

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

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

CORAL GABLES CITY COMMISSION CHAMBERS
405 BILTMORE WAY, CORAL GABLES
AUGUST 10, 2005, 6:20 P.M.

Board Members Present:

Tom Korge, Chairman
Eibi Aizenstat, Vice-Chairman
Cristina Moreno, Outgoing Chairwoman
Robert Behar
Javier Salman
Michael Tein

City Staff:

Eric Riel, Jr., Planning Director
Walter Carlson, Assistant Planning Director
Elizabeth M. Hernandez, City Attorney
Richard Cannone, Principal Planner
Scott Bolyard, Planner
Jill Menendez-Duran, Administrative Assistant

Also Participating:

Vice-Mayor Maria Anderson
Commissioner Raul "Ralph" Cabrera
Charles Siemon, Consultant
Gary I. Resnick, Consultant

Public Speakers:

Page

On Single-Family Regulations:

George Harper	37
Ignacio Zabaleta	38
Lamar Louise Curry	44
Daniel Fryer	46
Mamta Chaudhry-Fryer	53
Albert Poza	60
David Adler	65
Paul Posnak	73
Joyce Newman	83
Marshall Bellin	86
Bruce Katz	89

1	Public Speakers, Continued:	2
2	Amado "Al" Acosta	99
	Daphne Gurri	110
3	Vicky Garcia-Toledo	119
	Maria Bures	123
4	Tom Mooney	125
5	On Telecommunications:	
6	(No speakers)	
7	On Coral Gables Zoning Map Amendments:	
8	MacDonald West	178
	Courtney Thompson	185
9	Dan Levine	187
	William Hartnett	189
10	Wayne Barnes	201
	Patricia Baloyra	208
11	Joyce Newman	237
	Zeke Guilford	238
12	Robert Hatfield	239
	Dan May	241
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 THEREUPON:

2 The following proceedings were had:

3 CHAIRWOMAN MORENO: Let's call the roll.

4 MS. MENENDEZ-DURAN: Eibi Aizenstat?

5 MR. AIZENSTAT: Present.

6 MS. MENENDEZ-DURAN: Robert Behar?

7 MR. BEHAR: Present.

8 MS. MENENDEZ-DURAN: Pat Keon?

9 Tom Korge?

10 MR. KORGE: Here.

11 MS. MENENDEZ-DURAN: Cristina Moreno?

12 CHAIRWOMAN MORENO: Here.

13 MS. MENENDEZ-DURAN: Javier Salman?

14 MR. SALMAN: Here.

15 MS. MENENDEZ-DURAN: Michael Tein?

16 MR. TEIN: Here.

17 CHAIRWOMAN MORENO: Eric, the first order of
18 business that I have is appointment of the Planning &

19 Zoning Board member.

20 MR. RIEL: That's correct.

21 CHAIRWOMAN MORENO: Our current Planning &
22 Zoning Board member is Pat.

23 MR. RIEL: Is Ms. Keon, yes.

24 CHAIRWOMAN MORENO: Okay. Does anybody else
25 have -- our current Planning & Zoning Board member is

1 Pat. We can either renominate her to maintain the
2 position, or we can accept nominations from the Board
3 for other persons. This is the person that this
4 Board appoints, subject to Commission approval.

5 MR. KORGE: I'll renominate Pat.

6 MR. AIZENSTAT: I'll second that.

7 CHAIRWOMAN MORENO: Anybody else for the
8 nominations?

9 Okay, let's call the roll.

10 MS. MENENDEZ-DURAN: Robert Behar?

11 MR. BEHAR: Yes.

12 MS. MENENDEZ-DURAN: Tom Korge?

13 MR. KORGE: Yes.

14 MS. MENENDEZ-DURAN: Javier Salman?

15 MR. SALMAN: Yes.

16 MS. MENENDEZ-DURAN: Michael Tein?

17 MR. TEIN: Yes.

18 MS. MENENDEZ-DURAN: Eibi Aizenstat?

19 MR. AIZENSTAT: Yes.

20 MS. MENENDEZ-DURAN: Cristina Moreno?

21 CHAIRWOMAN MORENO: Yes.

22 The next item on the agenda is the election
23 of a chairperson for the Board, and I have served for
24 the last two terms. I think it's time to have
25 somebody else serve.

1 MR. KORGE: Are you sure? I'd like to
2 renominate you.

3 CHAIRWOMAN MORENO: No, thank you.

4 MR. AIZENSTAT: I would second.

5 CHAIRWOMAN MORENO: I would like to nominate
6 Mr. Korge as Chairperson.

7 MR. BEHAR: I'll second that.

8 MR. AIZENSTAT: I'll second that.

9 MR. KORGE: After this meeting, right?

10 CHAIRWOMAN MORENO: No.

11 MR. RIEL: No.

12 MR. KORGE: Effective after this meeting?

13 CHAIRWOMAN MORENO: No, effective
14 immediately.

15 Any other nominations?

16 Can you call the roll, please?

17 MS. MENENDEZ-DURAN: Javier Salman?

18 MR. SALMAN: Yes.

19 MS. MENENDEZ-DURAN: Michael Tein?

20 MR. TEIN: Yes.

21 MS. MENENDEZ-DURAN: Eibi Aizenstat?

22 MR. AIZENSTAT: Yes.

23 MS. MENENDEZ-DURAN: Robert Behar?

24 MR. BEHAR: Yes.

25 MS. MENENDEZ-DURAN: Cristina Moreno?

1 CHAIRWOMAN MORENO: Yes.
2 The passing of the gavel.
3 MS. HERNANDEZ: Boy!
4 MS. MORENO: Here's your agenda.
5 MS. HERNANDEZ: That's a little --
6 CHAIRMAN KORGE: Are you going to stand by
7 me this week?
8 Don't we need a Vice-Chairman?
9 MS. MORENO: Vice-Chairman.
10 CHAIRMAN KORGE: I'll accept nominations for
11 Vice-Chairman.
12 MS. MORENO: I'd like to nominate Mr.
13 Aizenstat.
14 CHAIRMAN KORGE: Second?
15 MS. MORENO: You can't second.
16 MR. TEIN: I'll second it.
17 CHAIRMAN KORGE: I'm asking if there's
18 second.
19 MR. TEIN: I'll second it.
20 MR. SALMAN: Second.
21 CHAIRMAN KORGE: We've got two seconds.
22 Anybody else for nomination?
23 Let's call the roll on that, please.
24 MS. MENENDEZ-DURAN: Michael Tein?
25 MR. TEIN: Yes.

1 MS. MENENDEZ-DURAN: Eibi Aizenstat?
2 MR. AIZENSTAT: Yes.
3 MS. MENENDEZ-DURAN: Robert Behar?
4 MR. BEHAR: Yes.
5 MS. MENENDEZ-DURAN: Javier Salman?
6 MR. SALMAN: Yes.
7 MS. MENENDEZ-DURAN: Cristina Moreno?
8 MS. MORENO: Yes.
9 MR. AIZENSTAT: Thank you very much.
10 CHAIRMAN KORGE: The next order of business
11 is the approval of the minutes.
12 Let's start with the June 8th, 2005
13 minutes. I'll take a motion for approval of that.
14 Is there a motion?
15 MS. MORENO: I'll move to approve.
16 CHAIRMAN KORGE: Cristina has moved for
17 approval. Is there a second?
18 MR. AIZENSTAT: I'll second that.
19 CHAIRMAN KORGE: There's a second. Any
20 discussion on those minutes?
21 No discussion. Let's call the roll.
22 MS. MENENDEZ-DURAN: Eibi Aizenstat?
23 MR. AIZENSTAT: Yes.
24 MS. MENENDEZ-DURAN: Robert Behar?
25 MR. BEHAR: Yes.

1 MS. MENENDEZ-DURAN: Tom Korge?

2 CHAIRMAN KORGE: Yes.

3 MS. MENENDEZ-DURAN: Javier Salman?

4 MR. SALMAN: Yes.

5 MS. MENENDEZ-DURAN: Michael Tein?

6 MR. TEIN: Yes.

7 MS. MENENDEZ-DURAN: Cristina Moreno?

8 MS. MORENO: Yes.

9 CHAIRMAN KORGE: The next is the minutes of
10 the workshop meeting held on June 15th, 2005. Is
11 there a motion for approval of these minutes?

12 MS. MORENO: I'll move to approve.

13 CHAIRMAN KORGE: Cristina's moved.

14 MR. SALMAN: Second.

15 CHAIRMAN KORGE: Seconded.

16 Any discussion on this?

17 No discussion. Would you call the roll,
18 please?

19 MS. MENENDEZ-DURAN: Robert Behar?

20 MR. BEHAR: Yes.

21 MS. MENENDEZ-DURAN: Tom Korge?

22 CHAIRMAN KORGE: Yes.

23 MS. MENENDEZ-DURAN: Javier Salman?

24 MR. SALMAN: Yes.

25 MS. MENENDEZ-DURAN: Michael Tein?

1 MR. TEIN: Yes.

2 MS. MENENDEZ-DURAN: Cristina Moreno?

3 MS. MORENO: Yes.

4 MS. MENENDEZ-DURAN: Eibi Aizenstat?

5 MR. AIZENSTAT: Yes.

6 CHAIRMAN KORGE: The next is the minutes for
7 the study session of June 29th, 2005. Is there a
8 motion to approve those minutes?

9 MS. MORENO: I'll move to approve.

10 CHAIRMAN KORGE: Second on that, anybody?

11 MR. SALMAN: I'll second.

12 CHAIRMAN KORGE: Seconded. Any discussion,
13 comments?

14 Would you call the roll for that, please?

15 MS. MENENDEZ-DURAN: Javier Salman?

16 MR. SALMAN: Yes.

17 MS. MENENDEZ-DURAN: Michael Tein?

18 MR. TEIN: Yes.

19 MS. MENENDEZ-DURAN: Cristina Moreno?

20 MS. MORENO: Yes.

21 MS. MENENDEZ-DURAN: Eibi Aizenstat?

22 MR. AIZENSTAT: Yes.

23 MS. MENENDEZ-DURAN: Robert Behar?

24 MR. BEHAR: Yes.

25 MS. MENENDEZ-DURAN: Tom Korge?

1 CHAIRMAN KORGE: Yes.

2 Finally, the minutes for the July 13th
3 meeting. Is there a motion for approval of those
4 minutes?

5 MS. MORENO: I'll move to approve.

6 CHAIRMAN KORGE: It's moved, and anybody
7 second?

8 MR. TEIN: Second.

9 CHAIRMAN KORGE: Second, Michael.

10 Would you -- any discussion on that?

11 MR. AIZENSTAT: Just a question. I was
12 excused during that meeting, because I was out of
13 town, so I guess, if I'm correct, I would abstain
14 from that?

15 MS. MORENO: Correct. That's -- that has
16 been our usual practice, although I don't think
17 that's required.

18 MR. AIZENSTAT: Okay.

19 CHAIRMAN KORGE: Any other discussion?

20 Would you call the roll for that, please?

21 MS. MENENDEZ-DURAN: Robert Behar?

22 MR. BEHAR: Yes.

23 MS. MENENDEZ-DURAN: Javier Salman?

24 MR. SALMAN: Yes.

25 MS. MENENDEZ-DURAN: Michael Tein?

1 MR. TEIN: Yes.

2 MS. MENENDEZ-DURAN: Cristina Moreno?

3 MS. MORENO: Yes.

4 MS. MENENDEZ-DURAN: Tom Korge?

5 CHAIRMAN KORGE: Yes.

6 The next order of business is the discussion
7 and review of Article 4, Division 1, of the Zoning
8 Code rewrite.

9 Mr. Siemon, are you leading us in this
10 discussion?

11 MR. RIEL: Yes. Just let me make some
12 introductory comments.

13 We have speaker cards out in the lobby. If
14 you desire to speak, we'd ask that you fill out a
15 card. It indicates which item. We have three items
16 on the agenda, Single-Family Regulations,
17 Telecommunications and then the Zoning Map. We'll be
18 doing it in that order, so we would ask that you
19 please fill out a card and then bring it up to Jill.

20 That's all I have. Thank you.

21 I turn it over to Mr. Siemon.

22 CHAIRMAN KORGE: I notice that Commissioner
23 Anderson is here with us tonight. I want to thank
24 her for showing such a consistent interest in what
25 we're doing, and if you'd like to say something to

1 the Board at any time, just let us know.

2 VICE-MAYOR ANDERSON: I'll just be very
3 brief.

4 CHAIRMAN KORGE: Okay.

5 VICE-MAYOR ANDERSON: Thank you very much.

6 Congratulations, Mr. Chair. I know that the
7 Former Chair is very relieved. Thank you all for
8 serving again, for the new members and the old
9 members. You're about to -- you're getting close to
10 the home stretch on the Zoning Code, and I appreciate
11 all the effort made, and for the consultant, as
12 well.

13 I look forward to seeing the results,
14 especially of the oversized homes issue, but you have
15 a packed house. There's going to be a seat empty
16 there, while I watch it elsewhere, so somebody can
17 take my seat.

18 I wish you all well. Thank you very much.

19 MS. MORENO: Thank you.

20 CHAIRMAN KORGE: Thank you.

21 MR. AIZENSTAT: Thank you for coming.

22 MR. SIEMON: Mr. Chairman.

23 CHAIRMAN KORGE: Yes, sir.

24 MR. SIEMON: Unfortunately, as the prior
25 Chairman knows, I have an unfortunate scheduling

1 conflict that I have to work around tonight, and so
2 what we've proposed to do is to -- for me to walk you
3 through this district and present how we got to where
4 we've got, what we've got, and make clarifications,
5 and then I'm going to remove myself and you can make
6 a choice whether you want to continue with public
7 input or defer for the consideration of it, but
8 unfortunately, this is irreconcilable. I just
9 couldn't avoid this conflict, and I apologize.

10 I want to make sure that everybody
11 understands how we got to where we got. When we
12 started off on this project, we consolidated the
13 single-family districts into two districts, one for
14 the Old Gables one for the New Gables, and we
15 attacked the significant issues that had been
16 identified previously and made some proposals, and I
17 think it's fair to say that the proposals, by and
18 large, weren't satisfying. Some of the things run
19 true. The analytical neighborhood, by and large,
20 made more sense than the thousand-foot circle that
21 had been used, but how we got to figuring out whether
22 a proposed expansion or a new construction in these
23 existing neighborhoods in Old Gables -- whether it
24 was good or bad or indifferent was something that
25 there was not a whole lot of satisfaction.

1 As a result of the change in the composition
2 of this Board, we realized four months ago that most
3 of you all had not been exposed -- Tom, you had been,
4 but most had not been exposed to how we built up to
5 the various analyses we did, and so we had what I
6 think was a very productive work session over at the
7 Biltmore, and we have taken that and we have taken
8 what we believe were the principal directions that we
9 got from you to recraft this Code.

10 But the essential ingredients are, we
11 changed bulk regulations in a number of ways,
12 things -- height, for example, represent a fairly
13 significant change and there was an extensive amount
14 of dialogue.

15 We have created a minor conditional use for
16 buildings that expand beyond certain thresholds, that
17 would subject them to a planning review, carried out
18 by the Building Department, and then a design review
19 by the Architectural Review Board, and instead of
20 detailed standards that allow points or something to
21 get to the maximum permitted FAR, we followed your
22 lead, which was to require a pre-application
23 conference with the Architectural Review Board, so
24 that their input could precede the initial
25 crystalization of what the design might be, and then

1 a discretionary review of that board and the
2 empowerment of that board to require changes, if they
3 were inconsistent with the overall objective.

4 So we have moved away from relatively
5 mathematical, quantitative regulations, towards a
6 two-tiered system that says if you go beyond a
7 certain FAR, or if you go to a two-story building,
8 you're going to go through this case-by-case analysis
9 by these two different entities, to evaluate both
10 planning matters and the design matters.

11 What we heard you tell us was that you
12 wanted to treat two-story homes differently because
13 of the setback issue. The closer the building was to
14 the setbacks, the more deficient the existing
15 setbacks were. So we have modified the regulations
16 or we've responded to that with the proposal.

17 There was a great interest in detached
18 garages and porte-cocheres, to create incentives to
19 create them. We heard you, and you said you want to
20 move the garages back from the front of the building,
21 required to be set back.

22 Oops, what did I do here?

23 A height limitation of 27 feet. Flat roofs
24 permitted with a parapet, height measured to the top
25 of the parapet. Required preliminary review by the

1 Board of Architects, and ability -- specified
2 contextual analysis. Those are the things that we
3 heard you tell us, and as we go through this, I'm
4 going to try to explain to you how we fit them in.

5 Because of the focus on fitting in new
6 development, we amended Purpose, on Page 1 of 7, to
7 accommodate -- to add the language, "to accommodate
8 revitalization, expansion and infill development
9 without adversely affecting the community character"
10 of the Old Gables.

11 The permitted uses are a single-family
12 detached dwelling not exceeding 16 feet with a FAR of
13 .35 or less, or which are located on a parcel of land
14 of less than 10,000 square feet. These are housing
15 types that would be permitted as of right and would
16 only require Architectural Review Board. There would
17 be no discretionary planning review in accessory
18 uses.

19 Minor conditional uses are single-family
20 dwellings that have a FAR which exceeds .35, which
21 has a height of greater than 16 feet or are located
22 on lots of greater than 10,000 square feet, and the
23 notion is that those are the circumstances where we
24 find the housing compatibilities, in terms of size,
25 style, character, occur on larger dwellings. They

1 involve, often, larger lots, because of the
2 opportunity to build a building that's out of
3 character, and the second floor, which implicates,
4 one, how does it mix with the rest of the units in
5 the street and how does it affect side yards and
6 setbacks. And, again, the minor conditional use is a
7 discretionary review. It is not just design, it is
8 planning, because it affects setbacks, though there
9 are standards which are included, as you look at from
10 Lines 30 through 56 on that page, and then the first
11 14 on the next page are standards that we have
12 identified. The ones that are not underscored were
13 previously in this draft and have been generally not
14 been controversial in the initial presentation of
15 this, or they are derived from your explicit
16 direction, such as the garage setbacks, and finally,
17 from the third source, which was the massing study,
18 which Pat said please use as a basis for developing a
19 proposed set of regulations.

20 So these came from those documents -- that
21 document. We propose that after you all get
22 comfortable with this district and we get it -- if
23 there is an agreement that this is the direction
24 we're going, we think incorporating those graphics
25 appropriate to these standards should be a part of

1 the Code, but we don't propose to do those graphics
2 until we're sure we're going there, because they're
3 not -- they take time and energy and I don't want to,
4 frankly, do them twice.

5 We took these. Several of them were not
6 discussed openly. We tried to make a judgment. For
7 example, on Page 2 of 7, Line 3, the unenclosed
8 porches or porte-cocheres was a strong recommendation
9 of that massing study, and reflecting on the
10 conversations and the kinds of things that were
11 discussed, we included it for your consideration. We
12 did go through a series of sketches to analyze it,
13 and we found, over and over again, the kinds of
14 designs that we felt had a high probability of
15 consistency and character reflected those sorts of
16 characteristics.

17 The two-story building -- so the first is
18 the single-family detached dwellings; the second are
19 two-story buildings, which, if it's a two-story
20 building, we have suggested, really, several
21 standards. One is that if the height exceeds 12
22 feet, it ought to be set back at least 10 feet from
23 any boundary. We currently have some circumstances
24 where that would not -- that 10-foot setback would
25 not be required.

1 Second, to the extent that buildings are
2 above 12 feet, we've suggested you should use a
3 shadow study. They're very affordable these days,
4 with computer programs that generate them out of
5 simple block models, to show that the shadows on the
6 lowest Sunday of the year doesn't go onto your
7 adjacent property, and our analysis is, it doesn't
8 really limit anybody's ability to exploit the second
9 floor, it just biases where they locate it, so that
10 it doesn't intrude into the neighbor's property,
11 through a shadow.

12 And finally, we recommended that the width
13 of the building should not be disproportionately
14 longer than the depth of the residence. A lot of the
15 structures that have been pointed out to us as
16 incompatible turn out to be very, very wide and not
17 very deep, and we think that biasing it so that it's
18 not so disproportionate will help to mitigate some of
19 that side yard problem that's been identified.

20 The performance standards. The first one,
21 the minimum lot size of 5,000 square feet, there are
22 smaller lots than that in this district, but they
23 would have maintained their nonconforming status
24 under this, but there has generally been a standard
25 that's been applied that 5,000 is the minimum lot

1 size it should be.

2 The second is -- the next, b, is a provision
3 that we have wrestled with a lot, and we have tried
4 to abstract various different views about how to deal
5 with this, and the first is, you have to have a
6 lawful lot, and there are three criteria, three
7 circumstances, in which you have a lawful lot. One
8 is a vacant parcel of land which was not a parcel --
9 a part of a home site on February 17th, 1977. That's
10 the day when there was a Code change. If it's a
11 vacant lot and it wasn't a part, that's a lawful lot,
12 and what we're dealing with here is the potential
13 reparcelization of land to create more or fewer home
14 sites.

15 The second is if it had a -- was a -- where
16 there was a single-family residence, whether it was
17 one lot or two lots or three lots, that is a lawful
18 lot. It had a residence. Whether it continues to
19 have a residence, whether the residence is torn down,
20 that is a lawful lot.

21 And then iii is, a newly created building
22 site may be a lawful lot for the construction of a
23 single-family residence in accordance with the
24 procedures that are in the Code, your current
25 building split requirements, and these standards, (a)

1 through vi, are your existing standards, with two
2 clarifications. We have tried to make these
3 standards, five, on Page Number -- v, on Page 3 of 7,
4 and the number four, we have tried to tighten them up
5 so that the standards will pass constitutional
6 muster. There were previously some very general "and
7 anything else" sort of standards, and so we have
8 modified those. But basically, these are your
9 existing substantive lot split regulations.

10 The setbacks, the only significant change
11 is, we have doubled the rear setback to 10 feet,
12 again, something that was discussed at the Biltmore.
13 We have added, as a result of the massing study, an
14 explicit provision with regard to encroachments into
15 the required setback, in terms -- previously, there
16 was another section of the Code that dealt with that.
17 We've now incorporated them, and we've dealt with
18 eaves, bays, windows and balconies, porches and
19 porte-cocheres in each of the required yards.

20 We have -- pursuant to your direction in lot
21 coverage, we have suggested that detached garages
22 with porte-cocheres shall be permitted in excess of
23 the permitted coverage. In other words, you can
24 build the detached garage and porte-cochere, and it
25 doesn't constitute coverage for the purposes of this

1 parcel of land, because previously the 35 -- .35
2 limitation made it practically -- you had to give up
3 home square footage in order to accommodate that. So
4 that is an incentive. That's the only incentive we
5 could really come up with that we thought would be
6 meaningful to encourage someone to do that.

7 The maximum floor area, we debated on this.
8 There had been a number of different proposals that
9 have been discussed. An interim ordinance, I think,
10 has been adopted. We have gone back to a hybrid of
11 what we recommended previously, and that is, .48 up
12 to 5,000; for the next 10,000 square feet, .35, and
13 that does allow a modest increase, up to 250 square
14 feet at the 15,000 square foot residence -- square
15 feet of lot area, and then, instead of .3 above that,
16 we have identified -- we've recommended .1, which we
17 think, in the old district, there are very few
18 circumstances that are really very -- you know, homes
19 that get to that level, that it moderates against the
20 out-of-scale homes in that area. In height -- and
21 that's a change, because right now, that threshold of
22 .35 goes to 10,000, and then you have .3 above
23 10,000, to an unlimited point. So we have tried to
24 balance that curve a little bit, and in the reality
25 of the size of homes on the lots that we think we've

1 found in the community.

2 Height, we've talked about it. It went to
3 27 feet, with a parapet of at least one and a half
4 feet but not greater than four feet, and I want to
5 clarify, the slide was not right. The parapet is not
6 included in measuring the height. It's 27 feet to
7 the top of the flat roof, and then the parapet, which
8 has to be one and a half feet, we've recommended a
9 maximum of four feet is above that.

10 The recommendation came out of the public
11 hearing process that parking garages and residences
12 should have no more than four vehicle spaces and that
13 they -- we've already talked about they should not be
14 located within the five-foot -- within five feet of
15 the building line or the front setback line.

16 That is the single-family district for Old
17 Gables, which, at the Biltmore, we agreed we would
18 prepare that, we would look at that. After we got
19 that under our belt, then we would look at the SF 2
20 and discern whether there were any additional
21 changes, and I would be glad to answer any questions
22 I have, for the next 15 or 20 minutes, to the Board,
23 about that. But that is the district that we wanted
24 to present.

25 It's a fairly simple district, when you get

1 down to it. I mean, what we think we've discerned is
2 the real key is, do we capture those residential
3 building activities, expansions or new construction,
4 that have a high probability of potential adverse
5 impact, and are we putting them through the right
6 process, one, design -- planning, some planning
7 review, in one, and everyone through the
8 architectural review process.

9 MR. AIZENSTAT: Mr. Chairman?

10 CHAIRMAN KORGE: Yes.

11 MR. AIZENSTAT: If I may ask a question.

12 CHAIRMAN KORGE: Sure.

13 MR. AIZENSTAT: In our single-family home,
14 which is one story in height, we have a 10-foot rear
15 setback, is what we're proposing? If you go to Page
16 2 of 7, you put in there that any building -- if you
17 look at two-story single-family residences, any
18 building with 12 feet of height or greater has to be
19 required a 10-foot setback, shouldn't that be
20 simplified that it's a setback -- whether it's
21 one-story or two-story, it's 10 feet?

22 MR. SIEMON: It's any property boundary is
23 this cap, if it goes to above 12 feet. We have --
24 the side yard setbacks are often, in the smaller
25 lots, only five feet.

1 MR. AIZENSTAT: But a single-family home
2 that is one story, I would assume, is usually greater
3 than 12 feet, isn't it, in height?

4 MR. SIEMON: Well, they range. Most of them
5 have -- well, no, you know, remember, the height is
6 measured to the mid-point of the gable, so I'm not
7 sure that most of them are. Some of them are.

8 MR. AIZENSTAT: I --

9 MR. SIEMON: We wrestled with this, about
10 the height. I understand your question, and --

11 MR. SALMAN: Through the Chair, could I make
12 a suggestion, that that 12 feet be measured at the
13 face of the wall, since a lot of the buildings tend
14 to have a crawl space and it may be as much as two or
15 three feet, and then you have nine or 10 feet --
16 current building style is that you have at least a
17 nine-foot ceiling, and then you've got a tie beam on
18 top of that, so if you measure the 12 feet from the
19 face, you may be a little shy.

20 At my house, the side yard elevation along
21 the face of the wall is just over 12 feet. It's a
22 one-story house. So I think you just need to look at
23 that and maybe take a couple of field measurements
24 out there.

25 MR. SIEMON: Well, let's make sure I

1 understand.

2 MR. SALMAN: I think the intent is that it's
3 a one-story.

4 MR. SIEMON: Yeah. I mean, as you get
5 further away -- understand, as you get further away,
6 the fact that it's a -- it's -- there's a -- it
7 results in an angle that pulls the roof away. If
8 12 -- we wrestled with 12 feet, and frankly, we don't
9 have -- other than the measurements of buildings that
10 we picked out, we don't have a good base.

11 I think we do intend to say it's the face of
12 the wall. If that's not clear here, that is -- but
13 maybe it ought to be 13 feet. We wrestled with it.

14 MR. SALMAN: Well, why not just hold it at
15 one story? One story is pretty easily defined.

16 MR. SIEMON: Well, we're concerned about
17 some buildings we've seen that have one story and
18 have a significant cathedral two-story component.

19 MR. AIZENSTAT: Double heights?

20 MR. SIEMON: And it's where they locate it
21 that's the issue. It's not that you don't have one,
22 it's where they locate it.

23 MR. SALMAN: The current Code does address
24 double heights in regards to setbacks. Is that not
25 included here, as well? So that issue has been

1 dealt with, I think, previously, where you have a
2 double height and how you count it, as in your FAR --

3 MR. SIEMON: Well, my recollection is --
4 Walter --

5 MR. SALMAN: -- and how you count it to --

6 MR. SIEMON: Walter is the magician on the
7 Code, but I think it's -- my recollection was, that
8 had to do with floor area.

9 MR. SALMAN: I'm sorry, you're right. It's
10 floor area. My mistake.

11 MR. SIEMON: And that's the issue we're
12 wrestling with, and we have nothing against -- we
13 like some of the very tall single-story ones.

14 MR. SALMAN: I just think you're going to --
15 in setting such a fine screen, you're going to catch
16 a lot more fish than you wanted to.

17 MR. SIEMON: Well, we don't want to do that,
18 so --

19 MR. SALMAN: All right. Well, that's one
20 issue.

21 A separate issue that I have is the
22 development review official. Again, I may have
23 missed it when it was discussed prior to my arrival
24 on this Board, but it seems that person is going to
25 be a pretty important person, if he's going to

1 determine compatibility. I don't see how that person
2 is going to be selected and I don't know what kind of
3 accountability he's going to have. If we could go
4 over that real quick, I'd appreciate that.

5 MR. SIEMON: Sure. The draft Code provides
6 that the -- that one or more persons may be
7 designated as building review officials for the
8 responsibilities under this Code, and that that is a
9 City Manager decision, and there has been some
10 discussion about whether there should be specific
11 qualifications, minimum qualifications, for that
12 job. We have, I think, gotten fairly comfortable
13 with that, with regard to the proposed City
14 Architect. To be candid, we haven't had the same
15 closure on that matter.

16 MR. RIEL: Basically, with the DRO, that
17 person could be the same -- the same individuals
18 within those departments that make those decisions
19 now. We just tried to couch the same term. There's
20 going to be a DRO in the Planning Department. That,
21 obviously, will probably be me, that makes decisions,
22 administrative decisions.

23 So it could be -- depending upon, you know,
24 that department director they select, could be a
25 zoning administrator assistant, Building & Zoning

1 Director, it could be the City Architect. We just
2 wanted that -- we didn't want to get very specific,
3 which we do in the current Code, because we wanted
4 that flexibility still.

5 It's not -- it's not taking away the
6 responsibilities. It's just saying that it's a DRO.
7 It's like a standard position.

8 MR. SALMAN: But, Eric, that position is
9 going to get specified a little bit better at the
10 end?

11 MR. RIEL: That will be specified by the
12 City Manager. My assumption is, in terms of zoning
13 interpretations, it will still be Mr. Smith, in the
14 Building & Zoning Department. Obviously, you know,
15 not understanding Building & Zoning all that much,
16 but, you know, Martha Salazar is the zoning
17 administrator. Obviously, she has authority to make
18 certain decisions on certain things. So both those
19 individuals would be DROs, development review
20 officials.

21 MR. SALMAN: All I'm saying is that we need
22 to -- and I don't have a problem with a certain level
23 of generality. It just needs to be more properly
24 channeled, and there has to be some sort of an
25 educational requirement as to who's going to be

1 making these kinds of decisions.

2 MS. HERNANDEZ: Could you speak up? I'm
3 having trouble hearing you. I'm sorry.

4 MR. SALMAN: I think we just need to be a
5 little more specific as to the qualifications of the
6 person that we are setting up in this particular
7 position.

8 MR. RIEL: Well, I can tell you that this
9 Board, as well as the City Commission, has asked --
10 this Board asked the City Commission and also the
11 City Commission asked the Manager to look at filling
12 the City Architect position, and it is my assumption
13 that that individual would have this responsibility.

14 MR. SALMAN: If I understand correctly, Item
15 C, Subsection 1, b, i, "For those parcels of land
16 with a required front setback of 25 feet" -- and this
17 is for a two-story building -- "all buildings shall
18 be set back an additional distance equal to 10
19 percent of the depth of the lot," so that for a
20 two-story building, we would have a 27 and a half
21 foot setback requirement. Is that correct?

22 MR. SIEMON: That's correct.

23 MR. SALMAN: Why do we have to do all the
24 math?

25 MR. SIEMON: Huh?

1 MR. SALMAN: Why do we have to do all the
2 math, if that's the intent?

3 MR. SIEMON: Well, because of the variable
4 depth of the lots.

5 MR. SALMAN: Okay.

6 MR. SIEMON: If we can -- if we can
7 accomplish a greater setback because it's a deeper
8 lot --

9 MR. SALMAN: And that would be only for the
10 portion that is two stories?

11 MR. SIEMON: That's correct.

12 MR. BEHAR: Mr. Siemon, I've got a question
13 for you.

14 MR. SIEMON: Yes, sir.

15 MR. BEHAR: If I understand correctly,
16 you're trying -- you're proposing to make the
17 building narrower and deeper. But I'm trying to put
18 into perspective, for example, you're reducing -- or
19 you're proposing to increase the rear setback on a
20 site, on a lot, on the waterway from 35 to 50 feet.
21 If that particular site is on the scenic street, you
22 have a 50-foot setback on the front and a 50-foot
23 setback on the rear and you're -- you can't have a
24 wider building, now, disproportionate to the width
25 of -- to the depth of the lot. What are we leaving

1 for those lots that are on the water, in a case like
2 Granada or Riviera? What is that becoming?

3 MR. SIEMON: We believe that there are --
4 all we've done are simple massing models, where we've
5 taken the lot sizes and we've put the buildings and
6 massed them at both one, two-story, partials, and we
7 believe that we've not imposed a restriction that's
8 unreasonable.

