

1 CITY OF CORAL GABLES
 2 PLANNING AND ZONING BOARD MEETING
 3 ZONING CODE REWRITE
 4 VERBATIM TRANSCRIPT
 5 CORAL GABLES CITY COMMISSION CHAMBERS
 6 405 BILTMORE WAY, CORAL GABLES
 7 WEDNESDAY, SEPTEMBER 27, 2006, 6:10 P.M.

8 Board Members Present:

9 Tom Korge, Chairman
 10 Eibi Aizenstat, Vice-Chairman
 11 Robert Behar
 12 Jack Coe
 13 Pat Keon
 14 Javier Salman

15 City Staff:

16 Eric Riel, Jr., Planning Director
 17 Walter Carlson, Assistant Planning Director
 18 Javier Betancourt, Planner
 19 Elizabeth M. Hernandez, City Attorney
 20 Lourdes Alfonsin Ruiz, Assistant City Attorney
 21 Jill Menendez-Duran, Administrative Assistant
 22 Dennis Smith, Assistant Building Director

23 Also participating:

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24 Felix Pardo	47
25 Mary Naccarato	51
Ralph Martin	52
18 Larry Horton	62
Amado "Al" Acosta	65
19 Jaime Saldarriaga	71
Phyllis Saldarriaga	72
20 Ignacio Zabaleta	81
Santiago Echemendia	85
21 Fernando Menoyo	104
Robert Fine	106
22 Elaine Codias	124
Steve Bosson	133

23

24

25

1 THEREUPON:

2 The following proceedings were had:

3 CHAIRMAN KORGE: Call the meeting to
4 order. Would you call the roll, please?

5 MS. MENENDEZ-DURAN: Eibi Aizenstat?

6 MR. AIZENSTAT: Here.

7 MS. MENENDEZ-DURAN: Robert Behar?

8 MR. BEHAR: Here.

9 MS. MENENDEZ-DURAN: Jack Coe?

10 MR. COE: Here.

11 MS. MENENDEZ-DURAN: Pat Keon?

12 MS. KEON: Here.

13 MS. MENENDEZ-DURAN: Cristina Moreno?
14 Javier Salman?

15 MR. SALMAN: Here.

16 MS. MENENDEZ-DURAN: Tom Korge?

17 CHAIRMAN KORGE: Here.

18 I'll take a motion to approve the minutes of
19 the --

20 MR. COE: So moved.

21 MR. BEHAR: Second.

22 MR. SALMAN: Second.

23 CHAIRMAN KORGE: Was there a motion?

24 MR. COE: Yes.

25 CHAIRMAN KORGE: Jack moved, and seconded?

1 MR. SALMAN: Second.

2 CHAIRMAN KORGE: These are the minutes of
3 the September 6 meeting.

4 MS. KEON: Yes.

5 CHAIRMAN KORGE: Is there any discussion on
6 these minutes, or any changes to the minutes?

7 None?

8 Let's call the roll, please.

9 MS. MENENDEZ-DURAN: Robert Behar?

10 MR. BEHAR: Yes.

11 MS. MENENDEZ-DURAN: Jack Coe?

12 MR. COE: Yes.

13 MS. MENENDEZ-DURAN: Pat Keon?

14 MS. KEON: Yes.

15 MS. MENENDEZ-DURAN: Javier Salman?

16 MR. SALMAN: Yes.

17 MS. MENENDEZ-DURAN: Eibi Aizenstat?

18 MR. AIZENSTAT: Yes.

19 MS. MENENDEZ-DURAN: Tom Korge?

20 CHAIRMAN KORGE: Yes.

21 We have one item on the agenda and that's
22 the --

23 MR. RIEL: Only one.

24 CHAIRMAN KORGE: -- Code rewrite.

25 Eric, are you going to lead us in this?

1 MR. RIEL: Yes, I am, Mr. Chairman.

2 Good evening. First off, let me just go
3 ahead and tell everybody that we do have agendas. We
4 do have an addendum to the package that had gone out
5 to the Board. All the information is at the
6 secretary's desk. We do have additional comments,
7 and I have some other matters that, as I go through
8 my presentation, I'll indicate to you, as well.

9 One thing I wanted to note is that this
10 evening we're going to be utilizing a timer for
11 public input, and I would ask the Chair, I don't know
12 what time frame you would like to use for public
13 input. The standard is three to five minutes, but
14 what we're going to do is actually have a timer and
15 it will go off 30 seconds before the three minutes
16 ends, or the five minutes, whatever you feel is
17 appropriate.

18 CHAIRMAN KORGE: Why don't we try to stick
19 to three minutes, and then if somebody needs a little
20 extra time, we can let it go for a while.

21 MR. RIEL: Basically, at two and a half
22 minutes, the yellow light will go off, and then the
23 red light. It's been used at the Commission a number
24 of times, and in fact, there was a lot of discussion
25 at yesterday's Commission meeting about this meeting,

1 and I'm going to go into that in a little bit, in a
2 little bit more detail.

3 First off, let me give you a little
4 background since we were here last on September 6th.
5 As you know, we've been in this process for a little
6 over two years. We've had -- I stopped counting
7 after 30 meetings. My guess is, we've probably had
8 about 35 meetings up to this point. And as you know,
9 the Board has changed membership throughout the two
10 years. We've actually had 30 -- 13 members on the
11 Board that have actually reviewed this Code that's
12 before you this evening.

13 But what I wanted to note is, since the
14 September 6th meeting, where the Board had asked all
15 those interested parties to meet with Staff and
16 provide written comments, we have had over seven to
17 10 meetings with individuals. Some individuals we
18 met more than once. We've had a lot of phone calls.
19 We've had a lot of really, really good input.

20 You have the updated comments. What's on
21 these yellow sheets, which are white sheets for the
22 public, these are comments that we've gotten since
23 the last -- since the packet went out last week. I
24 can tell you, I've had meetings up until twelve
25 o'clock today on some changes. For that reason,

1 that's why we're providing you an addendum, addendum
2 sheet, as well as the new pages in yellow. That's in
3 front of you, as well. This addendum sheet is the
4 same addendum sheet that you got in the packet, but
5 the items noted in bold are the changes since last
6 week, okay? I just want to make sure everybody is
7 clear on that.

8 And one thing that came up at the Commission
9 yesterday is, the Commission asked that City Staff
10 conduct a -- basically, a City Staff question and
11 answer workshop. We have scheduled that. That is
12 next Thursday, from 6:00 to 8:00 p.m., in this room.
13 It's October 5th. It's going to be an opportunity
14 for the public to provide additional written
15 comments, verbal comments, as well as ask Staff any
16 question, and the Staff that will be available will
17 be the Planning Department as well as the Building &
18 Zoning Department.

19 We're going to have a verbatim transcript
20 done, so it's clear in terms of what information was
21 discussed and presented, and we're still going to go
22 forward with the October 17th date before the
23 Commission, the special meeting of the Zoning Code.

24 So that's one thing the Commission asked.
25 The other thing the Commission asked yesterday is,

1 they asked that, given the interest in the town homes
2 in the Multi-family 1 district, the duplex district,
3 they felt that that issue requires some additional
4 study. So they directed Staff to not include that as
5 a part of the rewrite and take that up at a later
6 date and do some additional analysis on that.

7 So, as a part of my presentation this
8 evening, I'm going to ask Walter, when he goes
9 through, we're going to recommend basically that the
10 duplex zoning on Segovia and LeJeune remain as duplex
11 zoning, although it's called the new MF1 category. So
12 I just kind of wanted to give you that little
13 background.

14 With that, Mr. Chairman, I don't know how
15 you would like me to go through this. I can
16 certainly go through each of the addendums --

17 CHAIRMAN KORGE: Well --

18 MR. RIEL: -- since that's the format that
19 we have this in. However you would like.

20 CHAIRMAN KORGE: Well, we have deferred
21 items that we've never voted on.

22 MR. RIEL: You have deferred items that
23 you've never voted on but we've discussed, you know,
24 a number of times.

25 CHAIRMAN KORGE: We've given you all of our

1 comments in the past --

2 MR. RIEL: Yes.

3 CHAIRMAN KORGE: -- on virtually all of
4 these.

5 MR. RIEL: Yes.

6 CHAIRMAN KORGE: What I would think, I mean,
7 unless the Board disagrees, we should go through
8 those, briefly; you can make a presentation on those
9 and final changes on those. We can then vote those
10 up or down, or whatever we're going to do, if you
11 have other changes, make the other changes, and
12 hopefully approve all those, and then after we've
13 finished all those, we can go through the balance,
14 which has already been approved, and you have some
15 recommended changes which are more in the nature of
16 technical type of changes, I understand.

17 MR. RIEL: Correct.

18 CHAIRMAN KORGE: But those remaining open
19 divisions that haven't been approved yet are, you
20 know, substantive, that we haven't really formally
21 voted on, so I wanted to get that out of the way
22 first.

23 MR. RIEL: Ultimately, I mean, the --

24 CHAIRMAN KORGE: And I would assume --
25 excuse me for interrupting, but I would assume that

1 most of the comments that we'll get from the public,
2 most of the input, is going to be related to that,
3 but to make it probably more streamlined, perhaps you
4 should make that presentation. Then we can, you
5 know, take comments from the Board, discussion from
6 the Board. Then you can make the presentation on the
7 balance, and do the same thing again, and then have
8 the public make their -- but I don't know if that's
9 the most streamlined way to do this, so that --

10 MR. RIEL: I mean, ultimately, we're going
11 to need three recommendations. I mean, I think the
12 City Attorney would probably want a recommendation --
13 no matter if you separate it into eight different
14 articles, we're going to need a recommendation for
15 approval on the Zoning Code. Although we did go
16 through these on separate -- on separate dates, some
17 of those dates do date back 12 or 15 months ago, and
18 there have been changes, and they're not noted in
19 underlined format, because we have -- this is
20 basically the third draft of the document, and what
21 you see underlined and struck out here is just recent
22 changes, within the past two or three months.

23 Then we need a motion, obviously, on the
24 inconsistent zoning map and the new zoning map. So
25 we basically need three motions. However you would

1 like to do it --

2 CHAIRMAN KORGE: Do you want the zoning map
3 at the end?

4 MR. RIEL: Yes, that -- ultimately, at the
5 end, yes. I mean, obviously, we'd like to see the
6 recommendation on the Code first and then the maps.

7 CHAIRMAN KORGE: Okay.

8 MR. RIEL: My suggestion is, I would go
9 through this addendum list, because if I start -- I
10 can go through, however you want it, you know, what
11 you haven't approved. Ultimately, you're going to
12 make a recommendation on the whole thing, anyway.
13 Whatever --

14 CHAIRMAN KORGE: Are you going to go through
15 the ones that we haven't approved?

16 MR. RIEL: Sure, absolutely. I mean, yeah,
17 I will --

18 CHAIRMAN KORGE: Because they may not all be
19 on this addendum list.

20 MR. RIEL: Right. I could do that. I
21 could --

22 CHAIRMAN KORGE: If you want to just go
23 through it, article by article, based on the addendum
24 list --

25 MR. RIEL: Okay, that's good.

1 CHAIRMAN KORGE: I suppose, if you think
2 that would work better --

3 MR. RIEL: Okay, let me do that.

4 CHAIRMAN KORGE: I mean, does anybody else
5 have any thoughts on that? No?

6 MR. RIEL: I'll do that. I'll work off of
7 this, and then I'll interject the ones --

8 MS. HERNANDEZ: Okay.

9 CHAIRMAN KORGE: Okay, when you get to the
10 particular divisions.

11 MR. RIEL: Yes. Okay. So, just so the
12 public understands, I'm going to be working off the
13 addendum sheet that on the top says 9/27/06.

14 If you look on the addendum sheet, we have
15 in the first column the page number, the line number,
16 the subject, and an explanation as to what the change
17 is. Basically, I'm just going to go through this and
18 summarize it, as quickly as I can, the change.

19 The first one is on 1, Page 4, Line 6, where
20 we had a comparison of old versus new district. We
21 had just -- we had omitted a reference to the new
22 MFSA district. It's fairly minor, just a
23 clarification.

24 Page 2-4, there was a comment, I believe it
25 was at the last meeting, regarding the membership of

1 the Board of Architects. There was, in the draft
2 previously, that it allowed for an urban design
3 professional. We have deleted that. So that's no
4 longer in there. So you have to be a registered
5 architect or landscape architect --

6 MS. KEON: Okay.

7 MR. RIEL: -- to be on the board.

8 Page 3-8, duplication of elevations and
9 exterior architectural design. This was in the Code
10 in about three different places.

11 MS. KEON: Yes.

12 MR. RIEL: These are the regulations that
13 were included in the single-family regs. I removed
14 it from here and put it in one place, and as we go
15 through this, you'll see that the architectural regs,
16 the other portion, not the duplication, was in three
17 other places, as well.

18 So, when I started going in and making sure
19 it was all consistent, I just put it into the
20 Development section, where it's supposed to be. So
21 that's why this -- that's the change on this page.

22 Okay. 3-33, appeals. This happens to be
23 one of the items that was deferred. It was deferred
24 because there was a question of clarifying the appeal
25 date, whether or not it was 30 days or 10 days. It

1 was 10 days. So that's -- that's what that
2 clarification is.

3 MR. SALMAN: Ten days for what?

4 MR. RIEL: Ten days from -- "Appeals of the
5 Board of Adjustment or Board of Architects. Any
6 aggrieved party desiring to appeal a decision of the
7 Board shall, within 10 days of the date of such
8 decision, file a written notice of appeal with the
9 City Clerk."

10 CHAIRMAN KORGE: Do we want to put in here,
11 Liz, on Page 3-34, any standard of review for the
12 appeals, or does it vary from appeal to appeal?

13 MS. HERNANDEZ: It varies from appeal to
14 appeal, and I think that's found in Article -- is it
15 Article 4? I think. Let me see. Hold on.

16 It is in Article 3, I'm sorry.

17 MR. COE: 3-6.

18 MS. HERNANDEZ: 3-6.

19 MS. KEON: 3-36?

20 MR. RIEL: It's 3-6. Page 3-33.

21 MS. HERNANDEZ: 3, Section 606, has the
22 appeal procedures.

23 MR. RIEL: And the City Attorney also added,
24 at the end of that page, and if you look on the
25 preceding page, clarification regarding de novo

1 hearings.

2 CHAIRMAN KORGE: Yeah, but it doesn't
3 specify the standard of review. Does it vary,
4 depending on what's being appealed?

5 MS. HERNANDEZ: Yes, it does.

6 CHAIRMAN KORGE: So you'd have to look at
7 the provision that's being appealed to determine what
8 standard?

9 MS. HERNANDEZ: Yes.

10 CHAIRMAN KORGE: Okay. Thanks.

11 MR. RIEL: Okay, the next change, 3-61, this
12 was a clarification language that was done by the
13 City Attorney's office regarding historical
14 significance. It's on Lines 34, 35 and 36.

15 3-83. 3-83 was something that the Planning
16 Department put in. Presently, right now, you can
17 only file applications for a change in land use and
18 zoning twice a year. That was in the City Code.
19 When the City Code was amended recently, this
20 provision needed to be moved into the Zoning Code.
21 For that reason, that's why we put it in here, to
22 make sure that it's still -- the twice-a-year cycle
23 still remains.

24 Okay, the next change is 4-1, Article 4,
25 Page 4-1. The previous chart that was in the Code,

1 which is the use chart -- it's kind of very small.
2 It has about 60 uses on it. The previous use chart
3 didn't have all the districts in it. The reason it
4 didn't have it in there is because it didn't fit on
5 the page. But we felt it was important to go
6 through, so what we did is, we went through each of
7 the zoning districts, cross-referenced it, and we
8 made this table.

9 So, if you want to know what is permitted in
10 all the zoning districts, you can go to this page,
11 and we cross-referenced it, and as a part of doing
12 that exercise, which I tell you took us two or three
13 days, we found that there were some uses missing in
14 one section or another, but this basically corrects
15 all the grammatical or scrivener's errors, and it has
16 all the information on one page.

17 Some other changes we did make, too, is, we
18 had attached dwellings and detached dwellings; that's
19 how we identified single-family and multi-family
20 uses. We actually put the categories in, duplex,
21 single-family and town home, in there, rather than
22 trying to call them an attached dwelling and trying
23 to have somebody figure out what that is. So we
24 actually took the correct uses and put those in
25 there. So that's the changes on Page 4-1 and 4-2,

1 the zoning districts chart.

2 Page 4-3, family day care. This issue was
3 brought up at the last meeting. Family day care is a
4 requirement pursuant to Florida Statutes. Every
5 local government has to have these provisions in
6 there. It is in the current Code. It is in all the
7 residential districts in the current Code. We just
8 carried that over. Unfortunately, when this Code was
9 done, at the last draft, it had it in some
10 residential districts and it didn't have it in all.
11 You will see that, this change, occur in each of the
12 residential districts, so this is just identifying
13 something that we're required to do pursuant to
14 statutes, anyway.

15 Four dash -- I'm sorry, hold on.

16 MR. CARLSON: It's the same page.

17 MR. RIEL: Same page?

18 MR. CARLSON: 4-3.

19 MR. RIEL: Hold on. Bear with me here.

20 Oh, all right, the same page, 4-3. After
21 going through the Code, making sure everything was in
22 there, the Code right now has private yacht basins as
23 a conditional use in residential districts. We have
24 supplemental regulations, approximately one or two
25 pages, that deal with this. We did not change the

1 regulations. We just took them from the current Code
2 and made sure they were referenced in this Code, in
3 the use district, as well as, you'll see it later in
4 Article 5, the supplemental regulations.

5 CHAIRMAN KORGE: I didn't see it in 4-3, or
6 is that --

7 MR. RIEL: Go to the yellow. Go to the
8 yellow.

9 CHAIRMAN KORGE: Okay.

10 MR. RIEL: I'm reading off the yellow
11 sheet.

12 MR. SALMAN: Oh.

13 MR. RIEL: Yellow for the Board members,
14 white for the public.

15 CHAIRMAN KORGE: I guess all the bold-faced
16 ones, we should look at.

17 MR. RIEL: And I'm going to proceed. Page
18 4-7, the same comment. Architectural style was noted
19 in here, reference the appropriate article where it's
20 at. It's in Article 5, Division 6.

21 4-9, Multi-family 1 Duplex District. As I
22 indicated at the start of my presentation, the
23 Commission asked that the townhouse dwellings be
24 removed, so we struck out townhouse dwellings. And
25 also, we had prepared an exhibit which indicates --

1 you should have a map in front of you -- oh, Scott's
2 handing them out, I'm sorry.

3 MR. COE: Which map are we talking about?

4 MR. RIEL: Scott is going to be handing out
5 a map, which has what the current MFSA is and what
6 the duplex zoning would be.

7 Members of the public, it's up there, as
8 well, so -- basically, just in summary, it currently
9 has duplex zoning on the current Zoning Code. That
10 zoning will remain as duplex zoning. It will not
11 include townhouse provisions.

12 MR. COE: Let me clarify. That's going to
13 remain until the Commission reviews it?

14 MS. HERNANDEZ: Right.

15 MR. RIEL: At a later date, that's right.

16 MR. COE: Okay. So remaining subject to
17 future possible change.

18 MS. HERNANDEZ: Exactly.

19 MR. RIEL: Correct.

20 One other issue -- let me go to Page 4-10.
21 It has to do with duplexes, height of duplexes.

22 MR. BEHAR: But it also applies to a
23 single-family, right?

24 MR. RIEL: I'm not sure I understand your
25 question.

1 MR. BEHAR: Okay. You took away town homes,
2 townhouses, on those, on 4-10.

3 MR. RIEL: Yes.

4 MR. BEHAR: But you still kept duplex and
5 single-family residence.

6 MR. RIEL: Single-family is a permitted use.

7 MR. BEHAR: And that's what we were talking
8 about last time, is, we're capping that at 29 feet
9 from established grade?

10 MR. RIEL: Yes. That's what I was -- I was
11 just getting ready to say. The duplex issue, as you
12 recall, duplexes are allowed to be constructed at 34
13 feet. The policy direction from this Board, after
14 the discussion of the single-family regs, was to
15 reduce that height to 29 feet. That's what appears
16 on Page 4-10 and is noted in yellow here.

17 I need direction from the Board, if you
18 would like to proceed with keeping the 29 feet, or to
19 go back up to the 34 feet.

20 MR. BEHAR: My only concern is that you're
21 doing it from established grade. For instance, what
22 happens if you have a property, South Gables, where
23 the land is low? You have to bring your finished
24 floor to the flood elevation. You're going to lose
25 three, four, five, six feet. And then, if you do it

1 from established grade, take away five feet, you're
2 down to 24 to the ridge line.

3 CHAIRMAN KORGE: Did we not address that in
4 the other --

5 MR. BEHAR: Well --

6 MR. COE: I thought we did.

7 MR. BEHAR: We did.

8 MR. RIEL: I thought we did, and I don't
9 know if Dennis --

10 MR. AIZENSTAT: But it's not in here.

11 MR. BEHAR: But it's not in here.

12 MR. RIEL: -- if Dennis is here.

13 MR. COE: Where's Dennis?

14 MR. RIEL: Dennis is the expert on that, so
15 I have to defer to him --

16 MR. BEHAR: Last time I thought -- you
17 know, I made a comment about going to from finished
18 floor.

19 MR. RIEL: We discussed it in the south end
20 of the City, and we did put provisions in, but I
21 don't know how it applies to this. You know, perhaps
22 when Dennis comes back, we'll just --

23 CHAIRMAN KORGE: Okay. Well, that's an
24 issue we need to discuss. Let's move on, and we'll
25 take public input --

1 MR. RIEL: Come back to the duplex?

2 CHAIRMAN KORGE: Well, we want public input
3 on that one, too.

4 MR. RIEL: Okay. All right. Let's see.
5 Moving on to Page 2 of our addendum list here --

6 Dennis, there's a question on the
7 established grade, with the height.

8 MR. BEHAR: Dennis, under the 4-10

9 provision, which caps the maximum height at 29 feet
10 above established grade --

11 MR. SMITH: Uh-huh.

12 MR. BEHAR: We -- last time we had a -- we
13 made a comment, I made a comment, where we should
14 contemplate that if we've got to drop from 34 to 29,
15 going from finished floor, an example meaning, if
16 you've got a property in the South Gables, where the
17 land is low, you have to bring your finished floor
18 elevation to meet your FEMA requirements by losing
19 five feet from the 34, which I don't -- but in
20 addition to losing five, six feet on the finished
21 floor, what is that going to give you?

