

CITY OF CORAL GABLES  
 PLANNING AND ZONING BOARD MEETING  
 ZONING CODE REWRITE  
 VERBATIM TRANSCRIPT

CORAL GABLES CITY COMMISSION CHAMBERS  
 405 BILTMORE WAY, CORAL GABLES  
 JULY 13, 2005, 6:25 P.M.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Board Members Present:

Cristina Moreno, Chairwoman  
 Robert Behar  
 Pat Keon  
 Tom Korge  
 Javier Salman

City Staff:

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

Also Participating:

Commissioner Raul "Ralph" Cabrera  
 Charles Siemon, Consultant

Public Speakers:

|                       | Page     |
|-----------------------|----------|
| Tucker Gibbs, Esq.    | 31       |
| Marc Alvarez          | 37       |
| Jaime Saldarriaga     | 45       |
| Juanita Greene        | 48       |
| Maria Cristina Longo  | 99       |
| Lucia Dougherty, Esq. | 144      |
| Zeke Guilford, Esq.   | 169, 206 |
| Jeffrey Bass, Esq.    | 221      |

1       THEREUPON:

2               The following proceedings were had:

3               CHAIRWOMAN MORENO: Good evening.

4               Jill, are you ready to call the roll?

5               MS. MENENDEZ-DURAN: Eibi Aizenstat?

6               Robert Behar?

7               MR. BEHAR: Here.

8               MS. MENENDEZ-DURAN: Pat Keon?

9               MS. KEON: Here.

10              MS. MENENDEZ-DURAN: Tom Korge?

11              MR. KORGE: Here.

12              MS. MENENDEZ-DURAN: Javier Salman?

13              MR. SALMAN: Here.

14              MS. MENENDEZ-DURAN: Michael Tein?

15              Cristina Moreno?

16              CHAIRWOMAN MORENO: Yes.

17              I'd like to welcome all of you, and I'd like

18              to invite Commissioner Cabrera to come up and address

19              us briefly. Thank you. Or lengthily, as you prefer.

20              COMMISSIONER CABRERA: Pardon me?

21              CHAIRWOMAN MORENO: Or lengthily, as you

22              prefer.

23              COMMISSIONER CABRERA: Whatever you say,

24              Madam Chair.

25              I'd like to just take this opportunity --

1 I'll try to be very brief. I'd like to just take  
2 this opportunity to welcome --

3 MAN IN AUDIENCE: We can't hear.

4 COMMISSIONER CABRERA: I'll do my best.  
5 I'll start all over again, okay?

6 MAN IN AUDIENCE: Thank you.

7 COMMISSIONER CABRERA: Take two. I'd like  
8 to take this opportunity to welcome all the new  
9 members of the Planning Board, including my own new  
10 appointment, Mr. Robert Behar. Mr. Behar is a  
11 long-time Coral Gables resident, a personal friend,  
12 and a very accomplished architect here in South  
13 Florida.

14 And I'd also like to take this opportunity  
15 to welcome Mr. Salman, who's also a friend and  
16 practically a neighbor, in my own neighborhood.

17 So, gentlemen, I wish you Godspeed in this  
18 new challenge as members of the Planning Board, and I  
19 say that because I continue to watch you, live, at  
20 least once a month, on the Channel 77. We only get  
21 two choices in my home, Channel 77 or the Cartoon  
22 Network, and on Channel 77, I do get to watch you and  
23 stay up late watching your proceedings.

24 I wanted to thank you for your hard work,  
25 and I can't do this on behalf of the entire

1 Commission, but I do it on behalf of my office,  
2 because I see how dedicated each and every one of you  
3 are and how you take the time to thoughtfully think  
4 through the issues that are affecting our City and  
5 the future of our City.

6           So, once again, I welcome my new Board  
7 members. I wish you all Godspeed. I know you have  
8 lots of work tonight. You've got a lively audience  
9 back here. I urge you to speak up, and if I can be  
10 of help to any of you outside of these public  
11 hearings, whether it's to pick my brain or to discuss  
12 matters that you think are important to our City, I  
13 certainly welcome you to stop by my office, contact  
14 me. I will be around for the next four years,  
15 whether you like it or not. So I really do look  
16 forward to the opportunity of getting to know you a  
17 little bit better, on an individual basis.

18           Any questions of me?

19           CHAIRWOMAN MORENO: Thank you.

20           COMMISSIONER CABRERA: Thank you, Madam  
21 Chair. Have a good meeting.

22           CHAIRWOMAN MORENO: Thank you very much for  
23 coming.

24           COMMISSIONER CABRERA: I'll watch you from  
25 my office.

1 CHAIRWOMAN MORENO: Thank you.

2 COMMISSIONER CABRERA: Was that loud enough,  
3 sir?

4 MAN IN AUDIENCE: You didn't say anything,  
5 but it was loud.

6 COMMISSIONER CABRERA: I'm a politician,  
7 what can I say?

8 CHAIRWOMAN MORENO: Mr. Riel, I believe the  
9 first order of business should be to name or elect  
10 the new vice-chairman. Would that be correct?

11 MR. RIEL: It's -- you can do that.  
12 Typically, I will tell you, we've usually waited  
13 until we've had a full Board.

14 CHAIRWOMAN MORENO: Okay.

15 MR. RIEL: Whatever you would like to do. I  
16 know, in the past, we've done that, and we've  
17 actually delayed that actual appointment a number of  
18 months because we did have some difficulty, but my  
19 suggestion is, I would wait until we had a full  
20 Board.

21 CHAIRWOMAN MORENO: Then we'll wait until  
22 the next Board meeting and hope we can achieve that  
23 then.

24 The next item is approval of the minutes of  
25 June 8th and June 15th.

1 Liz?

2 MS. HERNANDEZ: Uh-huh. Yes, ma'am?

3 CHAIRWOMAN MORENO: I do not believe we have  
4 enough persons present who were present at those  
5 meetings. Is there a problem with approving these  
6 verbatim transcripts?

7 MS. HERNANDEZ: Yes, there is a problem.  
8 Until you have a sufficient number of members that  
9 were present at those meetings, you can't.

10 CHAIRWOMAN MORENO: Okay. So we'll need to  
11 skip over those two items.

12 The next item is the Zoning Code rewrite  
13 provisions. We're going to be discussing Article 3,  
14 Division 10, the Transfer of Development Rights,  
15 Article 4, Zoning Districts, the Residential  
16 Districts, not including the single-family  
17 regulations, and Division 2, Overlay and Special  
18 Purpose Districts.

19 If there's any member of the audience that  
20 intends to speak on any of these topics, you do need  
21 to sign in with Jill, give her a card and all the  
22 information that she needs. So I invite anybody who  
23 plans to speak to do that now.

24 Okay, then, is Mr. Siemon going to start us  
25 off?

1 MR. RIEL: Yes. While he's coming up, let  
2 me just go over a couple of things.

3 We do have copies the information that is  
4 going to be discussed this evening over here with  
5 Jill. Also, we have the updated comments that we've  
6 received to date. It's Comments Part 3. There's  
7 obviously a Part 2 and a 1. We've received extensive  
8 comments, but from this point forward, we're just  
9 going to be giving you the most recent comments.

10 As we have done in the past, we have  
11 attached, as Attachment C, a tracking chart, which  
12 shows the Planning & Zoning Board's recommendation on  
13 the various articles. When we began this process,  
14 probably about seven or eight months ago, it shows a  
15 brief summary of your recommendations, and then  
16 Attachment D -- We began this process with policy  
17 direction, and this is the policy matrix that was the  
18 basis for the actual rewrite, and we just continue to  
19 give you and remind you that we have this information  
20 available, and it's more so for the public, as well,  
21 in terms of so they understand that this is not the  
22 first opportunity to discuss the issues that are on  
23 the agenda this evening. These are actually the  
24 second or third opportunity to discuss that.

25 So, with that, I'll turn it over to Mr.

1 Charlie Siemon, who will be going through each of the  
2 articles.

3 MR. SIEMON: Good evening, Madam Chairman,  
4 Members of the Board.

5 Tonight we have portions of two articles  
6 that we're going to review, and we're going to try to  
7 go through them in some orderly fashion.

8 The first is Article 3, Development Review.  
9 This is Division 10, Transfer of Development Rights,  
10 which is Page 1 of 3 in your package.

11 The subject of transfer of development  
12 rights has been discussed a great deal. When we did  
13 the moratorium ordinance, those of you who were  
14 sitting on the Board know at that time there were a  
15 number of neighbors who participated in that process  
16 who proposed that transfer of development rights be  
17 used to provide an alternative to some of the more  
18 intensely zoned residential neighborhoods, in close  
19 proximity to lower density residential neighborhoods.

20 One of the challenges was where those rights  
21 could be transferred to, and one of the things that  
22 has transpired since that effort, as you know, we've  
23 gone through the North Ponce area, arrived at some  
24 policy directions, and learned that the possibility  
25 of transferring rights from other portions of the

1 City to North Ponce probably has a relatively limited  
2 opportunity, because we already have, as you know,  
3 significant densities, probably more than the North  
4 Ponce area can actually accommodate, and so this  
5 provision does not include, as drafted, matters that  
6 would allow the areas that were subject to the  
7 moratorium area, those rights to be relocated to  
8 North Ponce.

9           There is some provision to deal within North  
10 Ponce, that rights could be transferred to achieve  
11 some objectives for preservation of buildings,  
12 individual buildings, of historic consideration  
13 and/or to consolidate uses, maybe preserve open  
14 space, lots, whatever.

15           But with that overview, I would suggest to  
16 you that Section 3-1001 and 3-1002 are relatively --  
17 they're only editorial comments in those two  
18 provisions on Page 1, and that they just reflect the  
19 deliberations of this Board on prior drafts, as we've  
20 worked through the process.

21           In Section 3-1003, most of the edits are, in  
22 fact, procedural -- just clarifications. For  
23 example, there was a limit on 25 percent, but we've  
24 added a maximum of 25 percent to make it clear that's  
25 what, in fact, the regulation means.

1           There is, on Page 2 of 3, in Subsection  
2 C2 -- C1, excuse me, you'll see that we have changed,  
3 as we have done in many other districts, we have  
4 moved from using stories as the measure of height,  
5 to height, because there's been a lot of ambiguity  
6 and confusion and inconsistency in terms of  
7 treatment, and so, as we did in other districts, we  
8 have settled on a height, and two stories to 20 feet  
9 was the recommendation that we've come up with,  
10 working with Staff.

11           So that's C1, and that is a substantive  
12 change from a prior draft.

13           CHAIRWOMAN MORENO: Mr. Siemon, C2 makes no  
14 sense, that introductory language.

15           MR. SIEMON: C2?

16           CHAIRWOMAN MORENO: The way that I have it  
17 is, "Provided that the sending site for TDRs is a  
18 receiving site in the North Ponce area," comma, "a  
19 receiving site in the North Ponce area" -- something  
20 is wrong there.

21           MR. KORGE: Provided, that probably means  
22 if.

23           CHAIRWOMAN MORENO: Yeah, but where's the  
24 sending site? This says the sending site is a  
25 receiving site in North Ponce. The sending site

1 cannot be the receiving site.

2 MR. SIEMON: This is intended to say that a  
3 sending -- provided that the sending site for TDRs is  
4 in the North Ponce area --

5 CHAIRWOMAN MORENO: Okay.

6 MR. SIEMON: -- a receiving site -- the  
7 receiving sites in the North Ponce area are -- in  
8 other words, this is an internal transfer, only  
9 within the North Ponce area, and I can't explain to  
10 you that edit in the first language, but it should  
11 say, "Provided the sending site for TDRs is in the  
12 North Ponce area, a receiving site in the North Ponce  
13 area are," and each of these circumstances:  
14 Extending the commercial depth by an additional 100  
15 feet, two dwelling units per TDR for a receiving site  
16 which is adjacent to Ponce, that's not in the  
17 back, and one dwelling unit per TDR for a receiving  
18 site in the North Ponce area that's not on Ponce de  
19 Leon. So those are internal transfers.

20 CHAIRWOMAN MORENO: Okay, and I think the  
21 last word of that, too, should be "area," not are.

22 MR. SIEMON: Yes, ma'am. That's why it's  
23 capitalized.

24 CHAIRWOMAN MORENO: So what you're saying is  
25 that the sending site is -- the sending site can be a

1 sending site only if it meets the historic criteria?

2 MR. SIEMON: That's correct.

3 CHAIRWOMAN MORENO: So, if it is in the  
4 North Ponce area, then a sending site in the North  
5 Ponce area may receive those TDRs for these purposes  
6 only.

7 MR. SIEMON: That's correct.

8 CHAIRWOMAN MORENO: Okay.

9 MR. SIEMON: 3-1004 provides that the --  
10 that TDRs are approved as a major conditional use,  
11 which is a Commission decision, but there is an  
12 addition that the Historic Preservation Board shall  
13 review all receiving sites within 500 feet of a  
14 historic designated building, and the following  
15 criteria in Subsection B shall be met.

16 Previously, the review of the Historic  
17 Preservation Board was within sites that were  
18 designated or landmark districts. This says it's  
19 within 500 feet of a historic resource, they have a  
20 right, an opportunity to review the designation of  
21 use of TDRs on a receiver site, and then there are a  
22 series of standards which are set out in the balance  
23 of 3-1004, B, of that section.

24 And as you know, the historic -- the  
25 record-keeping for the transfer of rights has in the

1 past been kept by the Historic Preservation Office,  
2 and that is maintained, even though there are some  
3 circumstances now that may involve, in the North  
4 Ponce area, transfers for other reasons.

5 Other than that, I really have no further  
6 information to offer you with regard to this. We've  
7 worked close with Dona in the Historic Preservation  
8 Office, with regard to this program. We did give a  
9 lot of consideration about expanding the potential  
10 application of it, but every place that we -- that  
11 had been identified as a potential receiving site  
12 already has a significant underlying zoning, most of  
13 it at 40 units per acre.

14 CHAIRWOMAN MORENO: I'm looking at this, and  
15 I know that when we considered this before, we had  
16 two concerns with respect to the sending properties,  
17 and I don't see them in here, but maybe they're  
18 somewhere else.

19 One was that a covenant would go against  
20 that property, requiring that the property be  
21 maintained as a historical property, in other words,  
22 ensuring to the City that the benefit it was  
23 realizing from allowing these TDRs would be  
24 maintained and the property would be preserved as a  
25 historic property, and the second one was that if you

1 transfer your development rights, you can't, if the  
2 building is demolished for reasons outside your  
3 control or whatever, come back and rebuild higher,  
4 that it was a permanent transfer, and I guess it's  
5 somewhere else, because I don't see it here.

6 MR. BEHAR: It's in the last page.

7 MR. RIEL: Item number one is in the  
8 Historic Preservation Ordinance, so that's covered in  
9 that. Item number two, I'm not sure.

10 MR. SIEMON: It's in 3105, on Page 3 of 3.

11 CHAIRWOMAN MORENO: No, I guess maybe I'm  
12 just not understanding it. I want it to say that if  
13 you transfer four stories of your development, you  
14 can't rebuild it. Does that say that?

15 It just says the use of all TDRs approved  
16 together with restrictions imposed on sending and  
17 receiving sites will be recorded in the affected  
18 property deeds, but where does it say that if I have  
19 a two-story building that I can take to six stories,  
20 and that building is demolished, I can't go back and  
21 get my six stories?

22 MR. SALMAN: It says it shall be registered  
23 as a restriction on the affected properties.

24 CHAIRWOMAN MORENO: Yeah, but what's the  
25 restriction that's going to be registered?

1 MS. KEON: Right, what's --

2 CHAIRWOMAN MORENO: That's what I'm asking.

3 MS. KEON: Where is it?

4 CHAIRWOMAN MORENO: To me, it's vague. It  
5 doesn't say what restriction will be registered.

6 MR. KORGE: That depends on what's been  
7 granted, I think.

8 CHAIRWOMAN MORENO: My understanding of TDRs  
9 is, you're giving away floor space.

10 Am I misunderstanding that, Eric?

11 MR. RIEL: That's correct.

12 MR. SIEMON: Correct.

13 CHAIRWOMAN MORENO: So it seems to me that  
14 we need to say what restriction is going to go on  
15 that deed.

16 MR. RIEL: Okay.

17 CHAIRWOMAN MORENO: And to me, there two  
18 that were important. One was preservation of the  
19 historic property, and the second one was the  
20 permanent giving away of that excess height.

21 MR. RIEL: Okay.

22 MS. KEON: Are they -- are the restrictions  
23 currently determined at the Commission level, or they  
24 come as recommendations, so there are not guidelines  
25 for what those restrictions are, currently?

1 MR. SIEMON: Well, the restrictions are that  
2 the rights have been transferred to another property,  
3 and that fact is recorded.

4 MS. KEON: Okay.

5 MR. SIEMON: I think the Chair is just  
6 suggesting that we --

7 MS. KEON: Right, and that's the only --

8 MR. SIEMON: -- explicate that in this.

9 MS. KEON: Oh, okay, and that's the only  
10 restriction, then?

11 MR. SIEMON: Yes. That's the recorded  
12 restriction.

13 MS. KEON: Okay. So you're going to  
14 define --

15 CHAIRWOMAN MORENO: I want at least --

16 MS. KEON: -- identify --

17 CHAIRWOMAN MORENO: -- at least the  
18 identified restriction, which is the extra floors,  
19 made clear, and if the Commission imposes additional  
20 restrictions, then that is at their prerogative, but  
21 for our purposes, my understanding is, one of the  
22 principal reasons for TDRs is to take away excess  
23 floor area and height, transfer it to another  
24 property. Now that property is going to use it up.  
25 You can't go back and use it on the original

1 property.

2 MR. KORGE: Well, I thought it was pretty  
3 clear, but if you could make it more explicit, that  
4 would be helpful.

5 MR. SIEMON: I think so.

6 MR. KORGE: Also, instead of registered as a  
7 restriction on the affected property, you know what  
8 to say, but it should be something to the effect of  
9 recorded in the public records, you know, so --

10 CHAIRWOMAN MORENO: Okay, is there anyone in  
11 the public who's going to speak on this issue?

12 MR. KORGE: Before you get to that, I had  
13 one other -- one other comment.

14 Section 3-1004, Paragraph B2, the last line  
15 of that paragraph, "the reasons why such departures  
16 are or are not deemed to be in the public interest,"  
17 shouldn't it just be "why they are deemed to be in  
18 the public interest," because if they're not in the  
19 public interest, I would assume that the application  
20 would fail.

21 MS. HERNANDEZ: Correct.

22 CHAIRWOMAN MORENO: Uh-huh.

23 MR. KORGE: So, I mean, you might think  
24 about it, but I think you should delete "or are not"  
25 from that line.

1           MR. SIEMON: I believe that language is from  
2 the existing Code, and I think your suggestion is a  
3 good one, and rather than "deemed," I think it should  
4 be "determined to be in the public interest," rather  
5 than deemed.

6           MR. KORGE: And are these -- All of these  
7 have to be met; is that correct?

8           MR. SIEMON: Yes, in B.

9           MR. KORGE: You might want to just insert,  
10 before "the following," the word "all" -- "all the  
11 following." It just wasn't clear to me, you know,  
12 whether it was all or some of them, whatever that --

13           MR. SIEMON: With your permission, I would  
14 make it, "satisfies each of the following standards."

15           MR. KORGE: Whatever, each.

16           CHAIRWOMAN MORENO: Great.

17           MR. SIEMON: Instead of "all."

18           CHAIRWOMAN MORENO: Okay. Do we --

19           MS. KEON: Could I ask one more question?

20           CHAIRWOMAN MORENO: Yes.

21           MS. KEON: Just for clarification.

22           Under C, the criteria for development of  
23 receiving sites, you said you can increase the size  
24 of the building that is the receiving by 25 percent.  
25 Is that over and -- Do they get additional given to

1       them for -- Do they get the Mediterranean Ordinance  
2       and then the 25 percent goes on top of that?

3               MR. SIEMON:  Yes, ma'am.

4               MS. KEON:  So it really compounds itself.  
5       Do you give them the 25 percent before you add the  
6       bonus for the Mediterranean?

7               MR. KORGE:  Right.

8               MR. SIEMON:  Yes.

9               MR. KORGE:  Right, that's the question.  It  
10       should be clear, one way or the other.

11              MS. KEON:  It should be clear, one way or  
12       the other, because that should really identify it,  
13       because you're compounding it.  If you then add the  
14       Mediterranean and then you add the 25 percent on  
15       that, you're getting a larger building than if you  
16       are getting the 25 percent and then you get whatever  
17       you get for the Mediterranean.  You know, it should  
18       be determined so that you end up where you want to be  
19       and not allowed that kind of growth.

20              MR. SIEMON:  Let me just make sure that I  
21       understand what you are recommending.  That the bonus  
22       FAR be a percentage of the permitted base, not of the  
23       base plus the Mediterranean?

24              MS. KEON:  Right, the permitted base.

25              MR. SIEMON:  Yeah.

1 MS. KEON: Is that acceptable?

2 MR. SIEMON: I think we'll have to define  
3 base FAR, but that's probably worth doing.

4 CHAIRWOMAN MORENO: Right, yes.

5 MS. KEON: I just -- yeah.

6 MR. SIEMON: I think that's the way it's  
7 been applied, hasn't it, Eric?

8 MR. RIEL: I can't answer that, to be honest  
9 with you.

10 MS. KEON: I don't think -- Somehow, I keep  
11 thinking it's --

12 MR. KORGE: It's been used?

13 CHAIRWOMAN MORENO: Yes.

14 MS. KEON: -- a compounding sort of thing.  
15 It's used to maximize.

16 MR. SIEMON: It's been used to maximize  
17 the FAR.

18 MS. KEON: To make it as big as you can make  
19 it.

20 MR. SIEMON: It's my understanding that it's  
21 been used as 25 percent of the base plus whatever the  
22 Mediterranean is, it's another 25 percent of the base  
23 or whatever it is, but --

24 MR. RIEL: We've only had two -- two or  
25 three projects since the inception of these

1 regulations.

2 MS. KEON: Okay, but those should be just on  
3 the base, not on the --

4 MR. SIEMON: Right.

5 MS. KEON: -- adjusted.

6 MR. SIEMON: I understand, and I'll make  
7 that change, unless there's an objection.

8 MS. KEON: Is the --

9 MR. SIEMON: And that's typical of how a  
10 bonus provision would work. All the bonuses that are  
11 available would work off the base and not --

12 MS. KEON: Right, but unless it's defined  
13 that way --

14 MR. SIEMON: Correct.

15 MS. KEON: -- it can be interpreted  
16 differently.

17 Also, with the transfer of development  
18 rights, are the areas in which -- now, if you -- if  
19 the sending site is in the North Ponce area, it can  
20 only be used in the North Ponce area; is that right?

21 MR. SIEMON: That's correct.

22 MS. KEON: And what about if it's in -- the  
23 sending has to be in the Central Business District to  
24 be used in the Central Business District?

25 MR. SIEMON: That's correct, as this is

1 drafted.

2 MS. KEON: Okay, and your belief is that all  
3 those areas are small enough that you are maintaining  
4 the proportions of those districts when transferring  
5 them, you're not like transferring them so far that  
6 it affects the density within a particular district,  
7 out of proportion to --

8 MR. SIEMON: The transfer provisions for the  
9 CBD are the ones that are currently in the Code.

10 MR. RIEL: Yeah.

11 MR. SIEMON: And we have not gone and  
12 independently re-evaluated the net cumulative effect  
13 of potential transfers. We have done that in North  
14 Ponce, and feel comfortable with what is set out here  
15 as the limitations.

16 MS. KEON: Yeah, but it was my  
17 understanding -- the first time I had ever seen  
18 development rights -- the transfer of development  
19 rights or air rights, generally, I mean, initially, I  
20 had seen them in other cities on adjacent properties,  
21 or properties on the same block. I mean, they really  
22 were very -- you know, so that you didn't end up  
23 with, you know, blocks and areas that were way out of  
24 scale to neighboring blocks or whatever. And I'm  
25 asking you, from your area of expertise, does it make

1 a difference how far you are, the distance from  
2 which, you know, the receiving and the sending sites  
3 are?

4 MR. SIEMON: In my experience, the important  
5 criteria is where the receiving site is and what its  
6 character is, not how far it is from the sending  
7 site. You may have a sending site that's in an area  
8 that has a lot of sensitive landscapes, and moving it  
9 to the CBD, even though it may be a substantial  
10 distance, is the place where the additional density  
11 can be absorbed in a better way than loss of a  
12 historic structure.

13 CHAIRWOMAN MORENO: In fact, one of the  
14 things we're doing is, we're limiting the sending  
15 sites to historic structures and then we're asking  
16 that the receiving site not be within 500 feet of a  
17 historic structure unless the Historic Preservation  
18 Board approves. So we are already envisioning that  
19 they're not going to be next to each other, to  
20 preserve the historic structure.

21 But I'd like to follow up on Ms. Keon's  
22 question. I do not read the limitation in here that  
23 you have proposed -- to me, a sending site could be  
24 any historic property and a receiving site could be  
25 any of the three you've listed in B. It doesn't say

1 CBD to CBD and North Ponce to North Ponce, unless --

2 MR. SIEMON: The sending sites are described  
3 in A1.

4 CHAIRWOMAN MORENO: Right.

5 MR. SIEMON: It's there, and then where the  
6 receiving sites are, the three here which are  
7 designated, and the -- then there are criteria, with  
8 regard to the North Ponce area, that limits further  
9 where they can be located.

10 CHAIRWOMAN MORENO: But let's say I have a  
11 sending site in the CBD area.

12 MR. SIEMON: Yes, ma'am.

13 CHAIRWOMAN MORENO: Can I send it to North  
14 Ponce?

15 MR. SIEMON: You cannot.

16 CHAIRWOMAN MORENO: Why?

17 MR. SIEMON: Because the criteria for  
18 receiving areas in C2 on the next page says that the  
19 receiving sites in the North Ponce area are only for  
20 transfers from sending sites in the North Ponce area.

21 MR. KORGE: Could you write it that way,  
22 perchance?

23 CHAIRWOMAN MORENO: Because what this says  
24 is, provided that the sending site is in the North  
25 Ponce area, these provisions apply. But nowhere does

1 it say what happens if the sending site is in the  
2 CBD. So, to me, the way I would read it --

3 MR. SIEMON: It's intended -- it's intended  
4 to say that CBD rights can't be transferred to North  
5 Ponce.

6 MR. KORGE: I guess what I'd say, I would  
7 suggest that maybe that Paragraph 2 needs, you know,  
8 just another rewrite, to get across what you were  
9 saying to us more clearly just now.

10 CHAIRWOMAN MORENO: And I guess the  
11 corollary of that is, if the sending site is in the  
12 North Ponce area, you're telling us the receiving  
13 site cannot be in the CBD?

14 MR. RIEL: Correct.

15 CHAIRWOMAN MORENO: And I certainly do not  
16 read that anywhere.

17 MS. KEON: Yeah. You said that when you  
18 spoke. That's why --

19 MR. SIEMON: I think in North Ponce --

20 MS. KEON: -- I was asking you for  
21 clarification. But it doesn't seem to say that.

22 MR. SIEMON: I may have misspoken, if I said  
23 it. I think North Ponce rights that could be  
24 transferred, could be transferred to the CBD.

25 CHAIRWOMAN MORENO: Okay. I think it just

1 needs to be made clearer.

2 MR. SIEMON: TDRs may be used in the North  
3 Ponce receiving -- on receiving sites in the North  
4 Ponce area only if the sending site --

5 CHAIRWOMAN MORENO: If the sending site --

6 MR. SIEMON: -- is located in the North  
7 Ponce.

8 CHAIRWOMAN MORENO: Okay.

9 MR. SIEMON: That's what I intended to  
10 say, and we will rewrite that.

11 MS. KEON: Oh, okay. So you maintain the  
12 sort of overall density, then, within that North  
13 Ponce area by doing that. Okay.

14 CHAIRWOMAN MORENO: So 3-1003, B2, will say  
15 the North Ponce area, but only if the sending site is  
16 in the North Ponce area?

17 MR. SIEMON: Right.

18 CHAIRWOMAN MORENO: Okay.

19 MR. SIEMON: But there's not a similar  
20 limitation on the CBD.

21 MS. KEON: Right.

22 MR. SIEMON: They can come from any other --  
23 any sender site.

24 CHAIRWOMAN MORENO: And you say  
25 historically designated properties may be a receiving

1 site? Give me an example of when that would happen.

2 MR. SIEMON: I can't. I cannot give you an  
3 example of that. That's in the existing Code, and  
4 Dona reviewed it, and frankly, we relied upon Dona.  
5 I don't know if --

6 Do you have any recollection?

7 MS. HERNANDEZ: No.

8 MS. KEON: Maybe if you would ask her to  
9 clarify that, to look at that again.

10 MR. SIEMON: Okay, maybe we can clarify it.

11 MR. RIEL: I can tell you that Dona did look  
12 at this, the day before you got it, but we'll clarify  
13 it.

14 CHAIRWOMAN MORENO: But it doesn't make  
15 sense to me that a historically designated property  
16 would be a receiving site, unless you're talking  
17 about, you know, kind of what happened at the  
18 Colonnade, where the historic property is in the  
19 front and then they moved it back and -- but I'm not  
20 sure that that's a historic property as a receiving  
21 site.

22 Okay. Are we done?

23 MS. KEON: Can I ask one more question?

24 MR. SIEMON: I do believe that's the  
25 circumstance that was described, but my memory is

1 slightly fuzzy on that. I did ask that question at  
2 one time, and there was not a change indicated, but I  
3 can't --

4 MS. KEON: I have one more question.

5 If you have a site that is -- when you have  
6 a very -- like in the North Ponce area, isn't Coral  
7 Gables Elementary in that North Ponce area? That's  
8 in that area, right?

9 MR. RIEL: Yes.

10 MR. SIEMON: Yes.

11 MS. KEON: That's a huge -- I mean, that's a  
12 very large site, which would have a lot of --

13 CHAIRWOMAN MORENO: I think we've taken the  
14 position -- Liz, correct me -- that the School Board  
15 cannot send those rights.

16 MS. HERNANDEZ: There has not been a final  
17 decision made by the City Commission on that. It  
18 went on first reading, and the School Board requested  
19 that the City delay second reading on that, in order  
20 to reach compromise.

21 The compromise offered by the School Board  
22 was that they would submit Coral Gables Elementary to  
23 all of the City of Coral Gables zoning and land use  
24 regulations voluntarily, if the City allowed them to  
25 be able to keep and use the TDRs, because their

1 intention was to sell those TDRs in order to maintain  
2 the historic building. There has been no final  
3 resolution on that issue.

4 MS. KEON: Because that's a huge site.

5 CHAIRWOMAN MORENO: Right. I think Liz took  
6 the position that they couldn't claim to be subject  
7 to our Code for their benefit, but not subject to our  
8 Code when they didn't like it, so what she's talking  
9 about is the compromise that they've been working on.

10 MS. KEON: So that's still to be worked  
11 out, then?

12 MS. HERNANDEZ: That's still being debated,  
13 two years later.

14 MR. RIEL: Three years later.

15 MS. HERNANDEZ: Oh, three years later.

16 MS. KEON: Do you think that it --

17 MS. HERNANDEZ: It's coming to a head.  
18 Hopefully we'll be resolving this by September.

19 MR. RIEL: That issue first came to the  
20 Board in 2001.

21 MS. KEON: Yeah, I thought I had heard it  
22 before, but I didn't --

23 MR. RIEL: It had come to the Board, in  
24 fact, on two or three occasions in 2001.

25 MS. HERNANDEZ: Obviously, the City wants to

1 preserve the building.