9 That's where the shoe pinches the most, in
10 that circumstance where you have a scenic road,
11 you're on the water --

12 MR. BEHAR: If I own a lot on the water, I
13 would sure try to get, you know, the maximum exposure
14 to the water, because that's why I'm buying on the
15 water. Are we limiting those lots to the point where
16 we're going to force them to do two-story homes, in
17 order to get --

18 MR. SALMAN: Some practical use out of their
19 FAR, you mean?

20 MR. BEHAR: Yeah. I mean --

21 MR. SALMAN: That's what you're pushing for.
22 You're going to end up with a bunch of two-story
23 houses along the water. That's all you've got left.

24 MR. SIEMON: I believe that 35 feet is the
25 existing standard.

1 MR. SALMAN: That's correct, but you're
2 asking for 50. That's another 15 feet, and you can
3 go for a variance if you want less than 35.

4 MR. SIEMON: You mean, in the front yard.

5 CHAIRMAN KORGE: And it's not really
6 intruding -- it's not really -- the rear setback, if
7 they're on the water, really doesn't intrude onto the
8 neighbors, because there's nobody behind the house.
9 It's open water.

10 MR. BEHAR: My concern is that you all are
11 forcing more two-story homes. Personally, I'd rather
12 have the ability to put together a house that is over
13 one floor and I'm able to extend for the back. I
14 think that -- I don't live on the water, but I
15 certainly would love to see, you know, less two
16 stories on the water.

17 MR. SIEMON: My recollection -- this is --
18 I -- my recollection is that the 50 is the existing
19 standard. Is it?

20 MR. RIEL: 35.

21 MR. SALMAN: 35.

22 MR. RIEL: It's different. There's
23 site-specific standards that vary, but generally,
24 it's 35.

25 MR. SIEMON: Well, I don't think that's

1 something that we intend. I will be playing with
2 it. We modeled what we thought. We modeled the
3 existing, and we were just concentrating on the
4 disproportionate, if you have a 50 foot and 35, and
5 that's what we modeled. I apologize. I did not
6 remember that.

7 MS. HERNANDEZ: Okay, so we're going to
8 review that.

9 MR. SIEMON: I don't actually know where
10 that comes from. It should be 35. We had no basis
11 for changing that, recommending a change.

12 Honestly, a humble apology, I need to try to
13 spread my responsibilities and try to do some modest
14 justice to everybody. I will return as quickly as I
15 can, and Mr. Chairman, I appreciate your indulgence,
16 and Members of the committee.

17 CHAIRMAN KORGE: All right. Should we take
18 comment from the audience on this now? Because I
19 think most everybody's here for this particular
20 article. What do you think, a good idea?

21 MR. BEHAR: I suggest that we do that.

22 MS. HERNANDEZ: All public comment.

23 CHAIRMAN KORGE: All right.

24 Anybody here who wishes to speak --

25 MR. RIEL: We have cards.

1 CHAIRMAN KORGE: -- on this Article 4,
2 Division 1, we have cards. How many people want to
3 speak?

4 MR. RIEL: The last count I had on the
5 single-family, about five minutes ago, was 12 people.

6 CHAIRMAN KORGE: Twelve people.

7 MR. RIEL: But we just got some more cards,
8 so --

9 CHAIRMAN KORGE: You got some more cards.

10 MR. RIEL: Let me just go ahead and --

11 CHAIRMAN KORGE: Why don't we call out
12 everybody's name, we'll swear them all in at the same
13 time, and then give everybody three or four minutes
14 to speak each.

15 MR. RIEL: Okay, if I could have -- try to
16 find our secretary. She stepped out of the room.

17 CHAIRMAN KORGE: Do you want to just read
18 out the names?

19 And as we read out the names, if you'd just
20 stand up to be sworn in.

21 MR. RIEL: I'll have Jill do it.

22 Read all the single-family names. Read all
23 the single-family names so she can swear them in.

24 MS. MENENDEZ-DURAN: Geo Harper, Ignacio
25 Zabaleta, Miss Curry, John Thompson, Mamta Fryer,

1 Albert Poza, Vivian Falero, David Adler, Paul Posnak,
2 Joyce Newman, Maria Alba, Dan May --

3 MR. MAY: Ma'am, I marked the block
4 incorrectly. Put me down for the third item.

5 MS. MENENDEZ-DURAN: Nelson de Leon,
6 Marshall Bellin, Raul Herrero, Bruce Katz, MacDonald
7 West, Al Acosta --

8 MR. ACOSTA: Here.

9 MS. MENENDEZ-DURAN: Audrey Ross?

10 MS. ROSS: Here.

11 MS. MENENDEZ-DURAN: Allan Medici, Maria
12 Bures.

13 CHAIRMAN KORGE: The City Attorney advises
14 me that we really don't -- because it's a City-wide
15 legislation, we do not need the witnesses to be sworn
16 in. So we'll just dispense with that and proceed.

17 Just call them in the order that you have
18 them, if you would, please.

19 MR. RIEL: Go ahead and call the first one.

20 CHAIRMAN KORGE: We're going to try to
21 limit the presentations to three or four minutes
22 each, so that we can get through this and hear from
23 everybody in a reasonable period of time.

24 Go ahead.

25 MS. MENENDEZ-DURAN: Geo Harper?

1 CHAIRMAN KORGE: Will you please state your
2 name and address for the record?

3 MR. HARPER: Yes, sir. Actually, it's
4 George Harper. My handwriting is pretty bad. But I
5 know some of you, and I appreciate the opportunity.

6 Our address is 1427 Cecilia, but we are in
7 the process of buying what we consider to be a
8 classic home in the Gables. One of the reasons that
9 we're buying it is because we want to restore it to
10 the way it was 80 years ago, when it was built.

11 We understand from this change that's being
12 proposed that that may be a problem because of the
13 setback for two-story homes. Now, the house
14 originally had two stories on the garage, and it's
15 now only one story. We would like to take it back to
16 the way it was when it was first built, and I don't
17 know if that's even going to be possible now, and I
18 thought, you know, I'd ask the question.

19 Nobody knows the answer?

20 CHAIRMAN KORGE: I certainly don't.

21 MS. MORENO: Eric?

22 CHAIRMAN KORGE: Eric?

23 MR. RIEL: What I would suggest we do is
24 take all the questions, and we do have a member of
25 Mr. Siemon's staff here that also worked on the

1 ordinance. So, rather than get into a dialogue --
2 otherwise, I think, we will be here for a significant
3 long time. So we'll go ahead and take -- I'll write
4 down all the questions, and then we'll go ahead and
5 answer them.

6 MR. HARPER: Thank you.

7 CHAIRMAN KORGE: The next witness?

8 MS. MENENDEZ-DURAN: Ignacio Zabaleta?

9 MR. ZABALETA: Good evening, Mr. Chair,
10 Members of the Board. My name is Ignacio Zabaleta.
11 I'm a principal with East Shore International
12 Corporation. We're architects here in the
13 neighborhood, and I had originally prepared a paper
14 addressing the Building & Zoning Department report
15 and proposed adjustments to the size of single-family
16 residences, dated March 28th.

17 I was going to mention how humorous it was
18 to see a photograph of a Colonial-style residence on
19 Santa Maria Street, undoubtedly one of the finest and
20 most gracious corridors in Coral Gables, with the
21 caption, "This 1920s era photograph shows how a lack
22 of landscaping can make homes look more massive than
23 they are."

24 I was going to mention how humorous it also
25 was to see the early Coral Gables cookie-cutter homes

1 pictured on Pages 6 and 7, one Spanish and one
2 Pueblo.

3 I was going to try to convince you that the
4 percentage increase in floor area factors was a good
5 start, requiring further refinement, that it's
6 unreasonable to expect the taxpayer to increase side
7 and rear setbacks, as you were discussing, by 50
8 percent, particularly on larger lots or waterfront
9 property, already facing substantial setback
10 requirements, and I was going to try to persuade you
11 that asking for second stories not to exceed 40
12 percent of the ground floor area is very burdensome
13 on smaller lots, with ground floor areas already
14 pinched by septic system requirements.

15 Finally, I was going to ask you to please
16 consider that we live in 2005, not 1920, that modern
17 lifestyles, changes to the traditional family unit
18 morphing, and ever stringent Building Code
19 requirements, structural restraints, mechanical
20 systems and other similar practical concerns which
21 drive our designs simply did not exist, a generation
22 ago.

23 Instead, I stand before you in shock, as a
24 professional, working in the City of Coral Gables,
25 and as a designer, striving to provide our clients

1 with exceptional residential design. Compared to the
2 proposed revisions to the residential Code, the
3 interim Code is a cakewalk. It is unthinkable that
4 zoning changes in place for decades be rewritten and
5 introduced without a reasonable introductory period,
6 in this case, twice a year.

7 The latest revision to the Florida Building
8 Code, for example, became available in February of
9 this year, with an effective date of July 1st,
10 further extended to October 1st, and why the delay?
11 Not because design professionals are in the business
12 to create and construct contemptible projects, but
13 because at any given time, we are responsible for
14 millions of dollars' worth of construction projects,
15 which cost us, the design professionals, thousands of
16 man-hours and hundreds of thousands of dollars to
17 produce.

18 Contrary to popular belief, we cannot simply
19 hit an update button on our computer keyboards and
20 have construction documents instantly revised to
21 comply with the ordinance du jour.

22 Additionally, the FAR criteria for the
23 proposed SF 2 zoning borders on madness. Imagine
24 yourself a client who does his or her due diligence,
25 consults with the City's very own Zoning Department,

1 hires an architect to perform preliminary zoning
2 calculations based on the latest interim Code, then,
3 based on this collective knowledge, places a one
4 million dollar, nonrefundable deposit on a parcel of
5 land, only to learn on Friday of last week that your
6 home will have to be reduced nearly in half. Where's
7 the justice and fairness in this arrangement?

8 We need and respectfully request two things:
9 That you provide us with ample time to assimilate and
10 integrate into our work flow the Zoning Code
11 revisions, whatever final form they take, once
12 adopted by City Commission. We believe that a
13 minimum of six months would not be unreasonable. And
14 secondly, we ask you to retool the extremely limiting
15 maximum floor area ratio in the proposed SF 2
16 standards and look at some sensible relief as
17 proposed for the SF 1 district.

18 Thank you.

19 CHAIRMAN KORGE: What would you suggest is
20 sensible for the changes in the FAR?

21 MS. MORENO: Right.

22 CHAIRMAN KORGE: You were talking about the
23 SF 2 FARs?

24 MR. ZABALETA: Yes. Well, there's
25 allowances made for encroachments into the front

1 setbacks for porte-cocheres, porches and that sort of
2 things, eaves and bays. There's absolutely no
3 criteria, no bonuses, listed in the proposal for
4 SF 2. It's just very cut and dried.

5 MS. MORENO: But isn't that the existing
6 Code?

7 MR. ZABALETA: No. No, the existing Code --
8 well, there are two. The existing Code or the
9 interim Code?

10 MS. MORENO: Existing Code.

11 MR. ZABALETA: Well, we're working under the
12 interim Code, which allows you a 48 percent -- 43
13 percent of the first 5,000, then I think 30 for the
14 next five, and a balance at 25, I think it is. Here
15 we go 48 for 70 -- for the first 7,500, then 35 for
16 the next, and anything over 15,000, 10 percent,
17 which is very restrictive. I'm not kidding. It
18 reduced a potential property by nearly 6,000 square
19 feet, when you add the bonuses that we could have
20 gotten.

21 MS. MORENO: Wait. What you're talking
22 about is not what we have in front of us.

23 MR. ZABALETA: It was handed to us outside.

24 MS. MORENO: Unless we've made a change that
25 we haven't seen.

1 CHAIRMAN KORGE: Page 6 of 7, is that what
2 you're referring to?

3 MS. MORENO: No. Single-family SF 2 starts
4 on Page 4 of 7.

5 MR. ZABALETA: Right.

6 MS. MORENO: Okay?

7 MR. ZABALETA: Uh-huh.

8 MS. MORENO: And then it says, in B,
9 single-family detached dwellings with an FAR of .35.

10 MR. ZABALETA: Uh-huh.

11 MS. MORENO: Okay, and then where are you
12 talking about?

13 CHAIRMAN KORGE: I think --

14 MR. ZABALETA: Line 17 on Page 6.

15 CHAIRMAN KORGE: Page 6.

16 MR. ZABALETA: Maximum floor area ratio, .48
17 on lots up to 7,500.

18 MS. MORENO: Okay. I'm sorry.

19 CHAIRMAN KORGE: Excuse me for interrupting,
20 but would you tell us what, again, the interim
21 regulation provides on the same lot sizes for the
22 FAR? Do you have that in front of you?

23 MR. ZABALETA: Interim Code, allowable FAR,
24 for the first 5,000 square feet, 43 percent. For the
25 next 5,000 square feet, 30 percent. The balance at

1 25 percent. In this case, in this particular piece
2 of property, 12,637.

3 With five percent bonuses, if we comply with
4 all of the criteria of the interim Code, we would
5 gain an additional five percent, which represents
6 another 3,000 square feet.

7 CHAIRMAN KORGE: Was the interim regulation
8 workable, do you think? Did it -- did that meet --
9 in other words, in terms of the relationship of the
10 size of the house to the lots in this particular area
11 of Coral Gables --

12 MR. ZABALETA: We were able to design,
13 actually, three projects using the interim Code, one
14 in a smaller lot. It was quite a feat of gymnastics
15 and so forth, but we finally got the hang of it. And
16 on the larger properties, it wasn't that much of a
17 burden, actually.

18 CHAIRMAN KORGE: Thank you.

19 MR. ZABALETA: Okay, thank you.

20 CHAIRMAN KORGE: Next witness?

21 MS. MENENDEZ-DURAN: Lamar Curry.

22 MS. CURRY: Here I am. I want to ask a
23 question, if you please.

24 Can you hear me now?

25 CHAIRMAN KORGE: Yes.

1 MS. CURRY: Can you hear me now?

2 ALL BOARD MEMBERS: Yes.

3 MS. CURRY: Thank you. I'm asking a simple
4 question.

5 CHAIRMAN KORGE: Ma'am, would you state your
6 name and address for the record, please?

7 MS. CURRY: I am Miss Lamar Louise Curry,
8 8815 Arvida Drive, in the Gables Estates. What else
9 do you request?

10 MS. MORENO: Now you can ask your question.

11 MS. CURRY: Thank you. The Gables Estates
12 is having a questioning into its revamping of its
13 requirements for changing the requirements in the
14 Gables Estates. As I read it now, the person who
15 applies for a tennis court could be allowed to have
16 it anywhere on his property of his choosing, and the
17 City of Coral Gables opposes it in the front yard.
18 Can the person who owns the property in the Gables
19 Estates overcome the restrictions of the City of
20 Coral Gables and have its tennis courts wherever it
21 pleases? In other words, do the people of the Gables
22 Estates have the right to supersede the requirements
23 of the Coral Gables Zoning Board and have things
24 their way, in defiance of the City of Coral Gables
25 restrictions?

1 MS. HERNANDEZ: The City of Coral Gables
2 Zoning Code takes precedence over private
3 restrictions that you may impose on yourselves.

4 MS. CURRY: Thank you.

5 CHAIRMAN KORGE: Thank you, ma'am.

6 MS. CURRY: That's all. My thanks.

7 CHAIRMAN KORGE: Call the next witness,
8 please.

9 MS. MENENDEZ-DURAN: John Thompson.

10 John Thompson?

11 Daniel Fryer?

12 MR. FRYER: Good evening. Thank you for
13 taking public input. I appreciate it.

14 My name is Daniel Fryer. I live at 640
15 Majorca Avenue. I have a lot of questions about the
16 proposals. I just want to bring up a couple of them
17 now, in the interest of time.

18 The questions that were asked about the
19 development review official, I think that was very
20 relevant. That needs to be defined. The question
21 about the additional 10 percent setback, front
22 setback, I believe Mr. Siemon said that it was for
23 two stories only. According to this document here,
24 it's for all -- all buildings, which is a question
25 why. I know that Commissioner Withers talked about

1 more landscaping in front, but nobody talked about
2 more -- additional setbacks in front. So I just want
3 to clarify that. According to this, it is for one
4 story and two stories.

5 MS. HERNANDEZ: Mr. Fryer, can you -- when
6 you refer to something, can you give us like a --

7 MR. FRYER: Sure. That was --

8 MS. HERNANDEZ: Generally, before, you gave
9 us the specific section to look at --

10 MR. FRYER: Okay. That --

11 MS. HERNANDEZ: -- so that we can be
12 specific.

13 MR. FRYER: That is on Page 1 of 7, Line
14 41. There was a question asked earlier of Mr. Siemon
15 about the additional 10 percent setback for the
16 front, and he answered the question that it was only
17 for two stories, but according to what I see here,
18 it's for one story and two stories. I don't see
19 anything where it refers only to two stories.

20 CHAIRMAN KORGE: No, if you go back to
21 Paragraph 1, on Line 25, I believe that this only --
22 this whole -- the section you were referring to only
23 applies in the case of a single-family detached
24 dwelling exceeding 16 feet in height.

25 MR. FRYER: Okay. All right. Well, maybe

1 that's correct, then. Okay.

2 MS. HERNANDEZ: Okay.

3 MR. FRYER: Page 2 of 7, Line 26, the width
4 of single-family dwellings not disproportionately
5 longer than the depth of the residence. I think that
6 also needs to be defined, because that's so vague. I
7 know -- my house is a 1941 Mediterranean-style house.
8 It's wider than it is deeper. I think it's
9 proportionate, but, you know -- so that's something
10 that's very vague.

11 MS. HERNANDEZ: Do you feel that with
12 specificity, including review for neighborhood
13 compatibility, that that might give it the
14 specificity that will make it blend with the Code?

15 MR. FRYER: Possibly.

16 MS. HERNANDEZ: Okay.

17 MR. FRYER: That's possible.

18 CHAIRMAN KORGE: Yeah, I had the same
19 question. It read to me as if -- if you had, let's
20 say, a 150-foot by 100-foot lot, the house had to
21 be --

22 MR. FRYER: Right.

23 CHAIRMAN KORGE: It couldn't be more than a
24 hundred feet wide. It didn't make sense the way it
25 was written.

1 MS. HERNANDEZ: Right, but if you review --
2 I think if you add our criteria for neighborhood
3 compatibility and balance it against that, the intent
4 is so that it's not disproportionate, but in
5 comparison to the other houses in whatever we
6 determine to be the neighborhood for that area.

7 MR. FRYER: Okay.

8 MS. HERNANDEZ: That could be.

9 MR. FRYER: Page 3 of 7, Line 44, side
10 setbacks. Something, as a resident, I would like to
11 see is that the side setback be increased
12 proportionately to the width of the lot. In other
13 words, for a 50-foot lot, okay, five feet for a
14 minimum, but for a 75-foot lot, you know, seven and a
15 half feet; for a 100-foot lot, 10 feet, something
16 like that, something proportional, to help out the
17 residents on the side.

18 MS. HERNANDEZ: Proportionate to the size of
19 the lot?

20 MR. FRYER: Proportional to the size of
21 the lot, yes. In other words, the larger the lot --
22 up to a point. I'm not saying forever, but up to a
23 point --

24 MS. HERNANDEZ: Right.

25 MR. FRYER: -- a proportionate increase.

1 Page 4 of 7, Line 14. Porte-cocheres not
2 exceeding 12 feet in height, no closer to an interior
3 side property line than two. I guess that means two
4 feet. So that means that -- if I'm reading this
5 correctly, it means it's a two-foot setback for a
6 carport? Is that what that says?

7 MS. HERNANDEZ: Can you repeat yourself, I'm
8 sorry?

9 MR. FRYER: Page 4 of 7, Line 14.
10 Porte-cocheres not exceeding 12 feet in height no
11 closer to an interior side property line than two. I
12 believe it means two feet. If I'm reading that
13 correctly, it means that carports are allowed to
14 be -- have a side setback of two feet?

15 CHAIRMAN KORGE: That's correct.

16 MR. FRYER: It doesn't make sense to me.

17 CHAIRMAN KORGE: That's what it says.

18 MR. FRYER: Okay. That -- to me, that's
19 worse than two, so --

20 Page 4 of 7, Line 30. "Detached garages
21 with porte-cocheres. Detached garages accessed by
22 way of a driveway through a porte-cochere and the
23 porte-cochere shall be permitted in excess of the
24 coverage permitted in subsections a and b of this
25 subsection."

1 So subsection a says 35 percent for the
2 footprint. Subsection b says an additional 10
3 percent for accessory buildings. This is not
4 defined, how large the detached garage could be,
5 which is worrisome. At one point, it says garages
6 can have no more than four parking spaces. Does that
7 mean you can have a four-car garage, that doesn't
8 count as part of the footprint? This also has to be
9 defined. It doesn't say anything about the height of
10 the garage, the size of the garage.

11 On Page 4 of 7, Line 39, Mr. Siemon pointed
12 this out, that between 10 and 15,000 square feet,
13 there's actually a larger FAR than it is today. As a
14 resident, again, I would like to not increase the FAR
15 at all for the smaller lots like that. I'd like to
16 at least keep it the same, if not smaller, but I
17 don't know why the increase between 10,000 and 15,000
18 square feet.

19 And on the same page, Line 45: Height, 27
20 feet. Two questions. Measured from where, which is
21 not defined, and also, if the parapets are not
22 counted, then what do we gain in height, by three
23 feet? It's now allowed 34 feet. This would allow 31
24 feet, which to me is such a minimal change in height
25 that --

1 The traditional homes in the Gables, they're
2 two stories, and I have some across the street from
3 me. Mr. Katz has one. They're about 22, 24 feet
4 high, with parapets, with a flat roof, so I'm
5 wondering -- two story. So I'm wondering why 31 feet
6 would be allowed here.

7 Okay. That's my major questions. I just --
8 like I said, I have a lot. I just wanted to hit some
9 of the major ones. But in summing up, I'd just like
10 to say, again, please consider who is asking for
11 restrictions on oversized homes in the Gables. The
12 gentleman who spoke very well a few minutes ago, he
13 says he works in the Gables. He doesn't live in the
14 Gables. I didn't hear him give an address that he
15 lives in the Gables. We're talking about residents
16 who have to live with the results of this. That's
17 why I'm asking you to consider that, the residents
18 who live in these neighborhoods, and I have a
19 neighborhood within several blocks of me, six or
20 eight houses in the last couple of years have gone
21 up, which are massive. They look like 5,000-square-
22 foot houses on a 5,000-square-foot lot, and I looked
23 them up online and they're only 2,400 square feet,
24 but because of the volume that's allowed -- and
25 volume is not addressed in here. Because of the

1 volume that's allowed, they look larger than they
2 are, and because of interior courtyards, which are
3 not counted.

4 Thank you.

5 CHAIRMAN KORGE: Next witness.

6 MS. MENENDEZ-DURAN: Mamta Fryer.

7 MRS. CHAUDHRY-FRYER: Hi. My name is Mamta
8 Chaudhry-Fryer. I live at 640 Majorca Avenue, and
9 this is probably the first time in my life I've
10 followed my husband, but I did ask the Planning
11 Department if I could show you a couple of pictures
12 of the kind of houses we're talking about.

13 You know, I'd like to show you this. I just
14 printed this out yesterday. As of yesterday
15 afternoon, these are all the public comments that
16 were solicited and entered into the City's web site.
17 Of these comments, 36.6 percent deal with various
18 issues ranging from traffic, transfer of development
19 rights, tennis courts, and of course, as you all
20 know, with stray cats.

21 63.4 percent of them deal with one single
22 issue, the oversized and incompatible home, okay?
23 And of these single issue comments, seven percent do
24 not want any change or limitations, and 93 percent
25 are from residents who favor regulations that will

1 preserve the character and scale of our residential
2 neighborhoods. There is no other issue, I believe,
3 that will come up before you that would more directly
4 affect our quality of life on a day-to-day basis.

5 One of the features we prize about our
6 neighborhoods is that they have multi-generational
7 families.

8 Thank you.

9 And that's what makes our neighborhoods
10 different, that's what makes them vibrant. These are
11 not adult-only communities. We want the children
12 there. We want the senior citizens there. So I
13 think it's kind of specious when people say, "Oh,
14 you're not allowing people to put up an extra room if
15 they have a baby," or, you know, if you have aging
16 and ailing parents you have to take in. Daniel and I
17 have served as caretakers for our parents, so this is
18 an issue that we're very deeply sympathetic to, but I
19 want you to see that this is not about the changing
20 demands of families, all right? The kinds of houses
21 we are talking about -- and I will just put some up
22 there, as well -- these are the homes that are within
23 walking distance just of our street on Majorca, and
24 these are houses that were --

25 Scott, can you help me out here with the --

1 maybe it's coming up now. These are the houses that
2 we're talking about, that I can see here, but you
3 can't over there. Is it like --

4 MR. BOLYARD: Give it a second.

5 MS. CHAUDHRY-FRYER: Okay.

6 MR. BOLYARD: It's finding it.

7 MS. CHAUDHRY-FRYER: All right. Almost all
8 of them are not like a one-room addition or --

9 Thank you.

10 Can you see that there? This is 612
11 Alcazar. It's a new house built in 2005. It's for
12 sale right now.

13 This next house is 704 Zamora. The year it
14 was built is not listed, but it is new, and the sale
15 year is not listed, but it was sold.

16 Here is another one, and you notice how
17 similar they look to each other. I mean, you could
18 be forgiven for thinking these are the same house
19 with minor modifications.

20 This is 705 Madeira, year built 2002. It
21 just sold. The sale is, in fact, pending.

22 Here's another one, 717 Madeira, the year
23 built 2004, sold in 2005.

24 This is 713 Madeira, 2004. The sale is
25 pending in 2005. And if you look at the bulk and

1 mass of these houses, this is -- nobody wants to stop
2 families and neighbors from staying. We love them.
3 We've had them beside us for 20 years. We want them
4 to stay there. But this is not what's at issue over
5 here.

6 I'd like to go through something that I
7 think becomes like a law of unintended consequences.
8 On Page 1, C, 1, a, it says, "The mass and character
9 of the proposed dwelling is consistent and compatible
10 in terms of mass, height, scale and design with the
11 existing dwellings on both sides of the street on
12 which the dwelling is proposed to be located."

13 I think a lot of communities require a
14 360-degree view, and I think you should take the
15 block or the street that abuts it on the rear, as
16 well, right? Because that's -- that is very
17 definitely impacted by a house going up.

18 On 801 Navarre, just a couple of blocks from
19 me, I mean, I don't know if I'm being targeted for
20 all these houses going up, or this is just a
21 microcosm of what is going on all over the City, but
22 at 801 Navarre, there's a two-block house, very high.
23 In fact, I don't know how the water drainage -- I
24 mean, into the garage, the car practically has to be
25 winched up, it is such a steep angle. So this house,

1 that is so high, is shadowing two little charming
2 houses on my street, on Majorca, at the side of
3 Majorca. So if the rear street is not taken into
4 account, we will still have incompatibility, even if
5 the front isn't.

6 On Page 1 again, C, 1, b, i, I think a lot
7 of people have brought this up about the 10 percent,
8 like requiring an extra 10 percent of the depth of
9 the lot as a front setback. I know that I and many
10 of my neighbors have been up here, talking about side
11 setbacks and rear setbacks, because that is what
12 affects us and takes away our light and our air and
13 our privacy. In the front, at least, you have the
14 street and the front yard and a fairly generous
15 setback of 25 feet. What will happen is if, as I
16 think Mr. Salman, or maybe Mr. Behar, was pointing
17 out, if you push the house further back, you are, by
18 the law of unintended consequences, still impacting
19 the neighbors on the side and the rear and not
20 accomplishing much, because nowhere does it specify
21 that this is going to be increased green space.
22 We'll end up with more driveway and pavers.

23 On Page 2, continued from b, over there,
24 vi, you know, it says that again, "not
25 disproportionately longer than the depth of the

1 residence," and this also ties in with other
2 standards that are put in. I guess it's like, is
3 this in the eye of the development review official,
4 or is there going to be -- I know that Ms. Hernandez
5 pointed out that, okay, it's neighborhood
6 compatibility, but we all have different ways of
7 appreciating or evaluating what is disproportionate.
8 So maybe some sort of objective standard. There is
9 too much -- which we complained about with the other
10 Code and with the interim measures, too much
11 subjectivity, and who gets to decide that.

12 The minimum side setbacks of five feet for
13 all lots, right, and Daniel mentioned that on larger
14 lots, they should be larger. Already you require 20
15 percent. All we're asking is, let's have an
16 equitable distribution of that 20 percent. If you
17 have a 20-foot setback on a 100-foot-wide lot, you
18 can have 15 feet on one side and still five on the
19 other. Is that fair to the neighbor on this side?
20 Good luck to the neighbor on the other, but shouldn't
21 we have it at a minimum of 10 percent or an equitable
22 distribution, and if they have a wider one, then,
23 fine. After 10 feet, you can place it however you
24 want.

25 Again, with the law of unintended

1 consequences, and I know this from having gone
2 through this all my life, is, you do something and it
3 leads to something which is not exactly what you
4 intended. The part about the porte-cochere, which
5 leads through a driveway to a garage, is a lovely
6 idea. I live across from a house that has exactly
7 that. It is charming. I'm pleased to look out on it
8 every day. But if there is no regulation to the
9 height or the footprint of that garage, Daniel was
10 saying, well, a four-car garage, all right, so here's
11 what we could have. Instead of having the McMansions
12 that we're all complaining about, we could end up
13 with Garage Majals. Is that what we want? Thank
14 you.

15 CHAIRMAN KORGE: Thank you. Would you call
16 the next witness, please?

17 MS. MENENDEZ-DURAN: Albert Poza.

18 CHAIRMAN KORGE: Let me remind everybody,
19 please try to keep your comments as brief as
20 possible, because we have quite a few people who want
21 to speak and a limited time to hear them.

22 Before you begin, let me recognize
23 Commissioner Cabrera, who just stepped in a few
24 minutes ago.

25 Would you like to address the Commission --

1 the Board at all?

2 COMMISSIONER CABRERA: Last time I did, I
3 was chastised, so I don't want to go through that
4 again. I'm just going to sit here and be a fly on
5 the wall.

6 CHAIRMAN KORGE: You're welcome to speak, if
7 you'd like.

8 COMMISSIONER CABRERA: No, thanks.

9 CHAIRMAN KORGE: Okay. Go ahead and state
10 your name and address for the record.

11 MR. POZA: Albert Poza, 1900 Ferdinand
12 Street, and I'm a resident in Coral Gables, a proud
13 resident in Coral Gables, and I'm also an architect.

14 And the first thing that comes to mind in
15 this whole thing is that, having built my house 19
16 years ago, designed it and built it myself, I'm glad
17 I did back then, because according to the new rules,
18 my house would have been totally illegal, from the
19 beginning to the end, because my lot is only 45 feet
20 wide. But it was deemed legal at the time, due to
21 some grandfathering in, back in the '50s.

22 But nevertheless, the main point -- there's
23 three main points that I want to make. First of all,
24 I don't think that there's really anything wrong with
25 Coral Gables. Case in point, I think it's probably

1 the most desirable community, other than some
2 fabulous waterfront property on some island in Miami
3 Beach or something -- probably the most desirable
4 city and community in the whole South Florida. So I
5 really don't know why we're trying to fix it, and if
6 you look at property values and so forth, that's
7 enough said.

8 The second thing, all of these issues that
9 are being addressed -- I'm an architect, I know it,
10 I'm not making this story up -- all of these issues
11 can be addressed during a more intense, maybe more
12 specific review by the Board of Architects. There
13 are many of these issues, many of these homes that
14 one can design and build that meet today's criteria,
15 yet in many occasions the Board of Architects is more
16 concerned -- and really, I almost applaud them,
17 because if they have a hundred and something people
18 to review, on one certain day, it's almost like an
19 assembly line. Maybe we could just start by limiting
20 it to a certain amount of review, and that way
21 everybody will get their due time and a more intense
22 design review, with specific interest and outlook
23 towards the massing, et cetera, et cetera.

24 Another point that could be done is, there's
25 many homes that go up for variances on FARs, et

1 cetera, setbacks, and we just outlaw that. We'd
2 probably stop a whole lot of it.

3 And then another point, and probably just as
4 important, being an American and obviously for
5 capitalism and so forth, is that I don't really think
6 that it's right to change the rules of the game in
7 the middle of the game. Many people have bought
8 homes, thinking of what they're going to be doing in
9 the future, thinking of what they might be doing in
10 January, or thinking what they might be doing in a
11 couple of years. Their whole hopes of what that
12 might be is changed if this Code is implemented, and
13 I don't think that we should limit the potential of a
14 lot or a residence as long as it meets the Code
15 that's been in place here for who knows how long,
16 certainly before I was born, and I don't think it's
17 proper to limit that, when one is going against what
18 is correct and what has been fine, and there's no
19 better point to stress than the fact that Coral
20 Gables is probably the most desirable community as it
21 is right now.

22 And just a few side things. I've had
23 personal conversations with some of the Staff members
24 that are eventually going to be interpreting this
25 Code. They have no idea of how -- of what it says,

1 how it says it, or how they're going to interpret
2 it. I'm not going to get into specifics, but it is
3 extremely difficult to read this Code. It really
4 almost becomes some sort of a physics formula. As
5 Mr. Behar commented and Mr. Salman commented, why
6 don't you just say 27.5 feet? There's not that many
7 variations in lot sizes in Coral Gables, as far as
8 depth and so forth.