22 What I'm afraid of is to have very low roof
23 pitches that's aesthetically not going to look as
24 good as a five in 12, so --

25 MR. SMITH: Okay. First off, this provision

1 here is just for the duplex -- duplexes.

2 MR. SALMAN: No, it says single-family.

3 MS. KEON: Single-family residences.

4 MR. SMITH: Located in the duplex district,
5 okay?

6 MR. AIZENSTAT: So you're saying, in the
7 south end, they wouldn't be in the duplex.

8 MR. SMITH: The south end, we have different
9 regulations for, that make adjustments for the flood
10 zone and for the heights, and they have site-specific
11 regulations in some of those communities that were
12 annexed in that are a little bit higher, that make
13 differences for that.

14 These provisions only relate to duplex zones
15 and single-family residences and duplexes in a duplex
16 zone, and all those appear in the north end, so we're
17 doing up here the same thing we did for single-family
18 homes, and the reason why I proposed this was so that
19 we didn't have duplexes going taller than
20 single-family.

21 MR. BEHAR: Right. Understood.

22 MR. SMITH: I want them the same height.

23 MR. AIZENSTAT: Thank you.

24 MR. SMITH: Thank you. By the way, good
25 evening.

1 MR. SALMAN: Good evening.

2 MR. RIEL: Okay, also on Page 4-10, we added
3 the reference to architectural style, because it was
4 not referenced herein. So we referenced that
5 section.

6 Page 4-11, assisted living facilities. The
7 current Code allows assisted living facilities in
8 multi-family -- or currently, apartment districts.
9 We inserted that use. We do have supplemental
10 regulations. So this was basically, by us doing the
11 cross-over analysis of that table, we found that this
12 needed to be put into this category, as well.

13 In addition, on the same page, the same
14 thing with bed and breakfasts, established -- and
15 private yacht basins. We have supplemental
16 regulations dealing with this. It was not identified
17 as a conditional use in the district, so when you go
18 to the district, you would not know unless you went
19 to the regulations. We referenced them herein.

20 4-14. This has to do with the height
21 restrictions related to adjacency of multi-family
22 buildings adjacent to single-family and MF1
23 buildings. As you know, we've had a lot of
24 discussion about the height, when you're adjacent --
25 when you have the multi-family use adjacent to the

1 single-family. It was determined, based upon -- the
2 direction we received from the Board is to go with
3 three stories or 45 feet, within the first 50 feet of
4 that property line.

5 The remaining portion of that property line
6 would then be governed by the Comprehensive Land Use
7 Plan height, and as you know, as I indicated, there's
8 been a lot of discussion on this, this particular
9 issue, and we just reflected the Board's direction on
10 this issue.

11 MS. KEON: Can I ask a question on that?
12 And it's in some of these comments here. Do -- with
13 that maximum height, then, is it subject to
14 Mediterranean bonuses or anything else that could
15 bring it up, or are those buildings that about a
16 residential or the single-family --

17 MR. RIEL: 45 feet within 50 feet, but
18 beyond the 50 feet, it could get the bonuses.

19 MS. KEON: Yeah, no, I don't care about the
20 beyond the 50 feet, but at the 50 feet, so, even with
21 bonuses, it's not subject to bonuses, so there's no
22 way they can get above that, no matter what?

23 MR. RIEL: 45 feet, that's it.

24 MS. KEON: Okay, thank you.

25 CHAIRMAN KORGE: The height with the

1 Mediterranean bonus.

2 MR. RIEL: Three stories or 45 feet,
3 whichever --

4 CHAIRMAN KORGE: Right.

5 MR. RIEL: 4-14. We had townhouse parking
6 design standards in this section. It's more
7 appropriate to be in the parking design section. We
8 moved it to there. That's why it's been omitted.

9 4-15, the same comment on assisted living
10 facilities, was not referenced. Bed and breakfast
11 was not referenced. Private yacht basins was not
12 referenced.

13 4-17. And this -- again, this is not on
14 your -- it's not a bold item, so it's in your
15 regular -- it's in the white sheets. Again, the same
16 issue of limiting the height when it's adjacent to
17 single-family, the same language. What we found is,
18 when we went through it, it was written three
19 different ways. We put the same language all the way
20 through.

21 4-18, the same comment, townhouse parking
22 design, moved it to the parking section.

23 4-19. This is on the yellow sheets. Since
24 we enacted the moratorium regulations -- the
25 moratorium regulations, which is basically the MFSA

1 regulations, we've had a couple projects that have
2 come through, and the Public Works Director and
3 Public Service Director have had some concerns about,
4 there wasn't flexibility in the ordinance to allow,
5 you know, the removal of parking spaces to save large
6 trees, or the saving of parking spaces in lieu of
7 trees. So they wanted some language in here that
8 allows them the flexibility, depending upon where
9 it's at and how -- what parking is available, to be
10 able to make that decision.

11 I can tell you, I know one or two of the
12 properties have gone for variances, I believe for the
13 parking, requiring parking on the street. So they
14 just wanted some language in there that gives them
15 that flexibility. Both -- both departments actually
16 approached me separately, with kind of -- I mean,
17 obviously, Public Works had the parking and Public
18 Service had the landscaping. So that's the language
19 that we put in, in that section.

20 4-19. That's basically -- I'm sorry, the
21 same thing on 4-19.

22 4-20, townhouse parking design standards.
23 Again, we moved them to the parking section.

24 4-20, architectural style, referenced in the
25 Code in the third place, so we put it all in one

1 place.

2 4-22. This has to do with the mixed-use
3 district. As you know, this Board spent six or eight
4 months revising the MXD, what's known as the MXD3
5 district, for the industrial area. A lot of the
6 comments that we've received and you received at the
7 last meeting was wanting to clarify how it applied
8 City-wide.

9 We met with a couple individuals -- in fact,
10 I had a meeting today -- who wanted to make sure that
11 we understood that a mixed use can be done as an
12 overlay and also can be done as a mixed-use
13 building. All mixed-use buildings come to this Board
14 for review. But it wasn't really clear in the Code
15 that if you do an overlay, all the underlying uses
16 are still in effect, but if you do the overlay,
17 you're subject to those overlay provisions. So we
18 basically clarified that on this change.

19 In addition to that, the other question that
20 came up on the MXD was on Page 4-24, the minimum site
21 area. There's no minimum site area for a building or
22 a project. So that question came up, so we clarified
23 that. And also, what was omitted is, in the MXD
24 overlay districts, Mediterranean architecture is
25 mandatory. As you recall, we had that discussion

1 when we were talking about the MXD3. Just the
2 overlay, not the mixed-use building.

3 4-24. Let's see. We removed the reference
4 to planned area developments. A planned area
5 development is an overlay; it's not a use. It should
6 not have been listed in there.

7 Moving on to Page 3. Again, as I mentioned,
8 4-24, the minimum site area and the Mediterranean
9 mandatory architecture.

10 4-25. There was a question regarding the
11 3.5 FAR that's available, whether or not it included
12 Mediterranean bonuses. You only can get up to 3.5
13 with Mediterranean bonuses. So we clarified that.
14 You can't get to 4.0, 5.0, or anything like that.

15 Page 4-25, also, we noted that there was
16 three sections regarding retail frontage that were
17 omitted from the Code. We inserted that. Basically,
18 this is in the current Code. It requires a
19 percentage of the linear frontage to be retail use.

20 4-34. The same comment again; planned area
21 development was listed in the use category. It's an
22 overlay, and we removed it.

23 Page 4-37 and 4-38, drive-through banking
24 facilities. This is in a commercial limited
25 district. Previously, we had included it as a

1 permitted use. I felt that was not appropriate and
2 that they should be as a conditional use. They are
3 not permitted if the CL property is adjacent to a
4 single-family or an MF1 district. So they're only
5 permitted if the CL is adjoining like a Multi-family
6 2 district or a Commercial district. I just didn't
7 feel that drive-through facilities should be adjacent
8 to, given the fact that that's kind of the transition
9 zone.

10 Again, the reference to planned area
11 development, we moved that.

12 4-38, setbacks from the waterway. That was
13 mentioned at the last meeting. We included the
14 language, exact language, that's in the single-family
15 regs.

16 4-39, the same comment on maximum height,
17 clarified the language regarding when you have a CL
18 property adjacent to a single-family, 45 feet, three
19 floors.

20 4-40, Page 4-40. 4-40, Page 4-40 in the
21 Code, we had mixed-use buildings as a permitted use.
22 That was incorrect. It is a conditional use. So we
23 moved it from permitted to conditional, so it moved
24 from Page 4-40 to Page 4-41.

25 4-41. Marina facilities is a conditional

1 use in this district. Therefore, we added that use.
2 The same comment on planned area development, we
3 moved it.

4 4-42, the same comment regarding commercial
5 districts adjacent to single-family -- or
6 single-family and multi-family. Three stories, 45 --
7 45 feet.

8 Page 4-45, corrected conditional uses,
9 mixed-use buildings. We moved planned area
10 development.

11 Okay, 5-19. Article 5, Page 19. This is
12 where architectural style landed, the two pages.

13 Let's see. 5-22. The previous draft of the
14 Mediterranean design standards did not have the
15 purpose and intent. It was removed. I do not know
16 for what reason. I felt it was important. We put it
17 back in, to make sure it was clear what the purpose
18 and intent of --

19 CHAIRMAN KORGE: This is from the original
20 ordinance?

21 MR. RIEL: From the original ordinance,
22 yeah. It's unusual to have a purpose and intent kind
23 of buried in the middle of an article, but I felt,
24 given the importance of this issue, it was important
25 to put that information back in.

1 5-40. I'm going to the yellow sheet. This
2 is a new change, 5-40 on the yellow sheet. This has
3 to do with the Landscape Code. As you know, we did
4 discuss the Landscape Code a couple meetings back.
5 The Landscape Advisory Board did review it. One of
6 the comments that received -- we received this week
7 is, the Code, as it was written, required changes of
8 use to satisfy the landscape requirements. A comment
9 was brought up, that's fairly substantial, in terms
10 making them satisfy the landscape requirements.

11 So we've omitted that. So, if you do a
12 change in use, you do not need to satisfy the
13 Landscape Code requirements. It's for redevelopment
14 and new construction, based upon these thresholds.
15 So I think that was an excellent comment, and it just
16 shows you, you know, the past two weeks, we got some
17 really, really good comments.

18 5-47, open space. This was brought up at
19 the last meeting, in terms of the open space pervious
20 provisions regarding the C district. What we did is,
21 we reduced the threshold to 75 percent, whereas
22 before it was a hundred percent, and there was some
23 confusion, so we clarified that, that that only
24 applies to the C district.

25 5-51. Going to the yellow sheets now.

1 Lines 9, 10 and 11, there was some confusion in terms
2 of how that paragraph read. We clarified it. This
3 is basically a provision that's been in the Code for
4 some time. We just clarified the language, as best
5 we could, without toying with the language too much.

6 5-55, townhouse parking design standards.
7 This is where the townhouse parking design standards
8 landed.

9 5-62. The last meeting, a lot of discussion
10 about automated mechanical parking systems, lifts.
11 There was a provision put in there to say that all
12 nonresidential systems had to be attended 24 hours,
13 seven days a week. We removed those provisions.

14 MR. BEHAR: Eric, go back -- excuse me a
15 second. Go back to the parking standards for town
16 homes. It says that all parking must be accessed
17 from the rear of the property.

18 MR. RIEL: Yes.

19 MR. BEHAR: What if you don't have an
20 alley?

21 MR. RIEL: You have to provide an easement
22 for access to it. That was an issue that was
23 discussed at length. And as I said, I think when we
24 go back and look at the townhouse standards, whether
25 or not they go in the duplex, I think ultimately what

1 will happen is, we're probably going to be drafting
2 some design standards for townhouses. That will be
3 part of the future study. But this is one thing
4 that, across the board, we've been asked, that they
5 should only be accessed from the rear, because of the
6 garage doors facing the street. It wasn't, you know,
7 providing the most -- an amenity to the street. You
8 know, it then required a parking space in front of
9 the residence. The idea was, since we've relaxed the
10 setbacks, just to get that frontage as close to the
11 street as possible.

12 CHAIRMAN KORGE: Is that what we decided in
13 connection with that moratorium area?

14 MR. RIEL: Yes. Well, the rear access came
15 out as some designs came in and they started putting
16 garages on the front, and going through that process,
17 we realized that was probably an oversight on our
18 part. We should have only had rear access.

19 CHAIRMAN KORGE: But is the existing Code
20 provision allowing garages on the front?

21 MR. RIEL: Yes.

22 MR. AIZENSTAT: By doing that and having to
23 do that easement, aren't you going to create alleys
24 throughout the City, in the back of properties, as a
25 buffer -- as a buffer area, is that your intention?

1 MR. RIEL: Well, I mean, probably if it's a
2 one-way, it would probably be 15 or 18 feet in width.

3 CHAIRMAN KORGE: It's going to limit the
4 ability to make townhouses.

5 MR. AIZENSTAT: But --

6 MR. COE: These are going to be driveways,
7 not alleys.

8 MR. AIZENSTAT: Well, you're going to have
9 to create --

10 MR. RIEL: Yeah, they're going to be
11 private driveways, basically. They're not going to
12 be public alleys, unless you have somebody that
13 purchases an entire block --

14 MS. HERNANDEZ: Right, and dedicates --

15 MR. RIEL: -- and decides to dedicate it,
16 which I seriously doubt that's going to happen.

17 MR. AIZENSTAT: What I was looking at is
18 somebody doing an entire area with a set of
19 townhouses or so forth. They'd have to create --

20 MR. COE: It's still --

21 MR. AIZENSTAT: -- an entire alley through
22 there.

23 MR. RIEL: They would have to, yes.

24 MS. KEON: Uh-huh.

25 MR. COE: It's not going to be a public

1 alley. It's still a private driveway, even though
2 it's a whole block.

3 MR. RIEL: It could be either/or. My guess
4 is, they wouldn't dedicate it as a public street. I
5 mean -- perhaps they would, I mean, if they would
6 want us to maintain it. It depends on the situation.

7 MR. AIZENSTAT: So, if you have a single
8 townhouse, to get to the rear, you'd have to create,
9 within your property, a driveway to the back or an
10 easement --

11 MR. RIEL: Yes.

12 MR. AIZENSTAT: -- that would allow you to
13 park your car and have the turning radius. On a
14 50-foot minimum width, you can't do that.

15 MR. RIEL: You probably wouldn't -- you
16 wouldn't be able to do that, so that forces the
17 design -- first off, I don't think they're going to
18 get one single townhouse on a property. I think
19 you're probably going to get, you know, at a minimum,
20 two, two to four or five or six units.

21 MR. AIZENSTAT: Would you categorize the
22 townhouse the same as the twin home?

23 MR. RIEL: Twin home? I've never heard that
24 term.

25 MR. AIZENSTAT: By townhouse, you're talking

1 about one common wall, or you're talking -- one
2 common wall with two sides?

3 MR. RIEL: Yes.

4 MR. AIZENSTAT: Normally, in today's Code,
5 can't you build that on a 50-foot-wide lot?

6 MR. RIEL: You could. It would be called a
7 duplex, I guess.

8 MR. AIZENSTAT: It would be called a
9 duplex, but you could technically separate those
10 properties and sell off each side by creating condo
11 docs.

12 MR. RIEL: I assume that you would be able
13 to, yes.

14 MR. AIZENSTAT: But now you're taking a
15 50-foot lot and you're rendering it unbuildable by
16 having that Code.

17 MR. RIEL: No, I don't think it's
18 unbuildable. We did some analysis on some 50-by-50
19 and 50-by-100-foot lots, and you still can -- you can
20 still build. You're not going to be able to build as
21 large of a unit.

22 MR. AIZENSTAT: Well, a 50-by-50, you
23 can't, unless you do one on top and one on the
24 bottom. I don't see you being able to --

25 MR. RIEL: Right.

1 MR. AIZENSTAT: -- do it the other way. But
2 if you take a 50-by-100, which is still a small
3 size --

4 MR. RIEL: We've done the analysis. You can
5 get access to the rear on a 50-by-100.

6 MR. AIZENSTAT: Okay. I don't see
7 it, but -- how you --

8 MR. COE: A five hundred square foot
9 townhouse.

10 MR. RIEL: Well, you've got -- it's going
11 to be three stories.

12 MR. COE: It would have to be three.

13 CHAIRMAN KORGE: So how wide would the --

14 MR. COE: That's very narrow.

15 CHAIRMAN KORGE -- drive be?

16 MR. RIEL: Excuse me?

17 CHAIRMAN KORGE: How wide would that drive
18 be?

19 MR. AIZENSTAT: It's going to be a 10 to 12,
20 narrow width.

21 MR. COE: Yeah, exactly.

22 CHAIRMAN KORGE: In front?

23 MR. AIZENSTAT: Each side.

24 CHAIRMAN KORGE: I'm not sure I understand
25 why --

1 MR. AIZENSTAT: In order to go ahead and do
2 your access.

3 MR. COE: It's going to be an RV that's
4 stacked, right?

5 MR. AIZENSTAT: I mean, I don't know how
6 that's going to look.

7 MR. COE: An RV that's stacked.

8 MR. RIEL: If that's what the Board would
9 like us to do some further research as a part of the
10 townhouses, we can certainly remove that rear access,
11 but I tell you, from -- you know, and Dennis, I don't
12 know if you want to comment.

13 MR. AIZENSTAT: I mean, Dennis -- please.
14 I'm sorry.

15 MR. SMITH: I'm sorry, I can't get through
16 there. I have to go on a diet or something. The --
17 actually, those provisions for town homes in the MFSA
18 district, what happens is, most of the areas where
19 you'll be putting the town homes along Valencia and
20 Almeria, they have an alley. There are a limited
21 number of sites, like on Santander, where you don't
22 have an alley. So it's very limited, to two or three
23 small areas, and in those two or three small areas,
24 the sites already have been assembled. So the people
25 that have those sites, they're going to develop them

1 as a 250-by-100-foot site and put their own access in
2 the back, and they can use a common shared driveway,
3 with a declaration of restrictive covenant.

4 And then there's one other site, near the
5 Venetian Pool, that goes from block to block, where
6 they'll be able to go in and do a courtyard-like
7 area. But in that zoning district, the fact of the
8 matter is, there are a very limited number of sites
9 where you have that. We had one case already, I
10 think it was on Santander, where we had the problem
11 with people having all the garages in the front. The
12 remaining sites will most likely be developed as
13 larger sites.

14 MR. AIZENSTAT: So you've already taken a
15 look at those sites?

16 MR. SMITH: Yes. Yes, I have.

17 MR. AIZENSTAT: And they either fall under
18 those two scenarios, there's nothing that falls other
19 than those two scenarios?

20 MR. SMITH: There's -- I don't recall, and
21 I've looked at them pretty carefully, any that are --
22 you know, like the 50-by-100-foot single would be a
23 single townhouse site, and if there would be one, it
24 would probably be gobbled up by the others.

25 MR. COE: That would be a duplex, if it was

1 one thing, anyhow.

2 MR. SMITH: If it's one, it would just
3 become a duplex. They could still do a duplex in the
4 apartment district, and as a duplex style, they could
5 have the garage on the front.

6 MR. AIZENSTAT: As a duplex, they can have
7 the garage in the front?

8 MR. SMITH: Uh-huh.

9 MR. COE: Yes.

10 MR. AIZENSTAT: Can they go -- as a duplex,
11 they can go two stories?

12 MR. SMITH: Yes.

13 MR. AIZENSTAT: Okay. Thank you, Dennis.

14 MR. RIEL: 5-71. Page 5-71, flat roofs.
15 Flat roofs were discussed as a part of the
16 single-family regulations. We inserted the correct
17 regulations and removed the previous regulations in
18 the Code.

19 5-72, metal roofs. We removed metal roofs,
20 because that's a separate discussion item, and for
21 those persons interested, that is scheduled for the
22 October 11th Planning & Zoning Board meeting, as the
23 second item that evening, for the Board to take
24 action. It was requested by the Commission that that
25 be extracted from the Zoning Code rewrite, so that's

1 why that was removed.

2 5-73, bay windows. Just a clarification on
3 the projection of bay windows. This was something
4 that was brought up at the last meeting.

5 5-135, 5-138 and 5-139, private yacht basin,
6 bed and breakfast, family day care. These are the
7 provisions that are in the current Code. We put them
8 in and created them as new divisions.

9 Appendix 8, which is the -- Appendix 8?
10 Article 8, which is the definitions. As a part of
11 the rewrite of the single-family regulations, the
12 definition of carport needed to be updated.

13 We clarified the definition of family day
14 care on Page 8-10, indicating it's pursuant to
15 Florida Statutes. And we also clarified, on Page
16 8-11, the FAR definition that was brought up by a
17 member of the public, just clarifying it, so --

18 That basically concludes my quick review of
19 the four -- four pages of addendums, and as I said in
20 the beginning, I feel, you know, very good that we've
21 had a lot of good input.

22 Will we continue to get input? Yes. Will
23 there be some more changes --

24 MR. COE: Where's the generators?

25 MR. RIEL: Generators is on its current

1 track, and I'm not sure -- I think it's scheduled for
2 second reading --

3 MR. COE: So this is -- that's going to be
4 separate?

5 MR. RIEL: That already is going to be in
6 the current Code. What we'll do is, when it's
7 adopted --

8 MR. COE: You'll lift it out?

9 MR. RIEL: -- we'll lift it out and put it
10 in here. We'll remember to put it in here.

11 Again, I just wanted to iterate, Staff is
12 having the workshop next week. We welcome additional
13 comments. We encourage written comments. I can't
14 tell you how much -- how helpful, the written
15 comments we received this week. It allowed us to
16 fully understand what the issues were. It allowed us
17 the opportunity to sit down with those individuals
18 and explain to them, and that's basically the intent
19 of next week's workshop, as well, is to allow the
20 public an opportunity, to kind of meet more in an
21 informal session, to ask us questions.

22 But again, I invite anybody in the public to
23 come meet with Building & Zoning Staff or Planning
24 Staff, if they have any questions or if they don't --
25 if they misunderstand any portion of the Code.