2 MS. KEON: Sure.

3 MS. HERNANDEZ: But at the same time, the  
4 concern is that the number of TDRs is huge.

5 Is it 312,000?

6 MR. RIEL: About 200,000.

7 MS. HERNANDEZ: 200,000 square feet.

8 MS. KEON: Can you limit the amount of TDRs  
9 that can be transferred on any site?

10 MS. HERNANDEZ: Well, we initially had. We  
11 initially started with 50 percent of publicly-owned  
12 land. Then I believe we went to a hundred percent,  
13 and then the intention was to go back to 50 percent,  
14 and then the intention was to do away with it  
15 completely, and then we stopped, and we have been  
16 discussing what we can do, because the intention --  
17 the ultimate goal is to preserve the historic  
18 buildings.

19 MS. KEON: Sure.

20 MS. HERNANDEZ: And we're trying to reach  
21 compromise.

22 MS. KEON: But that's a site that's huge.

23 Okay, I'll wait.

24 CHAIRWOMAN MORENO: Okay. Then, again, I  
25 invite anybody in the public wanting to speak on this

1 issue, please come up.

2 Okay, then the public hearing is closed.

3 MR. SIEMON: I think there is one speaker.

4 CHAIRWOMAN MORENO: Sorry.

5 MR. GIBBS: You know I couldn't resist  
6 talking about transfer of development rights.

7 My name is Tucker Gibbs, with law offices at  
8 215 Grand Avenue, and I'm representing the Valencia  
9 Homeowners' Association.

10 CHAIRWOMAN MORENO: Okay, I'm sorry, I don't  
11 think you've been sworn in.

12 (Thereupon, Mr. Gibbs was duly sworn by the  
13 court reporter.)

14 MR. GIBBS: Good evening. I know most of  
15 you have heard this presentation regarding transfer  
16 development rights from my clients. I wanted to talk  
17 to you all about the ordinance that's been put in  
18 front of you, the amendments, and this has been our  
19 issue, as you all know, from the beginning on this.

20 The problem is that this TDR ordinance only  
21 deals with historic properties, and while we firmly  
22 believe that historic properties do need this help,  
23 and the City needs this, we also think that other  
24 neighborhoods also could use this kind of assistance,  
25 and our goal -- and we've come to you and talked to

1 you about this for about a year now. Mr. Saldarriaga  
2 probably can talk about how long it's been, how often  
3 he comes down on this issue.

4 But our goal is to expand the TDR from  
5 just -- from, as it is now, just a tool for historic  
6 preservation, to a tool to protect residential  
7 low-density neighborhoods from the negative impact of  
8 high-density adjacent development.

9 There's a boom going on in this county and  
10 in the City of Coral Gables, and areas such as  
11 Valencia, where I represent clients, those areas have  
12 low-rise development that is zoned for high-rise, and  
13 it's adjacent to some lower-rise and some lower-  
14 intensity residential neighborhoods, and we've come  
15 to you saying we wanted -- at one point, we talked  
16 about having a mandatory TDR in these buffer areas,  
17 and we've talked to our neighbors and we understand  
18 where they're coming from, and what we're coming to  
19 you tonight with, as we did, I think, at the last  
20 meeting this was discussed, is to talk to you about a  
21 TDR ordinance that's a voluntary TDR, just like the  
22 historic transfer of development rights ordinance  
23 that's in front of you, and all we want to do is make  
24 certain amendments to the form you have in front of  
25 you that would allow TDRs to be used in areas that

1 buffer, that are lower density, that are next to  
2 higher density.

3           And what this would do is, the concept is  
4 that it would allow for the reduction in the  
5 intensity of development adjacent to existing  
6 low-density residential neighborhoods. We call them  
7 buffers, if you would, and these would be sender  
8 districts.

9           The receiving districts, those districts, we  
10 would try to steer or encourage development to those  
11 areas that could absorb development.

12           Now, Mr. Siemon talked about the fact that  
13 he had -- they had done the evaluation of North Ponce  
14 and found out that there really wasn't a lot of  
15 absorption in North Ponce for this kind of TDRs from  
16 areas that are existing right now for historic  
17 preservation, and I understand that was a question at  
18 the last meeting of the Planning Board, when we were  
19 up here.

20           Marc Alvarez is going to speak to that.  
21 He's the planner that we've retained. He's done an  
22 analysis, not of North Ponce, but of what we call the  
23 old industrial section, Merrick Park and that area,  
24 and that is the area that we think would be  
25 appropriate to be a receiver site for TDRs, and this

1 is what we've -- we've talked to you all about this.

2 Mr. Alvarez has done a lot-by-lot analysis,  
3 not only of the Valencia area that we're seeking to  
4 have designated as a sender site, but a lot-by-lot  
5 analysis of the receiver area, to show that, yes,  
6 that receiver area can absorb transfer of development  
7 rights off of Valencia.

8 The goal here is to preserve existing  
9 neighborhoods, just as TDRs are being used to  
10 preserve historic structures, and also, another  
11 ancillary goal, this is expanding the tax base of the  
12 City of Coral Gables in areas that need development,  
13 that need that encouragement of development.

14 The goal and our key issue here is, how do  
15 we assure that the seller of the right obtains a fair  
16 value for the development rights of the square  
17 footage it's selling, and that's an important thing  
18 to the people who are trying to use their property.  
19 How do we assure that the buyer can purchase  
20 development rights it needs or it wants at a fair  
21 price? And that's to place a value on each  
22 development right or each square footage, each piece  
23 of -- each square foot.

24 What we've done in the ordinance that you  
25 all have seen, you all saw it when we presented it to

1 you before, and we will present -- we just got this  
2 two days ago. We will present an amendment to this,  
3 to include this, that will be very simple. But our  
4 goal is that, for every square foot in the sending  
5 district that's residential, that square foot goes  
6 into a receiver district as a square foot, but every  
7 square foot in the sender district that goes to a --  
8 that's being purchased for a receiver in an  
9 industrial -- or, excuse me, in a commercial area, is  
10 1.5, to encourage the purchasing of the development  
11 right from the high-intensity residential  
12 development, such as on Valencia. You can buy that  
13 and you can get more development out of it in the  
14 industrial section and in the Merrick Park area, that  
15 needs the development.

16           Those are our goals, and that's the concept  
17 we're presenting to you. The idea of North Ponce, we  
18 looked at that and we saw the same thing that your  
19 planner saw. What we want you to understand, though,  
20 is, this is voluntary. If Mr. Saldarriaga or Mr.  
21 Tien or anybody else who owns property on Valencia or  
22 any other buffer area wants to develop pursuant to  
23 the Zoning Code, they have that right and they can do  
24 it, but we want to give them an option. We want to  
25 give them an incentive to not build as high next to

1 the lower-density residential, and that incentive is  
2 letting them sell development rights to another area  
3 of the City that could use some development, that you  
4 can encourage development in, that will help the tax  
5 base. That's what we're trying to do, conceptually.

6 So, again, we're trying to utilize TDRs to  
7 provide an incentive to high-density property owners  
8 to develop their property with less intensity, while  
9 encouraging development in areas that could use  
10 development in the City.

11 Is this the only area in the City of Coral  
12 Gables that could use this? Clearly, there are a lot  
13 of buffer areas like this within the City of Coral  
14 Gables. But we felt it was important to do this as a  
15 test, and we picked this neighborhood -- they're my  
16 clients -- and we used this as a test. Would we like  
17 to have this district be able to ring the Central  
18 Business District and protect residential  
19 neighborhoods from the expansion of that Central  
20 Business District? You bet. But you crawl before  
21 you walk, and you walk before you run. And our goal  
22 is to establish this.

23 TDRs are not just -- should not be just for  
24 historic preservation. They should be for  
25 neighborhood preservation, too, and that's why we're

1 here, and we're asking you to approve this as a  
2 concept. If you want to work out the nitty-gritty,  
3 we're happy to sit down with you all in a workshop,  
4 around a table, with Mr. Siemon, with Mr. Riel, with  
5 Mr. Alvarez, who's our planner, and thrash this out  
6 in a way that you all can accept it, but we would  
7 like you all to look at this with favor, and I'd like  
8 to ask Mr. Alvarez if he could come up and talk to  
9 you all a little bit about what we did in terms of  
10 establishing the values and establishing the amount  
11 of square footage that is available.

12 Thank you. Oh, I also would give you a copy  
13 of Mr. Alvarez's draft report on this, as well.

14 MR. ALVAREZ: Good evening. My name is Marc  
15 Alvarez. I'm a planner, AICP. I've been working in  
16 this area for about 18 years, doing both land use and  
17 transportation planning. This report --

18 CHAIRWOMAN MORENO: I'm sorry.

19 MR. ALVAREZ: I'm sorry?

20 CHAIRWOMAN MORENO: You need to be sworn in.

21 MR. ALVAREZ: Oh.

22 (Thereupon, Mr. Alvarez was duly sworn by  
23 the court reporter.)

24 CHAIRWOMAN MORENO: I'm sorry, is there  
25 anyone else that's going to speak on these TDRs?

1           CHAIRWOMAN MORENO: Okay. Did you turn in a  
2 card to Jill, Mr. Saldarriaga?

3           MR. SALDARRIAGA: I already signed.

4           CHAIRWOMAN MORENO: Yes.

5           MR. SALDARRIAGA: I signed already.

6           CHAIRWOMAN MORENO: Thank you.

7           MR. ALVAREZ: We prepared -- I prepared --  
8 excuse me, I prepared a report, actually, in 2004,  
9 when we started doing this, which looked at two  
10 areas, and as Tucker explained to you, the first is  
11 the Valencia Homeowners' area, and just to give you  
12 the boundaries of that, it's Biltmore Way to the  
13 north, Almeria Avenue to the south, Anderson Road to  
14 the west, and LeJeune Road to the east. It's about  
15 an eight-block area.

16           The donor area that we used for the analysis  
17 contains -- I'm sorry, that area is, of course,  
18 residential. The donor area -- I'm sorry, the  
19 receiver area is -- the boundaries of that were the  
20 rear lot line north of Greco Avenue, in other words,  
21 right before the Merrick Place, Dixie Highway to the  
22 south, LeJeune Road to the west, and Ponce de Leon to  
23 the east. And of course, these are both commercial  
24 and industrial properties in this area.

25           There were three things -- we've talked

1 a little bit already about TDRs. I won't go into  
2 that too much, but there are three things that really  
3 are worth looking at, if you want to have a voluntary  
4 TDR that is successful, and of course, the one that's  
5 most obvious is having the right relationship between  
6 the donor area and the receiver area.

7           Of course, the receiver area needs to have,  
8 basically, three qualities. First of all, it needs  
9 to be geographically large enough to provide a large  
10 market. It also has to have at least as high a value  
11 or higher value than the donor area, to keep the  
12 prices in range, and it has to also have the same  
13 kind of intense development pressure that the donor  
14 area faces. That's item one, and that item is really  
15 what the zoning analysis looks at, and that gets into  
16 square footages, comparing square footages in the two  
17 areas.

18           The second item of interest is looking at  
19 leveraging ratios. In other words, if this is going  
20 to be a voluntary TDR, it would be attractive to have  
21 one square foot from the donor area translated into  
22 more square feet in the receiver area. Therefore, it  
23 actually becomes much more interesting for the market  
24 to buy those square feet, and much more interesting,  
25 in fact, for the people in the donor area to sell

1 those square feet, rather than redevelop.

2           The third consideration, which we don't get  
3 into, is really a policy issue, is really how the  
4 City intervenes in that market, whether it's a free  
5 market, buyers and sellers find each other, or does  
6 the City create a pool at the extreme end and buy  
7 rights, or something in between.

8           I'll talk about the first part. The first  
9 part, again, deals with square footage. The second  
10 part gets into the price. Price, before I get into  
11 talking about that any further, I used the -- I have  
12 both sales prices from 2004, whatever properties were  
13 sold in 2004. I also had the appraiser values.  
14 What's important on these, and I know there's a lot  
15 of issues about this, is whether the appraisal values  
16 are -- of course, they're low -- whether they're  
17 really correct.

18           But what's important is finding the ratio.  
19 We don't really, really have to concern ourselves  
20 with, is this the price per square foot in the  
21 residential area, is this the price per square foot  
22 in the commercial area. What we need to know is the  
23 ratio. If one area is selling or appraised at \$200 a  
24 foot and the other at \$300 a foot, the ratio is  
25 important, and then we know how to set the prices, if

1 we do get to that point, or set the leveraging ratio.

2           What this report does, it has tables, it's  
3 basically full of tables, and we looked at each -- in  
4 the donor area, I looked at every single property,  
5 and the rule was that I looked at an individual  
6 property by itself, unless there were a number of  
7 properties, contiguous properties, next to each other  
8 that were under the same ownership, and then I  
9 combined them. The reason for that, of course, is,  
10 when you assemble land, you have some advantages, you  
11 can build more square feet.

12           And all these tables look for one thing.  
13 They look for the difference in square feet between  
14 what's allowed under the new Zoning Code and what's  
15 already there, because that difference is what can be  
16 sold in the TDR market.

17           There are three things that each of these  
18 tables looks at. One is the density, which is a  
19 little bit difficult because, of course, in the  
20 residential area, density is based on units, not  
21 square feet. However, those were converted, based on  
22 the maximum square feet for each type of unit, one  
23 bedroom, two bedroom and so forth.

24           Two, a particular property can be limited by  
25 what I call the setbacks, which is basically the side

1 setbacks and the heights.

2           And three, in reality, a lot of properties  
3 are limited by the parking that's required.

4           What happened in this analysis over all the  
5 properties is, most of them end up being setback  
6 limited. In other words, the actual bulk that's  
7 defined in the zoning ordinance, the side setbacks,  
8 the front, the back and the height, is what limits  
9 the size of that building, and again, I assume the  
10 10-foot floor height.

11           A lot of them are actually limited by  
12 parking. I threw that out, because there's a lot of  
13 assumptions that have to go into that, and I decided  
14 on a more rigorous approach.

15           When all of that was put together, we were  
16 surprised to find that there's only about 121,000  
17 square feet in that eight-block area that could come  
18 out of it in a TDR. In other words, that's the  
19 number of square feet, total, among all those  
20 properties between what's allowed and what's already  
21 there. It sounds low, but that's because there's a  
22 lot of properties that are individual ownerships, and  
23 they're quite limited when it's a single lot. It's  
24 only when they're assembled that you can build  
25 something that's quite a bit larger.

1           What we had to do with the receiver area,  
2           which is the commercial industrial area, is, it's a  
3           little bit less rigorous because we have to make some  
4           assumptions. Again, there's a table for every single  
5           property, that looks at what's already there and what  
6           the Zoning Code allows, but of course, we're not  
7           filling in that difference with our TDR. What we do  
8           is put something above that.

9           So the best way to look at that, without  
10          getting into a tremendous analysis, that really, I  
11          would need to know every single property owner's  
12          finances -- the best way to look at that, really, is  
13          to see what the impact would be of taking that  
14          121,000 square feet and putting it on each block, as  
15          if a single developer bought that square footage and  
16          put it on their site, and to see if there are any --  
17          if it's -- if the numbers are just outrageous or not.  
18          And basically, if you loaded it, which is a fairly  
19          rigorous assumption -- if you loaded all that area on  
20          one block, on any one of those blocks, most of them  
21          come out between 20 percent larger to 60 percent  
22          larger, with the exception of one small block. So we  
23          were very comfortable with the fact that the area can  
24          absorb -- given what's already there and what's  
25          already allowed, can absorb additional square feet.

1           The second question about the price, of  
2           course, as I explained to you, we're looking at a  
3           ratio and not the absolute values. What we found is  
4           that the -- and again, this is 2004 numbers, but the  
5           value of the residential properties comes out to  
6           around \$170,000 -- I'm sorry, \$170 per square foot,  
7           2004 numbers, based on the property appraisals. It's  
8           low. We know it's more like 200 -- 240 or so.  
9           However, the same property appraiser's numbers for  
10          the receiver area come out to about \$178 for  
11          industrial land and \$549 per foot for commercial.

12                 So, again, we're quite comfortable with the  
13          idea that the prices are in the right range, that we  
14          could transfer the rights pretty easily, and we'd  
15          have a ready market if we did decide to go ahead with  
16          this, and I think to add some incentive, I think what  
17          was proposed is that we would still add a leveraging  
18          ratio of something like 1.2 percent to that.

19                 That's it. It's a fairly -- This is all  
20          tables and numbers, but if you have any questions,  
21          please ask them.

22                 They have this, right?

23                 MR. GIBBS: Yes.

24                 CHAIRWOMAN MORENO: Okay, thank you very  
25          much.

1 MR. ALVAREZ: Thank you.

2 Mr. Saldarriaga. You'll need to be sworn  
3 in, please.

4 (Thereupon, Mr. Saldarriaga was duly sworn  
5 by the court reporter.)

6 MR. SALDARRIAGA: Well, here we are again.

7 CHAIRWOMAN MORENO: Please identify  
8 yourself.

9 MR. SALDARRIAGA: Oh. Jaime Saldarriaga. I  
10 live in 2711, and I happen to be one of those that  
11 owns property on Valencia.

12 Here we are again. Again, after one year,  
13 still trying to make sure that our properties are not  
14 downsized.

15 Let me make some comments. TDRs on  
16 Valencia, north side, have no real purpose except to  
17 protect the view of the condo owners in the David  
18 Williams Hotel. I've been saying that from the  
19 beginning.

20 Mr. Gibbs says that they are to protect  
21 single residential homes. They have been fighting  
22 for the north side of Valencia. The north side of  
23 Valencia faces medium density, which was downsized by  
24 the moratorium to 60 feet if you own 20,000 square  
25 feet, or to 45 if you don't, if you own less than

1 that. So they are already downsized.

2 On the north side, we do have a mega-  
3 building, the David Williams. That is a mega-  
4 building, beyond any other thing and any size related  
5 to the City. If you stand -- if you stand in front  
6 of my property and you see the building, you will see  
7 that the only ugly thing you see is the David  
8 Williams. They were built through political  
9 influence, many times, and it's not their fault, and  
10 it was built beyond what was the rules.

11 Mr. Alvarez, now, let's talk a little bit  
12 about Mr. Alvarez. Mr. Alvarez talks about that the  
13 important thing are the ratios, but at the end, you  
14 have you have to put a price. Who is going to put  
15 the price, a third party, a City bureaucrat? I  
16 certainly would not accept the value established by a  
17 bureaucrat.

18 When he presented the last study, I made a  
19 complete comment and analysis on that, and it was  
20 full of mistakes. It was full of assumptions that  
21 were wrong. Maybe, this time -- I haven't seen it.  
22 Maybe this time they are correct, but price is a very  
23 important thing. If I want to develop my property, I  
24 estimate what is the total earnings or sales that I  
25 can get from fully development. The price of the

1 land or the assessed value is not the right price.  
2 Assessed value doesn't mean anything. It's what some  
3 person in the City of Miami-Dade established for the  
4 price. But sometimes, if you look at Coral Gables,  
5 the sales price are beyond the assessed value of the  
6 property, because that's the land. All these  
7 buildings have no value as buildings. If you sell  
8 them, you sell the land and the possibility of  
9 development.

10 As I said before, I am not opposed to  
11 optional, but optional to me, not optional decided by  
12 somebody else, if that's what it is. But keep in  
13 mind, they have no purpose except what I've been  
14 saying since they tried to get that protection  
15 through the Historical Board, they went to the City  
16 Commission appeal, they tried the moratorium, and now  
17 this is the last chance that they have, TDRs. They  
18 have no use, because we do not face single  
19 residential homes. Across the street is, as I said,  
20 medium density, and behind, the big mega-building,  
21 the David Williams.

22 Thank you.

23 CHAIRWOMAN MORENO: Thank you, Mr.  
24 Saldarriaga.

25 (Thereupon, Ms. Greene was duly sworn by the

1 court reporter.)

2 CHAIRWOMAN MORENO: Excuse me, did she sign  
3 in with you?

4 MS. MENENDEZ-DURAN: Yes.

5 CHAIRWOMAN MORENO: Yes.

6 MS. GREENE: My name is Juanita Greene. I  
7 live at the David William. It's a high-rise building  
8 at 700 Biltmore Way.

9 I'm here because I and more than a hundred  
10 owners of units in the David William face the  
11 possibility of seeing high walls go up right across  
12 the narrow alley that runs along the south side of  
13 the building. We would lose our view, our light, our  
14 sunshine and most of our other amenities. That is  
15 because three owners of the property on the north  
16 side of the 700 block of Valencia Avenue are planning  
17 to build high-rise apartment buildings. One  
18 application is now making its way through City Hall.

19 The David William was built about 40 years  
20 ago, amid much political controversy, but none of the  
21 present owners are involved in that controversy.  
22 Many of them, like me, raised their families in large  
23 houses in the Gables, then retreated to the David  
24 William as they grew older.

25 We assumed that the zoning on Valencia was

1 for three-story apartment units, because that is what  
2 is there now. To our horror, we learned that we were  
3 wrong. We all made the mistake of not coming over to  
4 City Hall and checking what the zoning was, before --  
5 I certainly wouldn't have bought my unit if I had  
6 known that a high-rise was going to go up right in my  
7 face. I made a mistake, and the reason I made that  
8 mistake was because I was in Coral Gables and I  
9 trusted Coral Gables. I didn't think for the world  
10 that they would do something like that with their  
11 very -- their zoning ordinance. I thought we had a  
12 good zoning ordinance in Coral Gables, and we do not  
13 have a good zoning ordinance in Coral Gables. That's  
14 why you all are sitting here, spending a lot of time,  
15 which I appreciate, to come up with a good zoning  
16 ordinance, that's fair to everybody.

17 Now, we're not asking the City to change the  
18 zoning. We're only asking the City to designate part  
19 of Valencia as a sending area for transfer of  
20 development rights, as they are called. It would be  
21 optional with these property owners.

22 Now, the City already has amended the zoning  
23 ordinance to encourage townhouses in this area, along  
24 the north side of the 700 block of Valencia, and that  
25 would be very nice. We appreciate that. We

1 appreciate the effort that the City has made so far.  
2 But you haven't gone far enough, because we need that  
3 extra push to get -- to encourage the property owners  
4 to build townhouses.

5           Now, we don't think this is asking that you  
6 do too much. TDRs are a new planning tool used by  
7 many enlightened areas to solve knotty zoning  
8 problems. They would help protect the property value  
9 of the David William unit owners. We deserve the  
10 same concern being shown Valencia owners. We are  
11 property owners, too. We have property rights, too,  
12 that are certainly endangered by the City's zoning  
13 ordinance.

14           That's why I strongly urge that you not make  
15 a decision today about the TDR ordinance and that you  
16 give serious consideration to the request of our  
17 attorney. We have provided the City with a lot of  
18 information. We feel that it's been rejected out of  
19 hand. We feel that we have not -- we have not been  
20 given the proper consideration that we deserve.

21           Now, I would like to comment -- I would like  
22 to close by commenting, by saying this, that Coral  
23 Gables doesn't need any more high-rise residential  
24 buildings at this time. Most of them are going up  
25 not to provide housing, but for reasons of

1 speculation. Many economists are concerned that this  
2 is the 1920s boom, all over again, that we're going  
3 through in South Florida. We are living in a bubble  
4 that responsible public officials would do well to  
5 help deflate. 70 percent of the buyers in the Miami  
6 area are looking to flip the units for quick profit.  
7 63 percent of the new mortgages here are not -- are  
8 now interest-only or have adjustable rates.

9 In this area -- in this area, home prices  
10 now are more than six times income levels. Yes,  
11 everybody wants to live in Florida, and newcomers  
12 will be coming down to help take up the slack of the  
13 overbuilding, but if the crash comes, the influx of  
14 new residents is going to recede.

15 The mighty Alan Greenspan himself, of the  
16 Federal Reserve, has warned that there's some fraud  
17 in particularly hot markets that is unsustainable,  
18 and this area is one of those particularly hot  
19 markets. Thank you for listening to me.

20 CHAIRWOMAN MORENO: Thank you, Ms. Greene.

21 Do I have anybody else on this issue?

22 Okay, I'll close the public hearing, and  
23 open to the Board for discussion. Do we have any  
24 discussion on this?

25 MS. KEON: I just want to ask a question.

1           Eric, even if every lot along -- what's the  
2 maximum height of the buildings that can be built now  
3 on Valencia? I'm sorry that I wasn't here during  
4 that issue.

5           MR. RIEL: I'd have to get a map and look at  
6 the Comp Plan and zoning. I can't just answer that  
7 off the top of my head, but it is a high-rise area.

8           MS. KEON: It is a high-rise area?

9           MR. RIEL: That area in general, the  
10 Biltmore Way area, what I will call --

11          MS. KEON: Is that considered Biltmore Way,  
12 Valencia? Is that considered the Biltmore Way area,  
13 Valencia?

14          MR. RIEL: Yes.

15          MS. KEON: On the zoning map?

16          MR. RIEL: Yes.

17          MS. KEON: And the height that's there now  
18 is there largely because of the land -- the area on  
19 which each individual parcel is platted? Is that  
20 what has kept it at the heights that it's at, or why  
21 are they -- I know, in looking at the zoning map  
22 overall, there are, you know, buffer zones in the way  
23 that the City was laid out initially. You know, it  
24 goes from, you know, high-rise to duplex to  
25 single-family, and, you know, there is a lot of sense

1 to the way that it was developed, so that --

2 MR. RIEL: I can't --

3 CHAIRWOMAN MORENO: This isn't one of the  
4 buffer areas.

5 MS. KEON: No, that's why I'm asking how --

6 MR. RIEL: I can't answer how -- why it  
7 didn't develop. All I can answer is what the maximum  
8 permitted density is, based upon the Comprehensive  
9 Plan, which is the Master Plan of the City.

10 Properties have an assigned land use --

11 MS. KEON: Right.

12 MR. RIEL: -- and obviously, if they  
13 aggregate more property --

14 MS. KEON: Right.

15 MR. RIEL: -- there's an opportunity to make  
16 that more beneficial to develop that property.

17 MS. KEON: Right.

18 MR. RIEL: So --

19 MS. KEON: But generally, there is -- in a  
20 lot of areas, there is a maximal -- I mean, even --

21 MR. RIEL: The whole City has a maximum --

22 MS. KEON: High density, low density, medium  
23 density --

24 CHAIRWOMAN MORENO: Right.

25 MS. KEON: -- whatever it is, and that's why

1 I'm wondering what that area -- You're saying that's  
2 high density?

3 MR. RIEL: It's high density on Biltmore  
4 Way.

5 MS. KEON: Valencia?

6 MR. RIEL: And then there is a step-down as  
7 you proceed further south.

8 MS. KEON: Right, but not on Biltmore Way,  
9 but on Valencia, what is the density -- what is the  
10 height?

11 MR. RIEL: Without getting a map, I just  
12 couldn't --

13 MS. KEON: Do we know that?

14 MR. SALDARRIAGA: I can answer that  
15 question.

16 MR. KORGE: Is it six stories?

17 MR. RIEL: I think it's six to eight.

18 MR. KORGE: Eight stories?

19 MR. SALMAN: It's eight stories.

20 MR. BEHAR: With Mediterranean.

21 MR. RIEL: It's eight stories. Eight  
22 stories with Mediterranean bonus.

23 MS. KEON: Eight stories. Is that with  
24 that --

25 (Simultaneous voices)

1                   MR. BEHAR: Six as of right, eight with  
2 Mediterranean.

3                   MS. KEON: Like that new French Village,  
4 that is eight? Is that eight? How high is that?

5                   MR. RIEL: I'm not sure.

6                   MR. BEHAR: I'm not sure how high that is.

7                   MR. RIEL: I'm not sure.

8                   CHAIRWOMAN MORENO: I think the whole  
9 problem with the concept is -- goes back to that  
10 street closing --

11                   MS. KEON: Yeah.

12                   CHAIRWOMAN MORENO: -- board that you and I  
13 sat on. What you do to benefit one area hurts  
14 another area.

15                   MS. KEON: Yeah.

16                   CHAIRWOMAN MORENO: And when we've been  
17 keeping it just for historic properties, we're  
18 limiting the number of available TDRs, total, because  
19 we recognize that the City has a very small receiving  
20 capacity. To say now that this Valencia area is  
21 entitled to this preferential treatment, the same way  
22 as happened with some of the street closures, means  
23 that now, yes, they've identified an area that can  
24 perhaps receive some additional TDRs, but they won't  
25 be able to receive all the TDRs in all the possible

1     buffer areas of the City, and I, for one, feel that  
2     establishing a precedent of permitting TDRs to  
3     function in a City that is already saturated with  
4     high-rise buildings, for the benefit of a residential  
5     area, although I understand and sympathize with your  
6     problem, isn't fair to the rest of the City, and  
7     we've got to look at the City as a whole on this  
8     Board, and I just cannot see doing exactly what we  
9     did with the street closures. We shifted traffic  
10    from one street to the other street. The street that  
11    was complaining passed on the problem to the other  
12    guy, and it's kind of like the Old Maid game. You  
13    pass on the Old Maid to somebody else, and then  
14    somebody else is stuck with her at the end.

15                 MR. KORGE: But the --

16                 CHAIRWOMAN MORENO: And in this particular  
17    area on Valencia, there are already high-rise  
18    buildings on that Biltmore. There's a lot of  
19    high-rise in that area. It's not --

20                 (Multiple indistinguishable voices from  
21    audience)

22                 CHAIRWOMAN MORENO: They're behind you. I'm  
23    sorry, they're on Biltmore Way. I shouldn't say  
24    that. But visually, you've got the step-down that  
25    the City planned.

1                   WOMAN IN AUDIENCE:  It's an alley.  It's not  
2 a street.  On Biltmore Way, you go across a big  
3 street.

4                   CHAIRWOMAN MORENO:  Okay.

5                   MR. KORGE:  But the receiving site is, I  
6 guess, relatively speaking, a -- I'm trying to think  
7 of the right word.  It's a less --

8                   CHAIRWOMAN MORENO:  It's an industrial  
9 area.

10                  MR. KORGE:  It's an area that is susceptible  
11 to much greater density of development because of its  
12 location.  It's right on the Highway, and it's next  
13 to --

14                  CHAIRWOMAN MORENO:  I agree, it's a great  
15 receiving site.  I just don't agree with the concept  
16 of permitting a sending site to be other than a  
17 historical property at this time, unless we made a  
18 whole study of the whole City and decided all of  
19 these areas qualify as sending sites on an equal  
20 basis.  If we were going to look at every single  
21 buffer area and say, "Hey, all of these buffer areas  
22 qualify as sending sites" --

23                  MR. KORGE:  In the first place, what areas  
24 would be buffer areas, that they would require  
25 permitted TDRs?

1                   CHAIRWOMAN MORENO: We don't know the answer  
2 to that.

3                   MR. KORGE: And then the second issue I  
4 have -- I mean, I understand that. I mean, we're  
5 just taking one area and we're picking it because  
6 that's the one of immediate concern, and I can  
7 understand why that would happen.

8                   CHAIRWOMAN MORENO: I understand their  
9 concern. I have -- I understand their concern  
10 perfectly.

11                  MR. KORGE: But I guess the other question I  
12 have in my mind is, if it's voluntary, and I don't  
13 see mandatory TDRs ever making it through the  
14 political process at all -- so if it's voluntary,  
15 where you've got buyers and sellers who may or may  
16 not transfer these rights, I'm not sure that it will  
17 ever really amount to much. In other words, I'm not  
18 sure that it will ever produce the kind of step-down  
19 in the buffered areas that we want and the step-up in  
20 the dense areas that we would find acceptable.

21                  So I just don't know. I mean, it sounds  
22 great in theory. I'm not sure would it work, in  
23 practice. It hasn't done a lot to preserve historic  
24 properties so far. Apparently, we've only had a few.

25                  How many have we had?

1           MR. RIEL: We've had three, and those have  
2           been on three different projects, and they typically  
3           resulted in about 30 to 40,000 square foot being  
4           transferred, and they have resulted in preservation  
5           of historic properties on Miracle Mile. That was the  
6           Starwood proposal. They transferred about 30,000.