9 Mr. Behar made the point about the recess
10 back from the water, recess forward. Eventually,
11 that land is going to be -- instead of as it is now,
12 basically almost priceless, it's going to be
13 worthless, if you can't build on it.

14 The other portion that I want to make, and I
15 applaud -- I love detached garages, but the reality
16 is that in a small lot, as it is, the Code, now, it
17 is very difficult to sometimes even fit a house that
18 has the required or the necessary or the allowable
19 footage, as it is. When you put the septic tank
20 requirements, which most homes in Coral Gables have
21 to have, you put a detached garage somewhere in the
22 rear, you're going to have a driveway all the way to
23 the back. That's no longer green space. You then
24 surrender whatever that might be, 10, 12 feet of
25 driveway. When you go get your H.R.S. septic tank

1 permit, forget it, you'll never get it. As it is
2 right now, that's why you don't see, in any new
3 homes, any circular lots -- or circular driveways or
4 anything like that. They don't fit anymore.

5 And lastly, when -- I just wish that this
6 whole responsibility of interpreting this Code or of
7 interpreting the semantics of the Code or the
8 disproportionately wide to the depth and so forth,
9 doesn't fall upon one individual. It's too big a
10 responsibility, it's too subjective, and it needs to
11 fall on some sort of a board.

12 But in closing, I just want to say that I
13 don't know why we're trying to fix what isn't
14 broken. Thank you.

15 CHAIRMAN KORGE: Thank you. Call the next
16 witness.

17 MS. MENENDEZ-DURAN: Vivian Falero.

18 MS. MORENO: Mr. Chairman, I'm going to
19 excuse myself.

20 CHAIRMAN KORGE: Okay. Thank you,
21 Cristina.

22 (Thereupon, Ms. Moreno left the meeting.)

23 (Discussion off the record)

24 CHAIRMAN KORGE: Do you want to call the
25 next witness?

1 MS. MENENDEZ-DURAN: Vivian Falero?

2 David Adler?

3 MR. ADLER: Good evening. Thank you for
4 letting me give you my comments. My name is David
5 Adler. I reside at 9401 Journey's End Road, in Coral
6 Gables. I've been a resident since being born in
7 1960, on and off, but I've been here a long time.

8 I'm also a custom home builder, in the
9 Gables, as well as Miami Beach, a past president of
10 the Builders Association, about 10 years ago, and
11 very involved, obviously, in the community/city, and
12 I stand here before you, not knowing exactly where to
13 start, and I'm going to try to keep it simple and
14 quick. But I was really coming to speak to you about
15 the things that affect my business, my clients, my
16 professionals that I work with, and that is without a
17 doubt in the Single-Family 2 Districts, and not in
18 the older Single-Family 1 Gables District.

19 But I've listened to some of the comments in
20 the June workshop, and I've listened to some of the
21 comments now, and for just a minute or two, I'd like
22 to respond to the Old Gables, and then go briefly
23 with what I have to say about the Single-Family 2.

24 You know, Coral Gables is not unique. All
25 over the country, all over this county, people are

1 trying to come to grips with how to preserve the
2 property rights of existing homeowners, with the
3 property rights of people that buy new property and
4 want to develop it, and how do you merge those two
5 things without hurting the existing property owner
6 and the neighborhood where the new property owner
7 that wants to develop their property that they
8 purchased? It's not unique to the Gables, it's not
9 unique to South Florida, it's not unique to the
10 country, and Mr. Zabaleta, the architect, is correct,
11 that there are people -- I mean, the lifestyles today
12 are different than the lifestyles 50 years ago, and
13 the product that will be developed today is different
14 than a product that would have been developed 50
15 years ago, and so to try to merge those lifestyles,
16 those needs, with houses that were built 60 and 70
17 years ago, is a difficult task. I know it needs to
18 be done. It's being tackled everywhere. I'm not
19 saying it shouldn't be done. It needs to be done.
20 But I get a little concerned when I sit in a workshop
21 last June with you all and, for the first time,
22 somebody starts throwing out a height restriction,
23 and all of a sudden, today, it's 27 feet. And, you
24 know, 27 feet may be five feet higher than what the
25 house is across the road, and it may be five feet or

1 seven feet smaller than the 31 feet or 34 feet in the
2 present Code, but it hasn't been studied. It hasn't
3 been understood.

4 There were no 10-foot ceilings in old
5 houses. There are 10-foot ceilings in today's
6 houses. There were no requirements on mechanical
7 systems that take three feet of clear space between
8 floors, and there are mechanical systems today that
9 have to be put in for codes that weren't there, and
10 you do have pitches on roofs and things like that,
11 and I'm not saying 27 foot is a bad number or a good
12 number or whatever number. What I'm telling you is
13 that you have to step back.

14 I think your reasons are good for tackling
15 this issue. I know you've had public hearings. I
16 know you've had comments from other people. But I
17 don't think you've really stepped back, as a board,
18 as a governing body, and said, "We have to not
19 pigeonhole ourselves and make it a real problem."

20 Solve the problem, but do it in an
21 analytical way, that may take another six months, two
22 months, one week, but don't -- you know, take some
23 case scenarios of lots that are 5,000, 6,000 feet,
24 look at the interim Code, look at the new Code, and
25 see what really can be built with septic tank issues

1 and driveways issues, and see that you're not causing
2 a real problem for Staff in what you come up with,
3 and I apologize for digressing. That's it on the
4 Single-Family 1.

5 The reason I'm here is for the Single-Family
6 2. I build houses that are 10,000 or 15,000 square
7 feet for clients. People in this room may say that's
8 absolutely ridiculous, nobody needs a 15,000 square
9 foot or a 12,000 square foot. I would submit to them
10 that that may be true in their minds, but it's not
11 their right to tell somebody whether they can live in
12 a 15,000 or a 12,000 square foot. The lots I'm
13 building on are a minimum 42,000 square feet. Some
14 of them are 60,000 square feet, 70,000 square feet.

15 I'm looking at a job right now that I may
16 move into, in Journey's End, that my parents, my
17 in-laws, have owned for 25 years, and if this new
18 Code goes in as the way it's written, I would be
19 allowed to build a 10,800 square foot house. In the
20 old Code, it was 18,900 square foot, and in the
21 interim Code, it's something like 15,000 square foot.

22 Why would you design something that
23 basically, the bigger the lot gets, the worse the
24 reduction in the square footage on a percentage
25 basis? I built a house five years ago that I live

1 in, in Journey's End. It's a big house, 12,000
2 something square feet. I couldn't build that house
3 today, under this proposed. I couldn't build 9,000
4 square feet.

5 I submit to you, I would like to hold a
6 lunch for you. You come into that house and tell me
7 how it inflicts my neighbors. You can't see my
8 neighbors. You can't see them on the side, you can't
9 see them on the other side. In the rear, you can,
10 against the big canal, and I'm 90 feet off the front
11 property line. You couldn't build this property
12 today.

13 Your intent, if I understood it, was to make
14 sure that you're not imposing something on neighbors
15 that was out of scale and character in the City of
16 Coral Gables. That was the walking papers that I
17 understand started the process, a year ago, or
18 whenever it started. But what's come out in this
19 Code is a limitation of rights, especially in the
20 Single-Family 2 Districts, where there are large
21 lots, totally different scenarios.

22 Property values will drastically plummet,
23 and you think it's, you know, just somebody up here
24 standing -- I have a client that spent four million
25 dollars on a property. I'm building their house.

1 I'm under a roof on it. They'll move into it in a
2 year. There's no way they could build that same
3 house today, and yet it doesn't impact their
4 neighbors, and if they went to purchase that
5 property, they probably wouldn't spend two million
6 dollars, because of what they could put on their
7 property.

8 So what you've really done is not only limit
9 the size of the house that my client would want to
10 put on it, but you've taken, quote, unquote, millions
11 of dollars from that person who's lived on that
12 property and who's, you know, counting on that money,
13 and it's just not what I think your intent is.

14 So I ask you to step back, especially on the
15 Single-Family 2 properties. You cannot let this
16 thing go into effect the way it is written.

17 In June, when I was listening to everybody,
18 I thought, at least when I left that meeting, that
19 the Board and everybody understood that the
20 Single-Family 2 should be taken off the table and
21 looked at differently, because it was a totally
22 different scenario in those lots and how it would
23 impact the neighborhood, and yet when I read this,
24 it's right back in there, and the FAR would be a
25 disaster, okay?

1 I reiterate what they said about
2 grandfathering periods. I reiterate what they say
3 about timing. I don't know if you know it, but it
4 takes six months to get a permit in the City of Coral
5 Gables. I don't know if you know it, but the timing
6 of somebody buying a piece of property, going to an
7 architect, having those plan reviews, getting in
8 front of a brand-new board, or a Board of Architects,
9 is four months, five months, before they even go to
10 the City on the first leg, okay, the way the Code is
11 written on what we have to bring in now, and then to
12 be found out that, "I'm sorry, you can't do it,"
13 there's just got to be a mechanism that where --

14 MS. HERNANDEZ: You're -- and I apologize
15 for interrupting --

16 MR. ADLER: Go ahead.

17 MS. HERNANDEZ: But you say for the building
18 of a house? Because we have, on a daily basis,
19 people who come in with their unrecorded warranty
20 deeds and documents, asking for signatures on permits
21 the day after they purchase, so I don't know where
22 you're getting your dates from.

23 MR. ADLER: Well, this is easy. I don't
24 know where you're getting your dates from, either.

25 MS. HERNANDEZ: Well, from the people coming

1 into the office.

2 MR. ADLER: But the way I understand it and
3 the way I have to deal with it with the City, okay,
4 you not only have to have either the owner of the
5 property sign that he's allowing you to go to the
6 City, or you have to own the property, which means
7 you've closed on it, but when you go to a preliminary
8 board approval, before you go into zoning and before
9 you go into structure or anything, you have to have
10 your plans drawn. The way it's written now, you have
11 to have landscape designs, you have to have
12 architectural designs, you have to have elevations.
13 You have to have a lot of things at the preliminary,
14 the first review of the thing.

15 MS. HERNANDEZ: And again, I'm not saying --

16 MR. ADLER: Well, I don't know -- hang on
17 one second.

18 MS. HERNANDEZ: For the building of a house
19 or a --

20 MR. ADLER: No, I'm saying that you have to
21 have spent months, and in my case, because of what we
22 do, hundreds of thousands of dollars, before you go
23 preliminarily in to the board for the first time.
24 You can't change it in January without affecting
25 somebody that bought something in June. It just

1 doesn't work.

2 But I don't want you to get off what I'm
3 really saying. You have different issues with
4 different size lots, different issues with different
5 neighborhoods. Your marching papers were to protect
6 what was going on with these McMansions, quote,
7 unquote, okay? It's a lot different in certain
8 neighborhoods, and yet this proposed rewrite affects
9 those neighborhoods even more greatly, with what you
10 can design and what the property owners' rights are,
11 and I'm asking you to re-look at that, because I
12 don't think that was the intent, and I think that it
13 would be a travesty for both the existing homeowner's
14 property rights and for clients that come to me and
15 say, "I want to build my dream home in the City of
16 Coral Gables."

17 Thank you.

18 CHAIRMAN KORGE: Thank you.

19 Call the next witness, please.

20 MS. MENENDEZ-DURAN: Paul Posnak.

21 MR. POSNAK: This is the shortened version
22 of the microphone. First of all, thank you.

23 CHAIRMAN KORGE: Would you state your name
24 and address for the record?

25 MR. POSNAK: Oh, I'm sorry. Paul Posnak,

1 829 Catalonia Avenue. Thanks to all of you. I'm
2 sure many of us feel this way, for all the work
3 you're putting into something that's of great
4 importance, and very timely importance, for our
5 community.

6 I don't think -- I think there's a reason
7 that you're here and we're all here. There's a
8 perception that we all share, to a greater or lesser
9 degree, that the quality of life, the nature itself
10 of Coral Gables, is under a real serious threat right
11 now, with the incursion of a building boom that
12 affects both the commercial and the residential areas
13 of our City, and we have to find a balance and a way
14 to make sure that we preserve what's beautiful and
15 what's unique about it, because these things can go
16 very, very quickly. I've seen this happen.

17 I get to see a lot of places, all over the
18 country. I've been not just to cities, but to all
19 sorts of places and seen where the great Kentucky
20 horse farms are being divided up into subdivisions
21 and developments, you know, upper-scale developments,
22 you know, with pools and tennis courts and stables
23 and so on, and what it does to the environment of the
24 community.

25 I've also seen wonderful places, like

1 Woodstock, Vermont; Northampton, Mass.; Carmel,
2 California -- different communities that have a lot
3 in common with us, where there are zoning ordinances
4 in place that protect an architectural beauty, a
5 spatial beauty, a quality of life, a balance, that we
6 all prize, and these are wonderful places to be.

7 This is not about property rights or
8 property values. I don't think anybody here really
9 seriously thinks that the value of our houses are
10 going to go down if we have some meaningful
11 restrictions on development of our residences. Quite
12 the opposite, in aggregate, is going to happen.

13 This is about the quality of our life and
14 the preservation of the unique beauty of our
15 community, which is under a threat from some real
16 tacky and tasteless suburban conspicuous consumption
17 versions of these McMansions that are being allowed
18 to be erected. I live at 829 Catalonia. 830
19 Catalonia was bought by people who apparently are
20 part of a corporation. They're going to tear down a
21 beautiful old home and build a very, very large
22 McMansion. These are homes that all of them were
23 built in the late '40s or early '50s. They are each
24 one different from each other, but architecturally
25 they are -- they complement one another, with -- it's

1 one of the beautiful blocks in the Gables, one of the
2 great examples of -- they're not 1920s, 1930s
3 historic homes. They're beautiful homes, well made.

4 What's going up in its place is a very large
5 house that is more than twice the largest home on our
6 block. There are no fences in our block of any
7 kind. A six-foot fence with two double electric
8 guards are going into this place. There is a
9 four-car garage, a huge amount of pavers, in other
10 words, a McMansion hacienda type of home, with four
11 air conditioning units, four compressors, that is
12 completely incompatible with and out of character
13 with anything else in the neighborhood.

14 I think the heart of your document here is
15 on Page 1 of 7, 1, a, Line 30 through 39, in which
16 you define the concept of compatibility, to ensure
17 compatibility with the blocks in the neighborhood,
18 both -- on both sides of the street, and you
19 reiterate this with the SF 2s. I think that this is
20 to be commended. However, it's too vague. It's too
21 vague, and I think that what's going to happen is the
22 same kind of thing, where the Board of Architecture
23 characteristically rubber-stamped this huge McMansion
24 that's going up in our wonderful neighborhood. It's
25 going to stick out like a huge sore thumb and ruin

1 the beauty of our neighborhood, and this does not
2 necessarily protect that, except by a philosophical
3 statement.

4 My suggestion is that I think you need to
5 detail how this works and give examples on a
6 neighborhood basis. You have to define a
7 case-by-case, neighborhood-by-neighborhood procedure
8 of determination of what really is incompatible and
9 what is out of character, so that it doesn't render
10 it into a subjective judgment that can easily be
11 fluffed off and rubber-stamped, or met with minimum
12 decorative observance.

13 I think you need a good board, not just an
14 individual, to decide about this. I think you also
15 need an appeal -- a neighborhood appeals process,
16 that can expedite legitimate concerns by the
17 neighbors, that can be dealt with, and if you detail
18 this, I think you're protecting everyone concerned,
19 all the way around, without it being punitive,
20 without it preventing people from building what they
21 want, necessarily, because if they want to build
22 anything that they want, there are loads of other
23 communities that they can build anything they want
24 in. I think one of the things that defines us is
25 that people cannot do that. People cannot have boats

1 on their front lawns, tennis courts in the front, et
2 cetera, et cetera.

3 On Page 2, I think that the -- I agree, I
4 would like to just support Daniel Fryer's mention of
5 the vagueness of the statement that the width of the
6 single-family residences should not be
7 disproportionate, and this again should be defined in
8 a way that defines what neighborhood compatibility
9 is, and perhaps gives examples.

10 I think some things cannot be easily defined
11 in an abstract sense, and just need a few words of
12 example, these are four examples, blah, blah, blah,
13 that will give people a template for this kind of
14 thing.

15 I agree with the comments earlier made, on
16 Page 3, as far as the side setbacks, et cetera.
17 Again, Daniel Fryer's point about the setbacks is
18 something that I would like to support. They should
19 be proportional to the size of the lot, at least to
20 some extent possible. That would make more sense.

21 And then, you know, obviously there are
22 places in Gables Estates, et cetera, where they are
23 very, very large lots, that some accommodation can be
24 made, but I think that the basic concept is
25 important, to proportionalize.

1 As far as Page 4, the parking garages, on
2 Line 50, Number 9, a, I don't see, again, why we
3 should allow a garage -- as Mamta Chaudhry said, we
4 shouldn't allow Garage Majals, and if, again, this
5 could be rendered in a way, very simply, that it's
6 proportional to the size of the lot, okay, and the
7 size of the FAR of the house, I think that would
8 solve that problem, because again, to use my own
9 unfortunate example, our own example, this house in
10 front of us is going to have a four-car garage, a
11 giant garage. It's completely out of keeping with
12 anything on the block, to have, essentially, a motel
13 parking lot with a huge garage, huh?

14 So I think that just by including a
15 proportional, again, relationship here, would be
16 important.

17 And finally, on Page -- well, next to the
18 last, on Page 5, again, the getting to the heart of
19 the issue, the idea that we need to have a
20 development review -- not necessarily official, but
21 perhaps a group, or at least an advisory group with
22 an official in charge, okay? To determine the mass
23 and character of the proposed dwellings that's
24 consistent and compatible. You're seeing two related
25 things here. One is mass, huh, and the use of that

1 mass and the relationship of that mass to its
2 community. The other is the character. And some of
3 the stuff, some of the tacky, you know, imitation
4 Hollywood hacienda stuff that's going up and getting
5 rubber-stamped Board of Architects approval here is
6 so out of keeping, not just with the Gables, but with
7 the homes directly adjacent to it in the community.

8 These are things that need to be, I think,
9 detailed better. I think this is a wonderful
10 statement that just needs to be fleshed out, you
11 know? That's all I'm saying.

12 MR. BEHAR: Mr. Chairman, can I ask him a
13 question?

14 Can you go back to one of the first
15 comments, on Page 1, regarding the determination in
16 regards to consistency and compatibility? If I
17 understood you correctly, you said something about,
18 you want to be more detailed on how the end result,
19 the design of that consistency, should be. Is that
20 right?

21 MR. POSNAK: Yeah.

22 MR. BEHAR: If I understand correctly, if
23 you detail that -- if I, you know, understood you
24 correctly, if you detail, if you force somebody to
25 detail something, are you not going to get more

1 cookie cutters, other than give them the liberty, to
2 the design professional, to come up --

3 MR. POSNAK: I don't mean --

4 MR. BEHAR: -- with different --

5 MR. POSNAK: Yeah.

6 MR. BEHAR: Because you're forcing them to
7 follow a plan that's going to be all over the place.

8 MR. POSNAK: Yeah. No, that's a -- I
9 respect what you're saying, you know, because that's
10 a very good objection and question. I don't mean, by
11 detail, to do it in such a proscribed -- proscribed
12 or proscribing way that it becomes, you have to do it
13 in a certain style and so on. There just have to be
14 some protections from something that is egregiously
15 out of shape and character with everything in the
16 neighborhood.

17 The addition of a six-foot wall, walled
18 fence, in a block that has none, combined with a
19 scale of home that is more than twice the size of
20 anything in the neighborhood, combined with -- in
21 other words, what I'm trying to say is, when you have
22 a series of elements in a building, each of which is
23 out of character and scale, but together, in an
24 aggregate, projects something that is -- that does
25 damage to, actually, the total environment, ambience,

1 feeling of the neighborhood, then, you know, we can
2 come in and say, "Look, we have to modify this to
3 some extent," so that, by detailing, you could say,
4 six feet is too high a fence. It doesn't mean that
5 you have to prohibit someone from putting a fence
6 in. That the amount of pavers to hold eight cars and
7 a garage to hold four is inconsistent with anything
8 in this neighborhood, with this size. It could
9 probably be very consistent with something in Cutler
10 Ridge or Gables Estates or in a larger -- in a block
11 with larger homes.

12 So what I'm trying to suggest is to come up
13 with a way in which you can provide some detail and
14 guidance, without it being so limited as to be the
15 situation that you have mentioned.

16 CHAIRMAN KORGE: Thank you. Thank you very
17 much.

18 MR. POSNAK: So, anyway, those are my
19 comments. Also, to do with the height, I don't see
20 why we need to have a 34-foot height for a building.
21 I think that may be a little excessive, unless,
22 again, proportionally, it's on a lot in an area
23 that's much larger, in an area of larger lots.

24 CHAIRMAN KORGE: Thank you.

25 Call the next witness.

1 Let me remind everybody that we do have
2 limited time here, and you don't really need to
3 repeat what some of the other witnesses may have
4 stated. We -- I think we've caught most of
5 everything they've stated. So try to give us your
6 own view in as short a period as you can, within
7 three or four minutes, because we still have quite a
8 few people left to speak.

9 MR. RIEL: 15 more people.

10 CHAIRMAN KORGE: 15 more people to speak, so
11 let's try to keep it to within three minutes, if we
12 could, please.

13 MS. MENENDEZ-DURAN: Joyce Newman.

14 MS. NEWMAN: Good evening. I'm Joyce
15 Newman, 1212 Santona Street. I happen to be
16 president of the Riviera Neighborhood Association,
17 but I'm not speaking on that tonight. Al Acosta will
18 follow me and speak, but I just have a couple of
19 additional things that I want to say.

20 For one, just generally, I'm concerned about
21 environmental impact, in terms of not just the size
22 of houses, but lack of room for trees or loss of tree
23 canopy or loss of absorption space or space for, you
24 know, environmentally -- absorption, and just
25 creatures or whatever. If a house is -- fills up so

1 much of the lot that that's not provided for, then
2 that's a potential problem.

3 Also, in terms of, if places are on the
4 canal, that means that you have more runoff of
5 pollutants into the canal, and that is not a healthy
6 environmental situation.

7 Also, in terms of safety, there's some
8 houses being built where, if a car is backing out of
9 a garage, there is no visibility of the sidewalk, due
10 to walls and hedges, and this is a potential danger
11 for pedestrians and especially for children, the
12 little bicyclers on the sidewalk.

13 Also, just in general, neighborliness of a
14 neighborhood. On a boulevard, it may not matter, but
15 in the smaller -- on the smaller streets, up until
16 now, the houses have been such that they were
17 welcoming, from the standpoint of seeing the front
18 door or the front -- or the neighbor being working in
19 the front yard, and now there's so much of an
20 emphasis towards the rear, or towards cutting off the
21 front of the house from that neighborhood, and I
22 think this is a change of character of the
23 neighborhood, in many cases.

24 I have one specific thing. On Page 2 of 7,
25 D, 1, b, i, I wonder what applies here in terms of if

1 there's a house with a large side lot, if that -- if
2 the fact that there is a house, but as much of the
3 property where the house is is a side yard, but the
4 side yard faces the sidewalk, how does that relate,
5 as far as, can that side yard -- would that side yard
6 still be included in this, you know, 1977, as having
7 a house on it, and even -- you know, that's part of
8 it; then we also have a specific situation in our
9 neighborhood where a house, you know, without
10 neighborhood knowledge, was able to divide off a side
11 lot, subsequently, due to violating a variance, lost
12 the right to build on that lot, so at present that
13 lot is a non-buildable lot, and that's gone through
14 the -- at that time, it was in the County, so it's
15 gone through the County Commission and through two
16 court systems, twice, to each court. And that lot
17 was deemed a non-buildable lot, and the variance was
18 taken away. So that's a very specific case. There
19 are other cases where it wouldn't be so specific. It
20 would just be a large side lot off of a house.

21 So I don't know if that's a question you can
22 answer or that's just --

23 CHAIRMAN KORGE: Eric is taking down
24 questions that could be answered later.

25 MS. NEWMAN: Okay. All right. Well, thank

1 you very much.

2 CHAIRMAN KORGE: Thank you, ma'am.

3 Next witness?

4 MS. MENENDEZ-DURAN: Maria Martinez-Alba?

5 Nelson de Leon?

6 Marshall Bellin?

7 MR. BELLIN: My name is Marshall Bellin, 285
8 Sevilla. I wanted to address a number of items, but
9 they've all been addressed, so that's the
10 disadvantage of being at the end.

11 One thing I'd like to say. I find it, to
12 me, very insulting, at some of the statements that
13 were made, particularly by the man in the blue
14 shirt. The Board of Architects is not a rubber stamp
15 for anybody. I think the character of Coral Gables,
16 and what it is, is largely due to the Board of
17 Architects and design professionals, and it seems
18 like those are the people that ought to have the say
19 with respect to the massing and the compatibility. I
20 think that the development review official is
21 essentially the Board of Architects, and I think
22 that's the way it ought to stay. Those are the
23 people that make the determinations as to what the --
24 what Coral Gables looks like.

25 It just seems to me that the direction is

1 not really what it ought to be, in terms of trying to
2 maybe take all the responsibilities away from the
3 Board of Architects.

4 There's an interim Code in existence now
5 that tries to reward good design, and it was one that
6 Dennis Smith developed, and I think that's really the
7 way it ought to be. You reward good design.

8 What happens is, with ordinances like this,
9 you sort of set up parameters and everybody has to
10 follow them, and you lose the ability for good
11 architects to design. So I think it's important that
12 good design is rewarded and poor design goes before
13 the Board of Architects 15 times. That's just the
14 way it is.

15 Really, I guess that's all I have to say,
16 but --

17 MR. AIZENSTAT: If I may ask a question.
18 So, with your statement to leave the decisions or the
19 review to the Board of Architects, are you stating
20 that in your opinion there should not be a position
21 such as the City Architect?

22 MR. BELLIN: No. The City Architect is a
23 different issue. I think some of the things that the
24 Board of Architects do can be done by somebody else,
25 whether windows or shutters or paving on driveways.

1 I mean, I don't think that really needs to go to the
2 Board of Architects. The important things ought to,
3 the massing, the context, the character, the
4 aesthetics, and who else is going to do that except
5 for a board comprised of design professionals?

6 MR. AIZENSTAT: That's right. My
7 understanding was that the position for the City
8 Architect was actually to alleviate the Board of
9 Architects.

10 MR. BELLIN: No, I think it's a position
11 that will alleviate a lot of the things the Board of
12 Architects doesn't have to really review.

13 MR. AIZENSTAT: Such as paint colors and so
14 forth?

15 MR. BELLIN: Well, paint colors may be an
16 issue, but, you know, fences and driveways and, you
17 know, whether shutters should be, you know, on the
18 side of the house, whether they're accordions or
19 roll-downs, window replacement. Those kinds of
20 things, I'm not so sure the Board of Architects needs
21 to really look at. But the larger issues, they do,
22 and that's -- in my opinion, the Board of Architects
23 made Coral Gables what it is. It's not the Police
24 Department. It's not the Parking Department. It's
25 that Board of Architects, and it's been in place for

1 70 years, 80 years.

2 MR. AIZENSTAT: To be on the Board of
3 Architects, do you have to be a resident of the City,
4 or does your office have to be within the City?

5 MR. BELLIN: You have to have an office in
6 the City.

7 MR. AIZENSTAT: So you don't necessarily
8 have to live within the City boundaries?

9 MR. BELLIN: No. It would be difficult to
10 have a good pool of architects. Most don't live in
11 the City.

12 MR. AIZENSTAT: Correct.

13 MR. BELLIN: We don't make that kind of
14 money.

15 MR. AIZENSTAT: Okay, thank you.

16 CHAIRMAN KORGE: Thank you.

17 MS. MENENDEZ-DURAN: Raul Herrero?

18 Bruce Katz?

19 MR. KATZ: My name is Bruce Katz. I live at
20 645 Majorca. I'd like to preface this by stating
21 that this is the one and only issue I've ever been
22 involved with in my entire life, when it comes to
23 politics or coming to any of these meetings.

24 I've lived in Coral Gables since '93, and I
25 feel that living in Coral Gables is a privilege.

1 My concern is, we're at a great crossroads
2 right now. We have to really decide the next 25 or
3 50 years of development in Coral Gables, because
4 that's really what we're doing here, and I think we
5 have to differentiate a few things. We've got to
6 differentiate. The person who buys a lot for 500,000
7 and hopes to sell it for two million dollars, and
8 then is upset when they can only get a million for
9 it, is that what we're trying to make Coral Gables a
10 city for? I would hope not.

11 You know, it's interesting, but being a
12 resident of this community, I have seen some very
13 large, outsized McMansions, the term du jour, go up
14 that I think really have ruined the streets that
15 they're on, and it's an interesting example how Mamta
16 Fryer earlier showed you some photographs of these
17 houses on Obispo and Madeira, which are practically
18 the same street, and almost every one of them was
19 built in the last few years, and almost every one of
20 them is for sale.

21 So, obviously, these were not Coral Gables
22 residents, building their dream house. These were
23 people taking advantage of the real estate economy
24 that we live in today, buying homes and flipping
25 them. Is that what Coral Gables is? Is that what we

1 want it to stand for, for the next 20 to 25 years?

2 Or do we want to make it a hospitable place for the
3 true residents?

4 The people who have these monstrosities
5 towering over them, they already have a problem that
6 may be insurmountable, but we have to stop the
7 problem from getting any worse. I don't know
8 anything about architectures and designers, but it
9 would seem to me that if, in the 1920s, we can design
10 homes that seemed to fit on the lots, today, with all
11 that we have at our disposition, computers,
12 calculators, we should be able to do it, as well. I
13 mean, we're far more advanced, technologically, than
14 we were in the 1920s. If we could do it then, we can
15 do it now.

16 I live in a house that was built in 1925,
17 the same year that my father was born. They're both,
18 what is it, 80 years old. I'm very proud. I'm
19 honored to live in that house. It's a two-story
20 house that's about 24 feet high. I'm not exactly the
21 shortest person in the room. I make it do.

22 Now, I'm just -- I don't know how people are
23 compensated who design these homes, I'm totally
24 ignorant, but is it possible -- and perhaps not, this
25 is something -- that the compensation is somehow

1 related to the number of square feet of the house?

2 The more square feet, the more compensation? I don't
3 know. I'd like to look into that sometime.

4 I'd like to -- there are a couple points
5 here that have not been mentioned, that I'd like to
6 go over, very quickly. This on Page 2 of 7, Line
7 Number 24. We talk about December 21st, at 2:00
8 p.m., which is the first day of winter, which we all
9 know is the shortest day of the year, as far as the
10 amount of sunlight. Number one, in all practicality,
11 does that mean if somebody gets an application to you
12 on December 22nd, we're going to have to wait a year
13 to measure that light, or is there some way to figure
14 out what it would be on December 21st, without
15 actually waiting? What happens if, after that year
16 is over, December 21st is cloudy and there is no
17 sunlight?

18 MR. SALMAN: It's not about that at all.
19 You can easily calculate it. We know where the sun
20 goes every day.

21 MR. KATZ: Okay. Okay.

22 MR. SALMAN: On every day of the year.

23 MR. KATZ: Okay, good.

24 MR. SALMAN: So it's easily calculated.

25 MR. KATZ: Good. I wanted to make sure.

1 MR. SALMAN: And the inquiry as to whether
2 architects are charging based on the square footage,
3 it's not the way it works.

4 MR. KATZ: Good.

5 MR. SALMAN: I just want you to know that.

6 MR. KATZ: Like I said, I had no idea, and I
7 think I stated that at the beginning.

8 The other point is, that is the shortest day
9 of the year, and if I remember my physics correctly,
10 the sun would probably leave less of a shadow on that
11 day than, let's say, the first day of spring or the
12 first day of autumn. So that's an interesting point.
13 I'm sure it was selected for some reason.

14 We talk about not being able to split lots,
15 and I think that makes a lot of sense. But one of
16 the areas that we don't seem to really have addressed
17 here at all is aggregation of lots. Now, especially
18 in the North Gables, where I reside, I think the
19 aggregation of lots should be prohibited. If
20 somebody wants to buy two contiguous properties, they
21 should be allowed to do that, but I also feel that
22 the size of the house that they build, if they decide
23 to rip them both down, should be no bigger than the
24 house -- the biggest house that could be built on
25 either one of the two lots, because all of a sudden,

1 most of the properties in the North Gables are taken.
2 There aren't any large amounts of vacant land, or at
3 least not too many, left. So, if somebody buys three
4 contiguous lots because they offer an incredible
5 amount of money, they can then find themselves
6 legally being able to build a house much bigger than
7 all the other houses in the neighborhood.

8 Now, obviously, there is a clause that the
9 house has to fit in with the character of the
10 neighborhood, but I would like it possible to be able
11 to quantify that just a little bit more.