1 So, with that, Mr. Chair, I have nothing
2 further. If you all decide to make a recommendation
3 this evening, you do have the recommendation in the
4 Staff report. If you decide that additional work is
5 necessary, we can put this item on the October 11th
6 regular meeting. We do have a full agenda, but given
7 the fact that we've had the discussion, if you do
8 decide not to make a recommendation this evening, I'm
9 sure it would be quick that evening and it would not,
10 obviously, be a lengthy meeting so --

11 Dennis?

12 MR. SMITH: Yes. Unfortunately, last -- the
13 last time you went over this, I wasn't here, and I
14 just wanted to tell you that we've been looking at
15 the current document that's before you, with the
16 changes that Eric spoke about tonight, and this
17 Zoning Code is there. It's ready. There may be
18 some, you know, small changes that we find. People
19 may come up with a few more better suggestions.
20 We're still looking at the map, to make sure that the
21 things on the map correlate with the things in the
22 Zoning Code, but we've just about completed that.
23 But we're there. We've made a tremendous amount of
24 progress, and I am very comfortable with the document
25 at this point in time. And, you know, we're going to

1 continue to work on it with our -- with the Planning
2 Department Staff, and I think that the workshop will
3 give us one last good opportunity to try and, you
4 know, finish tweaking this thing and have the
5 finished product ready for the City Commission.

6 If you have any questions, I'll be more than
7 happy to answer them.

8 MR. COE: So Staff's recommendation, so I
9 understand it, is that this Board approve the Zoning
10 Code as -- in front of us, as delineated with the
11 changes, Mr. Riel, you've just made?

12 MR. RIEL: Page 3 of your Staff report.
13 We're asking for three motions.

14 MR. COE: Okay.

15 MR. RIEL: With the addendum. I forgot to
16 go -- if you want to have Walter go over the map we
17 went over at the last meeting, we can certainly do it
18 again, but we're asking for, basically, three
19 recommendations: Adoption of the Zoning Code,
20 including all articles and sections, including the
21 amendments outlined this evening, adoption of the
22 inconsistent property map, and recommendation of the
23 new zoning map.

24 CHAIRMAN KORGE: Does anybody want to go
25 over the map again?

1 MS. KEON: I have a question on one of the
2 things you brought up before.

3 CHAIRMAN KORGE: Do you want to do that now
4 or do you want to take public input?

5 MS. KEON: Whatever you want.

6 CHAIRMAN KORGE: Well, I was thinking,
7 first, if there is any presentation on the map, are
8 there any changes to the map from the last time it
9 was presented?

10 MR. CARLSON: Other than the one change
11 which Mr. Riel presented to you, with changing the
12 properties along Segovia and on the west side of
13 LeJeune to MF1, there is no changes to what --

14 CHAIRMAN KORGE: They're back -- they're
15 back to the duplex zoning.

16 MR. CARLSON: That's -- they're MF1 Duplex.

17 CHAIRMAN KORGE: As it exists on the current
18 map?

19 MR. CARLSON: That's correct. And other
20 than that, there's no other change to either the
21 inconsistent properties, which are the 19 properties,
22 or the zoning map, other than that one change.

23 CHAIRMAN KORGE: Well, what I'd like to do,
24 unless, you know, the Board members feel differently,
25 is to take the public input, and then afterwards

1 we'll get the Board input and move forward from
2 there.

3 So, would you call -- please call the
4 speakers?

5 MR. COE: Have they been sworn yet, Mr.
6 Chairman?

7 MS. HERNANDEZ: Well, it's the Zoning Code
8 rewrite.

9 CHAIRMAN KORGE: They don't need to be.

10 MR. COE: Oh, that's right. They don't
11 need to be sworn.

12 MS. MENENDEZ-DURAN: Mary Naccarato?

13 CHAIRMAN KORGE: No, the first one is Mr.
14 Pardo.

15 MS. MENENDEZ-DURAN: I'm sorry, yes, we
16 have Mr. Pardo.

17 Mr. Pardo.

18 MR. PARDO: Thank you.

19 MR. COE: Is it going to be three minutes
20 per person?

21 CHAIRMAN KORGE: Right, and she's going to
22 work the timer.

23 MR. COE: So now the machine is on?

24 MR. BEHAR: Jill, Attachment B, I don't have
25 in here.

1 (Inaudible comments between Board members)

2 MS. MENENDEZ-DURAN: One second, please.

3 You can start, Mr. Pardo.

4 MR. COE: Who installed the battery?

5 MR. PARDO: Start?

6 MS. MENENDEZ-DURAN: Uh-huh.

7 MR. PARDO: Good evening. For the record,
8 my name is Felix Pardo. My home address is 421
9 Cadima Avenue, Coral Gables.

10 I just wanted to, first of all, start my
11 comments by thanking all of you for listening to me
12 the last time I was here, and also thanking Staff for
13 listening very carefully and making most of those
14 changes and putting them into this particular version
15 that you have.

16 I also would like to thank, at this time,
17 the Commission meeting that went on yesterday, early
18 in the morning, where they also gave specific
19 directions to Staff about the duplex concerns that my
20 entire neighborhood had.

21 Bill Kerdyk had a town hall meeting at the
22 Coral Gables Youth Center last week, and he had quite
23 an awakening by the -- by the -- by the neighbors,
24 and the neighbors don't want to change the current
25 duplex zoning anywhere to the multi-- multi-apartment

1 district, which would then provide the ability to go
2 with townhouses, because of the height and the
3 density and all of these things.

4 So I'm very, very happy if this thing gets
5 approved that way. Once the workshop goes through
6 next week, I think, you know, we're going in the
7 right direction.

8 I do want to make sure that you do
9 understand that -- you understand that I do have,
10 still, reservations about certain things. For
11 example, you know, one of the -- little mistakes
12 happen, especially when you're taking an undertaking
13 as enormous as the entire City, you know, both this
14 side and down on the south side. One of the mistakes
15 that occurred, you know, last time, in the zoning map
16 that you all saw, that said "Final subject to further
17 review and changes," is that Doctors Hospital, all of
18 Doctors Hospital, was colored the same color as the
19 University of Miami. Staff, since then till now,
20 changed that particular color. That was a simple
21 little mistake, but it's not a little mistake.
22 That's why, you know, you have to go very carefully,
23 neighborhood by neighborhood, taking a look -- taking
24 a good look at the colors, taking a good look,
25 also -- and you have to take this very carefully and

1 compare it with the existing zoning map, to make sure
2 that you do a number of things.

3 First of all, to make sure that you're not
4 making a mistake of changing something the way it
5 shouldn't be.

6 The second thing is to make sure that it's
7 compatible with what you're trying to do.

8 And the third thing, really, is to make sure
9 that the neighbors are aware, because just changing a
10 color from blue to red, on a map that they're not
11 even looking at, could just alter and make their
12 lives absolutely, you know, miserable.

13 Finally, what I wanted to say about this is
14 that I'm glad that all these changes have come about,
15 but I also think that the town hall meeting that
16 Commissioner Kerdyk had -- and one of the people in
17 the public was Commissioner Cabrera -- one of the
18 things that was important is that people are
19 realizing more and more on how their neighborhoods
20 get affected, because you can only anticipate so
21 much.

22 So what I'm saying is that because this
23 public hearing is coming up next week, it might be
24 prudent for you to continue looking at the map,
25 because, remember, approving just the written

1 component without the map makes it useless, because
2 there's nothing to apply it to, because the
3 nomenclature here is completely different. It's
4 coded to a map that has all to do with this.

5 So what I'm saying is, simply, be prudent
6 and listen to additional comments this evening and
7 then wait for your workshop that will be with the
8 citizens next week, and like Dennis said, you know,
9 "I've taken a look at the map," so have I, and
10 looking at these things, we've already found a
11 couple, you know, little mistakes, and some aren't
12 that little, and then with the workshop, you're just
13 becoming much more prudent in making a decision
14 that's going to affect the future of the City.

15 Thank you very much.

16 CHAIRMAN KORGE: Thank you.

17 MS. HERNANDEZ: Thank you.

18 MS. MENENDEZ-DURAN: Mary Naccarato?

19 MS. NACCARATO: Good evening, Board

20 Members, and Ms. Hernandez.

21 MS. HERNANDEZ: Hello.

22 MS. NACCARATO: I wrote a memo to Mr. Korge
23 and Mr. Riel --

24 MR. RIEL: Can you state your name and
25 address?

1 MS. NACCARATO: I beg your pardon?

2 MR. RIEL: Name and address?

3 MS. KEON: Your name.

4 CHAIRMAN KORGE: State your name and
5 address --

6 MR. RIEL: State your name and address.

7 CHAIRMAN KORGE: -- for the record.

8 MS. NACCARATO: Mary Naccarato. I own and
9 reside in a duplex at 3500 Segovia Street. I have
10 been there since 1987.

11 I need a new roof. I'm here tonight just to
12 talk about the metal roof, even though I found out
13 that you were going to have another separate meeting
14 about it, but I said in my memo to Mr. Korge and Mr.
15 Riel that I would be here tonight, and I believe in
16 keeping my commitments. I said I'd be here and I'm
17 here, but I will be at the October 11th meeting and
18 discuss it in detail.

19 I just want you to know that I need a new
20 roof, I'd like a metal roof, and I will discuss it in
21 greater detail when I see you next on October 11th.

22 Thank you.

23 MR. AIZENSTAT: Thank you.

24 MS. MENENDEZ-DURAN: P.J. and Ralph Martin?

25 MR. AIZENSTAT: Jill, what was that name,

1 again, please?

2 MS. MENENDEZ-DURAN: Martin.

3 MR. MARTIN: I'm Ralph Martin, 241 Aledo,
4 and I just wanted to ask the question about which
5 comes first, the rezoning that's going on now or a
6 resolution that's existing? And I speak mainly about
7 Coconut Grove Section, 1. Which would come first?
8 Which takes precedence?

9 MS. HERNANDEZ: Well, the Zoning Code is not
10 overturning any resolutions that are in place that
11 have been approved by the City Commission.

12 MR. MARTIN: No, that's -- well, I don't see
13 it that way.

14 MS. HERNANDEZ: Okay.

15 MR. COE: Well, the City does.

16 MR. MARTIN: And if I may, I've got some
17 things that I could pass out to you, if we've got the
18 time to do it, and then I'll talk about it. And I
19 hope it makes sense.

20 MR. AIZENSTAT: Thank you.

21 MR. COE: Thank you.

22 MS. HERNANDEZ: Thank you.

23 MR. MARTIN: I'd like to regress back to
24 1973, and this is the letter that I wrote, and
25 anyplace that you see Commercial should be changed,

1 and I didn't rewrite this, but it should be changed
2 to MX1 or MX2. I'm not -- I'm like Mr. Pardo, I'm
3 not for townhouses.

4 So, having said that, if you just want to
5 glance at the letter that I wrote in 1973, and then I
6 also included a map, which is an aerial photo, which
7 is furnished by the City of Coral Gables, which
8 outlines LeJeune, Bird Road, Ponce de Leon, all the
9 way up to the corner of LeJeune and University Drive
10 and maybe San Sebastian, all in that area.

11 Okay, so this was sent to us, notifying us
12 that they wanted to go commercial. This was a group
13 of people that wanted to take this to commercial,
14 make the bottom mixed-use and the top livable. Okay,
15 as you can see, I'm against it.

16 So, in the last page, this was brought
17 before the Commission. So here we've got Resolution
18 Number 19320, that's been in effect for 33 years,
19 which says there shall be no rezoning or changing,
20 and all five of them voted yea.

21 So what I'm trying to say is, I don't want
22 any townhouses on LeJeune Road, on Bird Road, on
23 Ponce de Leon, and/or, as Dennis was talking about,
24 Santander.

25 If you take a look at the map that you got,

1 and I'm getting off course here, it wasn't the way I
2 wanted to go, but Santander, if you look at it, and I
3 think it's on the map as 38, it's got gold and
4 yellow, and I want you to think about that if you
5 lived on Malaga, which backs up to Santander, how
6 would you like to have somebody on Sebastian build
7 nine units on one duplex lot? How would you like --
8 if you lived there, how would you like it backed up
9 to you?

10 So I'm strictly against townhouses,
11 especially, and this -- this Santander is not within
12 this boundary of this aerial photo. Okay? It's not
13 within that boundary.

14 I kind of got off course there. So, as I
15 said before, a group of people wanted to change the
16 zoning in Coconut Grove Section, Part 1, from
17 single-family duplex to commercial and mixed-use,
18 and I've given you the resolution. So the City would
19 allow, in a duplex, a business downstairs, living
20 quarters upstairs, or side by side. And I also
21 referred you to the aerial photo.

22 The other thing is -- and I might be
23 corrected here, but I don't agree with Mr. Riel about
24 30 some odd notifications and properly notifying
25 everybody, and I have proof here that, as Mr. Pardo

1 said, everybody -- and if you stop and think about
2 it, on this thousand-foot thing that everybody keeps
3 yelling about, is that I live on Aledo and Salzedo.
4 Well, I'm 500 feet from Ponce and I'm 500 feet from
5 LeJeune, and I haven't got the first notification
6 from them, not yet.

7 Now, back in 1937 (sic), they sent you this
8 notice, and it has a number on it. It's a numbered
9 notification, and here it is, 201, okay? All of us
10 got it, and I'm going to tell you, in 1973, you
11 couldn't sit in here. They were all out in the
12 hallway. That's one of the reasons why the
13 Commission turned it down.

14 CHAIRMAN KORGE: I'm sorry, I'm confused.
15 Are you referring to the Old Spanish Village that was
16 recently approved? Is that what you --

17 MS. HERNANDEZ: No.

18 MR. MARTIN: Okay, the Spanish Village
19 happens to be in the Crafts Section.

20 MS. KEON: That's outside of this.

21 CHAIRMAN KORGE: Okay, that's not what
22 you're concerned about?

23 MR. MARTIN: Pardon me?

24 CHAIRMAN KORGE: I'm just confused. What
25 area are you talking about?

1 MR. MARTIN: Coconut Grove Section, Part 1,
2 and it kind of goes -- look at the aerial photo.
3 That's it.

4 MS. KEON: Below that area.

5 MR. MARTIN: That's the whole thing. Look
6 at the dotted lines. That's the whole smear, right
7 there.

8 CHAIRMAN KORGE: And you're saying that the
9 current zoning proposal, the current rewrite, would
10 rezone all of this area?

11 MR. MARTIN: Yes, sir. If --

12 MR. COE: No.

13 MR. RIEL: No, it doesn't.

14 MR. MARTIN: Now, wait a minute.

15 MR. RIEL: It doesn't.

16 MR. MARTIN: MX1 -- MF1 and MF2, according
17 to this addendum, that the Commission has said shelve
18 that for now, okay? But they come back and they say,
19 "Okay, Staff recommends that we go with MF1 on
20 LeJeune -- "

21 CHAIRMAN KORGE: We're not -- we're not
22 going to approve that MF1 at this hearing, so that's
23 really -- this isn't the time for -- we know the
24 objections. This isn't the time to dwell on it
25 because, quite frankly, we're not going to approve it

1 now.

2 MR. MARTIN: Uh-huh.

3 CHAIRMAN KORGE: So it's not going to happen
4 now, in any event. When it is up for consideration,
5 if it's brought back -- I don't know if it will be
6 brought back, but if it is, at that time, then, you
7 need to come and describe your concerns.

8 MR. MARTIN: Okay, but we're also discussing
9 townhouses, aren't we?

10 CHAIRMAN KORGE: But not in this area.

11 MR. COE: No.

12 CHAIRMAN KORGE: Not in this area, no.

13 MR. MARTIN: Okay. Let's say that the
14 Spanish Village --

15 MR. COE: Spanish Village is not being
16 discussed, either. It's a completely separate issue.

17 MR. MARTIN: Yeah, but it sets a precedent
18 for the rest of it.

19 MR. COE: Spanish Village, sir --

20 MS. HERNANDEZ: Has been approved.

21 MR. COE: -- is completely different. It's
22 been approved by the City Commission. It has nothing
23 to do with this.

24 MR. MARTIN: Okay. How about Sebastian, San
25 Sebastian? I just mentioned that a minute ago. It's

1 on your map and -- okay, if you think that --

2 CHAIRMAN KORGE: We're not approving --

3 MR. MARTIN: -- we're just going to let this
4 rest, and I can come back later --

5 CHAIRMAN KORGE: Absolutely, and we're not
6 approving any change to townhouse in this area.
7 We're not.

8 MR. MARTIN: Well, when this addendum says
9 that the Staff recommends LeJeune, I'm not for it.
10 Let me give you an instance. I have four houses
11 under my name, and they're all within the
12 thousand-foot range. One's on Cadima, the other one
13 is on Salzedo, another one is on Aledo, and another
14 one is on Aledo, all in the Martin name, and I'm
15 against this, because it sure would cause chaos, I
16 think. You don't have any parking, and this front
17 thing about -- I think I should be able to talk about
18 what they talked about, which is townhouses having
19 garages in the front. That's ugly.

20 MS. KEON: But I think --

21 MR. MARTIN: Yes, ma'am.

22 MS. KEON: -- what they're trying to
23 explain to you or tell you is that tonight, because
24 of the concerns that have been raised and because
25 they believe that there's a need to really educate

1 the public on what they want, what they expect a
2 townhouse to look like, and what the actual density
3 would actually be, because of other conditions in the
4 Code and all kinds of things, that the whole issue of
5 townhouses and their placement in these areas that
6 were talked about have been pulled out of this
7 discussion.

8 They're going to come back before the
9 Planning & Zoning Board, and I'm sure if you give
10 your name to Mr. Riel as to where you would like to
11 be noted -- notified, when that discussion comes
12 back, he will notify you. That isn't going to be
13 discussed -- that won't be voted on tonight. It will
14 be voted on or talked about at a later date, at a
15 later discussion, but for now, it won't be done.

16 MR. MARTIN: See, I'm really not talking
17 about anything that they haven't already talked
18 about.

19 MS. KEON: Okay.

20 MR. MARTIN: I'm talking about the same
21 thing that he talked about and Dennis talked about.

22 MS. KEON: Right.

23 MR. MARTIN: So I'm not getting out of line
24 with it. Now, the next --

25 MS. KEON: No, no, no. Yeah, absolutely,

1 and the whole issue of design -- you know, that's why
2 he said they want to come back --

3 MR. MARTIN: The next thing is, in my
4 opinion -- this is my opinion -- on this resolution
5 thing that I gave you, and when they notify you, for
6 a section that's that big on that aerial photo --

7 MS. KEON: Yeah.

8 MR. MARTIN: -- we ought to be notified,
9 that whole section, by now --

10 CHAIRMAN KORGE: Is that working?

11 MR. AIZENSTAT: Yeah. She beeped it a while
12 ago.

13 MS. MENENDEZ-DURAN: Yeah, it's been over
14 five minutes.

15 MR. MARTIN: And that way, we'd fill this
16 room.

17 CHAIRMAN KORGE: Thank you. Be sure to give
18 your name to Mr. Riel or to the lady at the end here,

19 and they will contact you when it's time for the --

20 MR. MARTIN: Okay, the first question I ask,
21 and then I'll sit down --

22 MR. COE: Sir -- sir, in all due respect,
23 sir, there's other people that would like to speak.

24 MR. MARTIN: Okay. Well --

25 MR. COE: You've already gone far beyond

1 your time.

2 MR. MARTIN: -- I was watching the light. I
3 didn't see it.

4 CHAIRMAN KORGE: I didn't see it, either.
5 That's why --

6 MR. COE: The lights are working.

7 MR. MARTIN: Okay, I'm sorry.

8 MR. COE: The lights are working.

9 MS. KEON: No, that's fine.

10 MR. MARTIN: But anyhow, I wanted to know
11 about the resolution, if we could look into that.
12 Does it overwhelm --

13 MR. COE: What resolution?

14 MR. MARTIN: -- this?

15 MS. HERNANDEZ: The resolution you provided
16 to us was fine at the time. The City Commission can
17 revisit any decision it has made and overturn it,
18 change it, change it with conditions, or do what it
19 believes to be in the best interests of the City.

20 MR. MARTIN: In the meantime, it holds?

21 MS. HERNANDEZ: In the meantime, it holds.

22 MR. MARTIN: Okay.

23 MR. COE: In the meantime, it holds, sure.

24 MR. MARTIN: Thank you.

25 CHAIRMAN KORGE: Call the next witness, and

1 will you let us know when the light goes off?

2 Because I can't see any light going off.

3 MS. MENENDEZ-DURAN: The first light --

4 MR. AIZENSTAT: I'll let you know.

5 MR. COE: I don't think it's working. I
6 don't think the lights are working.

7 MR. AIZENSTAT: Yeah, it is.

8 MS. KEON: It is.

9 MR. AIZENSTAT: They are.

10 MS. KEON: It is.

11 MR. AIZENSTAT: Sure.

12 MS. MENENDEZ-DURAN: That's 30 seconds left.

13 MR. COE: You weren't doing that, then.

14 MR. AIZENSTAT: Yes, she was.

15 MS. HERNANDEZ: Yes, she was.

16 MS. MENENDEZ-DURAN: Uh-huh.

17 MR. COE: Was she?

18 MR. SALMAN: Yes, she was.

19 MS. HERNANDEZ: We're all watching. We're
20 going to try -- we're going to try an electric volt
21 to the chair.

22 MS. MENENDEZ-DURAN: Larry Horton, please.

23 MR. HORTON: Hello. My name is Larry
24 Horton. I live at 6604 Leonardo Street, Coral
25 Gables, and I'll try to be brief.

1 I'd like to request that the recommendation
2 the Planning & Zoning Board made on September 4th,
3 2006, to modify the current ordinances regarding the
4 parking of trucks in the City of Coral Gables,
5 Ordinance Number 4-411 and 412, be incorporated into
6 the new Zoning Code.

7 My understanding is that one purpose of the
8 Zoning Code rewrite is to modernize ordinances
9 contained within the Code which are obsolete or could
10 be improved. This recommendation is a very good
11 compromise to allow us to continue to maintain a
12 strong Zoning Code, while making allowances for
13 changes in our lifestyles and types of vehicles the
14 citizens of Coral Gables choose to drive.

15 This ordinance has had several problems, in
16 my view. It has been challenged in court, to my
17 knowledge, at least three times. This has required
18 the City to spend funds for legal expenses which
19 could be better utilized elsewhere.

