

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

CORAL GABLES CITY COMMISSION CHAMBERS
405 BILTMORE WAY, CORAL GABLES
JANUARY 25, 2006, 6:17 P.M.

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Board Members Present:

- Tom Korge, Chairman
- Eibi Aizenstat, Vice-Chairman
- Michael Tein
- Javier Salman
- Pat Keon

City Staff:

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

Also Participating:

- Robert W. Burchell, Ph.D., Consultant
- Charles L. Siemon, Esq., Consultant
- Todd G. Messenger, Esq., Consultant

1 THEREUPON:

2 The following proceedings were had:

3 CHAIRMAN KORGE: I'm sorry to be late. Are
4 we ready to start the meeting?

5 MR. RIEL: Ready? Yes.

6 CHAIRMAN KORGE: Please call the roll.

7 MS. MENENDEZ-DURAN: Eibi Aizenstat?

8 MR. AIZENSTAT: Here.

9 MS. MENENDEZ-DURAN: Robert Behar?

10 Pat Keon?

11 MS. KEON: Here.

12 MS. MENENDEZ-DURAN: Cristina Moreno?

13 Javier Salman?

14 MR. SALMAN: Here.

15 MS. MENENDEZ-DURAN: Michael Tein?

16 MR. TEIN: Yes.

17 MS. MENENDEZ-DURAN: Tom Korge?

18 CHAIRMAN KORGE: Here.

19 The first item on the agenda is approval of
20 the minutes of the January 11th meeting.

21 MR. SALMAN: So moved.

22 CHAIRMAN KORGE: Do I have a motion?

23 MR. SALMAN: So moved.

24 CHAIRMAN KORGE: A motion second?

25 MS. KEON: Seconded.

1 CHAIRMAN KORGE: Seconded.

2 Is there any discussion? None?

3 Let's call the roll on that, please.

4 MS. MENENDEZ-DURAN: Pat Keon?

5 MS. KEON: Yes.

6 MS. MENENDEZ-DURAN: Javier Salman?

7 MR. SALMAN: Yes.

8 MS. MENENDEZ-DURAN: Michael Tein?

9 MR. TEIN: Yes.

10 MS. MENENDEZ-DURAN: Eibi Aizenstat?

11 MR. AIZENSTAT: Yes.

12 MS. MENENDEZ-DURAN: Tom Korge?

13 CHAIRMAN KORGE: Yes.

14 Are we staying with the present order?

15 So the next item on the agenda is the

16 presentation of a workforce affordable housing

17 study.

18 MR. RIEL: Mr. Chairman, I'd like to make

19 some introductory comments and then I'll turn it over

20 to our consultant, and then Javier, and my Staff will

21 have some concluding remarks.

22 The Planning Department is not seeking a

23 recommendation at this time. This is basically just

24 a presentation of the affordable workforce housing

25 study. Obviously, we would -- if you desire to give

1 us policy direction, we would certainly welcome it.

2 This presentation you're going to see this
3 evening, we did the same presentation before the City
4 Commission yesterday. It was fairly well received.
5 It was about an hour and a half discussion, and with
6 the presentation. We did get a lot of very, very
7 good questions, and we did get some preliminary
8 direction.

9 The reason why we're doing this separate
10 housing study is, in 2004, the City processed a
11 private development application for the MXD-3, the
12 area north of the Village of Merrick Park. As a part
13 of that approval, to assign that overlay, that
14 particular application had to go to the South Florida
15 Regional Planning Council. The issue that is on --
16 that is emphasized on almost every local government
17 that comes before the Regional Planning Council is
18 the issue of how to satisfy affordable housing.
19 Coral Gables, in 2004, is no different than any other
20 city that's actually going through their
21 comprehensive land plan review or any change in their
22 comprehensive plan. That same issue comes up with
23 any local government in Broward, Monroe or Dade
24 County. To address this issue, we had asked that
25 that developer contribute, and that's how we

1 basically funded the study.

2 The study that is before you this evening
3 was done by a Dr. Robert Burchell. He's a national
4 authority on urban and affordable housing issues.
5 He's a co-director of the Center of Urban Policy
6 Research at Rutgers University. He has a doctorate
7 in urban planning from Rutgers. He's authored over
8 30 books and written over 50 articles, ranging from
9 development and fiscal impact analysis,
10 redevelopment, transportation and housing policy.

11 As I indicated, this is the same
12 presentation. It's about a 30-minute presentation.
13 I'm going to ask if the Board could let the
14 consultant go through the presentation in whole. He
15 will probably answer a lot of the questions that you
16 may have. We do have a PowerPoint. I did put the
17 color version in front of you.

18 And just as a side note, we met with the
19 Regional Planning Council today, basically went
20 through the same presentation that we're providing to
21 the Board this evening. The approach that we're
22 taking to try to satisfy the affordable housing need,
23 I will tell you, the Regional Planning Council, for
24 the most part, was very pleased that we're proceeding
25 forward. As I had indicated in the past, we're

1 somewhat on the forefront, and actually, a lot of
2 local governments, as well as the Regional Planning
3 Council, are seeing what we come up with, and we're
4 going to work closely with the Regional Planning
5 Council and the State to hopefully come up with
6 something that addresses the need from a regional
7 scale, not just from the City of Coral Gables scale.

8 So, with that, I'll turn it over to our
9 consultant, Dr. Robert Burchell.

10 DR. BURCHELL: Mr. Chairman, Members of the
11 Planning Board, Staff, my name is Robert Burchell,
12 and I'm director of the Rutgers University Center for
13 Urban Policy Research in New Brunswick.

14 I'm chairman of the planning board of Essex
15 Fells, New Jersey, I'm a licensed planner in the
16 State of New Jersey, and I'm a principal in Burchell
17 & Listokin, a private planning and economic
18 consulting firm.

19 Thank you for inviting me to talk to you
20 this evening about a study, workforce affordable
21 housing study that we've done for City of Coral
22 Gables, a study completed during the year 2005, being
23 delivered essentially today and yesterday, and a
24 study completed by Rutgers University. It was a
25 university study for your individual Planning Board.

1 Again, it's a study that provides recommendations.
2 Obviously, you take those recommendations and you do
3 or you do not formulate regulations from that, in
4 terms of addressing affordable housing need.

5 First slide.

6 The goal of a study of this type is, one,
7 that it be relatively simple, simple to understand,
8 simple to implement in terms of those charged with
9 the implementation of affordable housing at the local
10 level.

11 It must recognize State and regional
12 affordable housing goals, which clearly it does. We
13 have met multiple times with the people at the
14 Shimberg Center at the University of Florida, and
15 again, multiple times with the people in the Regional
16 Planning Commission.

17 It should be consistent with accepted
18 housing practice. In other words, it should
19 recognize definitions that define the population to
20 be served.

21 It should use data, essentially, that is
22 being used in terms of others doing projections of
23 affordable housing need throughout the State.

24 The procedures should support efficient and
25 well planned growth.

1 They should not cause significant fiscal
2 strain to the individual location which is adopting
3 an affordable housing program.

4 And the procedures should essentially allow
5 a sufficient time for planning, and also inform and
6 apprise regional and State agencies in terms of what
7 you're doing.

8 Next slide.

9 Why would one do workforce or affordable
10 housing? Well, the reality of it is that residents,
11 and particularly the elderly, need affordable
12 housing. Almost all housing is built -- all new
13 housing is built for those of 120 percent of median
14 income and above. So, clearly, all of the new
15 housing is not based in terms of the pricing points
16 for the households to be formed in a local
17 jurisdiction, regardless of whether those households
18 are affluent. So, even in affluent communities, the
19 selling price of new homes is way above the average
20 person coming to live and work in that community.

21 Workforce and affordable housing has been
22 successful. They're good properties. They have no
23 negative impact on a surrounding community. They
24 attempt to provide a more balanced community. It
25 promotes a steadying effect on the local labor force;

1 your first responders and a variety of others can
2 live, potentially, within the community.

3 In every survey, citizens want it. In every
4 survey, it's the number one issue facing the
5 citizenry, both in terms of their own needs, in terms
6 of downsizing, as well as their offspring who have a
7 desire or possibility of living nearby.

8 On a more mundane note, it's absolutely
9 required as part of the Florida Growth Management
10 Act. It's in your Coral Gables Comprehensive Plan.
11 It's part of the State Housing Initiative Program.

12 Next slide.

13 Who is -- I think we have one more slide
14 before that. Can you go back? Can we go back?

15 Who is workforce and affordable housing for,
16 and how long should it last? It's for current and
17 future workers and residents of the City of Coral
18 Gables -- that's important -- for both family and
19 elderly households. In normal communities, and not
20 communities characterized by a warm climate, the
21 growth of the elderly is 50 percent of affordable
22 housing need, at least 50 percent of affordable
23 housing need. So the elderly is a very significant
24 component of future affordable housing need.

25 It should be both ownership, typically

1 condominium, and of rental tenure. Rental housing
2 should be a component, a reasonably significant
3 component, of those units provided.

4 Units should be deed-restricted for
5 reasonable periods of time. There's two theories
6 that exist here. One is to deed-restrict them in a
7 shorter period of time, allow the occupants to get a
8 windfall and boot themselves out of any type of
9 affordable housing need. The other theory is to
10 deed-restrict them for a long time, 99 years or in
11 perpetuity, to maintain the units locally, while
12 those who live in them save and boot themselves out
13 of moderate or lower income status as a result of
14 their savings, with regard to individual housing
15 purchases.

16 And affordable housing should be part of a
17 holistic approach, in terms of the appropriate amount
18 of transportation that is provided and a variety of
19 other services that could be and should be available
20 to workers and residents.

21 Some preliminary definitions. In terms of
22 your statewide requirements and also in terms of
23 regional, there has been agreement that the target
24 population is those below 120 percent of median. The
25 median income in Coral Gables is roughly 78,000,

1 median household income. Median family income is
2 more, but median household income is about 78,000.
3 Your local ordinance calls for that as the definition
4 in terms of any type of affordable housing efforts.

5 The housing area is essentially the City of
6 Coral Gables. So you're meeting, essentially, your
7 own need, whether that need be rehabilitation need,
8 growth in the future, and essentially, you're meeting
9 that need at a level of 120 percent of median, and
10 that essentially is your own median household
11 income.

12 Now, what does that mean? It means, then,
13 those who range in terms of income from about 40 to
14 100,000, and in housing price, a multiplier of 2.5,
15 so somewhere on the order of 100 to \$250,000, in
16 terms of providing units at those -- at those
17 individual prices.

18 The next slide.

19 The first category of need -- again, there's
20 four categories defined by the State. The first
21 category of need is your future cost-burdened
22 affordable housing need, that is, those less than 120
23 percent of median, who will spend more than 50
24 percent of their income on housing, and so we do a
25 statewide projection for a 10-year period and we see

1 that over the future, if the future is like the past,
2 and we use 1990 to 2000 to dictate past growth
3 scenarios as it relates to the City -- over a 10-year
4 projection, there will be a future growth of
5 households of 1,132 within a city of about 2,500 in
6 terms of population. Income eligible will be about
7 half those, 562, and the cost-burdened, those likely
8 to spend more than 50 percent of their income on
9 housing, about 186, and that's, again, the first
10 number and an important number, and that is 186, and
11 we're talking about meeting these needs over --
12 again, over a 10-year period.

13 The second component of affordable housing
14 need are those below 120 percent of income, that live
15 in either overcrowded or deteriorated housing, and we
16 have a way of defining that and relating it to the
17 age of the unit, and typically, they look at either
18 pre-war or post-war housing, pre-war defined as 1939
19 or older, post-war, 1940 or newer, and in an old
20 unit, if you have one deficiency of those type,
21 again, incomplete or lack of exclusive use of
22 plumbing or kitchen, or it's overcrowded, it's
23 signalled as a deficient unit that likely needs
24 replacement or extensive rehabilitation, and if it's
25 a newer unit, it requires two, two deficiencies. So

1 age is a key indicator in terms of rehab, rehab
2 needs.

3 In Coral Gables, there's a total of around
4 17,000 units. Your total deteriorated under those
5 criteria, or deteriorated or overcrowded, about 127,
6 less than one percent, and those that would be
7 occupied by an income-eligible population,
8 essentially those less than 120 percent of median,
9 about 113. So your first number is 186, your second
10 is 113, and we're, again, halfway through, in terms
11 of the four categories.

12 The third category is current preservation
13 need, and this is a situation that's going on in many
14 communities. It is not going on in Coral Gables,
15 because there are few, if any, existing subsidized
16 units in the City that are likely to lose their
17 subsidized status, and so all over, in many
18 communities of the State, a very significant
19 component of affordable housing need, which is why
20 they're going to longer periods for deed
21 restrictions, is that those units are having expiring
22 mortgages or they're having expiring subsidies, so
23 the units that have already been built and provided
24 are going to market level, and so that's a
25 significant component of need.

1 (Thereupon, Ms. Hernandez arrived.)

2 DR. BURCHELL: In Coral Gables, again, it
3 doesn't exist. It is one of the four categories the
4 State would like to see communities essentially
5 address, and one of the ways of addressing it, if you
6 don't already have preservation need, is essentially
7 an attempt to look for either gifts of properties,
8 foreclosures or conversions that essentially might
9 become available, and to use those properties or to
10 use income from those properties to buy down other
11 properties, in terms of a preservation effort.

12 Again, that's an option in terms of a local
13 circumstance, since you do not already have units
14 that are likely to be lost -- lost from the stock.

15 The final category is backlog plus
16 cost-burdened, in other words, those existing
17 residents that live within the City that currently
18 pay more than 50 percent of their income for housing,
19 so they are below 120 percent of median and they
20 currently pay more than 50 percent of their income
21 for housing. It's about 12 and a half percent of the
22 household population, roughly 2,000 units. In all
23 categories, backlog cost-burdened is very, very
24 difficult, a very, very large number. In many cases,
25 in communities, it would take 160 years to meet

1 current cost-burdened need through some type of
2 inclusionary program, and so we recommend only
3 meeting a portion of that need, five percent of that
4 need, over a 10-year -- over a 10-year period, a
5 total of 106 units metered out over that 10-year
6 period.

7 The next slide.

8 Now, how would you go about meeting these
9 various categories? And this will involve the next
10 four slides, meeting these various categories of
11 need. For future cost-burdened, and again, those are
12 the 186 units that will grow into the future and
13 essentially be cost-burdened as a result of their
14 growth in the future, so they will come to the
15 community as a part of future growth and they will
16 immediately experience cost burden, we recommend a
17 program of inclusionary zoning that would be around
18 one in eight, one in eight or one in 10 of your
19 residential unit, your market unit constructions, and
20 essentially one in 8,000 square feet as it relates to
21 nonresidential.

22 And again, we provide a linkage here and we
23 provide a method for distributing the residential and
24 nonresidential. About two thirds of it is
25 distributed according to the residential sector, and

1 that reflects who comes to the community of Coral
2 Gables and their ability to either be a part of the
3 workforce or just residents of the community.

4 So we essentially take that total, and that
5 total is your -- essentially, your either 946 units
6 or the 68 -- the 68 units, and you put them either
7 over your residential or your nonresidential growth
8 into the future, and you get your ratio of one in
9 eight to the market units or your one in 24 to your
10 job growth into the future. And on average, about
11 three -- three jobs are contained within a thousand
12 feet of new -- a thousand square feet of new
13 nonresidential construction. So it's about one in
14 eight as it relates to market units and about one in
15 8,000 square feet as it relates to the nonresidential
16 sector.

17 Next slide.

18 Your current rehabilitation need, the
19 linkage again is those families who can repair their
20 units and do so on a regular basis, versus those
21 really who cannot. And so we recommend a matching
22 fund, and that matching fund could come from an
23 increase in building permit fees, a 10 percent
24 increase in building permit fees, or another source
25 of revenue, an impact fee or something equivalent,

1 that might be dedicated to affordable housing.
2 Again, if you set up, as a result of that, a 75
3 percent/25 percent matching fund, then those funds
4 then could be available for those who would come
5 before the City, looking to -- again, below 120
6 percent of median and living in a deteriorated unit,
7 having to be verified in terms of its deterioration
8 by the building inspector -- and those grants be
9 essentially eligible for that portion of the
10 population.

11 The next category is essentially
12 preservation, and here again, it's an optional
13 category, simply because you do not have units to be
14 preserved in the City, but it's, again, part of that
15 four-pronged response that is being used at the State
16 level, and that four-pronged response is future need,
17 rehab need, preservation need and existing cost-
18 burdened need. And here, we recommend that as
19 properties might become available to you, through
20 gift, foreclosure or a variety of other purposes, as
21 a result of potential residential -- or rather,
22 nonresidential to residential conversions, that a
23 portion of these essentially be reserved for
24 affordable housing. We've made a projection of about
25 five units a year over the 10-year period.

1 Finally, with regard to backlog cost burden,
2 we recommend that essentially, on your real estate
3 transfer tax, you essentially send 20 cents of 70 to
4 the State and get back very little, because of the
5 affluence of the community and also because an
6 organized affordable housing program does not
7 currently exist. So we recommend that you
8 essentially request 10 of the 20 cents that you send
9 to the State to come back to the City, to support,
10 essentially, buy-downs that would enable existing
11 units to be retained as more affordable than they
12 currently are.

13 So the next slide essentially shows your
14 four-pronged approach, the number of units for future
15 cost-burdened rehabilitation, preservation and
16 backlog cost-burdened. The total, 400 -- or 450
17 units, about 45 units a year for a 10-year period.
18 Again, this is, I believe, a do-able number and a
19 reasonable number and would add essentially to the
20 quality of life for people, in terms of their desire
21 to live within the community, who currently work or
22 pay excessive amounts of money and already exist
23 within the community.

24 Conclusions. Affordable housing is going to
25 become more of an issue. We haven't seen affordable

1 housing yet as an issue, really, in the State of
2 Florida, even though you find every day articles
3 about it, because the baby boom population has yet to
4 begin to retire. And it will be, again, an issue for
5 and be most pronounced for in-state residents and
6 residents who currently live there and their
7 offspring.

8 So the big retirement for the baby boomers
9 is coming from 2010 to 2030, and again, many are
10 destined -- 70 percent will retire in place, but that
11 30 percent of a very large number will come and look,
12 usually, for a warmer location than they currently
13 exist in.

14 South Florida, due to its growth -- we all
15 know that the three states, the three states of
16 Texas, California and Florida, represent a third of
17 our nation's growth, and the three counties of
18 Miami-Dade, Broward and Palm Beach represent 10
19 percent of that third of the nation's growth. So
20 you're going to have a lot of growth in South Florida
21 and continue to have a lot of growth in South
22 Florida, and there's an opportunity to provide
23 affordable housing as a result of that growth, and
24 again, generally speaking, affordable housing should
25 routinely accompany market-level residential and

1 nonresidential development as that development takes
2 place.

3 That concludes my presentation. If there's
4 any questions, I certainly would entertain them now.

5 CHAIRMAN KORGE: Does anybody have any
6 questions?

7 MR. AIZENSTAT: Tom?

8 CHAIRMAN KORGE: Eibi.

9 MR. AIZENSTAT: When you take a look at --
10 when you say acquire property through foreclosure,
11 can you be a little bit more elaborate on that?

12 DR. BURCHELL: Well, there's obviously
13 different laws in different states, but usually, on a
14 regular basis, and I live in a community much like
15 Coral Gables, we have on -- and throughout, have an
16 occasional gift of property or foreclosure or
17 conversion to the individual municipality, and what
18 we were pointing out there is that, in the absence of
19 having any stock to preserve, if you could garner
20 housing that way, to begin to develop a stock, that
21 it might make sense to do that.

22 MR. AIZENSTAT: But specifically to
23 foreclosure, without gifting and so forth, who would
24 be foreclosing on the property? Are you talking
25 about the City, through a specific type of lien that

1 the City might have or certain --

2 DR. BURCHELL: A tax lien or some other type
3 of lien that you would enter, that you would enter in
4 early or intervene early in the process, before
5 others, and it would have to be, again, for a
6 specific purpose.

7 MR. AIZENSTAT: Liz?

8 MS. HERNANDEZ: Yes.

9 MR. AIZENSTAT: Do you know, does the City
10 actually acquire any properties through foreclosure?

11 MS. HERNANDEZ: As a matter of fact, we have
12 acquired three properties in my 11 years.

13 MR. AIZENSTAT: In your 11 years --

14 CHAIRMAN KORGE: How many?

15 MR. AIZENSTAT: -- three properties. How
16 long ago was the property that the City acquired?

17 MS. HERNANDEZ: We just cancelled a
18 foreclosure sale two weeks ago, and we've reset it.
19 So we expect to have some additional property in the
20 CBD.

21 MR. AIZENSTAT: And do --

22 CHAIRMAN KORGE: Excuse me for interrupting.
23 Do you actually --

24 MS. KEON: Is that commercial or
25 residential?

1 CHAIRMAN KORGE: You actually acquire them,
2 or does it just sell and you just get your --

3 MS. HERNANDEZ: We foreclose.

4 CHAIRMAN KORGE: I know, but how much of it
5 does the City actually acquire in the foreclosure?

6 MR. AIZENSTAT: Well, that's --

7 MS. HERNANDEZ: How much of it?

8 CHAIRMAN KORGE: How many of the properties
9 does the City actually take title on?

10 MS. HERNANDEZ: We have three in the last
11 11 years.

12 MR. AIZENSTAT: Is that because of the
13 fines?

14 MS. HERNANDEZ: Yes, fines and failure --

15 MR. AIZENSTAT: Are we looking at the fact
16 that the fines are so extravagant?

17 MS. HERNANDEZ: No. Fines and failure to
18 comply. Our biggest issue is when a property owner
19 fails to comply. We had a situation where, in North
20 Gables, the property owner had allowed the house to
21 be infested. We had people living in there that
22 shouldn't be living in there. They didn't secure the
23 property. Children lived in the area. So we
24 acquired -- we went through foreclosure. The
25 property owner came back in, said that they would

1 demolish the property and sell the vacant land,
2 brought in an interested purchaser, so we were able
3 to resolve that issue.

4 CHAIRMAN KORGE: So you didn't acquire that
5 property?

6 MS. HERNANDEZ: We did, and we passed -- you
7 know, it was a three-way --

8 CHAIRMAN KORGE: No, just --

9 MS. HERNANDEZ: We did. We acquired and
10 transferred title.

11 CHAIRMAN KORGE: But the point is -- I think
12 the point Eibi's getting to --

13 MS. HERNANDEZ: If they are fined --

14 CHAIRMAN KORGE: -- is that the reality is,
15 the land is so much more valuable than the fines that
16 we're not -- if we foreclose, we don't end up with
17 the land.

18 MS. HERNANDEZ: Not necessarily.

19 MR. AIZENSTAT: Not necessarily.

20 CHAIRMAN KORGE: That's what I wanted to
21 understand.

22 MR. AIZENSTAT: Right.

23 MS. HERNANDEZ: Not necessarily.

24 CHAIRMAN KORGE: All right, how many do we
25 actually end up owning the land without any equity

1 being left in the landowner by a sale? Do you know
2 what I'm saying?

3 MS. HERNANDEZ: Yeah. Once we foreclose,
4 there's really very little or no equity left in the
5 property owner because, you know, typically what
6 we've seen is, people who have fallen into this
7 situation have either very low mortgages on the
8 property, have either lost interest or -- just are
9 not interested in complying with the laws, and it's a
10 very valuable piece of property and they're allowing
11 the fines to accumulate and continue to accumulate,
12 so --

13 CHAIRMAN KORGE: But you mean the fines
14 exceed the value of the land?

15 MS. HERNANDEZ: Oh, yes.

16 CHAIRMAN KORGE: Okay.

17 MR. AIZENSTAT: And they don't come in and
18 try to --

19 CHAIRMAN KORGE: Three in 11 years?

20 MS. HERNANDEZ: We work with the property
21 owners as much as possible.

22 CHAIRMAN KORGE: Right, yeah.

23 MS. HERNANDEZ: That is our -- our
24 philosophy is that we're not here to take people's
25 land, we are here to enforce the laws of Coral Gables

1 and make sure that we preserve the single-family
2 residential quality of the neighborhoods. That's our
3 job.

4 MR. AIZENSTAT: So if -- by what I'm
5 hearing, it doesn't sound like foreclosure is really
6 a good source --

7 DR. BURCHELL: Well, I mean --

8 MR. AIZENSTAT: -- to acquire property.

9 DR. BURCHELL: Could you bring up that
10 second-to-the-last slide?

11 I mean, you're talking about --

12 Go back one, if you would, Javier.

13 You're talking about the smallest area, and
14 only one of four or five strategies within that

15 particular area. Again, nonresidential conversion,
16 gifts of properties, condemnations and foreclosures,
17 and again, it's a recommendation in terms of those
18 coming available to you, and if you follow that
19 recommendation, those that came -- and potentially
20 came available, and if you could access them, they
21 would come in whatever stream they come available.
22 If they come available more, there's more. If they
23 come available less, there's less.

24 CHAIRMAN KORGE: Well, let me ask, because I
25 think I need to start at the beginning, because I'm

1 not familiar with this law regarding affordable
2 housing.

3 I read the statute that was put in our
4 package, and it doesn't actually require affordable
5 housing, as I read it, but it does refer to housing
6 for low income, very low income, moderate income,
7 mobile homes, group home facilities and foster care
8 facilities. Are we required to meet all of those
9 needs? Is that mandated by State law?

10 DR. BURCHELL: No. I think, again, in terms
11 of your Comp Plan approval and changes to your Comp
12 Plan, there's a desire at the -- both the State level
13 and at the regional level to encourage the community
14 to do affordable housing.

15 CHAIRMAN KORGE: I understand, but --

16 DR. BURCHELL: And so that is --

17 CHAIRMAN KORGE: -- is that a mandate or is
18 that just a goal, a worthy goal?

19 DR. BURCHELL: Eric?

20 MS. HERNANDEZ: It's both a mandate of the
21 State, the Department of Community Affairs, and the
22 South Florida Regional Planning Council.

23 MR. RIEL: And it's also in our Comp Plan
24 that was adopted in 1995.

25 CHAIRMAN KORGE: Okay. So, in terms of the

1 State mandate, are there regulations that specify
2 what percentage of affordable we need to have in
3 relation to our community, or how do you -- I mean, I
4 see the plan that you're suggesting --

5 MS. HERNANDEZ: Right.

6 CHAIRMAN KORGE: -- and I understand the
7 analysis. It sounds very logical to me. But is that
8 what the regulations require, or is that just
9 something that people have decided is a good way to
10 approach it?

11 MS. HERNANDEZ: That's their formula,
12 right?

13 DR. BURCHELL: It -- again, we've worked
14 with Shimberg, and their formula actually could
15 involve more units. Their formula could involve
16 units that are lower priced. We essentially said,
17 this is the methodology, and we essentially cleared
18 that methodology or bounced off that methodology
19 against the Shimberg Center, who provide affordable
20 housing numbers for each community in the State, and
21 they were comfortable with that methodology, and then
22 we again vetted it at the Region, just this morning,
23 and they were also comfortable with that methodology.

24 CHAIRMAN KORGE: But if we, as a City, did
25 not agree -- let's assume a worst-case scenario. I

1 know this isn't going to happen, but the City
2 decided, "We don't think we need any affordable
3 housing in our City because of our unique
4 circumstances." Could the State force us to do so,
5 anyways?

6 DR. BURCHELL: Well, again, my -- one of the
7 things that I always recommend planners to do is not
8 give legal opinions, and I'm -- so I'm not here to
9 give you a legal opinion on what you can do and what
10 you have to do and what you don't have to do.

11 What I'm here to do is essentially to give
12 you some numbers that you can respond, that when
13 vetted with the right people will essentially enable
14 you, I believe, to get over the hurdle of providing
15 local affordable housing.