12 On Page 3 of 7, Line Number 46, we talk
13 about total side setbacks of at least 20 percent of
14 the lot width. I would like to rephrase -- I mean,
15 you guys are the experts, but if for some miracle I
16 was writing this, I might like to write that there
17 should be a minimum of 10 percent on each side.
18 There are some areas outside of Coral Gables that
19 allow the zero lot line development, and I think we
20 all agree it isn't right for our City, but why
21 should -- if a house has 15 feet of setback on one
22 side and five feet on the other, for the neighbor who
23 gets the five feet, you know, I don't understand --
24 you know, he's not going to feel any better that the
25 other side is going to be 15 feet. So, instead of

1 making a total of 20 percent, summing up the two
2 sides, if we make it at least 10 percent on each --

3 MR. BEHAR: There's a reason for that.

4 MR. KATZ: Okay.

5 MR. BEHAR: I don't own a boat, but if, for
6 example, you own a boat, you're not allowed to keep
7 the boat in the front yard.

8 MR. KATZ: Right.

9 MR. BEHAR: So you have to take it to the
10 back. All right? How else would you plan, if you
11 have a 75-foot lot, to be able to drive on a seven
12 and a half foot side yard?

13 MR. KATZ: Right.

14 MR. BEHAR: So, I mean, I would think that
15 it's more appropriate to allow for those people that
16 do own boats to be able to take the boats to the
17 back. Therefore, you're going to have to be offset
18 to one side. Is it fair to the other neighbor? It
19 may not be, but I think it's an eyesore to have a
20 boat by the front yard lot.

21 MR. KATZ: Well, I -- you know, by the way,
22 thank you for telling me that. I had no idea, and
23 now I can see that. I can give you my own opinion.
24 In my own humble proletarian way, I feel that if
25 somebody wants to own a boat that much, that as long

1 as they don't inconvenience any of their neighbors,
2 that's okay, but before inconveniencing a neighbor,
3 then they need to buy -- have a bigger lot or park
4 the boat somewhere else. I know that may sound
5 impossible, but it's my opinion. It's my opinion.
6 In other words, I can't see how somebody's house
7 should be inconvenienced for somebody to have space
8 to park a boat. I mean, does that sound reasonable?
9 I mean, you know, it's -- I mean --

10 MR. BEHAR: No, you're absolutely right, but
11 fortunately, we have a system that allows, and again,
12 I don't own a boat, and I don't plan to own a boat, I
13 don't care for boats --

14 MR. KATZ: Okay.

15 MR. BEHAR: -- but you have to
16 make provision for even access to the back yard.
17 Some houses have septic tanks.

18 MR. KATZ: 10 feet -- well, but 10 feet is
19 enough, I think, for access.

20 MR. BEHAR: Well, okay, but if you have a
21 75-foot lot, 20 percent is 15 feet, right?

22 MR. KATZ: Right.

23 MR. BEHAR: How do you provide 10 feet on
24 one side and not provide five feet on the other side?

25 MR. KATZ: Well, I don't know. You might

1 bring up a good point. Obviously, they need to have
2 access to the septic tank. I'd like to find out what
3 the minimum access is, and then you can borrow from
4 the other side. But my concern here is not so
5 much -- my concern here is not so much access for the
6 septic tank. My concern is that this is being used
7 for other reasons, that literally somebody could have
8 30 -- somebody could have 30 feet on one side and
9 five feet on the other, but this is something that
10 the panel has to decide here. I'm merely expressing
11 a thought that some other people in the community
12 have mentioned to me.

13 Also, we speak about no parking garage --
14 here we are, on Page 4 of 7, Item Number 50, "No
15 parking garage shall contain more than four vehicle
16 parking spaces." I would -- I guess I think there
17 should be some correlation, and this has been
18 mentioned earlier, besides -- with the size of the
19 lot and how many -- how big a garage you can build on
20 it, but I would be interested in stating that it is
21 my opinion that when there are parking garages with
22 four cars in them, I would state in at least 75
23 percent of the time, there aren't four cars ever
24 parked in that garage at the same time. So my point
25 is, if they're using it as some kind of storage

1 facility, that should enter in.

2 Also, the last but not least is on Page 6,
3 Item Number -- or Line Number 17. Before, we had, in
4 the interim Code, a maximum floor area ratio of .43,
5 And then, under certain circumstances, you could
6 raise it to .48, okay? Well, we've gone up to .48,
7 so -- without any circumstances. Plus, I believe
8 it's now 7,500, and earlier it was a lower number, I
9 think it was 5,000. So then the next number is now
10 .35, instead of .30, and on a larger number up, to
11 15,000 instead of 10,000.

12 Now, strangely enough, I might agree with
13 some of the people who are concerned about the lots
14 over 15,000 -- I'm sorry, the areas over 15,000
15 square feet, but the ones below that, I think the
16 interim measures -- we should go back to the interim.
17 I also think that .1 over 15,000 is too small, and
18 here, I can't believe I'm saying that, but the other
19 numbers, I think, are too big.

20 Anyway, I know it's been a long night for
21 all of you. I'm totally uneducated on this subject.
22 I'm just the typical Joe Citizen. If I've said any
23 stuff that is totally ridiculous from an
24 architectural point of view, I apologize to
25 everybody. Thank you.

1 MS. MENENDEZ-DURAN: MacDonald West?

2 MR. WEST: Mr. Chairman, in the interest of
3 time, I'll speak only on Item 3, the zoning map
4 amendments. Hopefully, you'll get to them tonight.

5 CHAIRMAN KORGE: Thank you.

6 MS. MENENDEZ-DURAN: Al Acosta.

7 MR. ACOSTA: Thank you. My name is Amado J.
8 Acosta, also known as Al Acosta. I am the executive
9 director of the Riviera Neighborhood Association,
10 which is an association of homeowners, mainly, and
11 bound between Maynada and Red Road, and Sunset and
12 U.S. 1.

13 Our president, Joyce Newman, spoke a little
14 while earlier, and we have participated in almost all
15 of the sessions that this Board has had, as well as
16 the Commission. We have attended every workshop.
17 And during that time, also, we were privileged to be
18 able to have a charrette for our area, under the
19 guidance of the University of Miami School of
20 Architecture.

21 The subject right now that you are
22 addressing is single home districts; is that
23 correct? So we have more extensive comments, that
24 obviously, with the limited time, we will not be able
25 to address. However, we have brought a letter that

1 is signed by our president, Miss Newman, and we have
2 a letter with an attachment that we need to leave
3 with every Member of the Board, as well as with Miss
4 Hernandez, the legal counsel, and Mr. Riel, the
5 Planning Director, and if we may proceed now, you can
6 give the letters to the secretary here, and she will
7 distribute them to each Board Member and each person
8 assigned.

9 Very briefly, on the matter of oversized
10 homes, I will not repeat, but we are in agreement
11 with many of the terms. So, leaving aside those
12 items that we don't want to repeat, however, we want
13 to say that there has to be a priority for the
14 process of neighborhood involvement. It has been
15 mentioned briefly by other speakers in here. We, as
16 an association, which encompasses over 162
17 members, we have spoken that there has to be -- after
18 all, the City just recently came out with its mission
19 statement, and it's very highlighted in the mission
20 statement, the importance of the preservation of the
21 historical character of the City. Isn't that right?

22 So how can you preserve that historical
23 character without the involvement of the citizens
24 that are watching over that historical value in their
25 neighborhood? We need to have a process established

1 for that.

2 Also, we concur with the matter of having a
3 variable FAR and setbacks, depending on the sizes of
4 the lots.

5 The land assembly matter, which was
6 previously mentioned by Mr. Katz here, and is the
7 only one I've heard tonight about that, it's a very
8 important matter, and is not addressed anywhere that
9 we can find in the proposed rewrite. You need to
10 address the matter of the land assembly. The matter
11 of the land assembly needs to be addressed, because
12 right now in our neighborhood we have situations
13 where lots are being bought, we believe, by the same
14 parties, although we haven't been able to identify
15 that, and we have heard that in North Gables, it is
16 prevailing much that way.

17 You need to address what can be done, if
18 anything at all, with lots that are put together and
19 are contiguous. We're not here to give you a
20 judgment. You, as a professional Board, who have
21 ample talent and knowledge, know how to do that.

22 The lot splitting, is that something that is
23 off the table already? Is that for sure?

24 CHAIRMAN KORGE: I'm sorry, what was that?

25 MR. ACOSTA: Of lot splitting. Are you

1 still considering --

2 CHAIRMAN KORGE: That is a separate
3 provision. It's not included in this particular
4 discussion today.

5 MR. ACOSTA: Okay. We're addressing that in
6 the letter that you have. And also, the matter of
7 the residential districts, the impacts from the
8 immediate areas, and here is where we're going to be
9 soliciting your help today, because you have a
10 requirement, the City has a requirement, that by
11 April of 2006, you will have filed with the State of
12 Florida your comments and wishes for the changes to
13 the Master Land Use Plan, and in order to do that,
14 we've been informed by your office that we needed to
15 record our comments before September of this year,
16 and we believe this may be the last occasion. It has
17 to do with the districts.

18 This pointer here, the yellow tip represents
19 a thousand feet, as you can see in here. Can
20 everybody see that? A thousand feet on this scale,
21 the yellow pointer? Okay.

22 This triangle here that I just described
23 represents the neighborhood of the Riviera that we
24 are addressing. As you can see, now, of course, with
25 the new proposed maps, they changed the color from

1 the yellow to the light brown, but it's single-family
2 districts and multi-family districts, but we're bound
3 by areas of high commercial development on Dixie
4 Highway, on Red Road and on Sunset.

5 Right now, your City has, because of our
6 involvement with the City in previous matters dealing
7 with the Publix matter -- it used to be only 500 feet
8 notification of the citizens, and because of our
9 request, and the Commissioners that agreed with us,
10 that was changed to a thousand feet. But a thousand
11 feet is not enough for the high-development area.

12 I can demonstrate to you with this pointer
13 that if you take the commercial development areas of
14 Dixie Highway, of Red Road, of Sunset, a thousand
15 feet barely touches most of the residential areas.
16 Many huge developments will be taking place along
17 that corridor that I just described. It is not fair
18 to us citizens. We are highly involved citizens. We
19 pay our taxes, as everybody else. There are high
20 valuations in there, thank God for the wonderful
21 things going on in the City that you have been
22 helping preserve, but we are not going to be notified
23 for those developments along U.S. 1 or Red Road or
24 Sunset, and we maintain that that is not fair to us.

25 We're asking this Board tonight, and we have

1 it in writing, in sufficient time, to change that
2 1,000 to 5,000 feet for us, and/or -- and/or -- Mr.
3 Salman just shrugged and says, "Wow, what a big
4 number." Here is the other alternative. You already
5 have, in your land use plan document, Section 1-3.3,
6 three sections of the City, one which is up by
7 LeJeune and U.S. 1, another one which is in the area
8 going down towards the Coconut Grove, and another one
9 in the Little Havana area, where in that Code it's
10 written that the citizens of those areas must be
11 consulted and the developers must deal with them to
12 recognize their needs before any developments that
13 request zoning changes and/or variances are
14 involved.

15 So, if you do not think that the 5,000 feet
16 can be adopted to our area, then we're asking that
17 you make a request to the Commission -- we're
18 certainly going to back it up, but it would be nice
19 if it comes from you, that because of our needs,
20 because of the high development in this triangle
21 around us, and because 1,000 feet doesn't do it for
22 us, as far as involvement, that this be considered as
23 a major priority for our area.

24 We will be addressing that in further detail
25 as we present the details of our charrette, which

1 Professor Richard Shepard is closing in very shortly,
2 and by the fall, we should have ready. But there's
3 no time now for the April 2006 deadline, is that
4 correct, Mr. Riel?

5 MR. RIEL: Actually, we're going to be
6 having a public hearing on September 21st, I believe,
7 that deals with the Evaluation and Appraisal Report
8 in the Comprehensive Land Use Plan. So we haven't
9 even begun those public hearings yet.

10 MR. ACOSTA: Okay. So we need to come back
11 to that public hearing in September.

12 MR. RIEL: We will be sure and advise you of
13 those.

14 MR. ACOSTA: Will you do us a favor, please,
15 and if this Board allows you and requests you, to
16 start researching that matter for us?

17 MR. RIEL: We have, and the recommendation
18 that's been provided to the Board was a thousand
19 feet, and this Board did pass it at a thousand feet.
20 That was about a month or two ago.

21 MR. ACOSTA: Right, but in lieu of that,
22 having the Riviera area that we're describing as
23 another section under the documents that describe
24 this on the section -- what's the number that I said?

25 CHAIRMAN KORGE: 1-3.3.

1 MR. ACOSTA: Thank you. 1-3.3, would you be
2 doing the research --

3 MR. RIEL: Let me look into that. I
4 understand what you're saying in terms of the
5 Comprehensive Plan. Let us look into that, and we'll
6 come back with a recommendation.

7 MR. ACOSTA: Right. I mean, if you're doing
8 it for some area that has specific needs, and we
9 rightly commend them for being able to obtain that
10 with the City, we certainly need it, and of course,
11 we have additional specific comments that we have
12 introduced as an attachment to this letter. They're
13 quite extensive. It has to do with the results of
14 our involvement in the charrette, with all the
15 citizens, in which we had over 85 citizens and
16 property owners and commercial owners participate.

17 One last comment, because this pertains to
18 today's agenda, and it is part of what our charrette
19 has shown. On the section that you have under -- on
20 Page 5 of 7, letter D, Major Conditional Uses, you
21 include in here, marinas, private yacht basins and
22 utility infrastructure facilities, as being ones that
23 can apply for a major conditional use. They would
24 have to apply for that, right? And that requires a
25 public hearing, right?

1 MS. HERNANDEZ: Right.

2 MR. ACOSTA: But let me throw something at
3 you. What about if a developer doesn't call it a
4 marina? And yet it is a contiguous amount of docks
5 for boats, because there's going to be multi-family
6 residence buildings being built, and each one of them
7 may have one or more of those docks. Yet they don't
8 call them a marina. What about if that marina
9 happens to be in one of only 19 areas of the State of
10 Florida where there's special manatee protection
11 requirements, because the manatees come there every
12 year to have their calves and to grow and develop the
13 little ones?

14 We have one such area. We suggest that this
15 be amended --

16 CHAIRMAN KORGE: Excuse me for
17 interrupting, but isn't that area already built out?
18 Haven't they already completed that? You're
19 referring to the -- on the waterway, across from
20 Cocoplum?

21 MR. ACOSTA: That area is going to be
22 redeveloped. They participated in the charrette with
23 us, the property owners.

24 CHAIRMAN KORGE: No, I mean, they're
25 already -- I think all the boat slips are already --

1 or boat docks are already located there, aren't they?

2 MR. ACOSTA: They're not called a marina.

3 MS. NEWMAN: A different place, different
4 place. This is near U.S. 1.

5 MR. ACOSTA: This is near U.S. 1 and South
6 Alhambra.

7 MR. AIZENSTAT: Where the University Inn
8 was?

9 CHAIRMAN KORGE: Oh, I'm thinking of a
10 different place.

11 MR. ACOSTA: No, no.

12 MR. AIZENSTAT: There's offices there,
13 presently.

14 CHAIRMAN KORGE: Yeah.

15 MR. ACOSTA: Okay, let me suggest that in
16 this language in here, you also have similar language
17 to -- in addition to marinas, also multi-family,
18 contiguous dock -- docks for boats, something like
19 that, that they also be considered, even though
20 they're not called a marina, one for major
21 conditional use permit.

22 Also, we suggest that you include language
23 in here to make sure that it's widely known that they
24 would have to comply with all of the Miami-Dade DERM
25 requirements for the protection of the manatees, as

1 well as the Florida Fish & Wildlife Commission --
2 Wildlife Preservation Commission, which is the one
3 that regulates the signs that exist on many -- on
4 this waterway, not permitting non-residents to come
5 in that area, with signs posted in the canal, between
6 November 15th and April 30th.

7 I think you need to beef this up. We'll be
8 glad to work with you. I'll be glad to work with
9 you. I'm not an architect, but I'm as close to an
10 architect as you can be. I'm an electrical engineer,
11 registered professional engineer, and I served on the
12 State Board of Florida for Professional Engineers,
13 for eight years. So I commend you for what you're
14 doing. I know what you're going through. In fact,
15 our president, in her letter, commends this entire
16 Board for your unselfish, dedicated effort to this
17 magnificent effort.

18 CHAIRMAN KORGE: Thank you.

19 MR. ACOSTA: Thank you. Any questions
20 regarding this matter of the marina or what I have
21 addressed about the need for citizen involvement?

22 Thank you very much.

23 CHAIRMAN KORGE: Call our next witness,
24 please.

25 MS. MENENDEZ-DURAN: Daphne Gurri.

1 MS. GURRI: Hi. Good evening. Daphne
2 Gurri, and my office is located at 2701 Ponce de
3 Leon, and I'm speaking here on behalf of the Miami
4 Chapter of the American Institute of Architects.
5 We're the professional association for the architects
6 here. We have a membership of over 550 architects in
7 Miami alone, and our organization represents over
8 70,000 nationwide, and it's the oldest organization
9 for professional architects.

10 I'm also an ex-member of the Board of
11 Architects, served two and a half years, and I was
12 involved and aware of the proposed changes before I
13 left the board in June of this year, and I'm here to
14 state that the AIA is in strong opposition to the
15 language that's being presented here tonight. We
16 have been in support of the interim provisions
17 ordinance that was presented, and the reason why the
18 AIA is in strong opposition to this is because it is
19 extremely restrictive to the design. It does not --
20 it does not address the issues of massing properly.

21 The interim provisions, the language that
22 was written was balanced. It allowed for the
23 architect to have the ability to make design
24 decisions, without inhibiting the designer's
25 ability. It also empowered the Board of Architects,

1 which is the proper governing body, in order to make
2 the reviews of designs.

3 The AIA is in strong opposition to having a
4 single person having all of the ability to approve or
5 disapprove a design, and that's the way that this is
6 written. It doesn't state, also, whether or not --
7 if this developmental review official is even, in
8 fact, an architect.

9 So we are in strong opposition to this, and
10 we encourage for the Planning & Zoning Board to
11 please not go in haste to approve this language. The
12 language that was prepared for the interim provisions
13 was very -- was in support by the AIA, and we feel
14 that that is superior and that's going to be the best
15 for the City of Coral Gables.

16 And I'd also like to make -- not to repeat
17 what many, many people have already said here, on the
18 specifics, I would also encourage this Board to look
19 carefully. Some of you have homes on the water, and
20 if your home was destroyed by a hurricane, you
21 wouldn't be able to have your house rebuilt, because
22 you have now more restrictive setbacks from the
23 waterway. You may not even be able to have a
24 second-story home, the way that this is written.

25 So I encourage each of you to take a look

1 very carefully at the language. I think it's a
2 probably misguided effort, and I would encourage
3 everybody that has the power to take a look at the
4 interim provisions that were adopted. Those were
5 written very well, and the AIA is in support of that,
6 and that's what we would like to see.

7 On a final note, we have been to this Board,
8 back in, I believe, March or April. The president of
9 the AIA came here, Michael Kerwin. He presented a
10 formal letter to state our position. We have
11 received no response. We have made phone calls to
12 the Planning Director. We have sent certified
13 letters, and I don't think that that is what the City
14 of Coral Gables should be doing, ignoring the AIA. I
15 think that we deserve to have a response to the
16 written comments that were -- that we addressed in
17 our letters, and I would please ask whoever is in
18 charge of that to please respond to the AIA, and we
19 are here as a -- offering our assistance, again, with
20 550 members, and we are here to offer our assistance.
21 However, we have been ignored.

22 MR. RIEL: May I ask you a question?

23 MS. GURRI: Yes.

24 MR. RIEL: That was regarding the interim
25 regulations?

1 MS. GURRI: We have written two letters.
2 First, regarding the permanent changes to the Code.
3 We were in opposition, and we stated our comments,
4 and then we sent a letter in favor of the interim
5 provisions. But we had --

6 MR. RIEL: Right. These provisions came out
7 Friday. Since Friday, I have not received anything,
8 so --

9 MS. GURRI: No, no, these were letters that
10 were sent several months ago.

11 MR. RIEL: Right, but several months ago,
12 those related to the interim provisions, and the
13 interim provisions are in place, so --

14 MS. GURRI: If you -- if need be, I can
15 provide copies.

16 MR. RIEL: Please, I would ask, because to
17 be --

18 MS. GURRI: But we have been --

19 MR. RIEL: To be said that I'm ignoring a
20 letter, I think that's incorrect, because --

21 MS. GURRI: Okay, I'll provide --

22 MR. RIEL: Please. Please do.

23 MS. GURRI: -- you with all copies, but we
24 have made phone calls to --

25 MR. RIEL: To my office?

1 MS. GURRI: Yes, and also to the consultant,
2 I'm not sure if this is his name, Richard Cannone?

3 MR. RIEL: No. Richard Cannone is a member
4 of my Staff.

5 MS. GURRI: Oh, okay. All right. The
6 consultant that is the outside consultant, but we
7 also sent certified letters, and we haven't received
8 any letter -- any response. So, as an organization
9 here, been we've been here in the City of Coral
10 Gables for over 50 years, and we're right around the
11 corner. We're here to offer our assistance. And
12 thank you for your time.

13 CHAIRMAN KORGE: Well, your comments raised
14 a question that was in the back of my mind, that I
15 was going to bring up at the appropriate time. I
16 guess this is as good a time as any.

17 If these proposed regulations were finally
18 adopted, how many -- what percentage of the homes in
19 SF 1 and SF 2 would be nonconforming? And would they
20 be -- would that include most of the older existing
21 homes, or is it just the ones that have been built in
22 the last year or two? Do you have any feel for that?

23 MR. RIEL: I think Charlie is going to
24 need -- because Charlie did the analysis on that. I
25 think he's going to need to respond to that question.

1 CHAIRMAN KORGE: Because I can see that, you
2 know, just from anecdotal --

3 MR. RIEL: The interim regulations created
4 nonconforming, as well. So it's basically -- in
5 terms of doing that analysis, I know Charlie has
6 looked at typical lot sizes and came up with these
7 regulations, but, you know, I want to remind everyone
8 that basically these regulations that were prepared
9 were pursuant to the direction of the workshop on the
10 29th of June.

11 CHAIRMAN KORGE: That's not my recollection,
12 because we talked about looking at -- and this has
13 been brought up here on several occasions. Several
14 people have said, we need to look at each of the
15 different neighborhoods.

16 MR. RIEL: Right.

17 CHAIRMAN KORGE: And right now, it's divided
18 into two neighborhoods.

19 MR. RIEL: Right, SF 1 and 2.

20 CHAIRMAN KORGE: And those two neighborhoods
21 are themselves very disparate, and within those
22 neighborhoods, you know, if you go north of Miracle
23 Mile, it's very different from south of the Highway,
24 for example. So I don't think this is really -- this
25 isn't what I had contemplated, but maybe I just

1 didn't understand what we were trying to do.

2 MR. RIEL: Well, I think one of the
3 reasons -- what we've done was, we've rolled out
4 regulations based upon what we perceived your
5 direction was on June 29th. I mean, we're looking,
6 obviously -- that's why we're having this hearing
7 this evening -- for your direction again, and the
8 public input we receive, and we will -- I don't
9 expect that we'll get a recommendation from the Board
10 this evening. I mean, we're looking for very
11 specific input, and we will go back and rewrite
12 whatever your policy direction is and then present
13 those recommendations to the City Commission.

14 So that's -- I mean, this is a process, and
15 this is probably the fourth hearing we've had on this
16 issue, and I can tell you, we've probably had about
17 30 hours of testimony --

18 CHAIRMAN KORGE: It's not easy.

19 MR. RIEL: -- to this date. No, and it's
20 not easy, and obviously, it's not easy, since we
21 provide something on a Friday, to try to absorb it in
22 two or three days. I mean, we certainly understand
23 that. It was not Staff's intention, but we need to
24 roll it out, we need to, you know, have the issues
25 identified, and then, you know, it's a revolving --

1 it's a moving, you know, draft, but I certainly look
2 forward to --

3 MS. GURRI: Yes, I'll get you the copies.

4 MR. RIEL: And I will certainly contact you,
5 and I'd be interested in seeing that return receipt,
6 too, because I really am quite surprised.

7 MS. GURRI: I'll get you copies of
8 everything.

9 MR. RIEL: Okay, thank you.

10 MR. SALMAN: If you're going to talk to her,
11 you'd better hurry.

12 MS. GURRI: Huh? I'm sorry?

13 MR. SALMAN: If you're going to talk to her,
14 you'd better hurry.

15 MS. GURRI: Yes.

16 CHAIRMAN KORGE: Did your organization have
17 any comments on the interim regulations, and changes
18 that were --

19 MS. GURRI: We were in support.

20 CHAIRMAN KORGE: You fully supported it, no
21 changes? You didn't think any changes were
22 necessary?

23 MS. GURRI: No.

24 CHAIRMAN KORGE: Did you have any feel for
25 how many properties would become nonconforming, if

1 the interim regulations --

2 MS. GURRI: We didn't look at that issue.

3 CHAIRMAN KORGE: You didn't look at that?

4 MS. GURRI: No. No.

5 CHAIRMAN KORGE: Would you that affect your
6 judgment much?

7 MS. GURRI: No.

8 CHAIRMAN KORGE: If, for example, 80 percent
9 of the houses that are in Coral Gables became
10 nonconforming, should the interim regulations become
11 final, would that affect your judgment on whether
12 they should be adopted? I'm not saying that's the
13 case. I have no way of knowing.

14 MS. GURRI: I really don't think I can make
15 a judgment on whether or not it would be conforming.
16 We were looking at the way the language was written,
17 how it empowered the Board of Architects and how it
18 was -- it was defined to take care of the massing
19 issues, which are the big issue here.

20 CHAIRMAN KORGE: Right.

21 MS. GURRI: And when you put all these
22 restrictions, it doesn't necessarily mean that the
23 architecture is going to be better.

24 CHAIRMAN KORGE: Right.

25 MS. GURRI: So we were in support of that,

1 and we really didn't look at, you know, how many
2 houses might be in nonconformance, but when you look
3 at this --

4 CHAIRMAN KORGE: Yeah.

5 MS. GURRI: -- it stands out at you. But
6 thank you very much for your time.

7 CHAIRMAN KORGE: Call the next witness.

8 MS. MENENDEZ-DURAN: Audrey Ross?

9 Vicky Garcia-Toledo?

10 MR. RIEL: Could we take just one second?

11 (Discussion off the record)

12 CHAIRMAN KORGE: Could I see a show of hands
13 on how many people still want to speak that haven't
14 spoken? Two?

15 Just on this, what's before us right now,
16 these Article 4, Division 1 regulations.

17 Just two people?

18 Okay, then, we'll finish up with those two
19 people, and then we'll take a break.

20 MS. GARCIA-TOLEDO: Good evening. Vicki
21 Garcia-Toledo. I live at 5050 Granada Boulevard, and
22 I'm delighted to be here tonight. I'll be very, very
23 succinct, because I think you've heard a lot already.
24 But in reading your --

25 MS. HERNANDEZ: We can't hear you, I'm

1 sorry.

2 MS. GARCIA-TOLEDO: I'm sorry.

3 In reading your proposed ordinance, it is
4 clearly that it discriminates against property owners
5 of large lots. It is discriminatory on its face. It
6 was before. With these new roll-backs, it is even
7 more insulting to those who, according to the
8 Property Appraiser's Office, have to pay a premium in
9 our tax bills for having larger lots. So I would ask
10 you to thoroughly review that issue.

11 It also concerns me in terms of the
12 financial well-being of our City and our future tax
13 responsibility, because clearly there is a property
14 rights act in the State of Florida. The Burt J.
15 Harris Act is alive and doing very well. It's gone
16 to the Supreme Court, it's been supported, and even
17 if each one of us in this community loses just a few
18 hundred square feet of potential from what we now
19 have as a vested right, or a few thousand square
20 feet, a massive class action suit of all of your
21 residents could technically bankrupt the City. So
22 these are very, very, very important issues you're
23 dealing with.

24 The legal nonconformities that you are
25 creating by your proposal, as you just heard the

1 architectural association address, it's quite real.
2 I think it would be very easy to calculate how many
3 homes would be affected. Take a look at the last
4 time that your setbacks, front and rear, were
5 changed. Multiply it times the number of houses that
6 have been built during those years, and you will have
7 an approximate number.

8 But basically, we will be unable to rebuild
9 our homes, if destroyed by another Hurricane Andrew,
10 as they are today. We would -- a fire in a portion
11 of some of our accessory buildings in the rear, or
12 portions of our house in the rears or fronts, would
13 not be able to be rebuilt. So think about it. The
14 house you live in right now, if anything happens to
15 it, act of God, outside of your control, you would
16 not be able to live there anymore. You would be
17 living in a new home. So I think this is very
18 critical.

19 And one issue that I have not heard anyone
20 address, but it is the impact of those legal
21 nonconformities, one, on the values of your
22 properties, and two, on the insurance coverage of
23 your properties. Living as we do, and you're all
24 aware of it, that the insurance companies are trying
25 to find any excuse to drop us from coverage or

1 minimize our coverage while hiking our rates, I
2 cannot imagine what the insurance companies are going
3 to do when our own City plays right into their hands
4 by creating nonconformity out of most of our homes.

5 Please, please, please -- I think Mr. Adler
6 said it better than I could ever say it -- step back.
7 Realize that what you're impacting are our children's
8 future. You're impacting equity lines on our homes
9 that will pay for our children's college tuition.

10 You're impacting the ability of individuals to
11 retire, because you're lowering the value of our
12 homes, and of your own homes, because you are
13 residents of this City.

14 So, please, step back. I don't think this
15 is ready. It is extremely difficult to read some of
16 the proposed language. I was looking at that FAR
17 section, and by the way, I am an attorney. I had
18 three attorneys in my office. I dared them to tell
19 me what it meant. They could not understand it. It
20 is literally incorrectly written, it is grammatically
21 wrong, and more important, it substantially lowers
22 the values of our property and discriminates.

23 So, please, take a look at it, step back,
24 and this is not ready to move on. It needs further
25 review.

1 Thank you.

2 CHAIRMAN KORGE: Thank you.

3 MS. MENENDEZ-DURAN: Maria Bures?

4 MS. BURES: Hi. My name is Maria Bures, and
5 I live at 1208 Obispo Avenue, and I have been a
6 resident of the City of Coral Gables since 1972. I
7 live in an old Spanish home. Specifically, it's
8 Mission Revival. It was built in 1925, by Architect
9 Walter De Garmo, and when I bought it last year, all
10 the neighbors came to me, because they were in fear
11 of having one of those McMansions built next to them,
12 or in front of them, and now, a year later,
13 ironically enough, the house next to me, which is
14 also an old Spanish, is for sale and now I live in
15 fear that one of those McMansions is going to be
16 built next to me.

17 Somebody said times have changed and
18 lifestyles have changed. But we all still want the
19 good quality of life, where light and air filters
20 through and homes of unique character are preserved.
21 I have the privilege of working in film production,
22 and I shoot everywhere from Santa Barbara to New
23 Orleans to Mexico City and beyond, and I can only
24 tell you how valuable these homes with prized, unique
25 architecture are.

1 Homes are being altered and they're not
2 being preserved. They're changing arched windows to
3 boxes and they're making oversized homes that look
4 like giant Pollo Tropicals in the middle of our
5 neighborhoods, and we have to do something about it.
6 So the least we can do is say, "We don't want them.
7 We don't want them in our neighborhoods."

8 To us, you know, how can it be that someone
9 like me, that is just an architecture buff, can care
10 more about quality architecture than the architects
11 themselves? And I ask that because some of these
12 homes are being built on spec. On my block, on
13 Obispo, a home was built, nobody's living in it, it's
14 already for sale. That monstrosity that was built on
15 Cortez and Alhambra is also for sale, and that home,
16 I know, broke all the laws. Somehow it got filtered
17 in.

18 Mr. Behar said that there was a -- that on a
19 75 lot, there's a need for 10 foot, for access to
20 back up a boat. What about us, the 50-foot lots? We
21 don't have access. We only have five feet on each
22 side. I think that there can't be a uniform law, and
23 I think the most important aspect that I ask you, as
24 a Board, to do is to please look into the quality
25 of -- preserving the quality homes that make our

1 neighborhoods unique and the gems of architecture
2 that are being -- they're kind of being engulfed by
3 these large homes that are being -- that are
4 swallowing us up.

5 One of our elderly neighbors in my block,
6 who was too infirm to come here, told me, "Please,
7 Maria, can you tell them that ever since they built
8 that next to me, I can't have my windows open at
9 night, because all I hear is the buzz of two giant
10 air conditionings in my window." This woman has been
11 a Coral Gables resident since the 1930s, and she just
12 feels like she can't have the same quality she used
13 to have.

14 Times have changed, but we're still people,
15 and we still want a good quality, and somebody said,
16 "If it ain't broken, why fix it?" If it's not
17 broken, why are these homes coming up and why are
18 they taking over? Thank you.

19 CHAIRMAN KORGE: Thank you very much.

20 MS. MENENDEZ-DURAN: Thomas Mooney?

21 MR. MOONEY: Good evening. Can you hear me?

22 MS. HERNANDEZ: Can you hear me now?

23 MR. MOONEY: For the record, Thomas Mooney.
24 I live at 601 Navarre Avenue, and I recognize that
25 it's late, so I'll try to be brief.

