: If it deals with derelict boats,  
15 do derelict boats, but not --

16 MR. RIEL: Derelict boats, yeah.

17 MS. KEON: Okay.

18 MR. RIEL: Section 4-409, remove terminology  
19 after "unoccupied" and amend the term to "not exceed  
20 24 hours at a seven-day period."

21 MR. KORGE: Consecutive seven-day period.

22 MR. RIEL: Consecutive seven-day --

23 MR. SALMAN: Consecutive seven-day period.

24 MR. RIEL: Clarify if boats and boat  
25 trailers are in front yard.

1 CHAIRWOMAN MORENO: Are prohibited in the  
2 front yard.

3 MR. RIEL: As prohibited, and provide  
4 provisions dealing with the front plane of the house  
5 and/or setback, whichever is greater. I know it's  
6 very confusing.

7 MR. KORGE: Also, Page 3 of 4, Line 38, the  
8 section reference to Section 4-410 should be 4-411.

9 MR. RIEL: Okay.  
10 Prohibit wild animals, period.

11 MR. KORGE: Take out, on Line 53 of Section  
12 4-414, the word "parks."

13 MR. SALMAN: Parks.

14 MR. KORGE: Remove the word "parks," and  
15 remove "reptile" on both Lines 51 and 54.

16 MR. RIEL: Then I've got, modify section  
17 to -- I'm not sure which section -- to clarify the  
18 language with reference to maintaining animals.

19 MR. STEFFENS: 4-415.

20 CHAIRWOMAN MORENO: Line 25.

21 MR. RIEL: Okay.

22 MR. KORGE: Well, we're deleting from 4-14  
23 (sic) the Subsection B, entirely?

24 MR. RIEL: Right.

25 MR. KORGE: Okay.

1 MR. SALMAN: In its entirety.

2 MR. RIEL: Section 4-416, allow four animals  
3 in total, and then --

4 MR. KORGE: Well, in 4-14 (sic), are we  
5 inserting the word "feed"? Is that correct, on Line  
6 25?

7 MR. SALMAN: 415.

8 MR. KORGE: After the word "breed"?

9 MS. KEON: He was going to look into it,  
10 whether "maintain" --

11 MR. AIZENSTAT: How about "maintain"?

12 MR. RIEL: "Maintain" was the -- we're going  
13 to clarify the language, whether it's "maintain" or  
14 "feed."

15 MR. KORGE: Well, you can put both in. What  
16 does it matter?

17 CHAIRWOMAN MORENO: Once you have it "upon  
18 any premises," I think it makes it clear, and we  
19 decided to leave it like that.

20 MR. RIEL: And then check and see if the  
21 City Code prohibits the feeding of cats and dogs, and  
22 if not, provide in the City Code.

23 MS. KEON: Okay, right, that B shouldn't be,  
24 actually, even in your new Zoning Code. It should be  
25 a City ordinance.

1 MR. KORGE: B?

2 MS. KEON: Yeah.

3 CHAIRWOMAN MORENO: No, no, no. B remains.

4 MR. RIEL: B remains.

5 CHAIRWOMAN MORENO: B remains, because to  
6 the extent that it deals with your premises --

7 MR. RIEL: Right.

8 CHAIRWOMAN MORENO: To the extent it's not  
9 on your premises, that it's strays, that's a City  
10 Code point.

11 That was your suggestion, Javier, right?

12 MR. SALMAN: That's correct.

13 MS. KEON: But even to maintain a dog or a  
14 cat, I mean -- okay, I would still think it would  
15 be --

16 MR. RIEL: That's all I have.

17 (Simultaneous comments by Board Members)

18 MR. KORGE: Yeah, I do agree with you. It  
19 really isn't a land use issue.

20 CHAIRWOMAN MORENO: Well, if you keep one  
21 dog in your house and it's filthy and it's smelling  
22 and it's making noise for the rest of your  
23 neighborhood --

24 MS. KEON: I know, but that's what we said,  
25 it belongs in the City Code, not the Zoning Code.

1 MR. KORGE: It's not a zoning -- it's not a  
2 zoning violation.

3 MS. KEON: It belongs in your -- It's not a  
4 zoning issue, it's a City --

5 CHAIRWOMAN MORENO: I don't care.

6 MR. KORGE: I don't, either.

7 MS. KEON: -- Code issue. I mean, that's  
8 just, if you want to clean up your Code, it shouldn't  
9 be in your Code.

10 MR. SALMAN: My point had to do with the use  
11 of your property. If you're doing it on your  
12 property, it belongs in the Zoning Code. If you're  
13 doing it in an area that's a public right-of-way or  
14 non -- or non-privately-owned property or public  
15 property, well, guess what? I think that becomes the  
16 City Code.

17 MS. KEON: I still think it's --

18 CHAIRWOMAN MORENO: Okay, do we have a  
19 motion?

20 MR. KORGE: I'll move all those changes.

21 MS. KEON: I'll second it.

22 CHAIRWOMAN MORENO: Mr. Korge moved, Ms.  
23 Keon seconded.

24 Can we call the roll?

25 MS. MENENDEZ-DURAN: Tom Korge?

1 MR. KORGE: Yes.

2 MS. MENENDEZ-DURAN: Javier Salman?

3 MR. SALMAN: Yes.

4 MS. MENENDEZ-DURAN: Michael Tein?

5 MR. TEIN: Yes.

6 MS. MENENDEZ-DURAN: Michael Steffens?

7 MR. STEFFENS: Yes.

8 MS. MENENDEZ-DURAN: Eibi Aizenstat?

9 MR. AIZENSTAT: Yes.

10 MS. MENENDEZ-DURAN: Pat Keon?

11 MS. KEON: Yes.

12 MS. MENENDEZ-DURAN: Cristina Moreno?

13 CHAIRWOMAN MORENO: Yes.

14 We need to take a break. Thank you very

15 much.

16 (Thereupon, a recess was taken.)

17 CHAIRWOMAN MORENO: Okay, let's make a

18 concerted effort to move this along faster.

19 Parking. We're up to parking, correct?

20 MS. KEON: Yes.

21 MR. RIEL: Yes.

22 CHAIRWOMAN MORENO: Yes, okay. Then start

23 us off.

24 MR. MESSENGER: Hi. I'm Todd Messenger,

25 with Charlie Siemon's office, because I see there's a

1 court reporter here.

2           Basically, in terms of the parking that you  
3 see in front of you, there were five key points  
4 here. First is that the regulations have been  
5 restructured, consistently with the formatting we've  
6 used elsewhere in the Code, that takes all the  
7 procedural aspects out and brings them to one section  
8 of the Code, and all the substantive parking  
9 requirements remain.

10           Second, we dealt with the character of  
11 parking garages in a way that I don't think had been  
12 dealt with in the previous versions of the Code, just  
13 to ensure that they're consistent in architectural  
14 style, that they're camouflaged, and things like  
15 that.

16           Then we adopted the parking table to the new  
17 use chart, so that the permitted, conditional and  
18 prohibited uses would relate directly to the parking  
19 requirements in the Code. In a lot of codes, there's  
20 a disconnect there that makes things fairly  
21 confusing.

22           Then we -- at the recommendation of the  
23 Parking Board, we took out the references to shared  
24 parking, and we also took out the exemptions that you  
25 had in your Code for the Central Business District.

1           That's really the nut of the substantive  
2 changes in here, and I guess if you wanted to speed  
3 things along, if we could go to a topical area, we  
4 could do it that way, if anybody had any particular  
5 concern or interest in one of those, but I'd leave  
6 that to the Chair, to decide how you want to proceed.

7           CHAIRWOMAN MORENO: I'm sorry, can you  
8 repeat, slower, what you have proposed?

9           MR. MESSENGER: Sure. First, we've  
10 restructured the section --

11          CHAIRWOMAN MORENO: Right.

12          MR. MESSENGER: -- to separate substance and  
13 procedure, and moved all the procedure to the  
14 beginning of the Code.

15          CHAIRWOMAN MORENO: Okay.

16          MR. MESSENGER: Second, we've dealt with the  
17 character of parking garages to ensure that parking  
18 garages have a character that's commensurate with the  
19 buildings that they serve.

20          CHAIRWOMAN MORENO: Explain that to me.

21          MR. MESSENGER: Okay. If you refer to --  
22 let me just --

23          CHAIRWOMAN MORENO: Page 4?

24          MR. MESENGER: Right, in Page 4 -- let's  
25 see, that's Page 4 of my draft, which is probably

1 slightly different from yours.

2 One of the things we've done, you see, on  
3 Page 3, is that parking garages will have the same  
4 minimum setbacks as the main building, except that if  
5 they're underground, completely below grade, you  
6 wouldn't require the setback, so you can gain  
7 additional parking area by going to the lot line.  
8 That wasn't in the previous Code.

9 MR. STEFFENS: What -- in that Section 3, I  
10 guess it's G3, you have setbacks --

11 MR. MESSENGER: Right.

12 MR. STEFFENS: -- for parking structures.  
13 What building setbacks do the parking setbacks  
14 coincide with? Because I thought that buildings had  
15 no setbacks, especially in the CBD.

16 MS. KEON: Yeah.

17 MR. MESSENGER: You know, that's an apparent  
18 inconsistency that I think we're going to have to go  
19 back and address, between 3 and 4, unless I'm missing  
20 something.

21 You know what? No, there's a difference  
22 between structured parking, I think, and a parking  
23 garage. And a parking garage would be the garage  
24 that's attached to, like, a residential building.

25 But, no, that's still -- we need to deal

1 with that.

2 CHAIRWOMAN MORENO: This 3G that we have  
3 here is intended to address both parking garages in  
4 residential areas, as well as parking garages in the  
5 commercial area?

6 MR. MESSENGER: Yeah. It would apply to --  
7 in each of these areas, anywhere, in parking areas  
8 in, for example, multi-family residential areas, as  
9 well as commercial areas, by its terms.

10 CHAIRWOMAN MORENO: Okay, and then these  
11 setbacks that are established in G, are they  
12 consistent with what we now have, or are they a  
13 change from what we now have?

14 MR. MESSENGER: No, they're not a change.  
15 3A, B and C are from the existing Code, and our  
16 change was actually 4, and I think when we put in the  
17 change for Number 4, we hadn't addressed 3.

18 Probably, the 3 would have been deleted by  
19 that recommendation, but I think we need to go back  
20 and sit down and reconcile that.

21 MR. STEFFENS: Also, in H, it says: No  
22 portion of a building which is above grade and within  
23 20 feet of the front setback line shall be used for  
24 storage of vehicles or off-street parking unless the  
25 facade is treated with a decorative wall or fence

1 four and one half feet high.

2           Could you, theoretically, have a building  
3 that is a multi-story building, that has parking on  
4 the ground floor -- in an urban situation, you could  
5 push the parking back from the front facade 20 feet  
6 or more, and not have to screen it? So you'd end up  
7 with this dead area, I mean, theoretically, end up  
8 with this dead area underneath the building between  
9 the property line and the beginning of the parking,  
10 where you don't have any specific requirements?

11           MR. MESSENGER: We can clarify that. I can  
12 see how you would come to that as a possibility. It  
13 could probably be argued in several ways, in terms of  
14 that access underneath the building, but at the same,  
15 you would want to have that taken up, to address  
16 that.

17           MR. STEFFENS: And if this is applying to  
18 buildings within the CBD or within the multi-family  
19 areas, anyplace where we have multiple-story  
20 buildings, why would we only want a four and a half  
21 foot high screening at the ground level? Why  
22 wouldn't we want a full-height screening?

23           MR. MESSENGER: In the CBD district, I can  
24 understand that you want -- actually, you would want  
25 to wrap and hide, in the CBD, any sort of first-floor

1 parking in the building. You'd want to hide that  
2 completely, and we would want to bring in the  
3 structured parking aspects to come to bear on  
4 something like that. It's just a building that's  
5 lifted over a surface lot.

6           When you're driving by on the road, four and  
7 a half foot -- well, given the nature of SUVs now, it  
8 might be a little bit higher, but the vantage point  
9 of a driver is fairly low, and so four and a half  
10 foot generally covers the view from the street in a  
11 way that the character is preserved, and it allows  
12 for more ventilation down there in the building.

13           MR. STEFFENS: Yeah, I think this needs some  
14 clarification as to what it is applicable to. If  
15 it's applicable to buildings in an urban situation, I  
16 think it's problematic. If it's applicable to  
17 buildings that are going up on U.S. 1, I think it's a  
18 different situation, where you're dealing with a  
19 20-foot front setback or 25-foot front setback, or  
20 some setback, which might also be in relation to 3b,  
21 that you have above, why you have setbacks listed  
22 there. I mean, that might be situations other than  
23 in the CBD, you know, like on U.S. 1 or something  
24 like that. Maybe H and 3b somehow are tied together.

25           MR. MESSENGER: In 3b, you said?

1 MR. STEFFENS: 3b. Well, at 3b, you're  
2 talking about setbacks --

3 MR. MESSENGER: Right.

4 MR. STEFFENS: -- of the parking structure  
5 that's not more than three feet above grade.

6 MR. MESSENGER: Okay, we'll go look at the  
7 urban versus suburban applicability for H and try to  
8 reconcile that.

9 CHAIRWOMAN MORENO: Does H prohibit carports  
10 in residential areas?

11 MR. MESSENGER: If the carport is forward of  
12 the 20-foot setback line -- actually, I'm going to  
13 look at the applicability here.

14 CHAIRWOMAN MORENO: I'm sorry?

15 MR. MESSENGER: Just -- yeah, an individual  
16 dwelling unit, it would apply to.

17 MR. STEFFENS: I would think this is dealing  
18 just with commercial buildings.

19 MR. AIZENSTAT: Yeah. I think it is  
20 commercial, also.

21 MR. STEFFENS: Commercial and multi-family  
22 residential, maybe.

23 CHAIRWOMAN MORENO: But it doesn't say it.

24 MR. KORGE: It doesn't say that at all.

25 MR. MESSENGER: No, under 5-1601, C, 1, it

1 would apply to all buildings in their entirety, in  
2 terms of if they're new, and so that would be  
3 something that would have to be addressed in terms of  
4 whether it needs to apply to only one particular --

5 MS. KEON: It does apply, then, to  
6 single-family residential?

7 MR. MESSENGER: A carport would have to be  
8 set back 20 feet. Now, we can look at what the  
9 setbacks are --

10 MR. KORGE: Right.

11 MR. MESSENGER: -- from the front lot line,  
12 and if your residential district requires a 20-foot  
13 setback, anyway, then that's really of no additional  
14 effect.

15 MR. STEFFENS: Most of them require a  
16 minimum of 25 foot.

17 MR. MESSENGER: Yeah, so in that case --

18 MR. KORGE: It's not a problem.

19 MR. MESSENGER: -- that 25-foot setback  
20 would apply and control over this and, you know, you  
21 can meet your --

22 MR. STEFFENS: Right, but would you then be  
23 required to put a four-foot wall in front of your  
24 carport?

25 MR. MESSENGER: If it's set back greater

1 than 20 feet -- within 20 feet of the setback line --  
2 I think we need to take back H and re-examine it.

3 MR. KORGE: It's very simple. If we're not  
4 going to require a carport to be screened, then just  
5 say it doesn't apply to carports at all.

6 MR. MESSENGER: Right.

7 CHAIRWOMAN MORENO: The way that I read  
8 this, if your setback line is 25 feet and then you're  
9 within the next 20 feet, you're required to put a  
10 wall in there, and I think that most carports would  
11 be within 20 feet of the --

12 MR. KORGE: It's very simple. Just say --  
13 you know, you can rewrite it so that it's clear that  
14 carports aren't covered by this.

15 CHAIRWOMAN MORENO: Okay.

16 MR. MESSENGER: I would -- there's a  
17 typographical issue.

18 MR. KORGE: Let him deal -- figure out how  
19 to write it.

20 CHAIRWOMAN MORENO: Okay.

21 MR. MESSENGER: I don't think the intent  
22 was to say it has to be 50 feet back, you know, or  
23 completely screened out. There's -- We need to take  
24 that back and look at it and submit something.

25 CHAIRWOMAN MORENO: I just want to make

1 clear what I would like. I would like carports to be  
2 permitted to be allowed and not to be subject to this  
3 wall.

4 MR. MESSENGER: Sure.

5 CHAIRWOMAN MORENO: Okay.

6 MR. STEFFENS: Carports and garages, in  
7 residential.

8 MS. KEON: Yeah, because even your side  
9 setbacks are greater than what are the now setbacks.

10 CHAIRWOMAN MORENO: Well, this is within 20  
11 feet of the front setback line, so that's --

12 MS. KEON: But then it says side, 15 feet.

13 CHAIRWOMAN MORENO: 45 feet, so you're  
14 talking about 45 feet is where you --

15 MS. KEON: Right, but even the side setback  
16 is 15 feet, and isn't your setback just five feet,  
17 side setback?

18 MR. SALMAN: Uh-huh.

19 MR. KORGE: I wouldn't regulate this in  
20 respect to the residential by reference to the  
21 setback. I'd regulate it by saying that it doesn't  
22 apply to carports or residential garages of the  
23 nature that we're talking about, whether they're in  
24 townhouses or single-family houses, whatever. This  
25 is supposed to apply for the multi-family --

1 MR. STEFFENS: And commercial.

2 MR. KORGE: -- and commercial.

3 MS. KEON: Right.

4 MR. KORGE: So we need to make that clear.  
5 You figure out how to write it.

6 MR. MESSENGER: We'll do it.

7 MS. KEON: (Inaudible).

8 MR. MESSENGER: The other parking garage  
9 issues were in 5-1602, Subsection L, where we just  
10 talk about the architectural design and treatment for  
11 a structured parking, so that it would reflect the  
12 character of the buildings that it serves, which is a  
13 new element.

14 CHAIRWOMAN MORENO: Uh-huh.

15 MR. MESSENGER: And that's really the  
16 parking garage stuff.

17 In terms of the table, parking table,  
18 basically what we did is, we took our new use chart,  
19 then took the City of Coral Gables existing parking  
20 regulations and tried to superimpose so that we could  
21 figure out which of the existing categories would fit  
22 in which of the new categories, and then just lifted  
23 the parking requirements out of the existing Code and  
24 put it here, to the extent that we could, and there  
25 are very few that didn't fit, but there are certain

1 ones that we just -- we either based on a loose  
2 interpretation of the existing Code or we looked to  
3 other jurisdictions to try to find something that  
4 made sense.

5 MR. AIZENSTAT: On tandem spaces --

6 MR. MESSENGER: Uh-huh.

7 MR. AIZENSTAT: Am I advancing myself past  
8 the point?

9 MR. STEFFENS: I think you're going past --

10 MR. MESSENGER: Well, I skipped ahead of  
11 that.

12 MR. AIZENSTAT: Right. It's on that point.

13 MR. MESSENGER: Tandem spaces, I guess we  
14 addressed in terms of allowing them as parking for  
15 town homes.

16 MR. AIZENSTAT: For town homes. How does it  
17 presently read in the Code today?

18 MR. MESSENGER: Tandem spaces, I believe, in  
19 the existing Code are prohibited.

20 MR. STEFFENS: They're not permitted.

21 MR. MESSENGER: Completely.

22 MR. SALMAN: Right.

23 MR. MESSENGER: Completely prohibited.

24 MR. RIEL: This was discussed, as you  
25 know --

1 MR. KORGE: Right.

2 MR. RIEL: -- when we went through A use  
3 district regulations --

4 MR. AIZENSTAT: Right.

5 MR. RIEL: -- so a lot of this information  
6 that's in here -- and that was one of the things that  
7 we decided to allow, tandem spaces.

8 MR. AIZENSTAT: What about lifts?

9 MR. RIEL: Lifts?

10 MR. AIZENSTAT: Yeah. I noticed -- when I  
11 sat on the Board of Adjustments, there were some  
12 projects that came before the Board of Adjustments  
13 that actually had lifts for vehicles. How is it  
14 handled in the Code today? Is there a provision for  
15 that? It's not technically a tandem space, but it  
16 is, when you lift --

17 MR. RIEL: I don't believe -- I don't think  
18 they addressed that.

19 MR. AIZENSTAT: Well, because of the fact  
20 that we have had applicants, and more so, bringing  
21 them before the Board of Adjustments, should we be  
22 addressing it, or should we leave it solely up to the  
23 Board of Adjustments on a case-by-case?

24 MR. RIEL: You know, I had a lot of  
25 discussion with the Parking Department, and I'm not

1 sure if we're ready to go to utilizing parking  
2 lifts. I think the requests that went to the Board  
3 of Adjustments were of low quantity, I would probably  
4 guess 15, 20, 30 spaces, because I know a number of  
5 them have gone recently --

6 MR. AIZENSTAT: They were low spaces, but  
7 what I am afraid of is, once you allow a certain  
8 amount, more will come before you, and I think it's  
9 going to come to a point where you're going to have  
10 to face that issue.

11 MR. RIEL: The concern is, if we have a  
12 facility that has, possibly, a total of 200 spaces,  
13 and they come in and want to do a hundred of those in  
14 lift spaces, that becomes really a problem in terms  
15 of -- I mean, that's got to be managed appropriately,  
16 you know, in terms of, you know, a valet service,  
17 basically.