7           I'm trying to think of the other projects.  
8           The Columbus Center, I believe, received about 45,000  
9           square feet, and the other one that escapes me, on  
10          Alhambra -- Codina -- received about 35,000.

11          MR. KORGE: Well, what properties were  
12          preserved as a result of that?

13          MR. RIEL: The property --

14          CHAIRWOMAN MORENO: One of them was the La  
15          Palma property.

16          MR. KORGE: Oh, yeah.

17          MR. BEHAR: La Palma, that has received --

18          MR. RIEL: One was La Palma. One was the --  
19          next to the fire station, the Dean Colson property?

20          CHAIRWOMAN MORENO: The Books & Books, the  
21          old Books & Books property.

22          MR. RIEL: Books & Books.

23          CHAIRWOMAN MORENO: Yes.

24          MR. RIEL: That was the other, and then  
25          three separate properties on Miracle Mile, one-story

1 properties, transferred approximately 10,000 square  
2 feet each.

3 MR. KORGE: So, I mean, how many -- over  
4 what period of time did all that occur, roughly?

5 MR. RIEL: Say 10 years. 10, 15 years.

6 MR. KORGE: Yeah. I mean, it's hard --  
7 especially with a -- it's hard to get a market for  
8 these things, I would think, especially when it's  
9 such a limited area that would be the receiving  
10 area. I mean, we're talking about, you know, a  
11 handful of properties that would be able to receive  
12 it.

13 So I don't know that, practically speaking,  
14 it would solve the problem that they're trying to  
15 solve. I mean, even if we just enacted it, I mean,  
16 there's a very high likelihood that the properties  
17 that would have a right but not an obligation to  
18 transfer their development rights would still just go  
19 ahead and build on it.

20 CHAIRWOMAN MORENO: But they're asking for  
21 two unusual things. They're asking you to go from  
22 residential to commercial, which we've never allowed,  
23 and they're asking you to go from a particular area  
24 that has -- that has an existing problem, to a  
25 receiving site that we're going to assume is a

1 potentially good receiving site, without studying how  
2 many other -- I mean, Historical Preservation has  
3 made a whole study of what they want to do, but I  
4 understand the argument and I would be willing to  
5 consider a TDR program if we had a study of the whole  
6 buffer areas of the City, and you said, "Hey, these  
7 are the areas, and all of them equally share in this  
8 program."

9           But to enact it for a particular area, at  
10 this time, to me doesn't make sense, because I don't  
11 think it is fair to those other buffer areas, and I  
12 don't know, maybe there's no other and the City will  
13 come back to us and say, "This is the only buffer  
14 area that has a problem." Then we can bring it up,  
15 but we can't do it without those facts.

16           MR. RIEL: If I may, Madam Chair, this issue  
17 came up in discussion when we were seeking policy  
18 direction from the Board on October 27th and November  
19 10th of last year, and the direction from the Board  
20 at that time was to further refine the TDR ordinance,  
21 look at it for the North Ponce area, but to do it  
22 internal, an internal transfer, to try to, in other  
23 words, keep that density within the area but provide  
24 for better development.

25           The direction from the Board at this time

1 was not to look further to expand that TDR  
2 opportunity until a City-wide study was done. That's  
3 what the recommendation of that Board was.

4 CHAIRWOMAN MORENO: And I think that should  
5 remain our policy, that it should be a City-wide --

6 MR. RIEL: And just as an additional  
7 comment, what's further down on the agenda is the  
8 overlay, the special overlay districts, which we have  
9 been discussing about providing the MXD designation  
10 to that area south of the Village of Merrick Park,  
11 and we have provided incentives in that overlay to  
12 increase the density, to encourage residential. So  
13 Staff is asking for that. So anything beyond that  
14 would further increase that intensity and density of  
15 that area.

16 So we've already put in place provisions  
17 that allow bonuses. This would, again, put in  
18 another layer of bonuses, and Staff is working on  
19 some other issues to increase density and meet some  
20 other City needs which we are required to meet.

21 So that's just kind of a summary of the  
22 discussion we've had to date on the TDR issue.

23 CHAIRWOMAN MORENO: Okay, so I think what I  
24 would suggest is that you continue looking into this  
25 issue of the buffer residential properties, but that

1 at this time, we're considering this ordinance the  
2 way that it is, just for the historical properties.

3 MR. RIEL: And as I asked in the past, I  
4 would ask for a motion.

5 CHAIRWOMAN MORENO: Well, I think the motion  
6 I would like is to approve this -- if we could have a  
7 motion to that effect, to approve this the way it is,  
8 and then a subsequent motion to review further the  
9 residential properties.

10 MR. KORGE: Two separate motions?

11 CHAIRWOMAN MORENO: Two separate motions.

12 MR. KORGE: Well, I'll move to approve the  
13 recommendations for the changes to the Article 3,  
14 Division 10, Transfer of Development Rights --

15 MR. RIEL: And that's subject to the  
16 changes --

17 MR. KORGE: -- with the additional changes  
18 that we've already asked Mr. Siemon to make, and I  
19 won't repeat them here, because my notes are kind of  
20 garbled, and so that would be my first motion.

21 MR. SALMAN: I'll second that motion.

22 CHAIRWOMAN MORENO: Second.

23 Would you call the roll, please?

24 MS. MENENDEZ-DURAN: Robert Behar?

25 MR. BEHAR: Yes.

1 MS. MENENDEZ-DURAN: Pat Keon?

2 MS. KEON: Yes.

3 MS. MENENDEZ-DURAN: Tom Korge?

4 MR. KORGE: Yes.

5 MS. MENENDEZ-DURAN: Javier Salman?

6 MR. SALMAN: Yes.

7 MS. MENENDEZ-DURAN: Cristina Moreno?

8 CHAIRWOMAN MORENO: Yes.

9 And then the --

10 MR. KORGE: The second motion. The second  
11 motion would be to continue working with the -- with  
12 Mr. Gibbs and his group, to review areas that might  
13 be considered buffer areas that would be good sending  
14 sites for TDRs to go to the receiving site  
15 preliminarily identified as that industrial area on  
16 the Highway, and to work to see if there is some sort  
17 of a proposal that -- no? -- a proposal that would --  
18 that might make sense, not --

19 MS. KEON: That's a big motion.

20 MR. KORGE: Just a study to be undertaken,  
21 to that effect. Is that acceptable?

22 MS. KEON: When can we discuss? Do we  
23 discuss it after a second, or discuss it now?

24 CHAIRWOMAN MORENO: Second, and then --

25 MS. KEON: And then discuss. Okay, I'll

1 second it.

2 CHAIRWOMAN MORENO: Okay.

3 MS. KEON: I'll second it so we can talk  
4 about it.

5 MR. BEHAR: Repeat the motion, please.

6 CHAIRWOMAN MORENO: Okay, I think his motion  
7 is to ask Mr. Riel to work to identify buffer areas  
8 that would be --

9 MR. KORGE: Sending sites.

10 CHAIRWOMAN MORENO: That could be sending  
11 sites, and to also review the potential receiving  
12 areas, including this area that they've identified as  
13 the industrial district.

14 MR. KORGE: That's correct.

15 MR. SIEMON: Could I offer a friendly  
16 amendment?

17 CHAIRWOMAN MORENO: Yes.

18 MR. SIEMON: That instead of buffer, you use  
19 the word transition, because that's really what we're  
20 talking about.

21 MS. KEON: Right.

22 CHAIRWOMAN MORENO: Okay, transition.

23 MS. KEON: Could I --

24 CHAIRWOMAN MORENO: Okay, now, before we  
25 take a vote, we're going to discuss.

1           MS. KEON: Okay. In looking at that, I  
2 think that there are a number of areas in this City  
3 that approximate high-rise areas and commercial  
4 areas, particularly in this older area of the City,  
5 or the area that's east of the Highway, when we  
6 looked at those two separate zoning districts. I  
7 think there's lots of them. I think there's some,  
8 you know, in the area that's near the commercial  
9 areas in Downtown that are east of LeJeune Road, I  
10 think over in that neighborhood around Riviera Park  
11 because of the commercial development in that area.

12           I mean, I think when the City was first laid  
13 out, there were transition areas, where they  
14 transitioned from high-rise to mid-rise to  
15 single-family and whatever else. I think some of  
16 those transition areas are being threatened  
17 throughout the City, and so I think that we should go  
18 back and look at all of those transition areas and  
19 then provide whatever means or whatever suggestions  
20 you may come up with to deal with them, and if it is  
21 dealing with limiting -- you know, with the  
22 assemblage of lots, whether you have to deal with  
23 that, you know, if they have to go through  
24 re-platting the same as when you separate them, maybe  
25 when you combine them they need to be replatted, I

1 mean, I don't know what that answer is, but I think  
2 you need to begin, because people are -- we're seeing  
3 the kind of growth and the density that we are seeing  
4 because of the assemblage of lots.

5           So we need to address the issue of the  
6 assemblage of lots that allowed -- you know, that  
7 resulted, in very, very big buildings where you would  
8 otherwise not expect them to be. So we need to go  
9 back and look at that, how they assemble lots and  
10 what, you know, is by right, by right which you own  
11 in that lot, or by right whatever happens when you  
12 assemble, and maybe those are two different by  
13 rights.

14           CHAIRWOMAN MORENO: We asked about that  
15 before, Eric, about whether we should look at  
16 limiting what you could do with assembled lots.

17           MR. RIEL: In the -- I'm sorry, the  
18 separate?

19           MS. KEON: Assembled lots.

20           MR. RIEL: Oh, assembled lots?

21           CHAIRWOMAN MORENO: I remember, when we were  
22 talking about the Starwood Urban building and we were  
23 talking about the CBD development and the 200  
24 frontage, we talked about whether we could limit in  
25 some way how high you could go, or increase the

1 amount you needed to assemble or -- Did we ever go  
2 any further with that, or we just kind of talked  
3 about it and forgot about it?

4 MR. RIEL: I can't remember, to be quite  
5 honest with you.

6 MS. KEON: I thought it sort of died. I  
7 mean, I remember it coming up, and I never heard  
8 anything about it again.

9 CHAIRWOMAN MORENO: But I think what Pat is  
10 suggesting, if I may put words in her mouth, is that  
11 we don't limit the solution to TDRs --

12 MS. KEON: Right.

13 CHAIRWOMAN MORENO: -- that we look at all  
14 possible solutions.

15 MS. KEON: Right, because I think the issue  
16 of TDRs, it would only be voluntary, and if the  
17 economic benefit to the person who owns the lot is  
18 greater to sell it as it's assembled than TDRs, then  
19 it's going to go -- it's going to be assembled. It's  
20 not going to go to TDRs. It's going to be assembled.

21 CHAIRWOMAN MORENO: Well, that's Tom's  
22 comment. That's Tom's --

23 MS. KEON: Absolutely, and you're absolutely  
24 right. So that isn't an answer that is going to  
25 affect the transitioning of those, you know, or the

1 stepping down of density as you come into the  
2 single-family neighborhoods, and I think that's --  
3 you know, so whatever -- however you look at it, it  
4 has to be beyond just TDRs, and the goal should be  
5 to, you know, preserve that -- the transitional --  
6 the transition between high-rise and single-family  
7 residences.

8 MR. RIEL: And that's the large part of the  
9 reason why the moratorium was enacted --

10 MS. KEON: Okay, but --

11 MR. RIEL: -- and the creation of the A Use  
12 District for that area, and a part of this rewrite,  
13 all those provisions from the A Use District are  
14 being provided for City-wide in the same apartment  
15 districts.

16 CHAIRWOMAN MORENO: Okay.

17 MR. RIEL: So we're doing that.

18 MS. KEON: Okay.

19 MR. RIEL: We're doing that now, as a part  
20 of this rewrite.

21 MS. KEON: Okay.

22 MR. RIEL: That's one of the issues, is to  
23 provide for transitional zoning or, you know,  
24 restrictions that limit certain developments in  
25 proximity -- residential in proximity to commercial.

1 That's a part of this rewrite. So that was one of  
2 the major reasons why we're doing this.

3 The TDR issue is a separate issue and is a  
4 separate study. It gets into a lot of different  
5 issues. As the Chair brought up, you're taking the  
6 development from one area and you're putting it into  
7 another area, so you're affecting two different  
8 areas, and we need to look at the impacts of what  
9 those are.

10 And Mr. Korge indicated, also, it's a  
11 market-driven -- we can provide all the incentives  
12 you want, but if there's not a market out there for  
13 it, it's not going to happen.

14 MS. KEON: When will we see that, the  
15 provisions, the rewrite provisions for the A -- what  
16 you just said?

17 MR. RIEL: It's the next thing on the  
18 agenda.

19 MR. SIEMON: It's the next subject.

20 MR. RIEL: It's the next thing on the  
21 agenda.

22 MS. KEON: Okay, so maybe we'll answer --

23 MR. RIEL: The next thing on the agenda.

24 MS. KEON: So I would --

25 CHAIRWOMAN MORENO: Do you want to modify

1 your motion?

2 MR. KORGE: Well, no, I don't think I need  
3 to, because I think what Eric is saying is that we've  
4 addressed it before.

5 CHAIRWOMAN MORENO: So we're going to let it  
6 die, or I guess call the roll.

7 MR. KORGE: It's coming back up as a  
8 global --

9 MS. KEON: Problem.

10 MR. KORGE: A global matter, so I don't  
11 think we need to revisit that.

12 MS. KEON: We'll just let it die, okay.

13 MR. KORGE: Yeah, but the TDRs will be an  
14 additional overlay on that, if you will -- excuse the  
15 bad use of the word. That would be an additional --

16 CHAIRWOMAN MORENO: Option to study.

17 MR. KORGE: -- option to study, and I don't  
18 see that happening or being finished with this  
19 rewrite. I just don't --

20 MR. RIEL: It is not in the work program  
21 with the completion of this rewrite, I will be honest  
22 with you.

23 CHAIRWOMAN MORENO: Yeah. We understand.

24 MR. KORGE: I understand.

25 MR. RIEL: We've been doing this for nine,

1 you know, 10 months. It is not in the work program.  
2 It will be after.

3 MR. KORGE: And I understand, that's really  
4 a major project unto itself.

5 MR. RIEL: Yes, it is.

6 MS. KEON: So if we were to vote against  
7 this motion, it would just die and we would address  
8 the issues that are of concern of the people in the  
9 next item that's being -- that's coming forward?

10 MR. KORGE: Well, all my --

11 MS. KEON: And then we would --

12 MR. KORGE: All my motion does is ask Eric,  
13 when he has time, to go further into --

14 MR. RIEL: A City-wide TDR study, that's  
15 basically what you're saying.

16 MS. KEON: Oh.

17 MR. KORGE: A City-wide TDR study, but  
18 that's not going to -- let me be clear. I don't  
19 think that's going to hold up the Code rewrite.

20 MS. KEON: Okay, okay.

21 MR. KORGE: I didn't mean it to suggest that  
22 we have to have this before the Code rewrite is  
23 finished. But I do know that we had promised these  
24 particular homeowners -- they spent a lot of time and  
25 money, asking us to look seriously at the TDRs, and

1 so, I mean, I think that's a reasonable thing to do.

2 MR. RIEL: And from Staff's behalf, we have  
3 looked at what they've written. I've sat down with  
4 them a number of times. We understand the direction  
5 they're going. They gave us some valuable  
6 information.

7 But, you know, based upon the policy  
8 direction of this Board, we proceeded forward with  
9 keeping the TDR program as it is, improving on it,  
10 and looking at some options in North Ponce. We're  
11 taking this in little steps.

12 MR. KORGE: I have no problem with that, but  
13 I do think we need to address, you know, when you  
14 have the time to look at -- at their proposal from  
15 your perspective, as opposed to just understanding  
16 their viewpoint.

17 MR. SIEMON: Well, we're also going to see  
18 the other side of this equation, later this evening,  
19 and that is, ultimately their receiver site that they  
20 suggested is based on current industrial  
21 classification, and there is a lot of expectation  
22 that that area is, in fact, appropriate for and will  
23 be designated MXD.

24 So, in effect, you are going to address that  
25 at the other side of this equation, as well. So I

1 just --

2 CHAIRWOMAN MORENO: Mr. Saldarriaga, it is  
3 my understanding that they have withdrawn the concept  
4 of a mandatory TDR program, anyway. So, for your  
5 peace of mind, they have understood that that is not  
6 a viable alternative.

7 MR. SALDARRIAGA: No, I understand that, and  
8 I brought the transcript from Mr. Gibbs' last  
9 presentation, where he has that, in case he had  
10 forgotten that point.

11 CHAIRWOMAN MORENO: Okay. Thank you very  
12 much.

13 All right, are we voting on your resolution?

14 MR. KORGE: I guess.

15 CHAIRWOMAN MORENO: Jill, call the roll.

16 MS. MENENDEZ-DURAN: Pat Keon?

17 MS. KEON: Yes, that you'll do it when you  
18 have the opportunity.

19 MR. RIEL: Yes.

20 MS. KEON: Okay.

21 MS. MENENDEZ-DURAN: Tom Korge?

22 MR. KORGE: Yes.

23 MS. MENENDEZ-DURAN: Javier Salman?

24 MR. SALMAN: No.

25 MS. MENENDEZ-DURAN: Robert Behar?

1 MR. BEHAR: No.

2 MS. MENENDEZ-DURAN: Cristina Moreno?

3 CHAIRWOMAN MORENO: No.

4 Okay, next item on the agenda?

5 MR. SIEMON: Article 4, Division 1,  
6 Residential Districts, not including single-family.

7 We are, based on our very productive  
8 workshop, drafting a new district, starting over  
9 again, but this --

10 CHAIRWOMAN MORENO: Excuse me, Mr. Siemon,  
11 we appear to have a mass exit.

12 (Inaudible comments between Board members.)

13 MR. RIEL: Can we take five minutes, a  
14 five-minute break?

15 CHAIRWOMAN MORENO: Yeah.

16 (Thereupon, a recess was taken.)

17 CHAIRWOMAN MORENO: Are we ready to start  
18 again? That was a little longer than five minutes,  
19 but I think we needed a break.

20 MR. SIEMON: Right, that was a welcome  
21 break.

22 We're now going to go to Article 4, Division  
23 1 and Division 2, the residential -- multifamily  
24 residential districts, and I have a couple of  
25 prefatory remarks that I want to make.

1           These two districts are based very much on  
2 the work that we did with this Board, but with only  
3 two of you, with regard to the -- during the  
4 moratorium period, and there are a few changes. They  
5 are clarifications that have, frankly, emerged during  
6 the administration of the A District and that have  
7 been incorporated.

8           The second comment I want to make is, I want  
9 to remind you all that, with regard to the North  
10 Ponce area, if you look at where the A Districts are  
11 historically distributed and the multifamily low,  
12 medium and high, the principal areas are near the CBD  
13 and North Ponce and along -- a little bit on South  
14 Ponce.

15           On North Ponce, our recommendation to you  
16 has been that we need to draft specific districts for  
17 that neighborhood, and we are proposing that they not  
18 be MF-1 or MF-2, that they have a specific district,  
19 and we are going to bring you those as a part of the  
20 Ponce study results.

21           So we're really talking about the Valencia  
22 area and some of the areas immediately adjacent to  
23 the CBD, on the south side of -- I guess you'd call  
24 it South Ponce or the Circle, et cetera.

25           So, with those two comments, let me --

1 MR. KORGE: Well, let me just ask you one  
2 thing. This was already approved by the Commission;  
3 am I right?

4 MR. SIEMON: That's correct.

5 MR. KORGE: Okay.

6 MR. SIEMON: It was adopted as the A  
7 District, and it has been adapted. There is a -- I  
8 don't know if you want to jump ahead. We discovered  
9 that in -- One of the things we did in this district,  
10 for those who weren't involved, is, there was a --

11 CHAIRWOMAN MORENO: I'm sorry, Charlie.

12 MR. SIEMON: Yeah. Do you want me to just  
13 go through it, page by page?

14 CHAIRWOMAN MORENO: No, you need to take me  
15 through -- Which is MF-1? Is that where we --

16 MR. SIEMON: Okay, MF-1 is the low-rise,  
17 the townhouse/duplex district.

18 CHAIRWOMAN MORENO: Okay, all right.

19 MR. SIEMON: MF-2 is the mid-rise/high-rise  
20 district.

21 CHAIRWOMAN MORENO: Okay.

22 MR. SIEMON: And the only real substantive  
23 change that we have proposed is, we discovered -- One  
24 of the things we did was to provide an alternative to  
25 building high and assembling land, was to give more

1 flexibility in terms of the setbacks, side, rear and  
2 front yard, but one of the things we didn't do is  
3 address encroachments into the front yard to allow  
4 stoops for ground level residential, and so on Page 7  
5 of 12, you'll see that we have added provisions to  
6 allow both enclosures for solid waste and for stoops  
7 or front steps. We intended that. I showed you a  
8 bunch of drawings with those in the stoops, but it  
9 didn't get explicitly put into the Code, so we have  
10 added that, because it came up in administering this  
11 Code, on Valencia, I think, a property on Valencia.

12 Other than that, this is basically the A  
13 District Code -- A Districts that you all approved  
14 and that the Commission adopted, applied generally.

15 There is one omission in the document I have  
16 delivered to you, and that's on Page 5 of 12, at Item  
17 B. Working with you all, we concluded that there was  
18 an interim height, that a building of 70 feet could  
19 be built on a parcel of land between 10 and 20,000,  
20 you didn't have to go all the way to 20,000, that  
21 that would provide a financial incentive to not go  
22 from a 10,000 to a 20,000, so you could go up to 100  
23 feet, but limiting you to 60 feet cost you one floor,  
24 and we demonstrated -- we had several presentations  
25 here that showed that losing that floor said it

1 wasn't economically worthwhile to build it as a 10 or  
2 a 15,000-foot lot, you should go ahead and  
3 assemble -- go through the extra brain death of  
4 assembling it to 20, and you all said we shouldn't do  
5 that, and looking at existing parcelization.

6           So that is missing. So what you have in B  
7 is, if it's greater than 70 feet and it's less than  
8 70 feet, but it doesn't treat with the 70-foot. So  
9 that's just an omission that needs to be added that  
10 you can --

11           But if you look at the table which is on  
12 Page 10 of 12, you'll see that it's, in fact, in the  
13 MF-H, where it's between medium and high, 10,000 to  
14 20,000 does permit a 70-foot building, so the --

15           CHAIRWOMAN MORENO: So you have it in the  
16 chart, but not in the wording.

17           MR. SIEMON: The chart's right, the text is  
18 wrong, and that's a change I -- the text is not  
19 wrong, there's just an omission, and so we will -- in  
20 the next version of this, we will add that language  
21 in. We've attempted to do it several times, as a  
22 result of one of your citizens' prodding, and for  
23 some reason, it just can't get through cyberspace and  
24 into the darn thing.

25           CHAIRWOMAN MORENO: Okay. Charlie, just to

1 remind me, because I'm the -- I think Tom and I are  
2 the only ones who were here when we did this before.

3 MR. SIEMON: Yeah.

4 CHAIRWOMAN MORENO: Is this mandatory for  
5 Valencia, or is this voluntary?

6 MR. SIEMON: No, these are the new  
7 regulations that apply and control, and there were  
8 some adjustments and the ability to achieve higher  
9 intensity was moderated, but it was moderated in the  
10 context of providing more -- I mean, basically, the  
11 way the Code worked -- because it increased density,  
12 the taller you went, and gave you more FAR if you  
13 went taller. We basically moderated that. You can  
14 still assemble property, you can still get to a high  
15 FAR in a tall building, but we provided alternatives  
16 for smaller parcels, shorter buildings and wider  
17 buildings, and we did that in conjunction with  
18 pursuing some minimum standards for what the  
19 pedestrian level looked at. This was to be a  
20 quasi-urban, I described it as, residential  
21 neighborhood.

22 CHAIRWOMAN MORENO: So we're basically  
23 approving what the Commission has already approved,  
24 with some changes that you've made that are not  
25 substantive but clarificatory in nature.

1           MR. SIEMON:  Actually, the Commission's  
2 version had those -- all the changes except  
3 encroachment were in the text.  The 20 -- I mean, the  
4 70 foot on 10 to 20,000 was actually in the Code the  
5 City Commission adopted, and was -- there was a  
6 scrivener's error in the -- when that was codified.

7           CHAIRWOMAN MORENO:  Okay.

8           MS. KEON:  I -- help me, because I wasn't  
9 here then.

10          MR. SIEMON:  Sure.

11          MS. KEON:  Please.  On this chart that you  
12 have on 10 of 12 --

13          MR. SIEMON:  Uh-huh.

14          MS. KEON:  -- MF-M, that's mid-rise?  Is  
15 that what you're saying?  What is MF-L?

16          MR. SIEMON:  MF-L, M and H are, in the  
17 Comprehensive Plan, intensity districts.

18          MS. KEON:  Oh, okay.

19          MR. SIEMON:  And they allow both height and  
20 intensity.

21          MS. KEON:  Okay.

22          MR. SIEMON:  And so, because of the concerns  
23 that had been --

24          MS. KEON:  Right.

25          MR. SIEMON:  -- expressed by the neighbors,

1 when you have changes, you have MF-H next to MF-M or  
2 MF-L, the gradation in height and intensity was very,  
3 very abrupt.

4 MS. KEON: Right.

5 MR. SIEMON: And so what we really did was  
6 smooth it out, with this chart.

7 MS. KEON: Okay, and MF-H being high-rise --

8 MR. SIEMON: High.

9 MS. KEON: Mid and low.

10 MR. SIEMON: Mid-rise and low-rise.

11 MS. KEON: And low rise. So what you're  
12 saying -- but still, even in this MF-M, they can get  
13 up to 100 feet; is that right?

14 MR. SIEMON: If they have greater than  
15 20,000 and the property which is adjacent is MF-H.

16 MS. KEON: So 20,000 is what, 200 by 100  
17 foot? If you have 200 feet of footage --

18 MR. SIEMON: 200 by 100.

19 MS. KEON: Most of those lots, what is that  
20 along there? Those are 100-foot depth?

21 MR. SIEMON: Yeah, most of them are more  
22 than 100 to 120 feet in depth.

23 MS. KEON: So it would give you,  
24 assembled -- I mean, how high is -- how many stories  
25 is a 100-foot building? Put that into perspective.

1           MR. SIEMON: I think they're getting nine  
2 stories in here.

3           MR. SALMAN: Eight or nine.

4           MR. SIEMON: Eight or nine. It depends.  
5 Most of the buildings actually have had relatively,  
6 as I recall, generous first floors, and so they've  
7 only been getting eight.

8           MS. KEON: But you could go to nine stories?

9           MR. SIEMON: Yeah.

10          CHAIRWOMAN MORENO: For example, this  
11 hundred-foot --

12          MS. KEON: A hundred is pretty high.

13          CHAIRWOMAN MORENO: It's a hundred-foot  
14 height, right? When it's adjacent to the David  
15 Williams, that would qualify?

16          MR. SIEMON: Yes. Remember that the height,  
17 the maximum permitted height, previously, in the MF-H  
18 is 150 feet. I mean --

19          CHAIRWOMAN MORENO: So we've gone down from  
20 150 to 100?

21          MR. SIEMON: We have created situations  
22 where there's a gradation. There's still -- in the  
23 MF-H, which is surrounded by MF-H, you can still go  
24 to 150 feet.

25          MR. SALDARRIAGA: But adjacent means across

1 the street, so you cannot be -- My property on the  
2 back of the David Williams cannot go to a hundred --

3 CHAIRWOMAN MORENO: Okay, wait, wait, wait.

4 MR. SIEMON: He brings up an important  
5 distinction. We drew a distinction between adjacent,  
6 which is across the street, and contiguous, which  
7 either has a common boundary or is separated only by  
8 an alley.

9 MS. KEON: Right, so -- so --

10 MR. SIEMON: The David Williams is separated  
11 only by an alley to the north side of the Valencia.

12 CHAIRWOMAN MORENO: So what would --

13 MS. KEON: The David Williams is only by an  
14 alley? What's the -- Isn't it separated by Valencia,  
15 by the street?

16 CHAIRWOMAN MORENO: No, it isn't. There's  
17 a --

18 MR. SIEMON: No, it's only by an alley.

19 MR. BEHAR: And that's considered --

20 MS. KEON: Oh, I know, okay. Okay.

21 MR. BEHAR: -- adjacent or contiguous?

22 MR. SIEMON: That's contiguous.

23 MR. SALMAN: Through the Chair -- Part of  
24 the problem is that we've had these different zoning  
25 intensities, not across the street but across the

1 backs of the property lines.

2 MS. KEON: Right. Yeah, right.

3 MR. SALMAN: And in certain cases, that is  
4 what's contributed to the disparity across the  
5 street, because you'll have, you know, medium density  
6 on one side and higher density across the street.

7 Part of what Charlie's proposal is, and I  
8 was familiar with it, was to try to reduce the height  
9 of the higher intensity and retain the FAR within  
10 that mass, and help -- you'll still have the  
11 differential. It will just become a little bit less  
12 obvious at the street level by creating this mid-rise  
13 datum along the street.

14 Is that a fair --

15 MR. SIEMON: That's correct.

16 MR. SALMAN: -- assessment? So I can see  
17 where your confusion comes.

18 MS. KEON: Okay.

19 MR. SALMAN: Contiguous is across an alley.

20 MS. KEON: Okay.

21 MR. SALMAN: And adjacent is across the  
22 street, but again, that's in response to the fact  
23 that our zoning, even though it does step down in  
24 some of these transitional areas, you know, the  
25 step-downs occur at the back of the property lines,

1 not across the street.

2 MR. SIEMON: Which is not a natural  
3 boundary, so you're talking about a 14-foot alley  
4 that in some -- I think the David Williams is only  
5 five feet off that alley.

6 MR. SALMAN: Yeah.

7 MR. SIEMON: So you're talking about a  
8 fairly significant high-rise building, 150 feet, I  
9 think it is, is 19 feet from the property line.

10 MS. KEON: Okay, so then, adjacent to the  
11 David Williams, how high could you build?

12 MR. SIEMON: That would be across the  
13 street.

14 MS. KEON: No, contiguous to the David  
15 Williams. You could build 150?

16 MR. SIEMON: If it's high, it could be up to  
17 150 feet if it's 20,000 square feet or more. If it's  
18 medium, as it is, and I can't remember the actual  
19 designation --

20 MS. KEON: Okay.

21 MR. SIEMON: Where we do have medium, in  
22 this unfortunate situation, we have a block of  
23 lots -- this is the right, one side of the block;  
24 this is the other side. They're both 110-foot-deep  
25 lots. They have a 14-foot alley in the middle.

1 This is high and this is medium, and there's no way  
2 those two can fit together over a -- and be  
3 compatible over a 14-foot alley, I mean, and that's  
4 part of the problem we've dealt with. We've gone  
5 ahead and addressed that situation as if it's a  
6 contiguous property.

7 MS. KEON: I see.

8 MR. SIEMON: But if it's across the street,  
9 then we've drawn a distinction, and I think that's  
10 the natural boundary.

11 MS. KEON: Okay, so if you're going -- I  
12 think some of the concern that I have is in going  
13 from high-rise to mid-rise to single-family.

14 MR. SIEMON: Well, it actually is in --  
15 There was an adjustment we made, and if you look at  
16 the column that says R, which is residential --

17 MS. KEON: Right.

18 MR. SIEMON: -- you see the 35, 45? When  
19 it's contiguous to single-family, we pulled the  
20 height down from 45 to 35.