1 When I looked through the revisions that
2 were proposed, like a lot of the people that have
3 come up here today, I think that these beg more
4 questions than they answer, and I certainly was
5 confused by some of it. But rather than getting into
6 the specifics of it, I'll just offer some comments.

7 First of all, with regard to the districts,
8 I think that, rather than having two separate
9 districts, SF 1 and SF 2, for the entire City, I
10 think we should probably explore creating more
11 districts, because I think that our neighborhoods are
12 more site-specific than just two areas, one area
13 north of Sunset and one area south of Sunset.

14 I think, when you really look into it,
15 you're probably going to see greater differentiations
16 north of Bird, north of Coral Way, between Bird and
17 the Highway, and certainly south of the Highway.

18 Next, with regard to the establishment of
19 the development review official and then the power
20 that is going to be vested with them, some of the
21 concerns that I would have with that center on it
22 being a lot of power resting with one individual, and
23 while I firmly support the concept of having criteria
24 that allows for the utmost creativity and the utmost
25 latitude in terms of design for new construction, I

1 think that, from a legal standpoint, as well as from
2 a consistency standpoint, that criteria probably
3 needs to be better quantified, and I think that
4 vesting that much power in one official, at least for
5 new construction and substantial additions, can be
6 fairly dangerous, and I think that a more appropriate
7 measure might be to have that official be reviewing
8 the things that the Board of Architects are spending
9 too much time on, things like awnings and windows and
10 fences and pools and things that one person easily
11 could review, and then that would let the Board of
12 Architects review the new construction and review the
13 substantial additions.

14 And I remember at the June hearing, one of
15 the things that was discussed was giving the Board of
16 Architects more criteria or more authority to be able
17 to impose the type of changes and restrictions that
18 are necessary to address context and compatibility,
19 and I don't really see that in here, and so I think
20 that that's something else that should be addressed,
21 is giving the Board of Architects more criteria.

22 Lastly, with regard to that issue, I think
23 one thing that should be explored is perhaps
24 expanding the makeup of the Board of Architects to
25 include either residents, certainly at least one

1 resident, and perhaps a landscape architect, as well,
2 because a lot of these issues are not just
3 architectural issues, but they're contextual
4 compatibility issues.

5 Probably the biggest concern I have with
6 regard to the regulations that were proposed centered
7 on not so much the height, because I think that the
8 difference between 27 and 25 feet is fairly de
9 minimis, but that I think that the height should be
10 specific to the neighborhood. I think what works in
11 North Gables probably is not going to work in Central
12 Gables or South Gables, but I think what would work
13 across the board, and that you could specify it once
14 you get into the neighborhoods, is varying the
15 setbacks and varying the location of second-floor
16 additions.

17 One of the things that is proposed is that
18 if there's a two-story building, that it follow a
19 continuous 10-foot setback line, and I think that
20 what should be explored is varying the height of that
21 building so that the second level will step back from
22 the first level line, so that you don't have a
23 continuous wall, 27 feet in height, going across the
24 entire setback line. You can say all you want about
25 the shadows and all that; you've still got that wall

1 there.

2 The other thing that I think probably should
3 be addressed is the distribution of the volume.
4 There's a lot of talk about maximum lot coverage,
5 FAR, et cetera, but how that volume is distributed
6 will largely indicate the contextual makeup of the
7 home and how it addresses the context, the built
8 context of the surrounding area.

9 You may have a lot coverage of .25, and if
10 it's massed in a way and the volume is distributed in
11 a way that it overwhelms the surrounding area, but
12 has a big back yard, I don't think you accomplish
13 quite as much. I've seen examples of homes that are
14 upwards of 40 percent lot coverage, and yet they have
15 a much more compatible contextual relationship.

16 I think a lot of the comments were really
17 good regarding the porte-cocheres and garages. I
18 think that clearly a porte-cochere is a good idea. I
19 don't necessarily have a problem with a porte-cochere
20 coming to two feet. However, I do think that you
21 need to clearly define the footprint of the
22 porte-cochere. If it's a porte-cochere that starts
23 from the building line and goes all the way back to
24 the rear property line, that's probably a little
25 excessive, but if it's a typical porte-cochere, that

1 was typical among Mediterranean Revival and Mission-
2 Style homes, that goes back to a depth of about 20
3 feet, it's something that can actually reduce the
4 scale and massing of the home.

5 And finally, with regard to parking garages,
6 I think it should be specific to the width of a lot.
7 A two-car garage is not going to be as compatible on
8 a 50-foot lot as it might be on a 100-foot lot or a
9 150-foot lot.

10 Lastly, there was a lot of talk about the
11 balancing of the economic issues with the scale,
12 character and built context of the surrounding area,
13 and I think that there's probably a philosophical
14 difference between people who want to purchase lots
15 for spec or people who feel that they've owned the
16 lot for a certain period of time and they should be
17 able to maximize those development rights, no matter
18 what. I think that there is a way to achieve that
19 careful balance. I do think that what has been
20 presented is a good start, but there is a substantial
21 amount of more study that is needed.

22 Some of the things that I would suggest
23 would be that case studies be implemented that take
24 specific lots from the different neighborhoods of the
25 City and actually do massing studies, so that we can

1 see what it would be like if they built it out to the
2 maximum volume, and I think that will show how more
3 study is needed, particularly with regard to setback
4 requirements, particularly with regard to the
5 distribution of volume, and how you might step back.

6 So I would recommend that this item be
7 continued to a future date of the Planning Board, so
8 that these issues continue -- can continue to be
9 studied and addressed.

10 CHAIRMAN KORGE: Thank you.

11 MR. SALMAN: Thank you, Tom.

12 CHAIRMAN KORGE: Well, that closes the
13 public hearing. Why don't we take a break and come
14 back here at -- how's 9:15 sound to everybody, good?

15 So we'll take a break and be back here at
16 9:15.

17 (Thereupon, a recess was taken.)

18 CHAIRMAN KORGE: Let's call the meeting back
19 to order, please. Everybody take a seat. If you
20 want to chat, please feel free to go outside to chat,
21 but let's move this meeting along.

22 We've taken public comments on the Article
23 4, Division 1 proposal. At this time, I'd like to
24 take any comments from Members of Board, that we have
25 at this particular time. I don't know that we're

1 ready with a recommendation, but at least if we could
2 get comments that Eric could take into account in
3 revisiting this, that would be helpful.

4 Anybody -- would anybody like to start with
5 their comments?

6 MR. AIZENSTAT: Eric, I have to assume that
7 you've been taking notes from questions that we've
8 gotten from the public?

9 MR. RIEL: I've got four pages, yes.

10 MR. AIZENSTAT: Okay. Just one question I'd
11 like to be clear on. One of the items that I had
12 brought up in several meetings had been, when we were
13 looking at a specific property, originally we were
14 going to be looking at the neighbor across the
15 street, we were going to be looking at both sides,
16 and then we had changed it to also take a look at the
17 house in back.

18 MR. RIEL: The rear, those abutting in the
19 rear, yes.

20 MR. AIZENSTAT: So I'd just like to make
21 sure that that's in there, because somebody had
22 actually made a comment on Page 1 of 7, Line Item
23 Number 30, where it wasn't that clear.

24 CHAIRMAN KORGE: Continue, if you have any
25 more.

1 MR. AIZENSTAT: No, that was the comment
2 which I had.

3 MR. BEHAR: Mr. Chairman, I myself have a
4 lot of the same concerns that the citizens have
5 brought up, and I really feel that we're not in the
6 position tonight, until these comments are addressed
7 by Planning, to move any further with this issue.

8 I think that we take those comments into
9 consideration and we address them and come back with
10 a more detailed draft or -- before we proceed.

11 CHAIRMAN KORGE: Right. Did you have
12 anything in particular that you wanted to focus on,
13 that stood out for you? I know there have been a lot
14 of comments brought before us. Maybe -- is there
15 anything that you wanted to bring to Eric's attention
16 in particular, at this time? If not, that's fine,
17 too.

18 MR. BEHAR: In addition to the comments that
19 were presented, not necessarily. I think that one
20 will lead to the other. I think that I do like to --
21 for this Board to make a recommendation to the
22 Commission, and to have that the governing body that
23 will dictate, to set, perhaps, a different board that
24 addresses some of the minute issues that the Board of
25 Architects has to deal with, and let the Board of

1 Architects be able to deal with more important issues
2 that would affect what this proposal is to
3 encompass. How do we achieve that? I don't know.
4 And perhaps Ms. Hernandez could help us with how that
5 process would work. But I think that's one of the
6 biggest problems, and we had one of the citizens, Mr.
7 Tom Mooney, who happens to be a planner for the City
8 of Miami Beach, who -- I thank him for coming, who is
9 a resident of Coral Gables. Their board over there
10 does not deal -- address some of the issues that the
11 Board of Architects here addresses, and I think that
12 perhaps that's one of a starting point that will
13 facilitate to make this better.

14 CHAIRMAN KORGE: Okay.

15 Michael, did you have anything?

16 MS. HERNANDEZ: We'll definitely meet with
17 him and get his --

18 CHAIRMAN KORGE: Do you have any comments?

19 MR. TEIN: I'd like to see -- I know that
20 Charles talked about going back and producing some of
21 the graphics for us that he showed us at the
22 workshop. I mean, nothing, I think, tells us more
23 than the graphics that Charles has produced. I know
24 they're expensive. I really think they're
25 worthwhile.

1 I also think that, you know, the parameters
2 of this issue are difficult to define, and I have
3 raised the point, and a lot of us have raised the
4 point, that a lot of this has to do with defining
5 what is the problem, and I don't think the problem
6 should be defined by the poles of it. There's an
7 ugly house, that I agree very much with a lot of the
8 points that the Fryers have made, they're well taken
9 points, but to what degree are we asking the
10 question, is beauty in the eye of the beholder?

11 And the first house that you flashed up on
12 the board is a house that sat open, unpurchased,
13 since it was built, which says something about it. I
14 think that house was a mistake. If it weren't a
15 mistake, someone would have bought it. But that
16 house, in and of itself, doesn't define this entire
17 problem.

18 There are setback issues. They're
19 particularly potent in 5,000-square-foot lots that
20 are in the North Gables neighborhood. They have to
21 be addressed. But I have posed the question
22 repeatedly, to what degree is this a design issue, is
23 this an architecture issue, as opposed to a planning
24 and zoning issue that can be addressed in these
25 regulations? I think it's obviously a little bit of

1 both. These go a long way towards refining where we
2 were when we had the interim regulations presented to
3 us twice, but I think that -- I do think we need to
4 look at how these -- how these flesh out with the
5 graphics, although we shouldn't make the decision
6 tonight on it, but I think that we're making progress
7 towards getting towards a way of controlling moving
8 away from the Coral Gables that we all love.

9 MR. SALMAN: My comments have to do with,
10 first of all, my understanding, having operated under
11 first the original Code and now we're working with
12 the interim Code. Both tend to have a similar point
13 of view, in that ultimately these zoning codes, that
14 which limits our ability to do certain things within
15 the property that we own, are a codification of the
16 rules of polite behavior, and that which I do, I have
17 to limit to that which affects my friend and my
18 neighbors, hopefully my friends.

19 The codification of that can, when taken to
20 a level where it's so formulaic, not only stifle the
21 creativity of the people who have to operate within
22 it and judge it, architects, designers, landscape
23 architects, but also create almost an incentive to
24 try to work around it, and we suddenly lose the
25 intent. I think it's the intent of the Code not to

1 necessarily shade out my neighbor with a two-story
2 flat wall. I think that the Board of Architects is
3 very able to see, you know, that's not an acceptable
4 solution, because it impinges upon your neighbors,
5 not to mention the fact that it's probably
6 aesthetically unacceptable, yet I can think of a lot
7 of buildings that would not be allowed under the
8 current Code, the original Code, or even this Code,

9 which are in their design aesthetically very
10 pleasing, and yet they -- because they meet the
11 intent of the Code.

12 So, therefore, I think that a lot of what we
13 need to do is to see how we can empower that Board of
14 Architects to be able to make those kinds of
15 qualitative decisions and not try to create a
16 quantitative solution to what is ultimately a
17 subjective problem.

18 And I agree, there are projects and there
19 are buildings which are totally out of character and
20 are patently out of character with their
21 neighborhood. The only two-story on a block of
22 one-stories, if not handled properly, can be very,
23 very upsetting to those who have the rest of the
24 houses on that street, and yet two-story houses
25 happen all the time, and happened all the time in the

1 past, where that second story was held back in the
2 back of the property.

3 There's a house on Blue Road that I worked
4 on, and somebody else came later and bought it and
5 worked on it and did a second story, and it fits in
6 perfectly with the street because they were polite
7 enough to understand that the rest of the street were
8 one-story, the Board of Architects didn't let them do
9 a two-story in the front, made them put it in the
10 back, and it fits in fine, and there's nothing wrong
11 with that.

12 But I think the problem is one of
13 redirecting the ability of the Board of Architects to
14 actually look at it. The Board of Architects has
15 existed since the beginning of this City. It was put
16 in place under a very open set of rules of the
17 original Charter, as well as the original Zoning
18 Code. What we have here, what we call the original
19 Zoning Code, has been modified, because it is an
20 organic document over time.

21 Obviously, we're at a point where those
22 codes need to have some work done to them. Why? And
23 I ask myself why, and the answer I see is that, you
24 know, our program has changed. The size of -- just
25 the number and size of the closets that go into a

1 house nowadays is so much more than what we had, 50,
2 60, 70 years ago. If you buy an old Spanish, the
3 first thing you do is try to figure out how to get
4 more closet space out of it, because you can't put
5 all your stuff in it.

6 Ladies and gentlemen, we have a lot of stuff
7 these days, and so our houses are getting bigger. We
8 have all this technology that will help solve these
9 problems also take up space, and we didn't have
10 exercise rooms in the '30s and '40s. We did our
11 exercise in the back yard when we cut the lawn, and I
12 wasn't there, but I can see from the study of history
13 that that's just what it is.

14 So it's an organic document. We're making a
15 big jump here, and I don't think -- and I applaud
16 Eric for the attempt and moving us into that
17 direction, but I want to make sure that we all have
18 in mind what was the original intent of the Code, and
19 not lose that, because therein lies what makes this
20 community unique. So that's it.

21 CHAIRMAN KORGE: Thank you.

22 In keeping with my prior comments, I won't
23 repeat what everybody else has already said, but I'll
24 just add a few more comments for you, Eric, based on
25 what I've heard this evening.

1 I think we do need to look at more specific
2 neighborhoods than just SF 1 and SF 2. That
3 includes, you know, the Little Havana area, you know,
4 north of the University, between Bird and the
5 University, for example, and south, where I live,
6 south of the Highway, but north of Sunset, and then,
7 you know, on the other side of Sunset, Cocoplum is
8 its own special set.

9 Gables Estates, a couple things concern me
10 on the SF 2. The one that really just jumps out at
11 me is that, for the really large lots, which are
12 primarily in the Gables Estates area, they're not
13 going to be in the neighborhoods with the smaller
14 homes, the reduction in FAR becomes so dramatic that
15 it really impairs the value, and it probably doesn't
16 accomplish the goal that we're trying to achieve,
17 which is to preserve the character of the
18 neighborhoods, because the character of those
19 neighborhoods is not McMansions, but mansions. So I
20 think we need to revisit that.

21 Mr. Adler made a comment I thought was
22 appropriate, that whatever we do needs to have
23 transition rules of at least six months, so that
24 projects that have been in the pipe are not
25 automatically disqualified and they don't have to go

1 back to square one. That can be very expensive to
2 people. So that needs to be taken into account, as
3 well.

4 There were just a lot of good comments, and
5 I think I agree with everybody that we need to give
6 this back to you, with these comments, and see what
7 you can do from there and bring it back to us as soon
8 as you feel comfortable, you and Mr. Siemon feel
9 comfortable that you're moving it in the right
10 direction.

11 MR. RIEL: Okay. If I could get that in the
12 form of a motion, that would be great.

13 CHAIRMAN KORGE: Is there a motion?

14 MR. TEIN: I'd make a motion to incorporate
15 the comments made by the public and the Board so far
16 at the public hearing into a redrafted document and
17 that would be returned to our Board within the next
18 two months.

19 CHAIRMAN KORGE: Is there a second for that?

20 MR. SALMAN: I'll second it.

21 CHAIRMAN KORGE: Is there any discussion on
22 that? No discussion?

23 Do you want to call the roll?

24 MS. MENENDEZ-DURAN: Eibi Aizenstat?

25 MR. AIZENSTAT: Yes.

1 MS. MENENDEZ-DURAN: Robert Behar?

2 MR. BEHAR: Yes.

3 MS. MENENDEZ-DURAN: Javier Salman?

4 MR. SALMAN: Yes.

5 MS. MENENDEZ-DURAN: Michael Tein?

6 MR. TEIN: Yes.

7 MS. MENENDEZ-DURAN: Cristina Moreno?

8 Tom Korge?

9 CHAIRMAN KORGE: Yes.

10 The next item on the agenda is Article 5,
11 Division 20, Telecommunications, and we have -- Who
12 is --

13 MS. HERNANDEZ: Our consultant is Gary
14 Resnick.

15 CHAIRMAN KORGE: Gary Resnick, with Weiss
16 Serota, is going to make a presentation for us.

17 MR. RESNICK: Thank you, Mr. Chairman,
18 Members of the Board. Gary Resnick, a shareholder at
19 Weiss, Serota, Helfman, and I've been working for the
20 City as a communications attorney for some time now.

21 Just briefly, I'm going to explain why it's
22 necessary to revise the Code at this time, and then
23 the process that we went through to generate the
24 document that's before you tonight, and then from
25 there, I'll leave it to the pleasure of the Board as

1 to whether you want me briefly to go through the
2 document or whether just to respond to questions that
3 you may have, because I know it's getting late in the
4 evening and you have a full agenda.

5 Just quickly, as to why it's necessary to
6 revise the Code at this time. Your existing Code
7 provision dealing with how the City regulates
8 telecommunications towers is really outdated.
9 There's been significant changes in Federal law and
10 Florida law regarding how local governments can
11 control the placement of cell towers and antennas,
12 and so it's necessary to update your Code to reflect
13 changes in the law.

14 Also, as you're probably aware, there's been
15 tremendous changes in technology, and the industry
16 now is struggling with capacity needs and is seeking
17 to locate a lot more cell towers and antennas than
18 they've located in the past, so it's necessary to
19 change your Code to reflect that you're going to have
20 an increased demand by this industry for cell
21 antennas and towers.

22 And finally, there are some areas of the
23 City that do not have very good coverage, both for
24 consumers as well as for the City's own
25 communications needs, and so we tried to address that

1 in the Code, as well, to allow antennas in places
2 where it would foster communications both for the
3 benefit of consumers as well as for the City's own
4 internal communications needs.

5 The process we went through, actually, was
6 very in-depth. We've met numerous times with
7 basically every department of the City that was
8 involved in this, in this Code provision. We
9 received significant input from all departments of
10 the City, including specifically, I'd mention, the
11 police and fire departments, because they have
12 tremendous communications concerns with respect to
13 public safety that were not adequately addressed in
14 the prior Code, and so we took their concerns into
15 consideration and that's -- there's a significant
16 section in this rewrite that reflects their concerns
17 and gives them more authority to make sure that they
18 have adequate communications needs.

19 And then, again, we incorporated all the
20 comments that we received from all the various
21 departments and had several meetings with them, and
22 what's before you tonight is the result of all their
23 comments and input, and as well as taking into
24 consideration the requirements under Florida and
25 Federal law.

1 Just briefly, there were a few main land use
2 policies that we wanted to embody in the new Code.
3 You'll see that there's a strong encouragement for
4 co-locating antennas on existing towers and
5 structures. We want to limit the number of new
6 towers that are constructed in the City, but allow
7 communication services by co-locating antennas on
8 existing towers and structures. So that's strongly
9 reflected in the Code before you.

10 Where new towers are to be constructed, we
11 wanted to preserve, to the extent possible, the
12 City's authority to control where those facilities
13 are going to be located and how they're going to be
14 constructed, so there's -- as much as we could
15 possibly do under existing law to preserve the City's
16 authority in that respect.

17 And then, as I said before, a primary
18 emphasis in the rewrite is the enhancement of the
19 City's ability to have its own communications needs
20 satisfied, both from just regular City departments,
21 as well as the public safety communications into the
22 City.

23 So that's a main policy that we attempted to
24 satisfy in the rewrite of the Code, and then, as I
25 said, I can either go through very briefly the

1 substantive provisions of the Code, or if you prefer,
2 it's really up to you, just answer questions that you
3 may have regarding this, and go from there.

4 MR. TEIN: I have a question.

5 CHAIRMAN KORGE: Sure.

6 MR. TEIN: On this Hierarchy of Siting
7 Alternatives, how is that -- how are those
8 evaluated? I see you've listed out, on Page 6 of 17
9 and 7 of 17 --

10 MR. RESNICK: Right.

11 MR. TEIN: Does the applicant have to show,
12 whenever they go further down the list, that it's an
13 incompatible or impossible placement higher on the
14 list?

15 MR. RESNICK: Right. Absolutely. If you
16 look at the application standards, which are the
17 section prior to that, beginning on Page 2 of 16
18 (sic), it specifically states that if they're
19 applying for a site that's not first in the
20 hierarchy, they have to go through a long list of
21 information that they must provide to the City as to
22 why that preferred location is not available, and
23 that information that they must provide is actually
24 very specific and would give the City a realistic,
25 objective way to determine if they're being truthful

1 or not, that there's not a preferred location
2 available, because they have to supply, for example,
3 engineering information, sealed by an engineer with
4 experience in this area, to justify not going to the
5 preferred location.

6 MR. TEIN: Now, so in order to site a new
7 cell tower on privately-owned property, you have to
8 exhaust a through g on Page 7 of 17, right?

9 MR. RESNICK: That's correct.

10 MR. TEIN: And then you move to Section 2,
11 and then we go down, like from Industrial, Commercial
12 and Multi-family and Special Use?

13 MR. RESNICK: Exactly.

14 MS. HERNANDEZ: Right.

15 MR. TEIN: So a new telecommunications tower
16 could be sited in a multi-family district?

17 MR. RESNICK: That's correct.

18 MR. TEIN: But cannot be sited in an SF 1 or
19 2, right?

20 MR. RESNICK: Those are your residential --

21 MS. HERNANDEZ: Right.

22 MR. TEIN: Single-family.

23 MR. RESNICK: Well, they would have to jump
24 through a lot more hoops to be able to do that.

25 MR. TEIN: Well, they're not even listed

1 here.

2 MR. RESNICK: It's not, right. That's
3 correct.

4 MR. AIZENSTAT: So they could not, then, in
5 a single-family district, or they could?

6 MR. RESNICK: They would have to --

7 MS. HERNANDEZ: Exhaust all the other
8 categories, all the other zoning categories, and
9 you're right, it's not even in there, because the
10 idea is to dissuade, provide significant
11 disincentives, for anybody to try and put anything in
12 the single-family districts.

13 MR. TEIN: And that's a great point.

14 MR. RESNICK: Right.

15 MR. TEIN: So why do we even have
16 Multi-family 1 and 2 down here?

17 MS. HERNANDEZ: Because these are the
18 districts that we have, and the -- well, you go
19 ahead, but we have to provide areas of the City.

20 MR. RESNICK: Right.

21 MR. TEIN: But why don't we just have
22 Industrial, Commercial and Special Use, and not -- if
23 we're not going to specify SF 1 and SF 2, that's
24 obviously for the reason that you say, we don't want
25 these towers to be in our single-family

1 neighborhoods, but why allow them in the multi-family
2 districts?

3 MR. RESNICK: Well, it's not that they're
4 allowed. It's that -- remember, it's that hierarchy,
5 and so the City would have pretty strong teeth to
6 come back to them and say, "There's all these other
7 zoning districts available, you have to go through
8 potential sites in all those zoning districts."
9 Plus, these come in as a conditional use approval,
10 and the City would have discretion in that case to
11 deny an application for a tower, which would have to
12 go through a lot of boards and committees, including
13 your own, before it goes ultimately to the City
14 Commission, and the City could deny an applicant for
15 a site in one of those -- in one of those districts
16 if it felt that there were sites in other districts
17 that were available that would be fine.

18 So you cannot -- let me just -- another
19 reason that you need to basically be inclusive, to
20 some extent, in the City is that the Federal law and
21 now Florida law that's fairly recent basically
22 prohibits cities from prohibiting cellular facilities
23 in any particular district that would have the effect
24 of prohibiting service.

25 So, rather than absolutely prohibiting them

1 in certain districts, what you do and what's allowed
2 under existing law is to create a very, very strong
3 hierarchy which they have to go through and then put
4 the burden on them, which is almost impossible to
5 meet, to justify going into a residential district.

6 CHAIRMAN KORGE: So -- but you don't have to
7 specifically list the single-family residential here?

8 MR. RESNICK: No, because it's not
9 prohibited, and actually, if you'll notice, there is
10 a provision dealing with residential districts, which
11 is required now under the new Florida law, and if I
12 can find it real fast -- I'm sorry --

13 MS. HERNANDEZ: I think it's on Page 7.

14 MR. RESNICK: Thanks. Right, 7 of
15 16 (sic) --

16 MS. HERNANDEZ: If an applicant seeks --
17 right.

18 MR. RESNICK: Right. It's after it lists
19 the zoning districts. If an applicant does seek to
20 locate a telecommunications tower in a residential
21 zoning district, they can submit an application to
22 the City, but all the City has to do is cooperate
23 with them for as long as it takes to try and locate
24 an appropriate site. It doesn't mandate that the
25 City actually grant their application.

1 MR. TEIN: My point is that it's -- it's
2 somewhat vague, in that you specify multi-family
3 under 2, but then you discuss residential zoning.
4 Well, multi-family are residential, so I just don't
5 understand why, if --

6 MR. RESNICK: Well -- right.

7 MR. TEIN: Either you include them all or
8 you don't include it, and you say, "If you're going
9 to go residential, you've got a high burden."

10 MR. RESNICK: Well, the other reason that I
11 wanted to do this was, this is actually --

12 MR. TEIN: Because we really don't want this
13 in the residential.

14 MR. RESNICK: Right, except this also
15 regulates the placement of antennas, and it may --
16 and it is allowed under this ordinance, and it may
17 actually be what's permitted by the various processes
18 that an applicant would have to go through to apply
19 to place antennas on the roof of a multi-family
20 building.

21 MS. HERNANDEZ: But should we say, if an
22 applicant seeks to locate telecommunications towers
23 in a single-family residential zoning district or --
24 I'm just --

25 MR. RESNICK: That's fine.

1 MS. HERNANDEZ: Because it's intended for
2 that, right?

3 MR. RESNICK: Right, and if that -- well, I
4 mean, that is, the law is only a residential zoning
5 district, but you can -- if that's more consistent
6 with your own zoning clarification, then we can do
7 that.

8 MR. AIZENSTAT: Let me ask you this, getting
9 down to basics for a second. Can you just give us a
10 brief description of a telecommunications antenna,
11 what it is today, in today's standard and in today's
12 technology, what it comprises of?

13 MR. RESNICK: An antenna itself?

14 MR. AIZENSTAT: Yes.

15 MR. RESNICK: I mean, an antenna is a
16 very -- it's a fairly small device. I mean, they can
17 be as narrow as three inches by three inches and a
18 few feet long, the antenna itself. There's always
19 equipment facilities that go along with an antenna,
20 because they need the electronics nearby, and so
21 you're talking an equipment cabinet that can be maybe
22 as high as eight feet high by four by four or so,
23 depending on how many antennas they're placing.

24 Technology is changing, and it depends on
25 what they're going to use this for. If they're using

1 it for cell phones, for that type of service, you
2 typically need more than that size antenna and more
3 equipment facilities. If they're using it to provide
4 only internet access service or wireless broadband
5 service, they can usually get away with a much
6 smaller device and a much smaller equipment facility.
7 It can be as small as something the size of this, on
8 a telephone pole.

9 MR. AIZENSTAT: The reason I'm asking that,
10 also, is because as technology does change, are we
11 taking into account those changes in the way we're
12 writing this, as to the specificity -- I guess --

13 MR. RESNICK: Yes. And the answer to that
14 is yes, which is why we did allow antennas and
15 telecommunication equipment facilities to be located
16 on roofs and in buildings and in places where they're
17 not going to be --

18 MR. AIZENSTAT: Intrusive?

19 MR. RESNICK: -- you know, intrusive to
20 residential areas.

21 MR. AIZENSTAT: Okay. Thank you.

22 CHAIRMAN KORGE: Anybody else?

23 MR. TEIN: I think you have a j, where you
24 meant h.

25 MR. RESNICK: Oh, I'm sorry. Okay.

1 MR. TEIN: It's a nonissue, but it's in D,
2 1, on Page 6 of 17, it's just a typo. "The order of
3 ranking is from highest (a) to lowest (j)," and I
4 think you mean -- e, f, g, h. You only go down to h
5 in the list.

6 MS. HERNANDEZ: One of the more significant
7 provisions that the Police Department requested and
8 Fire requested, on Page 13, was -- and it's Number 2,
9 that we wanted to preserve for this Board to require
10 the Planning Director, as he deemed appropriate, on
11 developments that are coming to the City, that they
12 provide space on the rooftops in the event that our
13 Police Department needs to locate an antenna or
14 something for our emergency systems.

15 So it's providing for the future, as well,
16 of the City, and that was really a concern of the
17 Police Department, a concern of the ability of our
18 present 911 to be able to communicate as buildings
19 are going up, so --

20 MR. RESNICK: Right.

21 MR. TEIN: Is that in Section --

22 MR. RESNICK: That's the whole public safety
23 section --

24 MS. HERNANDEZ: Page 13, Number 2.

25 MR. RESNICK: -- on Page 12 of 16 (sic). It

1 also preserves -- the City has a telecommunications
2 corridor which is preserved, and it prohibits
3 interference in there. In fact, it requires a new
4 building developer, if they're going to build a
5 building of a certain height that might interfere
6 with that, to provide space within the building, as
7 well as space on their rooftop, for City facilities,
8 that they have to put in at their own expense.

9 MR. TEIN: They have to put in at their own
10 expense? The developer?

11 MR. RESNICK: The developer has to put in at
12 their expense.

13 MR. TEIN: How often are these applications
14 filed?

15 MR. RESNICK: There haven't been many in the
16 history of the City, but I'll tell you, the cell
17 tower industry now, because of the capacity, with new
18 people -- with people using phones for more things,
19 and everyone is using phones now to send pictures and
20 do text messaging and everything else, the capacity
21 demands are growing exponentially. It's a 70 -- it
22 was a 20 million dollar industry, five years ago.
23 It's now a 75 billion dollar a year industry. And so
24 they've estimated that in the next two years, they're
25 going to seek to locate 120,000 new towers in the

1 country.

2 MR. TEIN: And what are the notice -- what's
3 the radius of the notice provisions to residents?

4 MR. RESNICK: That would just be under your
5 standard --

6 MR. RIEL: A thousand feet.

7 MS. HERNANDEZ: A thousand feet.

8 MR. RIEL: A thousand feet.

9 MR. TEIN: Even if it's a really high cell
10 tower?

11 MR. RESNICK: The maximum that can be
12 applied for under -- well, they can apply for up to
13 200 feet, but the maximum that's contemplated in this
14 ordinance is 120 feet. But whatever your standard
15 Code provision requires with respect to notification
16 of --

17 MS. HERNANDEZ: And that's in addition to
18 legal notice in the papers.

19 CHAIRMAN KORGE: Who would be responsible
20 for maintaining City telecommunications facilities
21 located on private property? Would the developer be
22 responsible, the owner of the private property be
23 responsible, or the City?

24 MS. HERNANDEZ: The City.

25 MR. RESNICK: The City has to be responsible

1 for that, to make sure that it's satisfying their
2 needs. If it's a new developer that's required to
3 put in that equipment to preserve the City's ability
4 to communicate, that's at the developer's expense,
5 but the maintenance of the equipment would be by the
6 City.

7 MS. HERNANDEZ: What we have done with the
8 developers that have provided us space is, they
9 provide us the space, and we build and install and
10 maintain, and they give us access, constantly.

11 CHAIRMAN KORGE: So the City pays for the
12 equipment that's installed?

13 MS. HERNANDEZ: Right. We install our own
14 equipment.

15 CHAIRMAN KORGE: They're required to give
16 you the space for free?

17 MS. HERNANDEZ: Right.

18 MR. RESNICK: Which is actually a good
19 provision. It's very aggressive, but it's
20 necessary.

21 MS. HERNANDEZ: And right now, we do have
22 certain -- the old Republic, which is what, now --
23 it's Regions, Regions Bank now. We have it there.
24 Gables One gives us space. I mean, we have, in
25 certain areas where the developer -- I mean, we also

1 get them power quicker than other places, so --

2 MR. AIZENSTAT: Is there a provision in
3 here, also, to camouflage or hide these antennas so
4 it's not intrusive?

5 MR. RESNICK: Yes. The development
6 standards, beginning on Page 6 of 16 (sic), are very,
7 very specific. They have all kinds of landscape
8 aesthetic requirements that -- it actually goes
9 past -- it starts after the hierarchy provisions.
10 It's in Section E, beginning on Page 7 of 16 (sic).
11 There's very, very specific, detailed requirements
12 for landscaping, for placing walls around equipment
13 facilities, for matching the color of the buildings
14 that they're being placed on, for making sure that
15 they're not exposed beyond roof lines, things like
16 that. And towers, as well, have to be styled, you
17 know, in certain ways.