18 MR. AIZENSTAT: Correct, but there has been,  
19 maybe, an issue that has come where they've had 10  
20 spaces and they've wanted three. Percentage-wise,  
21 that's a great percent.

22 MR. STEFFENS: I think that lifts could help  
23 us address --

24 MS. KEON: Yeah.

25 MR. STEFFENS: -- some of the problems in

1 the North Ponce area. It would help us encourage  
2 smaller buildings. By allowing them to get a  
3 reasonable number of units on a smaller piece of  
4 property, it could encourage smaller buildings being  
5 constructed.

6 MR. RIEL: That's my concern, is that it  
7 might not encourage smaller buildings, it might  
8 encourage a larger building.

9 MR. STEFFENS: Well, right now, you can't do  
10 hardly anything with a 50-foot lot in the North  
11 Gables. If you would allow a lift, you might be able  
12 to get three units on 50-foot lot and encourage some  
13 small buildings.

14 MR. RIEL: Maybe if we came up with some  
15 standards and a maximum number or percentage, because  
16 I would hate to have a building be larger and then be  
17 predominantly lifts.

18 MR. AIZENSTAT: Yeah, I agree with that.

19 MR. STEFFENS: Yeah, I think there has to be  
20 a limit. I think we can't -- I mean, we can't  
21 encourage it to go to 40 lifts --

22 MR. KORGE: Well, can I make --

23 MR. STEFFENS: -- or 35 lifts or something,  
24 but --

25 MR. KORGE: Can I make a suggestion?

1 MR. STEFFENS: -- if it's a small number and  
2 it allows us to encourage smaller buildings being  
3 built, I think that's a positive.

4 MR. RIEL: Maybe that's something we can  
5 look at as a part of the North Ponce.

6 MS. KEON: Could I ask a question? Why  
7 would you limit the number of lifts? Why do you want  
8 to limit the number of spaces you could have in a  
9 building? And maybe I don't understand what you're  
10 talking about.

11 MR. STEFFENS: Because then you would get  
12 bigger buildings than you would normally get.

13 MR. RIEL: Because, I mean, we regulate  
14 right now by FAR, height, density, and parking is  
15 kind of a silent regulator. I mean, that's what  
16 really drives --

17 MR. AIZENSTAT: Yes.

18 MR. RIEL: -- the size of these buildings,  
19 is the amount of parking required. We do not count  
20 parking towards the floor area ratio.

21 MS. KEON: Yeah, but I know that in some  
22 major metropolitan areas, where land values are so  
23 high and parking is so problematic, there are those  
24 parking prototypes that are -- you know, you take it  
25 in, you go up, and they're sizeable.

1 MR. RIEL: Right.

2 MS. KEON: I mean, and they're --

3 MR. RIEL: I would agree --

4 MS. KEON: You know, they're --

5 MR. RIEL: I've seen them work on the  
6 smaller facilities.

7 MS. KEON: -- regulated by computer and  
8 whatever else.

9 MR. KORGE: But those are not being used for  
10 the purpose of increasing the units on the project.  
11 They're actually operating businesses themselves.

12 MS. KEON: Right.

13 MR. KORGE: And what, I think, we're  
14 suggesting is that if we allow lifts to be used, we  
15 can end up with larger buildings than otherwise,  
16 because you can fit more parking onto the same  
17 size --

18 MS. KEON: Okay, so --

19 MR. KORGE: -- property with more units.

20 MS. KEON: Okay, so you're saying if it was  
21 a stand-alone parking garage, it would be  
22 permissible?

23 MR. KORGE: Well, what I was going to  
24 suggest is that it's something entirely new and  
25 different and kind of outside the scope of this

1 rewrite, and it should be a separate project, to be  
2 brought back at a later date.

3 MR. RIEL: And it has been researched. I  
4 can tell you, it's been brought up, probably, the  
5 five years I've been here, three times, and the  
6 Parking Department's been asked to research, and  
7 their recommendation was to not pursue it in the  
8 public parking facilities, and really haven't  
9 endorsed it in the private.

10 MS. KEON: Why? I mean, I can understand  
11 your concern if it's attached to --

12 MR. RIEL: Why? Well, first off, I don't  
13 think we're a major metropolitan area that really,  
14 you know, has a need for that. I mean, parking is a  
15 limiting factor on the size of these structures.

16 CHAIRWOMAN MORENO: The reality is that if  
17 you allow these lifts, people are not going to use  
18 the lifts. They're going to park on the street, and  
19 they're going to tax our on-street parking even  
20 further, and so we have created a false sense of  
21 providing parking, because those lifts work for  
22 people who go in in the morning --

23 MS. KEON: Right.

24 CHAIRWOMAN MORENO: -- and go out at night.

25 MS. KEON: Right.

1 CHAIRWOMAN MORENO: They don't work in a  
2 multi-family residential area, where someone is going  
3 in and out. They're just not going to do that.

4 MS. KEON: No, I understand that. Well, it  
5 does if there's a valet service. But I understand  
6 that. What I'm asking is -- and maybe I'm in the  
7 wrong place. Are you prohibiting those lifts as  
8 independent -- like garages that deal with your --

9 CHAIRWOMAN MORENO: The only thing we're  
10 doing right now is, we are not allowing lifts to be  
11 used to satisfy parking requirements. That's all  
12 we're doing. We're saying, if the parking  
13 requirement --

14 MS. KEON: Okay, in conjunction --

15 CHAIRWOMAN MORENO: If the parking  
16 requirement is one space per apartment unit, you  
17 cannot meet that requirement by stacking one space on  
18 top of the other through the use of the lift. You've  
19 got to actually provide a parking space for each  
20 unit.

21 I personally am opposed to the tandem  
22 parking, because I think you have the same situation,  
23 but I didn't carry -- my vote didn't carry on that.

24 MR. KORGE: That only applies to townhouses.

25 MR. STEFFENS: Yeah, it's only townhouses.

1 MS. KEON: But if you have -- you know, if  
2 you have a valet --

3 MR. SALMAN: If I may --

4 CHAIRWOMAN MORENO: Yes.

5 MR. SALMAN: The use of lifts to satisfy  
6 parking requirements is currently being addressed on  
7 a case-by-case basis by the Board of Adjustment, and  
8 in the review, at least while I was there, it had to  
9 be spaces which were going to be controlled or owned  
10 by somebody, and that they were reserved spaces, they  
11 were not publicly accessible spaces, and I think that  
12 that's where the parallel lies between the tandem  
13 spaces and the lift spaces.

14 I'll give you an example. At your house,  
15 if you have kids of a certain age that drive, they  
16 will have a car and you have to sort of work it out.

17 CHAIRWOMAN MORENO: Uh-huh.

18 MR. SALMAN: Likewise, I think, on these  
19 tandem spaces, I think that they will be fine in a  
20 townhouse situation, as long as they're confined to  
21 the cars and vehicles within the -- that are owned by  
22 that townhouse and they're within the property line  
23 of that townhouse. I don't see that as being a  
24 conflict.

25 CHAIRWOMAN MORENO: Uh-huh.

1           MR. SALMAN: I think that thing -- that idea  
2 of control or ownership of those tandem spaces needs  
3 to be clarified in this Code, because it's not. It  
4 just says they won't be allowed, period, and it  
5 doesn't say whether they're public spaces or private  
6 spaces. I think they need to be limited only to  
7 private spaces, and if we wanted to entertain this,  
8 they need to be, likewise, only used private spaces.  
9 They really are for car storage, not really for  
10 parking.

11           CHAIRWOMAN MORENO: Okay, but I can tell  
12 you, at my own house, we have a driveway where we fit  
13 three cars, but that means that one car has to be  
14 behind the other. What happens, if someone's in a  
15 hurry, instead of parking in the driveway, they park  
16 on the swale. It doesn't matter, in my house,  
17 because there's plenty of swale, but if you do that  
18 in the apartment areas and you have people parking on  
19 the street because they don't want to be behind the  
20 other ones --

21           MR. SALMAN: But you're allowed to park on  
22 the swale.

23           CHAIRWOMAN MORENO: I understand.

24           MR. SALMAN: If you weren't allowed to park  
25 on the swale, you'd have to work it out.

1                   CHAIRWOMAN MORENO: But all I'm saying is,  
2 if we permit it, then we're going to tax our  
3 on-street parking, that we're allowing, but instead  
4 of having that on-street parking available for the  
5 people who have no parking, now we're allowing --  
6 let's say in the North Ponce district, we're allowing  
7 people to, you know, think that they're building a  
8 building that has a hundred parking spaces, but in  
9 reality, 50 of those spaces are not going to be used,  
10 and those 50 people are going to have to find parking  
11 on the street, thereby rendering whatever meter  
12 parking we have obsolete. That's not the idea.

13                   MR. SALMAN: I don't disagree. I'm just  
14 saying, the allowability of it needs to be limited to  
15 only those spaces which would be reserved or  
16 controlled by property owners.

17                   MR. KORGE: Right.

18                   MR. SALMAN: It's as simple as that. They  
19 should not count for visitor parking or just general  
20 access parking.

21                   MR. STEFFENS: My problem is having the  
22 Board of Adjustment making these decisions.

23                   MR. AIZENSTAT: That's exactly mine.

24                   MR. STEFFENS: Because I think that it's  
25 based on a hardship. So what is the hardship of

1 somebody installing a lift, versus anybody else  
2 that's building on that same size piece of property?

3 MR. SALMAN: The hardship, as it's been  
4 presented and approved in the past, has been  
5 precisely the ability to enjoy the full use of that  
6 property, and it's always been on a case-by-case  
7 basis.

8 MR. STEFFENS: Well, everybody else has been  
9 building on that same size piece of property.

10 MR. SALMAN: Well, one case -- excuse me for  
11 interrupting. In one case, it had to do with an  
12 easement that was imposed on the property which  
13 limited its accessibility, and in that case, that's  
14 where the hardship was.

15 MR. STEFFENS: Okay, that's a hardship.

16 MR. SALMAN: It was always an outside  
17 hardship situation. I mean, they weren't approved  
18 willy-nilly. They had to provide a hardship.

19 MR. STEFFENS: But they weren't approved on,  
20 say, a 50-foot by 100-foot lot that doesn't have  
21 easements?

22 MR. SALMAN: I don't recall any being  
23 presented in that case.

24 They do a pretty good job of vetting them  
25 before they get to the Board of Adjustment, believe

1 me.

2 MR. KORGE: Just to make sure I understand  
3 this, when they were approved, they were approved as  
4 meeting the parking requirement, as opposed to just  
5 being approved as a lift that's in addition to the  
6 parking requirement?

7 MR. SALMAN: Correct.

8 MR. AIZENSTAT: Exactly. My suggestion is,  
9 wherever and whenever that issue is tackled, I'm of  
10 the mind that I wouldn't want to see those lifts from  
11 the street. I wouldn't want them to be visible, in  
12 any way, shape or form. That's just my opinion. In  
13 other words, do it somehow so they're -- so you don't  
14 see the elevators or the cars stacked.

15 MS. KEON: But the ones that I have seen,  
16 they look like a parking garage that you just pull  
17 in. I mean, I think that they are very appropriate  
18 for, like, the City worker that comes here and uses a  
19 City car. They come here, they leave their car  
20 parked for their workday, and they use the City car.  
21 That car doesn't move, you know? I mean, for those  
22 kinds of things, there are enough -- I mean, I think  
23 it's an appropriate type of parking that you could  
24 have in the City of Coral Gables, and depending on  
25 how it's priced and where it is or whatever, that

1 allows for car storage that doesn't, you know, take  
2 up the kind of parking that you have in close, for  
3 people that come and go, and for those kinds of  
4 things, you know.

5 CHAIRWOMAN MORENO: I know that there  
6 were --

7 MR. KORGE: That will allow bigger buildings  
8 to be built.

9 MS. KEON: Well, but I think that's an issue  
10 I think you need to deal with, but I don't think  
11 that -- I don't think you should, you know -- and I  
12 think there's a technology, you know, associated with  
13 that and whatever.

14 MR. KORGE: It's not prohibited now. We're  
15 just talking about whether you get --

16 MS. KEON: Oh.

17 MR. KORGE: -- credit for the --

18 MS. KEON: For building.

19 MR. KORGE: -- spaces for building purposes,  
20 not -- It doesn't prohibit it.

21 MS. KEON: Right.

22 CHAIRWOMAN MORENO: Okay, let's go to the  
23 policy issue, which is the number of spaces that  
24 we're requiring, and whether we're making any changes  
25 on that.

1 MR. MESSENGER: Okay, getting to the parking

2 table --

3 CHAIRWOMAN MORENO: Yeah.

4 MR. MESSENGER: The --

5 MR. STEFFENS: Which page?

6 CHAIRWOMAN MORENO: We're on Page 12, I

7 believe.

8 MR. RIEL: Page 12, and just so you know,

9 Attachment B is the comparison that the consultant

10 did with other local governments --

11 CHAIRWOMAN MORENO: Right.

12 MR. RIEL: -- in terms of the parking

13 requirements.

14 CHAIRWOMAN MORENO: So, just so I can

15 compare, this attached dwellings, that it says two

16 spaces per unit --

17 MR. KORGE: Before we get there, could we

18 deal with the other stuff before that? Because I

19 have a couple of questions, before we got to the

20 charts, dealing with the remote parking and how far

21 away the remote parking would be from the facility

22 that it serves. Are these existing provisions, or

23 are they new?

24 MR. RIEL: You have to tell me what page,

25 what page you're on.

1 MR. KORGE: Page 9 of 19.

2 MR. MESSENGER: Section 5-1604?

3 CHAIRWOMAN MORENO: Yes.

4 MR. KORGE: 160-- no, it's 5-1404.

5 MR. MESSENGER: 5-14 --

6 MR. RIEL: Yes, I believe those are the  
7 current numbers.

8 MR. KORGE: It was renumbered from 1604 to  
9 1404.

10 MR. MESSENGER: Okay, my working copy with  
11 my notes on it has the old section, so I need to make  
12 sure that the renumbering is the only change.

13 MR. KORGE: It's entitled Common Driveways  
14 and Remote Off-Street Parking.

15 MR. MESSENGER: Right.

16 CHAIRWOMAN MORENO: This is the concept we  
17 were talking about for the North Ponce area, I think.

18 MR. KORGE: Right. Is this new, or was this  
19 in the existing Code?

20 MR. RIEL: It's existing.

21 MR. MESSENGER: It was in the existing Code.

22 MR. RIEL: It's existing.

23 MR. MESSENGER: There were no changes  
24 made --

25 MR. KORGE: No changes? Okay.

1 MR. MESSENGER: -- in that section.

2 MR. KORGE: Then I don't have any  
3 questions, if those are the existing.

4 MR. STEFFENS: I have a question in the  
5 section before that. Actually, I think it's two  
6 sections before that, if I can find the section,  
7 off-street parking standards.

8 MR. RIEL: Page? Page?

9 MR. STEFFENS: 8 of 19, Number 3. It says,  
10 "The minimum turning radius shall be 18 feet inside  
11 and 29 feet outside."

12 Is that for driveways, or is that within a  
13 parking garage or lot? Because I don't think that  
14 would work in any structured parking garage. If  
15 you're on the inside of the garage, your turning  
16 radius is two and a half feet or three feet.

17 MR. MESSENGER: No, I'm not sure about  
18 that. I mean, if you put a radius that went to the  
19 end of a 9-by-18 space, and then drew it around, it  
20 takes about big chunk out of that part of the garage,  
21 that's for sure.

22 MR. STEFFENS: But usually, the situation is  
23 a car parked at the end of an aisle, a car parked at  
24 the other end, and you're turning around those, with  
25 the driving lane right there. There's no --

1                   MR. MESSENGER: A 90-degree turn on the  
2 space.

3                   MR. STEFFENS: You're making a 90-degree  
4 turn right after a space.

5                   MR. MESSENGER: I don't think that we  
6 actually changed that, though.

7                   No, we did change that. Where did that come  
8 from?

9                   MR. STEFFENS: And you're probably doing  
10 that in most surface parking lots, too. I mean, you  
11 might have a little landscape aisle in there or  
12 something, but you don't have an 18-foot turning  
13 radius.

14                  CHAIRWOMAN MORENO: How much do you need?

15                  MR. STEFFENS: Well, they can make it work  
16 in parking garages with zero.

17                  MR. MESSENGER: You know, actually, we  
18 incorporated the existing Sections 13-2, H, I and J.

19                  MR. STEFFENS: I think you need to just look  
20 at that radius thing and see if it's really  
21 applicable.

22                  CHAIRWOMAN MORENO: In these off-street  
23 parking standards, are there any changes?

24                  MR. MESSENGER: Yeah, there are.

25                  CHAIRWOMAN MORENO: What?

1           MR. MESSENGER: We'll look at the turning  
2 radius --

3           MR. STEFFENS: Yeah.

4           MR. MESSENGER: -- in terms of parking  
5 garages.

6           MR. STEFFENS: Well, surface parking, too.

7           MR. MESSENGER: Okay. That is quite a bit  
8 of real estate.

9           Okay, in terms of the parking chart, the --  
10 you know, everything in this sentence is new, to the  
11 extent that we've changed the vocabulary of your  
12 permitted uses and the uses that are in the parking  
13 chart.

14           CHAIRWOMAN MORENO: No, I'm sorry, I was  
15 asking about the size of the parking spaces. Have we  
16 changed those, or is that what we normally have now  
17 in Coral Gables?

18           MR. MESSENGER: We --

19           CHAIRWOMAN MORENO: I was back at what  
20 Michael addressed. I wanted to get to the chart, but  
21 then he addressed this, and I thought this had not  
22 changed at all, and if we're going from -- if we're  
23 making the spaces narrower, I guess I want to know  
24 about that.

25           MR. STEFFENS: That would be the same size.

1 CHAIRWOMAN MORENO: The same size?

2 MR. STEFFENS: Eight and a half by 18.

3 CHAIRWOMAN MORENO: Okay, Michael tells me  
4 there's no change, so we can go to the chart.

5 MR. MESSENGER: I think we've provided  
6 graphics and kept the parking dimensions the same.

7 CHAIRWOMAN MORENO: Okay.

8 MR. KORGE: Well, not quite.

9 Page 11, it's Section 5-1405, Required  
10 Parking, Subsection B2, Subparagraph a, it refers to  
11 the possibility of additional parking requirements if  
12 the actual use or uses of the building, et cetera, is  
13 listed in Table 1 of this section.

14 There's also, somewhere in here, a reference  
15 to the concept of functionally similar to the uses  
16 in Table 1, where the uses are not actually  
17 explicitly referenced in Table 1, but the use would  
18 be functionally similar, and I think we should  
19 incorporate that same language in that paragraph,  
20 that subparagraph I just referenced for you.

21 Have you found that yet, that paragraph?

22 MR. MESSENGER: Yes, I did. So what you're  
23 saying is that if the actual use --

24 MR. KORGE: Or functionally similar use is  
25 listed.

1 MR. MESSENGER: I see what you mean.

2 MR. KORGE: Yeah.

3 MR. MESSENGER: Okay.

4 MR. KORGE: Then, loading spaces, was that  
5 in the original -- further down in C, Paragraph C2 --  
6 C3, was that always in the -- that was in the  
7 existing Code, that loading spaces would be counted  
8 towards parking?

9 MR. MESSENGER: I can check that.

10 MR. STEFFENS: Yeah.

11 MR. MESSENGER: Yes.

12 MR. KORGE: Okay.

13 MR. RIEL: Yes.

14 MR. STEFFENS: Should it be?

15 MR. KORGE: Well, if it is now, I don't know  
16 why we would change that.

17 MS. KEON: Should it be?

18 CHAIRWOMAN MORENO: One of our issues, which  
19 is why I want to get to the chart, is, we wanted to  
20 impose higher parking requirements in some cases, and  
21 that's why we asked for a comparison from everybody  
22 else.

23 MR. STEFFENS: And one of those items --

24 MR. KORGE: Yeah, but why don't we do --

25 MR. STEFFENS: Maybe that change might be

1 Number 3, there.

2 MS. KEON: Yeah.

3 MR. STEFFENS: Why require -- why have  
4 loading spaces count as a parking space?

5 MS. KEON: It's never used as a parking  
6 space.

7 MR. STEFFENS: Yeah.

8 MS. KEON: It says, "Don't park here -- "

9 MR. KORGE: Well, then we'd be discouraging  
10 them from having loading spaces.

11 MR. STEFFENS: No, they're required to have  
12 so many loading spaces, based on the size of their  
13 building.

14 MR. KORGE: I see.

15 MS. KEON: Thank you, Michael.

16 CHAIRWOMAN MORENO: Okay, so is that a  
17 consensus, loading spaces should not count as parking  
18 spaces?

19 MR. STEFFENS: I think we should look at the  
20 charts and see what we're doing with the charts.

21 CHAIRWOMAN MORENO: Okay.

22 MR. KORGE: Yeah.

23 MR. STEFFENS: That's a space -- that's a  
24 place where we could gain a couple additional spaces.

25 MR. RIEL: It's not that much. I mean, it's

1 only two or three.