21 MR. KORGE: Right.

22 MS. KEON: Okay, but when it's adjacent,  
23 which is across the street --

24 MR. SIEMON: Across the street, we did not.  
25 And actually, I'm not sure that -- I think the

1 Planning Board actually adopted 35 feet, and the  
2 Commission adopted 45 feet --

3 MR. RIEL: 45 feet, right.

4 MR. SIEMON: -- across the street. There  
5 was a lot of dialogue, discussion back and forth, and  
6 we showed a lot of graphics that showed what the  
7 difference is, and I said before this Board that  
8 frankly, from my perspective, either way was a  
9 rational decision. Ultimately, there was a decision  
10 made to go to 35 feet if it was across the street,  
11 and the Commission said they thought that, given the  
12 width of the right-of-way there, which is 60 feet, I  
13 think --

14 MR. RIEL: Right.

15 CHAIRWOMAN MORENO: Yeah, that's a big  
16 right-of-way.

17 MR. SIEMON: -- that's a pretty broad  
18 separation between a structure that can go to 35 feet  
19 and one that goes to 45.

20 MS. KEON: But that's just for --

21 MR. SIEMON: Residential.

22 MS. KEON: Right, but like, that's just  
23 dealing with Valencia?

24 MR. SIEMON: No, that deals with any  
25 place --

1 MS. KEON: Right, but I mean --

2 MR. SIEMON: -- where you have an R  
3 District --

4 MS. KEON: -- Valencia, you have -- it  
5 doesn't seem like a big deal, because you have such a  
6 big right-of-way.

7 MR. SIEMON: You're talking about where it's  
8 R in the plan.

9 MS. KEON: I mean, you have a big, you know,  
10 wide street. Are there other areas where the streets  
11 aren't so wide? What about the area in -- along  
12 Ponce there, like by Coconut Grove Drive? I mean,  
13 wouldn't that -- isn't that -- what is that? That's  
14 right around -- on the east side of Ponce Circle  
15 Park.

16 MR. RIEL: Those are single-family.

17 MS. KEON: No, but Ponce, what's on Ponce  
18 there? What is that? Is that mid-rise or  
19 high-rise? Is that outside the CBD? That's out --  
20 Is that outside the CBD?

21 MR. RIEL: That's outside the CBD, yeah.

22 MR. SIEMON: That's outside the CBD.

23 MS. KEON: Coconut Grove Drive, that area,  
24 that's outside the CBD?

25 MR. RIEL: Yes.

1 MS. KEON: So tell me what that -- What is  
2 that zoning along there? What is that on the east  
3 side of Ponce and the other side of --

4 MR. RIEL: It's single-family.

5 MR. SIEMON: Single-family.

6 MR. RIEL: Single-family.

7 MS. KEON: No, but -- there's single-family  
8 in the back.

9 MR. BEHAR: No, on Ponce de Leon, right on  
10 Ponce.

11 MR. RIEL: Commercial.

12 MS. KEON: Yeah, it's commercial on Ponce,  
13 but what's the density?

14 MR. RIEL: CB. CB zoning.

15 MS. KEON: What's that?

16 MR. RIEL: Commercial CB zoning.

17 MS. KEON: Okay, what -- how high?

18 MR. RIEL: There's no density per --

19 MS. KEON: There's no heights or anything  
20 else for that?

21 MR. RIEL: Heights, yes.

22 MR. SIEMON: That's 45 feet in height and  
23 FAR of 1.

24 MR. RIEL: 3.0, currently, but we're  
25 suggesting 1, with the rewrite.

1 MR. SIEMON: Yeah. You can't really get the

2 3.

3 MR. RIEL: Right.

4 CHAIRWOMAN MORENO: The project that we  
5 looked at --

6 MR. SIEMON: I mean, it's a great theory,  
7 but it --

8 CHAIRWOMAN MORENO: Charlie, the project we  
9 looked at on Almeria -- Were you here when we did  
10 that one?

11 MR. RIEL: The plat came before you last  
12 month, and the changes that you see here regarding  
13 the stoop -- and actually, there was one other one,  
14 that dealt with street trees -- we learned,  
15 obviously, as going through that project. That's why  
16 there's some minor changes, and as Charlie indicated,  
17 there was two changes pretty much the Commission  
18 made. They increased the parking requirements for  
19 townhouses from one to two, and they increased that  
20 height.

21 That's pretty much, you know, the changes  
22 that the Commission made. They adopted what this  
23 Board recommended to them.

24 CHAIRWOMAN MORENO: Okay. All right.

25 MR. SIEMON: But these are the three colors

1 that we're dealing with --

2 MS. KEON: Yeah.

3 MR. SIEMON: -- and which you'll see,  
4 they're not widely distributed through the City.

5 MR. RIEL: They're not.

6 MR. SIEMON: They're in this area, some in  
7 here, and obviously up here, and some outside.

8 MS. KEON: I thought that there was some  
9 work to assemble some -- what was single-family  
10 properties there on Coconut Grove Drive, a block or  
11 so east of Ponce. I thought they were being -- Is  
12 there some work done on that, being done on that?

13 MR. RIEL: There's being some assembly done.

14 MS. KEON: Assemblies done there? So what  
15 could you build there?

16 MR. RIEL: What could you build there?

17 MS. KEON: By right, now.

18 MR. RIEL: What the current zoning allows,  
19 which is commercial generally on Ponce --

20 MS. KEON: Right.

21 MR. RIEL: -- and then the single-family.

22 MS. KEON: Okay.

23 MR. RIEL: Unless they do a change in zoning  
24 and land use.

25 MS. KEON: Okay. So that would have to be a

1 change in zoning and land use?

2 MR. RIEL: Yes.

3 MS. KEON: This stuff, kind of stuff,  
4 wouldn't apply. It would have to --

5 MR. SIEMON: Right.

6 MR. RIEL: Correct.

7 MS. KEON: This wouldn't apply. They would  
8 have to come in --

9 MR. SIEMON: That's right.

10 MS. KEON: -- and do that.

11 What about, you know, the area where there's  
12 single-family homes that's like south of  
13 University -- north of University in there? You  
14 know, that area in the City that's kind of just  
15 outside the Downtown area, where there's all those  
16 single-family homes in there? What happens with that  
17 kind of area?

18 MR. RIEL: Are you talking about north of  
19 Bird?

20 MS. KEON: No, actually, north of University  
21 Drive.

22 CHAIRWOMAN MORENO: By the Youth Center.

23 MR. RIEL: By the Youth Center.

24 MS. KEON: But across the street, right.

25 MR. RIEL: Those are --

1 MS. KEON: East of LeJeune.

2 MR. RIEL: Those are -- that was a part of  
3 the study area, as a part of this.

4 MR. SIEMON: That's designated low-density,  
5 and it has -- it's now low-density, and the adjacent  
6 land uses are both -- will be -- are D and R, so  
7 they're basically restrained to the 45 foot, 35 foot  
8 next to single -- adjacent -- contiguous to  
9 single-families, and 45 feet adjacent.

10 MS. KEON: And 45 feet is what, four  
11 stories?

12 MR. SIEMON: Yes, ma'am.

13 MS. KEON: Oh, okay.

14 MR. RIEL: And also, part of that discussion  
15 of Biltmore Way, Mediterranean bonuses were removed.

16 CHAIRWOMAN MORENO: Eliminated, right?

17 MR. RIEL: Eliminated.

18 MR. SALMAN: Eliminated.

19 MR. RIEL: They needed to do the  
20 Mediterranean features, but the bonuses were  
21 removed. So that, right there, removed three floors,  
22 50 feet.

23 CHAIRWOMAN MORENO: So we've given them a  
24 lot of relief.

25 MR. RIEL: I would --

1 MS. KEON: Okay, so the relief would be for  
2 the single-family residents that are south of  
3 Valencia, is that generally --

4 CHAIRWOMAN MORENO: Well, their issue -- I  
5 mean, I don't think there are single-family  
6 residences there now. What's there primarily seems  
7 to me to be small apartment buildings.

8 MS. KEON: Right, but I mean, stepping back,  
9 is that -- but there are -- as those apartments,  
10 those duplexes and fourplexes that are there now, as  
11 those lots, if they're sold and let's say assembled  
12 lots, that will step down -- that will step down so  
13 that the single-family residences that flow south of  
14 there are -- there's a transition then from the  
15 high-rise on Biltmore Way as it works its way back  
16 into the single-family neighborhood, the  
17 single-family residences there?

18 MR. SIEMON: The -- there's one  
19 qualification on that. We didn't take away from any  
20 R, H, residential high property, the opportunity to  
21 assemble a large enough parcel to reach the 150  
22 foot. What we did was create incentives for smaller  
23 parcels of land that we thought would be sufficient  
24 to encourage people to take advantage of those lower  
25 heights.

1 MS. KEON: Okay, but if, on the south side  
2 of Valencia itself --

3 MR. SIEMON: Yes, ma'am.

4 MS. KEON: -- where there are all those --  
5 there's duplexes and fourplexes all along Valencia  
6 there --

7 MR. SIEMON: Yes, ma'am. Those are --

8 MS. KEON: -- if they assembled -- if  
9 someone came in and bought up three or four of them  
10 and assembled -- you know, I don't know, what are  
11 they? On 200 feet, they assembled 400 feet, or 600  
12 feet of property, what could they build there?  
13 Because right behind that are single-family  
14 residences, right? Well, there's some other like  
15 little -- that's where that --

16 MR. SIEMON: Where it is separated only by  
17 an alley from single-family, the height is, under  
18 this now, reduced to 35 feet.

19 MS. KEON: If it's separated by a street?

20 MR. SIEMON: It's 45 feet. So you have 35  
21 feet, maximum permitted residential single-family  
22 height, and across the street, 40 to 60 feet away,  
23 depending on which right-of-way you happen to have,  
24 is a 45-foot --

25 CHAIRWOMAN MORENO: Okay, but on the south

1 side of Valencia, which is -- it abuts, on the other  
2 side, single-family residences on Almeria, you're  
3 saying that's 35 feet?

4 MR. SIEMON: No, actually, the south side is  
5 medium and then the north side of Almeria is low.

6 MS. KEON: Right, so that's what I'm saying  
7 to you.

8 CHAIRWOMAN MORENO: Okay, so it is stepping  
9 down.

10 MR. SIEMON: Right, all the way down and --

11 MS. KEON: Right, so on the south side of --  
12 okay.

13 MR. SIEMON: But the low, where it's across  
14 the street from the single-family, which is on the  
15 south side of Almeria, is 45 feet.

16 MS. KEON: Okay, so it's a four-story  
17 building.

18 MR. SIEMON: But it's coming down.

19 MS. KEON: Okay. Okay, no, that's what I --

20 MR. BEHAR: But what happens, this is geared  
21 for who comes first gets the 45 feet. Whoever comes  
22 second is only limited to 35 feet.

23 MR. SIEMON: No, it's by what's in the land  
24 use classifications in the Comprehensive Plan.

25 MR. BEHAR: But if it's a contiguous to a

1 residential --

2 MR. SIEMON: No, it's what the  
3 designation -- whether it's 35 or 45 is dependent  
4 upon what the land use designation in the  
5 Comprehensive Plan is, not what the existing  
6 structure is.

7 MS. KEON: So you're saying that regardless  
8 of the amount of land that they could assemble to  
9 build a project -- they could maybe assemble 60,000  
10 square feet -- they couldn't go more than 45 feet?  
11 Is that what you're saying?

12 MR. SIEMON: Yes, ma'am.

13 MR. SALMAN: Correct.

14 MS. KEON: Okay.

15 CHAIRWOMAN MORENO: Okay. That works.

16 MS. KEON: That works. Thank you.

17 MR. SIEMON: And I'm now looking at this.  
18 We looked at this again a year after we looked at it,  
19 and we made some tweakings, but I think the basic  
20 concept, it didn't give some of the neighbors  
21 everything they wanted, but I think it did --

22 MS. KEON: No, but -- right.

23 MR. SIEMON: -- make a fair balance of  
24 competing interests.

25 CHAIRWOMAN MORENO: Okay. Is there anyone

1 in the public that wants to speak on this issue?

2 Please step up, identify yourself, and get  
3 sworn in.

4 (Thereupon, Ms. Longo was duly sworn by the  
5 court reporter.)

6 MS. LONGO: My name is Maria Cristina  
7 Longo, and I live in 100 Andalusia, Andalusia Avenue,  
8 and I'm here to take this opportunity to let you know  
9 that because the townhouse zoning is new, like the  
10 gentleman said, it needs some tweaking, and the  
11 reason why I'm saying this is because I definitely  
12 support the townhouses zoning; however, on July 8,  
13 there was a project that was brought into the DRE  
14 meeting, and I was here and I was very, very  
15 surprised and shocked, because that project is  
16 intending to build townhouses but using -- using the  
17 Zoning Code for townhouses, but it's really a  
18 multi-unit property building.

19 So, in other words, the developer proposes  
20 to build, in the zero setback, the concept or the  
21 idea, but it's not -- by definition, it's not really  
22 townhouses. Why? Because these are -- instead of  
23 four townhouses, as allowed in the zoning, they're  
24 five. They're within a large structure, enclosed.  
25 They're not facing the street. They're facing each

1 other, within this closed structure, which is 45 feet  
2 high, which is what is allowed, with zero setbacks.  
3 It's actually a larger building than was allowed  
4 before, which is totally the opposite of what the  
5 intention of the townhouses is.

6 I'm bringing this to you because it's new.  
7 It was a wonderful idea, I totally support it, but it  
8 should not do the opposite of what it was intended to  
9 do. My suggestion to you is that, by definition,  
10 it's maybe to add some clarification, because it's  
11 vague, and my concern is that you're going to be  
12 challenged again, just like with this developer --  
13 development in the future, because it's open to  
14 interpretation. Obviously, the literal Code is not  
15 clear enough, and if it went through Zoning, and they  
16 said in the notes that it met criteria, Planning said  
17 it didn't. So my suggestions are to include in your  
18 Code that townhouses should be fee simple.

19 Actually, this lot on Valencia, it has three  
20 lots. It could have done a fee simple if you wanted  
21 to. They should face -- the front door of a  
22 townhouse or a house should face the front of the  
23 street. Instead, these are inside this huge  
24 structure, enclosed structure, as a multi-unit  
25 building, facing each other, east and west, not

1 facing the front of the street.

2 Another suggestion that I have to make sure  
3 that this doesn't happen again is that they should  
4 be -- the 25 percent allowed, the 25 percent that is  
5 in the Code for open space, it's not clear that it  
6 should be for each townhouse. So these proposed --  
7 this project that is being proposed, what it did is,  
8 they used a common area, they put it, this huge  
9 construction, with a common area in the middle, like  
10 a garden court or garden apartments, and it's not  
11 clear in the Code that the 25 percent should be in  
12 individual units, rather than in a large, enclosed  
13 space.

14 So I'm just taking this opportunity, because  
15 you might have to -- I think that it needs to be  
16 revised, and another comment, that I'm concerned, and  
17 I'm very concerned, because the garages -- the  
18 proposed project has the garages underground. The  
19 Code says that each has to have a two-car garage.  
20 Well, two-car garage where? And maybe we should be  
21 more clear and maybe we should say in the rear,  
22 because this, again, was open to interpretation, and  
23 the second thing is that I've seen other projects  
24 that have -- all the townhouse concept is great if  
25 it's done the way it was intended to do, in Boston

1 and in London and in New York, but if it becomes just  
2 garages on the facade, it becomes a commercial --  
3 it's not pretty.

4 So I'm here to just encourage you to look at  
5 it and make some revisions, appropriate revisions.

6 Thank you.

7 CHAIRWOMAN MORENO: Mr. Siemon? Where did  
8 he go? Oh. Can we address her comments? I think  
9 they're valid.

10 MR. SIEMON: I'm not familiar with the  
11 project, what land use classification or district  
12 it's in. I don't know --

13 CHAIRWOMAN MORENO: Right, but first, let's  
14 take her questions, one at a time. Do we require  
15 that the doors face the street, in our Code?

16 MR. SIEMON: It depends on which district  
17 it's located in.

18 MS. KEON: With townhouses.

19 CHAIRWOMAN MORENO: In the townhouses.

20 MR. SIEMON: In the MF-1?

21 CHAIRWOMAN MORENO: Yes.

22 MS. LONGO: It's on Valencia.

23 MS. KEON: It's on Valencia.

24 MS. LONGO: Next to the 444 building. It's  
25 a new project being proposed.

1                   CHAIRWOMAN MORENO: She makes two points  
2 that I think are crucial --

3                   MR. SIEMON: North or south?

4                   CHAIRWOMAN MORENO: -- to these  
5 developments. One is that the doors face the street,  
6 and the other is that the open area cannot be  
7 enclosed to the project. It should be visual to the  
8 rest of the neighborhood.

9                   MR. KORGE: The open area should be specific  
10 to each unit, not to a common area for all units, and  
11 the last point was that --

12                   CHAIRWOMAN MORENO: I'm not sure that that  
13 is absolutely necessary. I think you could  
14 distribute it on the outside of the buildings without  
15 having it for each one. I don't know. I'm not an  
16 architect. You guys know. But certainly it  
17 shouldn't be enclosed. That's clear to me.

18                   MR. SALMAN: I think that the problem lies  
19 in the definition of townhouse. I think that if you  
20 clarify that definition, as a unit that faces the  
21 street, that is divided by walls along their property  
22 line that run perpendicular to the street -- if we do  
23 a series of definitions or definition adjustments, a  
24 lot of these problems will probably just go away,  
25 especially if you're going to take advantage of the

1 townhouse designation, which does provide you with  
2 certain rights to build closer to the street and  
3 reduces some of your setback requirements.

4 MR. KORGE: There was another point maybe  
5 you can address. She said that the garages should  
6 not face onto the street.

7 MR. SALMAN: Unfortunately, not all the  
8 townhouse properties have the benefit of an alley --  
9 I wish they all did -- so that I think that perhaps  
10 the garages need to be on some sort of a secondary  
11 plane, that's the only thing I can think of, if they  
12 cannot be incorporated in the back.

13 I think the idea of the townhouses is that  
14 we see these stoops, that we see these individual  
15 facades, not individual garages doors, and then the  
16 doors behind them. I think that the idea is --

17 CHAIRWOMAN MORENO: The other way.

18 MR. SALMAN: The other way.

19 CHAIRWOMAN MORENO: Which is what we're  
20 pushing on, for the single-family, as well.

21 MR. SALMAN: Correct. And again, that can  
22 be accomplished from a design point of view. I don't  
23 think --

24 MS. HERNANDEZ: Right.

25 MR. SALMAN: -- that it can be defined

1 through primacy and go back to the Board of  
2 Architects and let them aesthetically determine how  
3 that's going to work.

4 MR. BEHAR: I agree with Javier.

5 CHAIRWOMAN MORENO: Okay. So we're going to  
6 change the definition of townhouse to address these  
7 issues, how they're defined?

8 MR. SIEMON: I think that -- I mean, I'm  
9 really at a disadvantage here, because I don't -- if  
10 it's on the south side of Valencia --

11 MR. RIEL: Charlie, let me go ahead and  
12 comment.

13 CHAIRWOMAN MORENO: If it's a townhouse, it  
14 should be like this. I don't care where it is.

15 MR. SIEMON: But -- but we don't have a  
16 townhouse district. We have a low-intensity,  
17 multi-family district, and a higher intensity. In  
18 those districts, we permit townhouses and there are  
19 some things, but we also permit other forms of  
20 attached housing.

21 MR. KORGE: Like apartments.

22 MR. SALMAN: I think what the Board is  
23 saying is that where we permit townhouses and they're  
24 allowed certain rights, that the definition of  
25 townhouse needs to just be clarified, is what we're

1 asking.

2 MR. BEHAR: It should follow guidelines,  
3 standards.

4 MR. KORGE: Well, but what Charlie is saying  
5 is that MF-1 --

6 MR. SIEMON: I don't think this is a  
7 townhouse project, as I've heard it described.

8 MR. KORGE: -- is not a townhouse district.  
9 It encompasses apartments, as well.

10 MS. KEON: But what she's saying is, is  
11 that it was -- the zoning that it went forward under  
12 was the townhouse ordinance and the rights that were  
13 given to townhouses. That's what she's saying.

14 MR. SIEMON: I don't think there is such a  
15 district.

16 MS. KEON: And in effect, it's not a -- but  
17 it's not a district, a project, that it's being built  
18 as a project.

19 CHAIRWOMAN MORENO: No, wait. Wait. I  
20 understand what he's saying. Okay.

21 MS. KEON: Right.

22 CHAIRWOMAN MORENO: Under the MF-1 district,  
23 I can build a non-townhouse project with a setback of  
24 zero feet? I can build an apartment building?

25 MR. SIEMON: I don't believe so. I believe

1 that there is a higher setback for the multi-family  
2 building that is not a townhouse. You get the  
3 shorter front --

4 MS. KEON: Right.

5 MR. SIEMON: -- setback only if it's a  
6 townhouse.

7 MS. KEON: Right.

8 MR. KORGE: Where is that in here?

9 CHAIRWOMAN MORENO: Okay, but then the  
10 question is, how do you define what is a townhouse?

11 MR. KORGE: Let's see where it is in here  
12 that gets you to that conclusion.

13 MR. RIEL: That's in Article 8. The  
14 definition of a townhouse is in Article 8.

15 The project the lady was speaking about is  
16 undergoing review at this time. It has not received  
17 any type of a development approval. These issues are  
18 still being worked out. But I would welcome the  
19 direction from this Board to ensure that what we're  
20 truly getting is a townhouse project, and what I  
21 would suggest is that we look at the definition, if  
22 it's not clear, that it is a townhouse unit that  
23 faces the street, perpendicular to the street.

24 MS. HERNANDEZ: Without being case-specific.

25 CHAIRWOMAN MORENO: No, we're not being

1 case-specific.

2 MR. SALMAN: We're not being case-specific.

3 CHAIRWOMAN MORENO: We want it to be true  
4 anywhere --

5 MR. KORGE: Right.

6 CHAIRWOMAN MORENO: -- that a townhouse is  
7 built, you know, whether it be on Almeria or Valencia  
8 or anywhere else that it's allowed. If it is a  
9 townhouse and it's going to benefit from townhouse  
10 items, then these things should be addressed, the  
11 door facing the street, the recessed garage and the  
12 open area outside.

13 MS. KEON: The other things she said, the  
14 lines running perpendicular to whatever?

15 MR. SIEMON: With all due respect, I can  
16 show you a number of very attractive townhouse  
17 projects that, because of the depth of the property,  
18 the units actually don't face the street. They are  
19 oriented sideways towards the street --

20 MR. KORGE: Right, right.

21 MR. SIEMON: -- and they have a courtyard  
22 between them --

23 MR. KORGE: Right.

24 MR. SIEMON: -- so that as you go down as a  
25 pedestrian, you have -- so I would --

1           MR. SALMAN: I think that's why the City has  
2 a Board of Adjustment, and it would have to go  
3 through that as an exception.

4           And in your case, you're talking about a  
5 project where the depth of the property would be  
6 below some sort of standard, which we're defining,  
7 sort of, here. And at that point, it would be  
8 reviewed on a case-by-case basis.

9           What we're talking about is just general  
10 parameters.

11          MR. SIEMON: Well --

12          CHAIRWOMAN MORENO: The problem, Charlie,  
13 is, if you have something like the Bahamian Village  
14 that Liz Plater-Zyberk did, where she had a big,  
15 massive project where you could build a courtyard and  
16 it made sense, okay, there it works. But if you are  
17 just building, like, that Almeria project that we  
18 looked at, which is right on the street, a little  
19 strip like this, you know, we don't want it to be  
20 interior. We don't want it to be facing. We want  
21 that one to face the street. I think it depends --

22          MR. SIEMON: That's a public policy decision  
23 that you all can make.

24          MS. KEON: But even if it turns inward and  
25 the front doors of the project face one another --

1 MR. SIEMON: Right.

2 MS. KEON: -- or if they, you know, face  
3 outward and they face the street, they're still  
4 separated, you know, as kind of separate units and --

5 MR. SIEMON: The definition of townhouse  
6 that we propose --

7 MR. KEON: Okay.

8 MR. SIEMON: -- that's in Article 8 says  
9 that it has to have primary street level -- every  
10 unit has to have primary street level access at the  
11 ground level. No matter what you do, you've got to  
12 walk out your front door to the street level.

13 MR. KORGE: Right. So you can't -- you  
14 can't have a common door for all the units.

15 MR. SIEMON: Right. I mean, that was --  
16 and whether you orient it --

17 MR. KORGE: That would be a feature of an  
18 apartment building.

19 MR. SIEMON: -- towards the street or orient  
20 it sideways was -- our recommendation at the time was  
21 that, if you want them looking -- facing the street,  
22 you know, that's a public policy choice you make.

23 MS. KEON: Well, I don't know, but what if  
24 you turn them inward so that the back of the project  
25 faces each of the streets and it was an interior --

1 it created a -- you know, that they faced, the front  
2 doors faced onto each other, with their backs facing  
3 the street, so what was on the street is all the  
4 series of garages?

5 CHAIRWOMAN MORENO: Yeah. We don't want  
6 that.

7 MS. KEON: Would that --

8 MR. SIEMON: There are provisions that  
9 preclude the placement of parking within 20 feet of  
10 the front property line, so --

11 MR. KORGE: So that's covered already.

12 MR. SIEMON: Yeah. I --

13 MR. KORGE: It sounds like we're already  
14 well covered.

15 MR. BEHAR: If you've got design standards,  
16 you know, guidelines to follow, that will prohibit  
17 you to have certain conditions that you don't want.

18 MS. KEON: Right.

19 MR. BEHAR: But, you know, I'm not sure you  
20 can set a precedent on something that says this, we  
21 can do, and this, we can't do.

22 MS. KEON: Right.

23 MR. BEHAR: In some cases -- it's case by  
24 case. The size may be different.

25 MS. KEON: I mean, I can understand what

1 you're saying, whether they face each other this way,  
2 this way or they face the street, but what you want  
3 to prohibit is having, you know, the garages, the  
4 garages on the street and having it be like an  
5 interior sort of --

6 MR. BEHAR: But you can have conditions  
7 that, like Javier said, you may have no choice and,  
8 you know, if that's the case, you have to set the  
9 garage back X amount of feet, you know, not to be  
10 right at the street level, but you may not have a  
11 choice. The property may not be deep enough or wide  
12 enough to allow a utopian world and having -- you  
13 know, there's got to be guidelines that control that,  
14 in my opinion.

15 MS. KEON: No, I understand what he's  
16 saying, but what could happen is, I mean, the same  
17 project that could be -- you know, this would be the  
18 front of -- you know, if they're backing up to each  
19 okay, I mean, if the lot is large enough, that, you  
20 know, this is the front on this side and this is the  
21 front of the other ones, and maybe the open area is  
22 between, but it's internal, between the two  
23 buildings. You know, that could easily be flipped so  
24 that the street -- you know, the fronts face the  
25 street, or it could be flipped so that the fronts

1 face each other, and then --

2 MR. KORGE: That depends upon whether they  
3 both are facing on the street to begin with.

4 MS. KEON: Well, but --

5 MR. KORGE: You can't --

6 MS. KEON: -- that way, you have the  
7 garages --

8 CHAIRWOMAN MORENO: Okay, what she's talking  
9 about --

10 MS. KEON: Yeah.

11 CHAIRWOMAN MORENO: -- is a block. Okay,  
12 let's say you assemble a whole block. Okay, either  
13 you allow each block to face its own street or you  
14 build a whole project with everything facing the  
15 interior and you basically have a complex with a wall  
16 to the street side, and that's what we don't want to  
17 get.

18 MR. BEHAR: But they have two fronts, right?  
19 If you do that, you have two fronts. At some point,  
20 at some location, you have to put the garages.

21 CHAIRWOMAN MORENO: Right, right.

22 MR. BEHAR: You know, you're not always  
23 going to have the opportunity to put those garages  
24 away from the street. I think that you've got to set  
25 guidelines and say, "Okay, when you have certain

1 conditions, you have to follow these guidelines."

2 CHAIRWOMAN MORENO: But we don't want them  
3 to turn the projects inward. We want it to keep  
4 on -- even though you own the whole block, we still  
5 want this side of the block to face that street and  
6 this side of the block to face this street. We don't  
7 want the back of this project facing this street and  
8 the back of this project facing this street, with the  
9 interior being --

10 MR. BEHAR: Right. I understand.

11 MS. KEON: Yeah. I wouldn't want that to  
12 happen. I mean, that's almost like creating, you  
13 know, a little village.

14 CHAIRWOMAN MORENO: A project.

15 MS. KEON: A project that is separate and  
16 apart from the neighborhood. I mean, it doesn't  
17 communicate with the neighborhood.

18 CHAIRWOMAN MORENO: That's what they do --

19 MS. KEON: With the street that it's on.

20 CHAIRWOMAN MORENO: That's what they do with  
21 all those projects around the Doral area. They're  
22 all interior like that, and that's not what we want  
23 here. We want the French Village.

24 MR. SIEMON: You have one right on LeJeune,  
25 I think, called the --

1 CHAIRWOMAN MORENO: That old French Village?

2 MR. SIEMON: The village, the little  
3 village.

4 CHAIRWOMAN MORENO: The Normandy Village.

5 MR. SIEMON: Yeah. I mean, it's basically a  
6 parcel of land, on which they turned the front  
7 addresses internal, towards an internal drive and put  
8 the backs and sides of the house towards the  
9 traditional street.

10 MR. KORGE: In that location, it makes a lot  
11 of sense.

12 MS. KEON: But as you go down the side  
13 streets, they face--

14 MR. SIEMON: But they created those side  
15 streets. Those aren't part of the network or the  
16 street system of --

17 MS. KEON: No --

18 MR. SIEMON: And --

19 MS. KEON: -- but they still are a public  
20 street. They're not a private street. They're --  
21 and it was conveyed --

22 MR. SIEMON: Well, it was only because the  
23 developer chose to do that. I can well imagine that  
24 someone -- I mean, one of the things, in some of your  
25 blocks, you have deep enough parcels, you have

1 120-foot parcels --

2 MS. KEON: Right.

3 MR. SIEMON: -- where it makes sense to do  
4 exactly what they did there. Now, whether they front  
5 them on the back or front, you need to make a public  
6 policy choice for that. If you want them to face,  
7 all of them to face, in every circumstance, the front  
8 street, you need to specify that.

9 MS. KEON: I think they should face the  
10 street.

11 MR. KORGE: Why?

12 MR. SIEMON: That's not something that was  
13 previously identified --

14 MS. KEON: Because I think that the  
15 street experience --

16 MR. SIEMON: -- as a public policy position.

17 MS. KEON: -- is what you're trying to --

18 MR. KORGE: That's a design issue.

19 MR. BEHAR: But if you have a -- if you  
20 create a courtyard, you're not fronting the street.  
21 I mean, I don't think, personally, I would set  
22 requirements that you, mandatory, force them to face  
23 the street.

24 CHAIRWOMAN MORENO: We don't want them to  
25 have courtyards.

1 MR. BEHAR: You know, but you may not --

2 MR. SIEMON: I --

3 MS. KEON: They can have a courtyard in the  
4 front, I don't care, but I want them to face the  
5 street.

6 MR. SIEMON: I can show you some --

7 MS. KEON: I don't want to walk down a  
8 street and have a -- you know, buildings that are  
9 facing the street and then all of a sudden come to,  
10 you know, a wall that doesn't face the street, and  
11 then have it start over here again, the next parcel,  
12 where it faces the street.