20 In correspondence today with the Mayor, the
21 Mayor indicated that there's litigation underway now
22 regarding the ordinance. I'd like to ask the
23 Planning & Zoning Board to freeze enforcement of the
24 ordinance until the litigation is resolved. The
25 current ordinance, the way it is written, specifies

1 trucks, not pickup trucks, but the City chooses to
2 enforce the ordinance only on pickup trucks. Other
3 larger trucks, such as Hummers, which are a
4 derivative of a military vehicle, and other SUVs, are
5 not being cited. This is unfair, as these vehicles
6 are basically very similar.

7 Also, the City of Coral Gables themselves
8 use and park pickup trucks within our neighborhoods
9 daily. I saw one today, as a matter of fact, on my
10 way to work, and the City's vehicles are by far more
11 unsightly than any pickup truck owned by a private
12 person within the City.

13 Visitors to residences within the City
14 cannot legally visit before 7:00 a.m. and after 7:00
15 p.m. if they use a pickup truck. Also, residents and
16 other visitors from outside the City cannot legally
17 park these vehicles on Miracle Mile to go to a
18 restaurant without fear of being cited during these
19 hours.

20 Citizens who own rental property cannot rent
21 to tenants who own pickup trucks, as it will result
22 in the homeowner being cited. I myself had to turn
23 down a tenant, and my then property manager,
24 Esslinger, Maxwell & Wooten, lost a \$2,000 commission
25 on the rental. This is an example of how the

1 ordinance has a negative effect on commerce within
2 City of Coral Gables.

3 Please, after all the time, effort and
4 expense devoted by the City Staff and Boards to
5 rewrite our new Code, let's incorporate the
6 recommendation of Plan A and approve the Code. Thank
7 you very much.

8 CHAIRMAN KORGE: Thank you.

9 MS. MENENDEZ-DURAN: Van Pau --

10 MR. WALLEGHEM: In the interest of time, if
11 I may, I would like to yield to Mr. Al Acosta,
12 vice-president of the Riviera Neighborhood
13 Association.

14 MS. HERNANDEZ: Thank you.

15 MS. MENENDEZ-DURAN: Amado Acosta.

16 MR. ACOSTA: If I may request that you
17 please don't push the button until I get in
18 position.

19 MS. HERNANDEZ: Too late, too late.

20 MR. COE: Your time is up already.

21 MS. HERNANDEZ: We pushed it when she called
22 your name.

23 MR. ACOSTA: I appreciate it very much. I
24 still have one chart coming up, if I can find it.

25 MR. BEHAR: "My time -- my clock hasn't

1 started yet."

2 MR. ACOSTA: Thank you very much, Mr.
3 Chairman and Members of the Board. I'm Amado, also
4 nicknamed "Al," Acosta, vice-president of the Riviera
5 Neighborhood Association. I've been here on behalf
6 of the association many times throughout the rewrite
7 process, and as you know, we have over 200 households
8 represented in our association. So I'm proud to have
9 a few of our board members here, if you could stand
10 up, please?

11 Thank you.

12 We didn't think that it was appropriate to
13 bring more members, but you will recall the time, on
14 May 10th, when we made our presentation on the
15 visioning plan, when we had over 70 members present
16 here. Do you recall that? Thank you.

17 MR. AIZENSTAT: Flip it up.

18 MS. HERNANDEZ: It's upside-down.

19 MR. COE: It's upside-down.

20 MR. ACOSTA: Upside-down. All right.

21 Well, in your handout, you have a copy of
22 this map --

23 MS. HERNANDEZ: Right.

24 MR. ACOSTA: -- which represents, the yellow
25 lines, the area that we live in. And as you can see,

1 the boundary is, on the west side, Red Road; on the
2 east side, Maynada; on the north side, U.S. 1; and on
3 the south side, you have Sunset. You know all the
4 high development taking place along Red Road, U.S. 1
5 and Sunset. All this area here, where -- the orange,
6 are the homes, individual residences, which are proud
7 owners that have lived in the area many, many years,
8 but that now are subject to the influence of the
9 development in the perimeter.

10 So, with that in mind, and recalling that
11 our area is a very special and fragile area, we have
12 put together a letter, which you now have in front of
13 you, along with that map. And of course, we first
14 thank you for the things that you have already added
15 in the current revisions, and we are very happy to
16 see that some of the concepts that we had have been
17 incorporated. So I'll skip those right now and just
18 thank you all and Staff for that.

19 But things that are still pending is item
20 number one, whereas the proposed Code, 4-301, B, 4,
21 would now permit drive-through banking on Caballero
22 Boulevard and South Alhambra Circle. I think I heard
23 today, but I don't know -- and maybe Mr. Riel can
24 correct me on this. I heard today that the drive-in
25 facilities under the revision that was reviewed by

1 him tonight would not apply when they're adjacent to
2 single-family homes.

3 Is that correct?

4 MS. KEON: Right.

5 MR. RIEL: I need -- I just got this, two
6 minutes ago --

7 MR. ACOSTA: Okay.

8 MR. RIEL: -- so it's very difficult for me
9 to comment.

10 MR. ACOSTA: But please bear in mind that
11 that would bring a lot more increased traffic in an
12 area that is already congested, and we ask that you
13 do not allow drive-in windows in that area.

14 CHAIRMAN KORGE: Yeah, it says drive-through
15 facilities on property not adjacent to SFR or MF1
16 districts, Single-family Residential or
17 Multi-family 1 districts.

18 MR. ACOSTA: Okay.

19 CHAIRMAN KORGE: So it seems to be pretty
20 clear.

21 MR. ACOSTA: It seems to be clear, then,
22 that that won't happen there.

23 CHAIRMAN KORGE: I don't know what adjacent
24 means.

25 MS. KEON: Next to.

1 MR. SALMAN: Adjacent, next to, across the
2 street or --

3 MR. RIEL: Right.

4 MR. SALMAN: Adjacent is defined in the
5 Code, and believe me, it's pretty wide.

6 CHAIRMAN KORGE: So I think that's been
7 addressed. We've got to move along. You know,
8 you've run out of time.

9 MR. ACOSTA: Yes, and I'm just answering
10 your question. That's why I'm going to move right
11 along.

12 On item number two, very, very important,
13 the Mediterranean bonus plan has worked well for the
14 City in the areas where you have needed that, in the
15 central districts, in the business districts, but
16 when you have an area immediately adjacent to a
17 residential area, all it does is add two more floors
18 and more density. We ask you to please restudy that
19 and allow at least a 500-foot radius away from
20 residential areas wherever the Mediterranean bonus
21 would apply.

22 The same thing for the planned area
23 development. Planned area development, the way it
24 is, it has served the City well in certain areas, but
25 when you have that immediately adjacent to a

1 residential area, it brings a lot of bad effects in
2 the area, and we ask you to please look at that
3 again, because at least 500-foot, it should be.

4 And finally, the matter of the 1,000 feet
5 notification. You've heard me, several times, bring
6 that up. Mr. Riel and I, and actually Mr. Brown and
7 I, had a meeting on that matter, and Mr. Riel came up
8 with a clever -- the clever solution about having the
9 board agendas on the web page, so that citizens can
10 better prepare ahead of time, and that would have
11 worked fine, except that the agendas, Mr. Riel, are
12 not being updated, and the day before, or even the
13 day of the meeting, they don't have the current
14 agenda. So it's difficult for the citizens to
15 react. We need more than a thousand feet. We need
16 two thousand feet.

17 And that concludes this, and I thank you for
18 the extra time you allowed me.

19 CHAIRMAN KORGE: Thank you.

20 MS. MENENDEZ-DURAN: Mike Jullie?

21 MR. JULLIE: I'm deferring to Al. If you're
22 finished --

23 MS. KEON: Thank you.

24 MS. MENENDEZ-DURAN: Jaime Saldarriaga?

25 MS. HERNANDEZ: Who?

1 MR. SALDARRIAGA: Good evening. My name is
2 Jaime Saldarriaga, and I'm here to oppose -- and I'm
3 going to read my statement, rather than --

4 I'm here to oppose the proposed reduction in
5 height for the duplexes within the moratorium area,
6 now referred the new Code as the special area MFSA.

7 When we negotiated building heights,
8 building mass, in part, for this area, I specifically
9 asked -- and this was during the moratorium
10 discussions. I specifically asked, and it's in the
11 public records of these minutes, what was the sense
12 of negotiating with the City if tomorrow the City
13 could turn around and change what was negotiated?
14 I was told by the Commission that it was not the
15 intention of the Commission to change the moratorium
16 at a later date, which is what you are doing now by
17 reducing the height.

18 The moratorium ordinance has a height of 45
19 feet for buildings abutting, contiguous or adjacent
20 to single-family homes, except that no portion of any
21 building within 50 feet of any property line shall
22 have a height of 35 feet. The proposed Zoning Code
23 reduces the duplex height within the moratorium to 29
24 feet, while keeping the townhouse height at 45. The
25 logic for the above height disparity escapes me. It

1 makes no sense, especially when one considers that
2 the Segovia and LeJeune Avenue duplexes border very
3 wide streets and the Almeria townhouses face narrow
4 streets, and there are other areas within the
5 moratorium.

6 By making the duplexes within the MFSA
7 district subject to the MF1 standards, you have, in
8 fact, created a district within a district.

9 Finally, I want to point out that it's very
10 difficult for the residents of Coral Gables like me
11 to keep abreast of the changes to the moratorium. If
12 you look at it, there are all kinds of mistakes,
13 changes. If -- and I was looking at the revision
14 that I got for June 12th, the one September, and the
15 one I just downloaded from the web, and there are all
16 kinds of mistakes, changes, differences. You know,
17 it's very difficult for us that are not continually
18 doing that. Thank you.

19 MS. MENENDEZ-DURAN: Phyllis Saldarriaga?

20 MRS. SALDARRIAGA: Good evening. My name is
21 Phyllis Saldarriaga, and I live at 2711 Segovia
22 Street. I'm here because I object to the reduction
23 in height of duplexes from 34 feet to 29 feet, and I
24 have two questions for this Board.

25 I happened to review all of the meetings and

1 the minutes of the meetings, and I can't find the
2 time when this Board made a decision to lower the
3 height of duplexes from 34 feet to 29 feet. Can you
4 please tell me when that happened?

5 CHAIRMAN KORGE: I don't think we made that
6 decision yet, have we?

7 MR. RIEL: The policy direction was to draft
8 it and reduce it to 29.

9 MRS. SALDARRIAGA: According to Mr.
10 Riel's -- according to you, Mr. Riel, we got a -- we
11 got an e-mail from you, and you said that the
12 Planning & Zoning Board made the decision to reduce
13 the height from 34 feet to 29 feet, because of the
14 people in the audience who wanted that. So I'm
15 totally confused.

16 And then we went to a City employee, and the
17 City employee said it wasn't the Planning & Zoning
18 Board who made that decision, it was the Commission.
19 So I am very --

20 MR. COE: I think the latter --

21 MRS. SALDARRIAGA: I'm very confused and I'm
22 upset, because --

23 MR. COE: Ma'am, I think the latter was the
24 accurate statement. I think it was the Commission
25 and not this Board.

1 MRS. SALDARRIAGA: It was the Commission,
2 and what really upsets me is that during the time
3 that they were having the moratorium, which happened
4 to be created by Mayor Slesnick, when he was -- when
5 he was talking about the Valencia corridor, he wanted
6 to down-zone buildings that we happen to own, and of
7 course, we were very upset by that. And they assured
8 us at the Commission meeting that the zoning rewrite
9 was going to simplify and organize the Code. It was
10 not the intention to take away our zoning rights, and
11 I feel that if you reduce the duplex height from 34
12 feet to 29 feet, I think that's a taking. Is that
13 correct?

14 MS. HERNANDEZ: I disagree, but I have two
15 issues that you have raised. One is, you want to
16 know when it -- who made the decision to go from 34
17 to 29 --

18 MRS. SALDARRIAGA: Yes.

19 MS. HERNANDEZ: -- and you want records to
20 show that.

21 MRS. SALDARRIAGA: Yes, I would like to know
22 that.

23 MS. HERNANDEZ: Okay. We will get you those
24 records. It is my opinion that reducing the height
25 from 34 feet to 29 feet is not a taking, so I would

1 not agree with you on that.

2 MRS. SALDARRIAGA: Huh. Well, Greenberg &
3 Traurig agrees with me.

4 MS. HERNANDEZ: Well, but that's good. You
5 know, that's what lawyers love.

6 MRS. SALDARRIAGA: Yes.

7 And also, I object to this -- I just got
8 this new map of Multi-family 1 Duplex. On the other
9 maps -- now, Segovia Street is within the boundaries
10 created by the moratorium, which is the --

11 MR. COE: Ma'am, which map are you
12 referring to?

13 MRS. SALDARRIAGA: -- multi-family special
14 area district.

15 MR. COE: Excuse me, which map are you
16 referring to? There's a lot of maps right now.

17 MRS. SALDARRIAGA: Multi-family 1 Duplex.
18 They made a change from last week or from two weeks
19 ago. They made a change, because Segovia Street --

20 MR. COE: The left side is -- if you're
21 looking at the same map -- ma'am, if you're looking
22 at the same map I am, the left side is current and
23 the right side is the recommendation.

24 Yeah, current, recommendation.

25 MRS. SALDARRIAGA: Right. Now --

1 MS. HERNANDEZ: You have to go to the mike.

2 MRS. SALDARRIAGA: The left side --

3 MR. COE: Go back over here.

4 MRS. SALDARRIAGA: The left side, you have
5 Segovia Street, which is part of the multi-family
6 special area district. Now, you can't change that.
7 That was established in the moratorium. And the
8 height of 34 feet, at that time, was never discussed,
9 so it has to stay that way. You can't change what
10 happened in the moratorium. You didn't change 34
11 feet to 29 feet. You allowed us to have 34 feet
12 height on Segovia Street, during the moratorium.

13 MS. HERNANDEZ: The Commission and the
14 Planning & Zoning Board can change their position on
15 something, so --

16 MRS. SALDARRIAGA: After a moratorium --

17 MS. HERNANDEZ: Yes, but --

18 MRS. SALDARRIAGA: -- was created?

19 MS. HERNANDEZ: Yes, but the issue is that
20 you're objecting to any change --

21 MRS. SALDARRIAGA: Yes.

22 MS. HERNANDEZ: -- you know. They can have
23 public hearings, receive input, and then make a
24 change. That can happen. It's important for you, if
25 you believe that it's inappropriate, to object. But,

1 you know --

2 MRS. SALDARRIAGA: Yes, but when they make
3 these changes --

4 CHAIRMAN KORGE: Your concern is that --

5 MRS. SALDARRIAGA: That I haven't been
6 advised.

7 CHAIRMAN KORGE: -- that we made a decision
8 for these particular areas during that moratorium
9 period, and now, you know, not long after that
10 decision was made --

11 MRS. SALDARRIAGA: You're changing it.

12 MS. HERNANDEZ: They're changing it.

13 CHAIRMAN KORGE: -- there is a move to
14 reverse part of that decision, namely, reducing the
15 height by five feet, and we're going to discuss that
16 before we vote, so --

17 MRS. SALDARRIAGA: Yeah, and also --

18 MR. COE: Ma'am --

19 MS. SALDARRIAGA: -- my other objection
20 is --

21 MR. COE: Ma'am, also understand something.
22 When there's a moratorium, that means it's a
23 moratorium. That does not mean that that is now in
24 concrete, forever.

25 MRS. SALDARRIAGA: Huh. Well --

1 MR. COE: A moratorium -- you can look in
2 the dictionary. That's says it's a
3 temporary stopgap --

4 MRS. SALDARRIAGA: Yeah, I understand, but
5 there's a certain time --

6 MR. COE: -- situation that's going to be
7 held temporarily. Now, if the City --

8 MRS. SALDARRIAGA: No, but the moratorium is
9 held temporarily, but the results of the moratorium
10 are not temporary.

11 CHAIRMAN KORGE: After the moratorium, we
12 voted on rezoning of the area, to address --

13 MS. HERNANDEZ: She's just referencing the
14 moratorium for the area, location.

15 MRS. SALDARRIAGA: For the location, right.

16 CHAIRMAN KORGE: She's talking about the
17 results after the moratorium. We had -- you know,
18 you weren't on the Board at that time. We had all
19 these hearings --

20 MR. COE: Correct.

21 CHAIRMAN KORGE: -- and we made decisions,
22 changing the zoning of this area to address the
23 concerns that had caused the moratorium, and now
24 there's another change, and she's upset, obviously --

25 MR. COE: I understand. But if there's a

1 height --

2 CHAIRMAN KORGE: -- and I understand why.

3 MRS. SALDARRIAGA: Obviously, because all
4 the changes are being made on the streets where I own
5 property.

6 MS. HERNANDEZ: Right.

7 MR. COE: If the City Commission has already
8 voted on reducing the height of a duplex to 29 feet,
9 if that's what's happened, we certainly didn't do
10 that.

11 MR. RIEL: No, they didn't vote. They did
12 not vote.

13 MRS. SALDARRIAGA: Well, see, I -- okay.

14 CHAIRMAN KORGE: Let me just make this easy
15 for you.

16 MR. COE: We certainly didn't --

17 CHAIRMAN KORGE: We're going to discuss
18 that, we're going to vote on it, and we certainly
19 understand what you're trying to say. It's not
20 unreasonable. We really do understand it, and we're
21 going to discuss that.

22 MS. HERNANDEZ: Right.

23 CHAIRMAN KORGE: So, if there's anything
24 else besides the height restriction that you're --
25 that you want to address, you know, please do so,

1 because we got that point.

2 MR. AIZENSTAT: And also, ma'am, I think the
3 City Attorney did say that she would look into it.

4 MS. HERNANDEZ: Yes. You know, if someone
5 has told you that this decision was made, there has
6 to be a public record on it.

7 MS. SALDARRIAGA: Yes --

8 MS. HERNANDEZ: And we'll provide that you.

9 MRS. SALDARRIAGA: -- because Eric sent us
10 an e-mail.

11 MR. AIZENSTAT: But the City Attorney will
12 provide you with that information.

13 MR. COE: The reason why you haven't found
14 it in this Board's meetings is because I don't have
15 any recollection, since at least the last six months,
16 that we ever voted on it.

17 MR. AIZENSTAT: But why don't we leave it,
18 since --

19 CHAIRMAN KORGE: Well, we'll discuss that.
20 Is there anything else that you wanted to bring to
21 us?

22 MRS. SALDARRIAGA: No, no, and I want to
23 thank you for all of the work that you do. Thank
24 you.

25 CHAIRMAN KORGE: Thank you.

1 MS. MENENDEZ-DURAN: Ignacio Zabaleta?

2 MR. ZABALETA: Good evening, Mr. Chair,
3 Members of the Board. Ignacio Zabaleta, 2727 Salzedo
4 Street. Just a couple quick points, but important
5 ones. On Page 4-3, if you would look at Line 54.

6 MR. AIZENSTAT: Can you state where, again,
7 please?

8 MR. BEHAR: 4-3?

9 MR. ZABALETA: 4-3.

10 MR. AIZENSTAT: Which line?

11 MR. ZABALETA: 54.

12 CHAIRMAN KORGE: Setback requirements.

13 MS. HERNANDEZ: Hold on, hold on. Wait,
14 wait.

15 MR. COE: Wait a second, let us fish this
16 out.

17 MS. HERNANDEZ: 4-3, Line 54, yes.

18 MR. ZABALETA: 54. Okay, "Setback
19 requirements. No building or structure, or any part
20 thereof, including porches, projections" -- and
21 please focus on projections -- "or terraces, but not
22 including uncovered steps, shall be erected at a
23 lesser distance from the front, side or rear line of
24 any building site than the front, side or rear
25 setback distance," et cetera.

1 I could see a situation where someone might
2 interpret a roof overhang to be a projection, and
3 what that -- if you can imagine, that interpretation,
4 a 25-foot setback with a three-foot overhang, would
5 require you to set your building back at 28 feet.

6 MS. HERNANDEZ: I will look at that, but I
7 think it's existing language in the present Zoning
8 Code. But I will look at it, you know.

9 MR. ZABALETA: I had just -- I had never
10 come across this before. It's foreign to me.

11 MR. COE: It is existing.

12 MS. HERNANDEZ: It is existing?

13 MR. COE: It's existing.

14 CHAIRMAN KORGE: That was not our intent,
15 was it?

16 MR. COE: No.

17 CHAIRMAN KORGE: The setback, to change that
18 to --

19 MS. HERNANDEZ: Right. No, it was not the
20 intent on roof overhangs, but --

21 MR. SALMAN: Through the Chair, I believe
22 overhangs are specifically excluded from --

23 MR. COE: Yeah.

24 MR. SALMAN: -- setback requirements.

25 MS. HERNANDEZ: Yeah.

1 MR. BEHAR: They're listed --

2 MS. KEON: Yeah, here.

3 CHAIRMAN KORGE: In the new rewrite.

4 MS. KEON: Yeah.

5 MR. ZABALETA: No, it never has been.

6 MR. COE: No.

7 MR. ZABALETA: It never has been.

8 MR. COE: I think this is basically
9 recapitulating what's already there. I don't think
10 there's anything new. I think this is language
11 similar to the existing Code.

12 MR. ZABALETA: And then the second point is,
13 often what we have done, as architects, we have tried
14 to modulate the massing of buildings with, say, a
15 cantilevered balcony, a balcony which has no columns
16 that project down to the floor, and this plays with,
17 if you look at Page 4-5, on Line --

18 MR. COE: What line, sir?

19 MR. ZABALETA: Line 21, "Cantilevered
20 portions of the building above the ground floor or
21 roof overhangs that are greater than five feet shall
22 be computed in the calculation of the ground floor
23 area," et cetera.

24 So the premise has always been that as long
25 as your balcony or your overhang was less than five

1 feet, you were okay.

2 MS. HERNANDEZ: Right.

3 MR. ZABALETA: Additionally, I ask that you
4 would really consider adding the -- allowing
5 cantilevered balconies without columns extending to
6 the ground level to be -- thirty seconds -- to not be
7 counted in this setback issue. Imagine a 20-foot-
8 wide piece of building, up against the property line,
9 25 feet, and imagine a small balcony, four feet wide,
10 on the second floor. That's 20 percent of that
11 building width. It adds character. It breaks down
12 the massing. It gives a friendly face to the street.

13 So I would ask that you all consider that,
14 including that in this rewrite. Thanks.

15 MS. HERNANDEZ: No, no -- and if you -- do
16 you have a copy of the Code?

17 MR. ZABALETA: Of the what?

18 MS. HERNANDEZ: If you look at Section 5-73,
19 that might be of assistance to you, but we'll check
20 on your concerns.