2 MR. STEFFENS: Two or three or four,  
3 depending on the size of the building.

4 MR. MESSENGER: Okay, the first new -- when  
5 I say new, I mean that we couldn't identify an  
6 existing use in your Code that would specifically  
7 fall into the category, and so we created a parking  
8 requirement for the new list of permitted uses, based  
9 on what the experience is in other similar types of  
10 communities.

11 First is for live/work units, and basically  
12 it's one space per unit, plus one space per 350  
13 square feet of what would be considered work area.  
14 It's consistent with a retail program --

15 CHAIRWOMAN MORENO: I'm sorry, wait.

16 MR. MESSENGER: -- and also based on a  
17 single-family residence.

18 CHAIRWOMAN MORENO: Let's start with --

19 MR. KORGE: Let's start at the beginning.

20 CHAIRWOMAN MORENO: Let's start with the  
21 residential, and you have an inconsistency between  
22 what you've got in the regulation -- you say attached  
23 dwellings, two spaces per unit, but here on the chart  
24 that you gave me with all the cities, you have  
25 attached dwelling, one space per unit, must be

1 covered or enclosed.

2 MR. RIEL: That's incorrect.

3 MR. AIZENSTAT: Okay.

4 MR. RIEL: That's incorrect.

5 CHAIRWOMAN MORENO: That should be two?

6 MR. RIEL: It should be two.

7 CHAIRWOMAN MORENO: Okay. It's Attachment  
8 B.

9 MR. RIEL: Attachment B.

10 MR. KORGE: Oh.

11 MR. MESSENGER: Okay, I think in an early  
12 draft, we had one space per unit on that.

13 MR. RIEL: Well, what had happened is --

14 MR. MESSENGER: Oh, you know what it was?  
15 The attached and detached were reversed.

16 CHAIRWOMAN MORENO: Yes, that's what it  
17 looks like. But the correct thing is what's in the  
18 proposed regulation that we're looking at, right?

19 MR. RIEL: Yes.

20 CHAIRWOMAN MORENO: Which is two attached,  
21 one detached --

22 MR. KORGE: Why would there be --

23 MR. MESSENGER: No, no, there's a -- that's  
24 a mistake. It should be one, one parking space per  
25 attached dwelling --

1 MR. KORGE: Yeah.

2 MR. MESSENGER: -- and two parking spaces  
3 for detached dwelling. We actually identified this  
4 mistake and we put in and we're going to submit in on  
5 the next -- but the intent was to have the  
6 single-family home, detached, have two parking  
7 spaces --

8 MR. KORGE: Right.

9 MR. MESSENGER: -- at a minimum, because  
10 that's consistent with what we see on the ground, at  
11 least two, and then the town homes would have one,  
12 because they would have a --

13 MR. SALMAN: None of which would be covered,  
14 I imagine, or enclosed.

15 MR. RIEL: No, town homes -- townhouses were  
16 required to have two parking spaces.

17 MR. KORGE: Right. That's what we had  
18 agreed on.

19 MR. RIEL: We specifically recommended that.  
20 I'm confident of that.

21 MR. MESSENGER: Okay. Well, what we could  
22 do here --

23 MS. KEON: For attached dwellings, it should  
24 be two, also.

25 MR. MESSENGER: Then it should be two for

1 all --

2 MS. KEON: Yeah.

3 MR. MESSENGER: -- residential, attached or

4 detached.

5 MS. KEON: Per unit.

6 MR. MESSENGER: Well, does that --

7 CHAIRWOMAN MORENO: Wait, wait, wait, wait,

8 wait. In detached, okay, that's a regular

9 single-family residence?

10 MR. KORGE: Right.

11 MR. MESSENGER: Yes.

12 CHAIRWOMAN MORENO: Today, you only require

13 one --

14 MR. RIEL: One, right.

15 CHAIRWOMAN MORENO: -- in the garage.

16 MR. RIEL: One in the garage and one

17 outside.

18 CHAIRWOMAN MORENO: Right.

19 MR. STEFFENS: That's what's required today?

20 MR. MESSENGER: One must be covered --

21 MR. RIEL: Yes.

22 MR. MESSENGER: -- or enclosed.

23 MR. KORGE: Right.

24 MR. MESSENGER: So that was reversed.

25 MR. KORGE: So two spaces, one must be

1 covered.

2 MR. RIEL: Yes.

3 MR. MESSENGER: Okay.

4 MR. RIEL: Yes.

5 MR. AIZENSTAT: Madam Chair?

6 CHAIRWOMAN MORENO: Yes.

7 MR. AIZENSTAT: Just a question. I, for  
8 one, don't feel comfortable with all the changes that  
9 we have to make, with all the inconsistencies that  
10 are here today. I don't see how we can look at this  
11 and make a recommendation without any of the  
12 corrections being made on this parking. There seems  
13 to be a lot of inconsistencies.

14 CHAIRWOMAN MORENO: I agree with you, but I  
15 think what we need to do is, on a policy basis, one  
16 of the biggest issues we need to address is whether  
17 we want to increase parking requirements. I think  
18 that all of these points that we have raised that are  
19 not clear need to come back to us, but we might as  
20 well get through this chart and decide where we want  
21 to ask for more --

22 MR. AIZENSTAT: But there are a lot of  
23 points, specifically to the parking issues.

24 CHAIRWOMAN MORENO: Yes.

25 MR. STEFFENS: But we've got to go through

1 and look at them.

2 MR. AIZENSTAT: Yeah.

3 MR. STEFFENS: We might be not be making  
4 decisions tonight, but we need to see what's going  
5 on.

6 CHAIRWOMAN MORENO: We need to say what  
7 needs to be corrected.

8 MR. MESSENGER: In the live/work, it would  
9 be one space per unit, plus one space per 350 square  
10 feet of work area, which would really take advantage  
11 of the reality that during the day, one of those  
12 residential vehicles would be gone, anyway, most  
13 likely, at least one of them, and so you'd be kind of  
14 sharing that parking with the daytime operations of  
15 the retail or office space or work space below.

16 CHAIRWOMAN MORENO: When we say live/work,  
17 is that a one-bedroom?

18 MR. MESSENGER: A Live/work unit would be a  
19 unit that had living space that was internally  
20 connected to work space, which is usually sort of a  
21 low-intensity retail or service sort of use.

22 CHAIRWOMAN MORENO: But are we -- okay.

23 MR. MESSENGER: It does not define it by the  
24 number of bedrooms, but again, if you have a larger  
25 structure, that has more work area, then you're going

1 to be demanding more parking, and, you know,  
2 typically, the situation is that most of the cars in  
3 a residential, you know, function are going to be  
4 gone during the day, anyway. And if one of the  
5 people stays back to work, or two, if you have  
6 greater work area, then you get more parking. But  
7 these are really typically low-impact, low-turnover  
8 retail.

9 MR. STEFFENS: Can we go back to the first  
10 item, attached dwellings? Does attached dwellings  
11 include condominiums and apartments and townhouses  
12 and all multi-family residential units?

13 MR. MESSENGER: Yes. In the definition in  
14 the Code, it does.

15 MR. STEFFENS: Okay, and we're only  
16 requiring one space per unit for any attached  
17 dwelling, no matter what size it is?

18 CHAIRWOMAN MORENO: No, we're requiring two.

19 MR. KORGE: No, two.

20 CHAIRWOMAN MORENO: That was the correction.

21 MR. MESSENGER: Two, and one of them must be  
22 covered or enclosed, and that might -- you might want  
23 to revisit that for --

24 MR. RIEL: No, that's detached.

25 MR. MESSENGER: -- townhouses.

1           MR. STEFFENS: Okay, so we're requiring two  
2 for attached dwellings and two for detached  
3 dwellings?

4           MR. RIEL: Yes.

5           MR. KORGE: And in the detached dwellings,  
6 one must be covered.

7           MR. STEFFENS: Yeah.

8           MR. MESSENGER: Correct.

9           MR. STEFFENS: Fine.

10          MR. MESSENGER: Right.

11          MR. STEFFENS: Okay, why would we have  
12 live/work different than any of those?

13          MR. MESSENGER: Because you end up creating  
14 more parking than you need when many of the residents  
15 are gone during the day. It's sort of a shared  
16 parking internally issue.

17          MR. STEFFENS: So, with live/work, you're  
18 really going to end up with two spaces, anyway?

19          MR. MESSENGER: Well, it depends.

20          MR. KORGE: No.

21          MR. MESSENGER: If you had 700 feet of your  
22 first floor, you would have three spaces.

23          MR. STEFFENS: Right.

24          CHAIRWOMAN MORENO: Okay, but I think it  
25 should say, never less than two.

1 MR. STEFFENS: You can have a minimum of two  
2 with a live/work space.

3 CHAIRWOMAN MORENO: Uh-huh.

4 MR. MESSENGER: Yeah, that would be a good  
5 way to approach it.

6 MR. STEFFENS: And once you go over 350  
7 square feet of work space, you end up with another  
8 parking space.

9 MR. KORGE: Well, shouldn't the work, the  
10 per square foot of work space, actually be referenced  
11 to the type of use? Isn't there a different  
12 criteria, depending on -- if it's an animal grooming  
13 and boarding place, for example --

14 MR. STEFFENS: Well, that's not --

15 MR. KORGE: -- it's one space per 250 feet.

16 MR. STEFFENS: I think live-use (sic) is  
17 going to be sort of restricted to professional types  
18 of uses.

19 MR. KORGE: Well, I don't know that.

20 MR. RIEL: Retail shops.

21 MR. KORGE: We're assuming that.

22 MR. STEFFENS: Pardon?

23 MR. RIEL: Retail shops. If you look at the  
24 comment --

25 MR. STEFFENS: Is that live/work?

1           MR. MESSENGER: We really -- we based it on  
2 the retail shops and also experience in other  
3 jurisdictions, in terms of -- you know, live/work is  
4 a relatively -- I mean, it's an old concept in urban,  
5 you know, retail and living, but it's a relatively  
6 new concept to South Florida, anyway, and to many  
7 other places in the state and the country.

8           So jurisdictions are really kind of working  
9 with this now, in terms of imposing parking  
10 requirements on it, and so you really try to look at  
11 it in terms of, what is your 24-hour distribution of  
12 parking demand. If you think you need two spaces at  
13 a minimum, that's probably -- I mean, it's reasonable  
14 to do for the first 350 square feet and then every  
15 350 square feet or fraction thereafter.

16           MR. KORGE: Again, if the use is not  
17 retail, then we need to look at the square footage.  
18 If the use is a restaurant --

19           CHAIRWOMAN MORENO: Restaurant.

20           MR. KORGE: -- it's one space per 67 square  
21 feet.

22           MR. STEFFENS: But I think we need to put  
23 some limits on the work. I don't think a restaurant  
24 is a live/work situation.

25           MR. KORGE: So you don't think a flat above

1 a restaurant is appropriate?

2 MS. KEON: No, yeah, I think it is, sure.

3 CHAIRWOMAN MORENO: Why isn't that a  
4 live/work situation?

5 MR. STEFFENS: I --

6 CHAIRWOMAN MORENO: Remember, you're making  
7 that whole CL district a live/work area, right?

8 MR. KORGE: I think it's -- I think that  
9 way, we're always covered, no matter what happens in  
10 the future, to assure that we have parking  
11 commensurate with a particular use.

12 MR. STEFFENS: Yeah, I think that's fine. I  
13 think -- personally, I think we need to look at what  
14 uses we allow --

15 MR. KORGE: Right.

16 MR. STEFFENS: -- in the live/work district.

17 MR. KORGE: But not here.

18 MR. STEFFENS: No, not here.

19 MR. KORGE: Right.

20 CHAIRWOMAN MORENO: Have we reviewed that  
21 already, Eric, or is that coming in the future?

22 MR. RIEL: I think we did.

23 CHAIRWOMAN MORENO: It's Article 2,  
24 Divisions 2 and 3.

25 MR. RIEL: I think we did look at live/work.

1 Let me check.

2 MR. MESSENGER: You have a definition, and  
3 it says "a residential dwelling unit that includes  
4 flex space which may be used for commercial, retail,  
5 office and/or services," and if you were to take  
6 commercial, say, out of that, if you think that  
7 implies restaurant -- I'm not sure that it does. I  
8 think a restaurant would not be part of that, because  
9 you have restaurants defined elsewhere.

10 So what you're really looking at is the  
11 typically low-impact retail, low-impact professional  
12 offices and services --

13 CHAIRWOMAN MORENO: But what tells me that?

14 MR. MESSENGER: -- downstairs, art  
15 galleries, you know, lawyers and doctors and that  
16 kind of thing, without the clinic aspect.

17 CHAIRWOMAN MORENO: I'm sorry, commercial  
18 use means any use permitted as of right or as a  
19 conditional use in the commercial limited district or  
20 commercial district. That means -- that includes  
21 restaurants.

22 MR. KORGE: Right.

23 MR. MESSENGER: So, then, commercial, maybe,  
24 should be removed from that definition, since you  
25 have the rest of it specified, if that's a concern,

1 that somebody is going to open a restaurant on the  
2 first floor and that you don't want that because of  
3 the parking issue.

4 MR. KORGE: Well, no, the solution is to  
5 have two spaces per unit, plus the sum of the parking  
6 required for each nonresidential use.

7 CHAIRWOMAN MORENO: Yes. I think that's the  
8 way it should be.

9 MR. KORGE: Just do it that way.

10 CHAIRWOMAN MORENO: I don't want to prohibit  
11 live/work as restaurant, but I want them to provide  
12 the necessary parking.

13 MR. MESSENGER: Right. I think that the  
14 issue with the live/work, in many cases, in terms of  
15 community character, is that you have existing  
16 buildings that aren't really great for just  
17 residential use, and they're in a transitioning area  
18 where you want to allow a commercial use, but you  
19 have serious constraints on the size of the lot, in  
20 terms of parking, and so you get into this lifts  
21 issue or any other thing, but the idea is to provide  
22 some break from the parking by having some  
23 flexibility with it. You need to provide more than  
24 the single-family home, but you wouldn't be able to  
25 do the use, otherwise, but you want to have that

1 ability to have commercial in that district because  
2 of the transitioning character.

3 So, in order to get the reinvestment in it,  
4 you give a little, in terms of the parking. If the  
5 parking is a real big issue, then, you know, maybe  
6 you don't.

7 CHAIRWOMAN MORENO: Parking is a big issue  
8 in Coral Gables.

9 MR. MESSENGER: Right, but I mean in terms  
10 of, there might be different areas of the City where  
11 you have different issues, and you might want to  
12 allow some break in some areas and not in others.

13 (Simultaneous comments by Chairwoman Moreno  
14 and Mr. Steffens)

15 MR. KORGE: Well, if we identify them, we'll  
16 do that, but at this point, I think the problem we're  
17 going to face is inadequate parking, and if, for  
18 example, a restaurant requires substantially more  
19 parking than an office, and someone uses a flat above  
20 it for work -- for a live area, then they need to  
21 meet the parking requirement for the restaurant  
22 usage, assuming we're going to allow that.

23 MR. RIEL: Live/work is only permitted in  
24 the mixed-use district, overlay district.

25 CHAIRWOMAN MORENO: Live/work is not

1 permitted in the CBD?

2 MR. RIEL: I don't believe so, not the way  
3 this is written.

4 MR. KORGE: But we're going to allow  
5 restaurants in the mixed-use district.

6 MR. RIEL: Correct.

7 MR. KORGE: So, I mean, I think that's  
8 the -- If we make that change and then if we want to  
9 later restrict live/work, we can do that elsewhere,  
10 but you wouldn't do it in the parking requirement,  
11 anyway.

12 CHAIRWOMAN MORENO: Okay --

13 MR. MESSENGER: You can just apply your  
14 mixed-use standard to it.

15 CHAIRWOMAN MORENO: Eric, I don't think  
16 that's right, because what's Starwood Urban? Doesn't  
17 that have live/work?

18 MR. STEFFENS: Theirs has an office building  
19 and an apartment building.

20 MR. RIEL: There's no -- to my knowledge,  
21 there's no live/work units in the City.

22 MR. STEFFENS: There were. There were quite  
23 a few in the City.

24 MR. MESSENGER: With an internal connection  
25 between the living space and the business?

1                   MR. STEFFENS: They were usually 25-foot  
2 buildings with offices on the ground floor and  
3 apartments on the second floor.

4                   CHAIRWOMAN MORENO: I remember clearly --

5                   MR. STEFFENS: An apartment or one unit.

6                   CHAIRWOMAN MORENO: My father had a travel  
7 agency on the Douglas Entrance building, and the  
8 owner of the agency lived above the travel agency at  
9 that time. I don't know what the reality is today,  
10 but --

11                   MR. RIEL: I don't have any knowledge of any  
12 live/work units.

13                   MR. STEFFENS: The one -- last one that I  
14 know that was converted was a block or so south of  
15 Christie's, on a corner, sort of a modern red-brick  
16 building. It had a gold aluminum sunscreen on the  
17 second floor.

18                   MR. RIEL: We've never had any Zoning Code  
19 standards that actually have allowed it, I can tell  
20 you that. I know we put it in, in the mixed-use  
21 district, and I did put provisions in there. It's  
22 about a page of some performance standards, in terms  
23 of, anything that's nonresidential, they have to get  
24 an occupational license, no deliveries. They  
25 obviously can't store flammable goods, toxic stuff,

1 but basically, we only put it in the mixed-use  
2 district. So it's only --

3 MR. KORGE: We're just talking about the  
4 parking standards here. I -- you know, let's just  
5 stay focused and --

6 CHAIRWOMAN MORENO: Yeah.

7 MR. KORGE: -- fix that and move on to the  
8 next one, because we'll be here all night, just  
9 talking about something that we're not even deciding  
10 tonight.

11 CHAIRWOMAN MORENO: I agree. Let's go.

12 So --

13 MR. MESSENGER: So two spaces per unit, and  
14 apply the commercial standard to the flex space?

15 CHAIRWOMAN MORENO: Yes.

16 MR. STEFFENS: I think the way you have it  
17 written is fine, one space per unit and then one  
18 space per 350 feet of work area or -- and then any  
19 additional spaces that's required as per the use.

20 MR. KORGE: No, I don't agree.

21 CHAIRWOMAN MORENO: I want a minimum of two  
22 spaces.

23 MR. KORGE: First of all, it should be two  
24 spaces because it's residential, and it then should  
25 be whatever portion of the building is used for other

1 than residential --

2 MR. STEFFENS: So you're going to have two  
3 spaces plus?

4 MR. KORGE: Well, that's what Cristina  
5 wants.

6 CHAIRWOMAN MORENO: No, no, no. I'm saying  
7 two minimum. You cannot get way with just one.

8 MR. STEFFENS: Two minimum.

9 CHAIRWOMAN MORENO: Two minimum.

10 MS. KEON: But you're saying that even if  
11 the work space is less than 350 feet, there still has  
12 to be another parking place there.

13 CHAIRWOMAN MORENO: Right.

14 MS. KEON: Right. Yeah, I agree with that.

15 MR. MESSENGER: So it's three spaces  
16 minimum?

17 MS. KEON: No. It's two minimum.

18 MR. MESSENGER: Oh, okay. It's one, plus  
19 one for the first fraction of whatever --

20 CHAIRWOMAN MORENO: But never less than two.

21 MS. KEON: It's for the fraction of the 350.

22 CHAIRWOMAN MORENO: Yes.

23 MR. KORGE: It would be one space per unit,  
24 plus the sum of the parking required for each  
25 nonresidential use, but not less than two --

1 MR. MESSENGER: Total.

2 CHAIRWOMAN MORENO: Total.

3 MR. KORGE: Two spaces.

4 MS. KEON: Right.

5 MR. MESSENGER: In total, two.

6 MS. KEON: Right.

7 MR. MESSENGER: Okay.

8 MS. KEON: Right.

9 MR. MESSENGER: Okay, the next one where  
10 there wasn't a standard in the existing Code was  
11 automobile service stations, and we provided a  
12 standard of two spaces per fuel pump, based on other  
13 jurisdictions.

14 MR. SALMAN: Parking?

15 MR. MESSENGER: Well, automobile service  
16 stations having accessory uses, I mean, not just --  
17 you know, it's not going to have --

18 MR. AIZENSTAT: Such as a food mart or so  
19 forth?

20 MR. MESSENGER: Yeah, I mean, automobile  
21 service station has a definition that's broader than  
22 just pumps, and so -- and also, there are employees  
23 there, so you provide a certain amount of parking.

24 MR. STEFFENS: What about a gas station? Is  
25 that different than a service station, if they're

1 just selling gas and sundries?

2 MR. MESSENGER: It's my recollection, on  
3 automobile service station, it encompassed having a  
4 convenience market.

5 MR. KORGE: No --

6 MR. SALMAN: But you're tying --

7 MR. KORGE: If it's strictly a gas  
8 station --

9 MR. SALMAN: You're tying -- you're tying  
10 the number of parking to the number of gas pumps.  
11 That doesn't make any sense.