13 MR. KORGE: That's not what's going to  
14 happen. It's going to end up being -- an example:  
15 street level, L shape, and then courtyard like this,  
16 so that you maximize the use of it. You've got a  
17 walkway here, like a broad walkway that people can  
18 come and go through. All of them are facing so that  
19 they communicate directly with the street. I think  
20 that's more likely the scenario that you would see  
21 than others. But I just can't imagine how we could  
22 legislate every bit of design criteria for every --  
23 for every --

24 MS. KEON: Well, I'm not legislating any of  
25 it, but I'm just saying design it --

1 CHAIRWOMAN MORENO: You're going to have

2 a --

3 MS. KEON: -- so that it faces the street.

4 (Simultaneous voices)

5 CHAIRWOMAN MORENO: Sorry.

6 MR. KORGE: Let me finish.

7 CHAIRWOMAN MORENO: Tom has the floor.

8 MR. KORGE: We can't legislate, case by  
9 case, that we have to have certain design criteria.  
10 I'd like to hear what the criteria is in place now,  
11 in the definition, because it doesn't show up in  
12 Division 1 of Article 4. It's in the definitions,  
13 and we haven't heard that yet. So maybe if you'd  
14 read that to us --

15 MR. SIEMON: All the townhouse definition  
16 requires is that it have ground level, primary access  
17 to every individual unit, and it then makes no  
18 provision for the orientation of the front door,  
19 courtyard, side yard, interiors. Obviously, it would  
20 not be on an interior side yard, but, you know, most  
21 of these streets have -- there are a number of these  
22 blocks that have side streets that are pretty  
23 prevalent. They go back to the alley that runs along  
24 between them, and those properties are most likely to  
25 be developed with internal access to the garages.

1           I cannot -- The provisions for the  
2 access-ways is not in the residential Code. It's all  
3 been consolidated in the parking section.

4           What I would propose to you all is that if  
5 this product is exposing some issues, I mean, I think  
6 it's an obvious opportunity to test the provisions of  
7 this and ensure that we have all the protections we  
8 need, and if there's a gap, identify them, and then I  
9 think that there are a couple of public policy  
10 issues, and there's a difference of opinion here as  
11 to whether these townhouses -- and I'll give you an  
12 example. I mean, one of the things that -- I have in  
13 particular, in my mind, a community that has seen an  
14 enormous amount, probably a thousand townhouses in  
15 the last five years, and frankly, the ones that are  
16 the least satisfying are the ones that have rows of  
17 fronts of 16 or 20-foot size townhouses running down  
18 the entire block.

19           MR. KORGE: They all look the same.

20           MR. SIEMON: And the most attractive ones  
21 are ones that actually have, in some cases, an  
22 internal street that goes back to a rear yard  
23 courtyard, that they access some of the parking, and  
24 has a little -- and those units there, along there,  
25 front on that internal street, rather than on the

1 major public street. And you all just need to make a  
2 public policy decision.

3 MS. KEON: And that's fine, but what fronts  
4 on the public street in those instances?

5 MR. SIEMON: Some of the units front on the  
6 side, and some of them have sides.

7 MS. KEON: But it's not a garage?

8 MR. SIEMON: No, ma'am, it's not a garage.

9 MS. KEON: See, I think that's the issue.

10 MR. SIEMON: Really, the issue that you all  
11 are really, I think, focusing on is, you don't want  
12 continuous curb cuts and garages as the predominant  
13 character --

14 MS. KEON: Right.

15 MR. SIEMON: -- along the street, because  
16 that's not going to create a neighborhood.

17 MS. KEON: That's -- yes, that's --

18 CHAIRWOMAN MORENO: I don't want an enclosed  
19 townhouse community in the middle of Coral Gables.  
20 That's what I don't want.

21 MR. SIEMON: Enclosed townhouse --

22 CHAIRWOMAN MORENO: The way that they have  
23 in the rest of Miami, where you go by and see this --  
24 there's a big wall all around it, and then there's a  
25 community that is totally interior to itself and

1 doesn't participate in the community around it.

2 MR. KORGE: If there's a big wall all around  
3 it and it doesn't communicate with the -- the entries  
4 don't communicate with the street, or however --  
5 whatever that phraseology was, I mean, it would  
6 automatically be disqualified.

7 CHAIRWOMAN MORENO: No. No.

8 MR. KORGE: Would it not, Charlie?

9 CHAIRWOMAN MORENO: What he's talking about  
10 is ground level. You can put a wall all around it  
11 and still have it, but I would hate to see --

12 MR. KORGE: Well, you can put a wall up to  
13 ground --

14 CHAIRWOMAN MORENO: I'd hate to see, in  
15 Coral Gables, what has developed in that whole area  
16 west of Miami, where you have these townhouse  
17 enclaves that are kind of self-sufficient, away from  
18 the rest of the street. I don't want to see that. I  
19 like our community where everybody is open. To me,  
20 the ideal townhouse --

21 MR. KORGE: I can't even envision what  
22 you're talking about.

23 CHAIRWOMAN MORENO: You see it in  
24 Westchester.

25 MR. BEHAR: Well, you got benefited, then,

1 from the zero setback, if you're going to put a wall,  
2 right?

3 CHAIRWOMAN MORENO: But sometimes they do it  
4 in the back, okay? They create the wall in the back  
5 and -- I'm not good at explaining, but the walls in  
6 the back, they've got a little rear back yard, and  
7 then the houses face an interior area, and what you  
8 see when you drive by is the wall and the back of the  
9 house.

10 MR. BEHAR: I think -- Cristina, I think  
11 that if my understanding is correct, if you're going  
12 to give the benefit of the town homes and zero  
13 setback, you're going to see a facade on the street,  
14 okay, that's articulated, not with a garage door,  
15 necessarily, but it's brought up to the street edge.  
16 If you're not taking -- if you're going to do, in my  
17 mind, what you're thinking, you've going to have a  
18 setback, and that's going to create your, you know,  
19 front yard.

20 If you're taking the benefit of a town home,  
21 you're coming up to the street edge. At that point,  
22 you don't have a wall. You have -- whether you have  
23 one door or 10 doors or windows on the street edge,  
24 you're not going to get a wall enclosure. I think  
25 the -- and at some point, I think that we have to --

1 honestly, being a past member of the Board of  
2 Architects, give some guidelines and let that be  
3 enforced.

4 CHAIRWOMAN MORENO: Right, but if the Board  
5 of Architects knows that they can do this, that it's  
6 permitted, then they don't have the guidelines to say  
7 no.

8 MR. BEHAR: Well, the problem with the Board  
9 of Architects, really, in my opinion, is that you  
10 don't have -- you don't have any rights. You know,  
11 you can't say, "No, you can't do that," you know, per  
12 se. You know, and it's probably -- I think, you  
13 know, as a frustrated previous past member, you  
14 couldn't say no. If you have guidelines that, you  
15 know, "If you want to take the benefit of town homes,  
16 and you know you're coming to the property line,  
17 well, these are the guidelines you follow. You don't  
18 do that."

19 CHAIRWOMAN MORENO: That's what I'm asking  
20 for.

21 MS. KEON: That's what we're asking for. So  
22 tell me, as an architect, for design purposes, if  
23 you're going to come all the way to the street, what  
24 would you want to see on that street?

25 MR. BEHAR: Well, but Pat, necessarily you

1 don't have to see all doors, all stoops coming up,  
2 and I think that's the --

3 MS. KEON: Okay, not that, but what I don't  
4 want to see are garages. So tell me --

5 MR. BEHAR: I understand, and -- but Javier  
6 made a point, which is very valid.

7 MR. KEON: Okay.

8 MR. BEHAR: What about if the property  
9 doesn't have the flexibility for you to do something  
10 else? Can you not design a product that is  
11 attractive, that has the stoop -- but yet again, you  
12 see the front, you know, the garage? You can't look  
13 at it as if you had a property that is wide enough,  
14 deep enough to accommodate the best possible  
15 scenario.

16 I think that there are going to be  
17 conditions, and I think what gives charm and  
18 character to a city, it has a diversity --

19 MS. KEON: Right.

20 MR. BEHAR: -- of, you know, massing styles.  
21 I think that -- as a design professional, I think  
22 that it is our responsibility to create something  
23 that addresses what I'm following, and in cases that  
24 I may have a garage door that is on -- facing the  
25 street, by guidelines, I have to set it back, you

1 know, whatever we deem necessary, or whatever, you  
2 know, the Code, the provision requires.

3 I think you're focusing, in my opinion, on  
4 something that I don't think we could control that.

5 CHAIRWOMAN MORENO: What about the  
6 courtyard, that open area inside the building, as  
7 opposed to outside the building, which is one of the  
8 problems we've had with single-family?

9 MR. BEHAR: Yeah, but Cristina, I could give  
10 you many examples in European, you know, cities that  
11 have beautiful courtyards, and the building is right  
12 at the street edge, addresses the street edge and at  
13 the same time provides a beautiful courtyard. You  
14 know, are we going to limit ourselves to having that  
15 type of product, because we want all the doors to  
16 front the streets?

17 CHAIRWOMAN MORENO: Well, no, but because we  
18 want the green areas to benefit the neighborhood, not  
19 just the project. The interior courtyard is  
20 beautiful for the project itself, but is it beautiful  
21 for the neighborhood? It's meant to be a  
22 neighborhood issue, not --

23 MR. BEHAR: You know, the City of Miami  
24 has --

25 MR. KORGE: Do you want to put the back

1 yards in the front? Is that what you're saying?

2 CHAIRWOMAN MORENO: No. I'm saying you  
3 can't do -- One of the big problems that they had  
4 with the house on Cortez was that the courtyard, all  
5 that open area, was inside the building, with the  
6 walls around it. I don't want to see the same thing  
7 happen with townhouses. I don't want the courtyard  
8 in the middle to be all of our open area and for the  
9 visual neighbors, what they see is the four walls at  
10 the boundaries of the property.

11 MS. KEON: I've seen some very pretty  
12 projects where, you know, what is facing the street,  
13 maybe it isn't the front stoop or whatever, but it's  
14 certainly not a garage, and there's like an entry  
15 into it, and it creates like a little cul-de-sac or  
16 sort of a little, you know, interesting kind of  
17 project where homes are built, but it doesn't line up  
18 to allow people to put all the garages on the  
19 outside, so that the project, you know, turns in onto  
20 itself. You know, it's still -- you know, it's open  
21 and accessible by --

22 MR. BEHAR: I'm thinking of a provision that  
23 the City of Miami uses, is on special pedestrian  
24 pathways, streets. If you're going to build up to a  
25 property line, you have to have, if I recall

1 correctly, 65 percent of the street frontage has to  
2 have habitable spaces, okay? I'm using that as an  
3 example, because if you want to take advantage of all  
4 those benefits or all the incentives they give you,  
5 you have to provide that.

6 Well, there may be a possibility that you do  
7 the same. If you want to take advantage of the  
8 benefit of the town home to come up to the property  
9 line, a minimum percentage of the street frontage has  
10 to be addressed in a certain way.

11 MS. KEON: Okay.

12 MR. BEHAR: Okay, so that you're not  
13 necessarily putting all your garage doors on the  
14 street frontage. I don't know the solution, how do  
15 we get there, but I'm sure, you know, that could be  
16 one possibility, that -- and then that's -- I think  
17 it's a form of a guideline that you set in --

18 MS. KEON: Okay.

19 MR. BEHAR: -- for, you know, the design  
20 professional to follow. But you can't limit, you  
21 know, in all cases, because not all sites are going  
22 to be the same.

23 MS. KEON: I know, but do you ever get to a  
24 point where you say, "You know what? That site just  
25 is not -- you just can't put it there on that site"?

1           MR. BEHAR: Being on the other side of the  
2 table, it's very difficult to say, well, I have this  
3 site and I want to develop something, and -- you  
4 know, it's not good enough, let me leave it like  
5 that.

6           CHAIRWOMAN MORENO: I know, but the idea of  
7 this is, you can develop something else. You just  
8 don't get zero setback. You can develop --

9           MR. BEHAR: But then you don't -- the only  
10 way you're going to get the benefit of the town home  
11 is if you follow those guidelines.

12          MS. KEON: But we don't have guidelines for  
13 town homes that are a little more specific than --

14          MR. KORGE: Let's step back and remember  
15 that this was an alternative to what would otherwise  
16 be more dense or higher or whatever objectionable  
17 features were in the existing provisions.

18                 So, if we're not going to go with this, then  
19 you're going to have to go back to the other. I  
20 mean, this is -- we discussed all this at length, and  
21 it was unanimously approved by this Board.

22          CHAIRWOMAN MORENO: Yeah, but I thought that  
23 a townhouse was a townhouse. I didn't think a  
24 townhouse was an apartment building.

25          MR. KORGE: Well, that remains to be seen,

1 because apparently that project has not yet been  
2 approved and it's still being reviewed, and I don't  
3 know what the --

4 MS. KEON: Well, but obviously, Planning has  
5 some concerns with it. Is that what you're saying?

6 MR. RIEL: It's still under review and --

7 MS. KEON: Do you have a concern?

8 MR. RIEL: It's no -- yes, we do have,  
9 still, some concerns.

10 MR. KORGE: So we're sitting here debating  
11 something that probably -- well, I won't say  
12 probably. We don't know whether that would ever get  
13 through, to begin with, you know, and this is all --

14 CHAIRWOMAN MORENO: But if you put --

15 MR. KORGE: Let me finish.

16 CHAIRWOMAN MORENO: Yeah.

17 MR. KORGE: We all -- I mean, you and I were  
18 the only ones on the Board at the time, so I can  
19 understand why everybody else is questioning it and  
20 looking at it with a fresh look, and perhaps it  
21 could, you know, be done better, I don't know, but it  
22 was unanimously approved. The Commission, I think,  
23 unanimously approved it with changes which provided  
24 for greater height, is that correct, greater height  
25 than we had --

1 MR. RIEL: Yes.

2 MR. KORGE: They allowed some greater height  
3 and some other changes, so they were a little less  
4 restrictive than we were, and what are we going to  
5 do, go back to the Commission and say, "No, don't do  
6 it this way, do it another way, that's even more  
7 restrictive"?

8 MR. RIEL: May I suggest that we --

9 MR. KORGE: We're not prepared to do that,  
10 because they don't have any recommendations from us  
11 of what would be better.

12 MR. RIEL: May I suggest that we take this  
13 particular project and perhaps Mr. Siemon and I can  
14 look at it and further strengthen it. I think we  
15 generally know where the Board is going with this,  
16 but let us take a look at that.

17 MR. SIEMON: The existing moratorium  
18 ordinance does not allow any parking within the first  
19 20 feet behind the setback, regardless of whether  
20 it's a townhouse or anything, or any other form of  
21 housing.

22 CHAIRWOMAN MORENO: Say that again?

23 MR. SIEMON: The first 20 feet of property,  
24 regardless of what the setback is, whether it's 10  
25 feet for the townhouse or 20 feet for a multifamily

1 building, or in the A District, which can be  
2 broken -- reduced even further, depending on the  
3 width of the right-of-way, you can't have required  
4 parking within the first 20 feet, no matter what.  
5 You can only have landscaped areas, articulated  
6 facades, entranceways, no parking.

7 MS. KEON: So any garage would have to sit  
8 back 20 feet?

9 MR. SIEMON: All garages.

10 MS. KEON: All garages.

11 MR. SIEMON: In every property.

12 MS. KEON: No matter what it is.

13 CHAIRWOMAN MORENO: And I'm going to get at  
14 least 20 feet of yard or open area?

15 MR. SIEMON: Well, except for the  
16 townhouses, when you're going to get 10 feet.

17 MS. KEON: But if the --

18 MR. SALMAN: Excluding the stoops.

19 MR. SIEMON: Right, excluding the stoops.

20 MS. KEON: But the garage and the townhouse  
21 could be 10 feet from the street?

22 MS. HERNANDEZ: No.

23 MR. KORGE: No.

24 MS. KEON: It has to be 20 feet?

25 MR. SIEMON: No, it cannot be.

1 MS. KEON: Okay.

2 MR. SIEMON: It can't be. It's more than 20  
3 feet.

4 MS. KEON: It has to be back 20 feet.

5 MR. SIEMON: Now, they could do that,  
6 somebody could theoretically do that, but they're  
7 going to do it only because they can't accommodate  
8 the parking any other way.

9 MR. BEHAR: But you couldn't do that,  
10 because you'd have your cars on the street, in the  
11 public right-of-way.

12 MR. SIEMON: No, I mean, what you'd have to  
13 have, I think, is, you'd have to have a single  
14 garage, it would have to be set back 20 feet, 10 feet  
15 beyond the front facade of the building, and that  
16 would be a garage, so that the front of the townhouse  
17 would be defined by the door and whatever else you  
18 had.

19 MS. KEON: Right.

20 MR. SIEMON: And the driveway would be set  
21 behind. Nobody is going to do that -- I mean, I  
22 think you can feel fairly comfortable nobody is going  
23 to do that, unless that's the only way they can  
24 provide access.

25 MS. KEON: So the only way you would see a

1 row of garages is if they were all set back 20  
2 feet --

3 MR. SIEMON: Right.

4 MS. KEON: -- anyway.

5 MR. SIEMON: Right. But they're going to  
6 have to be spaced by building facades --

7 MS. KEON: Okay.

8 MR. SIEMON: -- on the front.

9 MS. KEON: Then maybe you'll look at that  
10 and --

11 MR. SIEMON: But I really -- I want to go  
12 back and say, if we have an unintended consequence  
13 that's coming from something that's a gap, we should  
14 address it --

15 MR. RIEL: Let us look at it.

16 MR. SIEMON: -- and I don't hesitate, and  
17 that's why I suggested --

18 MR. KORGE: But if there is a gap, you need  
19 to tell us what the gap is, because I don't know that  
20 we've got a gap.

21 MR. SIEMON: Well, but I can't.

22 MS. KEON: Okay, so you'll look at it and  
23 you'll come back.

24 MR. SIEMON: That's why I say, give me a  
25 chance to look at this project --

1 MS. KEON: Okay, fine.

2 MR. SIEMON: -- find out what the  
3 classifications are and what the issues are --

4 MR. RIEL: And that's why I said, it's still  
5 under review.

6 MS. KEON: Absolutely. Okay.

7 MR. SIEMON: One of the things I need to do  
8 is bring for you all -- I mean, you remember that we  
9 had all these diagrams that we did about what it  
10 meant in various size parcels, because you have to  
11 look at it in the context of the parcels of land, and  
12 they are much less -- you have a lot less  
13 flexibility than I think you all think we have.

14 But there is a point, and I want to make  
15 sure, we don't have a townhouse district. We have a  
16 low-density multifamily and a high-density  
17 multifamily. We give certain bulk regulations,  
18 setbacks, et cetera, breaks, for townhouses, but it's  
19 not a district.

20 CHAIRWOMAN MORENO: Okay, but I want to make  
21 sure that those breaks apply to true townhouses and  
22 not to fake apartment buildings.

23 MR. BEHAR: Well, you're required to have  
24 multiple doors, you know, not one door.

25 CHAIRWOMAN MORENO: Okay, but that -- let's

1 take the project that I remember, the Bahamian  
2 Village. I would not want to see that all over the  
3 City. I like it where it is, because it's facing the  
4 hospital, but I wouldn't want to see that on  
5 Valencia, for example.

6 MR. KORGE: The Bahamian Village?

7 CHAIRWOMAN MORENO: The one by Riviera.

8 MR. KORGE: Oh.

9 CHAIRWOMAN MORENO: The one Liz did.

10 MR. KORGE: That's not facing the hospital.

11 MS. KEON: Yeah, it backs up to --

12 MR. KORGE: The golf course.

13 MS. KEON: -- Riviera Golf Course and it  
14 fronts on --

15 MR. KORGE: That's on Campo Sano --

16 MR. KEON: Right, but across from Doctors  
17 Hospital.

18 MR. KORGE: That's on Campo Sano, not on  
19 Riviera.

20 MS. KEON: Yeah.

21 CHAIRWOMAN MORENO: No, Riviera Country  
22 Club, not Riviera.

23 MR. KORGE: Oh, I'm sorry. I misunderstood  
24 you. Yeah. Is that a townhouse? Would that  
25 qualify --

1           MR. SIEMON: I would not consider that to be  
2 a townhouse project.

3           MR. KORGE: No, I don't think that would  
4 qualify as a townhouse project.

5           MR. RIEL: It came through as a Planned Area  
6 Development.

7           CHAIRWOMAN MORENO: Right. Fine, that was a  
8 plan, but I wouldn't want a townhouse project looking  
9 like that.

10          MR. KORGE: Well, I didn't understand that  
11 it could qualify under these --

12          MR. RIEL: We didn't have these regulations  
13 at the time.

14          MR. KORGE: If we did have them at the time,  
15 it would not have qualified under these, would it?

16          MR. RIEL: I don't know the answer. I'd  
17 have to go back and evaluate that plan, because it's  
18 not fresh in my mind, but --

19          CHAIRWOMAN MORENO: All right. So we've  
20 decided to --

21          MS. KEON: They're going to review it.

22          CHAIRWOMAN MORENO: -- review it.

23                 Are we going to pass this Article 4,  
24 Division 1, with a request that you amend the  
25 definition of townhouses if you find it necessary?

1           MR. SIEMON: No, I would recommend that  
2 you, if you're inclined to approve it, to approve it  
3 with the exception of townhouses and how they're  
4 treated, as a global subject matter.

5           MR. BEHAR: If this will make a difference,  
6 I am not prepared, for being such a -- you know, the  
7 first time on the Board, to vote on this item. I'd  
8 like to be able to read more about it, you know, get  
9 more informed. So that would leave four Board  
10 members, if that's going to make a difference or not.

11           CHAIRWOMAN MORENO: Liz? Does it matter?

12           MS. HERNANDEZ: It doesn't matter. It will  
13 go with no recommendation. That's fine. It will  
14 just move forward.

15           CHAIRWOMAN MORENO: Okay.

16           Okay, so I guess you're going to make a  
17 motion, Tom?

18           MR. KORGE: For what?

19           CHAIRWOMAN MORENO: To approve this --

20           MR. HERNANDEZ: Right.

21           CHAIRWOMAN MORENO: -- subject to a review  
22 of the townhouse provisions.

23           MR. KORGE: That's my motion.

24           CHAIRWOMAN MORENO: I need a second.

25           MR. SALMAN: I'll second.

1 CHAIRWOMAN MORENO: Call the roll, please.

2 MS. MENENDEZ-DURAN: Tom Korge?

3 MR. KORGE: Yes.

4 MS. MENENDEZ-DURAN: Javier Salman?

5 MR. SALMAN: Yes.

6 MS. MENENDEZ-DURAN: Robert Behar?

7 MR. BEHAR: Abstain.

8 MS. MENENDEZ-DURAN: Pat Keon?

9 MS. KEON: I would abstain, too. I haven't  
10 read it. I don't know it.

11 MS. MENENDEZ-DURAN: Cristina Moreno?

12 CHAIRWOMAN MORENO: Yes, subject to the  
13 review of the townhouse provisions.

14 MR. SIEMON: Okay.

15 Next, I'm going to give way to Eric to  
16 discuss the MXD District.

17 MR. RIEL: This is another one of these  
18 districts and these areas that has gone -- undergone  
19 a significant amount of review. Approximately --  
20 two years ago? Two years ago, we were approached by  
21 a developer and asked to work closely with them to  
22 create a mixed-use overlay district that was  
23 eventually assigned to the area north of the Village  
24 of Merrick Park.

25 The underlying industrial land use and

1 zoning remains in place, but we made it voluntary.  
2 If you desire to develop residential, we provided for  
3 density bonuses with some very specific criteria that  
4 allows you to do that.

5           These provisions that are in front of you  
6 this evening are identical to what was adopted and  
7 reviewed by this Board. I will tell you, there's two  
8 minor changes, and those two changes were as a result  
9 of the project that actually was the impetus for  
10 doing this, as well as another project that is in the  
11 Planning Department's office for review.

12           Just as a matter -- and I'm going to go  
13 through those. On Page 2, you're going to notice all  
14 this underlining of these ground floor uses. That's  
15 incorrect. Those uses were discussed at length.  
16 There was a lot of discussion. It was just some  
17 miscommunication between the consultant and Staff.  
18 These uses are those uses that were permitted on the  
19 ground floor. They had thought that, through our  
20 review process, that we had removed those. No, we  
21 had specifically gone through these, one by one. I  
22 remember the discussion on this, and again, this was  
23 to encourage ground floor retail and residential  
24 above, a mixed-use project.

25           The only change to the provisions that were

1 adopted by the Commission is that on Page 4, if you  
2 go to 4, about the middle part of the page, you're  
3 going to see something. This has to do with  
4 encroachments and loggias. We had asked for -- the  
5 minimum height of that loggia be at 18. That  
6 developer, when they came through the process, found  
7 that that was too high.

8 CHAIRWOMAN MORENO: I remember.

9 MR. RIEL: And we lowered it, and they  
10 actually went through and got a variance and they  
11 asked for us to amend that in the Code. So we've  
12 made that change on 4, and that also has to do, on  
13 Page 8 -- I'm sorry, I apologize, at Page 6. Again,  
14 the same issue. We allowed for a reduction in  
15 setbacks if there was a loggia created, and that 18  
16 feet appears again, so we lowered it to 14 feet.

17 I will tell you that when we went through  
18 the discussion of the -- doing the northern section,  
19 we had also discussed about assigning that same --  
20 those same provisions to the southern section, based  
21 upon the southern industrial section.

22 We do have an application in the office that  
23 is being processed right now, that will come to the  
24 Board probably in the fall, within the next coming  
25 months, that assigns that overlay to that area, as

1 well, and we're also working with them on some other  
2 issues, in terms of work force housing, affordable  
3 housing needs that the City needs to address as a  
4 part of the Comprehensive Plan.

5           So, in a nutshell, basically, these are the  
6 identical regulations that we went through about two  
7 years ago, and I believe the developer right now of  
8 that project has gone through -- I don't know if  
9 they've gotten their permit yet. I know the  
10 buildings have been demolished and they're proceeding  
11 forward with construction.

12           CHAIRWOMAN MORENO: Okay.

13           Do we have any discussion?

14           MR. RIEL: I don't know if they have  
15 anything. I'm sure they do.

16           MR. SALMAN: This is the area that  
17 potentially has been the recipient of the TDRs  
18 under --

19           MR. RIEL: This was the southern area, yes.

20           MR. SALMAN: And describe to me the bonuses  
21 that are given to them and the changes.

22           MR. RIEL: The bonuses that are available  
23 under these mixed-use provisions are increase  
24 in density up to -- increase in height up to 100 feet  
25 habitable, 125 feet -- 25 feet of architectural

1 elements, and a density of 125 units an acre.

2 MR. SALMAN: Wow.

3 MR. RIEL: Yes.

4 MR. SALMAN: To which they want to add even  
5 more?

6 MR. RIEL: No. We are going -- we are  
7 working with the developers of that area to try to  
8 meet the affordable housing needs for the City, and  
9 looking at possibly increasing that density and  
10 height further. We're still working out a lot of  
11 issues, and this is something on behalf of Staff,  
12 that we're having -- we're promoting, because we are  
13 required by the State to address the affordable  
14 housing need, just like every other community is, in  
15 the State of Florida.

16 MR. BEHAR: Eric, correct me if I'm wrong.  
17 In this area, you are allowed to go up to 97 feet, as  
18 of today?

19 MR. RIEL: 99 feet, actually --

20 MR. BEHAR: 99 feet.

21 MR. RIEL: -- with Mediterranean bonuses,  
22 yes.

23 MR. BEHAR: Right, but only limited to eight  
24 stories?

25 MR. RIEL: Correct.

1 MR. BEHAR: Now, this will change it,  
2 because of the residential development, up to -- is  
3 it 10 stories?

4 MR. RIEL: A hundred feet.

5 MR. BEHAR: A hundred feet.

6 MR. RIEL: It doesn't matter.

7 MR. BEHAR: It doesn't matter how many  
8 stories?

9 MR. RIEL: If you have 40 stories in there,  
10 it's a hundred feet.

11 MR. BEHAR: So the height is not changing,  
12 just whatever you put inside the building?

13 MR. RIEL: Right. The current Code only  
14 allowed eight floors.

15 MR. BEHAR: Right.

16 MR. RIEL: This -- as Charlie indicated  
17 before, we're trying to limit the Code to get away  
18 from floors and limit it just by height.

19 CHAIRWOMAN MORENO: Ms. Dougherty.

20 MS. KEON: Can I ask one question?

21 So when you say the density that you're  
22 looking at, that's to create very -- you could create  
23 lots of very small apartments; is that what you're  
24 saying?

25 MR. RIEL: No, it's 125 units an acre.

1 That's the highest density in the City.

2 MS. KEON: 125 units an acre?

3 MR. RIEL: 125 units an acre, yeah.

4 The Comp Plan, back in '85, had an  
5 objective, a policy and objective that said this area  
6 should be mixed use. It should encourage  
7 residential. It just took this developer, in  
8 cooperation with the City -- I mean, we're, you know,  
9 eight years later, but it's really resulted, in my  
10 opinion, you know, and the developer can attest to  
11 that, that it's a good project. It's purely a higher  
12 density where it should be, in close proximity to the  
13 rail and, you know, to the trolley system, and we're  
14 looking at that area as being, you know, a major,  
15 major center, mixed-use center, so --

16 MS. DOUGHERTY: Good evening, Madam Chair,  
17 Members of the Board. My name is Lucia Dougherty,  
18 with offices at 1221 Brickell Avenue.

19 I'm here today with my colleague, Mario  
20 Garcia-Serra. We represent a developer who purchased  
21 about five acres in this southern industrial  
22 district. The property that he has purchased is on  
23 both sides of this Metrorail line, and you may recall  
24 that the last time -- or some of you would recall,  
25 actually, two of you would recall -- that we were

1 here because the City had actually put this amendment  
2 in their Comprehensive Plan or in this rezoning  
3 ordinance, and when we came before you at that  
4 particular time, you said, "We'd like you to do your  
5 separate application, have the same notice as  
6 everybody else," and that's what's pending, and it  
7 will be before you, probably, in September.

8 We are here supportive of the ordinance, but  
9 there's one amendment that we would like to ask you  
10 to consider. We've met with lots of neighbors.  
11 We've met with neighbors both inside and outside of  
12 the district who are supportive of the change of  
13 zoning.

14 However, there are a few people who are  
15 within the district who are reluctant to sign the  
16 zoning application, and particularly, we're going to  
17 talk about Gables Engineering, which is located right  
18 here. I mean, this is Merrick Park. This is the  
19 little circle. Gables Engineering is a really,  
20 really nice office building here, but in fact, what  
21 he does is, he manufactures black boxes for  
22 airplanes. So it's actually a light manufacturing  
23 use. His concern is that he would become a  
24 nonconforming use if the provision that you find on  
25 Page 2 of 17 is implemented. The top of Page 2 of 17

1 says the MXD may be assigned as a zoning designation  
2 or an overlay zoning designation, and then it goes on  
3 to say, however, if the overlay designation -- only  
4 an overlay designation may be assigned to 10 acres or  
5 less.

6 Our concern is that if you have that  
7 either/or, then at some point this may become a real  
8 zoning designation, as opposed to an overlay, and he  
9 would, therefore, lose his industrial light  
10 manufacturing. He would become nonconforming.

11 So what we're really asking you to do is to  
12 take off, at least for 10 acres or more, the  
13 provision that it become a zoning designation, and  
14 let it be an overlay zoning designation, like you did  
15 in the north section, and that would allow folks to  
16 have the flexibility to do either the commercial,  
17 under the old ordinance, or the manufacturing, as he  
18 has, and by the way, the veterinarian that's there  
19 currently would also be a nonconforming use at that  
20 point, and he is a little concerned about it, as  
21 well.

22 So we would request that you allow for the  
23 flexibility, and if either of the Gables Engineering  
24 or the veterinarian were to be developed in the  
25 future, we can pretty much be assured that it would

1 do it under the mixed-use, because you do have these  
2 incentives. You have the incentive of going from 50  
3 units an acre to 125 units per acre. You have -- you  
4 have the incentive of going from a 3.0 FAR to a 3.5  
5 FAR, if you do a mixed-use project. So, more than  
6 likely, if either of those properties do get  
7 redeveloped, they will become a mixed-use project,  
8 because you have these incentives.