16 CHAIRMAN KORGE: Well, the reason I ask the
17 question is because I haven't gotten over the hurdle
18 of what we're required to do by law, because I don't
19 understand it. I'm not challenging it.

20 DR. BURCHELL: Right.

21 CHAIRMAN KORGE: But I read the statute, and
22 it certainly doesn't say anything like that, so there
23 must be rules that --

24 MS. HERNANDEZ: What statutory section are
25 you reading?

1 CHAIRMAN KORGE: Subsection (6)(f).

2 MS. HERNANDEZ: Right.

3 CHAIRMAN KORGE: 1d. It says, "The
4 provision of adequate sites for future housing,
5 including," and then it refers to the different types
6 of possible housing, with supporting infrastructure
7 and public facilities.

8 So I'm assuming that the including language
9 is fleshed out in rules that make it clear what our
10 obligation is vis-a-vis the greater community to
11 provide affordable housing.

12 DR. BURCHELL: Well, I wouldn't essentially
13 maintain that they are as clear as you're
14 representing that they would be. Again, I think that
15 what there are, are goals in both the regional plan,
16 your own plan, suggestions in the Florida Statutes,
17 and together they essentially say that communities
18 have a responsibility to provide affordable housing,
19 and then there's a group, the Shimberg Center for
20 Affordable Housing, at the University of Florida,
21 that distributes numbers to each community, of
22 various types, and those four types are future,
23 rehab, preservation and backlog. And again, they are
24 there, and at one point or another, these numbers
25 essentially came into play, and I believe that you

1 can actually go into the local community, carve out
2 reasonable numbers, meet your affordable housing
3 obligation in those four areas by taking your unique
4 circumstances into account, and that's what we've
5 done here.

6 CHAIRMAN KORGE: But --

7 DR. BURCHELL: And that is essentially
8 taking, for instance, your median income as opposed
9 to another median income into account, because you
10 would provide probably higher-priced units than
11 other -- than other areas.

12 Again, I believe that, also, as it relates
13 to this, that less is more, that when you get into
14 that business, you have to get into that business in
15 a way that you feel comfortable as a community and
16 that you're meeting the requirements, but meeting the
17 requirements as -- in a way and in a fashion that is
18 neither going to bankrupt you or cause inefficient --
19 or cause inefficient growth, and I think that that's
20 part of the way --

21 CHAIRMAN KORGE: If we didn't -- if the
22 State decided we did not meet the minimum
23 requirements they thought were appropriate, what
24 would be the sanctions imposed on us?

25 DR. BURCHELL: Well, I think that this is

1 the reason that I'm here --

2 MR. RIEL: Right.

3 DR. BURCHELL: -- and that there was a
4 situation. I think Eric --

5 MR. RIEL: We did an amendment -- or, we had
6 a private developer that requested a change of the
7 text and the map of the City's Comp Plan. This issue
8 came up, and that's what was identified, and that's
9 why the Commission passed two resolutions in 2004
10 that said, "This is how we're going to address it."

11 The first resolution went forward to the
12 Regional Planning Council and they said, "That's not
13 good enough." So the second resolution was passed by
14 basically --

15 CHAIRMAN KORGE: But that doesn't answer my
16 question. What do they do, freeze our Comp Plan?

17 MR. RIEL: I'm getting to the answer.

18 CHAIRMAN KORGE: I'm sorry.

19 MR. RIEL: I mean, we're going through the
20 Comprehensive Land Use Plan rewrite.

21 CHAIRMAN KORGE: Yeah.

22 MR. RIEL: If we don't satisfy the need,
23 they will find our Comprehensive Plan not in
24 compliance.

25 CHAIRMAN KORGE: Okay.

1 MR. RIEL: And therefore, no additional
2 changes in land use or intensity will ever be granted
3 until it's found in compliance.

4 CHAIRMAN KORGE: So we'll be frozen with our
5 existing plan.

6 MR. RIEL: Pretty much, yes.

7 CHAIRMAN KORGE: Okay.

8 MR. AIZENSTAT: We'll be outdated.

9 CHAIRMAN KORGE: Right, which may or may not
10 be a bad thing.

11 MS. HERNANDEZ: We will also lose any
12 potential State funding, which we don't get much,
13 but, you know, any ability to apply for certain State
14 funding.

15 CHAIRMAN KORGE: State funding for what?
16 Anything?

17 MS. HERNANDEZ: We get historic preservation
18 grants.

19 MS. KEON: Preservation.

20 MS. HERNANDEZ: We apply for, you know --

21 CHAIRMAN KORGE: Yeah.

22 MS. HERNANDEZ: -- various and sundry
23 grants. It could potentially affect certain Federal
24 grants, which, again, I don't believe we have many of
25 those, but, you know, again --

1 CHAIRMAN KORGE: Okay.

2 MS. HERNANDEZ: -- it will affect --

3 CHAIRMAN KORGE: Right.

4 MS. HERNANDEZ: -- how the State treats the
5 City.

6 CHAIRMAN KORGE: Right. So we have to do
7 this, and then --

8 MS. HERNANDEZ: Well, you know, we -- and
9 understand, there are many --

10 CHAIRMAN KORGE: I don't think it's wrong.
11 I'm just saying we have to do it, whether we want to
12 or not.

13 MS. HERNANDEZ: And there are many things
14 that the City does do that helps us in meeting our
15 responsibilities, such as the trolley, because it is
16 a mode of transportation that connects to the
17 Metrorail, therefore, someone of low income that
18 lives in South Dade County has an ability to travel
19 through the City and get to their jobs. Certain
20 parking issues -- you know, the actual housing and
21 housing affordability is a part of that.

22 CHAIRMAN KORGE: Right.

23 MR. AIZENSTAT: It's not the whole thing.

24 MS. HERNANDEZ: Exactly.

25 CHAIRMAN KORGE: Let me ask about the

1 different --

2 MS. HERNANDEZ: And correct me where you
3 think I'm --

4 MR. RIEL: No, it's a regional issue. I
5 mean --

6 CHAIRMAN KORGE: I understand.

7 MR. RIEL: -- we're like any other city,
8 just satisfying that little need, and if the region
9 as a whole, each local government, comes up with
10 regulations, hopefully that need will be addressed.

11 CHAIRMAN KORGE: Right. I understand.

12 So, now, looking at some of these
13 categories, rehabilitation, I would assume that since
14 we would provide grants through some means to owners
15 of houses that need to be rehabilitated, there would
16 be some method for us to recoup those costs when --
17 if and when the property is sold?

18 DR. BURCHELL: Well, that would be a
19 regulation, and within a regulation that you would
20 formulate.

21 MS. HERNANDEZ: And specific covenants, as
22 well.

23 CHAIRMAN KORGE: Right. The reason I ask
24 is because, you know, in this particular City, the
25 land value relative to the houses is so high --

1 DR. BURCHELL: Right.

2 CHAIRMAN KORGE: -- that, you know, if
3 someone just knocked down their house and sold the
4 land, they could walk away with a tidy sum.

5 DR. BURCHELL: Right.

6 CHAIRMAN KORGE: And so that would be one
7 issue, that I --

8 MS. HERNANDEZ: And remember, several years
9 ago, we dealt not with affordability but this issue
10 of preserving certain buildings, and that's how we
11 created that historic TDR program in Downtown Coral
12 Gables, to preserve some of our historic buildings
13 from, you know, developers who found that the value
14 of the land and the height that they could go was
15 much more appealing than what was there at present.

16 CHAIRMAN KORGE: Right. Then on the
17 preservation, since we don't have anything to
18 preserve, what's the logic behind us creating land --
19 or providing units to preserve that aren't necessary
20 to preserve because they don't exist?

21 DR. BURCHELL: Well, it's a convoluted
22 logic, and that logic essentially is that this is the
23 four-prong approach that the State uses. There
24 hasn't been a lot of activity in the City of Coral
25 Gables, and this would be an attempt to get -- based

1 on past kinds of nonparticipation, to get into the
2 business of beginning to acquire units outside the
3 framework of the other three areas for affordable
4 housing.

5 CHAIRMAN KORGE: It doesn't make sense to me
6 at all. The number should be zero. Actually, there
7 probably is some number, because I think on the
8 highway, there were a few --

9 MR. SALMAN: Uh-huh, apartment buildings.

10 CHAIRMAN KORGE: -- low-income housing --

11 MR. RIEL: Sixteen units.

12 CHAIRMAN KORGE: Between apartments and
13 there may be some houses that were --

14 MS. KEON: But the whole -- that whole area,
15 that whole McFarlane area that was built over there,
16 was built as affordable housing. There is -- how
17 many units are in that --

18 MR. RIEL: Sixteen.

19 MS. KEON: There's more than 16 houses in
20 that area.

21 MR. RIEL: There's 16 affordable housing
22 units. We utilized that in the first resolution.

23 MS. KEON: I'm going to tell you that that
24 entire project on --

25 MR. SALMAN: U.S. 1.

1 MS. KEON: That is along U.S. 1 over there,
2 the entire project was built as an affordable housing
3 project. It was a subsidized project, and I know
4 that there are more than 16 houses in that area.
5 Now, I'm going to tell you there are probably -- I
6 thought there were like 30 houses in that area.

7 Do you know -- Margaret, do you know, how
8 many houses are over there?

9 MS. PASS: At least that, I think.

10 MS. KEON: There's more than 30 houses.
11 That whole -- that whole entire area there was built
12 as an affordable housing project that was subsidized,
13 and I know that there are 30 some odd houses in
14 there. I know that there are -- there are four lots
15 there that the County deeded recently to a developer
16 to build --

17 MR. AIZENSTAT: The Bahamian Village.

18 MS. KEON: They deeded to them to build as
19 affordable housing. So I think that there probably
20 could be anywhere between 35 and 40 units in that
21 area that are affordable, whether they are -- I mean,
22 I don't know what the restrictions are on them, as to
23 the resale or whatever else. I don't know what that
24 is. I don't know.

25 CHAIRMAN KORGE: But there are a few --

1 MS. KEON: But there are about 40 -- I think
2 that there probably are close to 40 units.

3 DR. BURCHELL: Right.

4 CHAIRMAN KORGE: I was going to say that I
5 thought -- I may be wrong about this, but I thought
6 there were a handful on the highway of houses that
7 were State-subsidized, that would qualify as
8 necessary for preservation. Maybe right now they
9 don't need to --

10 MS. KEON: No, the apartment buildings
11 there?

12 CHAIRMAN KORGE: No, the historic houses.

13 MR. SALMAN: The historic district.

14 MS. KEON: Yeah, but those -- right. Those
15 are -- those -- those that are in the McFarlane
16 District, the shotgun houses that are within the
17 historic district over there.

18 CHAIRMAN KORGE: I'm not talking about
19 those, no. I'm talking about relatively new houses.
20 They were built in the last 20 -- 15 years.

21 MS. KEON: That's the ones I'm talking
22 about. Those were affordable housing.

23 MR. SALMAN: On U.S. 1.

24 MS. KEON: That was all a subsidized housing
25 project.

1 CHAIRMAN KORGE: Right on the highway, with

2 the wall and everything?

3 MS. KEON: That's the project I'm telling
4 you. That's --

5 CHAIRMAN KORGE: Yeah, those are
6 State-subsidized, I think.

7 MS. KEON: Those are subsidized. That was
8 a --

9 CHAIRMAN KORGE: So that would be --

10 MS. KEON: I don't understand why that's not
11 included in here.

12 CHAIRMAN KORGE: That should be the number
13 that we plug in there, either that or zero,
14 because -- I mean, it doesn't -- maybe the other
15 number should change, but I don't -- just because
16 there's a four-prong approach, identifying the four
17 categories --

18 MS. KEON: Right.

19 CHAIRMAN KORGE: -- of affordable housing,
20 one of which is existing affordable that we need
21 to preserve -- we don't have any existing that we
22 need to preserve. That number should be zero.
23 That's a dishonest number.

24 DR. BURCHELL: Well, it's not a dishonest
25 number, and the point is moot if you've identified

1 the units. So, if you do have units that potentially
2 exist as affordable units --

3 MS. KEON: Right.

4 DR. BURCHELL: -- and those units either do
5 have some type of deed restriction, then one can look
6 into when those deed restrictions or when those
7 mortgage subsidies will expire, and that can be your
8 graduated program into the future.

9 MS. KEON: Well, I know they do, so I think
10 we need to -- who does that? Who establishes what
11 they are? Is that the Planning Department?

12 MR. RIEL: Well, the information that we
13 have on file, as a part of going through this process
14 in 2004, it was indicated that there were 16 units.

15 MS. KEON: Okay, but you're hearing some
16 information that conflicts with what was in your
17 file, and Margaret is also, as you know, from your
18 Building & Zoning Department -- is telling you that
19 she --

20 MR. RIEL: It's not that I doubt that. It's
21 just that that's --

22 MS. KEON: So I think you need to --

23 MR. RIEL: -- the information that was told
24 to us meeting those parameters.

25 MS. KEON: Okay, but maybe -- so you need to

1 go back and look at that.

2 DR. BURCHELL: That's something that we can
3 look into.

4 MS. KEON: Okay, you can go back and look at
5 it and establish what that is.

6 MR. AIZENSTAT: Well, what about the
7 apartment building that's across the street?

8 MS. KEON: That's -- but those are privately
9 owned, and they're going to be gone.

10 I have a question, also, about the growth
11 that you base these numbers on. If the growth in the
12 City was due to annexation --

13 DR. BURCHELL: No, that's not --

14 MS. KEON: This is not growth that's due to
15 annexation? This is growth that's due to --

16 DR. BURCHELL: This is growth that's due to
17 change in your existing boundaries that existed in
18 the 1990 to 2000 period.

19 MS. KEON: Yeah, that's because the City
20 annexed areas. That's the annexation.

21 DR. BURCHELL: But the annexation is not
22 included in that growth. The annexation is not
23 included in that growth.

24 CHAIRMAN KORGE: How would you deal with
25 boundary changes?

1 MS. KEON: But you just said that -- you
2 said that was the boundary changes.

3 DR. BURCHELL: No. You grew in households,
4 over the period 1990 to 2000, minus annexation, a
5 specific number, and this number, carried into the
6 future, is analogous to that number that you grew
7 over that period of time.

8 CHAIRMAN KORGE: You just projected that
9 forward?

10 MS. KEON: We grew by a thousand households
11 in the City of Coral Gables --

12 DR. BURCHELL: Yes, you did.

13 MS. KEON: -- that wasn't related to
14 annexation?

15 DR. BURCHELL: That was not related to
16 annexation.

17 MS. KEON: Is that right? I mean --

18 CHAIRMAN KORGE: Sure.

19 MS. KEON: I -- just in looking at the
20 population in the --

21 CHAIRMAN KORGE: Just the condos across from
22 Cocoplum -- they're part of this, aren't they?

23 MS. KEON: Yeah, but there's only 90 units
24 there.

25 MR. AIZENSTAT: You're taking the 2000

1 Census?

2 DR. BURCHELL: Yeah.

3 MS. KEON: There's 90 units.

4 CHAIRMAN KORGE: I wouldn't have -- I
5 wouldn't have the numbers, but --

6 MS. KEON: I mean, there's like 90 units.
7 That's why I -- you know, but --

8 CHAIRMAN KORGE: -- that sounds credible to
9 me.

10 MS. KEON: Yeah.

11 CHAIRMAN KORGE: There's been a lot of
12 growth, and even Cocoplum has been built out in the
13 last 10 years.

14 MS. KEON: Right, but they're usually large
15 houses. There's not a lot of people. That's why --
16 in always looking at the numbers over the years, I'm
17 always surprised how little our numbers change.

18 MR. SALMAN: Uh-huh.

19 MS. KEON: You know -- you know how -- the
20 changes in our population have not changed
21 significantly in a very long time.

22 DR. BURCHELL: But that is a little number
23 on a 17 to 20,000 base, in terms of housing units.

24 MS. KEON: I was surprised, and this is for
25 10 years, though, right?

1 DR. BURCHELL: Yes.

2 MS. KEON: It goes for 10 years.

3 I have a question, too, about using the
4 median income for the City. The Regional Planning
5 Council would accept the median income for the City
6 of Coral Gables as a median income as opposed to a
7 regional median income?

8 DR. BURCHELL: Well, again, that was vetted
9 before them. That is what's in your law, and that's
10 the approach that we used, and again, that was vetted
11 before them this morning and they seemed to accept
12 that.

13 MS. KEON: And they accepted it?

14 DR. BURCHELL: They seemed to accept it,
15 yes.

16 MS. KEON: Boy, that -- I mean, I'm
17 surprised.

18 MR. SALMAN: I have a question. With
19 regards to the strategies that you've proposed, are
20 those strategies that have been proposed by the
21 State, or are these part of your report and these are
22 your strategies?

23 (Simultaneous discussion between Chairman
24 Korge and Ms. Keon)

25 DR. BURCHELL: These are part of the report

1 and part of the strategies and your own Planning
2 Department, as we speak, is thinking of others and
3 may not use those strategies.

4 So they may use other strategies and may use
5 a portion of those strategies. Those are just
6 recommendations --

7 MR. SALMAN: Because I'm wondering --

8 DR. BURCHELL: -- largely in terms of where
9 it's been done elsewhere.

10 MR. SALMAN: Well, I'm wondering why we
11 don't have an impact fee for development of a fund to
12 then use for either zero percent interest for -- and
13 the City of Coral Gables is, by definition, different
14 than the rest of the County. You see it from the
15 very detailed report that you provided, which was
16 fascinating to learn and read, and I recommend
17 anybody who's curious about what it is that makes
18 Coral Gables Coral Gables, read this, because it
19 quantifies it by numbers in a way that is very dry,
20 very succinct, but it shows Coral Gables as being the
21 living room for most of the County, for a certain
22 group of people, and as such, the requirement for low
23 or median income or affordable housing should extend
24 beyond the City, to be able to serve the City.

25 As Tom pointed out, and as we all know, the

1 real estate values here are to such a point that even
2 at a zero percent interest rate, you still couldn't
3 get down to the point where it would make economic
4 sense for a private developer to then say, "Okay,
5 that's great, I can buy this land, I can build
6 affordable housing, because the City has money for
7 that." It needs to extend beyond the boundaries of
8 the City, and that's something -- that's a strategy
9 that really should have been up there to look at,
10 because building affordable housing, either through
11 inclusion in the form of density credits, allowing
12 them to build more units, is a situation which is --
13 unless we have a long, long term on the -- a
14 restriction on the property, is one that I know the
15 City of Miami Beach has tried and failed, because
16 they did it for a short period, and as soon as that
17 period was over, they converted right to regular
18 units, and so what have you done? Nothing. And at
19 the same time, how do you segregate that, and yet not
20 segregate it? How do you make it fair?

21 And given the regional nature of the problem
22 and the fact that we are also having to contribute to
23 that, we need to look at a contribution that is more
24 regional, and I think that that's probably the most
25 fair way to do it, and I'm just curious why it wasn't

1 on there as a strategy.

2 MR. RIEL: Let me go ahead and address that.
3 Javier's presentation, which we haven't gotten to
4 yet, looks at the multi-pronged approach that we're
5 talking about that includes some of those, so he can
6 get into some detail. But one of the things that
7 we're looking at is density bonuses, as well as a fee
8 type of a system, that we can partner with another
9 local government, and Javier will be happy to go over
10 that at this point in time, and we're just
11 exploring a lot of the issues right now.

12 Just -- I was remiss. In the back of your
13 packet, on Exhibit G, you're going to see what other
14 local governments have done across the State, as well
15 as across the nation. It's in a chart form.

16 CHAIRMAN KORGE: Is this to relieve the
17 County of its obligations?

18 MR. RIEL: No. No.

19 CHAIRMAN KORGE: Is this supplemental to the
20 County's obligations?

21 DR. BURCHELL: No. The County has its own
22 obligations --

23 MS. KEON: They have its own.

24 CHAIRMAN KORGE: It has its own?

25 DR. BURCHELL: -- you know, in covering

1 unincorporated areas and a variety of other --

2 CHAIRMAN KORGE: So, basically, the State's
3 pushed it down to the municipal level?

4 DR. BURCHELL: The State is pushing it down
5 to the municipal level, that's correct.

6 CHAIRMAN KORGE: So the State wants the
7 municipal governments to fund affordable housing, and
8 I guess -- well, how does the Federal funding -- it's
9 not very much, and the tax credits and those other
10 programs and some State programs, do they -- do
11 they -- is that taken into account? In other words,
12 if the State and Federal program produces a hundred
13 units in the City of Miami in a particular period of
14 time, does that release the City of Miami -- relieve
15 the City of Miami of its obligation to meet --
16 otherwise meet those hundred?

17 DR. BURCHELL: Yes, because all of the need
18 is taken into account. All of the need is taken into
19 account. Now, you may not, as a non-CDBG community,
20 get those same kinds of funding opportunities from
21 the Federal Government. So, often, communities of
22 the relative affluence of Coral Gables essentially
23 have to raise their own money, in a variety of ways,
24 to answer their affordable housing needs.

25 CHAIRMAN KORGE: So this is a State tax that

1 they're imposing on us, through a mandate?

2 DR. BURCHELL: It's an encouragement in
3 the --

4 MR. SALMAN: It's a tax. It's absolutely a
5 tax.

6 MS. KEON: It's a tax.

7 DR. BURCHELL: It's encouragement.

8 MR. SALMAN: And we haven't said it, but
9 that's what it is.

10 CHAIRMAN KORGE: Yeah.

11 MS. KEON: Yeah. Can I --

12 MR. SALMAN: And it's a way of -- and
13 honestly, a tax is usually a way of solving a need,
14 and, you know, we need people to be able to live in
15 the area to work in the City, and I need places for
16 my daughters to grow up in, that will be near where I
17 live. I mean, that's an issue. There is no more
18 step-up housing. There is no more housing that
19 allows for people to step into in this community.

20 MS. HERNANDEZ: I'm moving in with my kids.

21 CHAIRMAN KORGE: Pat, did you have
22 something?

23 MS. KEON: Well --

24 DR. BURCHELL: To respond to Planning Board
25 Member Salman, one of the things that we did broach

1 to the Regional Planning Commission today was the
2 ability to collect money from an individual builder
3 inside and then negotiate with another local
4 government outside the community, where land might be
5 cheaper, and that, again, is a strategy that they
6 don't want to see dominate your own -- your approach,
7 but is acceptable as a component of your approach.

8 MR. SALMAN: I'd like to see a limit as to
9 how far away from this City, if that's where the
10 money's going.

11 MR. AIZENSTAT: Aren't you shifting
12 everything?

13 MS. KEON: Yeah, but as you -- as you --

14 MR. SALMAN: You're making it viable by
15 being able to develop these in areas where the land
16 value hasn't approached our level.

17 MS. KEON: Yeah, but you know, in
18 communities, if -- and I've said before, if the State
19 would change the way they award their tax credits and
20 they would support the 80/20, whatever, with the
21 financing, it is worth the while for developers to
22 develop with that financing, no matter where they
23 develop, even in very affluent neighborhoods, in
24 areas where land prices are very high, because the
25 financing is so attractive for them that it is worth

1 it to do. Absolutely. Absolutely.

2 CHAIRMAN KORGE: I've looked at some of
3 those projects, and they don't make economic sense
4 with the land costs here, and with the aggravation
5 and the --

6 MS. KEON: They do it in Manhattan, and
7 they do it in sections of Manhattan where the land
8 values are higher per square foot than ours are, and
9 they're very successful with them, aren't they?

10 DR. BURCHELL: Actually, in those 80/20
11 projects, they're more successful where you have
12 higher affluence --

13 MS. KEON: Yeah.

14 DR. BURCHELL: -- than they are in places
15 where you don't and you can't sell the units for as
16 much.

17 MS. KEON: Absolutely, and to deal with
18 that issue in the City of Coral Gables, that should
19 be encouraged by the State Government to do that.

20 CHAIRMAN KORGE: I thought you were talking
21 about the tax credits. The tax credits, there just
22 aren't enough to go around. I mean, as it is, you
23 can't finance --

24 MS. KEON: It's the Federal tax credit.

25 DR. BURCHELL: That's right.

1 CHAIRMAN KORGE: Right.

2 MS. KEON: The Federal tax credit program.
3 If they would change it to an 80 -- if they would
4 award it as an 80/20 program, it would -- that
5 program would help us in the City of Coral Gables,
6 more than, I think, almost anything else that we
7 would do, and their lobbyist's local issue --

8 MR. SALMAN: Well, it's worth it as a
9 financing vehicle, because the tax credits are then
10 sold to create money to be able to develop the
11 project.

12 MS. KEON: But the financing for the
13 developer is so attractive that it is worth it to him
14 to do it when your land cost and your development
15 costs are particularly high. They are very
16 successful.

17 CHAIRMAN KORGE: Under current law?

18 MS. KEON: Yes.

19 CHAIRMAN KORGE: I'm sorry --

20 DR. BURCHELL: That is true.

21 MS. KEON: Explain. Is that true?

22 DR. BURCHELL: That is true. That is true.

23 MS. KEON: That's true.

24 CHAIRMAN KORGE: Well, what is -- this is --
25 we're going -- we digressing. I'm sorry --

1 MS. KEON: Well, no, but I mean, the point
2 is --

3 CHAIRMAN KORGE: Let's go back to --

4 MS. KEON: Well, as far as policy direction,
5 I truly think that that should be one of the -- the
6 directions given to our City lobbyists in the State
7 of Florida, is to encourage them to lobby for that
8 change on our behalf --

9 MS. HERNANDEZ: Okay.

10 MS. KEON: -- of that particular program,
11 and you know the words for it better than I do, as an
12 expert in affordable housing.

13 DR. BURCHELL: But, also, I think in terms
14 of your Planning Department and their ideas about how
15 to encourage some -- again, the inclusionary portion
16 of that, which is really -- you're talking about 20
17 units a year, with minor incentives, builders will
18 get into that in a heartbeat, and then if you could
19 couple that with parking forgiveness and a variety of
20 other kinds of strategies, you're in it. You're in
21 the ball game already.

22 MS. KEON: But you could easily do like the
23 inclusionary zoning. If you only had to do 20 units
24 a year, you could easily -- Do the units have to be
25 a particular size or dimension, or can it be --

1 DR. BURCHELL: You set the units, and
2 usually that's set according to the population you
3 think is going to come and occupy those units, and
4 I've said that I think about half of that population
5 would be elderly and half would be family.

6 In other locations -- in other locations,
7 they might say, as in when they're all family units,
8 that half the units would be -- have to be more than
9 two-bedroom --

10 MS. KEON: Right.

11 DR. BURCHELL: -- and half two-bedroom or
12 less.

13 MS. KEON: But you could also have studio --
14 you use studio apartments?

15 DR. BURCHELL: You could use studio -- you
16 could use accessory uses. You could use accessory
17 uses.

18 MS. KEON: I mean, because studio apartments
19 would well serve the elderly population.

20 DR. BURCHELL: Yes.

21 MS. KEON: You have the young, that young
22 working person. I know I serve on the board for a
23 foster care agency. We have kids aging out of foster
24 care that are desperately in need of housing, that
25 can't afford it, that single-room occupancy units are

1 perfect for that group, and then that space can
2 easily be eked out of a -- you know, a hundred-unit
3 building. So, I mean, I really hope and support the
4 inclusionary housing issue.

5 CHAIRMAN KORGE: Eric, how many units do
6 you --

7 MS. KEON: Is it 20 a year?

8 CHAIRMAN KORGE: I know it's not a sure
9 thing, but how many units would you anticipate we
10 will have in new units constructed over the next 10
11 years?