12 MS. KEON: Right.

13 MR. KORGE: I don't think there's any need  
14 to set parking standards for automobile service  
15 stations, even if they're selling candy or whatever.

16 CHAIRWOMAN MORENO: Look. Look at Aventura.

17 MR. SALMAN: Well, the only --

18 MS. KEON: (Inaudible).

19 MR. SALMAN: The only reason you would have  
20 that parking would be for storing cars being serviced  
21 at a service station that has service bays, in which  
22 case you would want them to have, beyond the service  
23 bay, an extra parking space, to be able to store the  
24 cars they're not servicing.

25 CHAIRWOMAN MORENO: They're not really

1 talking about parking.

2 MR. SALMAN: Otherwise it fills the lots up  
3 with cars.

4 MR. KORGE: No, that's not really a parking  
5 space.

6 CHAIRWOMAN MORENO: Okay, wait, they're not  
7 really talking about a parking space. They're  
8 talking about the space where you stop your car to  
9 fuel your pump.

10 So you're saying, for each pump, you've got  
11 to have at least two?

12 MS. KEON: No, I think it's in addition to.

13 MR. STEFFENS: No, those are --

14 MR. KORGE: That's not what it's saying.

15 MR. STEFFENS: Those are not parking spaces.

16 MR. MESSENGER: I'm not -- we're not talking  
17 about per side of the pump. I mean, if you have a  
18 station that has four pumps, you'd have eight spaces.

19 MR. STEFFENS: Eight other parking spaces.

20 CHAIRWOMAN MORENO: Right.

21 MS. KEON: I mean, like --

22 MR. MESSENGER: You'd have eight fueling  
23 stations, but you'd have eight parking spaces.

24 CHAIRWOMAN MORENO: In addition to eight  
25 fueling stations?

1 MR. STEFFENS: Yes.

2 MS. KEON: Yeah.

3 MR. STEFFENS: Yeah, exactly.

4 MR. MESSENGER: Yes.

5 MR. KORGE: That makes no sense.

6 CHAIRWOMAN MORENO: That makes no sense.

7 MR. KORGE: You shouldn't have any standard  
8 in here, I don't think.

9 CHAIRWOMAN MORENO: Well --

10 MR. KORGE: I don't think it's --

11 MR. MESSENGER: Well, see, the automobile  
12 service station definition also includes the  
13 incidental sale of whatever, and so, you know, people  
14 do go to service stations without stopping at the  
15 pumps, to purchase those things.

16 MS. KEON: But that's not -- but it's not  
17 relative to the number of pumps you have, as to the  
18 number of people that would come there. I think it's  
19 relative to the size of the service station that you  
20 have.

21 MR. MESSENGER: It's done in a lot of  
22 different ways.

23 MR. SALMAN: Likewise, the retail component  
24 will dictate to you by square footage how many spaces  
25 you have.

1 MS. KEON: Yeah, I would think so.

2 MR. MESSENGER: Under this definition,  
3 though, the automobile service station use  
4 encompasses the retail use, as well. Now, what we  
5 can do is just divide it off --

6 CHAIRWOMAN MORENO: Look at Aventura.

7 MR. MESSENGER: -- and base the parking by  
8 the retail use.

9 CHAIRWOMAN MORENO: Look what Aventura has.  
10 That makes more sense to me. I'm not saying their  
11 numbers are right, but the way that they break it  
12 up.

13 MR. STEFFENS: Well, Coral Springs is okay.

14 CHAIRWOMAN MORENO: Coral Springs is a  
15 simpler method.

16 MR. STEFFENS: I think it just needs --

17 MR. MESSENGER: It's done in a lot of  
18 different ways, and whatever the Commission feels  
19 most comfortable with, I'll respect.

20 MR. KORGE: I don't understand why we have  
21 to talk -- I mean, is this even an issue for us,  
22 ever?

23 MR. STEFFENS: Well, yeah, I think you need  
24 to provide a couple parking spaces for the gas  
25 stations that have retail sales. I mean, they

1 have -- I go to gas stations all the time and pick  
2 up, you know, some milk or juice or whatever.

3 MR. KORGE: And if there's no space  
4 available, you park in front of the pump, and if  
5 there's nothing available because the pumps are all  
6 taken up, you don't go there.

7 MR. STEFFENS: No, if the pumps are all  
8 full, I park and I block the driveway.

9 MS. KEON: I can see needing --

10 CHAIRWOMAN MORENO: I stop at gas stations  
11 all the time and not fill up, just taking kids home  
12 from a soccer game, stop there to get Gatorade.

13 MS. KEON: But I think you could have two  
14 or three, but if you have like four --

15 MR. STEFFENS: Yeah, it should be some  
16 reasonable number, based on the area of the retail.

17 MS. KEON: Yeah, but not based on the number  
18 of pumps.

19 MR. STEFFENS: Yeah, because the ones on  
20 U.S. 1 that have eight pumps would end up with 16  
21 parking spaces, they'd be huge.

22 MR. KORGE: Well, more to the point, assume  
23 they have no parking spaces at all. You can't park  
24 on U.S. 1. You're not going to go there if there's  
25 not enough parking available, so it's sort of

1 self-regulating because of the locations of gas  
2 stations.

3 MR. STEFFENS: But people go there and they  
4 park and they block access through the gas station.

5 CHAIRWOMAN MORENO: And then people are  
6 stacking up on the street.

7 MS. KEON: On the highway, right. I think  
8 you should have some, but not --

9 MR. MESSENGER: I would submit, as Mr. Riel  
10 said earlier, it also creates a self-limiting  
11 situations in terms of the area that's used for the  
12 service center and the retail. But you have to  
13 juggle that.

14 MS. KEON: Well, if we look at the service  
15 station that's on the corner of LeJeune and -- is it  
16 LeJeune and U.S. 1, or is it Ponce and U.S. 1?

17 MR. STEFFENS: There's three of them there.  
18 There's three or four of them.

19 MS. KEON: What is that, LeJeune and U.S. 1?  
20 They have, what, how many pumps in that place?

21 MR. STEFFENS: Well, the big one has like  
22 eight pumps.

23 MS. KEON: Eight pumps. So they would  
24 need --

25 MR. STEFFENS: 16 spaces.

1 MS. KEON: -- 16 spaces. Is there existing  
2 16 spaces there?

3 MR. STEFFENS: No. They probably have --  
4 They have one handicapped.

5 MS. KEON: Right. I think it --

6 MR. STEFFENS: They have at least one  
7 handicapped.

8 MS. KEON: -- should be about four or five.

9 MR. STEFFENS: They probably have two or  
10 three spaces other than that.

11 MS. KEON: Yeah.

12 MR. KORGE: If we feel that it's important  
13 to have spaces, they should be by reference to the  
14 retail use only.

15 MR. MESSENGER: All right.

16 MS. KEON: Right.

17 CHAIRWOMAN MORENO: Okay, you guys, you  
18 think I'm crazy, but they're talking about how many  
19 spaces you need per fuel pump, as well as for the  
20 uses. If you look at everybody else's, they're  
21 talking about, you know, where you stop to fuel your  
22 car.

23 MR. STEFFENS: Right.

24 CHAIRWOMAN MORENO: They are.

25 MS. KEON: Yeah. They talk about one space

1 per fuel island.

2 CHAIRWOMAN MORENO: Yeah.

3 MS. KEON: Yeah.

4 CHAIRWOMAN MORENO: So they're talking, the  
5 requirement should be, how many do you need to fuel  
6 the car and how many do you need for the convenience  
7 store use.

8 MR. KORGE: Right.

9 MR. STEFFENS: Well, fueling the car is  
10 addressed by parking next to the pump. We don't need  
11 to specify that.

12 MR. KORGE: No.

13 MS. KEON: You're talking about like -- is  
14 that for the backup, you mean?

15 CHAIRWOMAN MORENO: Uh-huh. Yes.

16 MS. KEON: The stacking of cars that are  
17 waiting to be fueled?

18 MR. MESSENGER: No, that's not like in Fort  
19 Lauderdale. It's just one space per fuel island. I  
20 mean, that's how they do it.

21 CHAIRWOMAN MORENO: One space per fuel pump,  
22 right? But you --

23 MR. MESSENGER: Well, they say island, and  
24 two spaces per repair bay, and then also whatever the  
25 convenience store, and per car wash and -- you know,

1 just -- they have a variety of ways of calculating  
2 it. We tried to keep it simple and just have, you  
3 know, a proxy for the intensity of the use of the  
4 station. If you have eight pumps --

5 CHAIRWOMAN MORENO: Okay, I think the way  
6 that this should be, and you can come back with us  
7 for the language, it should be, if it covers the fuel  
8 pump, you need one per fuel pump, and then you need a  
9 number of spaces for whatever other uses they have,  
10 as required under the Code. If 7-Eleven is required  
11 to have 10 spaces and they have 200 feet of  
12 convenience, if I put the same 7-Eleven in a gas  
13 station, I should have the same parking.

14 MR. MESSENGER: Okay.

15 CHAIRWOMAN MORENO: It doesn't make any  
16 sense, otherwise.

17 MR. MESSENGER: If that's the consensus,  
18 we'll just make that change.

19 MR. KORGE: Right.

20 CHAIRWOMAN MORENO: Okay.

21 MR. STEFFENS: But when you say parking per  
22 fuel pump, that's adjacent to the fuel pump?

23 CHAIRWOMAN MORENO: For fueling up.

24 MR. STEFFENS: Yeah.

25 MR. MESSENGER: So that would not be,

1 really, technically, a parking space; it's a fueling  
2 station.

3 MR. STEFFENS: Right.

4 CHAIRWOMAN MORENO: So you need to have --

5 MR. MESSENGER: Then you just deal with the  
6 stacking issues --

7 MR. KORGE: Right.

8 MR. MESSENGER: -- of getting cars in, and  
9 then we'll deal with that in stacking.

10 MR. KORGE: Well, then, if that's the case,  
11 when you say we're required to have, you know, one  
12 space per 200 feet, or whatever it is of -- for  
13 retail that's incidental to the -- make sure that it  
14 does not treat the space adjacent to the fuel pump as  
15 a parking space for satisfying that retail purpose.

16 MR. MESSENGER: Right. The other question  
17 would be, do you want to have spaces if you have  
18 repair bays?

19 MS. KEON: Well, I think that that should  
20 also be relative to the amount of space that is  
21 allocated to repair bays. If you have someplace that  
22 has 10 repair bays, you know, that that's -- they're  
23 going to do a lot of that kind of work, then there  
24 should be -- you know, people are --

25 MR. MESSENGER: Storage.

1 MS. KEON: There should be some storage  
2 there because of that. I mean, for somebody that  
3 has, you know, one repair bay, I mean, I wouldn't,  
4 you know -- that isn't even relative to the number of  
5 pumps they have.

6 MR. MESSENGER: The other thing that you can  
7 do is just let the market decide the question, but  
8 that creates an issue that they'll just store it  
9 anywhere, if they have a lot of good business.

10 CHAIRWOMAN MORENO: Well, let's take the gas  
11 stations we already have and figure out what they  
12 have and how it's working. There's a gas station on  
13 LeJeune and Bird that has a repair bay and has a  
14 convenience store. What do they currently have? I  
15 don't know.

16 MR. STEFFENS: They have a lot of parking.

17 MR. SALMAN: They've got a couple of spaces  
18 on the side by the bathrooms.

19 MR. KORGE: Right.

20 MR. SALMAN: Together with the --

21 MR. STEFFENS: They also have space on the  
22 other side, close to the 7-Eleven. They have a lot  
23 of spaces.

24 MR. SALMAN: During the day, they use it for  
25 storage of the cars that they're actually repairing.

1 MS. KEON: Right.

2 CHAIRWOMAN MORENO: Uh-huh. So they  
3 obviously have a great --

4 MR. SALMAN: You know what? It works  
5 itself out.

6 MR. KORGE: Yeah.

7 MR. SALMAN: It really does, and those gas  
8 stations that have convenience that have no parking  
9 go out of business for the convenience portion of it,  
10 and then they reconfigure the site. As we've -- as  
11 I've seen more and more of these kinds of  
12 developments, the multi-fuel-pump stations, like the  
13 one on 17th and U.S. 1, where they have the  
14 convenience store behind, well, it's got all the  
15 parking that a convenience store requires, plus  
16 plenty of stacking. They make it easy. They're  
17 trying to sell something. If they make it hard, they  
18 ain't going to be able to sell it.

19 MR. MESSENGER: It is probably -- I mean, in  
20 terms of the way that the market deals with parking,  
21 when you're dealing with the convenience that you  
22 want to have in terms of gas and gas-station-oriented  
23 retail, it's not as likely that that parking is going  
24 to spill over into the adjacent neighborhood as uses  
25 that stay longer. So you would just go find the next

1 one. I mean, that's one thought. It's one  
2 perspective on parking, is, the market should just  
3 decide it. I think that's what Mr. Salman is  
4 saying.

5 MR. KORGE: The gas stations aren't in the  
6 residential neighborhoods as such. They're right in  
7 the middle of the heaviest commercial areas.

8 CHAIRWOMAN MORENO: I know.

9 MR. KORGE: So it's not a real problem. I  
10 don't think we should regulate it at all.

11 MR. STEFFENS: Well, I think we could have  
12 the other end of the spectrum, which is the one on  
13 Coral Way and -- I think it's 22nd, which is -- has  
14 no parking space, and it's backed up constantly, out  
15 onto Coral Way.

16 CHAIRWOMAN MORENO: Uh-huh.

17 MR. STEFFENS: And it's a huge problem.

18 MR. MESSENGER: Is that a stacking issue or  
19 a parking issue at that station?

20 MR. STEFFENS: Well, there's no parking.

21 MS. KEON: That's a stacking issue.

22 CHAIRWOMAN MORENO: It's both.

23 MR. STEFFENS: It's both.

24 CHAIRWOMAN MORENO: It's both, because what  
25 people do is --

1           MR. STEFFENS:  There's no stacking and  
2           there's no parking.

3           CHAIRWOMAN MORENO:  -- they pull in to fuel  
4           and they go inside to buy their stuff and they leave  
5           their car fueling, so they're not moving out as soon  
6           as they fuel, so then the stacking ends up in the  
7           street.

8           MR. AIZENSTAT:  But that happens at a  
9           majority of gas stations that actually do have food  
10          service and so forth.  People don't take their cars  
11          and they don't move their cars forward to park in a  
12          space.

13          MR. MESSENGER:  I would suggest, in the  
14          interest of time, that we meet with Staff on this and  
15          figure out what's working and we just come up with  
16          another --

17          CHAIRWOMAN MORENO:  Okay.

18          MR. MESSENGER:  -- proposal that's related  
19          to that.

20          CHAIRWOMAN MORENO:  Okay.

21          MS. KEON:  Good.

22          MR. STEFFENS:  I have a question on day  
23          care.

24          MR. MESSENGER:  Okay.

25          MR. STEFFENS:  Do we have any loading or

1 stacking requirements?

2 MR. MESSENGER: You know, the loading  
3 requirements were taken out of the existing Code,  
4 assuming that -- let me just make sure that that  
5 didn't --

6 MR. STEFFENS: Is that someplace else?

7 MR. MESSENGER: Loading requirements, in  
8 Section 5-1406, were really taken out of the existing  
9 Code. It doesn't --

10 MR. STEFFENS: It just says adequate.

11 MR. MESSENGER: Adequate. So it leaves the  
12 decision to the traffic engineers to decide what sort  
13 of volume would be necessary. You can make the  
14 applicant prove that up, in terms of the intensity of  
15 that, that loading and unloading. A day care center  
16 that, you know, has certain hours would have to have  
17 more loading, for example, if everybody was rushing  
18 to pick their kid up at five o'clock and everybody's  
19 there, versus if they had extended hours, it might be  
20 a different deal.

21 So, you know, they would just have to make  
22 that proof to the board that approves it or to Staff  
23 at the time just of the application. Now, we could  
24 come up with loading standards for all the particular  
25 uses, but we had just taken the existing regulatory

1 strategy of the City, which was pretty simple in  
2 terms of its statement. It may be fairly complex in  
3 terms of its administration, but in terms of getting  
4 a traffic engineer to tell you what you need for  
5 loading, they could certainly do that.

6 MS. KEON: I think that loading is more  
7 important, almost, than actual parking for a lot  
8 of -- for day cares and schools --

9 CHAIRWOMAN MORENO: Well, what concerns me  
10 with day care is, if you look at the chart, we have  
11 the lowest parking requirement of any of the studied  
12 jurisdictions, by a lot.

13 MR. STEFFENS: Well, I don't think -- I  
14 think it's what Pat said. I don't think parking is a  
15 big issue at day care. It's loading.

16 CHAIRWOMAN MORENO: Well, I do --

17 MR. STEFFENS: You have people stopping up  
18 the streets.

19 CHAIRWOMAN MORENO: I don't know, my  
20 children, the day care my children went to, you had  
21 three teachers per classroom. You'd better have a  
22 place to put those three teachers.

23 MR. STEFFENS: Well, then, the parking --

24 MR. KORGE: Maybe you need a parking lot as  
25 a waiting area.

1 MR. STEFFENS: -- should be a function of  
2 the employees.

3 MR. KORGE: And you need parking because you  
4 have to park to go in to get the child, in most  
5 cases. They don't -- you know, the little ones don't  
6 come running out by themselves.

7 CHAIRWOMAN MORENO: They don't come out.

8 MR. KORGE: You've got to go sign them in  
9 and out.

10 CHAIRWOMAN MORENO: Yeah. I got off.

11 MR. MESSENGER: Miami has a code, I think,  
12 that then applies to what you're --

13 MR. KORGE: Say that again, please.

14 MR. MESSENGER: In the City of Miami, it's  
15 one space for the owner, one space for each employee,  
16 and one space for every 10 clients. That would  
17 probably provide the sort of standard that you're  
18 talking about.

19 We actually took that 800 square feet of  
20 floor area from your kindergarten/nurseries category,  
21 so that came from your existing Code, took the  
22 nearest parallel land use category to what we'd  
23 proposed.

24 CHAIRWOMAN MORENO: I understand, but I  
25 think one of the things we wanted to do --

1           MR. MESSENGER: We want to revisit it, I  
2 understand that.

3           CHAIRWOMAN MORENO: Yeah.

4           MR. MESSENGER: We tried to, to the extent  
5 possible, reflect the existing policy in the Code.

6           On this point, too, if you'd like us to meet  
7 with Staff and ask whether that has been a real  
8 problem in day cares in the community, we'd be happy  
9 to do that.

10          CHAIRWOMAN MORENO: Okay, well, I have one  
11 more question. When it says day care -- Is Eric  
12 gone?

13          MR. AIZENSTAT: I'm sorry?

14          CHAIRWOMAN MORENO: Liz is here?

15          MR. AIZENSTAT: Yes.

16          CHAIRWOMAN MORENO: Liz, when it says day  
17 care, okay, when it is a church, for example, like  
18 where my children went --

19          MS. HERNANDEZ: Right.

20          CHAIRWOMAN MORENO: -- is that a day care?  
21 Or is a day care just, you know, the little house and  
22 the garden where --

23          MS. HERNANDEZ: It would be my opinion that  
24 if the church is entitled to a day care facility, it  
25 meets the definition of day care.

1           In what context are you looking at it?  
2       Because the Miami Herald took my copies. She needed  
3       copies, so I gave them to her.

4           CHAIRWOMAN MORENO: I'm just thinking in  
5       terms of these requirements. If it's a church, they  
6       would probably have no problem meeting them. He said  
7       he was going to get with Staff.

8           MS. HERNANDEZ: Uh-huh.

9           CHAIRWOMAN MORENO: And it seems to me that  
10      the day cares that are associated with churches  
11      probably have no parking problem, because the parking  
12      provided for the church --

13      MS. HERNANDEZ: Right.

14      CHAIRWOMAN MORENO: -- is going to be more  
15      than sufficient to cover the day care.

16      MS. HERNANDEZ: Right.

17      CHAIRWOMAN MORENO: So, really, if we're  
18      going to talk to Staff about whether it's sufficient,  
19      we need to look at those day cares that are  
20      independent of churches, to see if there's a parking  
21      problem there.

22      MS. HERNANDEZ: Right, and I'm not aware of  
23      day cares in the residential separate from schools,  
24      parks, youth centers -- you know, most day cares in  
25      the City of Coral Gables are part of another

1 facility. None comes to mind that's like a house day  
2 care. Do you have anything in mind that you're  
3 thinking might not meet it?

4 CHAIRWOMAN MORENO: No, I'm just trying  
5 to --

6 MS. KEON: Isn't there a day care in the --  
7 just outside the CBD, over on Almeria, or one of  
8 those streets over there, isn't there a day care  
9 facility in there? There used to be.

10 MR. AIZENSTAT: But, technically, can't a  
11 duplex property or an R2 property be a day care?

12 MR. MESSENGER: State law provides  
13 limitations on your ability to regulate day cares of  
14 certain sizes in residential homes.