21 MR. COE: That's the old Code, right, the
22 old Code?

23 MS. HERNANDEZ: No, the present rewrite.

24 MR. COE: Oh, yeah, okay.

25 MS. HERNANDEZ: Certain sections on the roof

1 and trusses and whatnot are in that -- in Section
2 5-73.

3 That might answer your question, it might
4 not.

5 MR. ZABALETA: Okay.

6 MS. HERNANDEZ: As to the other one, I
7 believe that this section went to the City
8 Commission, and I believe that it was part of a
9 desire to reduce the size of houses, but I'll check
10 into the record to see that.

11 MR. ZABALETA: Okay.

12 MR. COE: I think that was part of the
13 McMansion argument.

14 MS. HERNANDEZ: Yes.

15 MR. RIEL: Yes.

16 MR. COE: To reduce the size.

17 MR. SALDARRIAGA: That's Page 5-73, not
18 Section.

19 MS. HERNANDEZ: Right, it's at Page 5-73.

20 MS. MENENDEZ-DURAN: Santiago Echemendia?

21 MR. ECHEMENDIA: Good evening. Santiago
22 Echemendia, 1441 Brickell Avenue, on behalf of the
23 Dade County School Board.

24 If I may, through the Chair, I guess what we
25 wanted to confirm is that there's been a removal of a

1 table that listed who had TDRs and how many TDRs, and
2 we just want to confirm that the removal of that
3 table doesn't take away the TDRs, because the
4 methodology is still the same, but rather it simply
5 removes the table. So if I may, through the Chair,
6 we wanted that confirmation for the record.

7 If Mr. Riel could confirm that that is, in
8 fact, the case, we'd greatly appreciate it.

9 MS. HERNANDEZ: Mr. Chairman, if I may, that
10 is a legal determination. I have had correspondence
11 back and forth with Mr. Echemendia. I have advised
12 him that it is the opinion of my office that the
13 chart creates no new rights to any applicant or to
14 anybody who may have been listed in the chart, and it
15 is not for Mr. Riel to advise. It's a legal
16 determination, it's for my office to advise, and at
17 the present time, I would tell you to defer it back
18 to my office.

19 The chart creates no new rights or
20 privileges, and I've already discussed that with Mr.
21 Santiago Echemendia.

22 MR. ECHEMENDIA: Let me ask it a little
23 differently. There's an e-mail that you have in
24 front of you from Eric Riel, confirming the
25 transferable development rights that Coral Gables

1 Elementary has. I guess, to ask the question a
2 little differently, I would -- I guess the question
3 is, the modification of -- through the Chair to
4 Eric -- the modification does not nullify that
5 determination relative to the transferable
6 development rights --

7 MR. COE: Another legal question.

8 MR. ECHEMENDIA: -- insofar as nothing has
9 changed on the property, with the exception of the
10 proposed modification to the Historic Preservation
11 Ordinance.

12 CHAIRMAN KORGE: Liz?

13 MR. COE: That's another legal question.

14 MS. HERNANDEZ: That's still my position.
15 This is a --

16 MR. COE: Yeah, that's another legal
17 question.

18 MS. HERNANDEZ: -- legal determination.
19 It's appropriately in my office at the present time.
20 It will continue to be in my office.

21 CHAIRMAN KORGE: And you'll address it?

22 MS. HERNANDEZ: Yeah.

23 MR. ECHEMENDIA: We respectfully -- I mean,
24 with all due respect to Liz, Liz sent us an opinion
25 that basically said, if Coral Gables Elementary is

1 willing to submit all of its properties to the land
2 development regulations of the Comp Plan and the
3 Zoning Code, which we've done for Coral Gables
4 Elementary by covenant, because it's the only one
5 that has the TDRs, then the City would recognize the
6 TDRs. That's more of a policy statement than it is a
7 legal opinion. I mean, very clearly, to the extent
8 the Code is simply removing a table for purposes of
9 not having to amend that codified table all the time
10 and not changing the methodology, it is our opinion
11 that nothing is changing, and therefore, wanted it to
12 be clarified on the record.

13 If -- I will defer to Madam City Attorney.
14 I guess you're going to take her directive. But we
15 feel kind of sorely disabused that a fairly simple
16 factual question relative to the ramifications of the
17 Code cannot be answered.

18 You know, one step short of that, the way
19 that I was posing the question is, let's forget Coral
20 Gables Elementary entirely. There's a table with a
21 number of different property owners. The question
22 still stands. Does the removal of the table take
23 away their TDRs? Forget Coral Gables Elementary.

24 MR. COE: That's a legal question, and legal
25 counsel has said it's a legal question. I think the

1 Board should defer to the legal counsel's
2 recommendation.

3 CHAIRMAN KORGE: Well, let me ask a
4 question, because I'm kind of curious. Why is it a
5 legal question if we're removing the table? Why
6 isn't that a question of whether --

7 MS. HERNANDEZ: It's not just --

8 CHAIRMAN KORGE: Let me just finish my
9 question.

10 MS. HERNANDEZ: Okay.

11 CHAIRMAN KORGE: Aren't we -- isn't he
12 asking us what our purpose in removing the table
13 would be?

14 MS. HERNANDEZ: Okay.

15 MR. COE: He wants to know the legal effect
16 of that.

17 MS. HERNANDEZ: It's two questions, even
18 though he has one unasked question.

19 CHAIRMAN KORGE: Okay.

20 MS. HERNANDEZ: The School Board has
21 historically taken the position that none of its
22 properties are subject to the City's zoning or land
23 use plan.

24 CHAIRMAN KORGE: Okay.

25 MS. HERNANDEZ: The School Board is saying

1 that because the City has listed properties that are
2 in the TDR zone that are historic properties in a
3 chart, that they are entitled to the benefit of this
4 TDR, in response to the City's legal position that,
5 "No, you're not, because you're not subject to our
6 Zoning Code, and therefore, you can't take advantage
7 of our Zoning Code."

8 They said, "Oh, we're going to file a
9 covenant, subjecting this school to the Zoning Code."
10 The City's position is, "No, are all your schools
11 subject to the Zoning Code?" So that's the first
12 question.

13 The second question is, the chart was
14 merely -- and if you look at the ordinance in
15 place -- a reference material. And in the present
16 Code, you will see diagrams and charts. They do not
17 take precedence over the regulations that are in the
18 book.

19 CHAIRMAN KORGE: Right, so whether --

20 MS. HERNANDEZ: The regulations control.

21 CHAIRMAN KORGE: So whether they are in the
22 book or not doesn't matter?

23 MS. HERNANDEZ: It doesn't matter, because
24 the regulations control. I'm not saying that what's
25 there is the analysis that Staff would make,

1 separately. I'm not saying it is or it isn't.

2 CHAIRMAN KORGE: If it were in the Code, you
3 might have the same decision, you would have the same
4 decision --

5 MS. KEON: Would you?

6 CHAIRMAN KORGE: -- regarding whether or not
7 a TDR applies for this property?

8 MS. HERNANDEZ: Exactly.

9 CHAIRMAN KORGE: Yeah. So it's not -- we're
10 not going to validate, obviously, the rights --

11 MS. HERNANDEZ: Right.

12 CHAIRMAN KORGE: -- the TDR rights claimed,
13 simply because the table has been removed, and the
14 table doesn't --

15 MR. COE: The table -- I view the table as a
16 demonstrative exhibit under the Evidence Code of
17 Florida.

18 MR. ECHEMENDIA: We agree with you. That's
19 our legal opinion. We don't think the modification
20 takes away our TDRs. We wanted for the planners
21 proposing the rewrite to confirm that for the record.
22 The City Attorney is taking a policy position --

23 CHAIRMAN KORGE: The City Attorney is saying
24 that we're not sure we recognize that you have any
25 TDRs, and the fact you were in this table, whether

1 the table is in the Code or out of the Code, is not
2 going to establish the TDRs -- that's what she's
3 saying, and we certainly aren't going to, you know,
4 get in the middle of that one.

5 MR. ECHEMENDIA: I understand.

6 MR. COE: Counsel, you would agree that, as
7 any good client, we should defer to advice of
8 counsel?

9 MR. ECHEMENDIA: No, absolutely. I just --
10 the context really is, we don't believe it's taken
11 away. You have evidence in front of you that is a
12 determination by your Planning Director regarding the
13 exact number of TDRs that we have.

14 MR. RIEL: I'm sorry, Mr. Echemendia, that
15 e-mail is not from me. It's directed to me.

16 MR. ECHEMENDIA: I'm sorry, from Dennis
17 Smith to you, even better. I mean, in terms of from
18 a zoning perspective. I didn't mean that -- no
19 offense. No offense. In terms of from a numerical
20 calculation standpoint.

21 MR. COE: That's part of the record, anyway.

22 MR. RIEL: Don't you have a project --

23 MR. ECHEMENDIA: Anyway, I have another
24 item, so maybe if this could be taken up as an
25 additional three minutes, which is kind of a separate

1 item that the Riviera Homeowners Association is --

2 This is a behalf of Amace. Amace is the
3 property owner of what's referred to as Gables
4 Waterway, which is immediately across from where the
5 Metrobank EWM is. We've had an application in the
6 pipeline for approximately a year. There's a pending
7 plan amendment application. We've gone to Design
8 Review. We've gotten comments. We've been engaging
9 Staff for about a year. We're a little sorely
10 disabused that, notwithstanding the fact that we've
11 been engaging the Riviera Homeowners Association for
12 a year to participate in the charrette, they seem
13 intent on utilizing this process to try to down-zone
14 our property. We just want a level playing field.
15 We want to retain -- we don't want to be adversely
16 affected. We don't want an inordinate burden
17 vis-a-vis the proposed zoning rewrite. We're not
18 trying to utilize this process to gain an unfair
19 advantage by suggesting that you remove the
20 Mediterranean bonuses if you're within 500 feet from
21 a residential area, or the ability to file a PAD.
22 Coincidentally, we're filing a PAD.

23 So I would suggest to you that the comments
24 made by Mr. Acosta, who we have been engaging for a
25 year -- I've made a presentation in front of their

1 board, our architects have been engaging them, they
2 were involved in the charrette -- is not so much
3 talking about policy in this area, but our
4 application specifically, and making a -- you know,
5 making an effort to down-zone our property.

6 So we would ask you respectfully not to
7 entertain the removal of the Mediterranean bonuses
8 within 500 feet, leave it the way it is, or the PAD,
9 because we have a pending application.

10 This all may be moot, because we may be in
11 front of the Board of Adjustment -- the Board of
12 Architects with a pending application, anyways, in
13 which case we would be vested. But there are a few
14 points that I need clarification on, and I'm hopeful
15 that Liz will actually let Mr. Planning Director
16 answer these --

17 MS. HERNANDEZ: Maybe.

18 MR. ECHEMENDIA: -- because they're not from
19 a legal perspective.

20 Previously, I think I heard the planner say
21 that the 35-foot setback was -- currently, there's a
22 35-foot setback in the Code, and he basically picked
23 up the language from the residential district.

24 MR. AIZENSTAT: Are you talking about the
25 waterway setback?

1 MR. ECHEMENDIA: Yes. But in fact, that's
2 not really the case. Maybe I misheard him, but what
3 he's basically -- what the rewrite is doing is --
4 currently the Code says the setback shall be 35 feet
5 when used for occupancy for residential purposes. So
6 the 35-foot setback --

7 MR. COE: That's not the waterway.

8 MR. SALMAN: Yes, it is.

9 MS. HERNANDEZ: It is.

10 MR. BEHAR: Yes, it is.

11 MR. SALMAN: It is the waterway.

12 MR. ECHEMENDIA: Yes.

13 MS. HERNANDEZ: No, they're on the waterway.

14 MR. SALMAN: Through the Board -- through
15 Chair, that's always been in the Code. That 35-foot
16 setback from the waterway has always been in the
17 Code.

18 MR. COE: Weren't we talking about a greater
19 setback?

20 MR. SALMAN: And one of the reasons -- the
21 problem with it was -- let me finish. The problem
22 with it was that it was in an obscure section, having
23 to do with the waterway, and it wasn't part of the
24 general setback requirements.

25 MS. HERNANDEZ: But was it in the Code as to

1 single-family?

2 MR. SALMAN: What the Code is doing is
3 correcting that, to bring it back in --

4 MR. COE: To where it was.

5 MR. SALMAN: -- to where it needed to be --

6 MR. COE: That's what it was.

7 MR. AIZENSTAT: It should be --

8 MR. SALMAN: -- so everybody who owned
9 property on the waterway knows that the setback has
10 always been 35 feet, and will be 35 feet unless it's
11 granted a variance.

12 MR. COE: Mr. Salman --

13 MR. AIZENSTAT: Are you saying because
14 you're commercial, it should be different, as opposed
15 from residential?

16 MR. ECHEMENDIA: We don't want anything
17 changed. This is a change. Let me tell you what
18 that change is. The way it currently reads -- it's
19 always been in the Code. It reads, "Setback from
20 canal, waterway, lake or bay. On all buildings
21 abutting the canal, waterway, lake or bay, minimum
22 setback from the waterway for all buildings or
23 portions thereof, designed or used for occupancy by
24 residential purposes, shall be 35 feet."

25 By removing "for occupancy by residential

1 purposes" --

2 MS. HERNANDEZ: Right.

3 MR. ECHEMENDIA: -- in effect, what he's
4 doing is requiring the 35-foot setback on the
5 entirety of our commercial area, which previously did
6 not require a 35-foot setback. It was a 10-foot
7 setback.

8 MR. AIZENSTAT: So you're saying that,
9 commercially, you should not have to set back 35
10 feet? Is that your intention?

11 MR. ECHEMENDIA: I'm saying that
12 when Eric --

13 MS. HERNANDEZ: He's saying, leave it the
14 way it is.

15 We will look to see whether or not it's the
16 existing. We did have discussions with Mr.
17 Echemendia today on that. I think it's a valid
18 point, because we're taking the position, from
19 Staff's perspective, it's always been in the Code,
20 and he pointed out, "I think it's only as to
21 residential." So, as I advised him, we would look at
22 it.

23 MR. AIZENSTAT: Could we have Dennis --

24 CHAIRMAN KORGE: Dennis is shaking his head.

25 MS. HERNANDEZ: Oh, okay.

1 MR. COE: Maybe Dennis has it there. I
2 think --

3 MR. SMITH: He's looking at the wrong
4 section. It says, "for buildings designed and used
5 for occupancy for residential or commercial
6 purposes," it shall be 35 feet.

7 MR. COE: That's what it is.

8 MR. HERNANDEZ: Okay.

9 MR. SMITH: That's in the site-specific
10 regulations.

11 MR. COE: That's the existing Code.

12 MR. SMITH: That's where -- that's where --

13 MS. HERNANDEZ: Yes.

14 MR. SMITH: -- Mr. Salman was saying, it was
15 kind of in an obscure spot. But it's there --

16 MS. HERNANDEZ: In site specifics.

17 MR. SMITH: -- and we do apply it.

18 MR. COE: And what's your fallback position,
19 Counsel?

20 MR. ECHEMENDIA: There is no fallback.
21 That's a clarification that is good with us.

22 MS. HERNANDEZ: Right.

23 MR. ECHEMENDIA: At the end of the day,
24 we're doing a PAD, so it may be moot, anyways,
25 because we set our own setbacks, but thank you for

1 the clarification.

2 MR. AIZENSTAT: I'm glad we were able to
3 clarify that.

4 MS. HERNANDEZ: Yeah, it's quicker.

5 MR. SMITH: I just don't think that what
6 we're doing is -- proposing is going to adversely
7 affect their property in any way.

8 MS. HERNANDEZ: Right. Okay.

9 MR. ECHEMENDIA: And having that on the
10 record goes a long way.

11 The other thing we just wanted to confirm is
12 that the height, at one point, was proposed to be
13 three and a half stories, 35 feet, and I think I
14 heard Mr. Riel say 45 feet, not 35 feet?

15 MR. RIEL: Three floors, 45 feet.

16 MR. ECHEMENDIA: Fair enough.

17 The last issue is really kind of a
18 scrivener's error mistake. There's a little
19 sliver -- and you have a letter in front of you that
20 shows you an aerial. There's a little sliver that's
21 abutting U.S. 1, and the City historically was of the
22 impression that that was right-of-way, and therefore,
23 it remained unzoned and undesignated under the
24 Comprehensive Plan.

25 We have engaged the City Attorney and Albert

1 Delgado and kind of gone back and forth and did a
2 very kind of arduous title analysis and have
3 confirmed -- one of the real estate partners in our
4 firm has confirmed for Liz that, in fact, we own the
5 fee simple to that.

6 MS. HERNANDEZ: Right.

7 MR. ECHEMENDIA: Unfortunately, because the
8 City was of the misimpression that it was
9 right-of-way, it was never zoned, mistakenly. So
10 we're suggesting that, as part of this rewrite, that
11 scrivener's error, if you will, be corrected and that
12 that sliver acquire the appropriate land use
13 designation and zoning designation of the rest of the
14 surrounding property.

15 MS. HERNANDEZ: The property owner has the
16 ability to go forward and file the appropriate
17 rezoning applications. The City is not -- we don't
18 believe it's a scrivener's error. There were
19 property owners there before that had the use and
20 owned -- so, as far as we're concerned, if they want
21 it rezoned, they need to go through the process.

22 We understand the concern and the history
23 with the property, but this is not something the City
24 is doing at this time.

25 CHAIRMAN KORGE: So that would come up in

1 the PAD application?

2 MR. RIEL: Right.

3 MS. HERNANDEZ: Right.

4 MR. RIEL: We've advised the applicant of
5 our procedures.

6 MR. COE: That's the method that it's done.

7 MS. HERNANDEZ: Right.

8 CHAIRMAN KORGE: Nice try, Santiago.

9 MS. HERNANDEZ: And we --

10 MR. ECHEMENDIA: No, Mr. Chairman. No,
11 frankly, it's not so much a nice try. We thank you
12 for the opportunity --

13 MS. HERNANDEZ: Right.

14 MR. ECHEMENDIA: -- to put it in the record.

15 MS. HERNANDEZ: We enjoy --

16 MR. ECHEMENDIA: We think it could -- it
17 could be consequential relative to the numbers when
18 we file, whether it's included or not, et cetera. So
19 it is important, but we'll take it up --

20 MS. HERNANDEZ: Right.

21 MR. COE: Can we have a break?

22 MR. ECHEMENDIA: -- with the Commission when
23 it comes up.

24 MS. HERNANDEZ: We're going to work with
25 you.

1 MR. COE: Can we take a break?

2 MR. ECHEMENDIA: Thank you. I appreciate
3 it.

4 MR. ACOSTA: Mr. Chairman, may I? Mr.
5 Chairman?

6 CHAIRMAN KORGE: We're going to take a break
7 right now.

8 MR. ACOSTA: Just one minute, if I could,
9 because he had 15 minutes and --

10 CHAIRMAN KORGE: Thirty seconds. Thirty
11 seconds.

12 MR. ACOSTA: Thank you very much. I
13 appreciate the courtesy.

14 MR. COE: He had three different items.

15 MS. HERNANDEZ: We were only going to give
16 you two minutes. What happened?

17 MR. ACOSTA: No, no, I won't go that long,
18 and I'm not an attorney, so I don't I don't have the
19 usual right to --

20 CHAIRMAN KORGE: His clients are paying him
21 so much --

22 MR. ACOSTA: Yeah.

23 CHAIRMAN KORGE: -- we've got to give him a
24 little extra time.

25 MS. HERNANDEZ: You can use the word

1 "disabused," also. It was very impressive.

2 MR. ACOSTA: I'm just a plain old
3 professional engineer, that's all.

4 Yes, indeed, the Riviera Neighborhood
5 Association has been in very proactive conversations
6 with the owner and with Mr. Santiago Echemendia and
7 the architects, for over a year, as he stated.

8 Let the record reflect, though, that the
9 only time that we have gotten a full set of the
10 proposals is dated September 14th, only two weeks
11 ago. So all that time, during all those months and
12 months, we haven't had a full set. Now we're
13 engaged, we have our attorney, Tucker Gibbs, and we
14 have our urban planner, Mark Alvarez, reviewing all
15 of this. We will be proactively engaging the --

16 MS. HERNANDEZ: Right.

17 MR. ACOSTA: -- Amace people and themselves,
18 of course, but let the record also reflect that we
19 are not talking about the PADs and we're not talking
20 about the -- what's the other one?

21 MR. WALLEGHEM: The Mediterranean.

22 MR. ACOSTA: -- the Mediterranean bonus,
23 because of this project. We've had other projects in
24 the perimeter area that are going to heavily impact
25 us. Right now, for instance, because of the

1 Mediterranean bonus, a nursing home right in the
2 border of our area went from three stories by right
3 to five stories by right, with the Mediterranean.
4 And it's just -- as you can see, the border that I
5 show on that map, and you have a copy of, we're just
6 at the mercy of so many other developments. We do
7 need your help. Thank you.

8 MS. HERNANDEZ: Thank you.

9 MR. COE: Thank you, sir.

10 CHAIRMAN KORGE: Okay. A 10-minute break?

11 MS. HERNANDEZ: Yes.

12 (Thereupon, a recess was taken.)

13 CHAIRMAN KORGE: We're back. We have a
14 quorum. Can I get everybody's attention, please?
15 We're going to get started here. Would you mind
16 sitting down? We're going to call the next witness.

17 MS. MENENDEZ-DURAN: Fernando Menoyo?

18 (Simultaneous inaudible comments between
19 Board members)

20 CHAIRMAN KORGE: State your name and
21 address for the record.

22 MR. MENOYO: Good evening. My name is
23 Fernando Menoyo, 744 Biltmore Way.

24 I have a few comments on the townhouse
25 ordinance. The first point is, townhouse front doors

1 should face the street. Let me just read a few
2 paragraphs that I prepared.

3 The townhouse typology was the shared vision
4 of the stakeholders involved in the rewrite for the
5 area affected by the moratorium, including many City
6 employees, architects and property owners like myself
7 who were against development of multi-level apartment
8 buildings in the moratorium area, that is, just a
9 very few pockets in Valencia, Almeria and Biltmore
10 Way, that are zoned multi-unit.

11 The townhouse Zoning Code that resulted from
12 the moratorium represented a positive step by the
13 City toward making the affected area more pedestrian-
14 friendly, less dense, and more human in scale.