9           So we're suggesting that you don't allow  
10 them to have a zoning designation, but simply an  
11 overlay designation, and if you want to make that  
12 only for properties over 10 acres or more, maybe  
13 that's the solution that Eric would agree with.

14           MR. RIEL: At this point -- Some of the  
15 concern that -- when we went through this process,  
16 and the City, when it went to the Regional Planning  
17 Council, was the fact that we did this as an overlay  
18 and the underlying industrial still remained there in  
19 place.

20           We put this flexibility in there, and my  
21 recommendation is to leave the language as is, and if  
22 we need to amend it, because I don't want to go  
23 before the Regional Planning Council and they say  
24 "We're not going to support this overlay," and then  
25 we have to go back and look at this ordinance again.

1 I would rather leave that flexibility in at this  
2 time, and if -- I mean, the original direction that  
3 we wanted to go in was to make this a zoning  
4 designation, make this a mixed use, and I understand  
5 the challenge that they're having in trying to get  
6 all the property owners. The same property owner  
7 had -- they had the same challenge on the north half,  
8 getting everybody to buy into the overlay. So I'd  
9 like to leave the -- I would recommend that language  
10 remain as, at this point.

11 CHAIRWOMAN MORENO: But in the north half,  
12 it was an overlay. It wasn't a required zoning.

13 MR. RIEL: It was an overlay, but I can tell  
14 you, the State had a lot of issues with reference to  
15 that, and I don't know if we're going to be able to  
16 go through that again.

17 MR. KORGE: What was their concern,  
18 overall?

19 MR. RIEL: "If you're going to call it mixed  
20 use, let's give it the right assignment," that's  
21 basically what --

22 CHAIRWOMAN MORENO: I know, but then we're  
23 basically eliminating the only industrial area we  
24 ever had, right? So we'll have no industrial zoning  
25 whatsoever.

1           MR. RIEL: Well, we're looking at not  
2 assigning -- there still would be a portion that  
3 would still be industrial in the City. There would  
4 still be a small corner that would remain industrial.

5           MS. KEON: And that would be the only corner  
6 that could be industrial?

7           MR. RIEL: Yes, but --

8           MS. DOUGHERTY: I have a question for Eric.

9           The reason -- from our standpoint, we don't  
10 care if you leave Mr. Clark's property out of it. I  
11 mean, it's not -- we are asking this because we are  
12 doing what we think that you want us to do, and  
13 that's get everybody on board.

14          MR. RIEL: Right.

15          MS. DOUGHERTY: So, if you and the Planning  
16 & Zoning Board want to leave this property out,  
17 that's perfectly acceptable to us.

18          MR. RIEL: I understand.

19          MS. DOUGHERTY: But -- you know, so --

20          CHAIRWOMAN MORENO: Are you leaving it -- Is  
21 that what you're saying?

22          MR. RIEL: The idea -- the whole impetus of  
23 doing this was to develop a master streetscape plan,  
24 get utilities underground, provide ground floor  
25 retail, provide improvements to the area, and

1 encourage residential at a higher density because  
2 it's in close approximately to the rail. That's the  
3 bottom line.

4 So, if we have a property owner that wants  
5 to opt out of that, the concern I have is, how are  
6 they paying their pro rata share or input into  
7 improving that area? We're looking, basically, at an  
8 improvement plan for that area.

9 MR. KORGE: Well, my concern would be, if  
10 they're going to opt out of it, how are we ever going  
11 to get even close to something like that? How are we  
12 going to get her project finally approved if they're  
13 always waiting on that last homeowner --

14 MR. RIEL: One of the things that we're  
15 going to make them do is, we're going to make them  
16 plan for the whole area. We're going to have them do  
17 the plan for the whole area, in terms of the  
18 underground utilities and the master planning and all  
19 that stuff.

20 CHAIRWOMAN MORENO: Who's going to do that?

21 MS. DOUGHERTY: We're going to plan the  
22 whole area?

23 MR. RIEL: Yes. The same -- the same --

24 MS. DOUGHERTY: Does that mean put the  
25 improvements on it? Just plan it?

1 MR. RIEL: No, the same that was done on the  
2 northern section.

3 MS. DOUGHERTY: Okay, I understand that.  
4 That's fine.

5 Here's the next question I have for you,  
6 then. Are you going to be willing to do this over  
7 his objection? Because I doubt that we're going to  
8 get his signature on this application.

9 MR. RIEL: Over whose objection?

10 MS. DOUGHERTY: Mr. Clark's. Are you going  
11 to rezone this property over his objection?

12 MR. RIEL: No, I think we still have to meet  
13 with that property owner, I mean, and I'm not saying  
14 that we're here to remove anyone's rights. I mean,  
15 you know, we went through the process on the northern  
16 half in 11 months. That is just unbelievable, to get  
17 a property rezoned, change in land use, a site plan  
18 approval and create new regulations.

19 MS. DOUGHERTY: Yes, but, you know, I want  
20 to tell you something. It's because my client  
21 actually made everybody understand what was going on,  
22 and they were all accepting of it, everybody in that  
23 district. And we're trying to do the same thing in  
24 this district, we're just having a little resistance,  
25 because his concern, and rightfully so, is, he's got

1 a fantastic manufacturing plant there, and it looks  
2 like an office. It fits right in, so there's really  
3 no reason not to --

4 MR. RIEL: And I don't disagree with you. I  
5 think probably, on my part, I haven't had an  
6 opportunity to sit down with that owner. It's just  
7 that I think we need to probably move forward and  
8 meet with them and discuss a lot of these issues. I  
9 know they've been meeting with you. I just have not  
10 had that opportunity.

11 And again, what we're suggesting here is not  
12 approval of any project, not assignment of this mixed  
13 use. These are just the mixed-use provisions, and  
14 this is only legislation. This is not, by any means,  
15 assigning this. This applicant will need to go  
16 through that process of assigning the overlay.

17 MR. KORGE: The 10 acres or more  
18 designation, how large is the entire area that we're  
19 talking about?

20 MS. DOUGHERTY: This is about 25 acres, I  
21 think.

22 MR. KORGE: 25 acres?

23 MR. RIEL: Yes.

24 MS. DOUGHERTY: Right. So we're suggesting  
25 that, you know, if you want to make it 10 acres or

1 more, just, you know, make it the 10 acres or less  
2 having the assigned designation, and 10 acres or  
3 more, let them have the overlay.

4 MR. RIEL: We put this in there to allow the  
5 flexibility to go either way. That's basically why  
6 it was put in there.

7 MR. SALMAN: My question actually has to do  
8 with the fact that we're not really changing the  
9 underlying zoning, right, here? We're just putting  
10 an overlaying district. So how does that preclude  
11 Gables Engineering or whoever to do what they've  
12 always wanted to do, or have been doing since they  
13 started?

14 MS. DOUGHERTY: What you just suggested is  
15 what we want. What he's suggesting is that he wants  
16 to put in here that they can assign the legislation,  
17 assign the zoning designation, as opposed to having  
18 an overlay.

19 We totally agree with you. We want just an  
20 overlay, like it was in the north. That's what we  
21 are suggesting is the right approach.

22 MR. RIEL: This doesn't approach you from  
23 doing that, though.

24 MR. KORGE: Well, as I read this -- Excuse  
25 me for interrupting, but as I read this, it can be

1 either a zoning designation or an overlay  
2 designation, but an overlay must be 10 acres or more.

3 MR. RIEL: Correct.

4 MR. KORGE: Okay.

5 CHAIRWOMAN MORENO: All right, so that  
6 project she's talking about is not 10 acres or more,  
7 so it could not be an overlay. It would have to  
8 be --

9 MR. BEHAR: Right.

10 MR. KORGE: Well, it would overlay -- it  
11 would have to overlay additional property,  
12 presumably the -- You're asking that the whole area  
13 be planned. You come before us with a plan for the  
14 whole area, and then we would presumably, if it was  
15 to go forward, approve the more than 10-acre area,  
16 and what would be the objection of the engineer and  
17 vet, that the overlay would affect them? How?

18 MS. DOUGHERTY: No. They would not have an  
19 objection of having an overlay. They're fine with an  
20 overlay. They would have an objection, and this  
21 ordinance, the way it reads now, says that you have  
22 an option of making it either an assigned designation  
23 or an overlay, and if you made it an overlay, he  
24 wouldn't have an objection; if you have this assigned  
25 designation, he does have an objection.

1                   CHAIRWOMAN MORENO: We have the right to  
2 say, if it's 10 acres or more, we don't care, it's  
3 still going to be a zoning designation.

4                   MS. DOUGHERTY: That's right.

5                   CHAIRWOMAN MORENO: We can make it --

6                   MR. RIEL: But it will go through the public  
7 hearing process for change in zoning, either way,  
8 whatever -- however we go, so --

9                   MR. KORGE: I don't --

10                  MR. RIEL: We're not going to go rezone  
11 somebody's property without, obviously, working  
12 closely with that property owner.

13                  MR. KORGE: I don't read this as keeping you  
14 from obtaining the overlay. I don't think it says  
15 that. I think what I'm hearing from Eric is that  
16 they're going to -- you know, they're going to end up  
17 planning the whole area, and that probably they're  
18 going to come forward with an overlay proposal.

19 That's what I'm assuming is going to happen. And if  
20 it's going to be rezoned, then some people are going  
21 to object and some people will be in favor, and I  
22 don't know how that would turn out.

23                  CHAIRWOMAN MORENO: No, that's not what Eric  
24 is saying.

25                  Eric, explain what you're saying.

1 MR. KORGE: Is that what you're saying?

2 MR. RIEL: What I'm saying is, we're going  
3 to either assign mixed-use or industrial -- or,  
4 mixed-use or an overlay, but I don't know how the  
5 State is going to react to that. We still want that  
6 flexibility to go either with the overlay route or --

7 MR. KORGE: A change in zoning.

8 CHAIRWOMAN MORENO: So if the State says to  
9 you, "I really want it to be a change of zoning,"  
10 you're going to impose the zoning?

11 MR. RIEL: We're going to go back through  
12 that public hearing process.

13 MR. BEHAR: You can't do that. I didn't  
14 think you want to do that.

15 MS. KEON: But you have to ask the State; is  
16 that what you're saying?

17 MR. BEHAR: Forcing the guys --

18 MR. RIEL: Yes. That was an issue that was  
19 brought up in the north, when we did the north  
20 section.

21 MR. KORGE: And that wouldn't hurt you, if  
22 it was a change in zoning, because then if the State  
23 is saying, "We're going to change the whole area,"  
24 then it's going to be changing you and everybody  
25 else, and you'd want that change.

1           MR. RIEL: But we might only do a portion of  
2 it, since it's 25 acres.

3           MS. DOUGHERTY: Yes. I want to make my  
4 client --

5           (Simultaneous voices)

6           CHAIRWOMAN MORENO: Wait. One at a time.

7           MS. DOUGHERTY: My clients, the ones who  
8 have purchased the five acres here, don't care. All  
9 I'm saying to you is that the City has directed us to  
10 get the rest of the property owners to sign on, to  
11 buy into this, and what I'm saying to you is, we're  
12 having some reluctance by this particular property  
13 owner and some others who have a true industrial use,  
14 currently, and don't want to have an assigned  
15 designation. They would accept an overlay --

16           MR. KORGE: Right.

17           MS. DOUGHERTY: -- but they don't want an  
18 assigned designation.

19           MR. BEHAR: They're going to lose the right,  
20 and they may not be able to do their present --

21           MR. KORGE: I understand that, but if that  
22 occurs, am I hearing that the City will not allow it  
23 to go forward as a change in zoning unless everybody  
24 agrees?

25           MS. DOUGHERTY: I don't know. That's what I

1 was asking him.

2 MR. RIEL: No, we can't go rezone property  
3 without letting folks know about it. I mean --

4 MR. KORGE: That's not what I asked.

5 (Simultaneous voices)

6 CHAIRWOMAN MORENO: Stop, stop, stop. We're  
7 talking double-speak.

8 Eric, can you approve their zoning  
9 designation over the objections of this individual?  
10 That's the question.

11 MR. RIEL: I'm not -- No. I mean -- I mean  
12 we're going to try to work with them.

13 MS. HERNANDEZ: No, no, no, no, no.

14 CHAIRWOMAN MORENO: And if he says no?

15 MS. HERNANDEZ: Madam Chair?

16 CHAIRWOMAN MORENO: Yes.

17 MS. HERNANDEZ: Are you talking about the  
18 zoning designation of the overlay district, which  
19 would include the engineering?

20 MR. KORGE: Changing it.

21 MS. HERNANDEZ: For her property?

22 MR. KORGE: For all the properties.

23 CHAIRWOMAN MORENO: For the whole property.

24 MS. HERNANDEZ: For all the properties, when  
25 there's a property owner that -- Well, you can do

1 that, obviously, subject to a potential challenge.  
2 You can -- you know, this Board has a -- you know,  
3 has to meet all the legal requirements in order to  
4 make a change.

5 CHAIRWOMAN MORENO: Okay, but then the  
6 question is, if you don't want to have the challenge,  
7 are we killing your project because we're going to  
8 have to leave it as industrial, whereas if we have  
9 the overlay, we can do both?

10 MS. HERNANDEZ: Okay.

11 CHAIRWOMAN MORENO: That's the question.

12 MS. HERNANDEZ: And I cannot answer that for  
13 you right now. I would have to sit and review the  
14 regulations to be sure that that flexibility is given  
15 to both the City and the applicant. I don't know  
16 that Ms. Dougherty can give you that answer based on  
17 the regulations as they're written right now.

18 MS. DOUGHERTY: I'm not sure I understand  
19 the question. All I'm saying to you is that  
20 everybody in the district that we've spoken to are  
21 perfectly happy to have an overlay.

22 MS. HERNANDEZ: Right.

23 MS. DOUGHERTY: Some people in the district  
24 are also perfectly happy to have a zoning  
25 designation, which is my client.

1 MS. HERNANDEZ: Right.

2 MS. DOUGHERTY: But there are some people in  
3 the district, if you want it for an overall and you  
4 want to do it as comprehensively as possible -- and  
5 by the way, your Comprehensive Plan directs you to  
6 do -- to pass an ordinance that encourages mixed use  
7 by the year 2000, for this area. That's what your  
8 Comp Plan currently says.

9 So, if you want to comply with that Comp  
10 Plan, the way to encourage it would be to put an  
11 overlay. The way to mandate it would be to do a  
12 zoning designation. Some people wouldn't like that,  
13 at this point.

14 MR. KORGE: It will slow everything down.

15 MS. DOUGHERTY: That doesn't mean that Eric  
16 couldn't convince him. But right now, our direction  
17 is to get the man to agree, and the only way that  
18 he's going to agree at this point is by an overlay,  
19 and so we're asking that for 10 acres or more, you  
20 say an overlay. For 10 acres or less --

21 MR. SALMAN: You say a zoning change.

22 MS. DOUGHERTY: -- do it as a designation or  
23 an overlay, whichever you like.

24 MS. KEON: Can I ask a question?

25 MS. DOUGHERTY: Sure.

1 MS. KEON: What does -- what defines --  
2 what's mixed use mean? You can't have mixed use in  
3 industrial and you mix something else with that?  
4 That's not mixed use, too? Is mixed use limited to  
5 retail and --

6 CHAIRWOMAN MORENO: No, we've limited it to  
7 these uses.

8 MR. RIEL: Those ground floor uses that are  
9 listed there.

10 MS. KEON: Well, you know, because I -- so  
11 it doesn't include some sort of manufacturing, light  
12 manufacturing or something; is that what you're  
13 saying?

14 MS. DOUGHERTY: That's correct.

15 MS. KEON: That's not a use in here?

16 MS. DOUGHERTY: That's right.

17 MS. KEON: Because, you know, I would think  
18 that that would be a use that you would want to  
19 encourage. Because of its proximity to the  
20 Metrorail, it is -- people come to work there.

21 MR. KORGE: In a residential neighborhood?

22 MR. RIEL: Research and development --

23 MS. KEON: Well, but it depends on --

24 MR. RIEL: -- is supposed to be in here.

25 MR. BEHAR: It's a mixed-use district.

1 MS. KEON: Absolutely, but I mean, I think  
2 that sort of light -- you know, particularly now with  
3 the --

4 (Simultaneous conversation between Mr. Korge  
5 and Mr. Behar)

6 MS. BEHAR: -- you know, anybody that is  
7 going to assemble anything that deals like with  
8 computers and those -- there are manufacturing  
9 facilities that are very clean, there is no waste  
10 product, there's no --

11 MR. RIEL: Research and development is a use  
12 that did not appear on this list, and it should be in  
13 here.

14 MS. KEON: Okay, but would that -- would he  
15 come under research and development?

16 MR. RIEL: Yes, yes.

17 MS. KEON: Then I think that you should  
18 include that, because I think with that property's  
19 proximity to the Metrorail, I think that that should  
20 absolutely be a use in that area. Absolutely.

21 CHAIRWOMAN MORENO: What about your  
22 veterinarian?

23 MS. DOUGHERTY: A permitted use, as opposed  
24 to a conditional use?

25 MS. KEON: As a permitted use. I think

1 research and development --

2 MR. RIEL: It is in there. No, it's in  
3 there, as a major conditional use.

4 MS. DOUGHERTY: But it's a conditional  
5 use. Well, maybe that's a solution, if we put it as  
6 a permitted use.

7 MS. KEON: I would use research and  
8 development as a permitted use in the ordinance, and  
9 that would then allow him -- you know, I think that's  
10 a perfect mixed use for that area.

11 MR. BEHAR: But along with that use, for any  
12 other uses are appropriate to have, you know, the  
13 veterinarian's office.

14 MS. KEON: Yeah. I do, too.

15 MR. BEHAR: It's appropriate to have it  
16 there, as well.

17 MS. KEON: Right. I mean, I think it would  
18 be appropriate for a doctor's office, to have a  
19 doctor --

20 MS. DOUGHERTY: A veterinarian, you have a  
21 veterinarian.

22 MS. KEON: -- or a dentist, and he lives  
23 above it and his office is below.

24 MR. RIEL: Those are permitted.

25 MS. KEON: Okay. Is that a permitted use?

1 MR. RIEL: Office use.

2 MS. KEON: Okay.

3 MS. DOUGHERTY: Eric, let me ask you a  
4 question. Would a solution be that any use that  
5 exists --

6 MR. BEHAR: Present use.

7 MS. DOUGHERTY: -- via -- by -- has an  
8 occupational license at the present time, would be  
9 able to be a permitted use?

10 MR. RIEL: I can't comment on that at this  
11 point --

12 MS. KEON: Okay, but would you --

13 MR. RIEL: -- because I haven't had an  
14 opportunity to look at that.

15 MS. KEON: Would you consider looking at the  
16 research and development as being a permitted use?

17 MR. RIEL: The only concern I would have is,  
18 that would mean a research and technology use would  
19 not come to this Board or the Commission for review.  
20 Just understand that.

21 MR. BEHAR: Well, Eric, I think it goes  
22 further, because if I'm a property owner -- my office  
23 is in that area, okay? But if I'm a property owner  
24 in that area, and I bought a property, knowing that I  
25 was able to perform that, you know, have legal use of

1 that, and you take that away from me, you know, I  
2 can't -- I don't think it's fair.

3 CHAIRWOMAN MORENO: Well, you can keep on  
4 having it, but if it burns down, you can't rebuild  
5 it.

6 MR. BEHAR: Well, that's not -- I mean --

7 CHAIRWOMAN MORENO: That's the problem.

8 MS. KEON: Especially when it's a good use.

9 MR. BEHAR: I don't think that's right.

10 CHAIRWOMAN MORENO: Yeah.

11 MR. RIEL: I understand what you all are  
12 saying. It's just -- what I'm asking for in this  
13 sentence is the flexibility. We may have a portion  
14 of this area industrial. We may have a portion of  
15 this area zoned mixed use. We may have a portion of  
16 this area overlay. I just want that flexibility at  
17 this time, until we go to the State for review.

18 MS. KEON: Okay, but including --

19 MR. RIEL: That's all these provisions  
20 would --

21 MS. KEON: Okay, but including research and  
22 development would be -- I mean, it's clean type  
23 industrial.

24 MR. RIEL: If that's what the Board feels  
25 should come as a minor use, that's fine. I mean,

1 I -- you know, I know that we've just gone through  
2 this, and we specifically put the research and  
3 technology use in four, because that particular  
4 development, you know, is a clean use.

5 MS. KEON: Okay, so we could -- Could we  
6 put that in here? Would you do it under permitted or  
7 you would do it under conditional?

8 MR. BEHAR: I would say any legal use that  
9 are presently in that district.

10 MR. KORGE: You know, I'd would like to  
11 remind everybody --

12 MR. SALMAN: Just a moment.

13 MR. KORGE: -- that the Board, prior Board,  
14 went through this not long ago --

15 MS. KEON: Right.

16 MR. KORGE: -- in excruciating and painful  
17 detail.

18 MS. KEON: Okay.

19 MR. KORGE: We all agreed unanimously on it,  
20 and it went to the Commission, and I believe the  
21 Commission also unanimously agreed on it.

22 I'm sure that, you know, we can always  
23 revisit this and thrash it out, but we know it works  
24 pretty well, and the property owners across the  
25 street from The Collection uniformly accepted --

1 there were a lot of compromises made to get to where  
2 we were, and now we're talking about just redoing the  
3 whole thing.

4 MS. KEON: No, I'm -- no, I'm just talking  
5 about adding --

6 CHAIRWOMAN MORENO: No, this issue is new,  
7 Tom. This idea of making --

8 MR. KORGE: Right.

9 CHAIRWOMAN MORENO: -- a zoning designation  
10 is new.

11 MR. KORGE: But that's not what we're --  
12 that's not all we're talking about. Now we're  
13 talking about all the uses and changing all the uses.

14 MR. BEHAR: Well, Tom, because this will  
15 prohibit a lot of the present uses that are there,  
16 and I don't think that I was involved -- I've been  
17 involved with this, also, through the Board of  
18 Architects and the tri-board meeting two years ago.  
19 You know, there's a lot of things here that will  
20 prevent the present land --

21 MR. KORGE: Well, I know Eric is not going  
22 to like to hear this, but I'm not sure I agree with  
23 what he's trying to do to give himself maximum  
24 flexibility, because I think that's going to open a  
25 lot of sore wounds, and that's why this is all being

1 rehashed.

2 I mean, flexibility is a nice thing to have,  
3 but it comes at a cost, and, you know, remember that  
4 one of the reasons that it worked as an overlay  
5 district was because it was an overlay district.

6 MR. BEHAR: Right.

7 MR. KORGE: But if we're going to mandate or  
8 allow you to force this on the owners in an  
9 industrial area by zoning reclassification, I think  
10 that's, you know, a -- that's a major -- that becomes  
11 a major change now, as opposed to an optional one  
12 that, in point of fact, probably will end up being  
13 the way the neighborhood goes anyways, because it  
14 will be the economically most attractive way for this  
15 to be developed. So --

16 MR. RIEL: If the policy direction of this  
17 Board is that these provisions shall be via an  
18 overlay, that's fine.

19 CHAIRWOMAN MORENO: Right.

20 MR. RIEL: And when the issue comes forward  
21 and goes through the change in land use, we'll have  
22 to, you know, rely on whatever the State has to say,  
23 and realize that if the State says this area needs to  
24 be reassigned, this applicant is going to have to  
25 come back through the entire process again, and it

1 will result in a delay of six to eight months, so --

2 This allows --

3 MR. KORGE: Let me just add, this applicant,  
4 I believe, is the only person at this time really  
5 seriously interested in this. It seems to me that it  
6 should be their call.

7 CHAIRWOMAN MORENO: Okay. I'm sorry. Mr.  
8 Guilford.

9 MR. GUILFORD: Excuse me. My name is Zeke  
10 Guilford, with offices at 400 University Drive.

11 I have a client that actually owns the  
12 property on U.S. 1 that would be part of this  
13 district, as well. We would prefer -- we are working  
14 with Lucia and her client, as part of it, and she's  
15 taken the lead, but I just stepped up here because  
16 you said she was the only one. We're part of it,  
17 too.

18 We would prefer this to be an overlay  
19 district versus a zoning designation on the parcels,  
20 because obviously what it does is, by making it a  
21 designation, it would limit the flexibility that a  
22 property owner would have with their property.

23 I do not know all the ramifications that  
24 occurred with the northern half, but clearly, from  
25 our client's point of view, it would be significantly

1 better if it was an overlay.

2 MR. KORGE: All right. I share everybody  
3 else's -- I assume everybody else's concern about the  
4 engineering company, the manufacturer and the vet,  
5 you know, and the dilemma that they would face and,  
6 you know, it seems --

7 CHAIRWOMAN MORENO: And we trust you to get  
8 this past the State as an overlay.

9 MR. RIEL: Well, some of my concern is, the  
10 industrial allows an automotive repair facility. So  
11 an automotive repair facility could come in, by  
12 right, and be right across the street from  
13 residential units. That concerns me. I mean, that  
14 really concerns me, because once those residences go  
15 up, and there's an automotive repair across the  
16 street, who do you think they're going to be coming  
17 to?

18 MS. DOUGHERTY: I don't know, given the  
19 property values over there --

20 MR. RIEL: I know that, but --

21 MS. DOUGHERTY: -- that that will ever  
22 happen at this --

23 MR. RIEL: But I'm just saying, that  
24 opportunity would exist, and that's my concern, and  
25 this just allows me that flexibility, that's all.

1           Whatever the Board's policy direction is on  
2 this, I mean, obviously, we will be getting direction  
3 from the State and the Regional Planning Council when  
4 this goes through, and it will be the applicant up  
5 there, standing up there, assisting me, hopefully.

6           MS. DOUGHERTY: We'll be there.

7           MR. SALMAN: And at that point, you'll be  
8 pulling it down one chunk at a time, to get your  
9 mixed use -- or zoning change from mixed use,  
10 correct?

11           MR. RIEL: That's one way we could do it,  
12 yes.

13           MR. SALMAN: Okay. The only thing that  
14 we're, I think, saying is that we're all in agreement  
15 that an overlay district is fine. The problem is  
16 when we start to impose it above and beyond the  
17 existing zoning and people's existing property  
18 rights.

19           Now, we live in a market where uses,  
20 designated uses, are changing, and that's what all  
21 this process is about. I think we can't go just by  
22 decree or by vete, to say that we're going to do  
23 this and we're going to make a change in use without  
24 coordinating with the people who are going to be  
25 affected.

1           Now, an overlay district still retains the  
2 rights of the original property owners. I have no  
3 problem with an overlay district. I would vote for  
4 an overlay district. What I cannot vote for is a  
5 zoning designation disguised as an overlay district.

6           CHAIRWOMAN MORENO: I agree with you.

7           MS. KEON: I agree.

8           MR. BEHAR: I think we're all agreeing to  
9 that.

10          CHAIRWOMAN MORENO: Okay.

11          MS. KEON: So make a motion on that.

12          CHAIRWOMAN MORENO: So let's make a motion  
13 on this.

14          MS. KEON: Make a motion that says that.

15          MR. SALMAN: I make a motion that we  
16 approve, with the exception that we remove the words  
17 zoning designation from Page 2.

18          MR. BEHAR: I'll second that motion.

19          CHAIRWOMAN MORENO: Call the roll.

20          MS. MENENDEZ-DURAN: Javier Salman?

21          MR. SALMAN: Yes.

22          MS. MENENDEZ-DURAN: Robert Behar?

23          MR. BEHAR: Yes.

24          MS. MENENDEZ-DURAN: Pat Keon?

25          MS. KEON: Yes.

1 MS. MENENDEZ-DURAN: Tom Korge?

2 MR. KORGE: Yes.

3 MS. MENENDEZ-DURAN: Cristina Moreno?

4 CHAIRWOMAN MORENO: Yes.

5 MS. DOUGHERTY: Thank you very much.

6 CHAIRWOMAN MORENO: Thank you very much.

7 MR. SIEMON: The last item of tonight's  
8 agenda -- no, that's not quite right. We have more,  
9 some little -- but they're not significant.

10 The next item is Section 4-202, which is the  
11 proposed replacement for what has been traditionally  
12 referred to as the UMCAD approvals for the University  
13 of Miami, and this is proposed to be a University of  
14 Miami Campus District, and it would be -- provide  
15 both substantive and procedural requirements for the  
16 future development of the University.

17 CHAIRWOMAN MORENO: Okay, before we proceed,  
18 Ms. Hernandez, I need to disclose that I am a  
19 graduate of the University of Miami, that my husband  
20 teaches a litigation skills course at the Law School,  
21 that my law firm at one time, although it no longer  
22 does so, represented the University of Miami, and  
23 that I have clients who have served on the Board of  
24 Trustees of the University of Miami.

25 MS. HERNANDEZ: As I advised you, the Ethics

1 Commission has already advised that you do not have a  
2 conflict and that you are required to participate in  
3 these proceedings. A part-time job of your husband's  
4 as a part-time professor, separate and apart from his  
5 full-time duties as a federal judge, does not impose  
6 a conflict on you, and neither do any of the other  
7 issues that you have raised.

8 CHAIRWOMAN MORENO: Thank you.

9 MR. SIEMON: I think, because this is  
10 something that has not been presented at all, I'd  
11 like to try to give you just an overview of what is  
12 proposed and then go back and go through it on a  
13 section-by-section basis.

14 The district includes several concepts. The  
15 first is that there's a core campus. We all know  
16 what it is. Its boundaries are understood and well  
17 defined.

18 Within that campus, there are two different  
19 kinds of lands. One are lands in what's called the  
20 perimeter area, and those are the lands where there  
21 are adjacent non-University properties, residential  
22 neighborhoods, et cetera. Then there is what's  
23 called the core campus, whose neighbors are really  
24 only the perimeter area and the transit line.

25 And what is proposed is that, within the

1 perimeter area, there will be a great deal of  
2 regulation to ensure that activities are compatible  
3 with the adjacent non-University activities, but  
4 within the core area, that there would be a  
5 substantial amount of flexibility, once a Master Plan  
6 is approved, to make adjustments without going  
7 through, for example, public hearings.

8           To implement that, it calls for a Campus  
9 Master Plan, which would be considered and approved  
10 by the City as a major conditional use, and once that  
11 major conditional use is in place, there would be  
12 three levels of approval that would be required,  
13 depending on which location you're in.

14           If you're in the perimeter area, you have to  
15 get an amendment, basically, for most activities, to  
16 the Campus Master Plan, in order to do something  
17 that's not authorized.

18           In the core area, there is a category of  
19 changes, moving the building 15 feet, changing its  
20 orientation, its height, whatever it happens to be,  
21 moving a driveway, things that all you would have to  
22 do is get a building permit and report on an annual  
23 basis those changes that have been made, so that the  
24 Master Plan can be updated for what we've called  
25 technical deviations or minor deviations from what

1 was approved.

2           The second is a minor conditional use that  
3 grants another level of flexibility, that again is a  
4 professional review by Professional Staff. It is  
5 approved uses, approved buildings and approved  
6 intensities, but how they're oriented, how they may  
7 be changed from the Campus Master Plan is subject to  
8 that minor conditional use approval, which is subject  
9 to an appeal under certain circumstances to this  
10 body.

11           But that's the basic construct. Campus  
12 Master Plan, it lays out where they're going, sets  
13 the standards and criteria, includes a design manual,  
14 all the things that currently govern the activity.  
15 Once it is approved as a major conditional use,  
16 through a public hearing process, in the perimeter  
17 area you would still have -- for all but the most  
18 modest use, modest deviations, it would involve a  
19 major conditional use approval as an amendment to the  
20 Master Plan.

21           In the core area, there would be differing  
22 levels of flexibility to move things around, to a  
23 great extent, and there would be either a building  
24 permit or a minor conditional use, two levels.