18 MR. TEIN: How does this section differ from
19 that of comparable or other areas in our community?

20 MR. RESNICK: I'm sorry?

21 MR. TEIN: Are there similar codes?

22 MR. RESNICK: In other cities, you mean?

23 MR. TEIN: Yeah.

24 MS. HERNANDEZ: Ours is more restrictive.

25 MR. RESNICK: Yours are very, very

1 aggressive.

2 MR. TEIN: So ours are more restrictive than
3 others?

4 MS. HERNANDEZ: Right.

5 MR. RESNICK: They're more restrictive. The
6 idea now is, the State and the Federal Government are
7 limiting, you know, to some extent, to as much as the
8 industry can basically get in that legislation, on
9 the authority of local governments, and we were able
10 to bounce back a little bit with what the industry
11 wanted under Florida law last year, and so this
12 preserves as much as possible the City's authority,
13 and we've taken advantage of sort of the nuances and
14 things that were left open in the State Statutes, to
15 give you as much authority as possible.

16 MS. HERNANDEZ: But the problem we have
17 right now is, our existing Code is outdated, and
18 basically, without new Code provisions, we're
19 powerless.

20 MR. RESNICK: Right.

21 MS. HERNANDEZ: So we need new Code
22 provisions that comply with the law.

23 CHAIRMAN KORGE: Are there any other
24 questions from the Board?

25 Thank you. We'll open it for public

1 comment, and I don't think -- we don't need swearing
2 in for this.

3 MS. HERNANDEZ: No. This is City-wide.

4 CHAIRMAN KORGE: Does anybody wish to speak
5 on this particular provision? No?

6 Then I'll close the public comment. Is
7 there anybody -- does any Board member wish to make a
8 motion for approval, or for modification and
9 approval?

10 MR. TEIN: I would move to approve these
11 amended provisions, with the change that our City
12 Attorney suggested on Page 7, in Section 2, that the
13 words "residential zoning district" be modified to
14 add the words "single-family" before that.

15 CHAIRMAN KORGE: Okay. Is there a second
16 for that motion?

17 MR. SALMAN: I'll second.

18 CHAIRMAN KORGE: There's a second. Any
19 discussion on this motion?

20 No more discussion. We'll call the roll,
21 please.

22 MS. MENENDEZ-DURAN: Robert Behar?

23 MR. BEHAR: Yes.

24 MS. MENENDEZ-DURAN: Javier Salman?

25 MR. SALMAN: Yes.

1 MS. MENENDEZ-DURAN: Michael Tein?

2 MR. TEIN: Yes.

3 MS. MENENDEZ-DURAN: Eibi Aizenstat?

4 MR. AIZENSTAT: Yes.

5 MS. MENENDEZ-DURAN: Tom Korge?

6 CHAIRMAN KORGE: Yes.

7 Thank you. Thanks, Gary. Appreciate it.

8 MR. RESNICK: Thank you.

9 CHAIRMAN KORGE: The last item on our
10 agenda is the map, the Zoning Code Map.

11 MR. TEIN: Liz, do you have copies of the
12 PowerPoint?

13 MR. RIEL: Do I have copies?

14 MR. TEIN: Do we have copies?

15 MR. RIEL: Of this PowerPoint I'm going to
16 do right now?

17 MR. TEIN: I thought Liz said she had some
18 copies for us. No? Oh, you did. Okay.

19 MR. RIEL: I'm going to hand them out right
20 now.

21 MS. HERNANDEZ: Okay, on this particular
22 item, both the Planning Director -- these are
23 site-specifics. Any City Staff that is testifying,
24 as well as any individual property owner that will
25 testify, has to be sworn in.

1 MR. AIZENSTAT: Including Staff?

2 MS. HERNANDEZ: Including Staff.

3 CHAIRMAN KORGE: Okay.

4 MS. HERNANDEZ: But not attorneys, by the
5 way.

6 CHAIRMAN KORGE: Well, would Staff like to
7 be sworn in now, so we can --

8 (Thereupon, all who were to testify were
9 duly sworn by the court reporter.)

10 MR. RIEL: I apologize, we're having
11 technical difficulties. The computer won't boot up.

12 I have copies of the PowerPoint. I'll put
13 them up here, if anybody would like a copy. I'll
14 just put them up here.

15 MR. AIZENSTAT: Unplug it from the back and
16 plug it back in.

17 MR. RIEL: No, the computer was down.
18 Whenever the computer's down, it goes into a shut-off
19 mode.

20 Let me just go ahead and make some
21 introductory comments before I get into the
22 PowerPoint. I have a brief PowerPoint. It does look
23 very long, but I'm going to breeze through it very,
24 very fast, given the late hour.

25 I believe it was in March or April, we gave

1 to you, those Members that were on the Board at that
2 time, the new zoning map, and as you know, we've been
3 going through the Zoning Code rewrite approximately
4 since October of 2004.

5 We gave you black binders, which I see you
6 have in front of you, and we do have -- Richard has
7 copies, where we've done very specific analysis on
8 properties that have inconsistent zoning in relation
9 to land use.

10 So do you want to just hand those binders
11 out? Those are our Department copies, so I'd ask
12 that you not take them home, because they're very
13 costly, but you're more than welcome to look at them.

14 Basically, what it is, we've identified
15 approximately 67 locations within the City where the
16 zoning and the land use are not consistent. You
17 might ask why, how did this happen? Well, I guess
18 throughout the evolution of the City, since we
19 actually had a first Zoning Code in 1929 -- if you
20 could turn the floodlights off for me -- no one has
21 really looked at the entire zoning map. I mean,
22 there's been rezonings done, there's been changes in
23 land use, but there's not been a comprehensive
24 review.

25 So that's kind of a little summary. I'm

1 going to go ahead and start the presentation. What
2 I'm going to cover is, just basically, what we're
3 doing in terms of the rewrite of the development
4 codes.

5 Changes in the zoning map designations.
6 It's basically a two-part process. How we've reached
7 out to the public and notified the public and the
8 property owners. Present findings of fact. We're
9 providing a Staff recommendation, and then a time
10 line.

11 Basically, in terms of the rewrite of the
12 development codes, the Commission, in 2004, directed
13 City Administration to look at the development codes
14 of the City, the Zoning Code and basically the
15 Comprehensive Land Use Plan. If you know, a lot of
16 cities undertake this task, usually every five to
17 seven years, probably more so now because of the
18 great economic boom we're seeing, in both Florida as
19 well as across the nation, and that's what makes it
20 challenging, when you have issues such as when you
21 want to change the single-family design regulations
22 right in the middle of that economic boom, huh? It's
23 always a challenge to be a planner during those
24 times.

25 Basically, since the Commission directed us

1 in September to December 2004, and I'm kind of giving
2 you a background because we have some new members on
3 the Board, we went to the Board and asked for your
4 policy direction on about 15 major issues.

5 Then, thereafter, in December, we started
6 providing you the articles, and that's what you're
7 going through right now. We've gone through probably
8 about 60 percent of the Code, and we've been moving,
9 you know, fairly rapidly, and obviously you all know
10 that, because you've been spending a lot of time
11 here.

12 Our expectation is still to complete the
13 rewrite by the end of this year. I mean, that's --
14 Staff and the consultants and the City Administration
15 intends to deliver the Code to the Boards by the end
16 of the year. Whether or not they are recommended and
17 they go through more public hearing review, but that
18 is our charge, and we will complete that. I can
19 assure you of that.

20 Rewrite of the Comprehensive Land Use Plan.
21 State of Florida requires that you basically look at
22 the Comp Plan every five to seven years. Basically,
23 what's happened is, most municipalities have not
24 looked at it. They usually go from seven to ten
25 years. As a part of that, what you have to do is

1 called an Evaluation and Appraisal Report, or EAR,
2 for short. Basically, it's an assessment of the Comp
3 Plan, because basically the Comp Plan has certain
4 dates and times when you need to look at certain
5 issues and update them.

6 In the current Comp Plan, there's about 35
7 dates or 35 tasks we were supposed to complete. This
8 EAR basically goes back and says, "How did we do at
9 completing those?" I will tell you, we didn't do a
10 very good job, and for that reason, rather than just
11 go back and evaluate and say we didn't do a good job,
12 we're going to evaluate and we're going to rewrite
13 the plan. I think it's long overdue. Things that
14 happened in 1995, those issues back then, there's a
15 totally different set of issues right now. We all
16 know what the issues are: Parking, traffic,
17 protection of the residential areas, and we came to
18 you a couple months ago with those five issues, if
19 you recall, and we basically just indicated, these
20 were the issues we're going to be looking at.

21 As I said before, we're going to be
22 providing the actual EAR, Evaluation and Appraisal
23 Report, to the Board -- I believe I was incorrect;
24 it's September 14th, that's the meeting. Whether or
25 not we consider it that evening, but we're going to

1 roll out that to the public and the Board.

2 As I said before, the Zoning Code rewrite
3 process, Florida Statutes require that you correct
4 any inconsistent zoning with the Comp Plan map
5 designations, and the key point is, the assigned Comp
6 Plan map designation is what governs. That is the
7 future plan for the City. Whether -- if the zoning
8 has residential on it and the Comp Plan says it's
9 commercial, that property owner has the right to
10 develop his property as commercial.

11 We also have a policy in the Comprehensive
12 Plan that actually says we need to correct that. How
13 have we done that? Up to this date, we've corrected
14 it as development proposals have come in. I've been
15 here six years. We've corrected three or four. As a
16 part of this juncture, we're going to correct 67.

17 Changes to the Comp Plan, that comes as a
18 part of the review of the Comp Plan. Changes to the
19 Comp Plan map comes as part of the review of the Comp
20 Plan. We will be taking those up in the latter part
21 of this year and early next year.

22 We are -- based on policy direction from the
23 City Commission right now, we are just taking the
24 direction that we're just proceeding forward with the
25 current Comp Plan designations. If they advise us or

1 give us direction to change the Comp Plan
2 designations in there, for instance, take a
3 commercial area and change it to residential,
4 obviously we will do that, but we will need to do
5 analysis. But the intent at this time is to just
6 carry the current Comp Plan designations forward, and
7 basically kind of correct and clean up the map.

8 Change in the zoning map, it's a two-part
9 process, and I hope I don't lose you here. Part 1,
10 we have to correct those inconsistent zoning and land
11 use. That's the first ordinance that you have in
12 your agenda. What we would like to do immediately
13 thereafter is Part 2. We're doing a Zoning Code
14 rewrite. New classifications, new names. We're
15 going to hopefully immediately adopt, on the same
16 agenda thereafter, and I'm talking about the City
17 Commission, the new zoning map. Basically, what
18 we're doing is, we're correcting the existing zoning
19 map and then we're going to correct it -- not correct
20 it again, but reassign it to the new categories,
21 based upon the Code rewrite.

22 If we didn't do Part 2, if we weren't doing
23 a Zoning Code rewrite, we would still need to do Part
24 1. I mean, as the Planning Director, I think it's my
25 responsibility to make sure that the zoning is

1 consistent with the land use.

2 Some examples of some inconsistent -- City
3 parks. We have City parks that have Residential,
4 Single-family zoning, have Commercial zoning, and
5 it's approximately 22 locations throughout the City.
6 We are going to assign an S zoning category, and most
7 of those have a parks and recreational land use
8 category. They have the appropriate land use
9 category.

10 Another example, City facilities, City
11 buildings and grounds, they have Single-family
12 zoning, Commercial, and some even -- one doesn't have
13 any zoning at all. Fortunately, it's a parking lot,
14 so it's not a problem. We're going to assign S
15 zoning to those, and that's five locations throughout
16 the City.

17 Churches, we have a lot of churches spread
18 throughout the City that have Single-family or Duplex
19 zoning. Those should have the appropriate S zoning,
20 and obviously, they have the religious institutional
21 land use, and we have approximately -- and there are
22 three locations. Three locations could be 10
23 parcels. It's basically -- I'm talking locations,
24 and I don't want to confuse you by using the terms
25 property, parcels and locations, and Walter will get

1 into those in a little bit.

2 Examples of commercial and residential, we
3 have properties that have a commercial use on it and
4 perhaps have a parking lot in the back that has a
5 residential zoning on it, or it has what we call an X
6 zoning. That was done about 10 or 15 years ago.
7 They basically put an X zoning over it, and they
8 really should have rezoned that property commercial.
9 We'll have residential properties that might have a
10 duplex zoning on it and a single-family.

11 Basically, what we looked at is, we looked
12 at property ownership and the actual buildings and
13 identified the inconsistencies, and we're attempting
14 to correct those, and obviously, we're correcting it
15 with the assigned -- or the correct residential and
16 commercial land use.

17 As I indicated, there's 67 locations across
18 the City. It's 163 separate properties or property
19 owners. 48 of those locations are privately owned,
20 and ironically, 19 of them are the City. So we are
21 about almost 20 to 30 percent of -- in terms of
22 inconsistency.

23 We've mapped each of the 67 properties. We
24 have the map on the right side here. We've listed
25 each of the properties, and I know it's difficult to

1 see, but this information is in your packet. It's
2 one of your attachments. We've included the address,
3 the lot, the block, the section, the existing zoning
4 and the proposed zoning.

5 In terms of the analysis, we -- the analysis
6 we completed, which is what you have in front of you
7 in your binders, is, we looked at the existing Comp
8 Plan, no change, because we're just doing rezoning.

9 We looked at the existing zoning, and then, to
10 correct the zoning with the land use, we identify it
11 here. We provide an aerial, the current categories,
12 and then proposed categories, and this was done for
13 all 67 parcels.

14 We obviously -- the zoning, the zoning map,
15 Part 1, this is what it ended up looking like with
16 the new categories, and as I indicated, those are on
17 the right.

18 Part 2, again, this is when we complete the
19 rewrite, we will then rezone and reclassify the
20 entire City with the new categories again.

21 In terms of the new categories in Part 2,
22 and we discussed this this evening, we went from 20
23 single-family residential to two, five multi-family
24 to two, three commercial to two. Industrial, Special
25 Use and Preservation remain the same, and then the

1 University of Miami, we created its own
2 classification, which you all reviewed at the last
3 meeting. Previously, the University of Miami was
4 under the Planned Area Development regulations.

5 This is basically a comparison, on the left
6 side. I know it's difficult to read. It is the
7 existing zoning categories, and then on the right
8 side, on the right column, is the new categories.

9 In terms of the existing zoning legend, the
10 left side, these are the existing categories and the
11 colors, and the right side is the proposed legend.

12 And then this is the new zoning map after we
13 adopt the Zoning Code, and again, this is to the
14 right of me.

15 Public participation and property owners.
16 We sent a notification to all 163 property owners,
17 certified mail. We actually sent it twice. The
18 reason we sent it twice was because we originally had
19 the meeting scheduled in July, and we deferred it,
20 given the fact that the single-family interim
21 regulations took more time. We included a comment
22 form and a self-addressed, stamped envelope. We also
23 invited them to come in and meet with Staff so we
24 could explain to them what we were -- what -- the 67
25 locations.

1 We did receive written comments. Those are
2 in front of you, and I believe they're on yellow
3 sheets of paper. We have a master list and then we
4 actually have the comments copied.

5 We also did a City-wide mailing. 16,788
6 letters went out, about a month and a half ago, and
7 this letter was done in both English and Spanish, and
8 it basically highlighted the fact that we're having
9 this hearing this evening, as well as in September,
10 and also provided notice that, you know, the City is
11 looking at its land development regulations and
12 rewriting it.

13 It's Staff's intention that prior to the
14 adoption of the Zoning Code, we will probably do a
15 similar letter, with more detail on it, but we wanted
16 to be sure we're getting the word out.

17 Obviously, we did the required legal ad in
18 the Miami Herald. We also posted each of the
19 properties. We're required to post them. Staff went
20 out and we actually created our own specific signs.

21 This is the City's water tower here. It is,
22 as you can guess, not zoned correctly, and you can
23 see our sign right there.

24 We also advertised an agenda, posted the
25 agenda. Everything that -- all the maps, all 67

1 properties, all the agendas, all the analysis,
2 everything is on the web page. Everything is
3 available. If you go on there, you'll see Parcel 1
4 through 67, and you can access it. I can access it
5 real fast. It's laid out well. It takes you like
6 three seconds to bring up the map.

7 Findings of fact. Basically, Staff is
8 required to make findings of fact to recommend
9 approval. As I stated previously, the Growth
10 Management Act of the Florida Statutes require a
11 consistency in mapping. We have our own policy in
12 the Comprehensive Plan that requires that, that
13 correction.

14 MR. ACOSTA: Would you switch back to the
15 previous slide, please, where it says Section 1-1.3,
16 if you don't mind? Objective 1 --

17 MR. RIEL: 1.13?

18 MR. ACOSTA: That's what we're talking
19 about, here.

20 MR. RIEL: That provision basically talks
21 about -- I understand what you're --

22 MR. ACOSTA: Okay. Thank you.

23 MR. RIEL: We've identified those
24 properties, and we obviously identified those as
25 being inconsistent. We're in the process of

1 rewriting the Code, creating new classifications, and
2 I feel that we've done as extensive outreach as we
3 could do, in terms of getting the word out.

4 Staff does recommend the Board proceed
5 forward with a recommendation on the ordinances that
6 you have in your packet. It's scheduled to go before
7 the City Commission on September 27th. It's an
8 advertised hearing. It's already been advertised.

9 I suspect it will go November 22nd, but I
10 will tell you, one of the reasons we're bringing this
11 map out this evening and we did all this notice, my
12 expectation is, if the Board does recommend this to
13 the City Commission this evening, in all likelihood,
14 I think we're probably going to be back to this Board
15 when we finally get the Zoning Code rewritten, and do
16 the Zoning Code rewrite, the map, again.

17 I just wanted to get the word out and allow
18 an opportunity for the input. Walter has done a good
19 job in meeting with those individuals that have
20 contacted the office and had questions.

21 I can tell you, we did get a number of
22 calls, after you mail out 17,000 letters. We got a
23 lot less than I thought, but I think we've gotten the
24 word out, and I suspect that we'll probably come back
25 with the map again, and obviously, if you make

1 changes to the Zoning Code text, that's going to
2 probably require changes to the map, so --

3 Just kind of as a reminder, this is the
4 remainder of the schedule for the Zoning Code
5 rewrite, and again, the goal is to try to complete it
6 by the end of the year.

7 And at this point, I'll turn it over to
8 Walter. I don't know what the Board would like to
9 do. We have a PowerPoint with all 67 locations on
10 it. I'm sure it's not your intention to go through
11 all 67 this evening. My suggestion, perhaps, unless
12 the Board says otherwise, is perhaps hear from the
13 public, and if a member of the public has a
14 particular location that they would like us to focus
15 on, they can either meet with us at a later date or
16 we can pull it up on the screen, whatever you would
17 like, because I know it's 10:25 at this point.

18 CHAIRMAN KORGE: Well, Walter is going to
19 speak, right?

20 MR. RIEL: If you -- it's up to you. He can
21 go through the 67 locations. That's --

22 CHAIRMAN KORGE: What do we --

23 MR. RIEL: I mean, it was not our intention
24 to go through all the 67, I can tell you that right
25 now.

1 CHAIRMAN KORGE: Why don't we hear from the
2 public?

3 MR. RIEL: Okay.

4 MR. AIZENSTAT: Yeah, because I have a
5 concern that there's people that have hung around to
6 actually speak, not just to you, but also to us.

7 MR. RIEL: Sure.

8 MR. AIZENSTAT: And I think it would be
9 unfair to them, if we at this point say to contact
10 you.

11 MR. RIEL: Absolutely.

12 CHAIRMAN KORGE: Okay. At this time, we'll
13 open the public hearing. Anybody who would like to
14 speak on the proposed Zoning Code map, please come
15 forward.

16 Yes, sir. We do need to be sworn in, so --

17 MR. WEST: Okay.

18 MR. AIZENSTAT: Should everybody who
19 wants --

20 CHAIRMAN KORGE: Everybody who wants to
21 speak, if you'd stand up, please, at this time, we
22 will --

23 MR. RIEL: Okay, I'd ask if you could also
24 fill out a card, because I believe we only have --

25 How many cards do we have?

1 MR. CANNONE: I have a number here that are
2 filled out.

3 MR. RIEL: Okay. All right.

4 CHAIRMAN KORGE: If you have not filled out
5 a card, after you're sworn in, please fill out one.

6 MR. AIZENSTAT: Do you want to call by the
7 cards as opposed to by coming up?

8 CHAIRMAN KORGE: Pardon me?

9 MR. AIZENSTAT: Do you want to call by the
10 cards for who comes up to speak, as opposed to
11 letting them --

12 (Thereupon, all who were to speak were duly
13 sworn by the court reporter.)

14 (Inaudible comments between Chairman Korge
15 and Mr. Aizenstat)

16 MR. WEST: Mr. Chairman, Members of the
17 panel, my name is MacDonald West.

18 CHAIRMAN KORGE: Wait, we have to swear
19 everybody in first.

20 MR. SALMAN: We did.

21 CHAIRMAN KORGE: We did, I'm sorry. I was
22 talking while you did that.

23 Okay, go ahead. I apologize.

24 MR. WEST: My name is MacDonald West. I
25 reside at 5325 Orduna Drive. I've lived there since

1 1981. The parcel I'm concerned about is the property
2 on U.S. 1, between Granada Boulevard and Orduna
3 Drive. It's currently two-story offices, with one
4 condominium, which is a four-story condominium, and
5 originally those properties were apartment buildings,
6 with a motel in there.

7 In -- I think it was the mid-1980s, there
8 was a request to change those properties to a
9 commercial use. There was a lot of concern from the
10 neighbors about the change, but it was done on one
11 condition, and that is that the commercial uses would
12 not exceed two stories, or two and a half stories, I
13 think 34 feet, according to the then Zoning Code, and
14 I think it's basically in the existing Zoning Code
15 currently, today. I believe there was a restrictive
16 covenant that was put on that property.

17 The issue that we've got is not confirming
18 the zoning plan to commercial use, because obviously,
19 it's basically commercial use. Our concern is that
20 the height is limited and restricted to a two-story
21 height, the way it is right now, and it does not go
22 any higher than the existing two-story height that is
23 currently there.

24 That part of the Coral Gables backs onto
25 Orduna Drive. Orduna Drive, at that part of Coral

1 Gables, is on the Coral Gables Waterway, and there is
2 a huge concern from the people on Orduna Drive that
3 there will be a loss of privacy if there were
4 four-story buildings permitted.

5 The concern I have, and I must admit I've
6 only just tried to look at this, but as I understand
7 it, we've got the existing Zoning Code, we've got the
8 change to the proposed existing Zoning Code, we've
9 then got the new Zoning Code, and I'm not really
10 quite sure where we end up. But at least on this map
11 that I got, purchased the day before yesterday from
12 the City, what is shown on here, and I realize this
13 is the land use map, is that it would change to
14 low-rise intensity commercial use, four stories, with
15 a 3.0 FAR, which is an enormous increase from what is
16 currently there today, not only in the height --

17 CHAIRMAN KORGE: Let me ask Liz if -- would
18 a restrictive covenant --

19 MR. AIZENSTAT: Can they do that?

20 CHAIRMAN KORGE: Would the restrictive
21 covenant, notwithstanding the change in zoning, still
22 apply to limit the height to the two stories
23 originally imposed by the restrictive covenant?

24 MS. HERNANDEZ: A restrictive covenant
25 stays in effect until such time as the parties that

1 agreed to it release it, so --

2 MR. WEST: But it can be released by the
3 Commission, at a vote of the Commission, as I
4 understand, having talked with some of the
5 Commissioners.

6 MS. HERNANDEZ: And if you meet whatever
7 are the -- I don't have the restrictive covenant in
8 front of me, so I can't tell you what the conditions
9 are for its release, you know.

10 CHAIRMAN KORGE: Right.

11 MR. WEST: Well, all --

12 CHAIRMAN KORGE: What would the zoning be
13 now, if --

14 MR. RIEL: Well, that's the --

15 CHAIRMAN KORGE: -- if there weren't a
16 restrictive covenant?

17 MR. RIEL: That's the existing land use,
18 he's talking about right now. That's the existing
19 land use map he has here.

20 MR. WEST: Well, if I look at the new Zoning
21 Code, which I printed off your web site -- and this,
22 I've got to admit, I'm a little lost on it. Although
23 I'm a real estate developer, I'm still lost on what's
24 going on here. But I will say that it seems to me
25 that you could build as high as 45 feet and four

1 stories, and whatever the --

2 CHAIRMAN KORGE: Yeah, but the question I
3 was asking is, if -- as of today, before there's any
4 change in the zoning with the new rewrite, what would
5 you be able -- what would we be able to --

6 Wally, you need to be sworn in.

7 MR. RIEL: He did.

8 MR. CARLSON: I swore myself.

9 CHAIRMAN KORGE: Okay, what --

10 MR. RIEL: He swore himself?

11 CHAIRMAN KORGE: If not for the restrictive
12 covenant, what would we -- what would be permitted at
13 that location now?

14 MR. CARLSON: If -- for the record, Walter
15 Carlson of the Planning Department. If it's -- if it
16 is low-rise commercial, it would be up to four
17 stories, but I don't know what the restrictive
18 covenant says, and I would have to look to the City
19 Attorney, if there would be further limitations on
20 that.

21 CHAIRMAN KORGE: Right, but that's the
22 reason I asked the question. I don't -- it sounds to
23 me like it wouldn't really affect anything except to
24 the extent that the restrictive covenant could be
25 removed in the future, but that's already an

1 existing -- that's --

2 MR. WEST: If I may explain?

3 CHAIRMAN KORGE: Yeah.

4 MR. WEST: Originally on there, there was an
5 apartment use. Those buildings on the Highway were
6 fourplexes.

7 CHAIRMAN KORGE: Right.

8 MR. WEST: And they were governed by a
9 height restriction of two and a half stories or 34
10 feet, if my memory serves me correctly.

11 When the request was made to change the use
12 from apartments, residential, to commercial office
13 use, the neighbors supported that, but only on the
14 condition that the height would never exceed the two
15 or two and a half stories. And there is a new office
16 building that has been built since all of this was
17 done, and if you'll notice, it's a two-story
18 building. It's actually a two-and-a-half-story
19 building, because the parking is halfway underground.

20 So our request is that, as you consider
21 this, that a special district or however it would be
22 best to write it, a modification for this area, or
23 maybe others, too, be written so that that is kept at
24 not more than the 34 feet or two and a half stories,
25 whichever is the less.

1 MR. RIEL: If I could request, if you could
2 get me a copy of the restrictive covenant and just
3 write me some correspondence and I'll obviously give
4 it to the City Attorney, and we'll be able to respond
5 appropriately.

6 MR. WEST: I will -- I'm not the keeper of
7 the restrictive covenant --

8 MR. RIEL: Okay.

9 MR. WEST: -- but it's somewhere in the City
10 files, and I understand that your Department is aware
11 that there is a covenant on that.

12 MR. RIEL: All right. Okay.

13 MR. WEST: Thank you.

14 MR. SALMAN: Through the Chair, in order to
15 keep this process moving, excuse me, could I make a
16 motion that we remove this particular property from
17 this hearing on today's approval -- Could I make a
18 motion to remove Parcel 43 from consideration for
19 approval for today, so you can --

20 MR. RIEL: Sure.

21 MR. SALMAN: So that Eric can come back
22 later?

23 CHAIRMAN KORGE: I'll tell you, I'm not sure
24 we're going to approve anything today, because from
25 what I heard, Eric will be coming back to us --

1 MR. RIEL: Well, I would like if you could
2 make a recommendation to the Commission, and then we
3 could go and do a public hearing at the Commission,
4 but in all likelihood, we'll come back to you again.

5 CHAIRMAN KORGE: Do you want a
6 recommendation?

7 MR. RIEL: I would like to get a
8 recommendation, because I would like to have the
9 hearing in front of the Commission on the 27th of
10 September.

11 CHAIRMAN KORGE: Okay. Why don't we write
12 down each one that we want, and then at the end,
13 bring it together as one motion?

14 MR. RIEL: For 43.

15 MR. KORGE: What number was that one?

16 MR. RIEL: Parcel 43.

17 Okay, thank you.

18 MR. THOMPSON: Hi. Courtney Thompson,
19 ladies and gentlemen, Mr. Chairman, Committee.
20 Elizabeth, how are you?

21 I'm Mack's neighbor. Mack and I kind of
22 serve as the chairman and vice-chairman of the
23 neighborhood, and I'd like to echo Mack's comments.

24 The other thing I'd like to mention is that
25 there are also a number of other issues that are

1 proposed in what we've seen, relative to some
2 development in the neighborhood. There's a property
3 that's on -- I believe, Parcel Number 10, that's in
4 the section we're talking about, on Orduna Drive,
5 that's also under consideration for development from
6 a single-family home into a fourplex of town homes.

7 So I not only echo what you've heard from
8 Mr. West, but also just to mention that our
9 neighborhood has been, for the last several years,
10 under extreme pressure from traffic that is relative
11 to town homes, duplexes, rental units, duplexes that
12 were originally intended to have owners on one side
13 and they have now become not owners on one side, and
14 they have become college students on both sides, and
15 so on.

16 And just, please, for the record, that it be
17 considered when looking at this neighborhood and this
18 area, not only the buildings that Mr. West has
19 mentioned, but also the other buildings that are
20 under rezoning classification be looked at because of
21 density issues.

22 CHAIRMAN KORGE: Thank you.

23 MR. THOMPSON: Thank you.

24 MR. LEVINE: There's somebody's glasses.

25 MR. THOMPSON: Not mine.

1 MR. RIEL: Those are mine.

2 MR. LEVINE: Dan Levine, 825 Bella Vista,
3 Gables-By-the-Sea.

4 Really, just a few questions. We -- across
5 the street from my house, a Parcel 63 is slated for a
6 conversion to a preservation use from a residential
7 and apartment use. I'm excited about that. I'm also
8 a board member of the homeowners' association in
9 Gables-By-the-Sea, and I think they're pretty excited
10 about that. We just had a few questions that maybe,
11 Eric or Walter, you could help me with.

12 Right now, I guess this says the State owns
13 that land, just to the south?

14 MR. RIEL: Walter is going to answer your
15 questions.

16 MR. LEVINE: The question's the same. This
17 indicates the State owns that land to the south side
18 of Bella Vista?

19 MR. CARLSON: Our records show that the
20 State does own that land, yes.

21 MR. LEVINE: Now, the preservation use isn't
22 going to increase any public access or anything like
23 that, from what it's zoned now, as far as people that
24 don't live in the neighborhood having access to the
25 area?

1 MR. CARLSON: What the proposal is, for
2 those who don't have this graphic in front of them,
3 is to change the zoning of the property from
4 single-family residential, which was a remnant zoning
5 from a previous -- from the land's previous zoning
6 designation, to a preservation use, a zoning
7 designation to comply with the conservation use land
8 use category. And that is the most restrictive and
9 is intended to preserve and maintain the natural
10 character of the land.

11 MR. LEVINE: If anyone were to want to
12 protest that, not that we would want to, but how
13 would we find out about that, the neighborhood? If
14 somebody didn't want that to happen, is there a
15 mechanism for that, or is this just administratively
16 going to happen, and it's a done deal?

17 MR. CARLSON: If the property is rezoned as
18 preservation, development couldn't occur on it
19 without coming to public hearings for a change of
20 land use and a change of zoning to allow that to
21 occur, and there would be notification. There would
22 be a mailing, posting of properties and public
23 hearings before the Planning & Zoning Board and the
24 City Commission.

25 MR. LEVINE: So someone would have to

1 propose that zoning change, as well as the CLUP?

2 MR. CARLSON: They'd have to change the land
3 use and the zoning --

4 MR. LEVINE: Okay.

5 MR. CARLSON: -- to propose a development on
6 it, and for the Board's -- in front of the Board is
7 copies of the revised comments which we received, and
8 we did receive a letter, I believe, from the
9 homeowners' association, which is -- from
10 Gables-By-the-Sea, which is Attachment 8 to that,
11 which is in support of the change of zoning on Parcel
12 Number 63.

13 MR. LEVINE: That's correct.

14 MR. AIZENSTAT: That zone -- that changing
15 of zoning would actually protect you even further
16 than what it is now.

17 MR. LEVINE: We just didn't understand the
18 process, and I appreciate your answering the
19 questions. Thank you.

20 CHAIRMAN KORGE: Thank you.

21 MR. AIZENSTAT: Thank you for your time.

22 MR. TEIN: Thank you very much.

23 CHAIRMAN KORGE: Yes, sir.

24 MR. HARTNETT: Hi. My name is William
25 Hartnett. I live at 4950 Campo Sano Court.

1 On the sixth -- one of the locations that I
2 particularly would like to talk to you about is
3 Parcel Number 40.

4 MR. AIZENSTAT: Parcel Number, I'm sorry?

5 MR. HARTNETT: 40.

6 MS. HERNANDEZ: 40?

7 MR. HARTNETT: This is a change in land use
8 from residential single-family to residential
9 multi-family.

10 CHAIRMAN KORGE: Excuse me, what parcel did
11 you say?

12 MR. HARTNETT: Pardon?

13 MS. HERNANDEZ: Number 40.

14 MR. HARTNETT: Four zero.

15 CHAIRMAN KORGE: 40? I don't have 40 on my
16 list.

17 MR. HARTNETT: It's not on the list, but
18 it's on the picture here.

19 CHAIRMAN KORGE: Oh, okay.

20 MR. AIZENSTAT: At the top.

21 MS. HERNANDEZ: Okay.

22 CHAIRMAN KORGE: I'm sorry, go ahead.

23 MR. HARTNETT: Okay. At that particular
24 area, you may well be apprised at what Doctors
25 Hospital, who forced in a parking garage and an

1 office building, across the street they took the
2 duplex lots and made it into a Kendall-type village.