15 However, under the present townhouse Code,
16 developers can build courtyard apartment buildings
17 and call them townhouses, because the Code does not
18 require that the front of the townhouse face the
19 public street. These courtyard apartment buildings
20 are more massive than those allowed under the Code
21 for multi-family apartment buildings, because the
22 front and side setbacks are less under the townhouse
23 Code.

24 The courtyard apartment building is a
25 different typology than the townhouse typology, with

1 different form. If the City wants courtyard
2 buildings, it should develop the Code for this
3 typology, and the Code should refer to this dwelling
4 type by its appropriate and distinct name.

5 That's the first point. So, in order to
6 resolve that situation, what we're suggesting is that
7 the Code say -- it writes in the Code that the
8 townhouses should face the street.

9 The second point is, the minimum width for
10 the townhouses should be increased from 16 feet,
11 which is now -- that's the minimum width now, to 23
12 feet, to allow for two-car parking, side by side, for
13 each unit. I believe that 23 feet is the minimum
14 width of a two-car garage. So we're suggesting
15 that -- and it also makes for a much more elegant,
16 much more beautiful townhouse.

17 And the last point, that does not have to do
18 with townhouses but has to do with duplexes, I'm also
19 opposed to the lowering of the duplex height from 34
20 feet to 29. Thank you.

21 MR. AIZENSTAT: Thank you for your time.

22 MS. MENENDEZ-DURAN: Robert Fine?

23 MR. FINE: Good evening. Robert Fine, with
24 offices at 1221 Brickell Avenue. Just to set the
25 record straight, I'm not going to take a position on

1 lowering townhouses from 34 to 29 feet.

2 MS. HERNANDEZ: Ah, that's not what we
3 heard. That's what we heard.

4 MR. FINE: I've got partners who might
5 choose to take that position, but that's not me.

6 MR. COE: Tin roofs is next month.

7 MR. FINE: Right. I'm not here about those.

8 MR. COE: You're not going to do tin roofs?

9 MR. FINE: No. I'm coming back October 11th
10 for those.

11 I'm here tonight representing Balzebre
12 properties, and these are properties that are along
13 Douglas Avenue from Almeria to Sevilla and west on
14 Almeria from Douglas. Essentially, across the street
15 from Norman's.

16 MS. HERNANDEZ: From Norman's? Okay.

17 MR. FINE: Across the street from Norman's
18 and also across the street from a 13-story bank
19 building.

20 These properties, in the Zoning Code
21 rewrite, have gone to from CA and C down to CL. The
22 change to CL generally doesn't trouble us. However,
23 under the current zoning, my client can have a hotel
24 use, and his family has been in the hotel business.

25 Under the proposed change, their property

1 would be restricted to a maximum of eight hotel
2 rooms. This eliminates a substantial use and value
3 in the property that they have now as-of-right, and
4 at some point I might be willing to take a position
5 as to whether that's a taking.

6 Therefore, what we would like to do, I would
7 like to do, is ask you to reconsider this and restore
8 this to the right they have right now. They could
9 build a hotel there. They would not be limited to
10 eight rooms.

11 MR. COE: What size hotel?

12 MS. HERNANDEZ: Right.

13 MR. FINE: There have been -- there was a
14 project that was shown to Dennis. The market,
15 obviously, in real estate has gone down. I believe
16 it used up the bulk of the properties. I don't
17 recall the rooms. It was --

18 MS. HERNANDEZ: Is it in a map or is it on a
19 page that you can refer us to?

20 MR. FINE: In terms of what, in the Zoning
21 Code?

22 MS. HERNANDEZ: Well, in terms of what you
23 want us to change.

24 MR. FINE: Well, basically, in CL --

25 MS. HERNANDEZ: Okay.

1 MR. FINE: -- in Section 4-301, B, 11,
2 permitted uses.

3 MR. BETANCOURT: It's 4-37.

4 MR. FINE: Page 4-37.

5 MS. HERNANDEZ: Okay. All right.

6 MR. FINE: And basically, in that section,
7 Section B, Number 11, it says, in permitted uses,
8 overnight accommodations of no more than eight rooms.

9 So, when you go from a property that I
10 believe was able to put -- and I don't remember the
11 exact number, but I believe over a hundred rooms, now
12 that's a substantial -- the lots that they own is
13 that whole Douglas frontage and a stretch going back
14 on Almeria. You know, it's a substantial piece of
15 land there, and --

16 MR. COE: Can I interrupt you a second?
17 You're suggesting, under current zoning, that your
18 client could put up a hundred-room hotel?

19 MS. KEON: Right.

20 MR. FINE: Yeah.

21 MR. COE: I'm not so sure about that.

22 MS. HERNANDEZ: I'm happy to meet with
23 you --

24 MR. FINE: We met with Dennis and showed
25 him --

1 MR. COE: Is that true, Dennis?

2 MR. SMITH: Well, they can put up a
3 substantial hotel. Right now, in our -- right now,
4 in the Zoning Code, under the CA zoning
5 classification, a hotel is a permitted use --

6 MR. COE: Right.

7 MR. SMITH: -- and there is no limit on the
8 number of units that can go in that hotel. So the
9 number of units you can fit in there --

10 MS. HERNANDEZ: Based on the area.

11 MR. SMITH: -- is a function of your FAR and
12 how many you can actually put in there.

13 MR. COE: Square footage. It would be based
14 on square footage.

15 MR. SMITH: That's correct.

16 MR. FINE: Well, there's a limitation on the
17 number of stories, because it's --

18 MR. COE: So now -- what he's saying is,
19 now, on Number 12, overnight accommodations of no
20 more than eight rooms, that would be regardless of
21 the square footage.

22 MR. SMITH: That's correct.

23 MS. HERNANDEZ: That is correct.

24 MR. COE: Is that down-zoning?

25 CHAIRMAN KORGE: It's quite a change.

1 MR. COE: Is it down-zoning? Is he not
2 right?

3 MR. SMITH: Not necessarily --

4 MS. HERNANDEZ: Now, is this -- do we have
5 other properties with this issue?

6 MR. SMITH: -- because there's different
7 types of hotels.

8 MR. COE: Well --

9 MS. HERNANDEZ: Right.

10 MR. SMITH: Okay, you can have the hotel
11 where you just have a single room as a hotel, but
12 then you can have a hotel that has suites in it, and
13 you may only fit eight units in it.

14 MS. HERNANDEZ: Right.

15 MR. COE: But this doesn't say that. It
16 doesn't say eight units. It says eight rooms.

17 MS. HERNANDEZ: Right.

18 MR. COE: Technically, if you have a
19 two-room suite, you only have four suites --

20 MS. HERNANDEZ: Right.

21 MR. COE: -- under that, so you could have a
22 three-room suite. So it doesn't say eight suites.
23 You can argue, well, maybe the suites are really a
24 mini apartment. This says eight rooms, period.

25 MS. HERNANDEZ: Have you met with Mr. Riel?

1 MR. RIEL: Yes.

2 MR. FINE: No, no. We met with Wally and
3 (inaudible) --

4 MR. RIEL: Met with Planning Staff.

5 MR. FINE: -- at the direction, and we
6 raised these concerns to them, and my understanding
7 is that it was discussed but not restored.

8 MR. RIEL: It was -- the CL district, as
9 you know, was -- is a transition zone. It abuts
10 single-family uses. It was discussed at length, in
11 terms of, we went through a long discussion of
12 permitted uses that were allowed, and that's where
13 this eight rooms or eight units came up, is to limit
14 the size.

15 MR. COE: Eight rooms. It doesn't say
16 units.

17 MR. RIEL: Whether it's units or rooms, it
18 was meant to be units.

19 CHAIRMAN KORGE: Can you show us that on the
20 map? I --

21 MR. RIEL: Well, the CL -- he has a unique
22 piece of property --

23 MS. HERNANDEZ: It is very unique.

24 MR. RIEL: -- that is not adjacent to
25 single-family.

1 MR. FINE: Well, it's the same area.

2 MR. RIEL: And this issue just came up last
3 week, so --

4 MS. HERNANDEZ: Robert, you need to either
5 have a mike or -- because you're going to come out
6 pointing at things and no words.

7 MR. FINE: Okay, on the zoning map, here's
8 Douglas.

9 MS. HERNANDEZ: Right.

10 MR. FINE: This last red block is where
11 Norman's is.

12 MS. HERNANDEZ: And across the street --

13 MR. FINE: Right over here is the 13-story
14 bank building, and that first stretch there,
15 that's -- that first L that's pink, that's our
16 properties.

17 CHAIRMAN KORGE: And the problem is, you're
18 adjacent to the residential.

19 MR. COE: Yeah, but he's also adjacent to
20 commercial.

21 CHAIRMAN KORGE: Right. So you're in the
22 transition.

23 MR. COE: He's the transition.

24 MR. FINE: But we're transitioning, you
25 know, from 13 stories down to residential, and you're

1 dropping us like a rock, instead of gradually taking
2 us down here, and good planning principles also talk
3 about buffers going down and --

4 MR. COE: Is your client intending to build
5 a hotel and can't do it?

6 MR. FINE: Well, they're not going to be
7 able to do it with eight rooms.

8 MR. COE: Well, obviously, but were they
9 intending to build a hotel, or is this some
10 hypothetical thing?

11 MR. FINE: We had already -- we had already
12 had discussions with the City and explored with
13 Zoning what we could do, but we're subject to market
14 conditions, like everybody else, so things haven't
15 moved along because, you know, you can't build when
16 the environment is not right, business-wise, but
17 they've had that land, actually, I believe, for a
18 couple of generations. They're in the hotel
19 business. They have hotels on Miami Beach. And that
20 was in the discussion of what was their desire to do,
21 and the issue I'm raising tonight on their behalf
22 is --

23 MR. COE: What's his current use? What does
24 he have there now?

25 MR. FINE: Well, I think, over here on

1 Douglas, it's almost like a passive park. It's just
2 landscaping that's not being used.

3 MS. HERNANDEZ: Right.

4 (Simultaneous inaudible comments between
5 Board members)

6 MR. COE: So it's under-used now?

7 MR. FINE: Yes.

8 MS. HERNANDEZ: That property is uniquely
9 situated. I mean, the problem that we have,
10 obviously, is, we're not going to want to change all
11 of the commercial, you know, limited district to
12 accommodate one property owner. So we have to study
13 this issue. We're sorry you just brought it up, but
14 we need to meet with you.

15 MR. FINE: Well, we did not just bring it
16 up.

17 MS. HERNANDEZ: Okay, I just heard it.

18 MR. FINE: We've submitted it in writing and
19 we've met with Staff.

20 MS. HERNANDEZ: Okay, I just heard it.

21 MR. FINE: And then Staff --

22 MR. RIEL: Two weeks ago, okay? Two weeks
23 ago. Okay? Please. You know, the issue just came
24 to light two weeks ago.

25 MS. HERNANDEZ: Okay, but --

1 MR. FINE: That's why we asked for a zoning
2 workshop.

3 MS. HERNANDEZ: Okay, but we are happy to
4 meet with you and see, and I would suggest that you
5 come up with -- other than affecting the entire rest
6 of the City, Mr. Fine, I think you need to come up
7 with more creative solutions that benefits the City,
8 as well, and -- you know.

9 MR. FINE: Well, you know, the City has
10 taken a step to down-zone the property within the
11 structure that they chose. We didn't choose that
12 structure, and I think, to some regard, you know,
13 we're the ones being adversely affected. We've
14 raised the issue. We had discussions of different
15 opportunities.

16 MS. HERNANDEZ: Well, if we're able to --
17 through our collective minds, creative -- collective
18 creative minds, come up with something, we're happy,
19 but if you come to the table and come up with some
20 ideas, as well, that might be beneficial, you know.
21 There's so much we can do.

22 MR. COE: If I may, Mr. Chairman, I am
23 concerned, and he raised a very good point. The
24 whole purpose of this rewrite is to be ultimately
25 zoning districts, and when you have down-zoning, you

1 know, (inaudible).

2 MR. RIEL: It's not down-zoning. We're
3 removing one use. There's other uses that are
4 available in the CL district.

5 MR. BEHAR: Yeah, but you take away that
6 potential use that they had up to that point.

7 MR. RIEL: Four stories is permitted. We're
8 not changing the density, the FAR. It's all --

9 MR. COE: It's a concern I have, and maybe
10 his client isn't going to build a hotel -- market
11 conditions or not -- but in the marketability of that
12 property, he's lost the ability to say you can put up
13 a hotel here of unlimited number of units. If you
14 want to build a hotel now, you have eight rooms,
15 eight rooms. Not eight units, eight rooms --

16 MR. RIEL: I mean, I think an alternative --

17 MR. COE: -- which is a very small hotel.

18 MR. RIEL: -- could be a possible rezoning
19 of the property. I think that's an alternative to a
20 commercial use, which permits a hotel.

21 MR. COE: Well, that may be, but, you know,
22 it's a concern I have, because I don't know -- I
23 mean, he's raised it, and I don't know if there's
24 other areas within the City --

25 (Simultaneous inaudible comments between

1 Board members)

2 MR. COE: -- that are confronted with
3 similar things, and I don't want us to be in a
4 position where our Zoning Code is not zoning
5 neutral --

6 MS. HERNANDEZ: Right, but remember --

7 MR. COE: -- on the rewrite.

8 MS. HERNANDEZ: -- he's saying it's a
9 hundred rooms. I just asked Mr. Smith if they've
10 done that analysis, and they haven't done that. So I
11 don't know if it's a hundred rooms.

12 MR. SMITH: We haven't, but Mr. Fine said
13 that their architect has. I saw the plans, I don't
14 know, a month or so ago, and I just don't remember.
15 It was a substantial structure.

16 CHAIRMAN KORGE: More than eight rooms.

17 MR. FINE: Right. It was well -- a
18 magnitude --

19 MS. HERNANDEZ: More than eight.

20 MR. FINE: -- beyond eight rooms.

21 MR. COE: Much over what -- but the idea is,
22 though, Mr. Smith, that under current zoning,
23 depending on his square footage, he could put up a
24 comparable hotel, based on square footage, without
25 any room limitation.

1 MR. SMITH: That's correct.

2 MR. COE: Under the CL zoning, he's
3 limited -- regardless of his square footage, he's
4 limited to overnight accommodations to eight rooms,
5 period.

6 MS. HERNANDEZ: Right.

7 MR. SMITH: Uh-huh.

8 MR. COE: And that's the problem.

9 CHAIRMAN KORGE: Why was that -- why was
10 that removed as a use, permitted use? I understand
11 it's adjacent to single-family, but --

12 MS. HERNANDEZ: Right.

13 MR. RIEL: That's the reason.

14 CHAIRMAN KORGE: Were other uses removed
15 that were obnoxious to single-family?

16 MS. HERNANDEZ: Yes.

17 MR. RIEL: Yeah. I mean, that's why you see
18 all these thresholds, educational facilities with no
19 more than 50 student seats --

20 MS. HERNANDEZ: Right.

21 MR. RIEL: -- medical clinics, 10,000 square
22 feet -- 10,500. Overnight, eight rooms. We really
23 reduced the number of uses permitted in the CL
24 district, because that was one of the --

25 MR. FINE: By the way, you make a good

1 point. There are some uses that are in there that
2 are intended -- become issues regarding when they're
3 adjacent to single-family. Well, there's a fair
4 amount of CL that's not adjacent to single-family,
5 and maybe some of those uses that are considered
6 obnoxious to single-family should be accepted in the
7 commercial limited when they're not adjacent to
8 single-family, and be allowed.

9 CHAIRMAN KORGE: But you're adjacent to
10 single-family.

11 MR. FINE: Well, part of my property is, but
12 I'm saying, there are other issues in the Zoning Code
13 with that, as well. For example, you know, health
14 clinics and other buildings, we have clients who have
15 talked about it. You know, when it's not near
16 single-family, why should it be restricted if the
17 only rationale for limiting it is because you were in
18 an area next to single-family?

19 So those uses that are listed in there are
20 specifically --

21 CHAIRMAN KORGE: I don't know that that was
22 the only rationale.

23 MS. HERNANDEZ: Right.

24 MR. AIZENSTAT: Right.

25 MR. FINE: But I'm saying, to the extent

1 that they were, and to the extent there are uses that
2 are considered obnoxious in a certain size to
3 single-family because they're there, you know, you're
4 saying, "We did it there, we did a system, and we did
5 this full, big sweep," but sometimes we need to get a
6 little bit more subtle, and if certain things are not
7 good in district next to single-family, but wouldn't
8 be a problem not, that's not tough to distinguish,
9 then, between now --

10 CHAIRMAN KORGE: Well, you need to come up
11 with some ideas to help them out with that.

12 MR. SMITH: Yeah, I'll tell you, I just
13 thought of something. The Hyatt is in a CL.

14 MR. RIEL: Right. It's four floors, six
15 with Mediterranean bonuses. That's what I'm saying.
16 It's not affecting --

17 MR. SMITH: And they would -- if something
18 happened to that structure, then they would be
19 limited on the number of units that they could build
20 back. That's something I think we can, you know,
21 still look at.

22 MS. HERNANDEZ: Right. So please come to
23 our workshop.

24 MR. FINE: We will be at the workshop.

25 CHAIRMAN KORGE: It's not going to be in

1 this, obviously, but it's got a long way to go before
2 the Commission finally approves it, so maybe you can
3 get it slipped in.

4 MR. FINE: And maybe there's a possibility
5 of working on what the actual zoning districts are
6 between now and then.

7 MR. RIEL: Well, the problem is, it's a late
8 issue, and we've discussed this whole transition
9 zoning about a year ago, and we continue to move
10 forward, and unfortunately, if we keep bringing up
11 these new issues, we're not going to get this Code
12 adopted by the end of this year --

13 CHAIRMAN KORGE: Well --

14 MR. RIEL: -- and I understand the applicant
15 and the property owners, but there's other
16 alternatives, in terms of possibly rezoning the
17 property, rather than --

18 MR. FINE: That incurs a cost and a
19 political risk to my client that wouldn't be if it
20 went as part of this process.

21 MS. HERNANDEZ: Yeah, but let him finish
22 what he's saying.

23 MR. RIEL: I'm finished.

24 MS. HERNANDEZ: Okay.

25 MR. RIEL: Thank you.

1 MS. HERNANDEZ: Well, because --

2 CHAIRMAN KORGE: Well, I mean, if you can't
3 work something out before it goes to the
4 Commission -- that's not going to stop us. We're not
5 stopping this process because of that issue.

6 MS. HERNANDEZ: Correct.

7 MR. RIEL: You can certainly work with --

8 CHAIRMAN KORGE: If you can fold something
9 in between now and when the Commission gives its
10 approvals --

11 MS. HERNANDEZ: Right.

12 CHAIRMAN KORGE: -- you know, then great.

13 MR. COE: And I certainly wasn't suggesting
14 that we stop the process --

15 MS. HERNANDEZ: No.

16 MR. COE: -- because of Mr. Fine's client.

17 MS. HERNANDEZ: No, but it's good that you
18 brought it to our attention.

19 MR. COE: I just think that should be looked
20 at, though. I'm more concerned --

21 MS. HERNANDEZ: Right.

22 MR. COE: -- not so much with Mr. Fine's
23 client's unique position, but more so, if there are
24 other little glitches like that where you have a
25 significant number of property owners that are faced

1 with a comparable thing. If this was a unique
2 situation, City-wide, that's one thing. If it's more
3 than unique, I'm a little bit concerned about it.

4 MS. HERNANDEZ: Yeah.

5 MR. FINE: Thank you very much.

6 CHAIRMAN KORGE: Thank you.

7 MS. HERNANDEZ: Thank you, Mr. Fine.

8 MS. MENENDEZ-DURAN: Elaine Codias?

9 MS. CODIAS: Hi, good evening. Elaine
10 Codias, 1604 Casilla Street. I have some comments as
11 regards Article 5, Division 6.

12 MR. COE: Ma'am, could you speak up a little
13 bit, please?

14 MS. CODIAS: I have some comments as
15 regards Article 5, Division 6.

16 MS. HERNANDEZ: Division 6?

17 MR. RIEL: Do you have a page number?

18 MS. HERNANDEZ: Page 5-17.

19 MS. CODIAS: Page 5 -- 5-17. I have a
20 comment on a specific problem, and then a more
21 general comment about this division. The specific --
22 for the specific problem, if you go to Page 5-19, the
23 sections, if you look at Line 31, Section 5-603, on
24 architectural style, and then following into the next
25 page, the section on duplication of elevations and/or

1 exterior architectural design, these two areas were
2 put in from Article 4. They were moved here from
3 Article 4.

4 But as I'm reading this -- I'm not sure if
5 this is true, but as I'm reading this division, it
6 appears to me that they're now preceded by a clause,
7 going back to Page 5-17, Line 43, that says, "Except
8 as expressly provided in this division, these
9 standards shall not apply to single-family districts
10 or to the Multi-family 1 District."

11 Well, the areas on architectural style and
12 duplication of elevations and/or exterior
13 architectural design, those were part of what was
14 passed by the City Commission to refer to
15 single-family. So I'm just suggesting that perhaps
16 you need to insert a purpose and applicability.

17 MS. HERNANDEZ: That must be in our --

18 MR. COE: Design review standards --

19 CHAIRMAN KORGE: I guess the question is
20 whether Section 5-603 applies to the single-family or
21 MF1; is that right?

22 MS. CODIAS: In other words, it was brought
23 in from somewhere else, into this division, and it
24 looks to me like this division was written for
25 districts not including single-family and

1 multi-family. I mean, that's what --

2 CHAIRMAN KORGE: Right --

3 MS. CODIAS: That's what this Paragraph B
4 says.

5 CHAIRMAN KORGE: -- except to the extent
6 otherwise provided. So the question is, is 5-603,
7 Eric, intended to apply to single-family and
8 Multi-family 1?

9 MS. KEON: Yes.

10 MR. SALMAN: Yes.

11 MS. KEON: It does.

12 MR. RIEL: Dennis?

13 CHAIRMAN KORGE: It is?

14 MR. RIEL: Dennis?

15 MS. KEON: Where?

16 MR. RIEL: The architectural style
17 regulations, from the single-family regulations,
18 which are put in --

19 CHAIRMAN KORGE: You pulled them out of
20 single-family --

21 MR. RIEL: Pulled them out of
22 single-family --

23 CHAIRMAN KORGE: -- and multi-family? Well,
24 then, you just need to clarify, in 5 dash --

25 MR. RIEL: Does that apply to multi-family,

1 as well?