15 MS. HERNANDEZ: Right.

16 MR. MESSENGER: I think it's five kids.

17 MR. AIZENSTAT: Right, but I'm talking from  
18 the City of Coral Gables' perspective, under our  
19 zoning codes, an R2 property can be a day care. Now,  
20 it has to get licensed and regulated by whatever  
21 authority, whether it's the State or so forth, and  
22 the amount of children and age groups, but they can  
23 open up as a day care. Am I not correct?

24 MR. MESSENGER: I don't recall the zoning  
25 district.

1 MR. AIZENSTAT: Eric?

2 MR. RIEL: I'm checking.

3 MR. AIZENSTAT: Because I remember that  
4 issue that we had at the beginning, when we started  
5 this process, at least when I came aboard.

6 MR. RIEL: In the proposed Code, they're  
7 only going to be permitted in commercial, industrial  
8 and mixed-use areas.

9 MR. AIZENSTAT: So they will not be allowed  
10 in an R2? Because I guess in the old Code, they  
11 were. In the new Code, they will not?

12 MR. RIEL: Correct.

13 MR. AIZENSTAT: Okay. That clarifies it.

14 MR. STEFFENS: But we can't supersede State  
15 law, right?

16 MS. HERNANDEZ: Correct.

17 MR. MESSENGER: Small day cares, you know,  
18 in an individual house, you can't get to, but, you  
19 know, once you get to the higher-impact stuff, you  
20 certainly have that power to regulate it. I mean,  
21 you're looking at -- I think it's five --

22 MR. AIZENSTAT: So I'm confused. You can --  
23 if State law -- if the State allows you to have a day  
24 care in a home, then the City has to let you do that?

25 MS. HERNANDEZ: Right. The State has

1 certain --

2 MR. MESSENGER: The State law -- the State  
3 policy is to provide for neighborhood day care in a  
4 low-impact way, whereas -- you know, one family can  
5 care for other families' children and get  
6 remuneration for that, to the extent of -- and I'm  
7 doing this from memory, so forgive me, I could be off  
8 by a kid here or there, but I think it's like five  
9 children, and they have to get their license or  
10 whatever, and the municipalities are precluded from  
11 prohibiting that, by State law.

12 MR. AIZENSTAT: Really? I was not aware of  
13 that.

14 MR. MESSENGER: And so, you know, the State  
15 constitutional issue is that State law trumps a  
16 municipal ordinance.

17 Now, anything above that threshold, you have  
18 full power to, you know, regulate in terms of its  
19 location and character and access and parking or  
20 whatever else you need to do.

21 MR. KORGE: So, in the areas where we're  
22 permitting it, we need to have a parking standard,  
23 and the parking standard should be at an amount that  
24 reflects what we think is a reasonable requirement to  
25 satisfy the needs of that particular use.

1 MS. KEON: We need a policy, though.

2 MR. KORGE: So it can be by reference to the  
3 number of -- I mean, we can do it the way that Miami  
4 did it, which a space -- a space for each employee  
5 and a space for every X number of clients, or we  
6 could do it by square footage, or we could do a  
7 combination.

8 MR. AIZENSTAT: A combination would be --

9 MR. KORGE: But somebody's got to tell us  
10 what the real need is, because we don't know. I  
11 certainly don't know.

12 MR. MESSENGER: Has the kindergarten parking  
13 standard created any community heartburn?

14 MR. STEFFENS: Well, why don't we let them  
15 figure it out and come back?

16 MR. KORGE: Yeah, exactly.

17 CHAIRWOMAN MORENO: Wait, wait. But ask the  
18 question -- You need to ask the question the right  
19 way. I think, today, most day cares in Coral Gables  
20 are church-affiliated, and therefore, there's no  
21 parking problem.

22 MR. MESSENGER: Right.

23 CHAIRWOMAN MORENO: But people have come  
24 before us in connection with the unprecedented  
25 multi-family development that's foreseen for Coral

1 Gables, and they have asked for day cares in that  
2 area that's going to be developed.

3 It seems to me that it's going to be a new  
4 use, not an existing use, and if that's the case, we  
5 should establish parking standards accordingly.

6 MR. MESSENGER: Okay.

7 MR. AIZENSTAT: That's a very good way to  
8 put it.

9 MR. MESSENGER: I think the next new one is  
10 golf or tennis court -- golf or tennis grounds, and  
11 obviously, if there's anything between golf or tennis  
12 grounds and day care that somebody would like to  
13 discuss. We just recommended five spaces per hole  
14 for golf, three spaces per court for tennis and one  
15 space per 18 linear feet of bleachers for any sort  
16 stadium.

17 MR. KORGE: How is that going to affect our  
18 existing golf courses, for example? Is that going to  
19 make any of them nonconforming?

20 MS. KEON: Do you have 45 spaces at Granada?

21 MR. MESSENGER: The recommended --

22 MR. RIEL: Yes.

23 MR. MESSENGER: -- program for parking came  
24 from other experiences elsewhere, and in terms of  
25 your existing courses --

1           MR. KORGE: Well, that wasn't -- that wasn't  
2 my question.

3           MR. MESSENGER: Yeah. I don't know. I  
4 didn't go on the ground and look at the parking for  
5 the golf courses.

6           MR. KORGE: It sounds like it would make all  
7 of our golf courses nonconforming, except maybe the  
8 Biltmore. I don't know how that would affect the  
9 Biltmore.

10          MR. RIEL: Well, you have to understand --

11          CHAIRWOMAN MORENO: It really (inaudible)  
12 into the golf courses.

13          MR. RIEL: -- Granada has been in existence  
14 for some time. I mean, they do have spaces, but  
15 there's a joint use with, obviously, the restaurant  
16 use there, so --

17          MR. STEFFENS: Where?

18          MR. RIEL: Granada.

19          MR. SALMAN: Also, they're not all  
20 off-street spaces. They're mostly on-street.

21          MR. RIEL: There's on and off-street, so --

22          MS. KEON: So it's a combination of both.

23          MR. SALMAN: So anybody building any new  
24 golf courses in Coral Gables would have to provide --

25          MR. KORGE: There's never going to be a new

1 golf course in Coral Gables.

2 MR. STEFFENS: Yeah.

3 MR. SALMAN: My point exactly.

4 MR. KORGE: So why are we doing this?

5 MR. RIEL: Well, there might be a new tennis  
6 court facility.

7 MR. KORGE: Well, I mean --

8 MR. RIEL: We have no parking requirements  
9 right now, so you could put in 10 tennis courts with  
10 not one parking space.

11 MR. KORGE: Well, we're still talking about  
12 golf. Why don't we eliminate golf? We don't really  
13 need it.

14 MS. KEON: Well, you could expand the size  
15 of a golf course or whatever else, if this is in  
16 existence.

17 MR. STEFFENS: It's not going to change the  
18 number of holes.

19 MR. AIZENSTAT: How is it going to hurt by  
20 keeping it there?

21 MR. MESSENGER: The reason that it's in  
22 there is because golf or tennis grounds is a use.

23 MR. KORGE: Uh-huh, we understand that, but  
24 it's going to have -- The point I was trying to get  
25 to is that I don't even know what effect it has on

1 the Biltmore Hotel, for example.

2 Does anybody know? I doubt it. But that's  
3 a really important facility. We're changing it, and  
4 we don't know how it's affecting it. I don't think  
5 that's advisable. If we can come back and say this  
6 won't adversely affect the Biltmore, or it will, and  
7 we agree it should, then we deal with that.

8 And then we've got -- you've got the  
9 Riviera, which has certain --

10 CHAIRWOMAN MORENO: Deering Bay.

11 MR. KORGE: It's not going to have any more  
12 parking spaces at Riviera, no matter what we do.

13 MR. RIEL: That's not --

14 MR. KORGE: And we've got --

15 MR. RIEL: That's incorrect. Now, if  
16 they add square footage onto that facility and we  
17 don't have any -- if they add square footage onto  
18 Riviera and they don't have any additional parking  
19 spaces and they increase their membership, we need to  
20 have some type of a standard, you know.

21 MR. KORGE: Well, we're talking right now  
22 about golf.

23 MR. RIEL: Well, but say, for instance, they  
24 have -- well, obviously, they have 18 holes, so I  
25 don't know how much parking they have, but I mean,

1 that issue of parking on Riviera has been a hot issue  
2 for a number of years.

3 MR. KORGE: Yeah, but my point is -- my  
4 point is that by throwing golf into this, we're  
5 changing whatever the mix may be required for them  
6 now.

7 MR. RIEL: Correct.

8 MR. MESSENGER: There's no requirement now  
9 at all.

10 MR. KORGE: It hasn't -- it must have  
11 parking requirements other than for golf, because  
12 it's got a club facility there, and certainly a club  
13 facility with a restaurant and whatever, a gym and  
14 all that --

15 MS. KEON: Tennis.

16 MR. KORGE: Tennis, I mean, so it's got --  
17 it's got a current requirement. By adding golf --  
18 we're not discussing tennis yet. By adding golf,  
19 we're automatically changing that requirement. As a  
20 practical matter, there will be no more golf courses  
21 in the City of Coral Gables. It's never going to  
22 happen. So it seems to me that we should just take  
23 golf off of the table and just focus on tennis.  
24 That's my personal view.

25 MR. STEFFENS: I think that the Biltmore is

1 a big parking problem in that neighborhood, and  
2 contributing to that parking problem is the golf  
3 course.

4 MR. KORGE: Maybe so, but we're going to  
5 make them nonconforming now?

6 MR. STEFFENS: We're going to make them  
7 nonconforming to the point that if they want to do  
8 something, then we're going to make them meet the  
9 requirements.

10 CHAIRWOMAN MORENO: I wouldn't be in favor  
11 of that.

12 MR. KORGE: I don't think that's  
13 appropriate. I really don't.

14 CHAIRWOMAN MORENO: Uh-uh.

15 MR. KORGE: I mean, we're talking about a  
16 facility -- I don't know what's going to happen with  
17 that. There probably should be more parking added,  
18 but that's not a simple matter, and I don't think we  
19 should be deciding it here, in the middle of a Code  
20 rewrite that's supposed to be not making these kinds  
21 of major changes to -- I mean, that's a major  
22 facility. Just to do that here, I think it's just --  
23 I wouldn't do it. I wouldn't touch it until we're  
24 ready to.

25 We can come back, you know, after this is

1 done, and after it's been studied to see how it  
2 actually affects everything, but I just -- I mean, it  
3 just -- my instincts tell me that this is going to  
4 create problems that we can't anticipate.

5 MR. MESSENGER: Madam Chair, we identified a  
6 hole and filled it, and if it's appropriate to leave  
7 the hole there, you know, we can take it out, if  
8 that's the consensus of the Board.

9 CHAIRWOMAN MORENO: You what?

10 MR. MESSENGER: We identified a hole in the  
11 present plan --

12 MR. KORGE: Right.

13 MR. MESSENGER: -- and then we filled it.  
14 We put a requirement in where there wasn't one, and  
15 we put a requirement in that was consistent with  
16 other requirements we've seen in other jurisdictions,  
17 the requirement that if you were to construct a new  
18 facility --

19 MS. KEON: But with this -- because all of  
20 the golf courses that exist in the City are  
21 associated with other facilities, we don't have -- I  
22 mean, even Granada has a restaurant, I mean,  
23 associated. We don't have any golf courses that are  
24 just golf courses. So, in regulating this, how does  
25 this fit with the other use, like with the Biltmore,

1 you know, by the number of rooms and by the number  
2 of, you know, commercial spaces and all these things,  
3 what does this do?

4 MR. RIEL: I can tell you, the Biltmore,  
5 Riviera and Granada are all nonconforming uses, from  
6 the standpoint of, they do not meet any of our Code  
7 requirements. I mean, if you really want to come  
8 down to it, they don't meet, generally, setbacks.  
9 They don't meet the parking requirements. And,  
10 obviously, some of them don't meet height. We're  
11 just trying to provide some measurement, if those  
12 facilities want to expand, to provide the opportunity  
13 to provide additional parking and conform to the  
14 current regulations.

15 MR. KORGE: Well, you're going to prohibit  
16 any expansion.

17 MR. RIEL: No, no.

18 MR. KORGE: Well, that's the practical  
19 effect.

20 MS. KEON: But I don't think that --

21 MR. AIZENSTAT: Well, why should they be  
22 exempt? Why should these facilities be exempt, when  
23 we're making other institutions or other properties  
24 have to follow that --

25 MR. STEFFENS: The people around the

1 Biltmore don't like the fact that they're exempt from  
2 parking requirements.

3 MR. KORGE: No, that's not what I'm saying.  
4 What I'm saying is that golf has never been  
5 regulated, and now it's being regulated.

6 CHAIRWOMAN MORENO: Uh-huh. You're kind of  
7 double-dipping. You're kind of double-dipping that.

8 MR. STEFFENS: Why is that double-dipping?

9 MR. AIZENSTAT: Why are you double-dipping?

10 MR. STEFFENS: You have a lot of people  
11 there on weekends that are playing golf, and you  
12 cannot find parking at the Biltmore. If you want to  
13 go to the -- you have people using the gymnasium, not  
14 the people in the Biltmore, not people that are  
15 renting hotel rooms, but you have a huge portion of  
16 the community that's using the gymnasium, you have  
17 people that are using the golf course, you have  
18 people that are using all the ballrooms in there, and  
19 the restaurants and everything else, and parking is a  
20 huge problem in that neighborhood.

21 MS. KEON: Okay, but then you're laying the  
22 burden of that on the golf course. I mean, it's  
23 not --

24 MR. STEFFENS: No, there's other  
25 requirements in there. There's requirements for the

1     gymnasium, there's requirements for the restaurant  
2     spaces, there's requirements for hotel rooms. The  
3     only thing that there's not requirements for right  
4     now is golf and tennis.

5             MR. AIZENSTAT: Is golf and tennis. So now  
6     you're regulating them.

7             MR. MESSENGER: I would submit that in terms  
8     of the overall policies that have been expressed to  
9     us, the direction was to -- in terms of mixed-use  
10    projects, which the Biltmore is a multiple sort of  
11    use, that each individual use should be self-  
12    sustaining in terms of its parking, is what we've  
13    been told.

14            MR. KORGE: Yeah.

15            MR. MESSENGER: Now, if you want to exempt  
16    off from that, it's at the discretion of the Board to  
17    decide how to approach it.

18            MR. KORGE: The point I'm trying to make is  
19    that there won't be any golf courses built here in  
20    the City, ever again. These are the only ones.

21            CHAIRWOMAN MORENO: No, but they want to  
22    use this as a way of preventing the existing ones  
23    from expanding.

24            MS. KEON: Right --

25            MR. STEFFENS: No.

1 MR. RIEL: Now --

2 MS. KEON: But if there's a problem with the  
3 way people are parking, that's an enforcement issue.  
4 That's an enforcement issue. If people are parking  
5 in the residential neighborhoods and people are  
6 parking on lawns and people are parking where they  
7 shouldn't park, then you know what, that's an  
8 enforcement issue, and you need to deal with it  
9 through enforcement, but I think, you know, you have  
10 institutions in this City that are well used, that  
11 serve the City well, that serve the community well,  
12 and if by their nature they are problematic, that's  
13 an enforcement issue, not -- I think, at this point,  
14 I don't know that it exists.

15 MR. RIEL: We're merely trying to provide  
16 minimum parking spaces for a potential other use  
17 coming in. We can't forecast what's going to happen  
18 in the next five years.

19 MR. KORGE: You're right. There is no  
20 potential golf course.

21 MR. RIEL: That's fine, so there's really no  
22 harm in allowing these regulations to be put in  
23 place.

24 CHAIRWOMAN MORENO: No, because then it uses  
25 up the parking requirement at the Biltmore to satisfy

1 the golf course requirements.

2 MR. SIEMON: Let me just suggest --

3 CHAIRWOMAN MORENO: Yes.

4 MR. SIEMON: I mean, it's ultimately a  
5 policy choice you make, but you've got -- as you  
6 point out, these golf courses don't sit alone. They  
7 have other uses that are ancillary to them. They're  
8 clubhouses, they're restaurants, they're tennis  
9 courts and all those things. They're going to expand  
10 or redevelop, and when they do, you're going to want  
11 to make sure that there is an expansion that has --  
12 doesn't make the situation any worse than it is. If  
13 you don't have a parking standard for the golf  
14 course, you are inadvertently building in an ability  
15 to exacerbate the problem.

16 MR. RIEL: Right.

17 MS. KEON: But it's not the golf course --

18 MR. SIEMON: It doesn't mean you're going  
19 to make the golf course anything -- they're not going  
20 to expand the golf course, but those five spaces per  
21 hole that you ought to have in order to provide  
22 adequate parking in the neighborhood are going to not  
23 be on the table because there's not a standard for  
24 there, and now all we're going to do is do the rest  
25 of it, all the time ignoring the reality that we've

1 already used up 55 or whatever it is spaces that are  
2 there for golf, and we're going to end up pretending  
3 that they're really available for the expanded  
4 clubhouse when they're not.

5 MS. KEON: It's not 55, it's 90.

6 MR. SIEMON: Whatever it is. I don't  
7 remember, because it's not my --

8 MS. KEON: For an 18-hole course, it's 90  
9 spaces.

10 MR. STEFFENS: It's 90.

11 MS. KEON: It's 90.

12 MR. KORGE: 90.

13 MS. KEON: 90 spaces for that.

14 MR. STEFFENS: And the problem at the  
15 Biltmore is exacerbated by another facility, right  
16 across the street, that has huge events, that doesn't  
17 provide hardly any parking for any of their events.

18 MR. SIEMON: But that's -- even if there's  
19 never going to be another golf hole built, the  
20 standard allows you to have a frame of reference for  
21 the composite impact on a neighborhood when  
22 you propose to them --

23 MR. KORGE: I understand that, but it's  
24 affecting two or three of the most important  
25 facilities in our City and, you know, it's just like

1 we're saying, "Okay, don't do anything more at the  
2 Biltmore, at Riviera" -- I guess maybe at Deering  
3 Bay, I'm not sure about -- "and at Granada, don't do  
4 anything more there," and we're deciding that here,  
5 which is not what we were supposed to be doing here,  
6 I don't think.

7 MS. KEON: Correct.

8 MR. KORGE: So I just have a personal  
9 problem doing it at this time. It may be  
10 appropriate, but I just don't feel comfortable yet.  
11 I mean, I'd like to hear from the Biltmore, see what  
12 they say about this, how is this going to affect  
13 their --

14 CHAIRWOMAN MORENO: For example, there's a  
15 hurricane and the Biltmore suffers severe damage.  
16 Then they can't rebuild it? If there's a fire, they  
17 can't rebuild?

18 MR. STEFFENS: Neither can 70 percent of the  
19 homes in Coral Gables now.

20 MR. TEIN: Or Cocowalk.

21 MR. SIEMON: Well, I don't know, and there's  
22 a public policy decision. If they have to rebuild,  
23 should they provide adequate parking, or should we  
24 allow them to re-establish themselves in a way that's  
25 prejudicial to the surrounding residential neighbors?

1 That's a public policy decision to make.

2 MR. KORGE: In terms of public policy, I  
3 mean, if there's a problem with parking there, they  
4 should address it, but I wouldn't prohibit them from  
5 rebuilding if they had a major fire. I mean,  
6 that's --

7 MR. SALMAN: Yeah, but you won't be able to  
8 enforce them to address it --

9 MS. KEON: Right.

10 MR. SALMAN: -- unless you have a standard,  
11 and I think what's being discussed is to create at  
12 least a minimum standard, and right now I think five  
13 per hole is a minimum, because it doesn't address  
14 anything about, you know, any kind of driving range  
15 requirements. It's a pretty low standard. The  
16 problem is that the overflow parking has been going  
17 into the residential areas, which are now going to be  
18 developed -- that huge area in front of Biltmore is  
19 now going to become houses. So that's going to be  
20 off limits to any kind of swale parking and stuff.  
21 All that's going to disappear --

22 MR. STEFFENS: It will make the situation  
23 worse.

24 MR. SALMAN: -- and exacerbate a situation  
25 which has been critical up to now.

1 MS. HERNANDEZ: But if you're not  
2 comfortable --

3 MR. SALMAN: I'm not saying that we should  
4 limit what they're doing right now. I'm just saying,  
5 if they want to expand beyond what they're providing,  
6 any time they have to come in for a major addition  
7 permit --

8 MR. KORGE: Well, are they at the limit?

9 MR. SALMAN: -- or change of use permit,  
10 then at that point, it needs to be addressed.

11 CHAIRWOMAN MORENO: When the Biltmore was  
12 going to close down because it wasn't viable and they  
13 wanted to save it because it was a historical  
14 structure, they permitted that huge convention  
15 facility to be built, and that eliminated a lot of  
16 parking. So, I mean, are we changes horses in  
17 midstream?

18 MR. SALMAN: All we're talking about is  
19 parking requirements for golf courses. The impact  
20 that they're going to have on the built environment  
21 is such that, as they expand, they will then be  
22 forced to meet that parking requirement.