3 We have commercialized that area to too much
4 of an extent. The hospital right now is talking
5 about 10 new signs of aluminum and lighting basins.
6 We're going to have a neon deal in there. You are
7 moving closer and closer to the residential.

8 There is no need to change this zoning from
9 the residential. Residential lots are highly prized.
10 They could have taken the Campo Sano village and sold
11 them as individual residential lots and yielded as
12 much income, by my estimation, as they did in the
13 development. I was not able to dissuade anybody in
14 that area. But this -- the duplexes are a buffer to
15 our residential. Most of those duplexes in that area
16 look like residential houses, basically, and to allow
17 it, all you're doing is giving a chance to expand the
18 Campo Sano village area to a greater commercialized
19 deal. We've got more people in there, more traffic
20 than we need. With the University across the street,
21 the parking lot across -- in that area, we are
22 totally commercialized in a residential area. That
23 area was never intended to be as commercial as it is
24 at the present time. There's no reason I see to
25 change this particular parcel, except for monetary

1 gains of the individuals.

2 MR. RIEL: Let me just correct it. We are
3 not changing the zoning on this parcel. What you see
4 on Parcel 40 on the exhibit is, as I indicated in my
5 presentation, when we change the land use, with the
6 Land Use Plan, that's when we will be changing that.

7 At the present time, it has the appropriate
8 zoning. That's why it's not on your list.

9 MR. AIZENSTAT: So, if I may take a look,
10 you're looking at Lot Number 28?

11 MR. RIEL: Lot Number 28.

12 CHAIRMAN KORGE: Just the one lot.

13 MR. AIZENSTAT: Just the one lot?

14 MR. RIEL: Correct.

15 MR. AIZENSTAT: Which presently, today, you
16 could do six units per acre on that, the way it sits
17 today?

18 MR. CARLSON: It would be one building
19 site. It's one building site, for one building, and
20 on there -- we took a picture of it, and there is a
21 duplex which is already built on the property.

22 The reason this occurred, this was a
23 drafting scrivener's error when the map was
24 recreated. That lot -- that lot just was not
25 included as a duplex. It was a duplex before. It

1 was inadvertently left as a single-family residence,
2 and what this is doing is correcting that scrivener's
3 error. There was already a duplex, it's 1209, and --

4 MR. RIEL: But we will be correcting the
5 scrivener's error.

6 MR. CARLSON: That's correct.

7 MR. RIEL: That is not a part of this
8 request which you're considering this evening,
9 because the zoning is appropriate.

10 MR. CARLSON: That will come at a later
11 date.

12 MR. AIZENSTAT: Okay, but just so I can
13 clarify it, today, is it -- it's a low density?

14 MR. RIEL: It's D-14, duplex zoning.

15 MR. CARLSON: And that would allow one
16 building --

17 MR. RIEL: Single-family, low density.

18 MR. AIZENSTAT: And then what you propose to
19 change it to would allow nine units, technically?

20 MR. CARLSON: No. What it is -- what is
21 currently shown on the land use map is one building
22 site for one single-family residence, one unit. What
23 the proposal is, is one building site for one duplex,
24 which would be two units.

25 MR. BEHAR: Which is presently --

1 MR. RIEL: Which is presently existing.

2 MR. CARLSON: Which currently exists on the
3 property.

4 MR. RIEL: Which is what's on there now.

5 MR. AIZENSTAT: How long ago was that --

6 MR. CARLSON: Scrivener's error?

7 MR. AIZENSTAT: No. How long ago was that
8 duplex built? How old is that?

9 MR. CARLSON: Oh, I can't tell on this --

10 MR. AIZENSTAT: Is it something that was
11 owned by one person, or is it two families, like with
12 a --

13 MR. SALMAN: 1963.

14 MR. AIZENSTAT: So this is accurate?

15 MR. RIEL: 1963.

16 MR. CARLSON: It was built in 1963.

17 MR. AIZENSTAT: So, technically, somebody
18 could go ahead and buy that property, go ahead and
19 tear it down and do a twin home?

20 MR. CARLSON: Another duplex in its place.

21 CHAIRMAN KORGE: Another duplex.

22 MR. AIZENSTAT: Another duplex, but you
23 could have two owners now? You could do a twin home?

24 MR. CARLSON: I believe you could have two
25 owners, currently, on it.

1 MR. AIZENSTAT: But it's not, presently.
2 It's just one single owner.

3 MR. CARLSON: It appears that way.

4 MR. AIZENSTAT: Is that your concern?

5 MR. HARTNETT: Pardon?

6 MR. AIZENSTAT: Is that your concern, that
7 you'd have two families --

8 MR. HARTNETT: Yeah, my concern is that --

9 MR. AIZENSTAT: -- two separate families,
10 which it's a duplex, anyway, but two separate owners?

11 MR. HARTNETT: Well, right. My concern is
12 the fact that we've got residential pushing -- I
13 mean, duplexes, and pushing that. My concern is,
14 also, if they change that to duplex, that will allow
15 an expansion of the Campo Sano village.

16 CHAIRMAN KORGE: How?

17 MR. AIZENSTAT: But it would only be at one
18 site, and it's currently a duplex, as it is.

19 MR. HARTNETT: Well, it's duplex at the
20 present time, but to change it from -- if it's
21 supposed to have been residential and somebody buys
22 it, tears it down and re-- and expands, moves that
23 Campo Sano village, as they've done, in the two lots
24 that were owned by the Doctors Hospital and were sold
25 to the same people and they expanded that, they'll

1 keep moving that thing right on down the street.

2 MR. AIZENSTAT: But if they do that,
3 wouldn't they have to come before the Commission to
4 change the other properties, and come before our
5 Board, also?

6 MR. HARTNETT: Yes. They have done that,
7 too, and you've all passed it.

8 MR. AIZENSTAT: But it appears now, the way
9 I look at it, that it is currently a duplex. They're
10 just trying to correct what's the --

11 MR. HARTNETT: It may be a duplex now, but
12 to allow them to change, if anybody tears that down,
13 to change it from a single-family -- if they tear it
14 down, it's got to revert back to residential.

15 MR. BEHAR: But it's presently zoned duplex,
16 right?

17 MR. HARTNETT: No. One lot is residential.
18 They built a duplex on it in error.

19 MR. CARLSON: No, it is currently zoned
20 duplex.

21 CHAIRMAN KORGE: Yes, it is. Right.

22 MR. AIZENSTAT: It is currently zoned
23 duplex.

24 MR. BEHAR: That's correct.

25 MR. AIZENSTAT: That's what I said.

1 MR. CARLSON: It's zoned duplex.

2 CHAIRMAN KORGE: So, if they tore it down,
3 they could build another duplex.

4 MR. BEHAR: Another duplex.

5 MR. AIZENSTAT: Actually, they might not
6 even be able to, because, if I'm taking a look at
7 this correctly, I don't know if the survey would
8 concur, it's 47.95 wide. To do a duplex today, I
9 think you need a minimum width of 50 feet. So you
10 might not even be able to build back on duplex on it,
11 unless I'm mistaken.

12 MR. HARTNETT: That's correct.

13 MR. AIZENSTAT: So --

14 CHAIRMAN KORGE: It's not an issue.

15 MR. HARTNETT: We'll get another
16 single-family house, is what we want.

17 MR. CARLSON: I believe they'd have to do a
18 determination if that's a building site or not.

19 MR. AIZENSTAT: Am I correct?

20 MR. BEHAR: You're absolutely right.

21 MR. AIZENSTAT: They'd have a hard time.

22 MR. HARTNETT: Well, the other question I
23 would raise is Parcel Number 45. You are taking the
24 so-called Ratskeller, that was part of the UMCAD,
25 which is permitted under the UMCAD, and now making it

1 a commercial use?

2 MR. CARLSON: The proposal is to change it
3 from Commercial to a Special Use, which is the
4 appropriate zoning for the University land use
5 designation. So we'd be changing it from Commercial
6 to Special Use, to comply with the existing land use
7 designation.

8 MR. RIEL: And then, when you adopt the new
9 Zoning Code, when you assign the UM -- University of
10 Miami, it goes to that category. It's basically
11 making consistent zoning.

12 CHAIRMAN KORGE: Right.

13 MR. AIZENSTAT: Right.

14 MR. HARTNETT: Well, let me ask you, it
15 exists now on a dedicated -- well, a street that's
16 owned by the University, was given to them. Why
17 change it, if the UMCAD -- I'm opposed to your
18 district. We haven't taken that Article 4, Section 2
19 up, it's my understanding.

20 MR. RIEL: No, that was adopted, last
21 meeting.

22 MR. HARTNETT: Pardon?

23 MR. RIEL: That was adopted at the last
24 meeting.

25 MR. HARTNETT: At the last meeting?

1 MR. RIEL: The University of Miami
2 regulations, yes.

3 MR. HARTNETT: Okay. I came down here to
4 check on all these various meetings, and I was told
5 that the meeting -- that wasn't done, but -- I was
6 under the impression that Division 2 would be held at
7 this meeting, too.

8 MR. RIEL: Division 2, which article, I'm
9 sorry?

10 MR. HARTNETT: I mean, Article 4, Section 2.

11 MR. RIEL: No, that was done last month.

12 MR. HARTNETT: At what date?

13 MR. RIEL: I can't remember, off the top of
14 my head.

15 MR. AIZENSTAT: July 13th?

16 MR. RIEL: Yeah, I think it was July 13th.

17 MR. CARLSON: Yeah, Wednesday, July 13th.

18 MR. RIEL: July 13th.

19 MR. HARTNETT: Okay. So I came here and
20 wasted time.

21 MR. AIZENSTAT: Did you check with the
22 Planning Department?

23 MR. HARTNETT: Pardon?

24 MR. AIZENSTAT: Did you check with the
25 Planning Department?

1 MR. HARTNETT: I checked with them, and I
2 came here to the City Clerk's Office, to check when
3 it was supposed to be, and they told me that the
4 meeting was canceled. That's the information I got
5 out of them.

6 MR. RIEL: Well, the University of Miami,
7 that particular district was on the calendar,
8 actually, in April, and it was delayed a couple of
9 months, and the calendar has been noticed. It's been
10 posted in City Hall. It's on the web page. We
11 update the calendar after every meeting.

12 MR. HARTNETT: Well, I assume that that
13 discussion of that area is going to be held when you
14 adopt the corrected map --

15 MR. RIEL: Yes.

16 MR. HARTNETT: -- which is not at this
17 meeting, so I can speak against it at that particular
18 time?

19 MR. RIEL: You're more than welcome to
20 provide your input at that meeting.

21 CHAIRMAN KORGE: Thank you. Next speaker.

22 MR. AIZENSTAT: Thank you for coming.

23 MR. WEST: Mr. Chairman, just as a quick
24 clarification, the parcel I was talking about is
25 Parcel Number 43 in this book. I thought I heard

1 somebody say 47.

2 CHAIRMAN KORGE: 43, that's what I wrote
3 down.

4 MR. RIEL: 43.

5 MR. AIZENSTAT: That's what we wrote down.

6 MR. WEST: Thank you.

7 MR. BARNES: My name is Wayne Barnes. I
8 live at 800 South Dixie Highway, right in the middle
9 of Number 43. I come to you tonight as a resident
10 and owner in 800 South Dixie Highway, but also, I am
11 the president of the Orduna Court Condominium
12 Association, and they've asked me to come to speak.

13 Dated August 1st, you received a letter, it
14 should be in your packet, from our association. When
15 we first got the information -- by the way, I'd like
16 to compliment the Planning Staff here. The ability
17 to put out the information, to make the charts, the
18 designs, it told us that there was something really
19 worthy addressing, and I thank you all for doing
20 that.

21 In addition, I'd like to tell you that you
22 folks, I'm not sure if you're paid, but you're not
23 paid enough to do what you do, so you should be
24 commended.

25 When we learned of what the problem was for

1 our own organization, association, I turned to my
2 friend, Cynthia Chambers. She is the director for
3 planning and zoning in Broward County, and she helped
4 to explain part of what was the difficulty for us.
5 We're in Parcel 43, but our problem is unique and
6 different than what Mack's explained over here.

7 We'd like to make formal objection to the
8 proposed zoning designation for our area, and also
9 request a remedy. I'd like to paraphrase part of
10 what is in the letter, to explain what our problem
11 is. You want to change us from an XA13-Apartment, to
12 a Commercial Limited. This would make us a legal
13 nonconforming use, if the subject zoning is
14 recommended by the Planning tonight, or September
15 27th, which I'm hoping that you don't do.

16 The Orduna Court Condo Association held an
17 emergency meeting on the 28th of July, where they
18 directed me to come to speak on their behalf. There
19 are 24 units and 24 owners, and I'm representing
20 them, as well as myself.

21 We believe that the proposed zoning will
22 inordinately burden and restrict and limit the
23 private property rights of the property owners of our
24 24-unit building. This would amount to what we
25 consider to be a taking under the State of Florida

1 Constitution and/or the U.S. Constitution.

2 In the Parcel Number 43, we are the only
3 ones that are an apartment building, condominium
4 building. All around us, there are organizations
5 which are attorneys, dentists, all straight
6 commercial organizations.

7 The Florida Statute defines an inordinate
8 burden as "an action of one or more governmental
9 entities which has directly restricted or limited the
10 use of real property such that the property owner is
11 permanently unable to attain the reasonable,
12 investment-backed expectation for the existing use of
13 the real property or a vested right to a specific use
14 of the real property with respect to the real
15 property as a whole, or that the property owner is
16 left with existing or vested uses that are
17 unreasonable such that the property owner bears
18 permanently a disproportionate share of the burden
19 imposed for the public good by the public at large."

20 If I'm speaking too fast, you tell me.

21 In support of this objection, I'd like to
22 draw your attention to two statements made by Mr.
23 David Brown, the City Manager, in his June -- July
24 14th letter. He said, "The City has updated various
25 portions of these regulations to reflect innovative

1 trends in planning and development."

2 He also said, "Most importantly, this
3 process will not affect your ability to develop your
4 property."

5 As to the first statement, please explain
6 how a zoning text change which prohibits mixed-use
7 can be considered innovative, especially when applied
8 to an urbanized area containing existing work force
9 housing and employment opportunities near the
10 University of Miami. Current City planning practice,
11 supported by the American Planning Association and
12 organizations such as the Urban Land Institute and
13 Smart Growth Advocates clearly encourage mixed-use
14 land use categories and zoning designations as a
15 means to create vibrant community-oriented
16 environments, where living, working and civic/
17 educational activities are within walking distance of
18 each other.

19 The City of Coral Gables appears to be
20 running counter to this, to the preferred land use
21 pattern, by replacing the XA13-Apartment zoning
22 designation with a Commercial Limited zoning one.

23 What is the public good of this rezoning
24 that justifies the burden we, as the owners and
25 taxpayers of the City, will have to bear?

1 As for the statement that this action will
2 not affect our ability to develop our property, we
3 believe that changing the status of our property from
4 a legally permitted use to a nonconforming use will
5 have a chilling effect on our ability to sell, to
6 refinance and to insure the property, thereby
7 disrupting the enjoyment of our property and
8 diminishing its value.

9 Additionally, the nonconforming status of
10 this property will prevent its reconstruction if the
11 property is damaged in excess of 50 percent of its
12 replacement cost at the time of destruction. That
13 is, if there's a hurricane, if there's a fire, if a
14 lunatic sets a match to the building and destroys 51
15 percent of it, we are out on the street and cannot
16 rebuild, based upon what's taking place here.

17 Is this any way to treat the taxpayers of
18 Coral Gables? And I don't think so.

19 Please take note of the questions I have
20 posed regarding these statements and consider them in
21 your deliberations on the merits of this rezoning and
22 our request for remedy. If the Planning & Zoning
23 Board determines this rezoning is an appropriate
24 action for the area at large, then I respectfully
25 request that you recommend to the City Commission,

1 along with the recommendations for rezoning, that it
2 initiate and approve an application for conditional
3 use on behalf of the property owners of the Orduna
4 Court Condominiums, to allow the subject property to
5 be a legally permitted use. This seems to be a fair
6 remedy, allowing the City to protect the public
7 interest and prevent this regulatory effort from
8 inordinately burdening the property.

9 MR. SALMAN: Through the Chair?

10 MR. BEHAR: Excuse me. Are we not going to
11 consider this particular site, parcel, today?

12 CHAIRMAN KORGE: Pardon me?

13 MR. BEHAR: Is this the motion again --

14 MR. SALMAN: I know, but he's bringing up an
15 issue -- excuse me, through the Chair, he's bringing
16 up an issue having to do with the fact that his
17 zoning in this particular area is consistent with
18 what he's got built out there. He's got a four-story
19 condominium --

20 CHAIRMAN KORGE: Right.

21 MR. SALMAN: Multi-story, and we're looking
22 to change the whole area to Commercial.

23 CHAIRMAN KORGE: Does your --

24 MR. SALMAN: And so that he would then
25 become inconsistent with the underlying zoning, where

1 right now he's the only one who is meeting the --

2 MR. BARNES: Right now, it's fine.

3 MR. SALMAN: -- underlying zoning.

4 MR. BARNES: But it will change the ability
5 to insure, the ability to rebuild, to finance.

6 MS. HERNANDEZ: (Inaudible).

7 CHAIRMAN KORGE: Right.

8 MR. SALMAN: But that's easily cured. You
9 just take that out of it --

10 Which lot are you?

11 MR. BARNES: I can't tell you the numbers.

12 MR. SALMAN: Which end -- are you guys the
13 people who own the condominiums across Orduna from
14 that little Riviera Court or whatever?

15 MR. BARNES: Orduna Court is about 20 yards
16 long, and there are no houses on it, but it's between
17 Orduna and Granada.

18 MR. CARLSON: Right. It's right on the
19 corner.

20 MR. BARNES: In fact, Number 43, that's the
21 picture, if you have your --

22 MR. CARLSON: Right. It's the picture we
23 have up on there -- up on there. It's the only --
24 it's the only residential project in this entire
25 two-block length which is being proposed to be -- to

1 have a change of zoning. All the rest are commercial
2 projects. This is a commercial zoning -- or
3 commercial land use for the entire two blocks.
4 Commercial zoning would apply to all of them. This
5 would be the only entity along this two blocks which
6 would be an existing -- become an existing
7 nonconforming use.

8 CHAIRMAN KORGE: So can we carve that out,
9 is what, I guess, you're suggesting.

10 MR. SALMAN: Yeah, just take them out.
11 Their underlining zoning is okay.

12 MR. BARNES: I'll get my pen knife.

13 MS. HERNANDEZ: No, but it's --

14 MR. CARLSON: But their land use wouldn't be
15 correct. Their land use would be commercial. It is
16 commercial now.

17 CHAIRMAN KORGE: And we can't change the
18 land use?

19 MR. RIEL: Yes. Yes, you can.

20 MS. HERNANDEZ: You can.

21 MR. SALMAN: You can.

22 MR. RIEL: As we said as part of my
23 presentation, if you determine that you want us to
24 change the land use, that's why we're providing you
25 this information, to give us this direction and some

1 time.

2 MR. BEHAR: This is one of those cases. I
3 think that we --

4 MR. SALMAN: Yeah, carve them out.

5 CHAIRMAN KORGE: Carve out that portion, not
6 the rest. The rest, you still have to deal with and
7 address the concerns about height --

8 MR. BARNES: We've done a great deal with
9 the building. We re-roofed it last year. We have
10 money for painting.

11 MR. SALMAN: We're with you. We're with you.

12 MR. BARNES: I was in the FBI for 29 years.
13 There's a new sheriff in town. It's a good place to
14 live, and we'd rather have it be --

15 MR. SALMAN: We want you to live there as
16 long as you want.

17 MR. BARNES: All right.

18 MR. CARLSON: We heard it's tough over
19 there.

20 MR. BARNES: All right. Thank you very
21 much.

22 MR. SALMAN: From a point of clarity, if you
23 could get us your legal description for the lots you
24 want to discuss, it would make our job, and I'm sure
25 Eric's job, much more palatable.

1 MR. BARNES: Thank you very much.

2 MR. SALMAN: Thank you.

3 CHAIRMAN KORGE: Next speaker?

4 MS. BALOYRA: Good evening. Patty Baloyra,
5 offices at 1441 Brickell, here on behalf of Amace
6 Properties, Inc., who's the owner of the property
7 located at 1390 South Dixie Highway.

8 MS. HERNANDEZ: Which parcel?

9 MS. BALOYRA: It's not a number. We're
10 asking for -- which is actually the point, really,
11 because currently we enjoy a commercial designation,
12 and with the sort of shrinking of the commercial
13 categories, they're now coloring us light pink. We
14 don't have a problem with the coloring, per se, but
15 to the extent that that coloring lowers our FAR,

16 lowers height limitations, and lowers density, we
17 would find that to be an inordinate burden on the
18 property, and particularly distasteful, if you will,
19 because it's not -- it's not spurred by any impetus
20 with respect to many of these other properties that
21 you're looking at tonight, where there's an
22 inconsistency with the Zoning Code and the
23 Comprehensive Plan Map. This is a downzoning that's
24 being imposed on the property, and I believe it's
25 being imposed on the property because of the shrink

1 of the commercial designations.

2 So, basically, our opposition to it is that
3 it's unnecessary, number one, because it's not an
4 inconsistent site; number two, because the
5 configuration of the site itself -- we believe that
6 the new designation of Commercial Limited is sort of
7 a transition into the residential designation, and
8 that's the purpose of it. The configuration of the
9 site that we're talking about can take that into
10 consideration. We can develop the property --
11 the property is going to be redeveloped. We can
12 develop it so that it takes into account an
13 appropriate transition into the residential. That
14 would come before you and the Commission on any, you
15 know, site plan development review. So --

16 MS. HERNANDEZ: Have you designated -- I
17 mean --

18 MR. RIEL: Yeah. Can you point out on the
19 map -- I need the --

20 MS. HERNANDEZ: Right. Have you spoken to
21 Mr. Carlson? I mean, it's not one of the parcels
22 that's listed.

23 MS. BALOYRA: Correct.

24 MS. HERNANDEZ: So we're trying to figure
25 out --

1 MR. RIEL: Basically, what it is, it's Part
2 2, when we assign the new zoning classifications.

3 MS. HERNANDEZ: Right.

4 MR. RIEL: As you know, we're going from
5 three commercial districts to two --

6 MS. HERNANDEZ: Right.

7 MR. RIEL: -- and we're creating a
8 Commercial Limited. I believe that's her opposition.

9 MS. BALOYRA: That is the issue.

10 MR. RIEL: Okay.

11 MS. HERNANDEZ: Can you point to the --

12 MR. AIZENSTAT: Can you point to the
13 property?

14 MS. BALOYRA: Here.

15 MR. AIZENSTAT: What are the cross streets?

16 MS. BALOYRA: Dixie Highway, and you've got
17 Caballero and --

18 MR. CARLSON: South Alhambra Circle --

19 MR. AIZENSTAT: Okay.

20 MR. CARLSON: -- Dixie Highway, and this
21 is --

22 MS. BALOYRA: Caballero.

23 MR. CARLSON: Yes, and this is Hardee Road.

24 MS. HERNANDEZ: Okay.

25 MR. CARLSON: It's where EW -- it's where

1 EWM is right now, the property --

2 MR. AIZENSTAT: It's the property that used
3 to be --

4 MR. CARLSON: It's got Ocean Bank. It's
5 where the canal comes in. It's got Ocean Bank on one
6 side, EWM on the other.

7 (Simultaneous comments)

8 MS. HERNANDEZ: What is the color doing --

9 the new coloring doing to their zoning rights?

10 MR. CARLSON: Well, the proposed --

11 MR. RIEL: The proposed Commercial Limited,
12 there's a reduction in FAR from 3.0 to 1.0. There's
13 also other performance standards that have been put
14 in place, and I believe this Board did recommend
15 approval of those provisions, those text provisions,
16 about a month or two ago.

17 MR. AIZENSTAT: Isn't there a project in the
18 works for that specific property?

19 MS. BALOYRA: I don't have a site plan to
20 show you. I don't have any specifics for that. I
21 know that -- you know, I have the architect here and
22 I have a representative, also, of the property owner
23 here. They could speak to that a little bit, but
24 again, it's at a conceptual level.

25 My objection tonight is any reduction in

1 FAR, any reduction in the ability as the Zoning Code
2 now exists to develop the property.

3 MR. TEIN: So, Patty, you want to keep it as
4 a commercial district?

5 MS. BALOYRA: I don't want any of the FAR or
6 any of the -- any of the height or any of the
7 intensity or the density to be -- to be changed.

8 MR. TEIN: So how can we preserve Patty's
9 ability to come to us at the appropriate time?

10 MR. RIEL: Well, just let me remind you, one
11 of the major issues in rewriting the Zoning Code was
12 to provide for a transition area, and that's why the
13 Commercial Limited category was, is to provide
14 performance standards for the review, and that is one
15 of the very major issues. So, if we start carving
16 out parcels, that will have an effect on all
17 Commercial Limited designations.

18 MR. TEIN: Well, was this red and now it's
19 light pink?

20 MR. RIEL: I believe so, yes.

21 MR. BEHAR: Yes, yes.

22 MR. RIEL: We had a meeting yesterday, I
23 believe.

24 MS. BALOYRA: Yes.

25 MR. RIEL: So that's the first we've heard

1 of the project.

2 MR. TEIN: Well, how do we protect the
3 ability of the owner of a particular parcel like this
4 to make application for that parcel to be treated
5 differently?

6 MR. RIEL: Well, you could assign that
7 parcel Commercial, versus Commercial Limited --

8 MS. HERNANDEZ: Right.

9 MR. RIEL: -- zoning.

10 MR. BEHAR: Eric, how many additional
11 parcels are in the same situation as Patty's?

12 MR. RIEL: Everything that you see in pink
13 on the maps, and you have copies of the maps, and I
14 can generally describe those to you, if you want.
15 It's the Part 2 new zoning map, that's what I'm
16 referring to.

17 MR. TEIN: And all those pinks were
18 previously red?

19 MR. RIEL: They were either a Commercial, a
20 CA or a CB district, and they're mainly on Southwest
21 8th, the area south of Ponce Circle, and then you
22 have, obviously, what's on U.S. 1.

23 MR. AIZENSTAT: Why was it designated
24 specifically as pink, as opposed to something else?

25 MR. RIEL: Because those properties are

1 adjacent and contiguous to single-family.

2 CHAIRMAN KORGE: Right. I remember this
3 discussion.

4 MR. AIZENSTAT: Which is what they fall
5 into.

6 MR. RIEL: Yes.

7 MR. TEIN: Well, which one exactly --

8 MR. AIZENSTAT: Right here.

9 MR. TEIN: Is this the one?

10 MR. BEHAR: No.

11 MR. AIZENSTAT: It's actually the
12 wrap-around.

13 MR. BEHAR: This one here.

14 MR. AIZENSTAT: It's right there.

15 MS. BALOYRA: If you look at that parcel
16 again, you'll see that at the tips of what's trying
17 to be colored pink are duplex lots, which are also
18 owned by my client.

19 MR. TEIN: Patty, you're objecting to all of
20 these pink?

21 MS. BALOYRA: I don't -- if I could --

22 MR. TEIN: All these down here?

23 MR. AIZENSTAT: It's the whole view.

24 MS. BALOYRA: Yes, this is one. These are
25 all one piece. This is all owned by my client.

1 MR. AIZENSTAT: That used to be a motel at
2 one time, years ago.

3 MS. BALOYRA: Right.

4 MR. RIEL: As I noted, Staff had a
5 preliminary meeting with the applicant yesterday, and
6 nothing has been filed and they asked for some
7 guidance in terms of how to proceed forward, and the
8 basic direction appears that they're going to be
9 coming with a Planned Area Development, and that --

10 MR. AIZENSTAT: How much -- I'm sorry.

11 MR. RIEL: That would allow for an increased
12 FAR, and it would require a review by this Board. So
13 that's the alternative we've suggested.

14 MS. HERNANDEZ: Under the new Code?

15 MR. RIEL: Under the new code.

16 MS. HERNANDEZ: And what would be the FAR?

17 MR. RIEL: That's what -- well, it's
18 difficult, because it includes a lot of different
19 parcels. It includes commercial and duplex, so --

20 MR. AIZENSTAT: And what's their time frame?

21 MR. RIEL: I can't give you that answer,
22 right off the top, because I just had the meeting
23 yesterday.

24 MR. AIZENSTAT: How much time would they
25 have? What's their time frame to come about with all

1 this?

2 MR. RIEL: Well, if they come forward with
3 the project prior to the adoption of the Zoning Code,
4 fine.

5 MR. AIZENSTAT: Can they bring just a site
6 plan? It's going to be impossible to do a project in
7 that amount of time.

8 MR. RIEL: The way I understand it, their
9 application involves a change in land use, so it
10 cannot be filed until March of next year.

11 MR. TEIN: Well, not every change in pink is
12 going to be similarly situated to this parcel.

13 MS. HERNANDEZ: Correct.

14 MR. RIEL: Correct.

15 MS. HERNANDEZ: Correct.

16 MR. AIZENSTAT: But then how do you treat
17 one thing different than the other one?

18 MR. TEIN: Because there's a different
19 surrounding area.

20 MR. AIZENSTAT: Well, if I remember
21 correctly, the discussion was to buffer the
22 residential areas, and that's why we went ahead with
23 all this.

24 MR. RIEL: Well, the residential included
25 multi-family as well as single-family.

1 CHAIRMAN KORGE: Right.

2 MR. RIEL: I'm just reminding the Board --

3 CHAIRMAN KORGE: Yeah, right.

4 MR. RIEL: -- that was one of the major --

5 MR. AIZENSTAT: That was a major thing that
6 we talked about.

7 MR. RIEL: And I just want -- if we start
8 eroding away at that, you know, we will have, I can
9 tell you, similar requests of this.

10 MS. BALOYRA: If I can reiterate something I
11 guess I said earlier. You have and the City
12 Commission has the opportunity to review an
13 appropriate flow of, you know, intensities into the
14 residential, when a development plan is presented
15 before the City. At this point, to reduce FAR,
16 reduce intensity, reduce height, without having seen
17 a plan, is depriving my client of his rights and is
18 basically inordinately burdening the property.

19 MR. RIEL: And I just want to say, for the
20 record, also, they could build, by right, at this
21 time, which would not come before this Board.

22 MS. HERNANDEZ: Say that again?

23 MR. RIEL: They could build, by right,
24 commercial uses and that would not come before this
25 Board. So I just want to --

1 MR. AIZENSTAT: Today?

2 MR. RIEL: Today, correct.

3 MR. AIZENSTAT: But I don't think they have
4 the -- they couldn't put it together and come before
5 the Board today.

6 MR. SALMAN: They wouldn't have to.

7 MS. BALOYRA: I mean, that's --

8 MR. RIEL: They wouldn't have to.

9 MR. SALMAN: That's what he's saying.

10 MR. AIZENSTAT: Right, but once this is
11 changed, they wouldn't have that by right.

12 MR. RIEL: They would have to come to this
13 Board.

14 MS. HERNANDEZ: In order to be able to.

15 MR. AIZENSTAT: Okay.

16 MS. HERNANDEZ: That's a change.

17 MR. AIZENSTAT: Say that again, please.

18 MS. HERNANDEZ: In order to be able to
19 develop as I'm assuming they're envisioning, because
20 I don't know, I haven't seen it --

21 MS. BALOYRA: I haven't seen it, either.

22 MS. HERNANDEZ: -- they would have to come
23 before the Board. There would be an additional step
24 in order to seek relief, and it's not automatic.

25 MR. SALMAN: Like at present.

1 MR. TEIN: The relief is not automatic.

2 MS. HERNANDEZ: Of course not.

3 MR. AIZENSTAT: Is this the first you've
4 heard about the change?

5 MS. BALOYRA: Me? I'm not the lead attorney
6 on this, I'm sorry. Santiago couldn't be here.
7 Santiago Echemendia is usually involved with this.

8 CHAIRMAN KORGE: I think he was here at the
9 last -- wasn't he here when we did the CL, the
10 Commercial Limited?

11 MS. BALOYRA: Yes. So it's not the first
12 time our firm has heard of it.

13 MR. AIZENSTAT: But it's been some time that
14 you've had -- not you specifically -- but to analyze
15 all this and try to put something together.

16 MS. BALOYRA: There is some time to analyze.
17 There's also time that -- you know, you need to take
18 into account what the neighbors are looking at, the
19 possibilities for development of the property, what
20 are the options under the Code. I mean, there's a
21 lot of planning that goes into this.