2 MR. SMITH: Yes.

3 MR. RIEL: Yes.

4 MR. SMITH: And it applies to everything
5 except industrial style buildings.

6 CHAIRMAN KORGE: Well, and she's pointing
7 out an ambiguity.

8 MR. COE: It doesn't say that.

9 MS. HERNANDEZ: Okay, we just need to
10 correct that language. Thank you. That's very good.

11 MR. COE: It doesn't say that, yeah.

12 MR. RIEL: We'll correct that.

13 CHAIRMAN KORGE: They'll make that
14 correction.

15 MS. CODIAS: Okay.

16 And then I have a more general comment as
17 regards to this division, and that is that if you go
18 through the division, there are other places where it
19 looks as though, to me, that you need clarification
20 as to -- like there's something about the
21 Mediterranean bonuses in whole areas, and it looks to
22 me like this same sort of ambiguity exists.

23 CHAIRMAN KORGE: I'm sorry, say that again?

24 MS. CODIAS: Throughout the division --

25 MS. HERNANDEZ: Throughout all of Division

1 6.

2 MS. CODIAS: For example, let's see, on Page
3 5-23 --

4 MS. HERNANDEZ: Okay.

5 MS. CODIAS: -- Line 16, there's a
6 clarification as to zoning district applicability,
7 and this paragraph doesn't mention single-family or
8 multi-family. I think that this division was written
9 to exclude single-family and multi-family, and since
10 you're dropping in, now, text that refers to
11 single-family and Multi-family 1, you probably need
12 to read through the whole division with that in mind
13 and make these clarifications.

14 MR. COE: 5-604 is the Mediterranean style
15 design standards.

16 MR. RIEL: Which doesn't deal with
17 single-family.

18 MR. COE: So that's completely different.

19 MS. CODIAS: That's what I'm saying. You
20 have mixed types of --

21 MS. HERNANDEZ: What she's saying is, review
22 it again, all of Division 6, to be sure that you're
23 catching when it's supposed to go in single-family
24 and when it's supposed to go in others.

25 CHAIRMAN KORGE: Right.

1 MS. CODIAS: To have the applicability be
2 more clear.

3 MS. HERNANDEZ: Got it.

4 CHAIRMAN KORGE: So, in each provision
5 that's supposed to go in the single-family or
6 Multi-family 1, you need to specify it in that
7 section expressly.

8 MS. HERNANDEZ: Right, exactly, and we'll
9 look at Division 6 with that, and we appreciate that.

10 CHAIRMAN KORGE: They'll do that. They'll
11 correct that.

12 MS. CODIAS: Okay.

13 CHAIRMAN KORGE: Thank you.

14 MS. CODIAS: Now, if I could, I did want to
15 follow up on two more points.

16 MR. COE: I think your time is up, ma'am.

17 MS. CODIAS: These are separate points, and
18 actually, they're related to some concerns of the
19 Fryers, who are out of town tonight, if I could just
20 briefly comment on those.

21 CHAIRMAN KORGE: Be brief.

22 MS. CODIAS: One, in an e-mail to Mr. Riel
23 on September 10th, they outlined a number of points,
24 and many of those points were answered and many of
25 those points have been dealt with. But there are two

1 things outstanding that I haven't seen answers for.
2 One has to do with -- we had previously asked about
3 removing residential carport canopies from the Code
4 for reasons of neighborhood character, architectural
5 context and hurricane safety, and they say this has
6 not been addressed. And it was answered by Eric that
7 this request was not endorsed by the Board.

8 But then the Fryers felt that the issue
9 had -- the issue was not raised during single-family
10 regulations public hearings because Staff had said
11 that this fell under accessory uses and would be
12 brought up before the Board later. And so I would
13 just like some clarification on what's been done
14 about the carport canopies.

15 CHAIRMAN KORGE: I don't know, did we ever
16 address that issue?

17 MR. RIEL: I don't know. Dennis, I defer to
18 you. Carport canopies on the single-family
19 properties?

20 MR. SMITH: They're talking specifically
21 about the canvas carport canopies and the aluminum
22 type carport canopies. Currently, they're permitted
23 in the Zoning Code, and during the single-family
24 discussions, we did not discuss that. That was going
25 to be discussed here, and I don't know if it was

1 discussed here or not. No? And the issue is, in
2 today's day and time, do we still want those type of
3 structures, you know, in our single-family
4 neighborhoods? Because they're, you know, not used
5 very much and they're not the most attractive
6 things. And they do become an issue in a hurricane,
7 because people don't remove the canvas in a lot of
8 cases and it could fly and damage adjacent
9 structures.

10 So that's a decision y'all have to make. My
11 thoughts on it is that maybe we should do away with
12 them at this time because they're, quite frankly, not
13 attractive-looking structures.

14 MR. BETANCOURT: I believe the provisions
15 are on Page 5-12 and 5-13, if you want to take a
16 look.

17 CHAIRMAN KORGE: And your last comment?

18 MS. CODIAS: And the last is in regards to
19 notification for demolition and substantive changes
20 to a residence. This has been discussed at a number
21 of meetings. I've brought it up, the Fryers have
22 brought it up, and others, and I just wondered what
23 was the status on that.

24 MR. RIEL: We had a meeting with the Fryers
25 and have told them a number of times that the

1 Manager's Office and the Building & Zoning Department
2 are working on that issue, and that will not be a
3 part of the Code but it will be addressed, probably
4 as an administrative policy or something to that
5 effect. There was a meeting that was held a couple
6 weeks ago, I know. I don't think a resolution has
7 come out, as of this date, so --

8 MS. CODIAS: Okay, and so when would that
9 happen? That would --

10 MR. RIEL: Probably in the next month or so,
11 but I don't -- it's not going to be in this Code.

12 MS. CODIAS: Okay.

13 All right, that's all I have. Thank you.

14 CHAIRMAN KORGE: Thank you very much.

15 MS. HERNANDEZ: Mr. Chairman, may I --
16 just a point of information. We're coming upon nine
17 o'clock. The Board needs to take a motion as to
18 whether or not you're going to continue past 9:00
19 p.m. I think there are still more members of the
20 public, and then the Board needs -- oh, one more
21 person, and then the Board is going to have, I'm
22 assuming, discussion --

23 CHAIRMAN KORGE: Uh-huh.

24 MS. HERNANDEZ: -- and then motions, so
25 there's -- I don't know if you want to -- if you

1 think you're going to make it in 10 minutes, I'm
2 okay, but if not --

3 CHAIRMAN KORGE: Why don't we take the last
4 person, then we'll take a motion to see how long we
5 need.

6 MS. MENENDEZ-DURAN: Steve Bosson?

7 MR. BOSSON: Hi. My name is Steve Bosson,
8 and I live at 1437 Sopera Avenue, and I'm here to
9 voice my opposition to the restrictions on the
10 parking of trucks in the City. I am a truck owner,
11 along with many of my neighbors, if you include SUVs
12 in the category of trucks, which I think,
13 technically, you have to do.

14 I'm opposed to them on principle. I think
15 that they're unfair and arbitrary. I think that if
16 the issue is unsightliness, any vehicle could be an
17 unsightly vehicle. I think that this is perhaps a
18 throwback to an earlier time when most trucks were
19 used predominantly for commercial reasons and they'd
20 have signs on them and perhaps, in some people's
21 eyes, were unsightly. But nowadays trucks are as
22 nice-looking, at least in my opinion -- my truck is a
23 nice-looking vehicle. I keep it clean. And I don't
24 like that the City would not permit me to park it on
25 private property in front of my house.

1 I like my truck. I like living in Coral
2 Gables. I don't want to have to choose between those
3 two. I would ask that -- my preference would be that
4 the City would do away with any restriction regarding
5 parking a truck on private property. Short of that,
6 I understand that the City is facing a decision
7 whether to keep the existing restrictions or adopt
8 less restrictive restrictions. I would encourage the
9 City to do that, to adopt less restrictive
10 restrictions.

11 And I also understand that there's pending
12 litigation, in a lawsuit that the City is involved
13 with, having to do with this, and I would ask, as did
14 Mr. Horton earlier, that pending the outcome of this
15 litigation, that any enforcement of these
16 restrictions be put on hold.

17 Okay. Thanks very much.

18 CHAIRMAN KORGE: Thank you.

19 MS. KEON: Thank you.

20 CHAIRMAN KORGE: Well, I'll take a motion to
21 extend past the nine o'clock. I doubt we'll finish
22 in exactly 10 minutes. Does anybody want to make a
23 motion, time-specific or otherwise?

24 Nobody?

25 MS. KEON: I'll make a motion to go beyond

1 ten o'clock.

2 CHAIRMAN KORGE: Beyond --

3 MS. KEON: Beyond nine o'clock.

4 CHAIRMAN KORGE: To what time?

5 MS. HERNANDEZ: Nine-thirty?

6 MS. KEON: Is ten o'clock too much?

7 Somebody talk to me.

8 MR. AIZENSTAT: I mean, I would say let's
9 try nine-thirty and see where we get.

10 MS. KEON: And at nine-thirty, we'll talk
11 about it again. All right, I'll make a motion that
12 we extend till nine-thirty.

13 CHAIRMAN KORGE: We may finish by
14 nine-thirty, because it's now just left to us to
15 discuss and vote on it. And recall that, putting
16 aside some technical changes here that are totally
17 noncontroversial, we've already approved almost all
18 of it. We have a few deferred items, and there were
19 some issues raised. I guess we could go through the
20 issues or --

21 MR. AIZENSTAT: Should we take a vote first
22 on the nine-thirty?

23 CHAIRMAN KORGE: Oh, I'm sorry.

24 MS. KEON: I need a second.

25 CHAIRMAN KORGE: She needs a second.

1 MR. AIZENSTAT: I'll second it.

2 CHAIRMAN KORGE: Is there any discussion?

3 Anybody -- no? Let's just take the vote.

4 MR. BEHAR: I think it's going to run more

5 than nine-thirty, honestly. I think that once we get

6 into discussion, we're going to extend past

7 nine-thirty, personally.

8 MR. COE: Well, let's vote.

9 MR. BEHAR: Take a vote.

10 MR. AIZENSTAT: Well, you've got a first

11 and a second, so let's take a vote.

12 MS. MENENDEZ-DURAN: Jack Coe?

13 MR. COE: No.

14 MS. MENENDEZ-DURAN: Pat Keon?

15 MS. KEON: Yes.

16 MS. MENENDEZ-DURAN: Javier Salman?

17 MR. SALMAN: No.

18 MS. MENENDEZ-DURAN: Eibi Aizenstat?

19 MR. AIZENSTAT: Yes.

20 MS. MENENDEZ-DURAN: Robert Behar?

21 MR. BEHAR: No.

22 MS. MENENDEZ-DURAN: Tom Korge?

23 CHAIRMAN KORGE: Yes.

24 MS. HERNANDEZ: Split.

25 CHAIRMAN KORGE: So we can't extend --

1 MR. COE: We can't extend.

2 CHAIRMAN KORGE: We can't extend beyond nine
3 o'clock, which leaves us about eight minutes to wrap
4 up for tonight.

5 MS. KEON: So when -- so what, do we come
6 back? When?

7 MS. HERNANDEZ: October 11th.

8 CHAIRMAN KORGE: October 11th.

9 MS. KEON: You're going to wait until
10 October 11th to come back?

11 MR. COE: At this time, Mr. Chairman, I
12 would like to make a motion.

13 I recommend this Board's approval of the
14 three Staff recommendations, which are:
15 Recommendation for adoption of the final Zoning Code,
16 including all articles and sections.

17 Second, recommendation for adoption of the
18 inconsistent properties map ordinance, change of
19 existing zoning map classification, specific
20 inconsistent properties, provide for the correct
21 zoning map classification, to be consistent with the
22 current correct Comprehensive Land Use Plan map
23 classification.

24 And finally, the recommendation for adoption
25 of the new zoning classification and map ordinance

1 per the Zoning Code rewrite.

2 CHAIRMAN KORGE: Is there a second for that
3 motion?

4 MR. SALMAN: I'll second it.

5 CHAIRMAN KORGE: Second.

6 MR. RIEL: And a point of clarification.
7 That includes the amendments which Staff had outlined
8 this evening?

9 MR. COE: All amendments and so forth, if
10 anything further from this Board, that would be
11 included in my motion.

12 MR. RIEL: Thank you.

13 MS. HERNANDEZ: And just for a point of
14 information, if you're all unanimous in all this, we
15 will then separate it into three separate motions.

16 MR. COE: Correct.

17 MS. KEON: And the result of that motion
18 would be that we are done with this? Is that what
19 the result of this would be?

20 MR. COE: Correct.

21 MS. HERNANDEZ: For now, yes. I'm sure that
22 following the workshop, something will happen October
23 11th.

24 MR. AIZENSTAT: How do we handle the
25 deferred items in that motion?

1 MS. HERNANDEZ: That will be handled today.

2 CHAIRMAN KORGE: If you're approving, you
3 approve everything.

4 MR. RIEL: They're handled in the Motion
5 Number 1.

6 CHAIRMAN KORGE: Right.

7 MR. COE: That's all within the motion --

8 CHAIRMAN KORGE: Right.

9 MR. COE: -- and the second, so however you
10 want to do it.

11 MS. KEON: I think that there are some
12 things in here, and I think there's -- I think that
13 there's some omissions and I think there's some other
14 issues that we haven't had an opportunity to talk
15 about, and I think that before we would move it, we
16 should be given that opportunity to talk about it.

17 MR. BEHAR: Right.

18 MS. KEON: But I suppose we'll do that with
19 our vote.

20 CHAIRMAN KORGE: Well, we don't -- I mean,
21 we still have it under discussion. I have -- I've
22 noted here, the duplex height is a real concern.
23 There were some technical changes. I hope you got
24 all of those.

25 MR. RIEL: Yes, I did.

1 CHAIRMAN KORGE: I don't know if everybody
2 agreed with all of them, but, you know, there were
3 technical changes regarding roof overhangs. I don't
4 know how you address -- Eric, how did you finally
5 address the front doors on the townhouses facing the
6 street, that issue?

7 MR. RIEL: We had met with the individual
8 that had recommended that. My suggestion is, when we
9 look at the townhouse in the multi-family duplex
10 issue, that we look at it at that time, because if
11 you start --

12 CHAIRMAN KORGE: But it's in this Code now.

13 MR. RIEL: No, it's not. It's not. The
14 front door?

15 CHAIRMAN KORGE: In the moratorium area.

16 MR. RIEL: No, it's not. The front door
17 facing? No, it's not.

18 CHAIRMAN KORGE: No, no, that's not what I
19 said. Townhouses are zoned -- are going to be part
20 of this rewrite.

21 MR. RIEL: In the MFSA district --

22 CHAIRMAN KORGE: Right.

23 MR. RIEL: -- which were the moratorium
24 area.

25 CHAIRMAN KORGE: And she's asking for a

1 change in that, correct?

2 MR. RIEL: I'm sorry, you said the front
3 door face -- the townhouses' front door --

4 CHAIRMAN KORGE: Right. I guess what I'm
5 trying to ask you is whether the existing Code that
6 we're going to approve here addresses that issue of
7 the town homes' doors, the concern about the
8 courtyard apartments.

9 MR. RIEL: No, it doesn't.

10 CHAIRMAN KORGE: Okay. So that would not be
11 part of this motion?

12 MR. RIEL: No. It is not, now, no.

13 MR. SALMAN: Right.

14 MR. AIZENSTAT: Let me ask you a question.
15 The --

16 CHAIRMAN KORGE: And excuse me for
17 interrupting.

18 MR. AIZENSTAT: Sorry.

19 CHAIRMAN KORGE: But the duplex height, it
20 would be 29, based on this motion, not 34?

21 MR. RIEL: Based upon this motion, yes. But
22 we had asked -- Staff asked for your policy
23 direction, if you want to change that.

24 MR. AIZENSTAT: Our next meeting is set for
25 October --

1 MR. RIEL: 11th.

2 MS. HERNANDEZ: 11th.

3 MR. COE: 11th.

4 MR. AIZENSTAT: October 11th. I don't know
5 if it's possible to have a meeting beforehand or --
6 would everybody -- The only reason I'm saying it
7 is --

8 MR. RIEL: You can't.

9 MR. AIZENSTAT: -- we've already got the
10 public input. For me, it's hard, without having a
11 discussion, to vote on an item. Is there a
12 possibility -- I don't know how the Board feels about
13 setting up a meeting as soon as possible for us to
14 have discussion and to vote on it? Or is that not an
15 option?

16 Liz, how does that work?

17 MS. HERNANDEZ: Well, it -- the Director --

18 MR. RIEL: The room is not -- the Commission
19 Chambers is not available on Wednesday evening.
20 Otherwise we would have had the workshop that
21 evening. The only evening that's available is
22 October 6th. We could certainly do something October
23 3rd, but I would need to check on the availability of
24 the room. I don't know if you can do that.

25 MS. HERNANDEZ: And the problem is that that

1 would occur before the workshop, and the idea is to
2 have --

3 MR. RIEL: Well, understand, the workshop is
4 an opportunity to provide additional written comments
5 and a Q and A. We'll do a verbatim record, and then
6 those will proceed forward to the Commission, so --

7 MR. AIZENSTAT: I'm not saying it because of
8 the workshop.

9 MR. RIEL: I understand.

10 MR. AIZENSTAT: I'm excluding that, and
11 that's not coming into my conversation. I'm just
12 saying this -- I just don't feel I've heard what my
13 other Board members have to say in the discussion.

14 MR. RIEL: We'd be happy to accommodate a
15 meeting before the 11th. It's just in terms of
16 availability of the room.

17 MR. COE: I think it's going to have to be
18 done on the 11th, I would think.

19 MR. RIEL: I'm sorry?

20 MR. COE: I think we're going to have to
21 vote on this on the 11th. So I don't know what you
22 want to do with the rest of the agenda on the 11th.

23 MS. HERNANDEZ: Is there -- well, is there
24 any room to vote on two or three, or are you just
25 waiting on all of them? Is that what you're saying?

1 It doesn't matter to me. I'm just trying to narrow
2 the focus.

3 CHAIRMAN KORGE: If there's an end of
4 discussion, then we'll -- before nine o'clock, then
5 we'll have a vote, you know, if the question is
6 called and, you know --

7 MS. HERNANDEZ: Well, there wasn't a second
8 to your motion.

9 CHAIRMAN KORGE: -- on the rules of order,
10 we'll have the vote. It is what it is.

11 MR. COE: Yes, there was.

12 MR. BEHAR: Javier seconded the motion.

13 MS. HERNANDEZ: Oh.

14 MR. COE: Javier seconded the motion.

15 MR. HERNANDEZ: Oh.

16 MR. SALMAN: Through the Chair, just for the
17 record, even those items were not approved, they've
18 all been addressed. They've all been reviewed.
19 Comments have been given, and the comments have been
20 incorporated into the document we see today.

21 MR. COE: Well, the second -- is two and
22 three --

23 (Simultaneous inaudible comments between
24 Board members)

25 MR. SALMAN: We've got a workshop coming up,

1 where we're going to get some detailed changes and
2 detailed modifications and amendments to this, that
3 we're going to have to vote on, anyway.

4 CHAIRMAN KORGE: No, we're not going to vote
5 on it again.

6 MR. RIEL: No.

7 CHAIRMAN KORGE: Once we --

8 (Simultaneous inaudible comments between
9 Board members)

10 MS. KEON: At the end of the hearing, it's
11 done.

12 MR. RIEL: The workshop's intent is to
13 provide an additional opportunity for additional
14 written comments.

15 MR. SALMAN: Excuse me. We're not going to
16 vote on it again, but the Commission is going to vote
17 on it.

18 MS. HERNANDEZ: Right.

19 MR. COE: Two -- two --

20 MR. SALMAN: It's going to go from here on
21 to the Commission.

22 MR. COE: Mr. Chairman, if I may, you know,
23 Recommendations 2 and 3 have nothing to do with the
24 discussion that we're having. That's dealing
25 basically with the map and the classifications on the

1 map ordinance. I see no reason, if there's an issue
2 about further discussion on Recommendation Number 1,
3 that we do not vote right now on Recommendations 2
4 and 3, and peel that off of Number 1, and I call the
5 question on that and ask us to vote.

6 CHAIRMAN KORGE: Before you call the
7 question, let me just -- let me just ask everybody.

8 On the Code rewrite, are there a lot of
9 questions to be discussed at this point, before
10 everybody is comfortable voting?

11 Pat, do you have like --

12 MS. KEON: Yes, I do.

13 CHAIRMAN KORGE: You do have a lot of
14 questions?

15 MS. KEON: Well, I have at least two
16 specific questions.

17 CHAIRMAN KORGE: Two specific. Well, would
18 anybody -- would anybody consider or reconsider that
19 motion to extend? We might be able to get this
20 wrapped up in, you know, 20 or 30 minutes.

21 MR. BEHAR: I'll tell you, I will
22 reconsider, because I don't feel comfortable voting
23 on the -- on these items unless we have discussion.

24 MR. AIZENSTAT: Right. That's why I
25 suggested the half hour, because I felt that with the

1 half hour, we could possibly get it done.

2 CHAIRMAN KORGE: I think it's realistic.
3 The reason, Jack, I think it's realistic, the 30
4 minutes, is because we've -- we've really gone
5 through everything, including the deferred items, but
6 there are a few issues left.

7 MR. COE: If we wrap it up in 30 minutes.
8 If we don't --

9 MR. AIZENSTAT: You can call your motion
10 again.

11 MR. COE: I'd rather have --

12 MS. KEON: Call your motion again then.

13 MR. COE: Well, no, I'd rather have the --
14 if we're not going to -- if we're not going to vote
15 on the whole thing, I'd rather have the thing voted
16 upon on October the 11th.