12 MR. RIEL: We're still doing that analysis,
13 but we think we could, over the next 10 years, meet
14 the 180.

15 CHAIRMAN KORGE: No, I mean, total units
16 built in the City --

17 MR. RIEL: Oh.

18 CHAIRMAN KORGE: -- in the next 10 years.

19 MR. RIEL: You said total units, or just
20 new?

21 CHAIRMAN KORGE: Total units, total new
22 units.

23 MR. RIEL: I mean, obviously, our goal is to
24 get to the 455.

25 CHAIRMAN KORGE: No, no.

1 MS. KEON: No, how many normal units?

2 CHAIRMAN KORGE: How many new units do you
3 expect will be built in the City in the next 10
4 years?

5 MR. RIEL: I don't know the answer to that.

6 MS. KEON: Well, like the project that's
7 being proposed in the MXD.

8 MR. RIEL: I mean, I can extrapolate. We
9 haven't done that analysis yet. We're now in the
10 process of doing that.

11 MS. KEON: Okay, but how many -- how many
12 units are in that project?

13 MR. RIEL: That project, I believe, has
14 ninety --

15 MR. CARLSON: 96.

16 MR. RIEL: 96 units, and they're talking
17 about 50 affordable units if we --

18 CHAIRMAN KORGE: Well, I'd be interested to
19 know --

20 MS. KEON: 50 affordable out of 96?

21 MR. RIEL: Additional --

22 MS. KEON: Oh, so with the additional --

23 MR. RIEL: 50 additional, with the bonus.

24 MS. KEON: So it's 140.

25 CHAIRMAN KORGE: I'd be interested to know,

1 without any increase in density to create affordable
2 units, how many units we're going to be projecting
3 over the next 10 years, to see -- you know, 455, if
4 it's 5,000 units, it's 10 percent of the units. If
5 we're expecting 600 units over the next 10 years,
6 it's virtually all of them. Do you see what I'm
7 saying? So --

8 MR. RIEL: No, I understand. We just
9 haven't done that analysis and that extrapolation
10 yet. We're just exploring different types of
11 programs.

12 CHAIRMAN KORGE: Won't that influence that
13 bottom line number?

14 MR. RIEL: Yes. Yes, absolutely.

15 CHAIRMAN KORGE: Substantially?

16 MR. RIEL: Absolutely. Absolutely. That's
17 why we're taking this component approach, you know,
18 these different approaches.

19 DR. BURCHELL: Right. In other words, there
20 are four definite components there, but don't forget,
21 there's also a recommendation as it relates to
22 nonresidential and that's one per 8,000 square feet,
23 one unit for every 8,000 new square feet of --

24 CHAIRMAN KORGE: And that's not included in
25 that?

1 DR. BURCHELL: -- nonresidential. That's
2 included in there.

3 CHAIRMAN KORGE: Oh, that's included in
4 that.

5 DR. BURCHELL: That's included --

6 CHAIRMAN KORGE: So --

7 DR. BURCHELL: You have two sources of
8 delivery, both your residential sector of one in
9 eight or one in 10 --

10 CHAIRMAN KORGE: That's not delivery.
11 That's need.

12 DR. BURCHELL: Well, no, no. Your need --
13 that's your need. Your delivery, in terms of being
14 able to meet that, is essentially what you're going
15 to -- what you're going to do, and the striking of
16 those ratios based on how much you're going to grow,
17 both residentially and nonresidentially, and again,
18 you put that first number, the 186, two thirds of it
19 over your residential, in terms of what you're going
20 to grow, and that strikes the ratio of one in eight
21 or around one in 10, and the other, you put over your
22 growth of employees projected over the future, and
23 that gives you a ratio of one per every new 24
24 employees, three employees per thousand square feet,
25 one for every 8,000 square feet.

1 CHAIRMAN KORGE: So, if we weren't going to
2 have any new residential construction, let's say we
3 were completely built out, we would have to -- and
4 assuming that there was a continued growth in
5 employment within City that drives this need, we'd
6 have to start buying up market-rate property and
7 converting it to affordable, in order to meet the
8 mandate of the State?

9 DR. BURCHELL: Well, you can do what you can
10 do, and you have set out essentially what you can do,
11 and that's one of the things that they said in the
12 Regional --

13 CHAIRMAN KORGE: Well, I don't -- this is
14 what I'm having the problem with, is, we set out what
15 we can do, and we don't even know what will be
16 available to do that. I mean, if, for example, the
17 growth in new residential units is substantially in
18 excess of 455 -- and that's probably a very do-able
19 number.

20 DR. BURCHELL: Right.

21 CHAIRMAN KORGE: If, however, it's the same
22 number or less, that's not even a realistic number.

23 DR. BURCHELL: Well, but it's a number that
24 you deliver, and then you take a look and see if that
25 ratio makes sense for the future and what -- based on

1 what you have done in this first 10-year period.

2 CHAIRMAN KORGE: Well, when you say deliver,
3 we agree with the State and then hope that we can
4 grow to that?

5 DR. BURCHELL: Well, in other words, you
6 have said in your affordable housing study that,
7 "These are the kinds of targets we'd like to meet.
8 Here's our strategy, and our strategy is this." And
9 you review it, and you've either met it completely,
10 met it partially, exceeded it, depending upon your --
11 your growth.

12 CHAIRMAN KORGE: But I guess I'm asking a
13 different question. Should we not pick the number
14 that we think we can meet, based on the future growth
15 that we think will be available to meet it?

16 DR. BURCHELL: Yeah. That's what those --
17 for inclusionary, on the future cost-burdened, your
18 future need, that's what that 186 is. That takes
19 your future projected growth, takes the need, strikes
20 a ratio and says, of the future residential --

21 CHAIRMAN KORGE: But you just said we don't
22 have a future projected growth.

23 MR. SALMAN: He's working on it. That's
24 what he said.

25 MS. KEON: Well, he has a future projected

1 growth of households that's based on the prior 10
2 years --

3 DR. BURCHELL: That's right, on the prior 10
4 years.

5 MS. KEON: -- that 1100 number.

6 CHAIRMAN KORGE: Yeah, but you're going to
7 give us a future -- a real future number. So that's
8 going to be changing.

9 MR. RIEL: Depending on what --

10 CHAIRMAN KORGE: Got you. Got you.

11 MR. RIEL: -- we come up with.

12 CHAIRMAN KORGE: Right. It may go up, it
13 may go down. Now I understand.

14 DR. BURCHELL: Yeah. But, again, the ratio
15 is about there, and that's a very reasonable ratio.
16 That's a very reasonable ratio to meet, and then,
17 let's say you didn't have -- let's say you didn't
18 have any growth. Let's say you didn't have any
19 growth. Then, essentially, that HUD -- and everybody
20 defines your definition of future housing need
21 relative to the total population growth, and they're
22 saying roughly 120 percent of median, or essentially
23 60 -- 50 to 60 percent of the total distribution, is
24 your need -- is your need for the future.

25 Now, if you don't grow, the idea -- the idea

1 is that you haven't created that need, and so you
2 don't have to respond to that need, essentially,
3 under this growth share mechanism.

4 CHAIRMAN KORGE: You know, the problem is
5 that we don't have a lot of residential unit growth
6 available to us, because we're already built out.

7 DR. BURCHELL: I think that between the
8 residential and nonresidential, you're going to have
9 some.

10 CHAIRMAN KORGE: Yes, we will.

11 DR. BURCHELL: And that some will be enough
12 to address, under these ratios, a large share or some
13 share of that need. Now, if, 10 years later, it
14 comes back and you haven't addressed what you'd like
15 to address, then you may want to strike different
16 ratios or you may want to revisit it in some other
17 way.

18 MS. KEON: But it's most likely to be in the
19 multi-family districts. It's when you're going to
20 build highrises and -- that's going to be the growth.

21 MR. SALMAN: Then we're fine. It's what we
22 just talked about last week.

23 MS. KEON: Right. I mean, that's likely
24 where you're going to have the housing growth.

25 CHAIRMAN KORGE: I'm just wondering whether

1 we would have enough units, in that area where we'll
2 have new units, to absorb 455 total new units
3 required of affordable.

4 DR. BURCHELL: No, no. That's why it's in
5 different pieces.

6 MS. KEON: No, but this is over 10 years,
7 right?

8 DR. BURCHELL: There's only 186 new.

9 MS. KEON: Yeah.

10 DR. BURCHELL: There's only 186 new.

11 MS. KEON: 186 over 10 years.

12 MR. AIZENSTAT: Over what period?

13 DR. BURCHELL: 10 years.

14 MS. KEON: 10 years. So it's only 18 a
15 year, you know, or 15. I mean --

16 CHAIRMAN KORGE: 186 total.

17 MS. KEON: Yeah. So it's only -- yeah, it's
18 like 18 a year, so those are -- you know, and that 20
19 percent is usually -- is an easy number to achieve.

20 CHAIRMAN KORGE: Well, you add the 50
21 preservation, because but there's nothing to
22 preserve. So that means it's actually a hundred --
23 two hundred and --

24 MS. KEON: Right.

25 CHAIRMAN KORGE: -- thirty-six, right?

1 DR. BURCHELL: If I were to answer you
2 directly, no. The --

3 CHAIRMAN KORGE: I like direct answers.

4 DR. BURCHELL: The reality of it is that
5 you've identified units that you have under some type
6 of subsidy, and that subsidy may likely expire over
7 the next 10 years. So someone would do a survey to
8 see if there's any expirations, and those are the
9 units that you try to intervene, in terms of the
10 expiration of those subsidies.

11 MS. KEON: Okay, well, you can -- I mean,
12 you can always do that. You can go back to the
13 County and look at what the funding -- you know, what
14 the ramifications of those were, so you'll know that.

15 CHAIRMAN KORGE: But if we're promising 50
16 and there are only 10 available, then the other 40
17 have to be met with something else.

18 DR. BURCHELL: No, it's not necessarily that
19 you're promising 50. What you're attempting to do is
20 to say that this is an area that we may have a goal
21 of a certain number of units. In other words, those
22 units, if they can be identified, there's some idea
23 that there are more than 30, or there may be 50, and
24 they may all run out over that 10-year period. If
25 they do, then you have 50. If they don't, you have

1 some number less than 50.

2 CHAIRMAN KORGE: I guess what we really need
3 to do --

4 MS. KEON: We need to go back to --

5 CHAIRMAN KORGE: We get real numbers
6 eventually --

7 MS. KEON: The real numbers for that,
8 right.

9 CHAIRMAN KORGE: -- and then we can -- I
10 mean, because I'm like questioning numbers that
11 really are just very preliminary to begin with.

12 DR. BURCHELL: Yeah, but again, you want to
13 put those forward to show essentially both the Region
14 and the State that you're in the business, that
15 you're concerned about producing.

16 CHAIRMAN KORGE: Yeah, but look at it this
17 way. You present 50 preservation, and we come back
18 with three. They're going to say no.

19 DR. BURCHELL: No, they're going to say no
20 10 years from now, maybe, as a result of that
21 particular strategy. But again, when we made the
22 presentation this morning, there was an idea that you
23 look and you put forward your best effort and you try
24 to meet your goals, and if those goals aren't met,
25 then you look forward in another cycle, to see if

1 those goals can be met.

2 MS. KEON: If we move forward -- I mean, to
3 me, it looks like the likelihood that your best
4 effort to meet some affordable housing goals in this
5 City is probably through the inclusionary housing.

6 DR. BURCHELL: That's right. That's right.

7 MS. KEON: That's probably where we are most
8 likely to make any headway with affordable housing.

9 CHAIRMAN KORGE: Absolutely.

10 MS. KEON: So, if you do that and you work
11 on that program, I would think that that would be
12 acceptable to the State, because they see that you
13 are -- you have a program that you've identified, you
14 work toward achieving that. You know, some of the
15 other -- you may have a program in place but you
16 don't have the units, or the people aren't taking
17 advantage of the programs, there's not a lot you can
18 do about it, but what you can affect, you are
19 affecting, and usually that's all that they ask for,
20 generally, the State, is that --

21 CHAIRMAN KORGE: I just hate making a
22 commitment that we know we can't meet.

23 MS. KEON: Well, but -- well, yeah, you need
24 to go back and look at it, but --

25 MR. RIEL: Basically, we didn't meet that

1 commitment and that goal in the '95 plan. That's why
2 we're having to look at this again.

3 MS. KEON: Right, but --

4 MR. RIEL: We have not met our need, based
5 on the Comp Plan.

6 MS. KEON: Right, but we've never worked at
7 doing anything with inclusionary housing. So, I
8 mean, I think that's the likelihood of where we will
9 make our best effort in a workforce or affordable
10 housing effort, is with that, and that's a very --
11 should be a very achievable goal.

12 DR. BURCHELL: And also, Mr. Chairman -- I
13 think your point is absolutely taken. I mean, as an
14 example, on rehab, you offer a grant program. People
15 may not come forward to participate in that grant
16 program, because they might not want to deed-restrict
17 their units or they might not want to pay you back
18 the 75 percent or a variety of other -- or commit to
19 pay you back the 75 percent, or a variety of other
20 kinds of things.

21 So, again, these are targets that you're
22 going after, and your ability to do it will be a
23 function of circumstance, what has happened to you
24 over that next 10-year period.

25 MS. KEON: If we participate with the County

1 in a preservation program, if they're not our dollars
2 but the homes happen to be in our community and we
3 participate with them in a preservation program, does
4 that work toward our goal?

5 DR. BURCHELL: If you identify those units
6 and those units are expiring, in terms of their
7 subsidies or their mortgages, no matter what the
8 source of funding or no matter who participates, as
9 long as they're physically --

10 MS. KEON: They're in the City.

11 DR. BURCHELL: -- in your community, it
12 counts as your number.

13 MS. KEON: Well, we have those. We have the
14 homes in the McFarlane district now. There's four of
15 them that they have the funding for, and there are --

16 How many homes there, Margaret, all
17 together, that they identified?

18 MS. PASS: I'm not sure, because the other
19 was CDBG money from the County that was utilized.

20 MS. KEON: Well, I know, but that's what --
21 you know, because remember, that was a loan program
22 under the County. It was set up with some Federal
23 dollars under a historic preservation program that
24 was in existence for a long time, and no one -- they
25 would not take advantage of it, because they were

1 afraid that if they did a loan program and if, for
2 some reason, they weren't able to repay the loan,
3 they would lose their home, and that was the only
4 asset they had. So the loan program was rewritten as
5 a grant program, and became a grant-eligible program,
6 and then was funded through the County's CDBG
7 program, and there was -- the funding is -- I know
8 that now there is 150,000, 200,000, that is allocated
9 for the preservation of homes in the McFarlane
10 district because the area is a historical
11 preservation district, and it's under Federal
12 historic preservation guidelines in homes.

13 So there is currently -- that program is
14 currently existing and going on.

15 DR. BURCHELL: Right.

16 MS. KEON: -- in our City now.

17 DR. BURCHELL: As long as that program is to
18 preserve -- is not to cosmetically alter the units or
19 improve them, but rather to preserve them as those
20 units are likely to be lost from the stock. In other
21 words --

22 MS. KEON: Yes.

23 DR. BURCHELL: -- let's say that loan that
24 they took --

25 MS. KEON: Right.

1 DR. BURCHELL: -- is going to expire next
2 year. That person that might have taken that loan,
3 absent any deed restriction, might essentially say,
4 "My property is worth twice as much."

5 MS. KEON: No. There is a deed restriction
6 in all of those in that grant project. It's five
7 years or seven years? Five years. It's a five-year
8 deed restriction for any one of those properties, for
9 any money that's given to it, so that you don't fix
10 your house up and sell it for more money. You have
11 to live there for --

12 DR. BURCHELL: And when did the five years
13 start?

14 MS. KEON: It hasn't -- they haven't
15 finished. They haven't really finished the
16 renovation of any of those homes yet, so it hasn't
17 started, but it will start within the next 10 years.
18 I mean, it will be, so that's an ongoing program now,
19 and I think there were 12 homes that they
20 identified? It seems to me there's 12 homes --

21 DR. BURCHELL: Right.

22 MS. KEON: -- in that area that are
23 identified, that they are hoping to fund through that
24 program, and they got the money from -- our Historic
25 Preservation Department also gave them some money for

1 that. So the City has some participation in it, and
2 it was through the County. That area was a grant-
3 eligible area under CDBG, so it is being funded. The
4 County has made a commitment to continue funding
5 projects that were in existence when the eligibility
6 for that area was phased out as a result of this last
7 Census, but because it was in progress, they've made
8 a commitment to continue that program. So I know
9 there's 12 homes, whatever, so --

10 DR. BURCHELL: So those plus any others, as
11 long as they're physically located in the
12 City, become part of your --

13 MS. KEON: Okay, but you can use that for
14 your preservation, to go forward.

15 DR. BURCHELL: That's right.

16 MS. KEON: And that may be the only thing
17 that we are ever able to --

18 CHAIRMAN KORGE: To preserve.

19 MS. KEON: -- to put forward.

20 DR. BURCHELL: Fine.

21 MS. KEON: Because you have a program and
22 you --

23 DR. BURCHELL: That's fine.

24 MS. KEON: I mean, I think you need to show
25 that, to show that you have that preservation program

1 in progress.

2 Margaret, you have all the information on
3 that program, right?

4 Our Building & Zoning Department has all the
5 information on that, on that whole program. So I
6 know we have that. I think we have the houses that
7 are already subsidized, and so that the likelihood
8 is, the only thing we would need to do is the
9 inclusionary zoning piece, in order to be compliant
10 with an affordable housing -- workforce housing plan
11 for the City.

12 DR. BURCHELL: Right.

13 MS. KEON: I think that's pretty easy.

14 CHAIRMAN KORGE: No, that's not what he just
15 presented. He said we need all four pieces.

16 MS. KEON: Well, you need -- you need -- and
17 we do. You have a preservation program that is
18 currently in effect, that is underway. It may not be
19 50, but you may not -- you know, you can put a number
20 there that may be 50, but you can show that you have
21 a program that is in place. It is working. There is
22 movement on it, it's not just on paper. You know,
23 your goal would be maybe to identify additional
24 homes or whatever --

25 CHAIRMAN KORGE: I guess I have a conceptual

1 problem with putting in a number that we're never
2 going to meet. That's just the way I do business. I
3 wouldn't do business that way.

4 MS. KEON: Yeah, but I don't know that --
5 well, what they're saying here is, based on your
6 population, you should have 50, and you could say,
7 "Fine, maybe we should have 50, but we don't have it,
8 because it doesn't exist in our City. We know we
9 have this many. We can attempt to identify others."
10 We may not have them.

11 DR. BURCHELL: Right. It's whatever --
12 again, you can identify those and you can say,
13 "That's our present," and then identify those that
14 are likely to expire over that 10-year period --

15 MS. KEON: Right.

16 DR. BURCHELL: -- and then have a sense of
17 what that might cost you to intervene, in terms of
18 the preservation of those units, and that would be
19 the number, essentially, that you're addressing.

20 But also, you know, the rehab, some type of
21 matching fund that --

22 MS. KEON: That was that -- yeah.

23 DR. BURCHELL: -- that also might be
24 available, and then, again, on your -- on your
25 backlog, those who currently live in the community

1 that pay more than 50 percent of their income, again,
2 the recommendation of the report is to try to reclaim
3 some of that 20 cents on every 70 cents of your real
4 estate transfer tax that goes into an affordable
5 housing program at the State, and then really does
6 not come back to the City of Coral Gables.

7 CHAIRMAN KORGE: How likely is it that the
8 State will forgo that revenue, to us?

9 DR. BURCHELL: Well, the State -- right
10 now, that's a pot that's really being misused by the
11 State. It's not being used on affordable housing.

12 CHAIRMAN KORGE: That may be so, but I
13 mean -- I guess what I'm asking is, right now, do
14 they give back a certain portion of that to any other
15 municipalities?

16 DR. BURCHELL: They do.

17 CHAIRMAN KORGE: How much do they generally
18 give back?

19 DR. BURCHELL: They give back, typically,
20 half. They give back a dime of the 20 cents.

21 CHAIRMAN KORGE: Of the 20 cents.

22 DR. BURCHELL: Yeah.

23 CHAIRMAN KORGE: So you think we could
24 probably get the dime?

25 DR. BURCHELL: I think that if you have an

1 affordable housing program and you're pursuing that
2 as an activity, you can get the dime.

3 MR. AIZENSTAT: But if you don't meet what
4 you're stating that you're going to go ahead and
5 meet, aren't you just putting off your problem for
6 the next time, like we did back in 1990 or whenever
7 we did and put it off till now?

8 MS. KEON: No.

9 MR. RIEL: Well, basically, we didn't have
10 the programs in place to meet the goals and
11 objectives back then. What we're trying to do is, by
12 doing the study, we're trying to include programs
13 that attempt to meet this goal, and again, it's a
14 goal.

15 MR. AIZENSTAT: But what I'm hearing is that
16 we probably will not meet these goals. Am I wrong in
17 assuming that?

18 MR. RIEL: No, I think you're hearing
19 incorrectly. Our intent is to try to meet the goals.

20 MR. AIZENSTAT: Is to meet those goals.

21 MR. RIEL: Yes, is to try to meet those
22 goals.

23 CHAIRMAN KORGE: So your preservation
24 number has got to be a real number, not a
25 hypothetical number, and I guess the others,

1 probably, you're pretty comfortable with, I don't
2 know, and then --

3 MR. RIEL: And again, this is a study. You
4 know, we're going to come forward with more specific
5 regulations and tell you how we're going to meet each
6 of these. We might find that one of these drops out,
7 and the direction we're going is towards inclusionary
8 zoning.

9 MS. KEON: Yeah.

10 MR. RIEL: That's clearly -- and the other
11 one is some type of a fee-based --

12 CHAIRMAN KORGE: Right. I see the same --

13 MR. RIEL: -- program.

14 CHAIRMAN KORGE: Basically, the financing is
15 under strategy, right? That's the description of the
16 financing?

17 DR. BURCHELL: Right.

18 CHAIRMAN KORGE: The inclusionary housing
19 would be an increase in density or other benefits to
20 get the deed restrictions that meet the goals.

21 MR. RIEL: To provide affordable housing,
22 yes.

23 MS. KEON: Lobby for the 8, for tax credits,
24 Federal tax credits. I tell you, it works.

25 MR. AIZENSTAT: Are you going to give

1 additional bonuses to developers, in order to go
2 ahead and get these numbers back?

3 MR. RIEL: That's one of the areas we're
4 looking at in the south of the Village of Merrick
5 Park. There's only so many options that are
6 available out there and we're trying to take from
7 that menu, and by taking from that menu, we're trying
8 to meet our goal.

9 If we just took one of those and said
10 inclusionary zoning, or attempt to try to meet that,
11 that's not going to be accepted.

12 CHAIRMAN KORGE: Well, I --

13 MR. RIEL: If we just say we're going to
14 collect dollars and we're going to give it to another
15 community, that's not going to be accepted.

16 CHAIRMAN KORGE: Right.

17 MR. SALMAN: Well, you said in the
18 beginning, this is what you went to the South Florida
19 Regional Planning Council with as your strategy for
20 meeting those needs.

21 MR. RIEL: Right.

22 MR. SALMAN: It does not include whatever
23 happens to be going on at the moment that you may
24 want to report on later --

25 MR. RIEL: Right.

1 MR. SALMAN: -- as you verify with your
2 own --

3 MR. RIEL: Right.

4 MR. SALMAN: -- report that you're
5 developing now, that actually tells us how many units
6 we're going to have, that will actually give us the
7 idea of what kind of a room we could have to get that
8 inclusionary, or how much money we could raise with
9 regards to impact fees or --

10 MR. RIEL: Yeah.

11 MR. SALMAN: Again, this is the first step.
12 This is the thermometer test that says, "Okay, we
13 didn't meet it last time. Now we're going to come up
14 with a strategy. This is what we need to meet."

15 MR. RIEL: Yes.

16 MR. SALMAN: And based on the demographic
17 research and development that's been going on in the
18 City, we need 455 affordable housing units, and we
19 have four strategies to get there.

20 MR. RIEL: Yes.

21 CHAIRMAN KORGE: Well, that's how we decide
22 what our need is, based on these four different
23 categories.

24 MR. SALMAN: Right.

25 CHAIRMAN KORGE: And then the strategies are

1 how we would finance it. Do we have any actual
2 numbers on each of those strategies? For example,
3 the building permit fees, do we know how much
4 additional revenue we would have to raise through
5 increases in the building permit fees, and how much
6 of a percentage increase in those fees that would be,
7 how much of a burden that would be on new
8 construction?

9 DR. BURCHELL: There are numbers in the
10 report that deal with that. There are numbers in the
11 report that deal with that, and that's what you
12 didn't have before. That's what you didn't have
13 before, when you went to the Region, and so you
14 didn't have targets, you didn't have numbers, you
15 didn't have sources. And that doesn't mean that you
16 have to use the building permit fee to raise those
17 monies, but it is there, available. It will cover
18 that number, with a 10 percent increase in the
19 building -- in the building permit fees, and again,
20 that has been all laid out in the confines -- within
21 the specific component of the report.

22 MS. KEON: Can I ask a question, too? You
23 mentioned, and I know you talked about it in your
24 report, on doing impact fees. In the State of
25 Florida, will they allow impact fees for affordable

1 housing? I thought that the way the impact fee
2 regulations in the State were written, that it had
3 to -- the only way you could impose an impact fee is
4 if it somehow -- on the developer themselves, that it
5 had -- whatever it was you were going to use the fee
6 for had to be a direct result of that building, of
7 that development.

8 So, I mean, I thought that was discussed
9 before, and I thought I have heard, over the time,
10 that you couldn't -- it was not likely that it
11 would -- that you would be allowed to impose impact
12 fees for that purpose.

13 DR. BURCHELL: Again, let me give you some
14 experience. I don't want to give you a legal
15 opinion, because I can't give you a legal opinion,
16 but in Florida, there is movement towards that. The
17 way that that impact fee is assessed is attempting to
18 see how many new employees are brought in, the share
19 of those employees that would work in lower-level
20 industries, and as a result of that, need affordable
21 housing, and then, as a result of that, assigning
22 that to a particular development under a rational
23 nexus test, to say, "You've created this particular
24 need. These are the people who are coming in as
25 potential employees. A share of them will work

1 locally or work in the region and need housing in the
2 region. They can afford to pay this much. You're
3 not producing that housing. Here's what you would be
4 expected to pay."

5 CHAIRMAN KORGE: So we'd have an impact fee?

6 MS. KEON: So that would be for -- well,
7 that would be for commercial development?

8 DR. BURCHELL: That would be for commercial.
9 It could also be -- and I really don't want to
10 venture in here. Mostly, it's done -- mostly, it's
11 done on commercial development.

12 MS. KEON: Right.

13 DR. BURCHELL: But there also could be a way
14 to do that in terms of saying, with regard to
15 residential development, here's the residential
16 development that took place. These are the people
17 from that residential development that work in the
18 community as a result, and the region. They form
19 this particular distribution in terms of their
20 salaries, and as a result of that, you've approved --
21 you've approved the developer has developed this in
22 the community; here is the share that might be
23 associated with that.

24 MS. KEON: Right, but I thought that
25 whatever the impact -- whatever project the impact

1 fee is assessed on, it has to be -- the impact has to
2 be in relation to that development. It can't be that
3 we're developing in the City of -- in Coral Gables,
4 whatever, and the impact fee is used (inaudible).