22 To say that you want to change our zoning so
23 that you can require us to come before the Board, and
24 while you change that zoning, you have reduced our
25 FAR, you've reduced our height and you've reduced,

1 you know, intensity and density, you are basically
2 creating a Burt J. Harris claim, so that you can have
3 the right to review our plan.

4 CHAIRMAN KORGE: Right, that was -- wasn't
5 that discussed when we made that decision before?

6 MS. HERNANDEZ: Right. We've discussed --
7 and we've discussed whether or not actions by this
8 Board create a Burt Harris claim. Now, I can tell
9 you, I have not looked at this specific parcel and
10 the effect of this -- you know, this is the first I
11 hear about this particular issue, so I cannot,
12 without doing --

13 MR. RIEL: And I likewise --

14 MS. HERNANDEZ: -- some legal analysis,
15 give you advice on it.

16 MR. RIEL: And I have not completed an
17 analysis. This is just based upon a 15-minute
18 meeting with the property owner yesterday, so --

19 CHAIRMAN KORGE: Well, let me just interject
20 that we went -- when we did the -- we agreed to the
21 Commercial Limited district in the areas that were
22 recommended, I mean, wasn't that a Burt J. Harris
23 taking -- that wasn't going to be an issue, in every
24 one of those?

25 MS. HERNANDEZ: No, because -- no, no, no,

1 no.

2 CHAIRMAN KORGE: Why not?

3 MS. HERNANDEZ: Because most, if not -- I
4 would say 90 to 97 percent of the properties, all we
5 have are performance standards and additional
6 regulations on properties that are having an impact
7 on the residential, you know, noise, I mean, it's
8 performance standards that we're imposing. They
9 already are at the 1.0 FAR, and we've already made
10 comparisons on many of those. This is just not one
11 of those properties that we did.

12 CHAIRMAN KORGE: It's one of the few we
13 didn't compare?

14 MS. HERNANDEZ: No, this one and about -- I
15 think there's three others.

16 MS. BALOYRA: If I can make a suggestion,
17 that to the extent that you're removing some of these
18 properties, you remove this one while --

19 CHAIRMAN KORGE: To look at further?

20 MS. BALOYRA: Yeah.

21 CHAIRMAN KORGE: Do you want to do that?

22 MR. SALMAN: Just as a point of clarity,
23 right now what we're doing is looking at properties
24 that have inconsistent underlying zoning with their
25 present use.

1 MR. RIEL: Part 1, right.

2 MR. SALMAN: We're not doing --

3 CHAIRMAN KORGE: Correct.

4 MS. HERNANDEZ: Right.

5 MR. SALMAN: -- the zoning changes. So --

6 MS. HERNANDEZ: We're not --

7 MR. SALMAN: -- your point is well taken --

8 MS. HERNANDEZ: This is a draft.

9 MS. BALOYRA: No, I know, and --

10 MR. SALMAN: Your point is well taken,

11 but --

12 MS. BALOYRA: We don't want to lose any of

13 our rights in any of this process, and to the extent

14 that, you know, we need to make these arguments

15 early, so you know they're coming, that's why we're

16 here, to talk to you about them tonight.

17 MR. TEIN: So we don't really have to

18 have --

19 MS. HERNANDEZ: But this is not before you

20 right now.

21 MR. TEIN: We don't have to --

22 MR. RIEL: Yes, it is. It is before you.

23 MR. TEIN: There is a forum that you will

24 have --

25 MR. RIEL: It is before you.

1 MS. BALOYRA: The map is before you.

2 MR. RIEL: It is before you. There are two
3 ordinances before you.

4 MS. HERNANDEZ: It's a draft.

5 MR. RIEL: No, it's not a draft. This is a
6 recommendation. We're asking the Board to make a
7 recommendation so the Commission can go to first
8 reading. We might go to first reading again, and
9 obviously, there needs to be a second reading, but
10 this -- we're looking for a recommendation from the
11 Board. It's always a draft until it's a final.

12 MS. BALOYRA: Right.

13 MR. RIEL: So, I mean --

14 MS. BALOYRA: But he's asking for you
15 tonight to recommend to the City Commission to adopt
16 this map, and we're telling you to pull us out. If
17 there are reservations -- if there are issues of Burt
18 J. Harris, you should not make that recommendation on
19 our parcel.

20 MR. AIZENSTAT: What do you do with the
21 other parcels?

22 MR. RIEL: What do I do with the other
23 parcels? I mean, this is the first parcel that is
24 going to be pulled out, I can tell you that.

25 CHAIRMAN KORGE: We just talked about Parcel

1 Number 43.

2 MR. RIEL: Well --

3 MS. BALOYRA: Right.

4 MS. HERNANDEZ: Right.

5 MR. RIEL: That's inconsistent. That's
6 different.

7 MR. SALMAN: That's what I thought we were
8 talking about. That's what I thought we were talking
9 about.

10 CHAIRMAN KORGE: Now I'm confused.

11 MR. TEIN: We were addressing inconsistent
12 uses.

13 MR. RIEL: Right.

14 MR. TEIN: Patty is now speaking on an issue
15 of an inconsistent use, namely, that her client's
16 parcel is going to be adversely impacted.

17 MR. RIEL: Parcel 43 had to do with Part 1,
18 and then --

19 MR. AIZENSTAT: And hers is Part 2.

20 MR. RIEL: And this is Part 2.

21 MS. HERNANDEZ: Right.

22 MR. TEIN: (Inaudible).

23 MR. AIZENSTAT: I mean, the concern that I
24 have is, if you start taking this parcel out -- I'm
25 looking at Part 2. If you start taking Parcel A out,

1 and then you go somewhere else and start taking
2 Parcel B out, and you go somewhere else and start
3 taking Parcel D out, what are you really doing?

4 MS. HERNANDEZ: Remember that the impact of
5 the action of this Board on different parcels will be
6 different because of the use, because of, you know,
7 the history of the property.

8 So, you know, just like they have sufficient
9 land that they can come before you on a PAD, other
10 property owners may not be able to do that. You
11 know, each property, the configuration of each
12 property, what's already on the each property, is
13 different, and so, you know, they have raised an
14 issue that I, as your City Attorney, am not prepared
15 to address with regard to the claims. It was not
16 brought to my attention. This is the first I hear of
17 it. I know they met with Planning Staff, but I
18 surely was not made aware of it. I'm hearing it for
19 the first time today.

20 MR. TEIN: I have a concern that if we're
21 changing the zoning on a parcel to the extent that
22 the owner of the parcel now comes before us and
23 objects, that the issue needs to be heard, and it
24 needs to be heard not at 11:15 at night --

25 MR. AIZENSTAT: Right.

1 MR. TEIN: -- you know, the first time
2 that -- you know, when we're considering the entire
3 issue. It's too complex, I think, to be resolved
4 right now. I don't want to throw a wrench into the
5 whole process, but on the other hand, this seems to
6 be an issue that they're raising, and I want to make
7 sure that we have the opportunity to decide it, one
8 way or another.

9 MR. RIEL: Let me offer this.

10 MR. TEIN: Make an informed decision.

11 MR. RIEL: We've gone over the Commercial
12 and the Commercial Limited zoning text already. I
13 mean, is it -- is it the Board's direction that Staff
14 possibly create a third category, to deal with these
15 areas?

16 MR. TEIN: Well, not necessarily. It's
17 just, I think we have to hear what the --

18 MR. RIEL: Or -- okay.

19 MR. TEIN: We have to hear -- who knows how
20 we're going to come out on this? And maybe that will
21 be an issue, maybe it won't be, maybe we won't need
22 to, but I think that we have to hear their objection
23 and we have to have the opportunity to consider it --

24 MR. RIEL: Sure.

25 MR. TEIN: -- and be advised by the City

1 Attorney.

2 MR. AIZENSTAT: Yeah.

3 MR. TEIN: And I know that we can't do it --
4 not tonight.

5 MR. RIEL: Understood.

6 MR. AIZENSTAT: Well, the City Attorney
7 hasn't been able to review it, so how do we --

8 MS. HERNANDEZ: I have not. I haven't.

9 MR. RIEL: Well, I agree, too. I mean, the
10 meeting was yesterday afternoon, so I really haven't
11 had an opportunity, either, so --

12 CHAIRMAN KORGE: I thought we would just
13 address the properties that are raised as concerns
14 now, pull out the ones that we still have questions
15 about, and then bring it back, not make a
16 recommendation. I don't know why you want to get a
17 recommendation.

18 MR. RIEL: Whatever you would like to do,
19 that's fine.

20 CHAIRMAN KORGE: I just think we're really
21 rushing something, and it will just come back to us,
22 anyways, so --

23 MR. RIEL: We're not rushing. The City
24 Commission has asked me to deliver a product to them,
25 okay?

1 MS. HERNANDEZ: We never rush. We always
2 take and consider.

3 CHAIRMAN KORGE: Well, I mean --

4 MR. RIEL: That's fine. I mean, if it's the
5 Board's -- I mean, I fully understand where you're
6 coming from. This is a lot to grasp. I can tell
7 you, we've been working on this for about six months,
8 so --

9 CHAIRMAN KORGE: No, I appreciate that.
10 It's not --

11 MR. RIEL: -- you know, to decide it in an
12 hour or two, I fully understand.

13 CHAIRMAN KORGE: It's not going to be done
14 in an hour or two. I mean, we have another property
15 where we've already -- we need the legal description
16 to pull that out, so -- you know, if we're going to
17 do that. So I think that's probably best. So we
18 need to address that separately.

19 I would suggest that we identify the parcel,
20 pull that out for you to look at, and report back.

21 MR. RIEL: And the address, again, was
22 1360 --

23 MS. BALOYRA: It's 1390.

24 UNIDENTIFIED SPEAKER: 1360.

25 MS. BALOYRA: 1360, I apologize, South Dixie

1 Highway. We can give you a property address, you
2 know.

3 MR. SALMAN: A legal description.

4 MS. BALOYRA: A legal description.

5 MR. BEHAR: Are you suggesting just to pull
6 this, or are we going to address --

7 MS. HERNANDEZ: No, just this one.

8 MS. BALOYRA: We'll give you the legal
9 description of the portion that is affected by the
10 map change.

11 MR. RIEL: Okay.

12 MR. SALMAN: Eric, this is a lot to pull
13 down all in one day. It's like we're trying to eat
14 an entire ear of corn in one bite. I suggest we
15 take it in bites, and the first bite, the way you
16 presented it, is, let's take care of the
17 inconsistencies first, those uses which are
18 inconsistent with their underlying land use, to be
19 able to correct that, so that before you make the
20 sweeping changes of the different zoning changes that
21 we're going to want to make, or that have been
22 recommended so far, we're going clean.

23 Now, I don't want to inadvertently, and I
24 don't think anybody's desire on this Board is to
25 inadvertently change somebody's underlying zoning

1 without, A, their permission, or B, their knowledge.

2 I mean, you've gone to great effort to let people
3 know what's going on, and now we're getting reports
4 from people who are coming back and saying, "Hey,
5 wait a minute," you know, "Whoa, you're going to take
6 here part of my development rights when you make the
7 change."

8 MR. RIEL: And understand --

9 MR. SALMAN: And I am very uncomfortable
10 with doing that if that's what we're talking about.

11 MR. RIEL: And that's fine. I mean, if the
12 Board is uncomfortable making a recommendation,
13 that's fine. I just want you to understand that we
14 did it in two parts because we didn't just want to
15 come forward with Part 1 and then say, "Oh, by the
16 way, you know, in another month, we're going to be
17 changing the zoning again." We wanted to present the
18 whole picture to you.

19 MR. SALMAN: I understand that you want to
20 bring an overall picture, but we've still got to take
21 it one bite at a time, and the way I thought we were
22 looking at this is, we were looking at underlying
23 zoning and the correction with regard to their
24 historic or present use.

25 MS. HERNANDEZ: Correct.

1 MR. SALMAN: For example, this gentleman
2 over here came in because he happened to be
3 consistent with his underlying zoning, and he doesn't
4 want a zoning change to commercial. He wants to stay
5 residential, low-intensity, four-story, right?

6 MR. BARNES: Exactly.

7 MR. SALMAN: Okay, and you're coming back
8 with your legal description so we can carve you out
9 of the commercial that we're looking to make out of
10 this area --

11 MR. BARNES: I'll come right back.

12 MR. SALMAN: -- which is currently what it's
13 being used at, next door, but not you.

14 And so what we're trying to do is correct
15 all these uses, and that makes a lot of sense. Let's
16 correct that first, so that when we make --

17 MR. KORGE: Then we --

18 MR. SALMAN: -- the changes for the zoning,
19 we know what we're doing and everybody is on board
20 that they are comfortable in the chair that they're
21 sitting in, from a zoning point of view. So --

22 MR. AIZENSTAT: Eric, if I may, how long ago
23 was this property owner notified of these changes?

24 MR. RIEL: This property owner was not
25 notified, because it was not an inconsistent zoning.

1 MR. AIZENSTAT: So this property owner was
2 never notified that the change would affect them in
3 this way?

4 MR. RIEL: This property was notified via
5 the City-wide letter.

6 MR. AIZENSTAT: Okay.

7 MR. RIEL: It was posted in the newspaper.
8 This property was not posted, though.

9 We have an option under statutes to notify
10 everyone. We're obviously not going to post the
11 entire City.

12 MS. HERNANDEZ: Okay, so we're going to
13 carve this one out, or additional ones?

14 MR. SALMAN: For further review.

15 MR. AIZENSTAT: Well, are we going to do
16 that, or are we just not going to look at Part 2?

17 MR. TEIN: Well, if we don't look at Part 2,
18 do we have to notice 1,700 (sic) notices again?

19 MR. RIEL: I think we're going to have to do
20 that, anyway.

21 MR. TEIN: Oh, anyway?

22 MR. RIEL: Yeah. I'm looking for the Board,
23 this evening, to give me their input. Obviously,
24 these issues have been identified. We'll look at
25 those and we'll come back at a future date.

1 MR. TEIN: Do we have to do this by motion?

2 MS. NEWMAN: Can I make a --

3 MR. RIEL: Not necessarily.

4 MR. TEIN: No?

5 MS. NEWMAN: I was scheduled to speak, also.

6 MS. HERNANDEZ: Yes, you can, but we're
7 trying --

8 MS. NEWMAN: As relates to this.

9 MS. HERNANDEZ: No, absolutely, but I'm just
10 trying to --

11 Technically, you have two ordinances that
12 you're asking, so let's keep it separate. She's
13 talking about the map.

14 MR. AIZENSTAT: Number 2.

15 MR. RIEL: Part 2.

16 MS. HERNANDEZ: Number 2.

17 MS. NEWMAN: Okay.

18 MS. HERNANDEZ: No, because if we can
19 actually get one of them done, that would be a good
20 thing.

21 MR. AIZENSTAT: That's what I'm thinking, if
22 we should look at Number 1 first and just --

23 MS. HERNANDEZ: Right. I'm just trying to
24 get something.

25 MR. BEHAR: (Inaudible).

1 CHAIRMAN KORGE: Right. That's what we
2 have been doing.

3 MR. TEIN: Let's continue. So let's finish
4 with one.

5 CHAIRMAN KORGE: Why don't we continue with
6 that? Yeah, let's continue with that.

7 MR. AIZENSTAT: I agree. Then we'll take up
8 that issue as to what we want to do with Number 2.

9 CHAIRMAN KORGE: Right.

10 MS. HERNANDEZ: All right, so then we're
11 going to --

12 MR. AIZENSTAT: Whether we want to defer it,
13 or whether we want to go ahead and carve it out or --

14 MR. TEIN: And if we defer it, there will be
15 an opportunity at the deferred date for property
16 owners like yourself.

17 MR. AIZENSTAT: Such as yourself, to come
18 in --

19 MR. TEIN: To address it.

20 MR. AIZENSTAT: -- and at that point, the
21 Staff will have had the opportunity to really take a
22 look at it and come back with certain
23 recommendations.

24 MS. BALOYRA: Okay, and the decision to
25 defer, you're going to wait until after you've

1 heard the --

2 MS. HERNANDEZ: After we've heard from
3 everybody who's here.

4 MS. BALOYRA: Okay.

5 MR. AIZENSTAT: Thank you.

6 MS. BALOYRA: Thank you.

7 MS. NEWMAN: Well, first, I appreciate you
8 deferring this Item 2, because --

9 CHAIRMAN KORGE: We haven't done it yet.

10 MS. NEWMAN: Oh. Oh, you haven't --

11 CHAIRMAN KORGE: We haven't even brought it
12 up yet.

13 MS. NEWMAN: It isn't there yet, okay. I
14 wanted to comment on the pre-existing and to just
15 thank --

16 MR. RIEL: You need to state your name,
17 please.

18 MS. NEWMAN: Oh, I'm sorry. Joyce Newman,
19 1212 Santana Street, and we are in the community of
20 the Riviera Park, so I just wanted to comment that we
21 were happy to see that change. The neighborhood
22 association did not realize until recently that it
23 was zoned for CB commercial, and that was very
24 alarming, so we're happy that that's being done.

25 And then the other issue I will speak to

1 later, but just as a reminder that, you know, we've
2 talked about the manatee protection and some other
3 things, and this is an area -- that is that area, as
4 well. So thank you.

5 MS. HERNANDEZ: Okay.

6 MR. GUILFORD: Good evening. I'll try to
7 keep this brief. Zeke Guilford, 400 University
8 Drive, here on behalf of Bob Berrin and Ike Fisher,
9 the owners of property at 4601 and 4609 Ponce de Leon
10 Boulevard.

11 Unfortunately, they could not stay here, but
12 they asked me to come forward and voice their
13 objection to what you're doing to their property.
14 Their property is located at the corner of LeJeune
15 Road and Ponce de Leon, as it runs parallel with the
16 Highway.

17 MS. HERNANDEZ: Is it a parcel?

18 MR. GUILFORD: It is not -- I'm on Part 2,
19 not Part 1, and essentially, what you're doing is,
20 again, you've changed it from CB to CL, which is a
21 downzoning of the property from a 3.0 to a 1.0 FAR.
22 Both their properties currently contain more than 1.0
23 FAR. However, in case of casualty, assemblage, et
24 cetera, they would lose exactly 2.0 FAR on
25 their property, and we --

1 MS. HERNANDEZ: Have you met with Staff on
2 this?

3 MR. GUILFORD: We have not. As a matter of
4 fact, I was told that -- Mr. Berrin could not stay
5 here tonight, and I'm sure he just got the form
6 letter of the 17,000 odd letters. So we wanted -- I
7 did want to voice their objection. Obviously, due to
8 the late hour, they could not stay. I would ask that
9 you defer it, that more property owners -- when you
10 first started this meeting, the hallways were packed,
11 and slowly, as the evening went on, it got smaller
12 and smaller.

13 So, if this item could be taken at an
14 earlier hour, I think you will have a lot more people
15 talking about the CL district and what it is doing to
16 their properties.

17 Thank you.

18 CHAIRMAN KORGE: Thanks.

19 MS. HERNANDEZ: Thank you.

20 MR. AIZENSTAT: Thank you.

21 CHAIRMAN KORGE: Anybody else?

22 MR. HATFIELD: Good evening. I'm Robert
23 Hatfield. I live at 3400 Anderson Road, and I own a
24 piece of property on LeJeune that's affected the same
25 way he did, at 4700 and 4712 LeJeune Road, and I

1 realized, when I was home, sipping a glass of wine
2 and looking at this thing on TV, that this was
3 probably going to --

4 MR. SALMAN: Lucky you.

5 MR. HATFIELD: -- probably going to come up
6 about the zoning map, and I came down to say, if
7 you're going to defer it, I'd like that, but
8 otherwise, I object to this downzoning, which it is,
9 in the most vigorous manner.

10 CHAIRMAN KORGE: Thank you.

11 MR. HATFIELD: Okay.

12 CHAIRMAN KORGE: Anybody else? I guess that
13 will close the public --

14 MR. AIZENSTAT: There was a gentleman back
15 there.

16 CHAIRMAN KORGE: Oh, yes, sir, in the
17 back?

18 MR. BARNES: I have the legal description.
19 Mr. Carlson has provided it.

20 CHAIRMAN KORGE: Give it to Eric.

21 MR. RIEL: Thank you.

22 MR. BARNES: Thank you.

23 MR. RIEL: You need to be sworn in.

24 (Thereupon, Dan May was duly sworn by the
25 court reporter.)

1 MR. MAY: Okay, my name is Dan May. I live
2 at 808 Majorca, and the reason I want to appear
3 before the Board here, I was concerned about the
4 zoning that you're changing for the water tower in
5 the North Gate, and if I understand it correctly,
6 it's being changed from a residential to a special
7 property. Is that correct?

8 MS. HERNANDEZ: Right.

9 MR. MAY: Okay. All right, good. That's
10 what I anticipated, and that's what I would like to
11 speak about.

12 These two properties are basically in the
13 residential area, and the water tower, I believe, has
14 been unused for 65 years, and we know that eventually
15 bugs, a storm or something is going to get to the
16 water tower and it's going to disappear, and we're
17 going to have blank land there. Well, that's not
18 really a bad story. The same thing could happen to
19 North Gate. We could eventually have the same thing,
20 and it would become blank land. But the thing is, we
21 do have in our history a very recent story of the
22 problem that I will speak about. It has to do with
23 the Country Club. The Country Club had a fire, 20
24 some odd years ago, and it created some blank land on
25 the west side of the property, and one of our

1 commercial theatrical groups spotted this land on a
2 special -- that was zoned for special use, and come
3 up with the idea, why don't we build a theater here?

4 They went to your board of directors -- I
5 mean, the Board of Architects. They thought it was a
6 great idea. They approved it. They told the board
7 they wanted to put a big sign out there that said
8 Gables Theater on it. The board approved that. We
9 come here, we come to your group. You looked at it.
10 I objected. Y'all still thought it was a great idea,
11 even though it had a 38-foot wall, one foot off the
12 sidewalk, and so these stories did not -- did not
13 deter this Board of giving full approval.

14 It went to the Historic Board. They
15 listened to the same story, a 38-foot wall. "No
16 problem, we're going to build it, we're going to put
17 in this theater, right here." The theater said it
18 had no problem coming up with a million dollars to
19 build the theater, and luckily, someone said, "Well,
20 maybe we ought to move it down a little bit, maybe 34
21 foot tall," and then finally, we were saved, not
22 because of this Board, not because of the Board of
23 Architects, not because of common sense, just the
24 architect on the job withdrew it. So we were saved.

25 So the land at the Country Club, even though

1 it is zoned for special use, we did not get this
2 horrible commercial building, right out in the center
3 of residential property, and so I think that should
4 be a lesson to us that we should not set up some
5 special use property where the water tower is. I
6 assume everyone knows that's on the curve of
7 Alhambra, just a little piece of land, and so one of
8 these days that tower is going to disappear, and if
9 we don't leave it like this, it will be an open
10 opportunity for someone to come in and say, "Let's
11 put in a dog pound," or, "Let's do some little
12 something for the community," when really it
13 shouldn't be. That property should be all
14 residential.

15 The same thing with the North Gate. The
16 North Gate has two old rock buildings on it, which
17 we're all familiar with, we all go through it a
18 hundred times. We know there's going to be a time
19 when that's going to disappear, and if we leave it
20 zoned special use, then we're going to have a blank
21 piece of property there one day, special use, which
22 is halfway on its way to being commercial. You know,
23 it's not all the way.

24 And if we leave it, put it back to
25 residential, which is proper about the thing, for

1 everything south of it, we'll be at residential.
2 Then if someone does want to make it commercial,
3 they've got to come from residential all the way to
4 commercial or whatever they want to do with it. The
5 same thing with the other one.

6 And so I'm just going to recommend to you
7 that we do move those back to residential property,
8 with a current special use of it, because the two
9 uses we have for it are not -- there's no value to
10 it. There's no real value to the gate. Most
11 subdivisions, when they're built, you put up a big
12 fancy gate, put up some flags, sell out half the
13 apartment houses, then you tear down the gate. Well,
14 it didn't quite happen here in Coral Gables. You
15 know, they didn't build, you know, Tinker Toy front
16 gates. They made it out of rock. Seventy-five years
17 later, we've still got the rock gate up, and there's
18 nobody going to object to that, that's going to stay
19 there until it's fallen, but there would be no reason
20 to make this special use, and that's what I'm here
21 tonight for, to ask you to reconsider those
22 particular spots.

23 There may be some more little ones here that
24 that will happen to, I haven't looked at them, and,
25 you know, it might apply to that. But as to those

1 two spots, I'm very interested in seeing that they
2 remain as residential property.

3 Thank you for your consideration.

4 MR. RIEL: Let me go ahead and clarify what
5 we're doing on this particular piece.

6 The water tower, right now, has a parks and
7 recreational land use on it. We're not going to
8 propose a change to that. That's the appropriate
9 land use on the property. It currently has an
10 inconsistent residential zoning. It actually has a
11 couple -- obviously, a couple of protections. First
12 off, it's City-owned --

13 CHAIRMAN KORGE: Right.

14 MR. RIEL: -- City-owned property.

15 Second, being a residential zoning
16 designation, it really doesn't add any protection.
17 If, for some reason, it wasn't owned by the City, it
18 could be developed. But by going to the S use, all
19 construction of any buildings or anything on an S use
20 comes to this Board and the City Commission for
21 review.

22 So, actually, by putting an S use on, it
23 requires notification to the property owners and
24 going through a public hearing review. It's actually
25 more restrictive to develop than the residential use.

1 MR. MAY: Okay. Could I continue here?

2 MR. RIEL: Sure.

3 MR. MAY: Can I speak again, Mr. Chairman?

4 Okay. Yes, well, see, you heard this part
5 about here, how it had to come before the committee,
6 but we've already got proof, three years ago, that
7 that's no deterrent. At the Country Club, you had
8 plain, blank land. We were going to rebuild the
9 Country Club, and then along come this idea, let's
10 put in this commercial theater, and it went before
11 our board of directors -- I mean, our Board of
12 Architects, and what did they do? They approved it.

13 CHAIRMAN KORGE: Is there no parks --
14 there's no longer a parks and recreational as a --

15 MR. RIEL: It still -- it would still remain
16 parks and recreational land use.

17 CHAIRMAN KORGE: That would be the land use.

18 MR. RIEL: Yeah, but that's no change.
19 We're just changing the S zoning to be consistent
20 with the land use. Actually, this provides more
21 protection. They're also historic. It's a historic
22 property, as well --

23 MR. AIZENSTAT: Right.

24 MR. RIEL: -- so this property probably has
25 more protection than any other property I could even

1 imagine in the City. It's owned by the City, has a
2 historic overlay, and requires public hearing review
3 by the Board of Architects, the Historic
4 Preservation, the Planning & Zoning Board and the
5 City Commission, two readings.

6 MR. SALMAN: Yeah, but at the Board of
7 Architects, you're not allowed to comment.

8 MR. RIEL: I don't know that.

9 MR. MAY: Okay. Okay.

10 MR. SALMAN: I mean, as a neighbor, you
11 can't come in and complain because you don't like
12 what they're doing.

13 MR. RIEL: No comment.

14 MR. MAY: Okay, just one other comment,
15 gentlemen, and then I will sit down, regardless of
16 what happens, but I want to point out to you that all
17 those protections, all those stories, that all
18 applied to the Country Club, and despite all that,
19 the story went on, the tall wall, put in the club,
20 hang up the sign. All these things were brought up,
21 and they all passed. We wasn't saved by all these
22 City criss-cross savings. We were saved because the
23 architect on the job himself, the actual architect
24 that was drawing it up, withdrew. So we were only
25 saved because of one man here.

1 But all these boards that you're talking
2 about that are covering, they all approved this, and
3 you know, I don't know -- you know, you just think
4 about it. A commercial theater, right next door to
5 the Country Club, in the center, center of the old
6 part of town, that's been there since the early,
7 early '20s, and these things -- this did happen, and
8 it went through, it went to all these boards. You
9 know, I kept up with the votes. We actually come to
10 this board twice, went to the other one, and the vote
11 was 42 to 4, when you add up all the votes. That's
12 an insignificant figure, but that shows you that even
13 with all these particular safeguards you had here,
14 they would not keep us -- those safeguards were going
15 to allow us to have this commercial property, which
16 we do not have today, and incidentally, the same
17 commercial club was offered by the City, and now it's
18 placed downtown, in a garage, with a cover, protected
19 from the weather, they could build the thing there,
20 and they said, oh, no, they didn't have enough money
21 for that, yet they were going to spend a million
22 dollars and build their own building right out here
23 against our sidewalk at the Country Club, and so I
24 just want you to be aware of these things.

25 Once again, thank you, and especially for

1 the two times to talk. Thank you.

2 CHAIRMAN KORGE: Thank you.

3 Anybody else who hasn't spoken who would
4 like to speak now?

5 Then I'll close the -- there's one more?

6 MR. HARTNETT: Are we talking about the map
7 yet?

8 CHAIRMAN KORGE: No, we're just talking
9 about the inconsistent properties, Part 1.

10 So we'll close that part of the hearing, and
11 so what's your pleasure?

12 MR. TEIN: Can we make a motion?

13 CHAIRMAN KORGE: Yes, please.

14 MR. TEIN: I would move to approve Part 1 of
15 the ordinance, namely, the recommendation and
16 adoption of the inconsistent property map ordinance,
17 with the exception of Parcel Number 43, which we
18 would defer for further consideration.

19 CHAIRMAN KORGE: Is there a second to that?

20 MR. SALMAN: I believe that there was a
21 question on Parcel 10.

22 MR. AIZENSTAT: What was the question on
23 Parcel 10? I don't remember.

24 MR. RIEL: No, I think they had the wrong --
25 they were talking about a Lot Number 10. It wasn't

1 this Parcel 10.

2 MR. SALMAN: Okay. That's why I didn't
3 understand it.

4 All right, I'll second it.

5 CHAIRMAN KORGE: Second.

6 Well, how does that affect -- just clarify
7 for me, if you would, Eric, how does that affect the
8 property -- the CL property that has a concern,
9 that's looking at developing, down at -- on the
10 Highway --

11 MR. RIEL: That's Part 2.

12 MR. AIZENSTAT: That's Part 2.

13 MR. RIEL: That would not --

14 CHAIRMAN KORGE: That would only be in Part
15 2, that would be affected.

16 MR. RIEL: That would be in Part 2.

17 CHAIRMAN KORGE: They wouldn't be affected
18 by this at all?

19 MR. RIEL: Not at all.

20 MR. TEIN: I didn't move on Part 2.

21 CHAIRMAN KORGE: Yeah, I know.

22 MR. AIZENSTAT: If we have a motion and a
23 second, do we call the roll?

24 MR. CANNONE: Robert Behar?

25 MR. BEHAR: Yes.

1 MR. CANNONE: Javier Salman?
2 MR. SALMAN: Yes.
3 MR. CANNONE: Michael Tein?
4 MR. TEIN: Yes.
5 MR. CANNONE: Eibi Aizenstat?
6 MR. AIZENSTAT: Yes.
7 MR. CANNONE: Tom Korge?
8 CHAIRMAN KORGE: Yes.
9 All right. Part 2?
10 MR. BEHAR: I'll make a motion to defer this
11 Part 2.
12 MR. TEIN: I would second that.
13 MR. SALMAN: I will third it.
14 CHAIRMAN KORGE: Is there any discussion on
15 the motion to defer?
16 MR. AIZENSTAT: Eric, you seem like you
17 would like to say something.
18 MR. RIEL: No, I just -- I understand the
19 deferral is to allow us to get with that particular
20 issue on the CL and --
21 MR. AIZENSTAT: Well, maybe with that
22 property owner, or very possibly other property
23 owners.
24 MR. RIEL: I believe --
25 CHAIRMAN KORGE: I think that's going to be

1 more than just a few.

2 MR. RIEL: I do, too.

3 MR. BEHAR: I think you should meet with all
4 the property owners that are going to be directly
5 affected, as these two property owners have.

6 CHAIRMAN KORGE: Right.

7 MR. RIEL: Okay, we have a motion and
8 second. We need to call the roll.

9 CHAIRMAN KORGE: Call the roll, please.

10 MR. CANNONE: Javier Salman?

11 MR. SALMAN: Yes.

12 MR. CANNONE: Michael Tein?

13 MR. TEIN: Yes.

14 MR. CANNONE: Eibi Aizenstat?

15 MR. AIZENSTAT: Yes.

16 MR. CANNONE: Robert Behar?

17 MR. BEHAR: Yes.

18 MR. CANNONE: Tom Korge?

19 CHAIRMAN KORGE: Yes.

20 MR. RIEL: And just for the record, Part 1
21 will go to the Commission September 27th, at 11:00
22 a.m., time certain.

23 MR. SALMAN: All right.

24 CHAIRMAN KORGE: Do you want me to leave
25 this book here, Eric?

1 MR. RIEL: Yeah. If you don't want your
2 books, yeah, we'll take them back, yes.

3 MS. HERNANDEZ: Is there any further
4 business?

5 MR. RIEL: Just that we're meeting three
6 times in September.

7 MR. AIZENSTAT: Are these the correct dates?

8 MS. HERNANDEZ: Mr. Chair, are you going to
9 hit that gavel? Hard.

10 (Thereupon, the meeting was adjourned at
11 11:35 p.m.)

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 _____ day of August, 2005.

JOAN L. BAILEY, RDR

Notary Commission Number DD 190412.
My current notary commission expires 6/14/07.