23 CHAIRWOMAN MORENO: Yeah, but it isn't just  
24 when they expand. I have no problem with expanding.  
25 I have a problem with rebuilding in the event of

1 fire.

2 MR. SALMAN: But at that point, that's an  
3 existing nonconforming condition. All you're going  
4 to do is repair the place.

5 CHAIRWOMAN MORENO: They can't.

6 MR. KORGE: No, they can't.

7 CHAIRWOMAN MORENO: In the City of Coral  
8 Gables, if it's more than 50 percent, they can't  
9 rebuild.

10 MR. KORGE: Right.

11 MS. KEON: They can't rebuild.

12 MS. HERNANDEZ: If you feel that is a topic  
13 that needs further public debate, there is nothing  
14 wrong with taking that topic and saying, "We are not  
15 prepared to make a recommendation on this issue at  
16 this time." We don't want to pressure you to make a  
17 final decision or recommendation. It's inappropriate  
18 on our part to do that if you're not feeling a level  
19 of comfort.

20 So, you know -- and I'm sensing that you  
21 feel that this needs to be digested further, more  
22 thought out, and that's perfectly fine. That's a  
23 perfectly fine position for you to take on something  
24 and say, "Not now, maybe later, bring it back at  
25 another time, but we're not ready to make a decision

1 on this now," and that's okay.

2 MR. KORGE: That's what I've been saying,  
3 and I think what we need to do is hear from the  
4 people, the golf courses that are affected and  
5 probably the tennis -- well, we haven't really  
6 focused on tennis facilities at all, but this is new  
7 and it has an effect on major facilities.

8 MS. HERNANDEZ: Okay.

9 MR. KORGE: So to just do it because we  
10 think it's a good thing to do, I just think it's very  
11 dangerous, and I would prefer to hear from -- that's  
12 my personal viewpoint. I'd prefer to hear from the  
13 people actually affected by this before making that  
14 decision.

15 MS. HERNANDEZ: That's fine.

16 CHAIRWOMAN MORENO: I agree with that.

17 MS. KEON: I would like to see that, too.

18 MR. MESSENGER: Are there any other  
19 questions before heliports and helistops?

20 MR. SALMAN: Do we have any?

21 MR. MESSENGER: We do. I was directed to  
22 try to keep it on track but, you know, these are  
23 discussions that obviously have great weight.

24 MS. KEON: How about the heliport?

25 MR. STEFFENS: I do have a question on

1 medical clinics. Right now, that's our current  
2 requirement, 200 square feet one per 200?

3 MR. MESSENGER: Correct.

4 MR. STEFFENS: Could we increase that to one  
5 per employee plus one per 200 square feet? Because  
6 I -- you know, those spaces usually get used up by  
7 the employees, that one per 200.

8 MR. MESSENGER: If the existing Code isn't  
9 functioning, and again, we just tried --

10 MR. STEFFENS: No, the existing Code is not  
11 functioning for medical clinics.

12 MR. MESSENGER: -- to apply the existing  
13 policy, then certainly, if one space per employee  
14 extra is needed to make the project work --

15 MR. KORGE: Aren't the medical clinics in  
16 those X districts only? Do you remember?

17 MR. STEFFENS: Is it, Eric? I think they  
18 can be anywhere.

19 CHAIRWOMAN MORENO: They can be anywhere  
20 commercial.

21 MR. RIEL: When they go over certain --

22 MR. STEFFENS: Anywhere. In some areas,  
23 they need the special approval for them --

24 MR. RIEL: Right.

25 MR. STEFFENS: -- but they can be anywhere.

1           MR. MESSENGER: But again, if additional  
2 parking is needed there, we can certainly build it  
3 in, for employees, if it's going to solve that  
4 problem.

5           MS. KEON: For marinas and marine  
6 facilities -- didn't we prohibit marinas? Are  
7 marinas prohibited?

8           MR. KORGE: There's one in -- Isn't there  
9 one in Cocoplum?

10          MR. STEFFENS: There's one in Cocoplum.

11          MR. MESSENGER: Right now, there's no  
12 standard --

13          MS. KEON: At all?

14          MR. MESSENGER: -- in your Code for parking  
15 for marinas whatsoever, so we provided one, one per  
16 slip, plus one per 350 square feet of floor area of  
17 marina facilities, which are listed.

18          MR. KORGE: You should check --

19          MS. KEON: But could you --

20          MR. KORGE: You should check that against  
21 Cocoplum --

22          MS. KEON: Yeah, maybe --

23          MR. KORGE: -- and see how well it works  
24 there, and if they meet this -- if Cocoplum meets  
25 this and it works well, then this is great. If they

1 don't meet it and it works fine at Cocoplum, then  
2 maybe we need to rethink this number.

3 MS. KEON: Yeah. Well, I guess Deering Bay  
4 has a marina.

5 MR. KORGE: And Deering Bay, yeah. I would  
6 check what our existing facilities have.

7 MS. KEON: I mean, if we look at the place  
8 that --

9 MR. CARLSON: Snapper Creek.

10 MS. KEON: Snapper Creek has a marina. If  
11 we look at the places that have marinas and see what  
12 that -- how that works, and then --

13 How come, for municipal facilities, there's  
14 no requirement for employees, and there is for other  
15 places?

16 MR. MESSENGER: Municipal facilities is a --  
17 has a definition that is a little different, I  
18 believe, than this connotation --

19 MS. KEON: Oh, okay.

20 MR. MESSENGER: -- and that's why.

21 CHAIRWOMAN MORENO: Park, recreation or  
22 civic center, services or facility provided to local  
23 residents.

24 MR. MESSENGER: That's why. Employees are  
25 built into that.

1 CHAIRWOMAN MORENO: This must be estimated,  
2 right?

3 MR. MESSENGER: Right.

4 MR. STEFFENS: Well, you've just made  
5 Salvador Park require about 90 parking spaces.

6 CHAIRWOMAN MORENO: And the Youth Center,  
7 forget it.

8 MR. MESSENGER: But in municipal facilities,  
9 there's that standard there that allows the City --  
10 because municipal facilities are public facilities,  
11 the City gets to figure out kind of where that  
12 parking needs to be, with some guidance from the  
13 standard about likelihood of -- you know, how many  
14 people per car are going to go there.

15 MS. KEON: Sort of like our Public Works  
16 Department.

17 MR. SALMAN: Yeah, but that would --

18 MR. MESSENGER: That's not a municipal  
19 facility.

20 MR. SALMAN: That --

21 MR. STEFFENS: That would be an office.

22 CHAIRWOMAN MORENO: That would be guided  
23 by --

24 MR. SALMAN: That implies --

25 MS. KEON: Is that office space?

1           MR. SALMAN:  -- that every municipal  
2 facility has to have public parking --

3           MS. KEON:  Yeah.

4           MR. SALMAN:  -- including parks and Parks &  
5 Recreation facilities, some of which are neighborhood  
6 facilities, for which no parking is required.

7           MS. KEON:  And you don't want parking.

8           MR. SALMAN:  And you don't want parking.

9           MS. KEON:  You don't want parking in them,  
10 either.

11          MR. STEFFENS:  Well, there was the big --  
12 the big discussion --

13          MR. SALMAN:  Such that the open -- openness  
14 of the -- of the requirement not being defined, I  
15 think, is --

16          MR. KORGE:  Right --

17          MR. SALMAN:  -- is actually to our  
18 advantage.

19          MS. KEON:  I do, too.

20          MR. STEFFENS:  There was a big discussion  
21 about a park on the corner of Granada and Bird.  
22 There's a park -- you don't think it's a park --

23          MS. KEON:  Right.

24          MR. STEFFENS:  -- but it's a park.

25          MS. KEON:  Right.

1 MR. SALMAN: Yeah.

2 MS. KEON: That's correct.

3 MR. STEFFENS: And it's a public park.

4 MS. KEON: Right.

5 MR. STEFFENS: And there was a big problem  
6 with providing parking in that park --

7 MS. KEON: Right.

8 MR. STEFFENS: -- because none of the  
9 residents --

10 MR. KORGE: Wanted it.

11 MS. KEON: Right.

12 MR. STEFFENS: --that are there want anybody  
13 to come and visit that park.

14 MR. SALMAN: Well, because they also -- they  
15 also made it a boat launch facility for kayaks --

16 (Simultaneous discussion between Chairwoman  
17 Moreno and Mr. Steffens.)

18 MR. SALMAN: -- you know, and then, you  
19 know, how do you get the kayaks --

20 MR. KORGE: Yeah.

21 MR. MESSENGER: We have seen it in other  
22 locations, too, that those municipal --

23 MR. SALMAN: Which was kind of --

24 MR. MESSENGER: -- neighborhood parks, where  
25 the parking people would come in, because the

1 facilities were nice, they'd come into the  
2 neighborhood and they'd just park wherever they  
3 could.

4 MS. KEON: Right.

5 MR. MESSENGER: So this really depends on --

6 MS. KEON: So what you really want to do  
7 is -- I mean, a lot of times they want to maintain  
8 them as neighborhood parks that are within walking  
9 distance, so that you don't provide a lot of  
10 parking --

11 MR. MESSENGER: Right.

12 MS. KEON: And if parking is a problem, that  
13 they're parking illegally, then that's an enforcement  
14 issue, it's not a Code Issue.

15 MR. STEFFENS: There's a new park --  
16 there's a new park in that North Gables  
17 neighborhood --

18 MS. KEON: Right.

19 MR. STEFFENS: -- that they just created,  
20 that has no parking.

21 MS. KEON: Right, and that's a good thing.  
22 It doesn't have parking because they want people to  
23 walk there.

24 MR. KORGE: Right.

25 MS. KEON: Not people parking.

1 MR. MESSENGER: There's two ways to deal  
2 with it. One is to take it out.

3 MS. KEON: Yeah.

4 MR. MESSENGER: And one is to impose a --  
5 either change the structure of it, so that the  
6 neighborhood park is removed from its ambit, or, two,  
7 would be to --

8 MR. RIEL: I think the structure of it --  
9 because on the other side, if you have a municipal  
10 facility, such as a municipal office in the Central  
11 Business District, and you have a lot of people that  
12 need to go there, they need to have sufficient  
13 parking to meet the --

14 MR. STEFFENS: But isn't that covered under  
15 office?

16 MR. KORGE: Well, couldn't that be an  
17 office?

18 MS. KEON: But you just said that a  
19 municipal facility isn't an office, it's a --

20 MR. KORGE: It's not an office.

21 MS. KEON: It doesn't count as a municipal  
22 facility. I thought that a municipal office was a  
23 municipal facility.

24 MR. MESSENGER: It does count --

25 MR. RIEL: That's what I was trying to get

1 at. I think we need to look at different parking  
2 requirements --

3 MR. KORGE: I think you need to take out  
4 municipal facilities, and then the municipal office  
5 buildings would be offices, and you'd have to meet  
6 that requirement.

7 CHAIRWOMAN MORENO: Okay, wait, gentlemen.  
8 The municipal facility, by its nature, is provided by  
9 the municipality. So, when it decides what it's  
10 going to put up there, it decides on the parking at  
11 the same time.

12 MR. SALMAN: Right.

13 CHAIRWOMAN MORENO: I mean, why do we have  
14 to impose parking requirements on the City, when the  
15 City can decide for itself, this park needs 10  
16 parking spaces and this park doesn't need any, and  
17 this park needs a hundred?

18 MR. KORGE: Yeah.

19 CHAIRWOMAN MORENO: It doesn't make any  
20 sense to me, and it seems that thinking is  
21 consistent, because nobody else has a requirement  
22 except Fort Lauderdale.

23 MS. KEON: Yeah, I think you can leave this  
24 out.

25 MR. STEFFENS: And we don't want to live in

1 Fort Lauderdale.

2 MR. MESSENGER: Okay.

3 MR. KORGE: Oh, I had a question on -- up  
4 above governmental uses, police and fire station. I  
5 assume the Police and Fire Departments approved that?

6 MR. RIEL: All departments were provided an  
7 opportunity to --

8 MR. KORGE: That's not -- that's not what  
9 I'm asking.

10 MR. RIEL: Well, I can provide them the  
11 opportunity to comment, and if they don't comment,  
12 there's nothing I can do, so, I mean, they were  
13 provided the information. I can certainly go back  
14 and ask them again.

15 MR. KORGE: Well, the reason -- the only  
16 reason I ask is that if, in fact, this is going to  
17 create problems because somebody didn't look at it  
18 and didn't realize that they had to deal with this  
19 particular parking issue, which is quite possible,  
20 due to the fact it's never been regulated before, we  
21 could end up creating a problem that didn't  
22 otherwise -- wouldn't otherwise be there.

23 MR. RIEL: It's kind of on the same thing.  
24 It's a municipal facility. You know, it's the same  
25 thing. If we -- if we're going to create a police

1 station, if you're using the same kind of a tack to  
2 say that, you know, all municipal facilities, we  
3 should know what the parking should be provided, I  
4 probably would suggest the same thing in doing that.

5 MR. MESSENGER: The difference is, a  
6 developer could come in, in this sense, and dedicate  
7 a police station and you'd have a standard here to  
8 say, the station has to be this, and has to have  
9 this.

10 MR. KORGE: I'm sorry, what?

11 MR. MESSENGER: Once in a while, a developer  
12 will build a facility as a condition of approval,  
13 depending on what they're redeveloping or developing,  
14 and if the future includes some of that redevelopment  
15 or additional intensity in an annexed area or  
16 something like that, then you might have the  
17 circumstance where some private party is building a  
18 police station or a fire station and giving it to  
19 you, in which case you have a standard --

20 MR. KORGE: But wouldn't they have to build  
21 it to our standards?

22 MR. MESSENGER: Yeah, but this requires a  
23 little bit more in terms of, you know, this is what  
24 the site has to be. We have rules for this. So,  
25 when they come to complain about the expense of

1 building all these --

2 MR. KORGE: Right.

3 MR. MESSENGER: -- parking spaces that were  
4 imposed on them at a public hearing, without any  
5 other Code guidance, then --

6 MR. KORGE: Well, I mean, I don't have any  
7 problem imposing standards on the police and fire  
8 department, in any event, but I just want to make  
9 sure that they understand what it is and that we're  
10 not creating real problems for them.

11 MR. STEFFENS: Yeah, I'd like to make sure  
12 that with these standards -- you know, the police and  
13 fire station downtown has a parking garage  
14 attached -- that we're not requiring more spaces  
15 than --

16 MS. KEON: Right.

17 MR. STEFFENS: -- A, exist in that parking  
18 garage, at the worst case scenario, and B, that  
19 parking garage also serves the surrounding community  
20 for parking, because there's excess parking right now  
21 in that parking garage.

22 MR. RIEL: There is, but there is a parking  
23 problem.

24 MR. STEFFENS: Well, there's a parking  
25 problem with the police, or there's parking problem

1 in the neighborhood?

2 MR. RIEL: Police.

3 MR. STEFFENS: Because I know there's a  
4 parking problem in the neighborhood.

5 MR. RIEL: There's not sufficient parking to  
6 satisfy the needs of the police station.

7 MR. STEFFENS: Yeah, well, then, they need  
8 to work something out, because there's a problem --  
9 there's a big problem in that neighborhood. So I  
10 wouldn't want it to be more than is required in that  
11 parking garage. It's bad enough if they have to take  
12 away some spaces that are serving the community  
13 also.

14 MS. KEON: Can we regulate schools?

15 MR. STEFFENS: The private schools.

16 MR. SALMAN: The private schools.

17 MR. MESSENGER: Private schools.

18 MR. SALMAN: Would that apply? Would that  
19 also apply to universities?

20 MR. MESSENGER: Universities are --

21 MR. STEFFENS: Private schools.

22 MR. MESSENGER: -- I believe they're  
23 considered educational facilities under our  
24 definitions, and not schools.

25 MR. KORGE: That's -- I had a question here,

1 what's the difference between a school and  
2 educational facility? But before we get to that,  
3 private yacht basin should be the same as a marina, I  
4 think, so you need to look at it in the same context  
5 as a marina.

6 MR. MESSENGER: There was some definitional  
7 difference, but we'll look at that.

8 MR. KORGE: Yeah.

9 MR. MESSENGER: The -- yeah, again, schools  
10 is the private K through 8, and the School Board is  
11 going to decide what kind of parking they want in  
12 their other schools, and then the educational  
13 facilities encompasses your secondary facilities,  
14 universities, colleges and vocational/technical, in  
15 that.

16 MR. SALMAN: Have you looked at -- let me  
17 look at yours. Have you looked at FTE, full-time  
18 equivalents for students, as the -- as a requirement?

19 MR. MESSENGER: Instead of one space per  
20 four students, age 16 or older?

21 MR. SALMAN: No, I'm talking about  
22 educational facilities, excuse me.

23 MR. MESSENGER: Oh, I'm sorry. Let me back  
24 up.

25 MR. MESSENGER: I mean, you could -- the

1 reason that it's not the same as schools -- no, the  
2 answer is no, but that the pattern of use of an  
3 educational facility is very different than a school,  
4 in that people will go there and then they'll leave  
5 and they'll go there and they'll leave, depending on  
6 the facility. Or, you know, people that are in  
7 residence, there would be a difference, and I guess  
8 that's being addressed in there with respect to the  
9 University of Miami separately.

10           So what you're really looking at is your  
11 voc-tech schools and your smaller -- and again, the  
12 pattern of use is, you come for an hour or two-hour  
13 or three-hour class and then you leave, and somebody  
14 else comes in on another shift, so it's different  
15 than coming in and they're only having one shift per  
16 day.

17           MR. SALMAN: Well, that's why I'm saying an  
18 FTE, because you take those part-timers and add them  
19 all up to get one FTE, full-time equivalent student.

20           MR. MESSENGER: A full-time student, okay.  
21 No, that would be one way to do it, the only issue  
22 being that in some of those cases you might not know,  
23 you know, very easily, when you're establishing a  
24 parking requirement. When we're doing parking  
25 requirements, we typically try to do things that

1 relate to buildings, unless it absolutely makes no  
2 sense, and that's because when you look at the site  
3 plan, you can figure it out, where the FTE is --  
4 depending on how you structure your classes and your  
5 operating hours, you could have a very big range of  
6 FTE in the same facility.

7 MR. SALMAN: Uh-huh.

8 MR. MESSENGER: And so you just try to do  
9 what you can to make it easier to administer. But,  
10 you know, given the complexity of administration, if  
11 the City is ready to tackle that, then we could  
12 certainly do it by FTE. There's just -- you know, we  
13 try to be sensitive to both sides of the issue.

14 Public transportation facility. Again, this  
15 is one -- it's government, but if somebody were to  
16 dedicate a public transportation facility, what would  
17 you want in it? You know, we put a standard there,  
18 because there wasn't a standard there before, and  
19 that was one per 100 square feet of terminal and  
20 station area.

21 MR. KORGE: Well, the only public  
22 transportation facility I can foresee would be  
23 some -- you know, something like Metrorail or the new  
24 trolleys.

25 MR. AIZENSTAT: A bus station?

1 MR. KORGE: Other than that, I don't see  
2 Greyhound putting a bus station in or anything like  
3 that. So, I mean, would this affect -- It wouldn't  
4 affect any Metro or City services, would it?

5 MS. KEON: No. We don't have any.

6 MR. MESSENGER: You don't have a city  
7 terminal?

8 MS. KEON: No.

9 MR. AIZENSTAT: We did.

10 MS. KEON: We did. No, they did away with  
11 it.

12 MR. KORGE: If we did create such a thing,  
13 would this regulate it?

14 MR. MESSENGER: It would.

15 MR. KORGE: It would?

16 MR. AIZENSTAT: Would it hurt, keeping it  
17 there, as opposed to removing it?

18 MR. KORGE: Pardon me?

19 MS. HERNANDEZ: Which?

20 MR. AIZENSTAT: For the --

21 MS. KEON: Public transportation.

22 MR. AIZENSTAT: -- public transportation,  
23 would it hurt keeping it in place, as opposed to  
24 moving it?

25 MS. KEON: You know what it is? Because we

1 don't have it and you don't necessarily foresee it,  
2 it's almost -- you know, it isn't something that you  
3 would determine at the time that the use -- that it's  
4 proposed that such a facility be implemented, because  
5 I think it would depend on what the facility is.

6 I mean, we don't have a place for a  
7 Metrorail stop, I don't think --

8 MR. KORGE: Well, there's one in the City  
9 now.

10 MS. HERNANDEZ: Well, we have no -- we have  
11 no -- okay, even though we would be able to object  
12 and take positions, Chapter 33 of the Dade County  
13 Code has very stringent provisions as to where they  
14 can -- they can conduct their public hearings, where  
15 they can put in stops along the way. The only saving  
16 grace we have is that much of the land upon which the  
17 Metrorail traverses Coral Gables, we deeded to them  
18 with very stringent reverter language.