5 DR. BURCHELL: No, it is. No, you're
6 absolutely right.

7 MS. KEON: It has to be here.

8 DR. BURCHELL: It has to be on that
9 development.

10 MS. KEON: So if I'm building, you know, a
11 high-end office building in the City of Coral Gables,
12 the likelihood of, you know, that low-wage
13 individual -- I mean, that's not -- well, maybe you
14 have a janitor, but I mean, it's not likely that
15 you're going to create --

16 DR. BURCHELL: Right, but again -- and I
17 don't want to venture into this, in an area that is
18 not what I do. I mean, you have somebody coming up
19 after me who's probably --

20 MS. KEON: Oh, okay.

21 DR. BURCHELL: -- one of the finest land use
22 attorneys in the nation, and here I'm giving legal
23 opinions.

24 MS. KEON: Okay.

25 DR. BURCHELL: But again, there is

1 experience, and those -- I belong to a conference,
2 which is the National Impact Fee Round Table, and
3 that is a -- always a matter of discussion at those
4 sessions and a growing component. Affordable housing
5 is a growing component of the impact fee structure.

6 MS. KEON: I just think they've been
7 challenged so often here in the State of Florida that
8 they're pretty narrowly defined now by case law.

9 MR. RIEL: The City is actually doing --
10 going to be doing an impact fee study that looks at
11 recreation and emergency services, and this is going
12 to be included in a part of that examination. That's
13 actually going to be starting in the next month or
14 so. We're a part of that City team that's pursuing
15 the whole impact fee notion for the recreation and
16 whatnot. So hopefully that will be done and we can
17 meld this in with this.

18 MS. KEON: Right. (Inaudible).

19 Is it the University of the Florida?
20 There's someone at the University of Florida that I
21 know has worked out of -- would it be out of that
22 department that has worked with localities on impact
23 fees? Because they're regarded as experts.

24 DR. BURCHELL: There are different people at
25 the University of Florida, Jim Nicolas, who typically

1 works in impact fees, and again, Bill O'Dell, who
2 does the affordable housing. It's not that they
3 often work together on things, but that they do
4 different aspects of the issue.

5 MS. KEON: Do you find, as a person with
6 expertise in affordable housing, that the increase in
7 permit fees is an effective way of doing that? It
8 doesn't escalate the cost of the other housing? I
9 mean, or it's not enough that it makes a difference,
10 so that what you may make affordable, you make
11 more -- you know, you make the other higher, because
12 it gets passed through? Is it not enough?

13 DR. BURCHELL: The reality of it is that,
14 especially in Florida, the costs of housing are
15 rising so precipitously that you either make a
16 decision to have revenues and tax that increase or
17 not have revenues and not tax that increase. And
18 often that increase has nothing to do with the
19 taxation on those revenues, but rather the demand for
20 the product that you're selling in Florida, and that
21 product is very highly sought, both nationally and
22 internationally, and it's going to -- and again, in
23 that conclusion, it's going to be even more highly
24 sought in the future.

25 MS. KEON: So it's not really going to

1 affect it at all?

2 DR. BURCHELL: It's not -- not in terms of
3 the increase.

4 MS. KEON: Okay.

5 DR. BURCHELL: I mean, you're -- on average,
6 you're getting 20 percent a year.

7 MS. KEON: Right.

8 DR. BURCHELL: Again, to give you an
9 example, my son, who lives in Raleigh, North
10 Carolina, moved there as his initial job. He has
11 in-laws who live in South Florida. The idea was to
12 move to Raleigh and then move to South Florida, to be
13 closer to the in-laws, to be away from his father,
14 but --

15 MS. KEON: And the cold weather.

16 DR. BURCHELL: And the warm weather. And
17 the reality of that is that, in that housing market,
18 houses are increasing at five percent a year, and
19 they're 20 to 25 percent a year here. He -- by
20 staying there five years, he's priced himself out of
21 the Florida market.

22 MS. KEON: Right.

23 CHAIRMAN KORGE: Do we have another
24 presentation, as well, on this? Or no?

25 MR. RIEL: Well, I think we've covered a

1 lot of issues, I mean, this evening and we do have
2 some other items on the agenda. The goal was to make
3 the presentation, obviously, to spur the discussion
4 that we've had.

5 We're going to come back with alternatives
6 and suggestions to deal with each of these issues,
7 and there will be more discussion on this.

8 CHAIRMAN KORGE: Okay. So we're done with
9 this for now?

10 MR. RIEL: Yes.

11 CHAIRMAN KORGE: Okay.

12 Then let's move on to our last item on the
13 agenda, I believe -- no, second-to-last, Article --
14 reviewing the rewrite Articles 5, 6 and 8, Division
15 11 and 14 of Article 5, and all of Article 6 and 8.
16 Or, excuse me, 8 only relates -- the definitions that
17 relate to the other articles.

18 MR. RIEL: Basically, Article 5, Division
19 11, is the landscaping provisions. We're going to
20 defer that until the time we come back with the
21 single-family regulations, because they're hand in
22 hand.

23 CHAIRMAN KORGE: That's good, yeah.

24 MR. RIEL: The discussion this evening is
25 Article 5, Division 14, which is parking, loading and

1 driveway requirements. That has been before the
2 Board on two separate occasions. You've provided
3 direction to the consultant. They're coming back
4 with recommendations based upon your input, as well
5 as other input.

6 Article 6, which is nonconformities, that
7 also has been reviewed by the Board, in April of this
8 year. You did have a lot of questions regarding --
9 on single-family and the whole nonconforming issue,
10 and that's why that is back to you this evening.

11 Article 8 is just provided for information.
12 It's the definitions, to define terms.

13 So with that, I'll turn it over to Mr.
14 Siemon.

15 MR. SIEMON: Good evening.

16 I speak just to the subject of the impact
17 fees and the -- and housing. There are parts of the
18 country which have -- which are now applying some
19 mitigation fees on residential development, but it's
20 based on a very careful analysis of incremental
21 employment growth, low-income -- moderate-income
22 employment growth generated by that residential
23 development. There is a percentage; one out of five
24 of us has a maid or something like that. But it does
25 have to follow the rough proportionality rule that

1 has been applied generally.

2 Florida's law is very compatible with -- in
3 fact, Florida has been a leader in what I would call
4 mainstream impact fee law, throughout.

5 We have two sections to discuss with you
6 tonight. The first is the parking/loading, and I
7 have tonight with me Todd Messenger, a planner and a
8 lawyer, who has been principally responsible for
9 drafting this, and I'm going to ask him to take the
10 lead. If I'm responsible for something, I'll stand
11 up and defend it, but he's been really the one
12 that -- if he can prove that I did it, I will defend
13 it, but I -- no, he's really been the one working
14 with Eric and Staff, and was here before to respond
15 to your questions. He has to go slowly in his
16 presentation.

17 And we do have a little glitch that he's
18 going to explain to you. We're going to hand out a
19 new provision. There was a -- as I understand it,
20 there is a provision in Microsoft Word that if you
21 accept changes, it changes the -- it goes through and
22 eliminates all the changes and makes it into text,
23 and what happened is, somewhere along the line
24 between electronic transmission to our office, what
25 was distributed to you represents if all the changes

1 that are going to be presented are accepted.

2 So we have copies in green paper, so you
3 can't confuse it, and Todd's going to take you
4 through.

5 MS. KEON: Blue.

6 CHAIRMAN KORGE: Blue paper.

7 MR. RIEL: Blue.

8 MR. SIEMON: Oh. You're right, it is blue.
9 It looked green in the light over there.

10 And then I will take you through the
11 nonconformities provision after Todd has take you
12 through the --

13 CHAIRMAN KORGE: The red-lined -- oh, this
14 is the red-lined version.

15 MR. RIEL: Underlined and strike-out form,
16 on the blue. That's basically what that --

17 CHAIRMAN KORGE: That's better.

18 MS. HERNANDEZ: Dennis, do you have one?

19 Do you have an extra one for the Building &
20 Zoning Department?

21 MR. MESSENGER: I'm sorry.

22 MR. SIEMON: Yeah, there's some over here.

23 CHAIRMAN KORGE: We'll go through the
24 red-lined.

25 MR. MESSENGER: Good evening. I'm Todd

1 Messenger. I work with Charlie at Siemon & Larson.

2 I have two apologies to make. The first one
3 is that one, and the second one is, last time I
4 promised, with regard to the nonconforming uses, that
5 when it came up, you could harass Wendy about it, and
6 I brought Charlie instead, so you'll have to harass
7 Charlie.

8 But suffice it to say that I believe that
9 we've covered the concerns about, what does this mean
10 for existing uses, in Charlie's section. So, when we
11 get to that sort of material, harass Charlie about
12 it. He has all the answers.

13 If we go through this -- I guess what we've
14 done in the past is sort of gone through and looked
15 for the underlines and I would explain them to you.
16 I feel badly that you weren't able to see what the
17 underlines were. But what we do is, we started on
18 Page 3, in terms of this blue draft -- and you can
19 throw away the other draft -- with the corrections,
20 and basically just responding to this Board's
21 concerns that were expressed at the last meeting, and
22 the strike and underline is since we last talked
23 about this.

24 We also got the comments of the Building
25 Department and we responded to those, where they

1 didn't indicate a change in policy or a departure
2 from the direction of this Board, to make things more
3 clear, in most cases, and we also worked with Eric in
4 between the time we last met with you, to make a few
5 other changes. But I think we've come to at least
6 what we believe to be the consensus of this Board
7 from the prior meetings that we've had.

8 On Page 3, you notice that we've deleted the
9 graphic with the car in the parking space in the
10 structured parking with the encroachments on either
11 side of the car. We've taken out the ability to
12 encroach into the parking space in a structured
13 parking lot with columns. Now you would have to just
14 provide for the columns and put the spaces outside of
15 the area with the columns, and that was per the
16 request of a member of this Board.

17 Secondly, on Page 4, we had a combined table
18 for how to configure the access to parking spaces
19 from various types of roads. The Building Department
20 said that it wasn't exactly clear. When I looked at
21 it again, I couldn't figure it out anymore, so we
22 broke up all the different types of roads and then
23 made another column for the permitted method of
24 accessing a parking space from those roads and then
25 the permitted method of leaving those parking spaces

1 and getting back on the road, and really, what that
2 amounts to is, can you back out of the parking space
3 onto the road or do you need to use an aisle to get
4 back onto the road. It's pretty self-explanatory. I
5 think it's reflective of the existing policy. We
6 haven't made any real changes here.

7 You'll notice that we also reformatted the
8 chart, in terms of just its -- the way it's
9 presented, and that was at Eric's request. That
10 change that we just discussed carries through
11 Page 5.

12 At the top of Page 6, in response to a point
13 raised by the Building Department, we changed the way
14 the provision of driveways read, and just -- now the
15 driveways and driveway approaches are simply
16 required. All vehicular use areas need to connect to
17 the street, existing or new development. Permitting
18 and construction costs are borne by the owner, and if
19 a new construction requires a driveway that connects
20 to the street, then that driveway approach will be
21 funded by the owner. There would have to be a bond
22 in place to secure that performance.

23 And in terms of the vocabulary, driveway
24 approach is that portion of the driveway that's
25 located on the public right-of-way, as I understand

1 it. It's just consistent with the language that the
2 Building Department already uses.

3 MR. AIZENSTAT: I'm sorry, the bond that
4 would be required is because of the fact of the
5 approach that goes --

6 MR. MESSENGER: Yes, because it's in the
7 public right-of-way, and so those improvements would
8 be secured by a bond.

9 MR. AIZENSTAT: But, now, once they go ahead
10 and complete the work, the bond is released?

11 MR. MESSENGER: That's my understanding.
12 This is reflective of existing City policy, as
13 presented by the Building Department.

14 CHAIRMAN KORGE: But that would be -- that
15 would be for the cost of the portion on the public
16 right-of-way, not the entire cost, correct?

17 MR. MESSENGER: That's my understanding, the
18 driveway approach.

19 CHAIRMAN KORGE: Because that isn't clear,
20 to me. Maybe I just haven't read it closely. It
21 just says the construction. It should be clearer.

22 MR. MESSENGER: Construction of the driveway
23 approach. We'll make that change.

24 CHAIRMAN KORGE: Yeah.

25 MR. AIZENSTAT: Dennis, let me ask you a

1 question, please. On the approaches to several
2 residential homes, a lot of people, on the
3 approaches, they go ahead and put pavers on those
4 areas.

5 MR. SMITH: Yes.

6 MR. AIZENSTAT: Are they required to
7 maintain a bond or a specific insurance, indemnifying
8 the City?

9 MS. HERNANDEZ: Insurance. Insurance and a
10 restrictive covenant.

11 MR. SMITH: And they're required to maintain
12 it.

13 MR. AIZENSTAT: Maintain it for the life?

14 MR. SMITH: That's correct.

15 MR. AIZENSTAT: Okay, and that is not
16 changing? That remains the same?

17 MS. HERNANDEZ: It better not be.

18 MR. SMITH: I don't know.

19 MR. AIZENSTAT: Well, no, that's important,
20 that's why. I didn't see it here.

21 MR. SMITH: That's not in here.

22 MR. AIZENSTAT: It wouldn't be under
23 approaches or driveways?

24 MR. SMITH: That's where I think it is
25 currently, but I don't know. It's not in this

1 section here.

2 CHAIRMAN KORGE: Does anybody know where it
3 will be? Or has it been removed as an obligation?

4 MR. MESSENGER: I believe, in reorganizing
5 the existing Code, if my memory serves me correctly,
6 that wasn't a part of the parking regulations as we
7 reorganized them. It may be a standard that the City
8 applies, but I don't recall seeing that in the land
9 development regulations portion of the Code.

10 CHAIRMAN KORGE: It wasn't in the existing
11 regulations; is that what you're saying?

12 MR. MESSENGER: In the existing land
13 development regulations, I don't recall seeing it.

14 MR. AIZENSTAT: Neither do I. That's why I
15 was asking. I thought it would show --

16 MR. SIEMON: Is it in the City Code, about
17 public rights-of-way?

18 MR. MESSENGER: It may be there, instead.
19 It might not be a zoning issue --

20 MR. AIZENSTAT: All right.

21 CHAIRMAN KORGE: Okay.

22 MR. MESSENGER: -- and that's why Siemon &
23 Larson didn't specifically --

24 CHAIRMAN KORGE: Okay, so as long as we
25 haven't eliminated it on the rewrite, we're okay.

1 MR. MESSENGER: Right. We left it -- in
2 terms of what we've done here, with the exceptions of
3 what the Parking Board did, what we needed to do to
4 reorganize and re-engineer and what your direction
5 has been and what Eric's direction has been and what
6 the Building & Zoning's, we've had a number of
7 inputs, but we really haven't put much of our own,
8 you know, additions into this. It's really -- we've
9 tried to reflect the existing policy and consensus.

10 MR. SIEMON: We'll check that, though.

11 MR. AIZENSTAT: Please.

12 MR. MESSENGER: Certainly.

13 MR. AIZENSTAT: Thank you.

14 MR. MESSENGER: Down in B, Lines 30 and 31,
15 you asked last time that all required parking for
16 attached residential uses be provided behind
17 buildings or enclosed garages, so we've added that.

18 MS. KEON: I'm sorry, where are we?

19 MR. MESSENGER: Working with Eric, on Lines
20 33 to 38, we've just simplified the language there,
21 and the idea is, you want three feet of clearance
22 from the outside edge of a door so you don't hit any
23 cars, and you provide enough room for a person in a
24 wheelchair to get around the parked car.

25 MS. KEON: Is that (inaudible) -- I'm sorry.

1 MR. MESSENGER: I'm sorry?

2 MS. KEON: (Inaudible).

3 MS. HERNANDEZ: Which page are you on?

4 MR. MESSENGER: We're on Page 6.

5 MS. KEON: I'm sorry, no, it's fine.

6 MS. HERNANDEZ: She's okay.

7 MR. MESSENGER: We've taken out the
8 drainage, on the next page, Page 7, Lines 14 and 15.
9 We've combined it with engineering standards. There
10 are engineering standards for drainage. There's
11 South Florida Water Management District's standards,
12 et cetera.

13 We've added the new North Ponce District
14 into the screening of structured parking and just
15 cleaned up the language and the capitalization, in
16 the screening of integrated structured parking,
17 Section 5-1405.

18 We've added, at the request of the Building
19 Department, which made the point of, the maximum
20 height of a fence or a wall is six feet, and we were
21 saying a minimum of six and a half feet. We've added
22 the word fence and wall combination, so that you
23 would have some masonry and then a decorative fence
24 above that, to get to six and a half feet, to be
25 consistent with the other regulations.

1 MR. AIZENSTAT: If you can be a little more
2 specific, what happens -- can you tell me what
3 happens in a property that's set on a corner? If
4 you've got a house that's on a corner, the screening
5 requirement, can you just give me a brief description
6 of how it should be?

7 MR. MESSENGER: This particular -- this
8 particular section would not apply to a single-family
9 home on a corner street. This is for structured --
10 integrated structured parking.

11 MR. AIZENSTAT: Only for parking, period?

12 MR. MESSENGER: That's correct, and only in
13 these districts.

14 MR. AIZENSTAT: Do we have different areas
15 as to -- you don't -- was it, before, in one general
16 area, and then you had to look, to go -- whether it
17 was to parking or to single-family, and did you now
18 put it strictly -- within parking, it's this, within
19 single-family, it's this? Or was it always like that
20 in the book?

21 MR. MESSENGER: I don't follow. I'm sorry.

22 CHAIRMAN KORGE: He's asking whether the
23 fencing requirements were in a central location under
24 the existing Code, or are they scattered throughout,
25 referencing the various areas, such as parking --

1 MR. AIZENSTAT: For the various scenarios.

2 CHAIRMAN KORGE: Uses for fencing.

3 MR. MESSENGER: There used to be, in the
4 existing Code -- it's not used to be.

5 CHAIRMAN KORGE: It is.

6 MR. MESSENGER: It's, the existing Code has
7 a landscape requirement within parking. I believe
8 this particular screening -- and this has to be read
9 together, B 1 and 2. B says -- B 1 says when you
10 have to use the screening, and B 2 says what the
11 screening is.

12 MR. AIZENSTAT: Okay.

13 MR. MESSENGER: So --

14 CHAIRMAN KORGE: Only as it relates to the
15 parking.

16 MR. MESSENGER: -- B 2 only applies to B 1,
17 and only with relation to the parking in those areas.

18 CHAIRMAN KORGE: Right.

19 MR. MESSENGER: The particular requirement
20 itself, the graphics on the next page, I recognize
21 this graphic as one done by Charlie Siemon, and I
22 believe this was done in interim work that Siemon &
23 Larson did at the beginning of this project, and
24 we've carried it forward into this Code as a
25 consensus item, based on the meetings that we've

1 already had.

2 MR. AIZENSTAT: Right, but this is screening
3 as it relates only to parking?

4 MR. MESSENGER: That's correct.

5 MR. AIZENSTAT: So when you get to
6 single-family homes, you've got screening that
7 relates specifically only to single-family homes?

8 MR. MESSENGER: And that's not part of this.

9 MR. AIZENSTAT: I understand that. But
10 before, in the Code, was it always separated that
11 way, or was screening in one general area and then
12 you had to take a look at what you're doing, whether
13 you're doing parking or if you're doing
14 single-family, and then refer back to the one general
15 area?

16 MR. MESSENGER: As I understand it, the
17 existing Code has screening requirements distributed
18 in a number of different areas, which is one of the
19 complexities that drove the rewrite process.

20 MR. AIZENSTAT: Right. That's why I wanted
21 to make sure we handled that.

22 MR. MESSENGER: And we handled that by
23 saying, in a very general way -- Section 5-1405 A
24 says, "Landscaping shall be provided as required in
25 Article 5, Division 11," which is dealing with all

1 issues of landscaping.

2 MR. AIZENSTAT: All --

3 MR. MESSENGER: The reason that screening,
4 5-1405 B, is taken out from that is because there are
5 other physical parameters that aren't just plant life
6 that go with that, and so we've added it here because
7 it only relates to parking, and only in certain
8 circumstances, and it just sort of made sense to put
9 it there.

10 (Thereupon, Ms. Hernandez left.)

11 MR. MESSENGER: It's a judgment call on
12 which section it should go in, but at least there's
13 that first cross-reference that puts you where you
14 need to be for most stuff, and then here's just one
15 little circumstance where we thought it was
16 appropriate to keep it here.

17 CHAIRMAN KORGE: Okay, just real quickly, I
18 want to make sure I understood it right.

19 Section 5-1405, B 2 a, was four and a half
20 feet in height, minimum, not six feet, correct?

21 MR. MESSENGER: B 2 a.

22 CHAIRMAN KORGE: That's supposed to be four
23 and a half feet, correct?

24 MR. MESSENGER: Let's see, six feet.

25 CHAIRMAN KORGE: Well, mine says four and a

1 half feet here.

2 MR. AIZENSTAT: Right. I don't know where
3 you see six feet.

4 MR. MESSENGER: Four and a half, I'm sorry.

5 It was a four-foot masonry wall on the front, was the
6 highest you were able to go, and since we went to
7 four and a half -- I believe this is the correct --

8 CHAIRMAN KORGE: I just want to make sure
9 that's the correct one that you'd recommended, four
10 and a half.

11 MR. MESSENGER: Yes, because of the seven
12 feet of landscaping.

13 CHAIRMAN KORGE: Okay. I heard six feet
14 somewhere, that confused me.

15 MR. MESSENGER: That was my mistake.

16 CHAIRMAN KORGE: Okay.

17 MR. MESSENGER: My recollection failed me on
18 that.

19 CHAIRMAN KORGE: Okay.

20 MR. SALMAN: Excuse me, Tom?

21 Under Section 5-1402, the aisle width, I
22 would recommend that the 90-degree go to 24 feet.

23 It's been the standard, forever and a week.

24 CHAIRMAN KORGE: Where are we, what page?

25 MS. KEON: Say again?

1 MR. SALMAN: Sorry, Page 1.

2 CHAIRMAN KORGE: Page 1?

3 MR. MESSENGER: Page 1?

4 MR. AIZENSTAT: What do you recommend?

5 MR. SALMAN: I would recommend that it be 24
6 feet.

7 CHAIRMAN KORGE: For the two-way aisle?

8 MR. SALMAN: For the two-way aisle.

9 CHAIRMAN KORGE: Isn't that the existing
10 standard?

11 MR. SALMAN: I believe.

12 MR. MESSENGER: The existing standards are
13 what's set out in the table.

14 MR. SMITH: Our standard used to be 24 feet,
15 but we changed it, a few years ago, to 22 feet
16 because of the hundred-foot depth of the lots in the
17 downtown area and how inefficient that makes the
18 parking garages there. So, in -- I don't know if any
19 of you were on the Board when we did that. We
20 reduced it to 22 feet, to increase the supply of
21 parking by making the parking garages more efficient.

22 CHAIRMAN KORGE: How has that worked out?
23 How has that worked out so far?

24 MR. SMITH: It's a little tight, but it
25 works out. I mean, if you have a Hummer, it doesn't

1 work out, but a lot works out for them. But for most
2 normal cars, the 22-foot back-up is adequate. It's
3 minimum. 24 would definitely be more comfortable,
4 and there's another standard that is used, but we did
5 it specifically because of the hundred-foot depth of
6 the lots. That allows you to get, within 98 feet, a
7 double-loaded --

8 MR. SALMAN: A double-loaded corridor.

9 MR. SMITH: -- aisle of parking and then one
10 single-loaded aisle of 90-degree parking.

11 Before that, we had one double-loaded
12 corridor of 90-degree and then we had to go with
13 angular parking, which really decreased the
14 efficiency of the parking, and we weren't -- we just
15 weren't getting enough parking spaces.

16 CHAIRMAN KORGE: How is the one -- did you
17 change the one-way aisle at that time?

18 MR. SMITH: No. No, we did not.

19 MR. AIZENSTAT: That, you left alone?

20 MR. SMITH: That, we left alone.

21 MR. AIZENSTAT: And you haven't had any
22 complaints and everything's worked fine with that 22?

23 MR. SMITH: Yes.

24 MS. KEON: The new garage that was built
25 downtown, is that the 22?

1 MR. SMITH: Yes, it is. Well, the new City
2 garage is angled parking, and that's all one-way
3 aisles, because that's a double-helix configuration
4 within the parking garage.

5 CHAIRMAN KORGE: How about Merrick Place?
6 What do they use there? Do you know?

7 MS. KEON: That's pretty wide.

8 MR. AIZENSTAT: That's pretty wide.

9 CHAIRMAN KORGE: I'm curious how --

10 MR. SALMAN: I think they're using the 1/24
11 there.

12 MR. KEON: Yeah, I think they did.

13 MR. SMITH: Yeah. I think that was before,
14 and that was 1/24, but they also had some extra room
15 because of the odd configuration of that site, and
16 they were able to make them a little -- that wasn't a
17 hundred-foot-deep site.

18 MR. SALMAN: Okay, well, based on your
19 logic, Dennis, I think 22 should stand.

20 MR. MESSENGER: Moving on to Page 8, Section
21 C there addresses the treatment of the facades of
22 parking garages that aren't subject to Section B. So
23 we just added that clarification so that it was
24 easily understood when various sections apply.

25 Section D addresses the issue of mechanical

1 access parking structures and parking lifts, which
2 came up. We actually changed that to automated
3 parking system, I believe it was, and defined that
4 term, so we'll change that here, as well. That was
5 our oversight, just as a definitional term so we can
6 more easily refer to it.

7 MS. KEON: Automated instead of --

8 MR. MESSENGER: I think it's automated
9 parking system. But we will take care of that, in
10 terms of vocabulary, but not in terms of principle.
11 You would not want to expose your parking lifts or
12 parking robots to view from the street directly. You
13 want to mask that with some sort of structure.

14 MR. AIZENSTAT: And is it anywhere that if
15 you have a lift, let's say in a condominium or in a
16 residential, that it has to belong to the same unit
17 owner and that it can't be given to one unit owner at
18 the bottom, and the top to a different unit owner?

19 MR. MESSENGER: We've addressed some of that
20 later on in the draft, in terms of the use of the
21 parking.

22 MR. AIZENSTAT: So you have addressed that?

23 MR. MESSENGER: For required parking. Let
24 me see if we have that.

25 MR. AIZENSTAT: If not, they're never going

1 to use it that way.

2 MR. MESSENGER: No, we haven't done that.

3 MR. AIZENSTAT: I mean, I would think that
4 it would be important, at least in my view, that if
5 you do allow --

6 MR. SIEMON: You're talking about
7 single-space lifts?

8 MR. AIZENSTAT: I'm talking about
9 single-space lifts, where you've got one car on the
10 bottom, one car on the top. I'd hate for a developer
11 to sell the bottom to Apartment A and the top to
12 Apartment B. The only way that I would like to see
13 lifts being used is if they correspond to the same
14 unit.

15 MR. SMITH: We've been requiring that, where
16 we've allowed some lifts, in the form of a
17 restrictive covenant.

18 MR. AIZENSTAT: So -- but we are taking care
19 of it?

20 MR. SMITH: In here, I don't know.

21 MR. MESSENGER: It's not in here.

22 MR. AIZENSTAT: How do we assure that it
23 doesn't slip through the cracks? Is there a way to
24 do that?

25 MR. MESSENGER: Yes. I think what we can

1 say is that the access of any individual owner to his
2 vehicle or to her vehicle will not be impeded by its
3 configuration of the parking.

4 So, in other words, there's a lot of
5 different ways that you can configure mechanical
6 access parking. There are, you know, modules of six,
7 where one of them is always left blank and they
8 rotate around. So you could theoretically be on top
9 of somebody else's car and still have yours either
10 lifted out into the aisle and put down behind it or
11 whatever.

12 So we would have to word it in such a way
13 where no individual owner would be denied access to
14 his vehicle because of the placement of another
15 owner's vehicle, I think, would be the way to do
16 that, and we could certainly write that into here.

17 MR. AIZENSTAT: Yeah. Like I said, my
18 concern would be that somehow the same person -- you
19 know, if there's a double lift, for example, just one
20 person has the top and a different unit has the
21 bottom, that's not going to work for me.