25           That's the basic concept. The balance here

1 is to address, with a fairly bright line, where the  
2 area of concern is and where the area of less concern  
3 is, and then to establish a set of procedures that  
4 governs how the University deals with the City, and  
5 for those minor and technical deviations and minor  
6 conditional use changes, there's just an update every  
7 year of the Master Plan of what changes have  
8 happened.

9           With that, the purpose is to provide a  
10 special district that recognizes that universities  
11 are unique beasts, to identify the boundaries, and it  
12 calls out that this is the University of Miami. It's  
13 here, it's real, it's an important land use, but it's  
14 also a unique one, and it needs certain  
15 characteristics.

16           A2, on Page 13, involves the following  
17 concept. If the University of Miami wishes to expand  
18 their activities to properties that are not within  
19 the University of Miami Campus District, they would  
20 have to get the property rezoned to the district.  
21 So, if they want to move a certain University of  
22 Miami activity off the approved campus, into another  
23 area, they would have to come and get an amendment to  
24 the Master Plan to allow them to do that.

25           There is an exception to that, and that is

1 for activities which are lawfully existing on June  
2 20th, 2005, they could remain in their existing  
3 classification. So, if they had an office building  
4 they were using and it was lawful at that date, that  
5 is exempted. But in the future, if they wish to  
6 expand the University activities outside the approved  
7 campus, they have to go through the planning process,  
8 and there are a whole variety of reasons, but  
9 basically, there's some square footages and some  
10 rights that are created, and if they're going to go  
11 beyond those, it's appropriate that it go through a  
12 process where there is a full public hearing.

13 So that's the --

14 MR. KORGE: So, if you have an office  
15 building in the Central Business District they use  
16 for --

17 MR. SIEMON: For University purposes.

18 MR. KORGE: Then -- you know, right off of  
19 Miracle Mile, then they would have to go through --

20 MR. SIEMON: And amend that property to the  
21 UMC District, to use it for University purposes.

22 MS. KEON: But then after that --

23 MR. KORGE: Why?

24 MR. SIEMON: Well --

25 MR. KORGE: It's not contiguous with the --

1           MR. SIEMON: But it is going to be used as a  
2 part of the University, and part of the undertaking  
3 here is that there's a certain amount of intensity of  
4 development that has been permitted for the  
5 University, and --

6           MR. KORGE: On the campus.

7           MR. SIEMON: On the campus.

8           MR. KORGE: Right.

9           MR. SIEMON: But it's also contemplated that  
10 that will be the level of activity in the community,  
11 and if they're going to increase beyond that, because  
12 of -- let's say that they move the medical -- the law  
13 school off campus, to an office building in  
14 Downtown. Then they've got the ability to expand,  
15 not to -- I don't know what the number really is, but  
16 if it's 6.8, now they're up to a seven million square  
17 foot University, and the City administration feels  
18 that it's very important that they go through a  
19 process that informs the community of the activities  
20 they are undertaking and the potential implications  
21 on the community, because --

22           MR. KORGE: Well, in my example of an office  
23 facility, as opposed to a teaching facility, assuming  
24 that the office qualifies as an office under the  
25 applicable zoning designation for that building, why

1 would the City care whether the University of Miami  
2 uses it or an accounting firm uses it?

3 MR. SIEMON: Because the administration  
4 feels very strongly, I can report, that the total  
5 size and activity of the University, vis-a-vis the  
6 other interests in the community, needs to be --

7 MR. KORGE: Is it a tax issue? Am I missing  
8 something? I don't know, I just don't see it.

9 MR. SIEMON: I think it is -- I would  
10 characterize it as, it's the classic tension between  
11 town and gown. Institutions have a tendency to  
12 expand, and expand subtly, until there are changes  
13 that have not been appreciated, that can impact  
14 neighborhoods and commercial districts, et cetera,  
15 and they are -- the administration, in developing  
16 this process, which is intended to protect the  
17 neighborhoods through the perimeter area and give the  
18 University something that will be of benefit to them,  
19 the ability to work within the core area, in an  
20 efficient and effective way, that it's necessary to  
21 have a careful -- a disciplined process for  
22 expansions or relocations of activities outside of  
23 the campus area and to consider whether the total  
24 maximum authorized development on the campus should  
25 be reduced, if they're going to buy a quarter of a

1 million square feet in Downtown Coral Gables, and  
2 that that's the kind of decision-making, planning and  
3 decision-making process that the administration wants  
4 to see in place.

5 MS. KEON: Can I ask a question?

6 If they were to purchase a building, like in  
7 the Central Business District, and it were to be  
8 rezoned, that would then become part of the perimeter  
9 buildings? I mean, that would -- or they would then  
10 have the right to consider that core?

11 MR. SIEMON: That would be an amendment to  
12 the campus plan, as to how that's going to be dealt  
13 with.

14 MS. KEON: Okay. Well --

15 MR. SALMAN: A question, Charlie. I don't  
16 know if you can answer it. Upon expanding beyond the  
17 defined boundaries of the University, either through  
18 purchase or use -- I guess through purchase, I guess,  
19 more than use -- would those properties then become  
20 tax-exempt?

21 MR. SIEMON: I think that they probably  
22 would.

23 MR. SALMAN: Uh-huh.

24 MR. KORGE: That's the issue.

25 MR. SALMAN: That's the issue.

1 MR. KORGE: That's what I asked before.

2 MR. SALMAN: You didn't ask it as direct.

3 MR. SIEMON: In the -- I will tell you that  
4 in the conversations that I participated in, the  
5 principal focus has been, there's a certain quantity  
6 of activity that has certain consequences for the  
7 community. Some of them are fiscally related, and  
8 there is the expectation that there's a balance  
9 that's being struck, both through this ordinance and  
10 some other agreements, and the City administration  
11 wishes to ensure that they're not in a position where  
12 they've struck a bargain and then it can be  
13 undermined by this sort of subtle expansion and  
14 relocation, and that's the origin of this.

15 B, are a series of definitions. They are  
16 here presented because this is such a special  
17 district, we've broken our own rule, but ultimately,  
18 I think, when this is codified, all these definitions  
19 will go in Article 8. But they're here because we've  
20 been working with the University, and the -- I would  
21 only point out a couple of them.

22 One is that we use the UMCAD approval in a  
23 couple of ways in this ordinance. When we speak to  
24 the UMCAD approval, it's an accumulated stack of  
25 stuff that's about this tall, and it's all the

1     approvals that have been granted previously, and it's  
2     what governs. And until a Master Plan is approved, a  
3     new Master Plan, as a major conditional use, their  
4     rights under those additional -- that existing UMCAD  
5     approval continues in effect, provided that they file  
6     an application for a Campus Master Plan within a  
7     year, so that we're doing nothing here that imperils  
8     their existing UMCAD approval rights, so long as we  
9     proceed down the path of ultimately getting a Campus  
10    Master Plan development order in place, to govern the  
11    future use of the property there.

12             On Page 14, it just describes what -- the  
13    approval of the Campus Master Plan is approved as a  
14    conditional use. It identifies that not only does it  
15    have to comply with the standards that are set out in  
16    this district, but also the general standards for  
17    approval of conditional use.

18             There are minimum application requirements  
19    that are then established in D. It's a Master Plan,  
20    and what has to be indicated in that, and you can see  
21    that they're identifying all existing and planned  
22    uses, buildings, structures or improvements, and in  
23    the core area it's the specific locations and  
24    character of those buildings that they're looking for  
25    the flexibility to adjust, which inside the perimeter

1 area really only affects the University's interests.

2           There is a boundary -- I'm sorry, it's over  
3 here -- a proposed boundary of where the perimeter  
4 area is, and this would be incorporated. This is the  
5 University Village over here, Doctors Hospital here.  
6 This area, if this were the final map that were  
7 adopted, would be included as a graphic that  
8 identifies the area where the perimeter area is.

9           CHAIRWOMAN MORENO: And what's the perimeter  
10 area?

11           MR. SIEMON: It's the area within these dash  
12 lines that has the yellow slight color on it, and it  
13 is the area that the administration has suggested is  
14 an area where activities, development, has a high  
15 probability of affecting adjacent residential areas.

16           But the area within, inside that, has far  
17 less significance in terms of its potential.

18           Again, what's in here will be approved as a  
19 Master Plan.

20           MR. KORGE: Excuse me, Charlie, what's the  
21 average depth of that -- the lines there?

22           MR. SIEMON: I can't tell you the average,  
23 because --

24           MR. KORGE: Or just roughly, can you give me  
25 some idea of the depth?

1                   MR. SIEMON: It's probably -- at the  
2 narrowest, probably about 80 feet, and at this place,  
3 about 500 feet.

4                   MS. KEON: That's like the whole playing  
5 field.

6                   MR. SIEMON: Yeah.

7                   MS. KEON: You know, and on this farther  
8 north side, it looks like --

9                   MR. SIEMON: This here is probably 400 feet,  
10 but I can't tell you.

11                   MS. KEON: That parcel, that looks like it's  
12 that whole lot there on -- at Granada, where it meets  
13 Ponce -- no, as you come down.

14                   MR. KORGE: Come down Granada.

15                   MS. KEON: Come down Granada there, right  
16 there. Is that that entire lot? Is that what that  
17 is?

18                   MR. SIEMON: Yes. Yes.

19                   However, the University has discussed with  
20 us, as we worked this out, a desire to have more  
21 flexibility, and so what we have included in the  
22 application requirements is that they may propose, as  
23 a part of their Master Plan, a modification to this,  
24 so that this is, in effect, a default definition of  
25 the perimeter area, and if they wish to file an

1 application for a Master Plan that modifies it, they  
2 may do so, and if it is approved, would represent the  
3 governing instrument that's anticipated and allowed,  
4 and that's how we have started off with a default  
5 position, but allowed them to have flexibility to  
6 propose a more refined alternative in the context  
7 of the specific Master Plan. In other words, we were  
8 debating with them, trying to debate on the future,  
9 what really makes sense.

10 MR. KORGE: They don't want to be locked  
11 into a particular perimeter, because it may change.

12 MR. SIEMON: Yeah, so what we said, let's  
13 set a default based on what's there today and what  
14 our expectations are. When you develop your Master  
15 Plan and you bring it in, if you think that there's  
16 another boundary that makes sense --

17 MR. BEHAR: When do they expect to bring in  
18 a completed Master Plan? Because recently, or a year  
19 ago, in the Village, the Village project, they  
20 brought in a Master Plan that was very vague, very  
21 schematic, and there were some modifications that it  
22 was up to decisions that, you know, might not have  
23 been the proper modifications.

24 Are we going to get a Master Plan that  
25 defines all the areas, what's going to go in every

1 area, and it's going to lock them -- you know, make  
2 sure that they adhere to that in the future?

3 MR. SIEMON: That's certainly the intention  
4 of this ordinance, but once they get through that  
5 process, then within the core area, they would have  
6 substantially more flexibility to implement or  
7 execute the plan than is currently available.

8 MR. BEHAR: My concern would be, or it is,  
9 right now, that we ended up with a parking garage  
10 fronting 57th Avenue, that's part of the Village  
11 project, that when you went back to the original  
12 UMCAD, it wasn't at least descriptive enough to say  
13 that's what we were going to get. The City -- as a  
14 resident of this zone of the City, I really was  
15 opposed to having a parking garage fronting 57th  
16 Avenue.

17 MR. KORGE: But they had to go through a  
18 whole public process to get that.

19 MR. BEHAR: Well, but Tom, the original  
20 Master Plan that was approved, some years ago, was so  
21 vague that there was a lot of leeway, in my opinion.

22 MR. KORGE: No, what I'm saying is that, as  
23 I understand it, that would be part of the perimeter  
24 area, and any change like that in the future would  
25 have to get -- you know, go through a whole public

1 hearing process and get approval. They couldn't  
2 just -- they wouldn't have the flexibility to do it  
3 without going through the whole public hearing  
4 process.

5 So your concern about them doing things that  
6 would impact the adjacent neighborhood --

7 MR. BEHAR: Right.

8 MR. KORGE: -- without a full public  
9 hearing, I think, is obviated by this plan.

10 MR. SIEMON: Yeah, I think that our hope is,  
11 our expectation is, that Item D, the minimum  
12 application requirements and the required elements of  
13 the approved campus plan, Master Development Order,  
14 will ensure that that kind of detail is there, and on  
15 top of that is the additional protection that where  
16 it's within this area, which is where we have a  
17 probability -- if it's not specifically on the plan,  
18 they've got to get an amendment to it --

19 MR. KORGE: Okay, and I think the reason for  
20 this --

21 MR. SIEMON: -- with a public hearing.

22 MR. KORGE: -- from my experience, my  
23 limited experience with these UMCADs, is that within  
24 the core area, they would have a building plan here  
25 and they could change it, if they didn't want to

1 change the square footage, but they may want to  
2 change the footprint --

3 MR. BEHAR: Right.

4 MR. KORGE: -- or the location, and it  
5 really didn't affect anybody but their campus, so  
6 there's really not a need for it to go through this  
7 kind of level of review in those instances.

8 MR. BEHAR: I understand. I don't have a  
9 problem with that, absolutely.

10 MR. SIEMON: After the Campus Master Plan is  
11 approved, F establishes its status as the controlling  
12 instrument and that governs the future use of it, and  
13 it also, in Paragraph 2, provides that in the event  
14 that there is a conflict, the Master Plan -- with any  
15 other provision of the Code, the Master Plan will  
16 control. It's a specific regulation for a specific  
17 area, and if it conflicts with a general provision of  
18 the Code, it's the Master Plan that controls, because  
19 that's going to be the development order that's going  
20 to be issued.

21 G is the technical deviation, and I don't  
22 know whether -- how much time you want to spend on  
23 going through this, but basically, the structure is  
24 that there are -- the technical deviation is  
25 approved, it's an administrative approval by the

1 Development Review Official, which is basically the  
2 Zoning Department, and if you adjust and modify the  
3 location, width, length, depth, orientation or design  
4 of a building to the extent of 10 percent of any  
5 numerical standard, in the perimeter area, that is,  
6 you move something that's a 10-foot -- 10 percent,  
7 one foot, you can do that by just getting a building  
8 permit, but it's a fairly limited amount of  
9 flexibility, and any time you take a Master Plan,  
10 even a detailed Master Plan, and refer it to a final  
11 plan, you're going to have those kinds of adjustments  
12 that are necessary.

13           So that would be permitted as a technical  
14 deviation, what we call a technical -- and then a  
15 modification to the boundary lines of the campus  
16 perimeter area, which expands the campus perimeter  
17 area.

18           So, if they wished to say, "We want to  
19 expand this here," they can do that. And the reason  
20 they'd do that is, they're going to move something to  
21 another part of the campus within the core area where  
22 they have flexibility, and that allows them to  
23 implement it in a secure fashion.

24           The adjustment or modifications to landscape  
25 features to accommodate the changes just authorized.

1 You just can't go out and modify the landscape, but  
2 if moving the building means you've got to adjust the  
3 landscape, then you can do that.

4 In the campus core area, the same area, you  
5 can move it by 25 percent, just getting a building  
6 permit, up to 25 percent, and you can modify  
7 buildings which doesn't result in a net increase.  
8 So, if they have a building that's three stories and  
9 they're planning to make it four stories and they  
10 decide they want to do it this way, they can do that  
11 by getting a building permit. Now, you've still got  
12 to get a building permit and a determination that  
13 it's consistent with everything. And again, the same  
14 thing, adjustments to landscaping to accommodate  
15 those other changes.

16 And the standard for the building official  
17 in making the determination is set out in 2.

18 Then we have minor modifications. The first  
19 was technical, and these are the minors. These are  
20 reviewed and approved as a minor conditional use, and  
21 what you're going to see is a slight ramping up,  
22 additional flexibility in the same hierarchy of  
23 approvals, so that in the campus perimeter area, if  
24 they decide to move a building or a floor area from  
25 outside the perimeter area into the campus core area,

1 that's a minor conditional use, because they're  
2 taking it away from the area of concern into the  
3 core, where we're granting them more flexibility to  
4 do what they want.

5 Adjustments to the location, greater than 10  
6 percent but less than 25 percent. Now, so in the  
7 technical deviation, it was 10 percent to go to the  
8 building official. If it's between 10 and 25  
9 percent, and a maximum of 25 percent, it has to be a  
10 minor conditional use.

11 So what we're doing is, the more the  
12 deviation is, the more scrutiny we're applying, but  
13 we're trying to be careful not to impose any more  
14 scrutiny than is necessary, so that they can have the  
15 flexibility they need to effectively implement it.

16 MS. KEON: And who does that? Who's the  
17 reviewer for the minor?

18 MR. SIEMON: The minor conditional use is a  
19 professional approval, subject to an appeal by  
20 limited parties, primarily the applicant, but it's a  
21 professional -- a discretionary professional  
22 approval, with additional standards, and it is  
23 subject to an appeal to this body, I believe, or --  
24 yeah, to this body.

25 So what happens here is, we've gone from a

1 building official applying the nondiscretionary  
2 elements of the Code to a professional, discretionary  
3 review, subject to review by a lay body who has a  
4 discretion to make that decision.

5           Elimination of points of ingress and egress  
6 from the public road network in the Campus Master  
7 Plan. Notice, this is elimination, not adding. If  
8 they want to take out a driveway in the perimeter  
9 area, they can do that by just going through the  
10 minor conditional use, but if they wanted to add one,  
11 that would require a major conditional use in the  
12 perimeter area. The elimination means that we're not  
13 going to be adding, we're going to be taking away  
14 traffic on those adjacent roads, and then adjustments  
15 to the landscape features, which is a common theme.  
16 We wanted to make sure we could --

17           In the campus core area, they can make these  
18 physical adjustments to these buildings, as long as  
19 they don't exceed any of the maxims which are  
20 established by minor conditional use. In other  
21 words, you don't have to get a public hearing to go  
22 in and move a building around. You just have to get  
23 a minor conditional use, and only if it's appealed  
24 does it come to this body.

25           So this is, again, in the same spirit of

1 giving them substantial technical flexibility to  
2 adjust their site plan, to make it work, to change  
3 their mind, that this building ought to be three  
4 stories and this one ought to be five, instead of  
5 this one being five and three.

6 And again, relocation of buildings or floor  
7 area from the campus perimeter area to the core area  
8 is a minor conditional use, and again, landscaping.

9 And there are two provisions that I want  
10 to -- and then there's standards which are in  
11 Paragraph 3, and carry over to the next page, A and  
12 B.

13 Then the final category is major, and it's  
14 anything that's not a technical or a minor deviation  
15 is then required to be approved as a major  
16 conditional use amendment to the development order  
17 that's previously been issued.

18 MS. KEON: I have a little bit of a concern  
19 where it says -- 3A, that the proposed modifications  
20 to the Master Plan and order do not create a material  
21 adverse impact. I'm always concerned with who makes  
22 decisions about things being material adverse  
23 impacts.

24 MR. SIEMON: In this case, the primary  
25 decision-maker is the Development Review Official --

1                   (Thereupon, Chairwoman Moreno left the  
2 Commission Chambers.)

3                   MR. SIEMON: -- who is delegated discretion  
4 by the City Manager to exercise that judgment in the  
5 first instance, then subject to the appellate rights  
6 of a limited class of appellants, the City Manager  
7 and the applicant.

8                   MS. KEON: Who else can appeal?

9                   MR. SIEMON: That's it.

10                  MS. KEON: Can the neighborhood appeal?

11                  MR. SIEMON: No, ma'am. No, but that's not  
12 the case with major modifications.

13                  MS. KEON: I know, but -- but it's up to  
14 that individual to determine whether or not it's  
15 minor; is that right?

16                  MR. SIEMON: No, it's defined whether or not  
17 it's minor in the Code. It's up to that official to  
18 determine whether there's a material adverse impact  
19 which has --

20                  MS. KEON: By that minor --

21                  MR. SIEMON: -- which has -- and understand,  
22 that first standard is that there's a material  
23 adverse impact that was not previously considered.  
24 In other words, we have an approval, and if this  
25 impact was considered and there's no change on that,

1 that doesn't -- that's not what's triggered. It's if  
2 there's something that wasn't previously anticipated  
3 and mitigated, that's where -- that's the criteria.

4 Then J is the requirements of the annual  
5 monitoring report, and the modifications are dealt  
6 with in 1 and 2, and finally, a subject of a lot of  
7 interaction between the City and the University are  
8 special events and temporary events, and so they're  
9 required to give an annual report of what those  
10 activities have been during the preceding year.

11 K is a table which identifies uses, and  
12 there are four areas of geography: The core campus  
13 area, the perimeter area, the North/South Development  
14 Zone, which is a core part of the campus in here, and  
15 then the University Village.

16 (Thereupon, Chairwoman Moreno returned.)

17 MR. SIEMON: And if you look down, there are  
18 a series of letters. The legend for those letters is  
19 found at the bottom of Page 19. P means that it's  
20 permitted. X means it's not permitted. C means it's  
21 a minor conditional use, if not a previously approved  
22 part of the Master Plan. If you want to do it and  
23 it's not in the Master Plan and it's got a C next to  
24 it, you've got to get a minor conditional use, and if  
25 it has an asterisk next to the C, it requires major

1 conditional use approval, if not previously approved  
2 as part of the campus Master Plan.

3 And these uses, you can look at them. I  
4 don't know that you want me to go through each one of  
5 them, but there's been an extended discussion as to  
6 the allocation of various uses to various categories  
7 in various eras.

8 CHAIRWOMAN MORENO: Charlie, I'm sorry, I  
9 missed, what's the N/S Development Zone?

10 MR. SIEMON: It's what's called the  
11 North/South Development Area, and it's an area where  
12 they have previously identified for what we would  
13 normally call in the University a research park  
14 facility, where certain ancillary, non -- quasi -- I  
15 mean, uses that are not -- for example, a hotel or  
16 meeting space on the campus in conjunction with a  
17 research center, is in their North/South designated  
18 area.

19 MS. KEON: Where is it?

20 CHAIRWOMAN MORENO: Where is that?

21 MR. SALMAN: Which is?

22 MR. SIEMON: I don't think I have it on the  
23 map, but it's my understanding, it's basically --

24 MR. RIEL: It's right there.

25 MR. CARLSON: Right --

1 MR. SIEMON: Walter, help me out here.

2 I'll hold it. You show it to them.

3 MR. CARLSON: The North/South would be  
4 generally --

5 MR. RIEL: Right here.

6 MR. CARLSON: -- in this area right here.  
7 Here's Ponce. Here's the Convocation Center. This  
8 is the grassy knoll. It would be right along through  
9 there.

10 MS. KEON: That's up to like -- what is  
11 that, Sanford Drive, or whatever that main entrance  
12 into the --

13 MR. CARLSON: It's right here along Ponce,  
14 about a hundred yards in, right in the front.

15 MS. KEON: It doesn't go like all the way to  
16 Granada, is that what you --

17 MR. CARLSON: No, no, no.

18 MR. SIEMON: No, it does not. It's a core  
19 within the core.

20 CHAIRWOMAN MORENO: Why is it designated --

21 MR. SALMAN: You designated it but not  
22 defined it.

23 MR. SIEMON: It is -- actually, you're  
24 right. That is -- the origins of the information  
25 about that are in the UMCAD approvals. There is an

1 approval that deals with it. We'll import that into  
2 it, the geographic boundaries from that.

3 MR. SALMAN: In general terms, what we're  
4 trying to do is -- and I agree with you, I've been  
5 through parts of the UMCAD and it's obnoxious at  
6 best. And it's quite a task for any kind of  
7 organization, and the University of Miami is a very  
8 valuable organization to the City, to have to deal  
9 with any kind of organic planning, and planning is by  
10 definition an organic process. It has to do with  
11 change.

12 But the whole point of UMCAD is to help get  
13 our arms around the fact that we're dealing with this  
14 wonderful institution in the City, that is constantly  
15 growing and fluctuating and changing, and it moves a  
16 little here and it moves a little there, and the idea  
17 of presenting a current Master Plan and forcing them  
18 to update it and let us know where they're going is  
19 at the core of UMCAD, as well as all the agreements  
20 that start from just after they founded the  
21 University until now, and there's all sorts of  
22 agreements, and the latest of which have to do with  
23 the University Village.

24 And all those agreements are the  
25 University's word that they're going to be polite

1 neighbors, ultimately. And my concern with this is  
2 that it's not there yet. I can't recommend approval  
3 or I can't vote for it if it's not completely cooked,  
4 and I read it and I see that there are things here  
5 that are in direct violation or that require more  
6 definition to bring it into line with UMCAD.

7 If what we're trying to do is replace UMCAD  
8 with this ordinance, I don't think that we're there  
9 yet.

10 MR. SIEMON: We're -- I would try to  
11 describe it to you as this: This district is  
12 intended to create a set of procedural and  
13 substantive rules by which a Campus Master Plan and  
14 all the required elements would be reviewed and  
15 approved that would replace UMCAD.

16 For example, there are no design criteria in  
17 here. The design criteria which are currently in  
18 UMCAD would be replaced by the required design  
19 standards in the Campus Plan Master -- the Campus  
20 Master Plan that would be approved as a development  
21 order, and when this -- if this district, just as it  
22 is today, were adopted and applied to the land, it  
23 would still not control until they bring in their  
24 application for Master Plan approval, and when it's  
25 approved, with all the design manual and all the

1 specific detail, that's when UMCAD will be displaced,  
2 not until.

3 MR. KORGE: And then would some of these  
4 properties or some of these designated areas become  
5 nonconforming, the perimeter, for example, the  
6 designation for private clubs, fraternities, sorority  
7 facilities -- X is prohibited, right, not permitted?

8 MR. SIEMON: That's correct.

9 MR. KORGE: But there already are fraternity  
10 houses in the perimeter zone, aren't there?

11 MR. SIEMON: I personally can't tell you  
12 that.

13 MS. KEON: They're across the street.

14 CHAIRWOMAN MORENO: I think they've been  
15 eliminating some of those, though.

16 MR. SIEMON: I think they've been -- I think  
17 they're -- I thought they were out, but if they  
18 are --

19 MR. KORGE: They're right across --  
20 actually, they're --

21 MS. KEON: They're across the street from  
22 the perimeter.

23 MR. SIEMON: If they are --

24 MS. KEON: Aren't they?

25 MR. SIEMON: -- they still would be

1       preserved in their existing condition --

2               MS. KEON:   Right.

3               MR. SIEMON:  -- as nonconformities.

4               MR. BEHAR:  You could not propose a new one.

5               MR. SIEMON:  -- but you couldn't do a new  
6       one.

7               MR. KORGE:  Could you rebuild the existing  
8       one from scratch?

9               MR. SIEMON:  Probably not, under the  
10       nonconformities provisions, as we have defined them  
11       at this point.  It's my recollection that you do not  
12       have a destruction and replacement provision in your  
13       nonconformities, for density or others.

14               MR. KORGE:  Does the -- all right, let me  
15       cut to the chase.  Does the University of Miami  
16       accept all of these designated permitted uses?  I  
17       presume they have read this by now.

18               MR. SIEMON:  Well, they'd like to have  
19       nothing.

20               MR. KORGE:  No, that's not what I asked.

21               MR. SALMAN:  Ultimately, yeah.

22               MR. KORGE:  I didn't ask what they'd like to  
23       have.  I asked whether they would accept this.  Maybe  
24       I should wait until they come up and ask them.

25               MR. SIEMON:  I would say this, that we've

1 worked very hard, City Staff and myself and others,  
2 and the University, and we've worked very hard to  
3 bring to you, as best we could, something that serves  
4 everybody's purposes, and I -- and while I think  
5 there's some subjects that they would like to  
6 continue to talk about, I'll take a chance that I  
7 think they think we're pretty close.

8 CHAIRWOMAN MORENO: Okay. Who's here from  
9 UM?

10 MR. SIEMON: Let me just make sure that  
11 there's -- let me finish, just -- there's nothing --  
12 the vested rights, I've talked to you about  
13 preserving the existing UMCAD until the Master Plan  
14 is approved.

15 MR. SALMAN: I saw that.

16 MR. SIEMON: The standards which are in here  
17 are some core principles, the maximum number of  
18 square footage, et cetera, that apply --

19 MR. SALMAN: They're limited by State  
20 guidelines.

21 MR. SIEMON: -- no matter what.

22 MR. SALMAN: Those are limited by State  
23 guidelines, and their ability to operate a  
24 university --

25 MR. SIEMON: They can't be changed, yeah.

1           MR. SALMAN: -- is limited to the number of  
2 students that they have. They're also limited as to  
3 the maximum square footage that they have, and I see  
4 that what we're doing is, we're creating the  
5 possibilities of expanding that and -- which is fine,  
6 but I think we need to be aware of what we're doing.

7           MR. BEHAR: Yeah, absolutely.

8           MR. SIEMON: That's the balance.

9           MS. HERNANDEZ: And I think that that's the  
10 balance that we looked at. You know, when you say --  
11 when you take the test of, okay, this is how much we  
12 believe that the plan allows for, a hundred square  
13 feet, okay? And then the University is saying, "But  
14 we want to be able to buy X building outside of the  
15 campus area."

16           Well, you're expanding those square feet.  
17 You're expanding, and it's a policy decision for the  
18 Commission, it's a policy decision for you to  
19 recommend, whether or not you believe that that's  
20 appropriate or not.

21           We've applied what we believe to be the  
22 appropriate balancing tests, giving them a core area  
23 where they can have unfettered University functions,  
24 a perimeter area, and that's it. If they want to  
25 expand those boundaries, they've got to come back to

1 the City, and it's a simple, simple test.

2 MR. SALMAN: I'll give you an example and  
3 then I'm going to ask you a question.

4 Because of my participation with the  
5 University of Miami Homeowners' Association, I was  
6 aware of the agreement that was signed by both  
7 parties, and I saw where a point of negotiation had  
8 to deal with the auxiliary uses within University  
9 Village, and it was specifically agreed that those  
10 would be limited with regards to their size and their  
11 uses, and yet in the permitted uses, I see no such  
12 limitations, and I find that in disagreement with  
13 previous agreements that they have.

14 MS. HERNANDEZ: With a side agreement with  
15 you, your group, or a City document?

16 MR. SALMAN: It's a side agreement with the  
17 University of Miami Homeowners Association.

18 MS. HERNANDEZ: Then that may be a potential  
19 problem. I don't have that side agreement, and  
20 that's not something that I provided to our  
21 consultant, so, you know, Mr. --

22 MR. KORGE: It's been before this Board on  
23 it.

24 MS. HERNANDEZ: Yes, but we don't have  
25 whatever side agreement y'all may have.

1                   MR. SALMAN: My concerns have to do with the  
2 expansion of existing rights within UMCAD, and my  
3 concern is specifically having to deal with those  
4 expansions, for good or for bad.

5                   MS. HERNANDEZ: Right.

6                   MR. SALMAN: I think we just need to be  
7 aware of what we're doing.

8                   MS. HERNANDEZ: I think that UM would have  
9 to address those concerns with you, because I don't  
10 have that document, and they're the ones in the best  
11 position because I'm sure that, as the other party  
12 signing it, they would be able to answer your  
13 questions.

14                  CHAIRWOMAN MORENO: Okay. You're up.

15                  MR. GUILFORD: Zeke Guilford, along with  
16 Janet Gavarette, Irma Abella and Jeff Bass, for the  
17 University of Miami.

18                  I think what we would like to do,  
19 basically -- I think Charlie has summarized this  
20 agreement very well. I think there are some issues  
21 out there that we continue to work on. This is a  
22 change from what we had, as Javier said, and the  
23 University has continued to look at this, to see how  
24 their development fits in with this agreement, but we  
25 are continuing moving forward with this document.

1 CHAIRWOMAN MORENO: So what do you want us  
2 to do today?

3 MR. GUILFORD: I would like you to go ahead  
4 and pass it, and if there's issues, which I believe  
5 as late as yesterday we made Charlie aware of, that  
6 those are issues that can be worked out, that do not  
7 affect the portions of this document to any extent.