19 MS. KEON: Right.

20 MS. HERNANDEZ: So our stick is not  
21 necessarily in our Zoning Code.

22 MS. KEON: Right.

23 MS. HERNANDEZ: It's in our deed  
24 restrictions.

25 MS. KEON: Right.

1 MS. HERNANDEZ: But there's help for it.  
2 You know, I don't know if, at some point, you may  
3 want to have, you know, or the Commission may want to  
4 have, regulations relating to that. I mean, it's not  
5 just limited to Metrorail type --

6 MS. KEON: Well, no, but even with a  
7 heliport --

8 MR. MESSENGER: But your heliport is  
9 separate.

10 MS. KEON: -- or whatever that would be, is  
11 it better that you establish a requirement for a  
12 facility that you don't know its use in advance, or  
13 is it better that you establish the requirements for  
14 a facility at the time that it is proposed, based on  
15 what is being proposed, when it's not likely that  
16 there are huge numbers of these things coming your  
17 way, anyway? I'm asking you legally --

18 MS. HERNANDEZ: Right.

19 MS. KEON: -- which gives you more  
20 flexibility and more leeway and more ability to  
21 negotiate in the best interests of your community?

22 MS. HERNANDEZ: Typically, in various  
23 sectors, you will have the State having certain  
24 minimum regulations, and then you have the County  
25 having certain minimum regulations, and if the City

1 wants to be more restrictive, the City has to have  
2 regulations in place. We can't wait till someone  
3 knocks on the door of City Hall and then say, "Wait,  
4 we now want to be more restrictive than what's out  
5 there" --

6 MS. KEON: Okay.

7 MS. HERNANDEZ: -- because we are at a  
8 severe disadvantage, as a result.

9 MS. KEON: All right. So, then, you're  
10 saying that it's in our best interest to have  
11 something in place.

12 MS. HERNANDEZ: Something in place. I'm not  
13 saying, you know -- I mean, I'm not the expert on  
14 heliports or Metrorails, so -- That's our Planning  
15 Staff that can advise you on that.

16 MR. KORGE: Some of the others are 260.

17 MS. KEON: Yeah, I mean, so we have 100  
18 versus 200, versus --

19 MR. KORGE: Sixty on Miami Beach.

20 MS. KEON: Sixty on Miami Beach. I mean,  
21 I -- okay, whatever. I have no idea.

22 MR. RIEL: Madam Chair, may I make a  
23 suggestion? It doesn't appear that we're going to  
24 get a recommendation on this particular article this  
25 evening, and given the late hour, I --

1                   CHAIRWOMAN MORENO: I'm ready to fall  
2 asleep here.

3                   MR. RIEL: I would agree with you.

4                   MR. KORGE: Well, why don't we finish this  
5 chart? We're almost done with it.

6                   CHAIRWOMAN MORENO: No, because you know  
7 what? I think we have been distracted by areas where  
8 we had no regulation and we're focusing on these  
9 areas where we really haven't perceived a need, and  
10 we have overlooked totally the areas where we have a  
11 problem.

12                   It seems to me -- and Eric, I think, when we  
13 come back on this, I'd like to come back and have  
14 here before us the people who are charged in the City  
15 with enforcing parking requirements and who see what  
16 the problems are. For example, you know, in office  
17 uses, our existing Code says one per 300. There's  
18 other people who say 200, 250, 100. You know, I want  
19 to know, what's our practice? Is one per 300, in  
20 practice, good enough for the City of Coral Gables,  
21 or do we have too low a parking requirement and that  
22 is what is resulting in the strain on the parking  
23 facilities of this City? I don't know the answer to  
24 that, but it seems to me silly to overlook that in --  
25 and get mired, as I did, in a discussion of day

1 care.

2 I mean --

3 MR. RIEL: I think you gave us some good  
4 input. I think we need to go back and make changes,  
5 and I think one of the things that we need to do is  
6 look at what the current regulations are, and perhaps  
7 put that in a column here so you can compare.

8 I know part of the problem is, we went from,  
9 to be quite honest with you, 330 uses down to about  
10 60 uses, so trying to do the conversion in terms of  
11 what that actual use and how it fits into the new  
12 categories was a challenge in itself.

13 But in terms of giving you a recommendation  
14 of what works and whatnot, I mean, we will do that.  
15 I mean, I will personally do that, and we'll also  
16 have the Building & Zoning people. I'll invite them  
17 to come here, as well, and we'll give you that input,  
18 but when we come back, I think we're going to work on  
19 some of these categories and come up with some  
20 different thresholds, but, you know, as the City  
21 Attorney recommended, we're trying to be -- you know,  
22 we're trying to provide regulations that deal with a  
23 use that we don't have right now, but that doesn't  
24 mean it couldn't happen in a year or two.

25 MR. KORGE: Well, do you want to hear the --

1 CHAIRWOMAN MORENO: Okay, but I want to  
2 focus on the uses that are giving us problems --

3 MR. RIEL: Right, and that's --

4 CHAIRWOMAN MORENO: -- and the uses where  
5 people -- again, going back to the development that  
6 we're seeing coming up --

7 MR. RIEL: Right.

8 CHAIRWOMAN MORENO: -- if we're seeing a big  
9 development in multi-family and office uses, I want  
10 to make sure that we've got up-to-date --

11 MR. RIEL: Right.

12 CHAIRWOMAN MORENO: -- modern requirements  
13 in those areas, and not something that was true 20  
14 years ago --

15 MR. RIEL: Sure.

16 CHAIRWOMAN MORENO: -- when, you know, one  
17 person per family drove, where now maybe four people  
18 per family are driving. So I want us to come back  
19 and focus on the real uses and the real problems.  
20 And everything else, yeah, we can discuss it, but --

21 MR. RIEL: Okay.

22 CHAIRWOMAN MORENO: -- let's not get  
23 sidetracked, which is what we did.

24 MR. RIEL: Basically, the retail commercial  
25 and residential in the urban areas, the CBD to North

1 Ponce.

2 CHAIRWOMAN MORENO: And frankly, to me,  
3 schools, municipal governmental uses -- you know, you  
4 take a school, it's a special use. Whenever the  
5 school is going to be built, the City is going to  
6 post a million requirements on it. So whether --  
7 yeah, you have to have a parking requirement, but the  
8 City can vary at the point. But the office, the  
9 developer is going to come in as of right, and I want  
10 that developer to know, when he buys that land, which  
11 has always been my point, it needs to be fair to the  
12 developer. When he buys that piece of land and he  
13 pays that homeowner -- that landowner X dollars per  
14 unit, he should be able to know that he can build  
15 that number of units, and not that we're going to  
16 come back to him and say, "Hey, you thought you could  
17 build a hundred units, but now you can only build 50,  
18 because our parking requirement is different."

19 We need to focus on it, make it modern, and  
20 not get sidetracked on uses that we don't have.

21 MR. RIEL: We'll do that.

22 MR. KORGE: Having said that --

23 CHAIRWOMAN MORENO: That's my speech.

24 MR. KORGE: Having said that, there are a  
25 few left that I just want to mention for you to look

1 at.

2 Telecommunication towers, we're going to  
3 have two spaces per tower. I can't imagine what they  
4 would be for.

5 MR. MESSENGER: Maintenance.

6 MR. KORGE: TV/radio studios, you just need  
7 to look at that and see what really needs -- what the  
8 real need would be for that type of facility.

9 Utility/infrastructure facilities, is a  
10 sewer lift station going to be required to have  
11 parking? It doesn't make sense to me. I don't  
12 understand that.

13 MS. HERNANDEZ: It does, when they -- Yes, a  
14 sewer lift station.

15 MS. KEON: For repair.

16 MS. HERNANDEZ: For repair --

17 MR. RIEL: Repair and maintenance.

18 MS. HERNANDEZ: -- the repair trucks, any  
19 inspectors that go out to visit, any number of  
20 individuals. I only know this because I've been  
21 forced to inspect some of these.

22 MR. KORGE: Four stations? Or, one  
23 space -- well, anyway, that and utility substations,  
24 I don't know if that's different from --

25 MS. HERNANDEZ: I am an expert on that.

1 MR. KORGE: -- the infrastructure, utility  
2 infrastructure facilities. So, I mean, I --

3 MR. RIEL: What I'll do is, I'll distribute  
4 this to all the City departments again, request their  
5 comments, Public Service, Public Works, Fire and  
6 Police, and you will have a draft before you that has  
7 Staff's recommendation, that has been verified to the  
8 extent feasible, and, you know, that's the best we  
9 can do, and it's based upon what we feel our  
10 community needs are, in comparison to what other  
11 local governments have done. So, I mean, that's --

12 MR. KORGE: When you put in a new sewer lift  
13 station, who's going to pay for the parking?

14 MR. RIEL: Basically, I'm assuming it's one  
15 space for the maintenance.

16 MR. MESSENGER: Yeah, it's one space.

17 MS. KEON: One space.

18 MR. KORGE: One space per 2,000 square feet?  
19 That wouldn't be a utility substation, would it?

20 MR. MESSENGER: A utility substation would  
21 be like the electrical substation, which would be a  
22 bigger facility.

23 MS. KEON: Right.

24 MR. MESSENGER: And it's four spaces for the  
25 repair vehicles that might come in there to address

1 any problems there might be there. We would figure,  
2 in a utility substation environment, you know, you  
3 would want to have the ability to have more than one  
4 truck parked there.

5 MR. KORGE: So that when we put in a sewer  
6 lift station, we have to now have a space, parking  
7 space, dedicated --

8 MR. RIEL: We do have a space. We do have  
9 a space.

10 MR. KORGE: Well, when we put in a new sewer  
11 lift station --

12 MR. RIEL: Right.

13 MR. KORGE: -- who's going to pay for the  
14 parking space?

15 MR. RIEL: The City.

16 MS. HERNANDEZ: Typically -- well, not  
17 necessarily.

18 MR. RIEL: Whoever puts the station in.

19 MS. HERNANDEZ: If a developer causes the  
20 City to have to install a lift station -- I will give  
21 you a for-example. The Rouse Company paid for the  
22 installation of a lift station, the necessary parking  
23 spaces and so forth, and everybody who now hooks into  
24 it pays them back their pro rata share.

25 MR. KORGE: I understand all that, but does

1 every lift station in the City have one space now?

2 MS. HERNANDEZ: Well, I can tell you, about  
3 three of them definitely have, because I visit them,  
4 but I'm not familiar with all of them.

5 MR. KORGE: I'm just expressing my personal  
6 surprise that you would have --

7 MR. RIEL: Is that in your job description,  
8 Liz, your visiting lift stations?

9 MS. HERNANDEZ: Well, we got into a debate  
10 with the City of South Miami over how much  
11 contribution flowed through the sewer lines of the  
12 City of Coral Gables from --

13 MR. KORGE: Shops at Sunset.

14 MS. HERNANDEZ: -- the Shops of Sunset  
15 Place, and we had five lawsuits as a result.

16 MR. KORGE: Let's get --

17 MS. HERNANDEZ: You learn a lot.

18 MR. KORGE: Let's get back to this. My  
19 point is that if you've got a repair truck at a lift  
20 station, he's there for an hour, maybe two hours, he  
21 parks on the street and then he goes -- We don't need  
22 separate spaces for lift stations. I mean, it just  
23 doesn't make sense to me.

24 MS. HERNANDEZ: Okay.

25 MR. KORGE: For whatever that's worth.

1       Anyway --

2                   MS. HERNANDEZ:  Remember, your  
3       recommendation is what we want.

4                   CHAIRWOMAN MORENO:  Okay, wait, before we go  
5       on --

6                   MR. RIEL:  I've got two items.

7                   CHAIRWOMAN MORENO:  I led us off the garden  
8       path on the municipal facilities for the parks, and I  
9       want to rethink my comment about the City always  
10      providing itself, because I did not realize that  
11      sometimes these facilities are contributed and paid  
12      for by developers.  So perhaps we do need to revisit  
13      that, and when I said that, I was too tired and  
14      wasn't thinking straight.  So I backtrack and ask you  
15      to recommend on that, as well.

16                  MR. RIEL:  Okay.

17                  MR. STEFFENS:  When you come back with  
18      information for us about the problem areas, one of  
19      the problem areas are offices, and I know we have a  
20      recommendation in here, one space per 300 square feet  
21      of offices, and in the CBD, I believe today it's  
22      different.  You're allowed one per 350.  I'd like  
23      some feedback on the big office buildings within the  
24      CBD, because it's my impression that most, or if not  
25      all, of the garages of those big office buildings are

1 never at capacity, even at one per 350 cars per  
2 square foot.

3 MS. KEON: Really?

4 MR. AIZENSTAT: And one other  
5 recommendation. Has the Board, before my time,  
6 looked into getting these drafts or reports  
7 highlighted, the areas that are new, or strike out  
8 the areas that are old, to see the differences, as  
9 opposed to asking what was before or what was not?

10 MR. RIEL: Yes.

11 MR. AIZENSTAT: And what happened with that?

12 MR. RIEL: Well, what has happened is, each  
13 time we've done a draft, we have improved on the  
14 previous draft.

15 MR. AIZENSTAT: Right.

16 MR. RIEL: Since it was so much of a  
17 reformatting of the Code, it wasn't easy just to take  
18 sections -- because you would not be able to read it.

19 CHAIRWOMAN MORENO: Right.

20 MR. RIEL: I mean, I'd be happy to sit down  
21 with you and show you the first draft, and then the  
22 second, and then how we got to this one, because that  
23 large book that Charlie has there was that first  
24 attempt.

25 MR. AIZENSTAT: Right, but I'm talking about

1 just getting the sections that we're looking at, for  
2 example, that we looked at tonight. And the reason I  
3 say that is because when I sat on the Charter Review  
4 Board, the City Attorney did a tremendous job, and  
5 I'm not saying that because Liz is sitting here --

6 MR. RIEL: This City Attorney or another  
7 one?

8 MR. AIZENSTAT: She really did a great job,  
9 and it really helped us out, by taking a look at the  
10 ordinances, as to what was being striked (sic) out  
11 and what was being replaced.

12 MR. RIEL: I think, on parking, we need to  
13 do that, on this one especially, to see what the  
14 current Code is and what the proposal is. I think  
15 that's really important.

16 MR. AIZENSTAT: Narrow the issues.

17 MS. KEON: Can I make one more comment with  
18 regard to golf courses? The difference between -- in  
19 private clubs, as opposed to municipal facilities.  
20 Private clubs control the number of people that use,  
21 by the membership caps. That's not true in public  
22 facilities, where as many people as want to come,  
23 come. In private courses, they limit membership so  
24 that there are no more than so many rounds of golf,  
25 so that people are paying a lot of money for a

1 privilege that they want them to be easily accessed.

2           So I think your application of that sort of  
3 a parking requirement across all of those doesn't  
4 really address the issue, because of other ways that  
5 controls use, and I think you need to look at that  
6 and differentiate between private and municipal  
7 facilities.

8           MR. SALMAN: Madam Chair --

9           MR. MESSENGER: You may want to look at it  
10 in terms of private versus --

11          MS. KEON: Municipal facilities.

12          MR. MESSENGER: Private club versus --

13          MS. KEON: Municipal.

14          MR. MESSENGER: -- public access.

15          MS. KEON: Yeah.

16          MR. MESSENGER: Because you certainly --  
17 some of those private clubs may decide that their  
18 economic return isn't working and that they need to  
19 open up their membership, because they need to, you  
20 know, gain some additional revenues that way, and at  
21 that point, you want to impose, if you could, some  
22 additional requirements for those.

23          MS. KEON: But I think you need to look at  
24 that before you put a limitation based on the number  
25 of holes, because that may not be what is driving

1 use.

2 MR. MESSENGER: If there's a limitation on  
3 golf.

4 MR. RIEL: You need to indulge me for five  
5 more minutes, on the map.

6 MS. KEON: Okay.

7 MR. RIEL: Because I need to give you the  
8 map this evening.

9 MS. KEON: Okay.

10 MR. RIEL: Walter, do you want to hand these  
11 out?

12 I just need to -- I want to go briefly  
13 through the process that we've gotten to, in terms of  
14 redoing the map, okay?

15 (Simultaneous comments of Board Members)

16 MR. RIEL: First off, what we've done is,  
17 we've looked at the zoning map, and obviously, as a  
18 part of the rewrite of the Code, new zoning  
19 classifications were created. This is probably the  
20 first time since we had zoning in the City that we've  
21 looked at land use and zoning in terms of being  
22 compatible.

23 What we have identified, as you know, that  
24 Florida law requires that land use is basically the  
25 overriding force and that zoning needs to be

1 consistent with that, because obviously we have a  
2 land use plan that is approved by the State, which  
3 has goals, objectives and policies.

4           What we've done is, we've gone through the  
5 zoning map and we've identified 68 inconsistencies  
6 between the land use and zoning, which is quite a  
7 large number, and it's not uncommon for local  
8 governments to have that large of an inconsistency.  
9 And what you have in your packet here is a small  
10 version of these maps. This is the existing zoning  
11 map here, and then in your packet, we have identified  
12 each of the 68 inconsistencies, and if you just turn  
13 to the first page of -- open up the binder.  
14 Actually, 20 of those 68 are actually municipal  
15 properties --

16           MS. HERNANDEZ: Right.

17           MR. RIEL: -- that are inconsistent, which  
18 was good, because it was very helpful to cut that  
19 number down. So we had 48 other properties where we  
20 mailed out a certified notice and said that, "Your  
21 land use and zoning are inconsistent," and what we  
22 did is, we sent them a courtesy -- a certified  
23 letter, and we actually invited them to come in and  
24 explained to them what the inconsistency is.

25           If you look on the way we did the format

1 there, the top part of the page has the existing land  
2 use, the proposed land use, existing zoning, proposed  
3 zoning, an aerial view, as well as the new  
4 classifications.

5 We're giving this book to you, to -- if you  
6 desire to go through, and we numbered them 1 through  
7 68, the end result is the creation of the new zoning  
8 map, on the back part here -- on the last exhibit  
9 down here, I'm sorry. I'm very tired.

10 And the reason I have "Draft" put on these  
11 in such large fact is, in the next two months, we're  
12 going to be meeting, you know, again, trying to do  
13 some more outreach and working with these property  
14 owners.

15 We are, in fact, rezoning the entire City to  
16 new zoning classifications. We are actually going to  
17 send a notice out --

18 CHAIRWOMAN MORENO: To everyone.

19 MR. RIEL: -- to everyone in the City --

20 MR. KORGE: Good.

21 MR. RIEL: -- Notifying them --

22 MR. CARLSON: Every property owner within  
23 the City of Coral Gables --

24 CHAIRWOMAN MORENO: Yes.

25 MR. RIEL: Within the City, will get a

1 generalized letter that says, "As you know, we're  
2 redoing the Zoning Code. We're doing a rezoning map.  
3 We invite you to come in and we will walk you through  
4 and to understand the process."

5 We had to do it in a two-part process. One,  
6 we need to take the inconsistent properties and put  
7 them into the existing --

8 CHAIRWOMAN MORENO: Right.

9 MR. RIEL: -- categories, the correct  
10 categories, and then that will kind of be agenda item  
11 one, and then agenda item two will be taking all  
12 those corrected properties and then putting them into  
13 the new categories.

14 So it's a very complicated process, but we  
15 tried to simplify it.

16 MR. KORGE: Can this be published on the  
17 internet, as well?

18 MR. RIEL: We are going to publish  
19 everything on the internet --

20 MS. KEON: Right, but --

21 MR. RIEL: -- not necessarily all 68 --

22 MR. KORGE: Whatever you are going to have  
23 people -- invite people to look at.

24 MR. RIEL: Absolutely. We're going to have  
25 the maps --

1 MS. HERNANDEZ: Out of the 68, 20, as you  
2 said, were City properties --

3 MR. RIEL: City.

4 MS. HERNANDEZ: -- and then a large number  
5 are just merely technical issues.

6 MR. RIEL: Technical, right.

7 MS. HERNANDEZ: So you're talking about  
8 perhaps 17 properties where --

9 MR. RIEL: And we --

10 MS. HERNANDEZ: -- the property owner will  
11 be here before you with issues.

12 MR. RIEL: We've actually, out of the,  
13 amazingly, 48, we've had three or four that have been  
14 identified as problem properties. I expect that we  
15 had five or six. I think there's probably two more  
16 out there that are going to come forward, but, you  
17 know, we're trying to have the public understand this  
18 process as best we can. Obviously, there's going to  
19 a lot of questions as we go through this.

20 This hearing on the map, the final map, is  
21 not going to be until August. So we've got another  
22 two months to work out all the bugs, as I call it,  
23 and we're going to make this map available on the  
24 web, get it out to the public. Obviously, there's no  
25 public here to receive it, but we've had a lot of

1 interest in the map, so we're going to -- this is  
2 really -- we're trying to really spoon-feed this and  
3 make everybody understand, and the Commission also  
4 will receive the same information that you're  
5 receiving this evening, as well.

6 MS. HERNANDEZ: And we're meeting with the  
7 residents with problems, one on one, and --

8 MR. RIEL: Right, one on one, letters --

9 MS. HERNANDEZ: -- going through and  
10 explaining and asking them to retain counsel where  
11 they deem appropriate, but it is -- I don't -- we're  
12 not having too many bumps in the road on this  
13 process.