22 MR. MESSENGER: Right.

23 MR. SALMAN: But I think his wording would
24 accomplish that and would call out for a fully
25 automated --

1 MR. AIZENSTAT: The wording would, as long
2 as you're aware of the situation. That's really my
3 intent.

4 MR. MESSENGER: Okay. We can certainly
5 write that in.

6 MR. AIZENSTAT: Thank you.

7 MR. MESSENGER: Next is with regard to
8 visibility triangles. The Miami-Dade County Code has
9 certain requirements for visibility triangles.
10 According to the Miami-Dade County Charter, you're
11 allowed to, in a local jurisdiction, exceed those
12 standards under certain circumstances.

13 This just clarifies that your existing
14 policy is an attempt to exceed those standards in
15 certain circumstances that are provided here.

16 CHAIRMAN KORGE: If those standards should
17 increase in the future, the County standards, to
18 exceed ours, hypothetically, would we then have to
19 conform to the County standards, under this
20 language?

21 MR. MESSENGER: Yes, you would. The County
22 Charter would force you to do that, regardless of
23 what this language says.

24 CHAIRMAN KORGE: Regardless of the effective
25 date of this language?

1 MR. MESSENGER: That's correct. The County
2 Charter says that the cities can have their own
3 regulations as long as they're more stringent than
4 ours, and so in cases of conflict, you would have to
5 look to the County in that circumstance, in all cases
6 of conflict.

7 MR. SALMAN: Now, aren't you allowed
8 planting within that sight triangle to a certain
9 height?

10 MR. MESSENGER: To a height of three feet.
11 There's just that clearance space where the driver's
12 eye has to be able to sweep the street and know
13 what's coming.

14 And the County standards provide for
15 connections -- visibility triangles to connections to
16 streets with rights-of-way of greater than 50 feet.
17 Less than 50 feet, the County doesn't have standards
18 for visibility triangles. That's why we've taken
19 yours and applied them to right-of-ways of 50 feet or
20 less, just so that it goes along with the County.

21 MR. SALMAN: Where is that three-foot
22 restriction on landscaping? Is it in the landscaping
23 section?

24 MR. MESSENGER: Actually, it's in 5-1406
25 A 1, Lines 18 and 19 on Page 8.

1 MR. SALMAN: There it is.

2 MR. AIZENSTAT: Is there a reason Page 9 is
3 left blank?

4 MR. MESSENGER: It's a glitch that has to do
5 with the way it's printed.

6 MR. AIZENSTAT: Okay. So it's not for
7 future reference or --

8 MR. MESSENGER: No. Since it's a strike and
9 underline, mechanically in Microsoft Word, that's
10 kind of just what happens when lines are deleted and
11 page returns are put in.

12 Page 10 just shows those illustrations
13 again. We've added that language about the
14 right-of-way being 50 feet or less in width, just as
15 a clarification point.

16 The Building Department reminded us of the
17 illumination standards in the Miami-Dade Building
18 Code. They were adequate to address all of these
19 issues. We've referred to Chapter 8C of the
20 Miami-Dade County Code.

21 The amount of required parking, later on
22 on Page 11, at 5-1409, we have taken out restaurants
23 from this, by the direction of this Board.

24 CHAIRMAN KORGE: Is that right? Is that
25 what we agreed to?

1 MS. KEON: For --

2 CHAIRMAN KORGE: That we wouldn't require
3 parking for restaurants where the floor area ratio of
4 a building in the CBD is 1.25 or less?

5 MS. KEON: I think there was that -- what is
6 that CBD ordinance? Isn't there that ordinance that
7 covers the CBD, that's --

8 MR. AIZENSTAT: For parking.

9 MS. KEON: -- specific to it, that's
10 parking? Is that -- maybe that's what this is.

11 Is that what that is?

12 MR. MESSENGER: We had extensive discussion
13 about this during our last meeting, about the
14 restaurants going into the bottom floor of the small
15 buildings, the 1.25 or less, and there was a Staff
16 recommendation that parking be provided for those
17 restaurants, and the consensus of this Board was that
18 we want to encourage restaurants all throughout those
19 areas and so, in order to do that, we would need to
20 allow for that parking exemption and allow those
21 restaurants to go in.

22 CHAIRMAN KORGE: I've got to tell you --

23 MR. MESSENGER: There was a lengthy
24 discussion.

25 CHAIRMAN KORGE: -- I don't remember it that

1 way. It could have happened that way. I don't trust
2 my memory that much, but I remember a lot of
3 discussion early on, and for the last several years,
4 especially from Cristina Moreno, who's not here
5 today --

6 MS. KEON: Yeah.

7 CHAIRMAN KORGE: -- expressing concern about
8 the parking requirements for restaurants, not that
9 they're -- that there shouldn't be any parking
10 requirements, but that the restaurants produce an
11 inordinate amount of the parking needs. I just -- I
12 mean, I think that's a prescription for disaster.

13 MS. KEON: Well, is this different than what
14 is the existing Code just for the CBD?

15 MR. MESSENGER: The existing Code would say
16 that residential buildings in the -- or residential
17 uses -- let me back up. The existing Code says that
18 if you have a floor area ratio of 1.25 or less, or

19 1.45 or less with the bonus program, that you do not
20 have to provide parking, except if you have
21 residential uses, you would have to park the
22 residential uses.

23 The initiative by Staff was to say, "We have
24 a problem with restaurants because they're very
25 parking-intensive. We ought to provide parking for

1 restaurants even in those smaller buildings."

2 CHAIRMAN KORGE: Right.

3 MR. MESSENGER: "We should not exempt
4 restaurants from that."

5 There was a lengthy discussion by this
6 Board, the last time we met, that ended up in a very
7 disappointed Eric Riel, and that restaurants language
8 was removed --

9 CHAIRMAN KORGE: It's not the first time.

10 MR. MESSENGER: -- as a result of that, and
11 so therefore we removed it.

12 We are at the direction of this Board, and
13 if you want to put it back, we can certainly do that,
14 but it was the considered consensus of this Board,
15 the last time we met, that you wanted to take
16 restaurants out, in order to encourage the bringing
17 in of restaurant tenants in those smaller buildings.

18 MR. RIEL: He's correct.

19 MR. MESSENGER: On all counts; is that
20 right?

21 MR. RIEL: Yes, you're absolutely correct.

22 MR. SIEMON: Including the disappointment.

23 MS. KEON: This is the one you're --

24 MR. TEIN: Todd, Is there anything in
25 this --

1 MS. KEON: How big is this? How big of a
2 restaurant is this?

3 MR. TEIN: -- in this version that you're
4 going -- we've already been through this twice --

5 (Simultaneous discussion between Chairman
6 Korge and Ms. Keon)

7 MR. MESSENGER: That's right.

8 MR. TEIN: -- and extensively discussed it
9 at public hearings both times, right?

10 MR. MESSENGER: That's correct.

11 MR. TEIN: Is there anything in here
12 that -- is there anything not in here that we asked
13 to be put in here?

14 MR. MESSENGER: I don't believe so. I don't
15 think I missed any of those comments. We did go
16 through the --

17 MR. TEIN: And is there anything in here,
18 any changes in here, that we didn't already pass on?

19 MR. MESSENGER: We did respond to Eric's
20 comments and to the Building Department, where I
21 indicated, and those changes weren't requested by
22 this Board. Most of them are really points of
23 clarification and not points of policy.

24 MR. TEIN: Like, for example, in the
25 illumination section, did we recommend that the whole

1 thing be stricken?

2 MR. MESSENGER: No. That was the Building &
3 Zoning Department.

4 MR. TEIN: So, when we had been through it,
5 the whole thing was not stricken?

6 MR. MESSENGER: That's correct, but the
7 Miami-Dade County ratios aren't substantially
8 different. It's a more comprehensive section.

9 MR. TEIN: But I specifically remember a
10 discussion where we made a suggestion that it be
11 considered -- the issue of fluorescent type or
12 halogen lighting in residential areas be considered.

13 MR. MESSENGER: Correct, and that was going
14 to be considered under the single-family regulations.

15 MR. TEIN: So that doesn't -- that's not
16 affected here?

17 MR. MESSENGER: Not affected here.

18 MR. TEIN: And so that will still be
19 addressed in the single-family?

20 MR. MESSENGER: Indeed.

21 MR. TEIN: Is there anything from the
22 Building Department, that the Building Department
23 recommended be put in here, after our last -- our
24 second discussion of this, that did not make its way
25 into this draft?

1 MR. MESSENGER: There were -- the notes that
2 we got from the Building Department were a collection
3 of indications of where there were other standards
4 that were applicable, where the Building Department
5 would have trouble either enforcing or had trouble
6 with the interpretation, which those clarifications,
7 as I mentioned, we included at the beginning of the
8 draft, and then there was some commentary about the
9 parking ratios that had already been really hashed
10 out by this Board over the course of several
11 meetings. We left the consensus of the Board in,
12 because we wanted to reflect the direction of the
13 Board, but I'd let the Building Department address
14 those numbers directly. But those were really the
15 only changes from the Building Department we did
16 make, were with regard to the numbers that were
17 hashed out after substantial amounts of time with
18 this Board.

19 And other than that, I think we've addressed
20 Building's concern. I hope so. Maybe we've missed
21 one or two things.

22 MR. TEIN: Have Building's concerns been
23 addressed in this draft?

24 MR. RIEL: And while Dennis is coming up, it
25 also reflects basically what was the Parking Advisory

1 Board's direction, as well, because --

2 MR. TEIN: And the reason I ask this is
3 that, I mean, this -- we've spent a great deal of
4 time on this particular section, I know, twice with
5 the public here. So, I mean, I don't want to -- I
6 don't think we should reinvent the wheel tonight
7 unless there's something that we asked to be done
8 that didn't get done, and by our collective,
9 sometimes failing memories, we don't get -- we don't
10 notice it, and that's what I think should be pointed
11 out to us, or if there's something that the Building
12 Department has made a recommendation, based on our
13 recommendation, and they said, "Look, our
14 recommendation can't be implemented," or, based on
15 our recommendation, "We'd like to implement it this
16 way," "We recommend the following change." That's
17 why I think that's important to consider.

18 MR. MESSENGER: I think it would be great to
19 have the Building Department address that directly,
20 and we would be happy to respond to any changes that
21 we didn't make as a result of that inquiry.

22 MR. SMITH: Yeah. At the last Planning &
23 Zoning Board meeting where this came up, I was not
24 present, and I know that the Planning & Zoning Board
25 passed a resolution, asking for the Building & Zoning

1 Department's comments --

2 MR. TEIN: Right.

3 MR. SMITH: -- on this issue specifically,
4 which were -- you know, we prepared six pages of
5 written comments, going paragraph by paragraph
6 through this, and there was a number of issues that
7 we saw that we felt were important to point out to
8 the Board, that would really affect the use of
9 buildings and the parking in the commercial area of
10 the City.

11 The first thing, under our current
12 provisions, we have provisions for existing buildings
13 that were built as of March 11th, 1964, that exempt
14 them from the off-street parking requirements,
15 because those buildings were built before we had
16 parking requirements. Those buildings were
17 grandfathered in, under our current Code.

18 And then we have provisions in there, as
19 well, that allow you to do certain modifications and
20 alterations to the buildings without providing
21 additional parking, because it would be almost
22 impossible to do something with some of these
23 buildings.

24 And then there were provisions that would
25 require you, if you did something really major to the

1 building, to provide all the parking for that
2 building, and all those provisions are gone from this
3 draft, and we thought that it was important to keep
4 those provisions in here, especially for buildings
5 that were built at a time when we didn't require
6 parking, because now, in these regulations, we have a
7 section that talks about, if there's a change of use,
8 that you will have to provide parking. And that will
9 affect all of those existing buildings that don't
10 currently comply with the off-street parking
11 standards. So that may stifle the ability of
12 someone --

13 CHAIRMAN KORGE: Well, is that -- excuse me
14 for interrupting, but is that coming up in the next
15 division?

16 MR. MESSENGER: We took it out, simply to
17 simplify, and I apologize for not providing the
18 context of the nonconforming uses section which will
19 come up, which includes nonconforming parking.

20 MR. TEIN: So the nonconforming that we're
21 about to get to will address Dennis's concern?

22 MR. MESSENGER: That's exactly right.

23 MR. SMITH: I didn't see it in there when I
24 looked in there.

25 CHAIRMAN KORGE: Well, let's go back to the

1 question I raised earlier, because now it's starting
2 to jell in my mind. Going forward, if a new building
3 is built with a floor area ratio of 1.25 or less,
4 they can put a restaurant in there without any
5 parking?

6 MR. MESSENGER: That's correct, in the CBD.

7 CHAIRMAN KORGE: I still don't agree with
8 that. I mean, maybe I'm a minority of one, and
9 that's fine.

10 MR. SALMAN: No, you're not a minority.

11 MS. KEON: Well, you know what -- you
12 know --

13 MR. SALMAN: I would think that you would
14 have to provide parking for it, unless it was
15 originally a restaurant without parking. Most of the
16 restaurants on Miracle Mile that have been done and
17 redone do not have off-street parking at all.

18 CHAIRMAN KORGE: And that's covered by the
19 grandfather clause that you're talking about.

20 MR. SALMAN: And that's covered, yeah, but
21 wait a minute. We're knocking some of these down and
22 rebuilding some of these.

23 CHAIRMAN KORGE: Well, when that occurs --

24 MR. SALMAN: And if we knock them down and
25 rebuild them, we have to provide the parking.

1 CHAIRMAN KORGE: Exactly.

2 MR. MESSENGER: Unless the building has a
3 floor area ratio of less than 1.25.

4 CHAIRMAN KORGE: Well, that's what you've
5 got in here, but we don't -- I don't agree with that.
6 I'm trying to say, I don't agree with that
7 principle. I think that principle is misguided in
8 this day and age. If there is adequate provision for
9 existing buildings so that we're not inadvertently
10 taking the use of an existing building by imposing a
11 new restriction, I have no problem and I think we
12 should impose that restriction on new buildings, put
13 in its simplest terms. If we're going to build a new
14 building and the floor area ratio is 1.25, it should
15 meet the parking requirements for a building of 1.25,
16 and we shouldn't exempt restaurants from that. I
17 don't see any reason to exempt restaurants.

18 MS. KEON: What would be the parking
19 requirements for a building with a floor area ratio
20 of 1.25?

21 MR. MESSENGER: The floor area ratio -- this
22 is a statement of existing policy, and we endeavored
23 just to simplify the language, without changing the
24 policy direction, unless we brought it to your
25 attention.

1 MS. KEON: Okay, but tell me, what would it
2 be? How many parking spaces is it?

3 MR. MESSENGER: My understanding is, 1.25 or
4 less is exempt from parking, except for residential.

5 MR. RIEL: Zero.

6 CHAIRMAN KORGE: Well, no, the --

7 MS. KEON: Okay, but if you --

8 CHAIRMAN KORGE: The answer is one per
9 hundred square feet of restaurant space.

10 MS. KEON: Okay, so how big is like --

11 MR. MESSENGER: No, it's not one per
12 hundred.

13 MS. KEON: I mean, tell me one of the
14 restaurants on Giralda. How big of a restaurant is
15 that?

16 CHAIRMAN KORGE: That's what it says here.

17 MR. SMITH: The average size for a
18 restaurant -- the minimum required size for a
19 restaurant --

20 MS. KEON: Right.

21 MR. SMITH: -- to get a liquor license --

22 MS. KEON: Right.

23 MR. SMITH: -- for a big, sit-down
24 restaurant is 4,000 square feet. I'd say the average
25 size is around 5,000.

1 MS. KEON: Around 5,000, and you would
2 need --

3 MR. SMITH: Here.

4 MS. KEON: You would need -- if it's the
5 1.25, then you would need --

6 MR. MESSENGER: If it's a 1.25 FAR building,
7 then there would be no parking. If it's a restaurant
8 that's 5,000 square feet --

9 MR. SALMAN: Houston's is approximately
10 1.25.

11 MR. MESSENGER: -- it would require 60
12 parking spaces.

13 MS. KEON: It would require 60, okay.

14 MR. MESSENGER: The policy that's reflected
15 in that 1.25 parking exemption is to try to get
16 people, in an area where land is very, very
17 expensive, to build a smaller building. That's the
18 tension that you're feeling between parking and
19 smaller buildings, because if you're going to park a
20 1.25 FAR building, you're going to have to build a
21 tremendous amount of parking, in many cases, in order
22 to make that work, and so if you want to have smaller
23 buildings, the direction the City has taken is to try
24 to consolidate parking in other ways, or just simply
25 not require it and see what happens.

1 CHAIRMAN KORGE: Well, that's not --

2 MR. MESSENGER: And I guess the tension is,
3 you know what happened.

4 CHAIRMAN KORGE: That's not a consolidation.
5 That's an avoidance of -- that's ignoring a problem,
6 and I'm speaking for Cristina as much as for me, I
7 know, from the experience of sitting next to her for
8 a number of years.

9 There is inadequate parking now. If we go
10 over, you know, an area and put in, you know,
11 one-story buildings and they're all restaurants, the
12 problem is going to be exacerbated, it's not going to
13 be solved, and those buildings won't have any
14 obligation to contribute to the solution.

15 MR. MESSENGER: In so many ways, with
16 respect to this policy, I am just the messenger.

17 CHAIRMAN KORGE: I understand that.

18 MS. KEON: Okay, but I also remember a
19 discussion about the Central Business District being
20 unique and that they wanted it to be a pedestrian-
21 friendly area, that was -- where a lot of foot
22 traffic was created, and restaurants have the ability
23 to create foot traffic, and so you could park and as
24 you walk, you were acquainted with other shops on the
25 street so it would be -- whatever. What happened,

1 though --

2 CHAIRMAN KORGE: But you still have to
3 park.

4 MS. KEON: Okay, but you would -- no, but
5 it's like, you know, in any -- a lot of major cities
6 that don't -- I mean, there's all kinds of sections
7 of New York and major cities where -- you know,
8 London or Paris or whatever, there's not parking, and
9 people walk. You walk. You know, you may park in a
10 garage and you may park -- you park five blocks away,
11 and you walk, and it -- by causing or creating that
12 foot traffic, it enhances the other commercial venues
13 in the area, that you walk by the little jewelry
14 store and you look in the window, maybe you'll come
15 back and buy something in that store; you walk by the
16 florist and you say, "Oh, I didn't know there was a
17 florist there." That was like why --

18 CHAIRMAN KORGE: But, Pat --

19 MS. KEON: That was why it was done. What
20 happened, though, is, when we created all of the
21 valet parking, you completely nullified that entire
22 argument. So, when you gave them valet parking and
23 you took those spaces and so now you didn't cause --
24 you didn't force people to walk, that argument -- and
25 I agree with you, about creating this, you know,

1 pedestrian-friendly area that causes people to walk,
2 you totally nullified it. So I don't think --

3 CHAIRMAN KORGE: I think we're -- I think
4 even without --

5 MS. KEON: I don't think so anymore.

6 CHAIRMAN KORGE: Even if there was no valet
7 parking provided in the City at all, we're at a
8 saturation point, that there's inadequate parking,
9 and if we create more restaurants, which is a great
10 idea, we're going to have to create more parking for
11 the people who come into the City to visit the
12 restaurants.

13 MS. KEON: Yeah, but the restaurants
14 won't --

15 MR. TEIN: Didn't we just build a huge
16 parking garage?

17 MS. KEON: That's why the City --

18 CHAIRMAN KORGE: Well, somebody's got to pay
19 for it.

20 MR. TEIN: Right, but isn't every -- isn't
21 that always going to be the problem with any central
22 city, like where you have Miracle Mile, which is what
23 we're all thinking of right now?

24 MS. KEON: Yeah.

25 MR. TEIN: You're going to have restaurants.

1 People are going to walk.

2 MS. KEON: Yeah.

3 MR. TEIN: People are going to have to
4 probably walk three blocks. Fifteen years ago, when
5 there was barely any restaurants there, you could
6 roll a bowling ball down there.

7 CHAIRMAN KORGE: But then who's going to pay
8 for that parking, to provide that parking? Is it
9 going to be the City who's going to have pay for it
10 out of its general revenues, or will the buildings
11 that get the benefit of the foot traffic bear their
12 share by being required to meet a parking
13 requirement, which may come in the form of an impact
14 fee, another thing that we're discussing?

15 MR. TEIN: My question is -- my response,
16 Tom, is, what exact provision do you want to answer
17 that question in the context of? I mean, let's -- I
18 mean, we can all have a philosophical discussion
19 about this, and we should, and we have, and I'm sure
20 we'll continue to do it, but what precise provision
21 do we want to discuss, within nonconforming use,
22 within the trigger of 1.25?

23 CHAIRMAN KORGE: My answer is that if we
24 have a provision concerning parking and the minimum
25 requirements to provide parking for a new building,

1 that's the place you impose the obligation. How it
2 might be relieved through funding a common garage,
3 for example, that's not going to be in this
4 provision, but we need to start with the principle,
5 if we agree that the creator of this building, of
6 this use, must meet the impact imposed on the
7 community by that new use. I'm not talking about the
8 old buildings, just new buildings.

9 MR. TEIN: New buildings in the Central
10 Business District?

11 CHAIRMAN KORGE: Correct. That's correct.

12 MR. TEIN: So, for example, if you have a
13 store that's being used for, perhaps -- to run a
14 jewelry store in, or to run a clothing store, and
15 it's converted into a restaurant, that there's going
16 to be a different level of use and that in order --
17 the developer who redevelops that particular 3,000
18 square feet should have to allocate off-street
19 parking.

20 MR. MESSENGER: Mr. Chair, this is how it
21 went down last time. It's all coming back to me now.
22 The concern about requiring parking for restaurants
23 on Miracle Mile and elsewhere where this would be
24 applicable is that the Board wanted to allow the
25 existing retail spaces to be converted to restaurants

1 even on lots where there wasn't sufficient dirt left
2 for parking, and so that was -- it was a heated
3 exchange among the Board members, and that's where
4 they went.

5 CHAIRMAN KORGE: Well, let's focus on that
6 for a second. Is that met -- assuming that the
7 provisions that you refer to as the grandfather
8 provisions are in the other article, would that meet
9 that concern? In other words, that the existing
10 strip along Miracle Mile could convert to restaurant
11 use without having to meet the parking requirements?

12 MR. SMITH: I don't believe so. I mean, I
13 looked at the nonconforming use standards that they
14 handed out, and it didn't seem to address the issue
15 at all.

16 CHAIRMAN KORGE: But if it did address the
17 issue under the way it had been, or the way it is
18 under the existing law, in other words, if the
19 existing law grandfather provisions applied to this
20 rewrite, would we -- would we have covered the issue
21 regarding converting use to restaurant on Miracle
22 Mile?

23 MR. SMITH: No.

24 CHAIRMAN KORGE: We would not. Why not?

25 MR. SMITH: Because it's not just restaurant

1 use. If you change a use from office to retail --
2 you have a lot of small, two-story buildings downtown
3 that have office on the ground floor and office
4 above, and they used to be retail on the ground
5 floor. If they want to go back to retail now, they
6 can't, because they wouldn't be able to provide the
7 parking for the retail.

8 CHAIRMAN KORGE: But, I mean, that's under
9 the existing grandfathering law?

10 MR. SMITH: So -- huh?

11 CHAIRMAN KORGE: Under the existing laws
12 that you described, the 1962 buildings --

13 MR. SMITH: Yeah. No, uh-uh, because the --
14 I'll give you a good example. A building that was
15 built last year, okay, the building on Douglas,
16 Douglas Grand, the one down from the Publix that's a
17 mixed-use building and they have ground floor office
18 and retail spaces, that was only built last year.

19 Because we're changing the parking
20 requirements for office and retail, we're increasing
21 them, if they change an office use now to a retail
22 use that would require more parking, those spaces
23 wouldn't be able to change. So that would also --
24 the change of use issue also affects a lot of the
25 newer buildings that have been constructed.

1 CHAIRMAN KORGE: So we'll need to address
2 that in the other article.

3 MR. SMITH: In addition to the
4 grandfathering provisions, the change of use.

5 CHAIRMAN KORGE: But under the -- so, but --
6 okay, so perhaps we should focus on -- you know, go
7 through the rest of this, go to the article relating
8 to the grandfather and see if we're comfortable with
9 that, and then go back and discuss any remaining
10 issues we have, because there were a couple of others
11 here I noticed a change that I know I didn't agree
12 with -- maybe I was a minority on that -- that may or
13 may not make a difference, depending on the article
14 that's going to affect nonconforming uses.

15 So, if the Board is agreeable to that, why
16 don't we go through the rest of this, then we can
17 come back and make a final decision after we've heard
18 from Charlie, what he has to say about the
19 nonconforming uses. Is that agreeable?

20 MR. TEIN: Yes.

21 MR. MESSENGER: As we're sailing forward
22 into that, the approach that's been taken, in very
23 general terms, which we think encompass all of this,
24 is that the parking table sets the baseline from
25 which you determine whether something is

1 nonconforming in terms of the number of parking
2 spaces, and then if you have a nonconforming
3 situation, whatever your deficit is, you get to keep
4 that deficit, okay? And when you increase your
5 impact through a change of use or an expansion, you
6 only have to provide the number of spaces that would
7 be attributable to that change or to that expansion.

8 So, in other words, you don't have to worry
9 about the fact that you're shy 10 spaces and make
10 that up, plus what's attributable to your new
11 development; you only have to put in what's
12 attributable to your new development, and there are
13 lots of ways to do that: We allow remote parking, we
14 allow valet, we allow certain things to be done.

15 So, you know, certain buildings that may be
16 site-challenged now, with the appropriate agreements
17 with their neighbors or whatever, they may be able
18 to, in certain circumstances, come into compliance,
19 anyway.

20 The policy tension that you face as a board
21 is, in the future, do you have a parking problem or
22 do you not have a parking problem, and how are you
23 going to balance that tension? In one way, you
24 balance the tension with an exemption for all
25 parking, except residential, for small buildings in

1 the CBD because, as a City, you've decided that you
2 want small buildings in the CBD more than you want
3 easy, convenient parking to the uses in that
4 building.

5 On the other hand, if you say that we want
6 to promote parking everywhere else and we're really
7 worried about this deficit of parking that we have,
8 there are certain circumstances where you're going to
9 have to say, "Well, you just have to redevelop the
10 building," and there are certain buildings that may
11 have reached the end of their useful life that will
12 perpetuate themselves longer than you want them to
13 because of this.

14 CHAIRMAN KORGE: But there's a third ground,
15 and that is, the existing facilities are
16 grandfathered in, regardless of the change in use,
17 but new facilities are going to have to meet that
18 need. So we're telling the new facilities, "If you
19 want to build something in the future, you know,
20 that's 1.25, be prepared to meet the real parking
21 requirements, otherwise you're going to have to build
22 a larger structure."

23 MR. MESSENGER: Right, and the question is,
24 as a community, do you want to provide the incentive,
25 because parking is very expensive, to build a small

1 building by using parking as a tool, or not, and
2 that's a policy decision that's exclusively for this
3 community to figure out what it wants to do. You
4 know, from our perspective, that is your choice.

5 CHAIRMAN KORGE: Okay.

6 MR. MESSENGER: And that's a difficult
7 choice. I mean, you're in a hard position.

8 CHAIRMAN KORGE: Let's go through the rest
9 of these.

10 MR. MESSENGER: In terms of the parking
11 requirements, I think we're in line with all of the
12 discussions that we've had, and I understand the
13 concerns of the Building & Zoning Department with
14 regard to the full-time equivalencies. The only
15 thing I would say is that the Florida Administrative
16 Code provides --

17 CHAIRMAN KORGE: Well, I had expressed --
18 Cristina and I had expressed serious reservations
19 about the golf requirement that is not existing. We
20 have three or four golf courses in the City. There
21 will never be a new golf course --

22 MR. MESSENGER: Right.

23 CHAIRMAN KORGE: -- built in the City.

24 MR. MESSENGER: That's a Charlie question, I
25 believe, in terms of nonconforming.

1 CHAIRMAN KORGE: So we'll deal with it then,
2 okay.

3 MR. MESSENGER: The golf courses, in terms
4 of the nonconforming uses, in terms of parking --
5 they're not nonconforming uses. They may have
6 nonconforming parking as a result of this, and the
7 question is, how will that be treated when the
8 grounds where the golf course is, is expanded or some
9 uses change on that site or whatever, what happens to
10 the parking.