8 MS. HERNANDEZ: But that's not what one of  
9 our Board members is saying.

10 MR. GUILFORD: Well, if Javier has an issue,  
11 what we tried to do -- and what we really tried to do  
12 is look at your issues, look at what was approved in  
13 that agreement, and put those permitted uses.

14 You have to remember, you know, the way the  
15 UMCAD has it, basically, all the uses listed in the  
16 UMCAD were permitted anywhere on campus. We've now  
17 taken certain uses that can't be places where they  
18 were originally before, and if we missed one with the  
19 University Village, then, you know, let's go ahead --  
20 and Javier, if there's one, or if we need to asterisk  
21 that permitted use in University Village, we're more  
22 than happy to do so.

23 CHAIRWOMAN MORENO: But this is sufficient,  
24 you feel, this document --

25 MR. GUILFORD: To --

1                   CHAIRWOMAN MORENO:  -- to allow you to say,  
2    "Hey, this is my UMCAD approvals and I want you --  
3    when we do the master zoning plan, we're going to  
4    address in it that fashion"?

5                   MR. GUILFORD:  Right.  If you would go  
6    ahead and pass it, whatever we need to do, we believe  
7    can be done before it's before the Commission.

8                   CHAIRWOMAN MORENO:  Okay.  Do I have a  
9    motion?

10                  MR. KORGE:  I'll move to approve it.

11                  What I understand you're saying is that  
12    you're going to -- whatever fixes need to be done,  
13    will be done before the re-zoned -- the Zoning Code  
14    change makes it to the Commission?

15                  MR. GUILFORD:  Absolutely.

16                  MR. KORGE:  And then it will be an  
17    amendment.  They're going to recommend an amendment  
18    to our recommendation.

19                  MR. GUILFORD:  Right.  What we also have to  
20    remember is, this will also come back to you.  This  
21    is the legislative portion.  What's going to come  
22    back to you is the Master Plan and design, so there  
23    is going to be a second -- I want to say a second  
24    bite at the apple.

25                  Basically, what this is, this is the

1 legislation that says we're going to prepare a Campus  
2 Master Plan. That Master Plan must come back to  
3 you.

4 MS. KEON: But you should have a  
5 legislation --

6 MR. GUILFORD: Absolutely.

7 MS. KEON: -- that reflects what you want to  
8 see in the Master Plan. So, if the legislation  
9 doesn't include that, then that's an issue.

10 MR. BEHAR: I feel uncomfortable approving  
11 something, honestly, or voting on something that --  
12 it's not up to you guys to put it before the  
13 Commission, and we don't get an opportunity to look  
14 at it. I think that, you know --

15 CHAIRWOMAN MORENO: No, but what we're  
16 saying is, we're approving this the way it is. If  
17 they have amendments, they can present them to the  
18 Commission, as anybody can, after we approve  
19 something, for the Commission to take a different  
20 action. We do that all the time. You know, we'll  
21 send something up, and the people go up to the  
22 Commission and get the Commission to change what we  
23 recommended. We're just recommending this.

24 MR. RIEL: But, Madam Chair -- Madam Chair,  
25 though, I think as a part of that, typically, this

1 Board provides direction to the applicant on that  
2 issue, and it just doesn't go forward and if  
3 something decides to get added, it doesn't just get  
4 added --

5 MR. BEHAR: Right, right.

6 MR. RIEL: -- after that point. So  
7 that's --

8 MS. HERNANDEZ: If something is added that  
9 has not been brought up to the Board --

10 MR. RIEL: What concerns me a little bit --

11 MS. HERNANDEZ: -- the Commission will send  
12 it back.

13 MR. RIEL: -- is that, "We'll take care of  
14 it at the Commission level."

15 MR. KORGE: Then let me see if I understand  
16 this correctly. What we're concerned about is the  
17 effect this would have on the University Village,  
18 which was recently approved, and which had been  
19 subject to other conditions set forth --

20 MR. SALMAN: A separate agreement.

21 MR. KORGE: -- in a separate agreement; is  
22 that right?

23 MS. KEON: Right.

24 MR. SALMAN: To a certain extent, I'm  
25 concerned about the rights being given to the

1 University which are at variance with other  
2 limitations in the agreements that they have.

3 MR. KORGE: Beyond the separate agreement  
4 for the University Village?

5 MR. SALMAN: That's one concern.

6 The second concern I have has to do with the  
7 approval of changes from a proposed Master Plan,  
8 which we haven't seen yet, and the ability to make  
9 those changes up to a certain percentage by a  
10 designated official, which is fine --

11 CHAIRWOMAN MORENO: But we're going to have  
12 a chance to approve the Master Plan. All that this  
13 does is, it tells them, "You've got to put together a  
14 Master Plan, and the Master Plan must meet this  
15 criteria."

16 MR. BEHAR: I understand that part, and I'm  
17 okay with that portion of it, and I think that maybe  
18 that's going to set a better precedent for the future  
19 of the campus, but I'm -- I still feel like if  
20 there's any change of any language that's to be  
21 incorporated in here, I don't feel comfortable  
22 just -- you know, speaking for myself -- sending it  
23 forward without having an opportunity to take a look  
24 at it.

25 CHAIRWOMAN MORENO: So let's send it forward

1 and say, "We recommend no changes."

2 MS. KEON: No, but he's saying we do  
3 recommend. There are changes that he believes need  
4 to be made --

5 MR. KORGE: Well, what are they?

6 MS. KEON: -- or there's provisions that  
7 need to be included in this, that were an agreement.

8 MR. SALMAN: Well, let's limit the amount of  
9 University convenience facilities, such as  
10 bookstores, snack bars, gift shops, postal office,  
11 banking, vending machines --

12 MR. KORGE: What page are you on?

13 MR. SALMAN: -- automatic teller machines,  
14 to a certain amount of area.

15 MR. KORGE: What page are you on?

16 MR. SALMAN: Page 19 of 26, the top of the  
17 page. And again, the agreement that was signed by  
18 the University and the neighbors' association --  
19 homeowners' association, did not preclude that use.  
20 I want to make that clear. It was understood that  
21 that was a necessary use. It just limited it as to  
22 its size and pretty much its location.

23 MR. KORGE: Well, that's a major conditional  
24 use in the perimeter area.

25 MR. SALMAN: Yeah.

1           MR. KORGE:  So I don't understand what your  
2 concern is.

3           MR. SALMAN:  My concern is that there's no  
4 such limitation in this.  It's just a permitted use.  
5 There's no limitation as to its size and location.

6           MR. KORGE:  But it's a major conditional  
7 use.

8           CHAIRWOMAN MORENO:  In University Village.

9           MR. KORGE:  The University Village -- let  
10 me just jump in here and say, I understand University  
11 Village has already been approved and is under  
12 construction.

13          MR. SALMAN:  Correct.

14          MR. KORGE:  And it's subject to these  
15 various limitations that were agreed to.

16          MR. GUILFORD:  Right.

17          MR. SALMAN:  Agreed.

18          MR. GUILFORD:  What's happening here is,  
19 we're confusing -- The uses that are permitted in  
20 University Village do comply with the agreement.

21                 I think what Javier is saying is, there was  
22 only a certain size, but this doesn't -- this does  
23 not deal with size.  It deals with uses, and those  
24 uses were permitted as part of the agreement with the  
25 neighborhood association.

1 I agree they are restricted to a size, and  
2 we obviously are abiding by that agreement.  
3 Obviously, they have their legal rights, should we  
4 not. But -- and there is a covenant running with the  
5 land. But clearly, what we're talking about is uses,  
6 and those uses are permitted at University Village.

7 MR. KORGE: And more to the point, it's a  
8 major conditional use in the perimeter area, which  
9 means that they don't get to just use it that way;  
10 they have to come to the -- go through the full  
11 hearing process, come to us, have the neighbors'  
12 input, to see whether or not it's too big or it's in  
13 the wrong location or whatever.

14 MR. SALMAN: I'm just making a point.

15 MR. KORGE: But your point is what? I don't  
16 understand.

17 MR. SALMAN: The point is that we're not  
18 addressing the fact that there was a limitation as to  
19 its size here.

20 MR. GUILFORD: But there's a covenant  
21 running with the land that does address this. This  
22 is dealing with uses, and those uses are permitted at  
23 University Village, and obviously, you know, subject  
24 to that covenant.

25 MR. KORGE: Well, with respect to the

1 University Village, it's already limited by  
2 covenant.

3 MR. BEHAR: Whatever agreement was made,  
4 this will adhere to that.

5 MR. KORGE: That's right.

6 CHAIRWOMAN MORENO: Yeah, it has to.

7 MR. KORGE: As far as other -- areas other  
8 than University Village, that are in the perimeter,  
9 these particular uses you were focusing on, a snack  
10 bar, for example, would be a major conditional  
11 permitted use.

12 MR. SALMAN: Understood.

13 MR. KORGE: Okay. So I don't understand  
14 what your problem is. University Village is already  
15 fixed in stone. It can't be changed.

16 MR. SALMAN: It's being built as we speak.

17 CHAIRWOMAN MORENO: Right, so --

18 MR. KORGE: So it can't be changed. So  
19 there's no -- This doesn't conflict with University  
20 Village.

21 MR. SALMAN: UMCAD allows -- originally,  
22 UMCAD was there to create a plan for the development  
23 of the University that would allow for some sort of a  
24 level of scrutiny as to the direction of that  
25 development, and the marrying of that development

1 with the infrastructure around it, area and  
2 (inaudible) with the City around it. It's about  
3 being good neighbors.

4 MR. KORGE: Right.

5 MR. SALMAN: The reality is, there are  
6 changes, and my concern is that there's no  
7 restriction on the amount with regards to the  
8 permitted use. Agreed, it's a permitted use, but  
9 it's very severely restricted.

10 That agreement, even though it's a signed  
11 agreement, limits the use and it runs as a covenant  
12 with the land. You're saying -- what you're saying  
13 is that that's something separate, and that's fine.

14 CHAIRWOMAN MORENO: There's lots of places  
15 in the County where there's a covenant running with  
16 the land that's stricter than the Zoning Code, and  
17 what applies is the covenant running with the land.

18 MR. KORGE: And more to the point, in this  
19 particular case, if someone -- if the University  
20 comes with another perimeter area, other than the  
21 University Village, and says, "We want a snack bar  
22 there," whatever size, it has to go through the full  
23 public hearing process.

24 If they want a snack bar that's way too big,  
25 it's out of proportion, and the neighbors are all

1 complaining about it, then this Board would have the  
2 ability and the Commission would have the final say  
3 on whether to allow it, of that size or a smaller  
4 size. Because it's a major conditional use, it's not  
5 a foregone conclusion that any snack bar would be  
6 allowed at all, much less of a particular size.

7 CHAIRWOMAN MORENO: Yes, but his only  
8 concern is University Village. That's all we have --

9 MR. KORGE: But it's already locked in  
10 stone. So I don't understand why that's a concern.  
11 They can't put in more of a snack bar now in  
12 University Village, even if this would permit them  
13 to, because they've already reached an agreement. It  
14 runs -- the agreement, as I understand it, runs with  
15 the land. It restricts it. They can't legally do  
16 that, regardless of the zoning change.

17 MR. SALMAN: I'm glad we're making that very  
18 clear.

19 MS. KEON: Is that right, Liz?

20 MS. HERNANDEZ: You know, I am uncomfortable  
21 that I -- because I do not have the side agreement.  
22 There is a restrictive covenant running with the land  
23 that gives certain rights to the adjacent neighbors.  
24 Those neighbors are not going to be able to come to  
25 the City and say, "Enforce your Code," because our

1 Code is not going to run consistent, I'm assuming,  
2 based on what Mr. -- what Javier is saying, with  
3 whatever that covenant said. It's two different  
4 rights of action. You're not going to be able to  
5 come to the City and tell the City --

6 MR. SALMAN: Absolutely.

7 MS. HERNANDEZ: -- "Hold up a permit."  
8 You're going to have to go file a lawsuit in court  
9 and do it differently. That's not how we've done it  
10 here in the City, in the past.

11 MS. KEON: So is it your belief that we  
12 should have the covenant before we move forward with  
13 this?

14 MS. HERNANDEZ: I don't -- This is the first  
15 I've learned of it, so I'm very uncomfortable.

16 MR. KORGE: Liz, we were here when it was  
17 approved.

18 MS. HERNANDEZ: No, no, we were here when  
19 the approval was done, but we have been meeting for  
20 months with the University of Miami and that covenant  
21 has not been provided to us.

22 MR. SALMAN: There you go.

23 MR. KORGE: I thought that was a condition  
24 of the approval, the covenant.

25 MS. HERNANDEZ: No, no, no. No, no, no.

1 They reached their own separate covenant. That was  
2 never given to the City.

3 MR. KORGE: That wasn't a condition of the  
4 approval?

5 MS. HERNANDEZ: No. No, sir.

6 MR. SALMAN: No, but it's filed --

7 MS. HERNANDEZ: We had our own conditions.

8 MR. SALMAN: It's filed with the --

9 CHAIRWOMAN MORENO: I'm sorry, but then  
10 that's the problem of the people of University  
11 Village. It isn't a problem of the City. They  
12 should have provided it to you, if they wanted you to  
13 enforce it. They didn't want you to enforce it.  
14 They recorded it against the land. It's over.

15 MS. HERNANDEZ: Again, you're asking my  
16 opinion, and I'm telling you that what we're doing  
17 is, we're putting the homeowners in one set of  
18 circumstances, versus the City in another set of  
19 circumstances. I am unable, as a City official, to  
20 enforce a covenant that's been entered by two private  
21 parties.

22 CHAIRWOMAN MORENO: That's true. I agree.

23 MS. HERNANDEZ: Okay?

24 MS. KEON: Okay. So, then, should that  
25 covenant be recorded with the City?

1 MS. HERNANDEZ: Well, it's not a matter of  
2 whether it should be recorded with the City. If, in  
3 the covenant --

4 MS. KEON: It should be included in this.

5 MS. HERNANDEZ: -- the University agreed to  
6 paint every hall blue, and it is something that the  
7 University and the homeowners have agreed to, and  
8 here we've been working for months on a massive  
9 document that is supposed to be the new Bible of the  
10 University of Miami, and it is something that they  
11 have agreed to, in good faith, with these homeowners,  
12 why it's not part of this Bible befuddles me. So,  
13 you know, I can't tell you.

14 MS. KEON: So can we just make a motion,  
15 then, in approving this --

16 MS. HERNANDEZ: I would defer to --

17 MS. KEON: -- that it's subject to the  
18 inclusion --

19 MS. HERNANDEZ: I would defer to Mr. Siemon  
20 and ask him to advise.

21 MS. KEON: That it's subject to the  
22 inclusion of the covenant with the University  
23 Village?

24 MR. KORGE: So we would designate a  
25 portion of the perimeter area --

1 MR. RIEL: We can't do that, because we  
2 don't know what's in there, and it --

3 MS. HERNANDEZ: Yeah, we don't know what's  
4 in there.

5 MR. RIEL: And that might be a violation of  
6 other codes, so we can't --

7 MS. KEON: Okay. Well, then, leave it.

8 CHAIRWOMAN MORENO: Wait.

9 MR. BASS: Madam Chair, Jeffrey Bass. If I  
10 may be of some assistance --

11 MR. SALMAN: How we draw that objectively,  
12 that's the problem.

13 MR. BASS: -- to help address this  
14 procedural issue, because I think we can address it  
15 quite clinically.

16 Nothing in the ordinance before you is  
17 designed to in any way relax any restriction imposed  
18 by the covenant which was recorded as part and parcel  
19 of the settlement agreement of the University Village  
20 development. We can have no Zoning Code rewrite  
21 before you and still be obligated by all of those  
22 restrictions and conditions imposed.

23 I would caution the Board, just as a matter  
24 of policy and as a matter of law, that separate  
25 covenants and settlement agreements really should not

1 be the focus of this Board's express deliberations,  
2 however, the Board is certainly well placed to ensure  
3 that those prior commitments are consistent with the  
4 restrictions herein, and if there is a point of  
5 deviation, an express issue that anybody sees wherein  
6 a permitted use under this Zoning Code is a  
7 prohibited use under the restrictive covenant, tell  
8 us, because that is certainly not our intent.

9           But this Zoning Code rewrite before you  
10 marches in lock-step with the restrictions that were  
11 previously imposed, and so if there is a condition to  
12 ensure that we don't use this Zoning Code rewrite to  
13 get out of any prior restriction, by all means, you  
14 could say that, but I wouldn't defer this matter to  
15 have a side covenant and side settlement agreement  
16 come before you, because, again, those are collateral  
17 to the public process that is before you.

18           The permitted uses and the prohibited uses  
19 in the University Village matrix before you in no way  
20 undermine or relax the restrictions and the promises  
21 that we gave in good faith to the neighbors. We  
22 stand behind those today, and we really don't think  
23 that we should have those interjected into this  
24 proceeding expressly. They're there, all the  
25 protections are there, and we don't have to have the

1 Zoning Code in front of you tonight to make sure that  
2 they're there.

3 MS. HERNANDEZ: And I have no doubt, as an  
4 officer of the court, he's properly representing what  
5 supposedly happened. But as he said, if there is a  
6 problem --

7 MR. SALMAN: Again --

8 MS. HERNANDEZ: -- on a specific  
9 restriction, tell us. I can't tell you, and Mr.  
10 Siemon, have you seen a document that you can tell  
11 them specifics? Because we can't address it. We  
12 haven't seen it.

13 MR. SALMAN: Again --

14 CHAIRWOMAN MORENO: But I'm not sure of the  
15 problem. I am not understanding what the problem is.  
16 I am not understanding it. I mean, this -- all that  
17 this does is, it creates a document that says, "Let's  
18 do a Master Plan, here are the requirements, and the  
19 Master Plan has to comply with the UMCAD approvals."

20 If it comes before us and someone says it  
21 doesn't comply with the UMCAD approvals, we can  
22 reject the Master Plan at that point. All this is,  
23 is a regulation that makes them do a Master Plan. So  
24 I'm not sure that I'm seeing where the conflict is.

25 MS. KEON: Can we reject it, at that point?

1                   CHAIRWOMAN MORENO:  If it's inconsistent  
2 with the UMCAD.

3                   MR. SALMAN:  Let me say now, for the  
4 record --

5                   CHAIRWOMAN MORENO:  Yeah.

6                   MR. SALMAN:  -- this is not an inconsistent  
7 use, and with regards to uses, it's fine, and I'm  
8 sorry I brought in an outside agreement into this  
9 discussion, because it really isn't directly  
10 relevant.

11                   MS. HERNANDEZ:  Okay.

12                   MR. SALMAN:  I'm just educating the Board as  
13 to what's out there, only because of my own personal  
14 knowledge of what it is.

15                   Now, it's not a restricted use, and it's  
16 really up to the University Homeowners' Association  
17 to enforce the limits that are under that agreement;  
18 is that correct, Liz?

19                   MS. HERNANDEZ:  Correct.

20                   MR. SALMAN:  Is that what you're trying to  
21 say?

22                   MS. HERNANDEZ:  Separate and distinct.

23                   MR. SALMAN:  Then my only other objection  
24 has to do with the fact that the area of the  
25 North/South is not defined on this.

1 CHAIRWOMAN MORENO: That, I think, is very  
2 valid.

3 MS. KEON: That's significant.

4 MR. BASS: That will be distinguished.

5 MR. GUILFORD: Yeah, absolutely, and that is  
6 easily defined, so we can place a definition,  
7 defining that area by, I would say -- pretty much by  
8 streets.

9 CHAIRWOMAN MORENO: Charlie?

10 MR. KORGE: Why don't you mark it on the  
11 map, like everything else?

12 CHAIRWOMAN MORENO: Where did he go? Okay.

13 MR. SIEMON: I think that there is an  
14 existing approval in the UMCAD bundle that identifies  
15 where the North/South area is, and we can just say  
16 that this be amended to include in the definition  
17 section --

18 MS. HERNANDEZ: That.

19 MR. SIEMON: -- that material that's in the  
20 UMCAD approval that addressed the North/South area.

21 CHAIRWOMAN MORENO: Okay. So let's have a  
22 motion.

23 MR. KORGE: Excuse me, the University  
24 Village area is also defined?

25 MR. GUILFORD: Yes.

1 MR. SIEMON: It is the same.

2 MR. GUILFORD: It's defined in this  
3 document, I believe.

4 CHAIRWOMAN MORENO: That is defined.

5 MR. SIEMON: It has a geographic  
6 identifier.

7 MR. KORGE: I'll make a motion to approve,  
8 as I had before. I don't know if we'd get a second.  
9 I would make one -- I don't like to do this,  
10 normally, but one drafting suggestion here. I know  
11 normally you put all of the definitions in the  
12 definition article --

13 MS. HERNANDEZ: Right.

14 MR. KORGE: -- but since this particular  
15 article relates to only one owner, only one  
16 landowner, for convenience sake, it might be better  
17 to leave the definitions where you have them, but  
18 that's up to you.

19 MR. SIEMON: No, I think it's up to you.

20 MR. KORGE: No.

21 CHAIRWOMAN MORENO: I think what Tom says  
22 makes sense.

23 MR. SIEMON: Well, obviously, we did that  
24 for the purposes of presenting this ordinance,  
25 because it --

1 CHAIRWOMAN MORENO: Yeah.

2 MS. HERNANDEZ: But the idea has been to  
3 consistently have the definitions -- I mean, if we  
4 use a word "tree" in one article, it should have the  
5 same definition throughout the entire Code, unless  
6 expressly defined differently in a section, and the  
7 preference, I believe, from Staff -- and Eric is  
8 nodding, yes, yes, yes.

9 MR. RIEL: Yes, yes.

10 MS. HERNANDEZ: -- is to have all the  
11 definitions in Article 8. That way, we don't get  
12 into the problems of the past.

13 MR. KORGE: Yeah, but the reason for that in  
14 Article 8 is because Article 8 affects everybody.

15 MS. HERNANDEZ: Uh-huh.

16 MR. KORGE: This article affects one and  
17 only one owner and will always affect one and only  
18 one owner, so it's unique, but I don't care. I just  
19 bring it up. Whatever you guys decide is fine. I  
20 just move to approve.

21 MS. KEON: But are they different?

22 MR. KORGE: Yeah, these are unique  
23 definitions. They're not --

24 CHAIRWOMAN MORENO: See, the Article 8  
25 definitions apply throughout the Code --

1 MR. KORGE: Including here.

2 CHAIRWOMAN MORENO: -- but this is not going  
3 to apply to anything else but this.

4 MR. SALMAN: I would second that, with the  
5 condition that the definitions of those areas be made  
6 clear in this document, with regards to the table.

7 MS. HERNANDEZ: Be made clearer? Say that  
8 again?

9 MR. SIEMON: The Village and the North/South  
10 area.

11 MR. KORGE: Right.

12 MS. HERNANDEZ: And The North/South. Very  
13 good.

14 MR. KORGE: Right.

15 MR. SALMAN: Be defined clearly.

16 CHAIRWOMAN MORENO: Okay.

17 MR. SIEMON: The Village is defined, but  
18 the North/South is not, in this.

19 MR. KORGE: Right.

20 CHAIRWOMAN MORENO: Okay, call the roll,  
21 please.

22 MS. MENENDEZ-DURAN: Who seconded the  
23 motion, I'm sorry?

24 CHAIRWOMAN MORENO: Mr. Salman.

25 MR. SIEMON: Mr. Salman.

1                   CHAIRWOMAN MORENO: Mr. Korge made it, Mr.  
2 Salman seconded.

3                   MS. MENENDEZ-DURAN: Pat Keon?

4                   MS. KEON: Yes.

5                   MS. MENENDEZ-DURAN: Tom Korge?

6                   MR. KORGE: Yes.

7                   MS. MENENDEZ-DURAN: Javier Salman?

8                   MR. SALMAN: Yes.

9                   MS. MENENDEZ-DURAN: Robert Behar?

10                  MR. BEHAR: Yes.

11                  MS. MENENDEZ-DURAN: Cristina Moreno?

12                  CHAIRWOMAN MORENO: Yes.

13                  Thank you.

14                  MR. GUILFORD: Thank you.

15                  MR. SIEMON: The next item is the Downtown  
16 Overlay District, and it is effectively an existing  
17 overlay district, and there is no proposal of any  
18 kind to rename it. Notwithstanding the fact that  
19 there is a strike-through that suggests that it may  
20 have either had that name or be considered to be that  
21 name, there is no such recommendation, and the next  
22 time you see this, there will be no strike-through  
23 there.

24                  MS. HERNANDEZ: Good.

25                  MS. KEON: It will be the Zain/Friedman --

1 MR. SIEMON: It will not be.

2 MS. KEON: It will not be?

3 MR. SIEMON: It will just be the Downtown  
4 Overlay District, period.

5 MS. KEON: It will just be the Downtown  
6 Overlay district, okay.

7 MR. SIEMON: There's been some confusion in  
8 my office that "Delete this reference" was intended  
9 to say, not show it as a change, but delete it, and  
10 that didn't get through.

11 MR. SALMAN: The only change, really, is the  
12 word Downtown?

13 MR. SIEMON: Yeah.

14 MR. RIEL: That's what it's called  
15 presently.

16 MR. SIEMON: That's the current -- that's  
17 what it --

18 MR. RIEL: It's called that now.

19 CHAIRWOMAN MORENO: Okay. Do we have a  
20 motion to approve this?

21 MR. BEHAR: I make a motion to approve it.

22 CHAIRWOMAN MORENO: Second?

23 MR. SIEMON: Don't leave, Tom. We're on a  
24 roll.

25 MR. KORGE: I'll second.

1 CHAIRWOMAN MORENO: Call the roll.

2 MS. MENENDEZ-DURAN: Tom Korge?

3 MR. KORGE: Yes.

4 (Thereupon, Mr. Korge left the Commission  
5 Chambers.)

6 MS. MENENDEZ-DURAN: Javier Salman?

7 MR. SALMAN: Yes.

8 MS. MENENDEZ-DURAN: Robert Behar?

9 MR. BEHAR: Yes.

10 MS. MENENDEZ-DURAN: Pat Keon?

11 MS. KEON: Yes.

12 MS. MENENDEZ-DURAN: Cristina Moreno?

13 CHAIRWOMAN MORENO: Yes. Done.

14 MR. SIEMON: The S district, sorry.

15 CHAIRWOMAN MORENO: Oh.

16 MR. RIEL: There's two more.

17 MR. SIEMON: My apologies.

18 MR. RIEL: Two more.

19 MR. SIEMON: These are so --

20 CHAIRWOMAN MORENO: I thought we were done.

21 MR. SIEMON: I was trying to keep Tom in the  
22 room so we could get it --

23 The S District is, again, no change.

24 MR. BEHAR: I make a motion to approve it.

25 MR. SALMAN: I second it.

1 CHAIRWOMAN MORENO: Call the roll.

2 MS. MENENDEZ-DURAN: Javier Salman?

3 MR. SALMAN: Yes.

4 MS. MENENDEZ-DURAN: Robert Behar?

5 MR. BEHAR: Yes.

6 MS. MENENDEZ-DURAN: Pat Keon?

7 MS. KEON: Yes.

8 MS. MENENDEZ-DURAN: Tom Korge?

9 CHAIRWOMAN MORENO: Absent.

10 MS. MENENDEZ-DURAN: Cristina Moreno?

11 CHAIRWOMAN MORENO: Yes.

12 MR. SIEMON: The last district is 4-205,  
13 Preservation District. This is a Metropolitan Dade  
14 County provision that is applicable County-wide, and  
15 we have incorporated their regulations as adopted  
16 where they have been omitted in the prior drafts, and  
17 this is their Code, and we present it for inclusion  
18 so that no one will be misled by picking up this Code  
19 and then finding out, after they've gone down the  
20 road, that there's something they've omitted.

21 MR. RIEL: Basically, what they've done is,  
22 they've provided us -- it is what's in the County,  
23 but they've also made some changes, and they've  
24 reviewed this probably three times, I believe, and  
25 they agree with this. This is assigned to the County

1 parks on the south end of the City.

2 MS. KEON: This is different than our  
3 preservation district, when we were talking about our  
4 preservation area, when you were talking about that  
5 area of north -- you know, north of 8th Street there?

6 MR. SIEMON: Yeah, yeah. Conservation.

7 MS. KEON: That's the conservation.

8 MR. SIEMON: This is preservation. It's  
9 different.

10 MR. SALMAN: From what I see, it restricts  
11 the County's use of land, as well as -- I'm looking  
12 under D, Prohibited Uses, 2, "Development not  
13 consistent with Park and Recreation uses shall not be  
14 permitted in Miami-Dade County designated natural  
15 areas." So they hold themselves to it, as well.

16 MR. SIEMON: They're good for the goose and  
17 the gander.

18 MS. KEON: Yeah. Does this protect like all  
19 of the mangroves along the waterways and everything  
20 else, that they can't be --

21 MR. SALMAN: I'm not sure.

22 CHAIRWOMAN MORENO: That's what it seems to  
23 be trying to do.

24 MS. KEON: Under performance standards. I  
25 mean, that's what it sounds like it's doing, right?

1 MR. RIEL: Basically, what we have now in  
2 the preservation district, I think, is probably only  
3 about a half a page.

4 MR. CARLSON: Yeah.

5 MR. RIEL: And this is much more --

6 MR. CARLSON: Much more thorough.

7 MR. RIEL: Much more thorough, in terms  
8 of --

9 (Thereupon, Mr. Korge returned.)

10 MR. SALMAN: How much area do we have as  
11 preservation district, currently?

12 MR. CARLSON: Snapper Creek and Deering  
13 Bay -- yes, here we go.

14 MR. SIEMON: Conservation is the dark green.

15 MR. RIEL: The dark green areas.

16 MR. CARLSON: There's one portion up there  
17 in Cocoplum. That's it.

18 MS. KEON: Those are the preservation  
19 districts?

20 MR. SIEMON: Well, it's called  
21 conservation -- on the future land use map, it's  
22 conservation, that is implemented with the  
23 preservation district.

24 MS. KEON: Oh, okay.

25 MR. SALMAN: Basically, it says you just

1 can't build there.

2 MR. SIEMON: Right.

3 MR. SALMAN: All right. Make a motion to  
4 approve.

5 MR. BEHAR: Second it.

6 CHAIRWOMAN MORENO: Call the roll.

7 MS. MENENDEZ-DURAN: Robert Behar?

8 MR. BEHAR: Yes.

9 MS. MENENDEZ-DURAN: Pat Keon?

10 MS. KEON: Yes.

11 MS. MENENDEZ-DURAN: Tom Korge?

12 MR. KORGE: Yes.

13 MS. MENENDEZ-DURAN: Javier Salman?

14 MR. SALMAN: Yes.

15 MS. MENENDEZ-DURAN: Cristina Moreno?

16 CHAIRWOMAN MORENO: Yes.

17 And now we're really done.

18 MR. SALMAN: Move to adjourn.

19 CHAIRWOMAN MORENO: I move to adjourn.

20 MR. RIEL: And we're not going to see you  
21 all for a month. Can you believe that? Almost one  
22 month. Usually, we have a meeting every two, three  
23 weeks.

24 MR. KORGE: Two months, maybe?

25 MR. RIEL: No. August 10th.

1 MS. KEON: When is it?

2 MR. RIEL: August 10th is the next meeting.

3 MR. SALMAN: And that's the big housing one,  
4 the house setback one.

5 MR. KORGE: That's a month? It's not a  
6 month. Today's the 17th (sic).

7 CHAIRWOMAN MORENO: That's three weeks,  
8 okay?

9 (Thereupon, the meeting was adjourned at  
10 10:50 p.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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.

I, JOAN L. BAILEY, a Notary Public in and for the State of Florida at large, do hereby that all witnesses were duly sworn by me.

DATED this 19th day of July, 2005.

JOAN L. BAILEY, RDR

Notary Commission Number DD 190412.  
My current notary commission expires 6/14/07.