14 MR. RIEL: No, and we're -- you know, I've  
15 done this in three other cities. I guess I've  
16 learned from all my errors I've done in the past, and  
17 we're trying to make it as easy and understandable a  
18 process as we can.

19 MR. AIZENSTAT: Are we making sure -- let me  
20 backtrack. We've had problems in the past where  
21 we've had residents or property owners come before us  
22 and literally state that they have received no  
23 notice. Are we proceeding somehow to make sure that  
24 they receive a notice, or an acknowledgment? Are you  
25 following up with a phone call, or sending it

1 certified or something so we know?

2 MR. RIEL: It would be impossible for us to  
3 send 16,000 certified mail --

4 MR. AIZENSTAT: No, no, I'm talking about --

5 MS. KEON: No, the ones that you --

6 MR. AIZENSTAT: I'm talking about the 68.  
7 My concern is the 68.

8 (Simultaneous comments by Board Members)

9 MR. RIEL: Those 68 -- those 48 have gotten  
10 the certified letter, about three or four weeks ago.

11 MR. AIZENSTAT: And you've gotten all return  
12 signatures?

13 MR. CARLSON: I believe the vast majority.  
14 I don't know a hundred percent, but almost all.

15 MR. AIZENSTAT: I would just urge --

16 MR. RIEL: We will.

17 MR. AIZENSTAT: -- that you please don't  
18 give anybody an excuse to say to us that they were  
19 not aware of it.

20 MR. RIEL: Trust me, we're covering -- I'm  
21 covering all bases. Actually, Walter has been great.  
22 He's been doing this, and I'm sure I'm driving him  
23 nuts, making sure that we cover all the bases.

24 MR. KORGE: Correct me if I'm wrong. You  
25 said there were maybe five or six that are real

1 problems?

2 MR. RIEL: Ones that I knew that were going  
3 to come forward, and those are the ones, based upon,  
4 they have a desire to change their zoning or they  
5 feel differently about how their property should be  
6 used, and I'll just say that, at this point, we're  
7 still trying to work out all those bugs.

8 MR. KORGE: Those are people who have  
9 already come forward?

10 MR. RIEL: Yes.

11 MR. KORGE: So there may be other problems  
12 out there we're not aware of?

13 MR. RIEL: There could be, yes. Yes.

14 MR. AIZENSTAT: And when do you expect them  
15 to come forward before our Board?

16 MR. RIEL: I'm hoping in the next two  
17 months, you know, after we release this map. That's  
18 why we have "Draft" on this. There might -- there's  
19 going to be changes to this map.

20 MR. AIZENSTAT: Okay.

21 MR. RIEL: This is almost the identical map  
22 that was released a couple months ago, with some  
23 changes, but most of the errors we found were just  
24 basically inconsistencies, and they're technical  
25 errors, as Liz had indicated. You might have a

1 property owner that has -- like half of his lot might  
2 be in a different land use and zoning classification,  
3 or, you know, a right-of-way was, you know, dedicated  
4 or something and there was no land use or zoning  
5 assigned to it.

6           It's just, nobody has really looked at it  
7 from a comprehensive standpoint. They've only  
8 done -- in fact, the Comp Plan only requires to  
9 satisfy half of them by the year 2002, and there were  
10 70 identified back in 1995. We're going to take care  
11 of all of them. There's probably going to be three  
12 or four that we're not going to be able to take care  
13 of, as a part of the Zoning Code rewrite, but we'll  
14 get through this, you know, and that might not be by  
15 October/November, but the intent is to try to really  
16 get the information to folks.

17           If any of you would like to meet and want to  
18 better understand, both Walter and I are available to  
19 meet with you, but that's kind of a memo, in summary  
20 form, and to try to, again, simplify part one and  
21 part two.

22           We will probably put this on the web,  
23 probably not in the County aerials, but probably in  
24 its form, we'll probably have it on the web, because  
25 it's pretty easy to do, with the numbering system.

1           And I did meet with the Manager on the 20.  
2           I didn't send them anything certified, but we went  
3           basically through all the City parks and municipal  
4           facilities, such -- just for information, the back  
5           parking lot is zoned A-13, which is apartment. It  
6           allows a 13-story building on it. Obviously, that's  
7           not going to be built there, so we changed it to the  
8           appropriate land use.

9           That's all I have. And the only other thing  
10          I want to remind you, your financial disclosure forms  
11          are due July 1st.

12          MR. KORGE: That's right.

13          MR. RIEL: Please, I would strongly suggest  
14          you get them in on time and send them certified. I  
15          was one of the unfortunate, a year ago, to get fined,  
16          and had to go appeal it, because they didn't mail  
17          me -- I didn't get the notice mailed from the State  
18          and I didn't get it in on time. I ended up appealing  
19          it, and I ended up getting the \$1,500 waived, but now  
20          they're not being as lenient as they were in the  
21          past.

22          (Simultaneous comments by Board Members)

23          CHAIRWOMAN MORENO: Okay, I sent mine out  
24          already, and I didn't send it certified. How can I  
25          check that they got it?

1           MR. RIEL: Well, that's just my suggestion,  
2 send them certified.

3           CHAIRWOMAN MORENO: Maybe I'll send a  
4 duplicate.

5           MR. RIEL: Having gone through the appeal  
6 process, it was a nightmare.

7           MR. AIZENSTAT: Is there a part of it that  
8 gets sent to the City Clerk here, that we drop off?

9           MR. RIEL: You know what, you have to call  
10 the City Clerk.

11           MR. AIZENSTAT: I thought there was one part  
12 that goes to the city of Coral Gables.

13           MR. RIEL: I had to file mine with the  
14 County.

15           MR. STEFFENS: There's several different  
16 forms.

17           MR. RIEL: I don't know, yours is totally  
18 different, so I don't want to advise you on that.

19           MR. KORGE: Yeah, I think we file with the  
20 County, don't we?

21           MR. RIEL: I'm not sure.

22           MR. KORGE: I think that's right.

23           MR. RIEL: Please contact the Clerk's Office  
24 here.

25           MR. KORGE: The instructions tell you.

1           MR. STEFFENS:  There's multiple different  
2 forms.

3           MR. RIEL:  There's different forms.

4           MR. STEFFENS:  You might need some, and you  
5 might not need others.

6           MR. RIEL:  They go to different places.

7           MR. STEFFENS:  Different forms for different  
8 things that go to different places.

9           MR. KORGE:  They sent us one form.  That's  
10 all that --

11          MR. STEFFENS:  I got a package that's got  
12 four or five different forms in it.

13          MR. AIZENSTAT:  Eric, you sent us those  
14 packages?

15          MR. RIEL:  Yes.  Yes, I did.

16          MS. KEON:  Right.

17          MR. RIEL:  We got them from the Clerk's  
18 Office.

19          MS. KEON:  Okay, and we could call the  
20 Clerk's Office to confirm whether we turned it in or  
21 not?

22          MR. RIEL:  I don't think you -- You don't  
23 forward it to the Clerk's Office.  It either goes to  
24 the County or the State.

25          MR. KORGE:  The County.

1 MS. KEON: I thought I gave it to somebody.

2 MR. RIEL: If you send it to the clerk,  
3 they don't -- they're not responsible for sending  
4 it.

5 MS. KEON: Well, I gave it to somebody.

6 MR. KORGE: Read the instructions.

7 MR. RIEL: I just caution you --

8 MS. KEON: I don't even know where it is.

9 MR. RIEL: Jill knows what I had to go  
10 through. I got a letter four months later to appear  
11 in Tallahassee before a hearing, to appeal it, and  
12 obviously, I'm not going to go up to appeal a \$1,500  
13 fine, but I ended up getting it --

14 MR. STEFFENS: Do they treat the employees  
15 worse than the volunteers?

16 MR. RIEL: I don't know the answer to that.  
17 I know they were more lenient. That was a few years  
18 ago. Now they're not. I think it's like \$25 a day,  
19 and it's a maximum of 1,500, and so I'm reminding you  
20 to make sure you get them in by July 1st.

21 That's all I have.

22 MR. SALMAN: Madam Chair, before you adjourn  
23 the meeting, there's just one final item.

24 Since we're going to be dealing with some  
25 issues at our next meeting for pretty well known

1 institutions within the City, that are going to be  
2 impacted with regards to parking requirements, would  
3 it be prudent of this Board to advise them that there  
4 are issues concerning them, that are going to be  
5 discussed?

6 CHAIRWOMAN MORENO: I thought -- if we're  
7 talking about the golf course issues and all of that,  
8 I thought our recommendation was that Eric talk to  
9 those entities and get their input.

10 MR. RIEL: I will do my best to attempt  
11 to --

12 CHAIRWOMAN MORENO: And advise them to come  
13 and address us if they would like to do so.

14 MR. RIEL: I will invite them to come.  
15 We --

16 CHAIRWOMAN MORENO: I'd rather you --

17 MR. RIEL: They're not here tonight, but we  
18 do invite them to come. I just want you to  
19 understand that.

20 CHAIRWOMAN MORENO: Okay, but wait, there's  
21 inviting and there's inviting.

22 MR. SALMAN: Right.

23 CHAIRWOMAN MORENO: If you give a general  
24 notice that this is being discussed, that's one  
25 thing. If you're saying to them, "We're going to

1 impose parking requirements on you that are not there  
2 today," that is a different story.

3 MR. RIEL: I invite them -- I invite them to  
4 come because we're going to be discussing the parking  
5 requirements that deals with their facilities, and I  
6 have a separate e-mail notification list for each of  
7 these items that I e-mail to people.

8 MS. KEON: But it's different when you say  
9 we're imposing a requirement on you --

10 MR. KORGE: Right.

11 MS. KEON: -- that currently does not exist.

12 MR. RIEL: Well, what I do is, I give them  
13 the regulations and say, "If you have any comment,  
14 please -- "

15 MR. KORGE: If somebody reads this -- you've  
16 got to understand, nobody else cares.

17 MR. RIEL: I understand that, but I  
18 can't sit down with -- I mean, I do invite them in.

19 MR. KORGE: No, but I think we're trying to  
20 say something a little different, that, you know,  
21 with something that's very global, that's one thing,  
22 but these are like -- there are three or four  
23 facilities here that are unique facilities, special  
24 to the community, and they're going to be materially  
25 affected. It would be prudent that we hit them up

1 side the head with a two-by-four to let them know  
2 that they've got to deal with it.

3 MR. RIEL: Certainly on the golf courses --

4 CHAIRWOMAN MORENO: Okay, let's start off  
5 with the Biltmore, okay? Who is affected at the  
6 Biltmore? Is it the hotel or is it Coral Gables  
7 Parks & Recreation or --

8 MR. KORGE: Or is it the City?

9 CHAIRWOMAN MORENO: Or is it the City? Who  
10 is it? I don't know the answer.

11 MR. RIEL: Parks & Recreation, probably.

12 MS. KEON: But, also, there is a contract --

13 MR. KORGE: There's an operator.

14 MS. KEON: -- with the Biltmore, that's the  
15 operator of the facility, because the City isn't  
16 operating it. So that person has a vested interest  
17 in it, as well as --

18 MR. RIEL: I can tell you, on that  
19 particular thing, I met with the Parks & Recreation  
20 director, and also the City Manager, so --

21 CHAIRWOMAN MORENO: To say that we're  
22 imposing these requirements?

23 MR. KORGE: Did you talk to Gene Prescott?

24 MR. RIEL: I have not, personally.

25 MR. KORGE: Did anybody?

1 MR. RIEL: I don't know the answer to that.

2 MR. KORGE: Well, he needs to be contacted.

3 MR. RIEL: We'll do that.

4 MR. KORGE: And then --

5 MR. RIEL: I told you I would do that.

6 MR. KORGE: -- at these country clubs,  
7 Deering Bay and Riviera --

8 MR. RIEL: It's easy enough to do.

9 MR. KORGE: -- the managers there need to be  
10 advised, and then I guess -- I don't know, who's the  
11 Granada -- that's the City, right?

12 MR. RIEL: The City.

13 CHAIRWOMAN MORENO: Well, see, what I don't  
14 know is --

15 MS. KEON: The Biltmore also has the --

16 MR. STEFFENS: Operates the --

17 MS. KEON: -- the operation -- they operate  
18 Granada, as well.

19 CHAIRWOMAN MORENO: Okay, but -- guys, wait,  
20 wait, wait. If we're imposing requirements -- let's  
21 take Granada. We've got this guy now who's running  
22 the Granada facility.

23 MS. KEON: That's what we said, yes.

24 CHAIRWOMAN MORENO: Not the golf course,  
25 the guy from --

1 MR. STEFFENS: Burger Bob's?

2 MS. KEON: Burger Bob.

3 CHAIRWOMAN MORENO: No, the guy from --

4 MS. KEON: Oh, the --

5 CHAIRWOMAN MORENO: -- the St. Michel.

6 MS. KEON: Oh, the --

7 MR. STEFFENS: Oh, no, that's the --

8 MR. KORGE: That's the country club.

9 MR. STEFFENS: That's the country club --

10 MS. KEON: That's the country club.

11 MR. STEFFENS: -- across the street.

12 MS. KEON: But there's no association

13 between the golf course and the country club.

14 CHAIRWOMAN MORENO: Okay, so the parking

15 that we're imposing on the golf course does not

16 affect the parking for the country club at all?

17 MR. STEFFENS: No.

18 CHAIRWOMAN MORENO: Okay.

19 MR. RIEL: No, because they're not --

20 MR. STEFFENS: The country club came through

21 you, anyway, for --

22 CHAIRWOMAN MORENO: I remember. I remember

23 that.

24 MS. KEON: Right.

25 MR. KORGE: Yeah, but that's Parks &

1 Recreation.

2 MS. KEON: That's -- well, and the Biltmore,  
3 because the Biltmore is the operator of that golf  
4 course.

5 CHAIRWOMAN MORENO: What about Salvador  
6 Park?

7 MR. RIEL: Parks & Recreation.

8 CHAIRWOMAN MORENO: Parks & Recreation,  
9 right?

10 MR. RIEL: Absolutely.

11 MR. AIZENSTAT: All parks.

12 MR. RIEL: All parks.

13 MS. KEON: Well, then there's also -- well,  
14 but they contract that out to an individual.

15 MR. RIEL: But we govern what happens in  
16 those parks. We operate. We are the property  
17 owner. Even if we sub out, they have to meet by our  
18 rules and regulations. And all those uses are  
19 nonconforming uses. They were all constructed prior  
20 to the City having any parking requirements. The  
21 City didn't have parking requirements until 1964.  
22 You tell me which one of those facilities have been  
23 --

24 MS. KEON: But -- okay --

25 MR. RIEL: Because when the tennis courts

1       come in -- we had the difficulty when they were doing  
2       the expansion last time, in terms of telling them how  
3       many spaces they needed to have, because we didn't  
4       have any requirements.

5               MS. KEON:    Right, but you --

6               MR. RIEL:    And we had the neighbors  
7       breathing down our throat, because there wasn't  
8       enough parking for the facility.

9               CHAIRWOMAN MORENO:   Okay, but wait.

10              MR. RIEL:    Mr. Steffens knows quite well.

11              CHAIRWOMAN MORENO:   Let's separate it out.

12              MS. KEON:    Right.

13              CHAIRWOMAN MORENO:   Let's separate it out,  
14       because we've got Salvador, Venetian Pool, the  
15       Granada Country Club, those are pure -- Coral Gables  
16       Youth Center; those are pure municipal recreational  
17       facilities.

18              Then you've got the Biltmore, which is kind  
19       of a mix, because that same parking lot services the  
20       golf course and the hotel.

21              MR. STEFFENS:   That's five or six.

22              CHAIRWOMAN MORENO:   So how do we apportion  
23       what goes to the golf course and what goes to the  
24       hotel?

25              MR. STEFFENS:   That services the tennis

1 courts and the hotel.

2 CHAIRWOMAN MORENO: No, but the tennis  
3 courts are on the other side.

4 MR. KORGE: And the office.

5 MR. SALMAN: And the health club.

6 MR. KORGE: And the conference center.

7 CHAIRWOMAN MORENO: And the theater.

8 And the theater. So do you apportion that?

9 MS. KEON: Right.

10 CHAIRWOMAN MORENO: So, you know, if  
11 there's -- if we're requiring 180 spaces for golf,  
12 are we taking them away from the hotel?

13 MR. RIEL: Basically, look at all the uses,  
14 the mix of uses, and we look at a cumulative parking  
15 count, and if they want to increase -- you know, they  
16 want to put a retail shop in there and we find out,  
17 by evaluating it, that they're 200 places short,  
18 we're going to say, "Okay, that retail use, you've  
19 got to at least meet the current requirements."

20 MS. KEON: But if the retail use is a retail  
21 use to serve the clients that currently exist at the  
22 hotel, as opposed to outside retail.

23 MR. RIEL: See, we can't -- we don't do  
24 that. We --

25 MS. KEON: But you --

1           MR. RIEL: We try to operate -- I mean, the  
2 City needs to operate under the same standards as a  
3 private developer does. I mean, that's -- that's --  
4 that's --

5           CHAIRWOMAN MORENO: But the problem that you  
6 have is, now you're imposing a new requirement on  
7 that Biltmore golf course, that's going to swallow up  
8 all of their parking spaces. So now, whoever is  
9 running the Biltmore Hotel cannot put in an  
10 additional square foot of restaurant space, because  
11 there won't be enough parking. They can't put in a  
12 new little convenience store in the lobby, because  
13 there isn't enough parking.

14          MS. KEON: Or they may --

15          CHAIRWOMAN MORENO: That's why I'm saying  
16 they're impacted.

17          MR. RIEL: I think it's kind of a moot  
18 point, because it's considered a nonconforming use,  
19 so really -- it's really -- since it's a  
20 nonconforming, as long as they don't increase that  
21 nonconformity, and there's a percentage that they  
22 have to increase --

23          MS. KEON: But they're not --

24          MR. RIEL: -- they're not going to need to  
25 require any more parking.

1 MS. KEON: But if they're not increasing the  
2 square footage of the Biltmore -- but they can  
3 increase the use. If they want to take existing  
4 space and put in a little swimsuit shop, does that  
5 affect their --

6 MR. RIEL: I don't --

7 MS. KEON: They're not affected for that?

8 MR. RIEL: My guess is no.

9 MS. KEON: It would only be if they  
10 increased the amount of square footage, the  
11 footprint?

12 CHAIRWOMAN MORENO: But let's say they took  
13 and they wanted to put in another restaurant, which  
14 is a more intensive use. What would happen?

15 MR. RIEL: It would need to be considered  
16 a -- because we would -- it would be a nonconforming  
17 use. It's when you do an expansion, that's when it  
18 triggers.

19 MR. KORGE: Well, they had an expansion  
20 recently.

21 MR. RIEL: Right.

22 MR. KORGE: And what happened there?

23 MR. RIEL: I don't know the answer to that.  
24 I wasn't here at the time.

25 MR. KORGE: Well, because of the nature of

1 the facility, you can understand our concern.

2 MR. RIEL: I understand, and we'll have  
3 contact with the --

4 MS. KEON: But even with Salvador Park, they  
5 share space with St. Phillips, don't they, in that --

6 MR. RIEL: And that was a contentious issue,  
7 that took almost two and a half years --

8 MS. KEON: That's right. So, you know, who  
9 do you charge that space to? Do you do it to  
10 Salvador Park or do you do it to the church?

11 MR. RIEL: What ended up happening is, St.  
12 Phillips ended up using that -- sharing the  
13 private -- you know, the public spaces.

14 MS. KEON: That's right, so -- but -- so,  
15 then, you increase -- I mean, if you want to change  
16 the configuration or do something, you know, with  
17 Salvador Park, you know, are they penalized because  
18 they share spaces with St. --

19 CHAIRWOMAN MORENO: But the reality is, when  
20 we had the Salvador Park extension come before us,  
21 nobody talked about parking, because it was a  
22 municipal facility, so we didn't worry about it.

23 MS. KEON: So --

24 MR. STEFFENS: There's a big parking problem  
25 in that neighborhood.

1           CHAIRWOMAN MORENO: There was a big parking  
2 problem with St. Phillips, but not with the expansion  
3 of the Salvador tennis center.

4           MS. KEON: But the parking is not related,  
5 necessarily, to the recreational facility.

6           MR. RIEL: Because we didn't have any  
7 requirements for tennis courts.

8           MR. STEFFENS: But the combination --

9           MR. RIEL: That was the problem.

10          MS. KEON: I don't think it's -- well, I  
11 don't know.

12          CHAIRWOMAN MORENO: Anyway --

13          MS. KEON: Okay.

14          CHAIRWOMAN MORENO: -- I think all of that  
15 is very different.

16          MR. AIZENSTAT: Thank you.

17          MR. RIEL: Thank you.

18          MR. TEIN: Thank you.

19                 (Thereupon, the meeting was adjourned at  
20 11:00 p.m.)

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CERTIFICATE

STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

I, JOAN L. BAILEY, Registered Diplomate Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 22nd day of June, 2005.

JOAN L. BAILEY, RDR

Notary Commission Number DD 190412.  
My current notary commission expires 6/14/07.