11 CHAIRMAN KORGE: Right.

12 MR. MESSENGER: As I understand it, that's
13 the concern of the Board, and in terms of how this
14 creates a nonconforming situation with respect to
15 parking is something that's dealt with in the
16 nonconforming provisions.

17 CHAIRMAN KORGE: Yeah, we'll address it
18 then, so let's go ahead.

19 MR. MESSENGER: With respect to all of this
20 other stuff, the only thing I can say in terms of
21 enforceability that should offer some comfort with
22 regard to parking spaces, say, at an assisted care
23 living facility, is that the Florida Administrative
24 Code requires a ratio of employees to patients that
25 would make it rather simple in terms of judging the

1 capacity of a facility and then relating it to the
2 Florida Administrative Code and then adding some for
3 custodial and clerical staff, a reasonable number,
4 that you could get to a number for parking spaces
5 based on full-time equivalencies, based on capacity,
6 through those ratios that are in the Florida
7 Administrative Code, and we took a close look at
8 that, at the direction of this Board.

9 And similarly, in terms of the day care, we
10 went to one per 100 square feet of floor area based
11 on the floor area that's required on a per-child
12 basis, including recreational area, and the
13 staff-to-child ratios that are associated with day
14 care facilities, and so we backed out a number of one
15 per 100 square feet, which is rather intensive.

16 MR. SALMAN: No, that's too intensive.

17 MR. MESSENGER: But --

18 CHAIRMAN KORGE: It's like a restaurant.

19 MR. SALMAN: It's too intensive.

20 MR. MESSENGER: But again, these facilities,
21 it depends how big they are, and in terms of the
22 outdoor play area, they have certain requirements and
23 wouldn't be included in this. So it's the indoor
24 space dedicated to day care, and, you know, they are
25 rather labor-intensive facilities. You know, one

1 staff member per three children, I think, is the
2 requirement in some of these centers. Depending on
3 how old the kids are, there are different
4 requirements.

5 CHAIRMAN KORGE: So, in a hundred square
6 feet, how many children would be served, roughly?

7 MR. MESSENGER: I think it's three.

8 CHAIRMAN KORGE: Three children?

9 MR. AIZENSTAT: I think the question would
10 be how many staff is required.

11 CHAIRMAN KORGE: That was another way of
12 getting to it.

13 MR. MESSENGER: Well, right. We just backed
14 it out. I mean, there's an actual floor area
15 requirement per child.

16 MS. KEON: Right.

17 MR. MESSENGER: You have to have a certain
18 amount of room.

19 CHAIRMAN KORGE: How many square feet per
20 child?

21 MR. MESSENGER: It's like 33.

22 CHAIRMAN KORGE: It's 33?

23 MS. KEON: It must be 33.

24 MR. MESSENGER: It's something in that
25 range. I can report back on that. I unfortunately

1 don't have the --

2 MS. KEON: It's got to be like 33.

3 MR. MESSENGER: I didn't know that we'd get
4 to that particular level of Florida Administrative
5 Code detail tonight. But suffice it to say, we did
6 that analysis regarding the Florida Administrative
7 Code, and this is what we came up with, and if you'd
8 like a memorandum, we can certainly provide the
9 Board --

10 CHAIRMAN KORGE: No.

11 MS. KEON: You know, I wanted to ask here,
12 again, and we did like the assisted -- you know, the
13 congregate care. Any of these places like in
14 hospitals, because you have 24-hour care, it's -- you
15 know, it's two spaces per bed, you know, because it's
16 used repeatedly, you know, throughout the 24 hours,
17 where in assisted living facilities and the
18 congregate care, where generally your staffing is a
19 lot less at night than it is during the day, does
20 this -- is this affected by this at all? I mean, is
21 this the requirement that we had?

22 You know, if you have a full-time -- I mean,
23 the full-time employee, maybe, because if you combine
24 all three shifts, you may have a larger number of
25 employees that are full-time employees than maybe is

1 the need per shift. Do you know what I'm saying? Do
2 you understand what I'm saying?

3 MR. MESSENGER: Right. I do understand.

4 MS. KEON: So is that burdensome on here, do
5 you think?

6 MR. MESSENGER: Well, I think what it does
7 is, it allows for -- what we've done is calculated it
8 based on the number of beds and the number of
9 full-time employees, but there are other things that
10 happen, you know, during those shifts, like medical
11 care providers who aren't employees will come in, the
12 relatives will come in, friends and so forth, and so
13 those areas where you may not have the employees
14 actually parking in because they have a 24-hour
15 shift --

16 MS. KEON: Oh, okay. So at night maybe --

17 MR. MESSENGER: -- those spaces will be
18 taken up by those other people that will come in.

19 MS. KEON: Okay.

20 MR. MESSENGER: But since we can't really
21 judge how popular individual residents will be, we
22 just allocate a little extra to cover that.

23 MS. KEON: I understand. Okay. Yes, I
24 understand.

25 MR. SALMAN: With regards to educational

1 facilities, you have one space per student station?

2 MR. MESSENGER: That was at the direction of
3 this Board.

4 MR. SALMAN: That's intensive.

5 MR. MESSENGER: That was actually the
6 specific --

7 MR. SALMAN: You have like 800 kids over
8 at --

9 MS. KEON: Yeah.

10 MR. SALMAN: -- Coral Gables Elementary.
11 Where are you going to put the spaces?

12 MR. MESSENGER: No, that -- educational
13 facilities are like business schools and that sort of
14 thing.

15 CHAIRMAN KORGE: Right.

16 MR. MESSENGER: Not schools.

17 MR. SALMAN: But there's other -- but
18 educational facilities --

19 MR. MESSENGER: So what we're talking about
20 is adult education.

21 CHAIRMAN KORGE: No, schools are different.

22 MS. KEON: No, because schools have their
23 own --

24 CHAIRMAN KORGE: Look on Page 13 for
25 schools. Yeah, I remember.

1 MS. KEON: But don't schools have their
2 own --

3 MR. MESSENGER: And we can't -- we can't
4 tell Miami-Dade County School Board --

5 MS. KEON: Yeah, you can't tell them.

6 MR. MESSENGER: -- what they can do.

7 MS. KEON: Right.

8 MR. MESSENGER: That's a constitutional
9 mandate. So we can only suggest.

10 MS. KEON: Right.

11 MR. SALMAN: No, but I'm saying even if you
12 have a --

13 MR. MESSENGER: We're not talking about --

14 MR. SALMAN: -- training academy, a
15 technology training academy --

16 MR. MESSENGER: Right.

17 MR. SALMAN: -- which is -- or some other
18 type of educational facility. One per student
19 station is still very intensive. A lot of people are
20 going to be coming in by bus or --

21 Do we have any schools that I know of? I
22 don't know of any down here.

23 MR. SMITH: Adult?

24 MS. KEON: Berlitz? Is Berlitz a school?

25 MR. SALMAN: Berlitz?

1 MR. SMITH: Yeah, we've had Berlitz language
2 school here. We've had Kaplan's --

3 MR. AIZENSTAT: Kaplan's.

4 MR. SMITH: -- here.

5 MS. KEON: Yeah.

6 MR. SMITH: We've had a number come and go
7 that were private --

8 MS. KEON: You have cooking schools.

9 MR. SMITH: -- like that.

10 CHAIRMAN KORGE: And what did we -- in terms
11 of parking, what have we imposed in the past on those
12 types of facilities?

13 MR. SMITH: All of those facilities were
14 going into existing buildings that were grandfathered
15 in.

16 CHAIRMAN KORGE: Yeah, that is pretty
17 intense.

18 MS. KEON: I remember, we talked about that,
19 too.

20 MR. SALMAN: And so schools would not be
21 Dade County Public Schools, the University of
22 Miami --

23 MR. SMITH: No.

24 MR. SALMAN: -- or anybody else who has an
25 exception.

1 MR. SMITH: No. The University of Miami is
2 covered by their UMCAD, and Dade County Public
3 Schools don't fall under our City requirements.

4 MS. KEON: Yeah.

5 MR. SALMAN: What's left?

6 MS. KEON: Private schools.

7 MR. SALMAN: What's left, private schools?

8 MR. SMITH: Private schools.

9 CHAIRMAN KORGE: Well, the private schools
10 don't come under the educational facilities. They
11 come under schools.

12 MR. SALMAN: Yeah, that's what I'm saying,
13 schools.

14 MS. KEON: Schools. Schools are private
15 schools and educational facilities. That all comes
16 under schools.

17 CHAIRMAN KORGE: Where does that number
18 come from, one per student station? Is that just a
19 number of -- does anybody know where that number came
20 from, for educational facilities?

21 MS. KEON: Oh, no, schools are different,
22 I'm sorry. Look at schools --

23 MR. AIZENSTAT: What's the parking
24 requirement now, Dennis?

25 MR. SMITH: For educational facilities?

1 MR. AIZENSTAT: For schools.

2 MS. KEON: Schools are different. On the
3 next page, schools have a different parking
4 requirement.

5 CHAIRMAN KORGE: Right. We're talking about
6 educational facilities.

7 MS. KEON: Right, but remember when we
8 talked about that? It was like technical training
9 things. There was something about if somebody had
10 like a -- I don't know --

11 CHAIRMAN KORGE: Like Berlitz.

12 MS. KEON: Yeah, like Berlitz or like a
13 computer training, you know, sort of thing.

14 We talked about educational facilities as
15 being -- it would be like Berlitz or if there was
16 some sort of a technical school that had either --

17 CHAIRMAN KORGE: How about a dance school?

18 MS. KEON: Pardon me?

19 CHAIRMAN KORGE: A dance school, is that --

20 MR. RIEL: "Institution devoted solely to
21 vocational or professional education."

22 CHAIRMAN KORGE: A driving school?

23 MS. KEON: Pardon me? Oh, you have to look
24 under the definitions --

25 MR. RIEL: "An institution devoted solely to

1 vocational or professional education or training, an
2 institution of higher education, community college,
3 junior college or four-year college or university."

4 MS. KEON: Yeah. So, if somebody wanted to
5 put a campus here or satellite campus here.

6 CHAIRMAN KORGE: They'd forget that idea.

7 MS. KEON: Okay.

8 MR. SALMAN: They'd forget it right away
9 after this --

10 MR. MESSENGER: And keep in mind that the
11 one per student station, there's no requirement other
12 than student stations, in terms of faculty staff,
13 custodial, food service or whatever, so you wouldn't
14 necessarily have a hundred percent enrollment at all
15 times of day, for all desks in the whole building,
16 but you're picking that slack up by having people
17 that work there, you know, and people that visit for
18 other reasons, so it's an intensive requirement.

19 MR. AIZENSTAT: What's currently on the
20 books?

21 MR. MESSENGER: It's still an intensive
22 requirement.

23 MR. SMITH: I don't recall, because the only
24 one I think we really have is the University of
25 Miami. That's the major one, that's covered by

1 UMCAD.

2 MR. MESSENGER: Right.

3 If you'll notice, on Page 13, you know,
4 schools is treated much differently.

5 MS. KEON: Uh-huh.

6 MR. MESSENGER: So it's a much lesser
7 requirement, if a private school operator wanted to
8 come in and you would affect the parking of it, it
9 would be equivalent to those standards.

10 But other than that, I believe all the
11 changes to the parking table respect the considered
12 judgment of this Board and the debates that we've had
13 over the last couple of meetings where we've talked
14 about these issues, and those just reflect your
15 policies. You'll notice that the utility
16 substations, for example, don't have any parking
17 requirements anymore, that full-time employee has
18 been replaced by full-time equivalent, to reflect the
19 existing labor situation, and so forth.

20 We've clarified, on Page 14, on Lines 9 and
21 10, that loading spaces shall be provided for all
22 nonresidential and attached residential uses as
23 appropriate, and removed the language "commercial,
24 educational and industrial," in order to be more
25 clear about it. The attached residential is

1 really -- the adequate loading for a large apartment
2 building, for example, would accommodate the move-in
3 and move-out situations, at different times of the
4 month where they'd be intensive. You may have no
5 requirement for certain attached residential uses
6 like town homes, where the loading is just going to
7 be across the driveway. So that would be the
8 considered judgment of the building official as to
9 what's necessary.

10 The calculation of compliance with the
11 parking requirement, we have made some serious
12 changes to the mechanical access parking stuff to try
13 to make it more clear about how that's supposed to
14 work, and keep in mind that mechanical access parking
15 is not prohibited anywhere, it's just if you want to
16 count it as required parking -- and you probably
17 wouldn't build it if you couldn't count it as
18 required parking, because it's so expensive -- you
19 would have to comply with these standards. And that,
20 those standards, are -- and I'm sorry, the mechanical
21 access parking, we call it automated parking systems,
22 and that would be the lifts where you just lift one
23 car or it would be the robot garage that shuffles and
24 sorts 1,500 cars and delivers them at whatever rate,
25 however you're going to use that. They can't be

1 self-service except if they're used for residential
2 parking. I mean, you don't want the business
3 customer going in and keying up his car on a lift.
4 You'd want somebody that's professional doing that,
5 unless it's a condominium owner that knows what's
6 going on with that. They have to have an average
7 delivery rate of five minutes. Beyond that, somebody
8 is going to find someplace else to park. It has to
9 be comparable to valet service or they're not going
10 to be used.

11 CHAIRMAN KORGE: Well, it should say five
12 minutes.

13 MR. SALMAN: Per car or less.

14 MR. MESSENGER: Right. Well, obviously, if
15 it's less, it's going to be approved. If it's
16 more -- we can say that, though. We certainly can.

17 CHAIRMAN KORGE: And per car, I guess,
18 because that's what we're talking about.

19 MR. MESSENGER: Okay. The policy direction
20 that we got was that you would want to allow these
21 sorts of parking systems to go into a building if
22 they could be used to get smaller buildings, and I
23 understand that to be the continuing policy
24 direction. So sub c there says, "The proposed
25 development has less building volume than the maximum

1 amount of floor area of the same proposed uses and
2 the same ceiling heights that could be developed on
3 the site if it were served only with conventional
4 structured parking spaces."

5 Basically, mechanical robot garages are much
6 more efficient than parking structures in terms of
7 ceiling heights, in terms of the number of spaces
8 that you could pack in, so you'd want to take that
9 area of the building, because the parking garage does
10 count in terms of floor area ratio, under the
11 definitions that we have, and shrink it. And if you
12 can accomplish that shrinkage and lower the massing
13 and floor -- or building volume of the building, then
14 you can do it in mechanical parking spaces.

15 CHAIRMAN KORGE: Then why would anybody want
16 to do it? If it's more expensive, why not just build
17 the extra volume and not pay for the expense of the
18 mechanical system?

19 MR. MESSENGER: There may be certain
20 circumstances, and as these systems evolve,
21 especially, where the efficiency is more desirable
22 because of the lot configuration or whatever, and it
23 may be that that lot configuration, also, you would
24 want that lot to have a smaller building on it,
25 anyway, because of its irregular shape or whatever.

1 Mechanical access structures can be built in
2 units of -- you know, small units or large units.
3 They just combine them up in whatever direction, so
4 you can get different sorts of spatial efficiencies
5 than the 20, 22, 20 structure.

6 CHAIRMAN KORGE: Yeah, but -- maybe I'm
7 missing something here. If I were building a new
8 building and I could put in this mechanical structure
9 to meet my parking needs, I would want to do that
10 only if I could make a profit on it or at least break
11 even, which means I'd need more density in the rest
12 of the units, the rest of the building, the usable
13 part, the non-parking part, which means I'd want the
14 same size building regardless of the structure, so --

15 MR. MESSENGER: You would want an increase
16 in floor area, and to some extent, what this says
17 is, you --

18 CHAIRMAN KORGE: Does that make sense,
19 Dennis? No?

20 MR. SMITH: No, but what people are starting
21 to want to use mechanical parking here -- because
22 once you get above a certain number of spaces, number
23 one, the cost is becoming competitive with the cost
24 of building structured parking, because the cost of
25 building structured parking, with the cost of

1 concrete and steel, has gone up tremendously.

2 Number two, on some sites that are smaller
3 sites, mechanical parking is what lets you get the
4 parking in there at all.

5 CHAIRMAN KORGE: But with this requirement,
6 it wouldn't -- that wouldn't be the case, because
7 we'd have to shrink the building down.

8 MR. SMITH: Uh-huh.

9 CHAIRMAN KORGE: So what I'm asking, really,
10 is, does the requirement that the building volume be
11 decreased to reflect the decrease attributable to the
12 use of a mechanical system as opposed to a regular
13 concrete structure --

14 MR. SMITH: Yes.

15 CHAIRMAN KORGE: That makes sense? That
16 would work?

17 MR. SMITH: Yes, and there have been a
18 number of buildings that we've done some, not all of
19 it, just a limited amount of either tandem parking
20 spaces or mechanical parking spaces, that have let us
21 reduce the height of the building from eight stories
22 down to five stories, without having to do an
23 underground parking garage. That building, which is
24 smaller, is a lot more efficient for the developers
25 to build. So, even if the mechanical in some cases

1 may cost more, the efficiency of building a
2 five-story building, versus an eight, works.

3 CHAIRMAN KORGE: Thank you.

4 MR. MESSENGER: The other thing, Mr.
5 Chairman, is, this relates to volume and not floor
6 area. So it is possible, if the mechanical parking
7 facility is very efficient, that you could get a
8 little bit of extra floor area, and the point is that
9 you want it to be a smaller building. It doesn't
10 have to be -- and I may have misspoke earlier. It
11 doesn't have to be exactly the difference between the
12 mechanical garage with the same number of spaces as
13 the conventional garage.

14 CHAIRMAN KORGE: I understood that. I just
15 wanted to make sure that, in fact, it would work,
16 because I don't want to put something in here that's
17 just a theory, that will never work.

18 MR. AIZENSTAT: Right.

19 MR. MESSENGER: You may actually be able to
20 get more rentable or saleable square footage in the
21 building this way. You just can't balloon out your
22 building to something that's more massive.

23 CHAIRMAN KORGE: That's everything on this
24 division?

25 MS. KEON: Yeah, I have one question on --

1 CHAIRMAN KORGE: Pat?

2 MS. KEON: -- where you have the loading
3 spaces and where you changed it to nonresidential and
4 attached residential uses, and you said that, you
5 know, it wouldn't apply to townhouses.

6 MR. MESSENGER: It says adequate, which
7 means the engineers would have to decide, depending
8 on the configuration, whether they're rentals or
9 ownership product or whatever, what is the adequate
10 number of loading spaces to be applied. I would
11 argue that an 800-unit apartment building may have
12 some specific loading requirements that an 80-unit
13 building may not have, and that just has to do with
14 the changeovers in tenancies at certain times of the
15 month and so forth. You may want to bring in -- be
16 able to load it in a certain way, you know, the
17 larger building than the smaller, but there's a
18 certain point where the residential product doesn't
19 really need loading other than, you know, a pull-up
20 space that would be used for a pick-up and drop-off.

21 CHAIRMAN KORGE: Well, that's not clear.

22 MS. KEON: Or the driveway. See, I don't
23 think that's clear in here, and I don't want to make
24 somebody, you know, that's like in this building, a
25 duplex or whatever --

1 MR. MESSENGER: Well, adequate for a duplex
2 would be zero. Parking space would be sufficient.

3 The issue, really, here is that the Code
4 requires adequate loading spaces now.

5 MS. KEON: Right, but it doesn't define what
6 it --

7 MR. MESSENGER: And I'm not a traffic
8 engineer, so it would be very difficult for me to say
9 you have to have, you know, this loading space for
10 this or this. I mean, we can look at what other
11 jurisdictions do and put in a loading space
12 requirement, but we didn't want to depart from the
13 direction that the City is already in. For as much
14 as we could, we tried to reflect your existing
15 policies. This was just a Code rewrite process.

16 CHAIRMAN KORGE: With existing policies,
17 Dennis --

18 MS. KEON: It was adequate.

19 CHAIRMAN KORGE: -- would a small apartment
20 building require loading spaces and all this?

21 MR. SMITH: No.

22 CHAIRMAN KORGE: No?

23 MR. SMITH: No. Typically, we require
24 loading spaces for commercial buildings, and then we
25 typically -- they give one loading space for every

1 hundred thousand square foot of floor area.

2 CHAIRMAN KORGE: For residential?

3 MR. SMITH: For commercial.

4 CHAIRMAN KORGE: For commercial. What about
5 residential?

6 MR. SMITH: No. Residential, we don't.

7 CHAIRMAN KORGE: A large condo wouldn't
8 require any loading spaces?

9 MR. SMITH: It would have to be really
10 large, but typically, no. Residential, we don't
11 require it.

12 MS. KEON: Right.

13 CHAIRMAN KORGE: But now it will be
14 required?

15 MR. SMITH: Primarily the --

16 MR. MESSENGER: It would have to be
17 adequate.

18 CHAIRMAN KORGE: Yeah, but he's saying it
19 would never be needed, so I -- the way I read it now,
20 with all due respect, it's pretty much dictating some
21 sort of loading spaces. I mean, even for -- it
22 doesn't make sense for townhouses, you know, like row
23 houses.

24 MS. KEON: Well, that's what I mean, right.

25 No, or a duplex or whatever else, but --

1 CHAIRMAN KORGE: You might want to work the
2 language over, to make it a little clearer that by
3 adequate, you mean zero could be adequate.

4 MR. MESSENGER: Or we could just say for all
5 nonresidential uses --

6 MS. KEON: Pardon me?

7 MR. MESSENGER: -- you know, either way. We
8 could just say for all nonresidential, or that the
9 policy is --

10 MS. KEON: But there should be a requirement
11 in there for large apartment buildings, because
12 you're moving -- developing lots of large apartment
13 buildings and you really don't want your streets
14 blocked every time somebody moves in or out, you
15 know, so --

16 CHAIRMAN KORGE: For example, or, you know,
17 for other deliveries, yeah.

18 MS. KEON: You know, particularly in the
19 North Gables, I mean, there are some pretty -- you
20 know, some large buildings down in the -- you know,
21 and down by Merrick Place, there's large residences.

22 CHAIRMAN KORGE: You've mentioned that we
23 have approved some already. Is there any loading
24 spaces provided for those?

25 MR. SMITH: For the mixed-use projects,

1 there is.

2 CHAIRMAN KORGE: Right. Yeah.

3 MR. AIZENSTAT: Because of the commercial
4 development.

5 MS. KEON: But what's just --

6 MR. SMITH: Okay, but for just strictly
7 residential, like in the Biltmore corridor or in the
8 Douglas area, no. Uh-uh. I don't know that they
9 could build anything that big that they would need to
10 have a loading space. For the Gables, that was done
11 off of Edgewater --

12 CHAIRMAN KORGE: Right.

13 MR. SMITH: -- they don't have a loading
14 space there, any loading spaces there, but they do
15 have surface parking areas where they can park off
16 street within their property for the vehicles, and
17 that's how they deal with it there, and they have
18 their individual elevators that they use for moving
19 furniture up and down within that building.

20 MS. KEON: Yeah, but that's largely because
21 of the security aspects of the building, that they
22 make them use those parking areas, but if you had a
23 building that wasn't constructed with the type of
24 security and whatever that building is designed for,
25 you could have moving vans on the street, no?

1 MR. SMITH: Uh-huh.

2 MS. KEON: You know, blocking the street.

3 MR. MESSENGER: We're not suggesting that
4 you would park a semi trailer at an apartment
5 complex, either. I mean, it would be, you know, more
6 like a 14-foot U-Haul.

7 CHAIRMAN KORGE: Well, in any event, I would
8 agree with Cristina -- Cristina? -- with Pat, that
9 the way I read it, I would never have assumed that
10 zero would be adequate.

11 MS. KEON: Yeah.

12 MR. MESSENGER: Okay.

13 CHAIRMAN KORGE: I mean, that's -- a lawyer
14 can say that, but, you know, the average person
15 reading this wouldn't think that, and the use of the
16 words "shall be provided" seems mandatory --

17 MS. KEON: Yeah.

18 MR. KORGE: -- for all nonresidential and
19 attached residential. So you might want to work with
20 that language. If the goal is to allow some
21 flexibility for the City to impose, for, let's say,
22 large residential projects, some loading zone
23 requirement where it's appropriate, where there's,
24 for example, no separate private parking to do
25 that, then you should rewrite it so that it can be

1 read that way.

2 MS. KEON: Right, but I also wouldn't like a
3 building official to be able to impose more loading
4 space on a particular smaller building than is
5 necessary, either. I mean, it's --

6 MR. MESSENGER: I think the building
7 official right now --

8 MS. KEON: Right.

9 MR. MESSENGER: -- has the ability to impose
10 whatever loading spaces seem reasonable and adequate
11 to address the use, and you have certain guidelines
12 for how that will be done --

13 MR. SMITH: No.

14 MS. KEON: There's no guidelines.

15 MR. MESSENGER: -- using one per 100,000 of
16 commercial.

17 MR. SMITH: That's my guideline.

18 MS. KEON: Right.

19 MR. MESSENGER: Right.

20 MS. KEON: There are no guidelines.

21 MR. MESSENGER: So we can codify the
22 guidelines that are being used.

23 CHAIRMAN KORGE: He's not going to be here
24 forever.

25 MS. KEON: Yeah, he's not going to be there

1 forever. I just think, in all fairness --

2 CHAIRMAN KORGE: We would embalm him, if we
3 could do it.

4 MS. KEON: -- to your citizenry --

5 MR. SMITH: And that's my guideline for
6 studying that issue.

7 MS. KEON: -- and anybody coming forward --

8 MR. SMITH: It's not a full idea --

9 MS. KEON: -- somebody should have some idea
10 what's going to be imposed on them.

11 MR. SMITH: -- of what they typically would
12 find.

13 MR. RIEL: That is our general direction --
14 (Simultaneous voices, followed by an
15 interruption by the court reporter)

16 CHAIRMAN KORGE: Go ahead. Dennis, you
17 were saying?

18 MR. SMITH: No, that one per one hundred
19 guideline is typically what most buildings, large
20 buildings that have loading spaces, provide it at,
21 the one per 100,000 or fraction thereof, and so
22 that's how you get to that number, and it works out
23 in most of the -- the most, I think, that we get into
24 on any of these buildings, like maybe three --

25 CHAIRMAN KORGE: Then why don't we quantify

1 it? If that's what you're using, that would be my
2 suggestion, if the Board agrees -- maybe nobody
3 agrees, but if you've got a formula that you use and
4 it works well for you, well, why wouldn't we use it?

5 MS. KEON: I would codify -- I would codify
6 that so that it's consistent throughout and it's not
7 everybody -- you know, whoever happens to be the
8 building official's discretion.

9 MR. MESSENGER: It's now codified.

10 CHAIRMAN KORGE: No, it isn't. It's just
11 "adequate."

12 MR. MESSENGER: Proposed to be codified.

13 MS. KEON: He just wrote it down.

14 MR. MESSENGER: We just put it in there.

15 CHAIRMAN KORGE: Oh, okay, you just --

16 MS. KEON: He just said he would change it.

17 CHAIRMAN KORGE: Handwritten. Very good.

18 MR. MESSENGER: We're very happy to have a
19 numerical standard. We, as attorneys, kind of cringe
20 at flexible language like -- that flexible.

21 MS. KEON: Okay. I had one other question.
22 Under research and technology uses, this one space
23 per 3,000 square foot or whatever, if you have -- I
24 mean, is that -- like Gables Engineering down there
25 is a technology use, or is that considered -- is that

1 an industrial use? That's a different thing, right?

2 CHAIRMAN KORGE: That's manufacturing.

3 MS. KEON: Oh, that's manufacturing. What
4 is research and technology? What would it be?

5 MR. MESSENGER: The biotech lab that has
6 offices and laboratory spaces.

7 MS. KEON: Okay. Is this a lot of parking
8 or a little parking? I should have had -- had an
9 idea.

10 MR. MESSENGER: Well, one per 300 is a
11 fairly standard administrative office sort of
12 formula --

13 MS. KEON: Oh.

14 MR. MESSENGER: -- and you would expect that
15 the labs would not likely be as densely --

16 MS. KEON: Oh.

17 MR. MESSENGER: -- populated as the
18 offices --

19 MS. KEON: Okay.

20 MR. MESSENGER: -- because of the equipment,
21 the hardware.

22 MS. KEON: Okay. So this, what you have
23 here, allows for like open space for labs? That's
24 what you're saying? Is that what it is?

25 MR. MESSENGER: That's right. That's right.

1 MS. KEON: Oh, okay. All right.

2 MR. MESSENGER: And you have other things in
3 this definition, like photographic processing,
4 wholesale photographic processing --

5 MS. KEON: Yeah, okay.

6 MR. MESSENGER: -- and things like that,
7 where you're going to have big equipment that, you
8 know, takes up the space that the people that park
9 would otherwise take up.

10 MS. KEON: Okay.

11 CHAIRMAN KORGE: Would you mind quickly
12 reading to us the change on Subsection D, Page 14,
13 that you just scribbled down?

14 MS. KEON: On the adequate loading space
15 thing.

16 CHAIRMAN KORGE: On the adequate loading
17 spaces.

18 MR. MESSENGER: Let's see. Loading spaces,
19 commercial uses, one per 100,000 square feet or
20 fraction thereof.

21 CHAIRMAN KORGE: Or fraction thereof.

22 MS. KEON: Well, what about residential,
23 also?

24 MR. MESSENGER: I think we should talk to
25 the building official.

1 CHAIRMAN KORGE: That would be --

2 MR. SMITH: What's that?

3 CHAIRMAN KORGE: There would be one space
4 for a minimum of 100,000. If it was less than
5 100,000, there would be no requirement?

6 MR. MESSENGER: One space per commercial.
7 Is that what I understood?

8 MR. SMITH: That's the rule of thumb that we
9 use.

10 CHAIRMAN KORGE: If there's a
11 50,000-square-foot building, there would be zero
12 required.

13 MR. MESSENGER: One space. One space,
14 right?

15 CHAIRMAN KORGE: Zero.

16 MR. SMITH: No, no, for smaller commercial
17 buildings, we don't require it. It's for the large
18 buildings, the ones that get up towards the
19 100,000 --

20 CHAIRMAN KORGE: Right.

21 MR. SMITH: 150 to 300,000-square-foot
22 range.

23 CHAIRMAN KORGE: So it would be 100,000 --

24 MR. SMITH: I think the --

25 CHAIRMAN KORGE: The first 100,000 is zero.

1 Over -- 100,000 or more, it would be one for each
2 100,000 square feet.

3 MR. MESSENGER: Okay.

4 MS. KEON: Well, maybe you ought to look at
5 that and make sure that's what it is.

6 MR. SMITH: Yeah, maybe just look at that
7 and make sure.

8 MS. KEON: Why don't you go back and look at
9 that, and also, in contemplation of large residential
10 buildings, that there be some sort of a -- maybe some
11 consideration for a loading space for a large
12 residential building, for people moving in and out of
13 or deliveries or whatever else.

14 CHAIRMAN KORGE: That's what it would be for
15 residential --

16 MR. AIZENSTAT: Is there a dimension
17 associated with that loading space?

18 MS. KEON: He just said commercial.

19 MR. SMITH: Yes, that's in here.

20 MS. KEON: Okay. So we want residential as
21 well as commercial. I mean, it would be --

22 MR. MESSENGER: We will meet with the
23 building official --

24 MS. KEON: Okay.

25 MR. MESSENGER: -- and get to a number on

1 that.

2 MS. KEON: And you'd include residential.

3 MR. MESSENGER: That's a number that's being
4 used and a number that's, you know, in practice.

5 MS. KEON: Yeah, that sounds -- and that's
6 reasonable.

7 MR. SMITH: We had a lot of other comments
8 on this, but if you're comfortable that they've been
9 addressed --

10 CHAIRMAN KORGE: Well, we don't --

11 MR. SMITH: -- from the review of our
12 comments --

13 CHAIRMAN KORGE: We don't know -- no, we
14 haven't gone over your comments. Why don't you give
15 us your comments?

16 If everybody is agreeable, I think it's
17 important that Building & Zoning give us their
18 comments at this time, because we're going to agree
19 on something at this point, I think.

20 So what other comments do you have,
21 specifically, that haven't been addressed so far?

22 MR. SMITH: A few. On the -- and some of
23 these things are things that will affect the
24 operation of our department, you know, as we see it.
25 Like on the dimensions and configurations, we've

1 asked that the provisions for disability parking
2 spaces -- that that section be struck, because that's
3 covered by the Florida Building Code. They have a
4 whole chapter on handicap accessibility.

5 CHAIRMAN KORGE: What page is that on here,
6 do you know?

7 MR. SMITH: Page 1.

8 CHAIRMAN KORGE: Oh, Page 1.

9 MS. KEON: Is that Section c there, under
10 A?

11 MR. SMITH: Section c, because -- and that's
12 covered under the Florida Building Code, and in order
13 for our zoning technicians to be able to review
14 things under the Florida Building Code, they have to
15 be licensed to do that, and they're not. So we have
16 two conflicting reviews there.

17 MS. KEON: Okay, does this -- do the
18 guidelines under the -- under this -- I guess they
19 wouldn't, right? They would be the same?

20 MR. MESSENGER: It's my understanding that
21 the ADAAG requirements, the Americans with
22 Disabilities Act Accessibility Guidelines
23 requirements, are the same as the Florida Building
24 Code. These are dimensional requirements for the
25 parking spaces, in other words, you know, if a

1 parking space has to be 10 by 20.

2 MS. KEON: Uh-huh.

3 MR. MESSENGER: So we've just punted to
4 ADAAG, in case that's ever amended, about what the
5 dimensions of the parking space. Now, the Florida
6 Building Code would go as far as ADAAG actually does
7 go, in terms of how that parking space then has to
8 relate to the building, in terms of the pathway and
9 the whole thing. There's a number of things that go
10 into it. But what we're talking about here is only,
11 how big is the box on the ground, and the reason it's
12 a zoning issue, in our view, is that when you have to
13 provide these spaces, you want to be able to look at
14 the Code and say, "What is the impact on my dirt when
15 I'm site planning," and so --

16 CHAIRMAN KORGE: So, if ADAAG is changed and
17 it's different from the Miami-Dade Code, which
18 applies?

19 MR. MESSENGER: Well, it's really the
20 Florida Building Code will apply --

21 MR. SMITH: No matter what.

22 MR. MESSENGER: -- no matter what, to the
23 things that the Florida Building Code applies to.

24 CHAIRMAN KORGE: Then why would we reference
25 another standard?

1 MR. MESSENGER: We can certainly look at
2 that more carefully, in terms of referencing that
3 standard, but what we want to ensure is that -- we're
4 not talking about taking a chunk of responsibility
5 out of the Building Department in this regard, under
6 its administration of the Florida Building Code.
7 What we're attempting to do is give a location where
8 a developer can be put on notice about the geometry
9 of the spaces that have to be put on the ground.

10 CHAIRMAN KORGE: Oh, no, I understand that,
11 but I don't -- correct me if I'm wrong. You're not
12 suggesting that by putting this in here, your
13 department is relieved of responsibility to assure
14 that it meets this requirement, are you?

15 MR. SMITH: By taking it out?

16 CHAIRMAN KORGE: By leaving it in. If you
17 didn't change this -- what is your concern with this
18 provision that you referenced, Section 15-402, cap A,
19 number 1, sub c?

20 MR. SMITH: It's in the Florida Building
21 Code. I don't know why it also needs to be in here.

22 MR. AIZENSTAT: (Inaudible).

23 CHAIRMAN KORGE: Well, this isn't in the
24 Florida Building Code. They're referring to
25 something different than the Florida Building Code.

1 MS. KEON: But it's covered.

2 MR. MESSENGER: But we're only talking about
3 the geometry of the parking spaces --

4 CHAIRMAN KORGE: I know what you're talking
5 about. That's not the question.

6 MS. KEON: Oh, okay. You want them to know,
7 all the kinds of parking spaces you could have, has
8 to be considered.

9 MR. MESSENGER: It's really for convenience.

10 CHAIRMAN KORGE: Well, then, it should be
11 referencing the Florida Building Code for
12 convenience, because that's what applies, not ADAAG.

13 MR. MESSENGER: Well, it's going to be the
14 same, but sure, we'll do that.

15 CHAIRMAN KORGE: Well, it is now, but it may
16 not be in the future.

17 MR. MESSENGER: Right. The only problem
18 that we have is in terms of accessibility to the
19 average site planner. The site planning, it may be
20 easier for them to access ADAAG than the Florida
21 Building Code. The Florida Building Code is sort of
22 obscure, in terms of its accessibility to people that
23 aren't in the ---

24 MR. SALMAN: No, it's not. It's on the
25 web. Anybody can get it.

1 MR. MESSENGER: It's on the web, but it --

2 MR. SALMAN: Okay? So let's not go there.

3 CHAIRMAN KORGE: Well, I don't know. I
4 mean, I just -- it's just --

5 MR. TEIN: The point is, it's totally
6 redundant. Why have anything about this in here?
7 Any developer is going to know they're going to have
8 Federal and State requirements for disability.

9 MR. MESSENGER: It's a matter of
10 convenience. We can certainly strike it.

11 MS. KEON: Well, he says he wants to include
12 all the kinds of parking that you need to look at.

13 CHAIRMAN KORGE: Yeah, he wants to reference
14 it.

15 MS. KEON: And that's fine, but if you
16 just --

17 CHAIRMAN KORGE: I don't have a problem
18 referencing the Florida Building Code.

19 MR. TEIN: This is the Code that we have
20 to -- that the City then has to enforce.

21 MR. MESSENGER: Right.

22 MR. TEIN: And that's your point, right,
23 Dennis?

24 MR. MESSENGER: Right.

25 MR. SMITH: Uh-huh.

1 MR. MESSENGER: We'll certainly reference
2 the appropriate standard in the Florida Building
3 Code, I think, is the way to do it, and ultimately
4 that review, in terms of Florida Building Code
5 compliance, falls upon the Building Code people.

6 CHAIRMAN KORGE: Right, and I don't think
7 that's what he was saying.

8 MR. SMITH: Florida Building Code
9 compliance, no, that may be a problem they don't
10 understand. It doesn't fall on Zoning, okay? Zoning
11 can't review under the Florida Building Code. You
12 have to be licensed to do that. The people in Zoning
13 are not --

14 MR. TEIN: So why not just take it out?

15 MS. KEON: All right, so Building --

16 MR. SMITH: The people in Zoning are not
17 licensed to do that.

18 MR. AIZENSTAT: Who is?

19 MS. KEON: Building.

20 MR. SMITH: The people in Building are
21 licensed to do that.

22 CHAIRMAN KORGE: Got you.

23 MR. SMITH: And that is a true issue for my
24 staff.

25 CHAIRMAN KORGE: Then it should be deleted.

1 MR. SMITH: They can't do that. That's
2 correct.

3 CHAIRMAN KORGE: It should be deleted.

4 MR. AIZENSTAT: Should it be deleted or
5 referenced?

6 CHAIRMAN KORGE: No, it should be deleted.

7 MR. TEIN: If you put it in there, you have
8 to enforce it.

9 CHAIRMAN KORGE: Zoning has to enforce it,
10 not Building, and Building is the only entity
11 qualified to enforce it.

12 MR. SMITH: Unless my people would all get
13 licenses to be able to do that.

14 CHAIRMAN KORGE: What about the other
15 parking here, the parallel and angle? Who enforces
16 that? Only you?

17 MR. SMITH: Oh, that's Zoning.

18 CHAIRMAN KORGE: Zoning?

19 MR. SMITH: Yeah.

20 CHAIRMAN KORGE: Okay.

21 MR. MESSENGER: So what it really boils down
22 to is, on a site plan approval, as opposed to a
23 building permit and engineering drawing, you know,
24 who's going to look at it? And if you don't require
25 the handicapped parking in the Zoning Code or at

1 least don't reference it, then somebody is going to
2 want to come in with a site plan approval and not
3 have handicapped parking, which then, when it gets to
4 the building permit stage and they bring in their
5 paving and drainage program, they're going to go to
6 the Florida Building Code tech, and he's going to
7 say, "Well, you need to have your handicapped
8 parking," and then --

9 CHAIRMAN KORGE: I see.

10 MR. MESSENGER: -- because the handicapped
11 parking has a larger geometry, they're going to be
12 short a parking space. So what you really want to do
13 is put them on notice --

14 CHAIRMAN KORGE: Well, but if you put them
15 on notice --

16 MR. MESSENGER: And in terms of site plan
17 compliance --

18 CHAIRMAN KORGE: -- you should refer to "the
19 Florida Building Code, to be determined by the
20 Building Department."

21 MR. MESSENGER: Really, it's determined in
22 two places, realistically. You're going to get a
23 site plan approval that has a certain number of
24 handicapped spaces in it. They're going to have to
25 prove that they can fit them in, okay, just like we

1 do preliminary drainage at the site plan stage, too,
2 just to prove that we can do it. Then we're at risk,
3 if we can't do it, that when we get to engineering,
4 we're not going to be able to build our project. So
5 these are really preliminary.

6 MS. KEON: Okay. So you would --

7 MR. MESSENGER: You have to put this
8 geometry on your plan.

9 MS. KEON: So you would just have to deal
10 with that administratively.

11 MR. MESSENGER: Yeah. Ultimately, on the
12 ground, the certificate of completion or the
13 certificate of occupancy is what's going to
14 determine, and that's the licensed professional
15 that's going to say you meet this or you don't, on
16 the ground. And in terms of the Building Code
17 inspection for drawings, the same thing. When you
18 approve building permit drawings, you have to have
19 those credentials. But when you look at a site plan,
20 you know, you have to know the parking geometry works
21 before you can approve the site plan and send it on
22 to the next step.

23 MS. KEON: Okay.

24 MR. MESSENGER: So I would submit that
25 there's a preliminary just kind of spot check, are

1 these dimensions going to fit.

2 CHAIRMAN KORGE: Okay, but this would not
3 preclude your department from making that final
4 determination?

5 MR. MESSENGER: Not ever. We can't usurp,
6 in a zoning code --

7 CHAIRMAN KORGE: You disagree?

8 MR. MESSENGER: -- the jurisdiction of the
9 Florida Building Code.

10 MR. SMITH: Yeah.

11 MR. MESSENGER: Ever, by statute.

12 MR. SMITH: You can't, but that dimension,
13 that standard, should not be in there. The thing is,
14 someone that's doing preliminary plans, if they don't
15 know that they need to provide handicapped parking,
16 they shouldn't be doing that.

17 MS. KEON: But that's not the point, and I
18 think what he's saying is --

19 I agree with you. You've got to deal with
20 that administratively.

21 MR. SALMAN: The point of the Code here is
22 to define the size of the parking spaces.

23 MR. MESSENGER: That's correct.

24 MR. SALMAN: And the ones that are
25 controlled by zoning are the standard spaces which

1 are delineated here. Putting them on notice that
2 disabled parking spaces shall be -- and just put "as
3 per Florida Building Code," period, end of story, end
4 of discussion. Let's go on to the next issue.
5 That's what needs to happen.

6 (Simultaneous discussion between Chairman
7 Korge and Ms. Keon)

8 MR. MESSENGER: Point taken. The reference
9 will be changed.

10 MR. SMITH: Under the diagram, Diagram A
11 for parallel parking, there needs to be -- they're
12 missing some information on that. At the beginning
13 of a row of handicapped -- of parallel parking
14 spaces, you need a 15-foot pull-in, and at the end of
15 the row of handicapped parking spaces, you need a
16 15-foot pull-out, and that's currently in our Code
17 and they haven't included that in there, and I
18 think --

19 MR. SALMAN: By pull-out, you mean an
20 angle -- a triangle in the --

21 MR. SMITH: Exactly.

22 MR. SALMAN: That would be how much, 15
23 feet?

24 MR. SMITH: 15.

25 MR. MESSENGER: Is that in an engineering

1 document somewhere, that -- because again --

2 MR. SMITH: It's in the Zoning Code.

3 MR. MESSENGER: Okay. The only thing that
4 we're trying to do here is indicate the geometry of
5 the parking spaces and the drive aisles, and so these
6 don't really show where something terminates or ends,
7 and you can see in most cases, the drive aisle
8 actually extends past the parking spaces for that
9 reason.

10 We didn't -- and we asked Eric about it.
11 Unfortunately, at the time, we didn't have the
12 contact information to --

13 MR. SALMAN: Doesn't Public Works have
14 standards for that? Implementation.

15 MR. SMITH: That's a Public Works standard
16 that is a page in our Zoning Code, and that's where
17 that standard exists in our Zoning Code.

18 MR. SALMAN: Currently, the current Zoning
19 Code references Public Works' standards.

20 MR. SMITH: Right, by including it in the
21 Code.

22 MR. SALMAN: By not having that inclusion in
23 here, then we need to either define, "the
24 implementation shall be as per Public Works'
25 standards -- "

1 MR. MESSENGER: I think we had done
2 engineering standards in Section 5-1404 B, on Page
3 7. It's kind of punted all the rest of that real
4 technical stuff off to Public Works for their manual,
5 and I think that at some point there are certain
6 geometrical configurations that you just want to say,
7 "Look, as a political body, we want to leave this to
8 the engineers." These details, the engineers should
9 work out. If the engineers need to change it to
10 adapt to evolving engineering practice, we don't want
11 to be involved. Let them do what they need to do to
12 protect public safety, to protect the convenience of,
13 you know, the people that are using these parking
14 spaces and so forth.

15 So what we did is, we put in the very basic
16 geometry of the parking spaces and the drive aisles,
17 and we left the configurations of the islands, the
18 pull-ins, the pull-outs, et cetera, the curb radii
19 and so forth, to the Engineering Department to
20 promulgate on its own, to protect the public safety,
21 and that's why that drawing is more simplified than
22 the original zoning district had, and then we've
23 given that authority in this engineering section to
24 say, "Fill in the blanks," that, "You're going to
25 have to go to the Engineering Department and request

1 it."

2 MR. AIZENSTAT: But you're not being
3 specific enough.

4 MR. SMITH: Our concern is, they've taken --
5 there's engineering standards and then there's Coral
6 Gables standards.

7 MR. AIZENSTAT: Right.

8 MR. SMITH: Okay. The engineering standards
9 that are used throughout the County for the
10 construction of parking lots, spaces, driveways,
11 everything, are far less than what they are for the
12 City of Coral Gables.

13 MS. KEON: Right, but when you said the
14 director of the Public Works Department, do you
15 think -- if it says the Coral Gables Public Works
16 Department, does that make that better?

17 MR. SMITH: No, because they're not written
18 down anywhere.

19 MR. MESSENGER: Oh, well, see, that's where
20 we made a mistake. We thought they were.

21 MS. KEON: I would have expected they would
22 have been, too.

23 MR. MESSENGER: In every other city we work
24 in --

25 MR. SMITH: Well, the place where they were

1 written down was in our Zoning Code. So we take them
2 out. Now it goes to the normal engineering
3 standards.

4 CHAIRMAN KORGE: Well, they are written down
5 right now. They're written down --

6 MR. SALMAN: So wait a minute. You're
7 referencing a standard that doesn't exist?

8 MR. MESSENGER: Apparently.

9 MR. SALMAN: I thought Public Works has an
10 engineering standard for roadways, curbs --

11 MR. RIEL: They do.

12 MR. SALMAN: -- stripes and all that stuff.

13 MS. KEON: They do.

14 MR. RIEL: They do.

15 MR. AIZENSTAT: It's in the Code.

16 CHAIRMAN KORGE: They're saying it's in the
17 Code.

18 MR. SMITH: As far as I know, it was in the
19 Code, and I haven't seen that repeated anywhere. I
20 haven't seen a document that shows that.

21 MR. MESSENGER: I think I can correct this
22 issue.

23 MS. KEON: Okay.

24 MR. MESSENGER: From the zoning perspective,
25 what we want to do is put people on notice as to

1 what's expected of them at the level of detail that
2 the average property owner is going to be able to
3 understand. When the average property owner
4 understands what they have to do, then we need to
5 have their civil engineers working with the City's
6 Engineering Department to get from A to B, with B
7 being, you know, getting the site work done and so
8 forth.

9 MR. SALMAN: But some of these geometric --
10 some of these geometric requirements are not beyond
11 the pale of the average citizen.

12 MR. MESSENGER: Exactly.

13 MR. SALMAN: If they know that they have a
14 horizontal strip that they want to do parallel
15 parking spaces, for example, and they don't account
16 for those 15 feet, well, that's one more space
17 they're going to take into account, before they hire
18 that engineer, while they're doing -- let's say that
19 it's a small developer --

20 MR. MESSENGER: Right.

21 MR. SALMAN: -- and he's doing some numbers
22 and looking at it and he's consciously looking
23 through the Code and doing the best he can to do some
24 things. If there's -- to do a project. And if he
25 misses some of these key engineering items because he

1 decides not to hire an engineer at that stage --

2 MR. MESSENGER: Right.

3 MR. SALMAN: -- and he starts -- maybe he
4 makes a purchase for the property, okay? And then he
5 finds out that he can't build as much as he thought
6 he could because he can't get all the parking spaces
7 in that he thought he could, because that information
8 wasn't there or he wasn't warned, you know, "Hey, you
9 know, you may have less parking spaces than you think
10 because you haven't hired an engineer yet," is your
11 implication of what you're saying you're doing with
12 the Code.

13 MR. MESSENGER: Let me just -- the other
14 aspect of that --

15 MR. SALMAN: And yet you're removing a tool
16 from people like me, okay, who use the Code and do
17 that kind of layout, okay, because I'm not an
18 engineer and architect, I don't even play one on TV,
19 but I'm telling you that I use these things when I do
20 my layouts, very early, when those particular
21 developers or clients come to me for a layout, to
22 find out how much it's going to --

23 MR. RIEL: If I could make a point --

24 MR. SALMAN: Let me tell you, parking is
25 what governs development, okay, whether we like it or

1 not, okay, and we're talking about a real key issue,
2 and right now in the old Code, God bless the old
3 Code, you know, we'd look at it and there was, you
4 know, Al Delgado's sheet shoved in there with regard
5 to the angles, the approaches and all the things that
6 I needed for a quick and dirty layout of a site, and
7 what you're saying is at variance with your intent,
8 is what I'm bringing to the table.

9 MR. MESSENGER: There's two other points --
10 actually, one point related to that is that on the
11 drawing, if you look at the existing Code, the
12 drawing shows a 15-foot no parking area next to a
13 9-by-20 parallel parking space, but it doesn't
14 indicate what the no parking area relates to, which
15 was just explained to me, but as a person that didn't
16 use the Code for any other project, we didn't know
17 that it was --

18 (Thereupon, Mr. Tein left the meeting.)

19 MR. SALMAN: I think it was perfect. I
20 think the solution could have been saying that's an
21 approach --

22 MR. MESSENGER: We --

23 MR. SALMAN: -- not the throwing out of the
24 whole issue.

25 MR. MESSENGER: Right. What we did was

1 simplified it to this, and expected that there would
2 be an engineering standards manual now that we could
3 relate to. You know, in other jurisdictions, we find
4 that there's a little book that has a bunch of CAD
5 sheets that show how various things -- cross-sections
6 of roads, whatever --

7 MR. SALMAN: Well, I'll tell you what. I
8 think that if we had a reference to that here, then
9 we'd better have that standard in an appendix in the
10 book.

11 MR. MESSENGER: Yeah. I would submit that
12 there's two things that should be done. First, we
13 can certainly add the 15-foot clear at the beginning
14 and the end here, and say what that's for, in a
15 sentence.

16 MR. RIEL: Can I make a comment?

17 MR. SALMAN: Go ahead.

18 MR. RIEL: I mean, what level of detail do
19 we go to? I mean, that's the problem.

20 MR. SALMAN: Ultimately, this is a tool for
21 development, Eric. If it doesn't tell us what the
22 hell we can do, then what's the point?

23 MR. RIEL: But it doesn't -- it's not
24 all-encompassing. It needs to reference engineering
25 standards that are very specific.

1 MR. SALMAN: I understand that.

2 MR. RIEL: And whether that issue comes --
3 you know, whether or not that turn-off is there, I'm
4 sure there's other things that we could put into this
5 Code to make it all-encompassing, and that's what
6 we're trying to do is, we're trying to either
7 reference -- maybe we should put a section in here
8 that references the applicable standards at the end,
9 Florida Building Code, disability, and then come up
10 with those manuals, reference manuals, by -- you
11 know, as developed by the director of the department.

12 CHAIRMAN KORGE: Well, I think the point, as
13 I understood it, was that if there are specific
14 standards, different from the ones you just
15 referenced, peculiar to the City of Coral Gables, and
16 if they're already found in the current Code, by
17 taking them out of that Code and just talking in
18 general terms, they disappear. So, unless you're
19 going to take them out of the current Code and at the
20 same time create a new document, maybe call them
21 regulations or whatever, standards, that are adopted
22 at that time, we're -- we're lost. I mean, we're
23 going to end up losing those standards.

24 MR. RIEL: I understand what you're saying.

25 CHAIRMAN KORGE: In addition, if we do it

1 that way, then the next question that's got to be
2 answered is, if there are going to be changes in the
3 future to those standards, who's going to make those
4 changes? Is that going to be done by Staff or is it
5 going to --

6 MR. SALMAN: It's going to be done by the
7 Director of Public Works.

8 MR. RIEL: And the way we've done it in the
9 past is, we've referenced an appendix that is -- or a
10 manual that's within the department, and if the
11 director wants to change it, based upon best
12 engineering practices, he or she makes that change.
13 That's their determination.

14 CHAIRMAN KORGE: If that's the way we've
15 operated in the past, we can do it --

16 MR. RIEL: That's the direction we've gone
17 towards.

18 CHAIRMAN KORGE: Well --

19 MR. RIEL: That's the direction we've gone
20 towards.

21 CHAIRMAN KORGE: I mean, I assume that's
22 lawful, I don't know, but I would assume that that
23 must be lawful if you're doing it that way.

24 MR. RIEL: We did that in the UMCAD
25 regulations. We referred to an appendix that had

1 lighting and all other standards.

2 I can tell you, when we went through the
3 Planning & Zoning Board responsibilities, the
4 application requirements, we referred to my -- you
5 know, at my discretion, in terms of the application
6 requirements. It allows us to make the determination
7 in terms of what is the appropriate practice based
8 upon a professional.

9 MR. MESSENGER: Mr. Chairman?

10 CHAIRMAN KORGE: Yes.

11 MR. MESSENGER: I will submit there's an
12 easy solution to this, and that is, take the pages
13 that have the technical matter in the existing Zoning
14 Code, pull them out, put them in a little volume, and
15 make them engineering standards, and the reason for
16 that is --

17 CHAIRMAN KORGE: But that's a different --

18 MR. MESSENGER: No, there's a --

19 CHAIRMAN KORGE: Let me be clear about what
20 the difference is, in my mind, at least, maybe I'm
21 wrong, but if they're in the Building -- they're in
22 the Zoning Code now, to change them, you've got to
23 change the Zoning Code. That means that we need an
24 ordinance from the Commission.

25 MR. MESSENGER: Right.

1 CHAIRMAN KORGE: It goes through this Board
2 and then to the Commission. There's public hearings,
3 et cetera, et cetera.

4 MR. MESSENGER: Right.

5 CHAIRMAN KORGE: If it's going to become a
6 standard that is set by Staff or the director or
7 whoever, then it becomes an administrative rule that
8 changes without a change in law by the Commission.

9 Now, that may be fine, but to do so there
10 may be other standards required. Public hearings may
11 be required. I don't know what's going to be
12 required, and frankly, I'm not in a position to say,
13 but this is a major -- this sounds like it's a major
14 change, to take it out of here, out of the Code, and
15 put it in a separate document.

16 MR. MESSENGER: Mr. Chairman, the policy
17 behind what we did is that there are certain issues
18 that are political issues. Certain geometric issues
19 with regard to the use of land are political issues,
20 where the community needs to come to a consensus.

21 For example, does the community feel that
22 the comfort and convenience of a 10-by-20 parking
23 space is worth the additional land cost to provide,
24 as opposed to a 9-by-18? So the community surveys
25 itself and as a political matter says, do we drive

1 Hummers or minis, okay, and then they make the
2 determination and they go with it. Okay?

3 Secondly, the pull-in and pull-out space,
4 once the decision has been made about what the
5 parking geometry is, we would submit that you would
6 leave the geometry of the pull-in/pull-out space to
7 the best engineering practices that the City engineer
8 can come up with and let him decide, because it's a
9 much less sensitive political issue than the first
10 issue.

11 Secondly, if you have, for example -- in
12 your existing Code, you have the materials that you
13 allow on a driveway, and in that, you have the
14 compressive strength of the concrete as a matter of
15 zoning, and I would submit to you tonight that the
16 compressive strength of concrete is not a political
17 issue, that almost every citizen that would come up
18 to testify about what the driveways ought to be
19 composed of would only be concerned about the issue
20 of aesthetics -- possibly drainage, if somebody had
21 looked into permeable pavers or whatever -- and that
22 these issues ought to be decided by engineers, and
23 within the law, once you've set the general
24 parameters, there's really no problem putting the
25 discretion about how to implement those development

1 parameters down on your professional Staff. Indeed,
2 that's why you hire a professional Staff.

3 And so what we would submit is that these
4 issues where the Building Department said, "You're
5 taking our standards away," we thought that they were
6 just repeated in the Zoning Code; apparently, they're
7 only stated in the Zoning Code. Those pages of
8 details should be taken from the Zoning Code, put in
9 a loose-leaf binder. It's titled Engineering
10 Standards for the City of Coral Gables, and then the
11 authority and the reference to that is provided here
12 in Section 5-1404 B, and that takes care of it.

13 CHAIRMAN KORGE: That's an adequate
14 direction of the standards we would want in the
15 future?

16 MR. RIEL: That's the direction we've been
17 going with the rewrite, yes.

18 CHAIRMAN KORGE: That's not what I asked. I
19 asked if it's adequate. I didn't ask if it was the
20 direction we're going in. I know that. But I'm
21 asking -- maybe it's getting late and I'm just being
22 argumentative.

23 MR. MESSENGER: It's what all the other
24 communities around are doing.

25 MS. KEON: Because it allows the engineering

1 standards to change as materials change and
2 conditions change and everything.

3 CHAIRMAN KORGE: I understand that, but this
4 is sufficient guidance for that purpose?

5 MR. MESSENGER: Absolutely.

6 CHAIRMAN KORGE: Okay.

7 MS. KEON: Yeah, that's what it says. The
8 problem is, we don't have those written down, but
9 you're going to see now that these are written down
10 and --

11 CHAIRMAN KORGE: Does that work for Building
12 & Zoning?

13 MS. KEON: -- that there is a document that
14 this can refer to.

15 MR. SMITH: Well, the --

16 MR. MESSENGER: That's the intent.

17 CHAIRMAN KORGE: I'm sorry, let Pat finish.
18 I apologize. Go ahead.

19 MS. KEON: That they're going to ensure that
20 there is a document, when he's talking about these
21 engineering standards that they're referring to, that
22 that document will exist.

23 CHAIRMAN KORGE: I understand.

24 Is that okay for Building & Zoning?

25 MR. SMITH: You hit the issue perfectly.

1 The issue is that we have higher standards in Coral
2 Gables, and we've had them in our Zoning Code so they
3 wouldn't be easy to change, than what the normal
4 engineering standards is.

5 MS. KEON: But it's --

6 MR. SMITH: Once it's taken out and put into
7 an administrative manual, whoever is sitting in
8 charge of that manual will be able to just change
9 them to what is normal practice everywhere else.

10 MS. KEON: No, but it's the director of the
11 Public Works Department. It would be our City's.

12 MR. MESSENGER: Uh-huh.

13 MS. KEON: Our City standards, not anybody
14 else's standards, or the County's. It's the
15 standards --

16 MR. SALMAN: After this is approved, it
17 becomes the director of Public Works' standards.

18 MS. KEON: Because he's the engineer for the
19 City.

20 MR. SALMAN: And what Tom's point was --

21 MR. AIZENSTAT: And it depends on the
22 individual that's there at the time.

23 (Simultaneous voices)

24 MR. SALMAN: What Tom's point was -- what
25 Tom's point was is that it won't go through this body

1 anymore.

2 MS. KEON: Well, so what?

3 MR. SALMAN: That's exactly what he said.

4 MR. MESSENGER: Commissioner Keon has it
5 right on the nail.

6 MS. KEON: But you -- I would hope that you
7 would believe that we have qualified people in our
8 Engineering Department -- that would be the director
9 of Public Works -- to provide you this information.

10 MR. AIZENSTAT: I would prefer to see a
11 standard set.

12 MS. KEON: But the standard changes. It's
13 an engineering standard. I mean, I think you
14 should -- well, it's an engineering standard. It's
15 just like a -- like a -- you know, materials change.

16 MR. SALMAN: But those engineering
17 standards have implications on the built environment,
18 whether we like it or not. Whether they are
19 engineering in orientation or political in
20 orientation, they do have an effect on the built
21 environment, and ultimately on the value of the land,
22 because that's what we're talking about.

23 MS. KEON: Okay, but they could establish,
24 then, you know, instead of the Public Works
25 Department, the Building -- the Zoning Department can

1 establish --

2 MR. SALMAN: If we were to split --

3 MS. KEON: -- the engineering standards. So
4 let somebody -- you just decide who is going to
5 establish the engineering standards, and then you
6 reference that person or that document in this -- if
7 you don't want it to be the director of Public Works,
8 if you believe that the Zoning Department should be
9 the one that determines the standards, then have it
10 be the Director of the Zoning Department.

11 CHAIRMAN KORGE: No, I think Javier is
12 saying something different, and that is, at the end
13 of the day, whoever does the initial draft of it,
14 Public Works, Zoning, Building, that it should go
15 through a political process before the change is
16 finally approved.

17 MR. SALMAN: I think in most codes -- in
18 most codes that I have been involved with, the
19 director of a department is charged with, and only
20 with, the interpretation of that Code. The actual
21 writing of the Code, the setting of those standards,
22 is a political act that's handled in this kind of a
23 body, in a semi-legislative body.

24 Now, if we were to split that baby and solve
25 Dennis's problem -- and I think that's what we want

1 to do, because we want to go home eventually -- and
2 I'm sure he's got more problems, right? You've got
3 more issues?

4 MR. SMITH: Well, that's primarily --

5 MR. SALMAN: If you were to split this issue
6 and say that --

7 MR. SMITH: -- the issue of whether those
8 standards are --

9 MR. SALMAN: -- this is the definition of
10 how we're going to organize the spaces, then we can
11 include and put a notation, you know, "See technical
12 section of this Code," and add it as an appendix to
13 this Code. It's not that many pages.

14 MR. RIEL: That's what my suggestion was, to
15 reference an appendix.

16 MR. SALMAN: Which is what you suggested to
17 us, with the change in engineering standards just be,
18 "Comply with the technical standards as set by this
19 Code and interpreted by the Director of the Public
20 Works," and that's it.

21 MR. RIEL: Interpreted and enforced by the
22 director.

23 MR. AIZENSTAT: But aren't you doing --
24 aren't you really going back and doing the same as
25 what you're trying to eliminate? In other words,

1 aren't we trying to simplify the Code? And by --

2 MR. SALMAN: Yeah, but in the --

3 MR. AIZENSTAT: Excuse me -- and by adding
4 all of these appendixes, aren't you going back to the
5 same process, saying, "If you don't agree with this,
6 go to look at this, and if you don't agree with this,
7 go back and look at this"? So --

8 (Thereupon, Ms. Keon left the Commission
9 Chambers.)

10 MR. SALMAN: No, I think that we were better
11 off the way we were before, where the Code of parking
12 had those standards right there next to it, so you
13 didn't have to look anywhere else. Now we've decided
14 that we're going to simplify the Code, and in
15 simplifying it, I'm saying that you're also creating
16 a trap for people that if you don't address, you're
17 going to create a problem later.

18 CHAIRMAN KORGE: There's that issue, the
19 trap --

20 MR. SALMAN: Simplification --

21 CHAIRMAN KORGE: I'm sorry.

22 MR. SALMAN: Simplification is a
23 double-edged sword.

24 MR. RIEL: You've lost a quorum, Mr.
25 Chairman.

1 CHAIRMAN KORGE: Pardon me?

2 MR. RIEL: You've lost a quorum.

3 MR. AIZENSTAT: We must --

4 CHAIRMAN KORGE: We've lost a quorum. Pat
5 must have gone to the ladies' room. Why don't we
6 take a five-minute break and come right back.

7 MR. AIZENSTAT: Thank you for noticing that,
8 Eric.

9 CHAIRMAN KORGE: Yeah, thank you.

10 MR. SALMAN: Thank you, Eric.

11 MR. RIEL: It's getting late.

12 (Thereupon, a recess was taken.)

13 CHAIRMAN KORGE: We're back, and we're
14 finishing up with the engineering standards, and was
15 there a consensus from this Board to do something on
16 this? Was there any consensus?

17 MS. KEON: Well --

18 CHAIRMAN KORGE: No?

19 MS. KEON: No. I mean, I was comfortable to
20 allow them to reference written engineering standards
21 that are developed in regard to best practices by
22 their engineering professionals within the City,
23 but --

24 CHAIRMAN KORGE: And they're going to pull
25 those existing standards out and put them in one

1 place for now, and then I guess the question is
2 whether the changes in that would require approval in
3 the political process or could be done by the
4 director of the appropriate department.

5 MS. KEON: Well, I would think it's best
6 practices developed, but there should be some
7 noticing provision in it. I mean, I don't know if
8 that has to be done, that you notice, so that people
9 are aware of the -- that the standards may change.

10 Is that your concern, is so that they're
11 noticed?

12 MR. SALMAN: So they're not arbitrary.

13 MS. KEON: Well, it wouldn't be that they're
14 arbitrary. I mean, they should be according to
15 that --

16 MR. SALMAN: It wouldn't be, but my concern
17 is that you have a change in director, you have a
18 change in interpreter, you have a change in policy,
19 and these have policy implications, whether
20 they're -- we said there's no place in this Code for
21 the strength of concrete. That's defined in the
22 Building Code, but the Zoning Code is about what you
23 can do with your land, and anything that implies a
24 limitation or -- in that use, needs to be defined in
25 this Code, whether directly or by reference in an

1 index.

2 Now, the people who we put in charge of
3 those things, we define here, but the process of
4 changing them, if they're in this Code, is by this
5 body.

6 CHAIRMAN KORGE: All right. Well, it's
7 being taken out.

8 MR. SALMAN: And that would have then given
9 you the notice.

10 MS. KEON: I understand that, but if you --
11 you wouldn't do -- I mean, are there -- I'm not an
12 engineer, so I don't know this. I'm asking you, are
13 there accepted standards of engineering for these
14 sorts of things?

15 MR. SALMAN: Most of the cities in Dade
16 County reference Dade County's engineering code.

17 MS. KEON: Okay, but they're saying theirs
18 is stricter.

19 MR. SALMAN: The issue of parking code and
20 the limitations of how you orient the parking are
21 specific to the City and are different from Dade
22 County's Code. There is no engineering code, per se,
23 or set of documents that I know of, other than the
24 parking Code here and then the referenced County
25 codes, because most of them have to do with

1 development of roads and sidewalks, approaches and
2 curb cuts. And all those issues, and the types of
3 curb and the type of grades and drainage and drainage
4 structures, all those are County cut sheets that
5 they've got put together --

6 MS. KEON: Right.

7 MR. SALMAN: -- that because they're County
8 roads, they use the County's standards. However,
9 those don't have an implication as to how you can use
10 your land, other than the limitations, the physical
11 limitations of curb cuts and the access to the
12 property. But even then, the Zoning Code tells you,
13 you have to be -- the edge of paving, five feet from
14 the property line, because that implies how you use
15 your land.

16 So my concern, and I guess that was Dennis's
17 concern, was that by taking them out and using just
18 the generic spaces and their orientation leaves out
19 the implications of the technical, which had been
20 included before.

21 And I understand Eibi's point -- and I'd
22 like to apologize if I overspoke when you were trying
23 to get a point out, but those need to be included in
24 this Code, because they will create an unwanted
25 consequence later, and we can't, in this body, direct

1 another body to then create something independently,
2 I don't think, especially if it was in our Code
3 originally, by negating it or pulling it out
4 completely.

5 I'm saying that for clarity's point, and you
6 wanted to go -- and our consultant has decided that
7 in order for simplicity, at the direction of this
8 Board to simplify the Code, to take those technical
9 standards which used to be loose-leaf sheets added,
10 literally -- they're horrible, because it looks like
11 it's been photocopied a million times, so they were
12 just barely legible -- in the Code, and take those
13 out and say let's deal with just the area uses.

14 I'm saying, yeah, that's fine, but there are
15 area implications of those technical requirements
16 which are different from Dade County's requirements,
17 that need to be kept in the Code, if only in an
18 appendix, so that the person using these standards
19 knows that, hey, there's an appendix that also
20 applies.

21 That's all I -- that's, I think, what we
22 need to do. And as to the technicality as to who can
23 approve them, I think that, you know, it can either
24 be the Zoning Director, the Building Director or the
25 Director of Public Works, at least with regard to

1 these issues.

2 CHAIRMAN KORGE: So you don't have a problem
3 with the director of an appropriate department
4 approving changes. You just want to be sure --

5 MR. SALMAN: That they come back here,
6 because they will have an implication as to how you
7 use your land.

8 CHAIRMAN KORGE: So that whoever looks here
9 will be able to find it.

10 MR. SALMAN: And whoever looks here will be
11 able to find it or know where to look.

12 CHAIRMAN KORGE: But if there's a change --

13 MR. SALMAN: Part of the problem with the
14 old --

15 CHAIRMAN KORGE: If there's a change --
16 excuse me for interrupting. If there's a change in
17 the requirement in the future, that would not require
18 Commission approval, and you don't care about that?

19 MR. SALMAN: It may or may not.

20 CHAIRMAN KORGE: Well, we need to decide
21 when it would and wouldn't, if we're going to write
22 this Code differently than it exists now.

23 MR. SALMAN: Well, I think that it would
24 then have to have a Commission approval. If we're
25 going to change from what we had before, then it

1 should have a Commission approval. If the person in
2 charge of interpreting that decides that he's going
3 to make a change -- and right now he can make that
4 change, because he's not limited to interpretation,
5 he's actually charged with the creation of a
6 standard -- then he needs to come either through this
7 Board and then, through our recommendation, get it
8 approved at the Commission level, which is what we're
9 here to do. And I just don't want to abdicate that
10 role and hand it off to a purely technical situation.

11 CHAIRMAN KORGE: Do we have a consensus on
12 that particular point? If not, we may need to defer
13 that one until we get the whole Board here.

14 MS. KEON: Well, I guess I would --
15 Would you -- could you look at it and make
16 sure that what we have is -- you're sure that the
17 engineering standards that the Gables has are
18 different from the Florida Building Code?

19 MR. SALMAN: With regards -- no, with
20 regards to --

21 CHAIRMAN KORGE: Parking.

22 MR. SALMAN: -- parking --

23 MS. KEON: Parking, yeah.

24 MR. SALMAN: -- okay, the City has its
25 individual standards, separate from that of the

1 County.

2 MS. KEON: And they --

3 MR. SALMAN: The County is charged with the
4 governance of all streets and all roadways.

5 MS. KEON: Right. Right.

6 MR. SALMAN: Okay. We have control of the
7 private properties, through the Zoning Code and how
8 you use it. My concern is that we would create a
9 false sense in the Code that you can do more than you
10 can, really.

11 MS. KEON: Okay, you mean like for
12 residential?

13 CHAIRMAN KORGE: But that's not your sole
14 concern.

15 MR. SALMAN: More, it's commercial.

16 CHAIRMAN KORGE: But that's not your sole
17 concern. Your other concern is that a department
18 head would make a change without it finally being
19 approved by the Commission.

20 MR. SALMAN: Exactly.

21 CHAIRMAN KORGE: So there are two issues
22 here. One is just, you know, an identification
23 issue, making sure that whoever reads this provision
24 knows where to look to get the standards. That's
25 easy to fix, and that shouldn't be an issue for

1 anybody here.

2 The other is whether the department director
3 will have the power to change those standards without
4 approval by the Commission. And that's a decision
5 that I don't think the four of us can make unless
6 we've got a clear consensus on it, and I don't think
7 we do right now.

8 MR. SALMAN: Okay.

9 CHAIRMAN KORGE: So that issue, which is
10 really the only big issue on here, concerning this
11 Paragraph B, I think we should just defer that. You
12 know, we'll come back, and you can bring it back to
13 us, Eric, at the appropriate time, and let the full
14 Board make that decision --

15 MS. KEON: Right.

16 CHAIRMAN KORGE: -- because we don't even --
17 I don't think, even here, we have a consensus.

18 MS. KEON: Well, I think the thing that sort
19 of concerned me is, he thought that there was this
20 document, and Dennis is saying this doesn't -- that
21 there isn't such a document. So maybe they, you
22 know, just need to --

23 MR. AIZENSTAT: Get together --

24 MS. KEON: -- look at what exists --

25 MR. AIZENSTAT: -- and find out what exists.

1 MS. KEON: -- and what -- you know, what
2 actually is there, and it may turn out that what's
3 there is what is, and whatever.

4 MR. MESSENGER: If I might offer just two
5 comforts, without making any more recommendation than
6 we've already made, the first is that the document is
7 there, it's in the Zoning Code. So, if it's, you
8 know, moved to an appendix, it's there. It's just
9 not in the proposed Zoning Code.

10 MS. KEON: Okay.

11 MR. MESSENGER: And there probably are
12 other things, like one space per 100,000 square feet
13 of commercial, in terms of loading, that are here in
14 the Building Department, that need to be in the
15 Zoning Code or in an engineering -- depending on what
16 they relate to.

17 MS. KEON: Okay.

18 MR. MESSENGER: And the series of cut sheets
19 is the experience that we have in other
20 municipalities -- here, most of the municipalities
21 probably refer to Dade County. Boca Raton has its
22 series of cut sheets --

23 MS. KEON: Right.

24 MR. MESSENGER: -- Delray Beach, et cetera,
25 other jurisdictions that we work in, and we would

1 recommend having that series of cut sheets, and any
2 modifications you have that apply to your parking
3 lots, anyway. There are certain things, the
4 slope-off, that don't affect, really, the yield.

5 I agree, in terms of the simplification,
6 that I was wrong about the 15 feet. The problem is,
7 I didn't understand it in terms of its relation to
8 the end of the row. There's a three-foot setback
9 from something that's also indicated in the drawing,
10 that it doesn't say what the setback is from, either
11 in the drawing or the text. We didn't understand it.
12 We took it out. There's setback requirements from
13 doors. There's sidewalk requirements, there's
14 various other things, and we thought it was just
15 encompassed in the rest of it, and we'll look to the
16 Building Department --

17 MS. KEON: Right.

18 MR. MESSENGER: -- for direction on how that
19 should be approached, but in terms of the other
20 really technical things, the compressive strength of
21 the concrete, whatever -- the other comfort is that
22 nobody except the Commission would be able to change,
23 for example, here, the drive aisles and the parking
24 angles and the parking space sizes and so forth,
25 because as the director, you can only implement this

1 stuff through more specific standards that implement
2 these standards. You can't change these standards
3 without an ordinance.

4 And so you don't want to make, generally, as
5 policy -- and this is up to you, how far you want to
6 go -- an ordinance that goes beyond the technical
7 expertise of the person or the group of people that
8 is implementing that ordinance or adopting that
9 ordinance. You want to leave certain things to the
10 agency to figure out the specific standards for --

11 CHAIRMAN KORGE: Okay, well --

12 MR. MESSENGER: And this body has that
13 technical expertise, but, you know, an elected
14 political body, you know, may not be comfortable
15 saying, "We think that the compressive strength
16 should be this or that," or may not be comfortable,
17 for that matter, for saying a 15-foot pull-out versus
18 14 or 12.

19 CHAIRMAN KORGE: I think Javier is saying
20 there are certain parking requirements that should
21 go, politically, to the Commission, and many of these
22 other standards, this tension strength of concrete or
23 whatever, really shouldn't, it's inappropriate, and
24 so, you know, as far as including it here as a
25 cross-reference to cut sheets or whatever you want to

1 call it, rules, standards --

2 MR. MESSENGER: Right.

3 CHAIRMAN KORGE: -- that's one thing. But
4 the bigger issue of certain provisions, not all of
5 them, but certain of them, going to the Commission if
6 they're to be changed, or how they would be changed,
7 by a rulemaking or some other method, you know, we
8 need to reach a consensus on, and it would be really
9 nice if, you know, everybody in the City agreed on
10 it, and with you, you know, and you came to us and
11 said, "This is what we think is the best way to do
12 this." Then we could defer to you. But right now,
13 we've got a conflict, so we need to resolve that, and
14 I don't want to spend any more time debating that,
15 because we're not going to finish it today.

16 MR. MESSENGER: I understand that our
17 direction, basically, is to take the geometric stuff,
18 the real stuff that takes up the area of the dirt,
19 and put it in here, and we'll do that. And other
20 than that, we recognize the tension that you have, as
21 the filters to that political body, in terms of what
22 they should be considering.

23 MS. KEON: Okay, so it will come back to
24 us, then.

25 MR. MESSENGER: I have two other apologies

1 to make. One is to the court reporter, for the
2 clipping that I contributed to, and the other is to
3 Charlie, because it's very late now, and to you, for
4 taking it as far as we went.

5 CHAIRMAN KORGE: Before we get to
6 Charlie --

7 Charlie, how long do you think it would take
8 you to get through what you have? Can we finish that
9 now, or is it going to take too long, do you think?
10 Should we wait till the next meeting?

11 The court reporter is shaking her head up
12 and down, yes.

13 MR. SIEMON: Yes, Mr. Chairman.

14 CHAIRMAN KORGE: We should wait till the
15 next meeting? Okay.

16 MS. KEON: The next meeting?

17 CHAIRMAN KORGE: Yeah, for nonconformities.

18 MS. KEON: Okay.

19 CHAIRMAN KORGE: It's probably better,
20 because that's a hot button issue and we only have
21 four Board members here.

22 MS. KEON: I'd like Cristina to be here.

23 MR. SIEMON: Mr. Chairman, there are a
24 couple of pretty important policy issues, that I
25 think that we should not give short shrift to.

1 MR. SALMAN: Do you want to go through
2 those?

3 MR. SIEMON: Well, I'll introduce them to
4 you, if you'd like.

5 MR. AIZENSTAT: Well, I'd rather you
6 introduce them at the next --

7 MR. SIEMON: I'm fine with that.

8 CHAIRMAN KORGE: Yeah, I think that's
9 better, because we have missing people.

10 I do want to tell you again, speaking solely
11 for myself, not for the other Board members, that I
12 don't agree with some of these standards. I may not
13 care for the golf, for example, with the standard for
14 the golf, if the grandfather clause, with the
15 nonconformities, solves the problem in my mind.

16 So, you know, from my perspective, I'd like
17 to come back to visit those issues. I guess it
18 really doesn't matter, because it's going to go to
19 the Commission, anyways, and they can make their own
20 independent call on that.

21 Also, I've got to tell you, I'm not going to
22 be here at the next meeting. So, Eibi, you're -- you
23 get to chair this, because I've got --

24 MR. RIEL: The next meeting is --

25 CHAIRMAN KORGE: I'm going to be out of

1 town.

2 MR. RIEL: -- February 8th.

3 CHAIRMAN KORGE: Oh, I thought it was next
4 week.

5 MR. RIEL: We're going to cancel -- that's
6 what I was going to -- we're canceling the February
7 1st meeting.

8 CHAIRMAN KORGE: Okay.

9 MS. KEON: You are indispensable.

10 MR. SIEMON: Just because you weren't going
11 to be here, Mr. Chairman.

12 MR. KORGE: That is funny.

13 MS. KEON: You are indispensable.

14 MR. RIEL: The February 8th meeting is not a
15 Zoning Code meeting. It's a development project
16 meeting. We will not have any Zoning Code rewrite
17 issue items. That next meeting is February 15th.

18 CHAIRMAN KORGE: Okay.

19 MR. AIZENSTAT: So, once again, just to
20 recap, on February 8th is the next meeting?

21 MR. RIEL: The next regular meeting. We
22 have two development projects coming forward.

23 MS. KEON: Okay. We don't have to meet till
24 the 8th.

25 MR. RIEL: February 15th will be Zoning

1 Code. February 22nd will be Zoning Code. We're
2 doing to redo the calendar. Obviously, we're pushing
3 things back, so I'll send you a new calendar.

4 CHAIRMAN KORGE: And you're going to e-mail
5 everybody on that?

6 MR. RIEL: Yeah, I'll e-mail everybody.

7 CHAIRMAN KORGE: Perfect. So we're done?

8 MR. RIEL: The only other thing -- I know
9 it's probably not a good time to bring it up -- is, I
10 don't know if the Board would like to do some type of
11 a half-day session, start earlier in the afternoon.
12 I know certain Board members have asked that we not
13 do that and others have asked me to do that, so --
14 I've tried to bring out that issue a number of
15 months, but it seems we can't get a consensus on it.

16 CHAIRMAN KORGE: Well, whatever works for a
17 majority, I think, is, you know --

18 MR. RIEL: Yeah.

19 MS. KEON: It's fine for me.

20 CHAIRMAN KORGE: I'm okay with this, or if
21 you want me to start earlier, I don't -- I'll make --
22 I'll adjust to the schedule that works for everybody
23 else.

24 MR. RIEL: The idea was to try to do maybe,
25 you know, something -- start earlier in the day --

1 CHAIRMAN KORGE: Like four?

2 MR. RIEL: And maybe, you know, do from four
3 to -- or even noon or something like that, just to
4 try to get through a lot of this stuff at one time.

5 CHAIRMAN KORGE: You know, a way -- a good
6 way to get through this a lot quicker is to start at
7 eleven.

8 MR. RIEL: I agree with you.

9 Okay. We'll canvas the Board and let you
10 know.

11 CHAIRMAN KORGE: Thank you.

12 MR. RIEL: Thank you.

13 MR. AIZENSTAT: Thank you.

14 (Thereupon, the meeting was adjourned at
15 10:00 p.m.)

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CERTIFICATE

STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

I, JOAN L. BAILEY, Registered Diplomate Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 31st day of January, 2006.

JOAN L. BAILEY, RDR