17 MR. AIZENSTAT: But there's no way to assure
18 you that we'll --

19 MS. KEON: Do you want to withdraw your
20 motion, then?

21 CHAIRMAN KORGE: I think we can get it all
22 wrapped up in maybe a few minutes.

23 MR. COE: If we can, that's fine, but --

24 MR. AIZENSTAT: But how do we assure you? I
25 don't know if there's a way to assure you --

1 MR. COE: Well, I don't know. My concern
2 is --

3 MS. KEON: We don't, but let's try.

4 MR. COE: -- that, at nine-thirty, we're not
5 going to be any closer to resolving this than we are
6 at nine o'clock.

7 MR. AIZENSTAT: Well, let's try.

8 CHAIRMAN KORGE: I think we are, yeah.

9 MS. KEON: I'll feel better.

10 MR. COE: Well, fine. If that's the case,
11 I'll agree to go to nine-thirty.

12 MR. RIEL: You can use the three-minute
13 timer, if you want, on each of the Board members.

14 CHAIRMAN KORGE: There's a motion to
15 reconsider extending to nine-thirty.

16 MR. AIZENSTAT: Yes.

17 CHAIRMAN KORGE: A motion for nine-thirty.

18 MR. AIZENSTAT: I'd like to make that.

19 CHAIRMAN KORGE: That was made by --

20 MS. HERNANDEZ: The prevailing side.

21 MS. KEON: I made it.

22 MS. HERNANDEZ: Well, there's no prevailing
23 side. It was a tie.

24 MS. KEON: There was no prevailing side. It
25 was a tie.

1 MS. HERNANDEZ: Everybody makes it difficult
2 for me.

3 MR. AIZENSTAT: I'd like to make a motion to
4 reconsider it.

5 MR. BEHAR: I'll second it.

6 CHAIRMAN KORGE: Okay. So let's just call
7 the vote on that.

8 MS. MENENDEZ-DURAN: Pat Keon?

9 MS. KEON: Yes.

10 MS. MENENDEZ-DURAN: Javier Salman?

11 MR. SALMAN: Yes.

12 MS. MENENDEZ-DURAN: Eibi Aizenstat?

13 MR. AIZENSTAT: Yes.

14 MS. MENENDEZ-DURAN: Robert Behar?

15 MR. BEHAR: Yes.

16 MS. MENENDEZ-DURAN: Jack Coe?

17 MR. COE: Yes.

18 MS. MENENDEZ-DURAN: Tom Korge?

19 CHAIRMAN KORGE: Yes.

20 Okay, Pat, let's go through --

21 MS. KEON: Can I ask my three specific
22 questions?

23 CHAIRMAN KORGE: Let's go through your
24 three, and then I want to --

25 MS. HERNANDEZ: You said two. You said

1 two.

2 CHAIRMAN KORGE: -- discuss briefly the
3 duplex.

4 MS. KEON: Okay.

5 MR. SALMAN: You said two.

6 MS. KEON: One, Dennis, in the single-family
7 ordinance that I have right here, apparently that was
8 passed, we had discussion on detached garages on
9 homes -- I think it was on 50-foot lots --

10 MR. SMITH: Yes.

11 MS. KEON: -- that they -- you have listed
12 here, it says, "The floor area in any garage or
13 garage storage area except that," whatever, "will be
14 counted as three quarters of the floor area."

15 We had discussion to deal with the massing
16 issue, that on 50-foot lots, if the detached garages
17 to the rear would count for less than this, because I
18 also asked and I thought it should be extended to all
19 of them, in the hopes that it would encourage
20 detached garages, to get them off the street, and
21 that wasn't supported, but the -- but that on the
22 50-foot lot was supported, and we did vote on it, and
23 I don't think that that -- I don't think this
24 reflects that vote. I'm asking you to go back --

25 MR. SMITH: No, that was changed at the City

1 Commission.

2 MS. KEON: That discussion was had at the
3 City Commission?

4 MR. SMITH: Yes.

5 CHAIRMAN KORGE: They voted on it?

6 MS. KEON: They voted specifically to remove
7 that beforehand, or were they given that
8 information?

9 MR. SMITH: Going -- I think the proposal
10 was to have it at 50 percent, and then we lowered it
11 to giving them credit for 30 -- for 25 percent. Is
12 that what you're talking about?

13 MS. KEON: No. What I'm telling you is that
14 I don't remember the specifics of it, because I'm
15 just -- in going through this, I didn't see it, so I
16 was surprised by it.

17 In listening to the discussion that the
18 Commission had, I don't remember that really being
19 presented to them in that fashion. I don't remember
20 any discussion on it. All I know is that it just
21 doesn't seem to be here, and I know that when we made
22 the recommendation, we asked in the rewrite that you
23 be -- as a -- for -- to address the issue of massing,
24 particularly on the 50-foot -- in the homes on the
25 50-foot lots, particularly in this area of the North

1 Gables, that there be a reduced -- a reduction in
2 the --

3 MR. SMITH: Setbacks?

4 MS. KEON: No, it isn't -- not in the
5 setbacks.

6 MR. AIZENSTAT: In the amount of floor area.

7 MS. KEON: In the gross floor area
8 calculation --

9 CHAIRMAN KORGE: Right.

10 MS. KEON: -- for detached garages, and that
11 that be reduced.

12 CHAIRMAN KORGE: Only on 50-foot lots.

13 MS. KEON: And it was -- yes, it was voted
14 on and recommended by this Board on 50-foot lots. I
15 don't see this in here. I listened to the discussion
16 before the Commission. I never heard the discussion
17 before the Commission. So I don't know how that -- I
18 don't -- I didn't hear where that direction was given
19 to you to change that.

20 So what I'm asking you is, maybe it went
21 forward to the Commission without that being
22 included, and so therefore it wasn't. But I really
23 would like you to go back. I'd like to know what
24 happened to that recommendation. I think it was
25 discussed thoroughly. The public was here. People

1 talked about it. It was direction given to you by
2 this Board for that item specifically, and I don't
3 think it ever was -- it doesn't appear to me that it
4 was ever incorporated into what went forward, and --
5 I --

6 MR. SMITH: We did do something to
7 encourage detached garages at the rear.

8 MR. KEON: That's not what I'm telling you,
9 Dennis.

10 MR. SMITH: Okay.

11 MS. KEON: What I'm telling you is that we
12 made a specific recommendation that I don't think was
13 ever folded into what was proposed to the
14 Commission. I'm going to -- I would --

15 CHAIRMAN KORGE: Well, you can make it --
16 you can make it as a modification of this --

17 MS. KEON: So I'm asking you --

18 CHAIRMAN KORGE: -- if you want.

19 MS. KEON: -- that you go back and modify
20 this before we vote on it, to what was rec-- or I
21 guess it's been approved, but I want you to do
22 something rather than my going to the Commission
23 myself. I would ask that you would address this --

24 MR. SMITH: Okay, but I'm --

25 CHAIRMAN KORGE: Jack wants to --

1 MS. KEON: -- in whatever form you want to
2 do it in.

3 MR. COE: A point of order --

4 MR. SMITH: I'm not clear on --

5 MR. COE: Mr. Smith, one second.

6 It's my understanding that tonight, if we go
7 to a vote, single-family housing is not part of that
8 vote.

9 CHAIRMAN KORGE: Everything is included.

10 MS. HERNANDEZ: Everything.

11 MR. BEHAR: Everything is here.

12 MR. SMITH: Yes, it is.

13 MR. RIEL: The single-family regulations --

14 MR. AIZENSTAT: It definitely is.

15 MR. SMITH: It's been included in the --

16 CHAIRMAN KORGE: Right.

17 MR. RIEL: It's been folded into this.

18 MS. KEON: It's been folded into this, so,
19 yes, it would be voted on.

20 CHAIRMAN KORGE: Yes, it would be.

21 MS. KEON: So I'm asking you, before it
22 comes back, or before we vote on it, that you
23 would -- you would go back, research that, you would
24 find the information that we had --

25 CHAIRMAN KORGE: Well, I think --

1 MS. KEON: -- do what needs to be done --

2 CHAIRMAN KORGE: I think the proper way to
3 handle this -- excuse me for interrupting, but --

4 MS. KEON: Okay.

5 CHAIRMAN KORGE: -- I think the proper way
6 to handle this is, assuming we -- you made your
7 point. Assuming we finish all this in the next 25
8 minutes and we have a vote, you can bring that in as
9 an amendment to this --

10 MS. KEON: Okay.

11 CHAIRMAN KORGE: -- to include in the
12 motion, and if it's accepted by the Board, then it
13 will be included. If it's not accepted by the Board,
14 then, you know, your objection has been noted.

15 MS. KEON: Okay.

16 CHAIRMAN KORGE: What were the other ones?

17 MS. KEON: The other question I asked is
18 that when we talked about the lot splitting item -- I
19 think Ms. Alfonso (sic) --

20 MS. HERNANDEZ: Right.

21 MS. KEON: We had a discussion about the
22 language, and we talked about rewriting that language
23 so that it was more clear --

24 MS. HERNANDEZ: Right.

25 MS. KEON: -- she said she had the language.

1 MS. HERNANDEZ: And she did.

2 MS. KEON: It's -- I'm asking -- I'm just
3 asking. Is this -- because I don't see where it's
4 changed in here.

5 MS. HERNANDEZ: Wally --

6 MS. KEON: Because I don't see any
7 strike-through or anything else.

8 MS. HERNANDEZ: -- did you amend the changes
9 that Ms. Alfonsin provided?

10 MR. CARLSON: I can't recall.

11 MS. HERNANDEZ: I thought, Lourdes, you
12 provided changes on the lot separation ordinance.

13 MS. ALFONSIN: Yes.

14 MS. HERNANDEZ: Okay.

15 MS. ALFONSIN: Those were incorporated.

16 MS. HERNANDEZ: Yes.

17 MS. KEON: Oh, are they on here?

18 MS. ALFONSIN: Yes, they are.

19 MS. KEON: You know, it's because I don't
20 see it as a strike-through or anything.

21 MR. RIEL: It may have been incorporated in
22 the August draft.

23 MS. ALFONSIN: That was done previously.

24 MS. KEON: Okay.

25 MS. ALFONSIN: That was done previously.

1 MS. KEON: That was the other thing.

2 And the other issue that I asked was -- at
3 one point, or at the last meeting, Robert brought up
4 the issue of the pitch of roofs, that as we --

5 MS. HERNANDEZ: Right.

6 MS. KEON: -- and I'd like that addressed.

7 CHAIRMAN KORGE: That goes to height.

8 MS. KEON: It goes to -- well, the fear was
9 that in maintaining the 29 -- if we move to 29 feet,
10 that people will then -- you would reduce the pitch
11 so that you'd have the more interior space, and it
12 affects the appearance of homes, and whether or not
13 you should look at what should be a minimum pitch on
14 any of these roofs.

15 CHAIRMAN KORGE: All right, well --

16 MS. KEON: And so I'm only asking -- that
17 was the other issue that I had, and that's it.

18 CHAIRMAN KORGE: Okay, well, first, let's
19 talk about -- well, let's talk about the height in
20 terms of the duplex, because I really do have --

21 MS. KEON: Okay.

22 CHAIRMAN KORGE: -- some concerns about
23 reducing the height of the duplex. I understand
24 we're sort of incorporating the height reduction from
25 single-family into duplex, but it didn't seem to be a

1 problem when we were dealing with the massing issue
2 for houses, the so-called McMansion issue that, you
3 know, precipitated all these changes, and I'm just
4 wondering if that's something that's best left alone,
5 for the time being, at least. Is that really a
6 problem, to have a 34-foot height for duplexes?

7 MR. SALMAN: I think the intent was that the
8 houses and the duplexes that are adjacent --

9 MR. COE: Match.

10 MR. SALMAN: -- to single-family --

11 MR. COE: Match.

12 MR. SALMAN: -- appear to be the same.

13 MR. COE: Exactly.

14 MR. SALMAN: If we make them 34 feet for
15 duplexes, they're not going to appear to be a
16 single-family residence. Right now, the duplexes
17 that exist up and down LeJeune are one-story
18 duplexes, and usually on double lots.

19 MR. COE: You want them to be compatible and
20 consistent with single family.

21 MR. SALMAN: On a single lot, you would
22 probably have to go to a two-story, if you want to
23 make it look like a two-story house. If we're
24 limiting the houses in single-family to 29, then the
25 logic says that we have to limit the duplexes the

1 same.

2 MR. AIZENSTAT: Isn't the duplex technically
3 the same structure as a house, it just has two --

4 MR. BEHAR: No, no.

5 MR. SALMAN: Not necessarily.

6 MR. BEHAR: Not necessarily. You know,
7 typically, they're -- a two-story duplex is wider
8 than most two-story homes.

9 MR. SALMAN: And they're exempt from the
10 parking -- surface parking requirements.

11 MR. COE: Right.

12 CHAIRMAN KORGE: They're mainly located on
13 the larger streets.

14 MR. BEHAR: Your pitch is going to be
15 higher.

16 CHAIRMAN KORGE: They're not located on the
17 back streets.

18 MR. COE: The pitch is going to -- The pitch
19 going to be higher because it's wider, right?

20 MR. BEHAR: Right, yeah.

21 MR. AIZENSTAT: Yeah, but don't you go ahead
22 and take a house, the way they're built today, and
23 you want to go ahead and use up as much of the
24 envelope as you can and you do a wide house within
25 that distance, also?

1 MS. HERNANDEZ: Right.

2 MR. BEHAR: Not necessarily.

3 MR. AIZENSTAT: Well, I mean, if I've got a
4 hundred-foot lot, where I want to do one house, or
5 I've got a hundred-foot lot where I want to do a
6 duplex, I would think I'm going to use up the same
7 amount of envelope.

8 MR. COE: Why?

9 MR. BEHAR: No. Perhaps -- perhaps you want
10 to keep it the same. You establish to the top of the
11 second floor tie beam. That way you keep that
12 consistent, and the roof pitches could go beyond --

13 MR. COE: Yeah.

14 MR. BEHAR: -- a certain height.

15 MR. AIZENSTAT: So you're saying to adjust
16 it to the -- to what value?

17 MR. BEHAR: To the second floor tie beam
18 level, because then you can keep it consistent, and
19 if the structure is wider, that gives you an
20 opportunity for the roof pitch, maintaining an
21 adequate roof pitch, go higher or lower. But you
22 don't -- what you keep is just -- possibly, possibly,
23 the tie beam elevation, versus the roofing -- I know,
24 on a two-story duplex, which is wider, you may have
25 to have a lower pitch, if you want to keep it --

1 I don't know -- Dennis?

2 MR. SMITH: When -- the way that we tried to
3 address that, and the reason, I think, in some of our
4 discussion -- we addressed that by allowing different
5 types of flat roofs, to give architects more of an
6 opportunity to break up the mass of the roof, so they
7 could have shorter spans on the pitched roof elements
8 and keep the higher pitch, and like you have with the
9 Old Spanish, that you see out there today, where you
10 have a higher pitch, but then behind it, you may have
11 a flat roof with a parapet.

12 So we went back to those types of
13 techniques, to take -- try and address that issue
14 with the pitch of the roof, when we lowered it down
15 to 29 feet.

16 MR. COE: It makes sense.

17 CHAIRMAN KORGE: Okay.

18 MR. AIZENSTAT: Well, I mean --

19 MR. COE: It has to do with accommodating
20 all different possibilities.

21 CHAIRMAN KORGE: Any other questions?

22 MS. KEON: I think it's an architectural
23 issue that I'd rather have the architects --

24 MR. AIZENSTAT: Yeah, that's why I'd have to
25 defer that to the architects.

1 MR. SALMAN: I understand Robert's point,
2 where you're going to be occupying more width, trying
3 to get the two units in there, and if you do start,
4 the geometry says that you're going to go up over.
5 But the reality is that with the Code, the way we've
6 broken it up, to break down mass, I'm saying the same
7 rules have to apply.

8 MR. BEHAR: Well, that applies to the
9 single-family. It doesn't really apply to the
10 duplex.

11 MR. SALMAN: I think it should --

12 MR. BEHAR: And it would apply to the
13 duplexes now --

14 MR. SALMAN: -- because it's an adjacency
15 issue. It's really an adjacency issue.

16 MR. BEHAR: And --

17 MR. COE: Isn't the idea -- excuse me.
18 Isn't the idea to make the duplex, in a transitional
19 area, kind of look like a single-family house?

20 MR. BEHAR: A two-story single family,
21 absolutely.

22 MR. COE: It's a disguised single-family
23 house.

24 MR. BEHAR: I agree, and we all agree on
25 that. Are you -- what I hear is that you're

1 encouraging them to have more flat roofs --

2 MS. KEON: Yeah.

3 MR. BEHAR: -- in order to get --

4 MR. COE: The appearance.

5 MR. BEHAR: Right?

6 MR. SMITH: That's correct.

7 CHAIRMAN KORGE: Well, when I look at --

8 MR. BEHAR: I will tell you, I know -- and
9 I haven't seen an example --

10 MR. COE: Poor architectural design.

11 MR. BEHAR: -- to say yes, it works. Just
12 what jumps out at me is that maybe I don't want to
13 see or encourage to have more flat roofs. I'd rather
14 see them more breaking up the masses and put a pitch
15 to the roof. I think that would look more appealing
16 to me than seeing flat roofs.

17 In every case, there will be a use that will
18 look appropriate with a flat roof, but I'm not sure,
19 unless we go further into that study, what the
20 outcome will be.

21 MR. SALMAN: The 29 feet is to the ridge.

22 MR. SMITH: That's it.

23 MR. SALMAN: For the maximum.

24 MR. SMITH: That's it.

25 MR. SALMAN: Twenty-nine feet -- a typical

1 floor-to-floor in a residential is what, 11, 12 feet?

2 MR. BEHAR: Right, 12 feet.

3 MR. COE: 12 and 12 is 24.

4 MR. AIZENSTAT: 24.

5 MR. SALMAN: It gives you five feet above

6 the --

7 MR. COE: You've got five feet above the --

8 MR. BEHAR: A five in 12 pitch.

9 MR. AIZENSTAT: That doesn't give you --

10 MR. BEHAR: A five in 12 pitch.

11 MR. SALMAN: It does if you break up the

12 mass.

13 MS. KEON: But not if you don't.

14 MR. SALMAN: If you do a (inaudible) --

15 MR. AIZENSTAT: But you're not forced to

16 break up the mass.

17 MR. BEHAR: Remember, in a single-family --

18 MR. SALMAN: -- along the front end of a

19 50-foot lot, that's where you get --

20 MR. BEHAR: On a single-family, you could do

21 it.

22 MR. SALMAN: But the intent of the Code is

23 to break it up.

24 MR. AIZENSTAT: Yeah, but not every

25 architect is going to break up that mass. The good

1 architects --

2 MR. SALMAN: I've got news for you. They're
3 going to have to, if they're going to try to keep
4 under the 29 feet.

5 MR. AIZENSTAT: Well, you know what? I
6 think that good architects are going to, but I don't
7 know --

8 MR. COE: If you make it 33 feet, would the
9 majority --

10 MR. SALMAN: Why go there? We've already
11 decided that. Let's not undo what we've decided.

12 CHAIRMAN KORGE: Well, we've never decided
13 the duplex.

14 MR. SALMAN: We decided it for
15 single-family.

16 CHAIRMAN KORGE: Yes, we did, and I'm not --
17 we're not talking about changing the single-family.

18 MR. SALMAN: I understand, yeah, but the
19 way I see it is, the single-families (sic) really
20 need to work with the residential -- single-family
21 residential. They're occupying a lot adjacent to it.
22 It's of the same size. It's got to -- the way the
23 traditional duplexes in Coral Gables have existed,
24 they have melded in with the community around it. In
25 some cases, they are literally a two-story house that

1 is divided in the middle, and you can't even tell.

2 MR. COE: Right. Exactly.

3 MR. SALMAN: It looks like a single house.

4 MR. COE: With the two entrances.

5 MR. SALMAN: And that was just done out of
6 politeness to the neighbors. So I don't see why we
7 should be going away from that and creating a
8 separate height --

9 MR. COE: Well, I agree.

10 MR. SALMAN: -- availability --

11 MR. COE: I think the duplex height --

12 MR. SALMAN: -- because it's a duplex.

13 MR. COE: -- in the single family should be
14 the same.

15 MR. SALMAN: I think the tradition -- the
16 built environment and the intent of the Code is that
17 they be the same.

18 MS. KEON: Through the Chair, I'm not so
19 sure that that's true. I thought that I had seen or
20 read or heard that historically, as the City was
21 developed, that the duplexes were placed along those
22 major roadways to give the appearance of --

23 CHAIRMAN KORGE: Larger houses.

24 MR. COE: Exactly, exactly.

25 MS. KEON: -- grander, larger homes.

1 MR. SALMAN: In some cases, they were
2 four-plexes.

3 MS. KEON: So because they were given
4 that -- right, but they were given that --

5 MR. SALMAN: And they're still built within
6 the single-family envelope.

7 MS. KEON: -- and that's why they're bigger.
8 Right.

9 MR. COE: That's right. You're right.

10 MS. KEON: They can be bigger.

11 MR. SALMAN: They're still built within the
12 single-family envelope, with a flat roof and maybe
13 just a mansard parapet.

14 CHAIRMAN KORGE: Yes. That's the reason --
15 I don't think we have any issues left. That's the
16 reason why I asked the question about the extra five
17 feet for the duplex, but if the consensus is, stay
18 with 29, then we'll end up staying with 29. I don't
19 want to beat a dead horse here.

20 MR. AIZENSTAT: Robert is making kind of a
21 valid point.

22 CHAIRMAN KORGE: I agree with him.

23 MR. BEHAR: I mean, I know how I feel. I
24 mean, obviously, we all have different opinions.

25 MR. AIZENSTAT: I mean, from what I hear

1 that Dennis is saying, it's, he's saying that it's
2 going to cause people to break up the roofs. But how
3 do we guarantee that? How do we know that they're
4 going to do that and not --

5 Dennis, is there a way for us to write
6 something in there so that they will actually have to
7 go ahead and break up those --

8 MR. SALMAN: Eibi, the geometry will take
9 you --

10 MR. BEHAR: Yeah, but not going to the flat
11 roofs.

12 MR. AIZENSTAT: I'm not an architect.

13 MR. SALMAN: I'm telling you, the geometry
14 is going to dictate it to you.

15 MR. BEHAR: But you could put a flat roof
16 up there.

17 MR. SALMAN: But you can't put it over the
18 whole front.

19 MR. BEHAR: No, but you're going to have a
20 percentage --

21 MR. COE: You put it in the back, in the
22 back.

23 MS. HERNANDEZ: I have a flat roof on my
24 house.

25 MR. BEHAR: You know?

1 MR. SMITH: That becomes a function of
2 design --

3 MR. COE: It's in the back.

4 MR. SMITH: -- is what it really becomes,
5 and it's up to the architect and to the Board of
6 Architects to make sure that that's done correctly
7 and appropriately, and in the Florida Building Code,
8 there are minimum pitches established for pitched
9 roofs.

10 MR. BEHAR: But Dennis -- and I trust the
11 Board of Architects fully, that will do the best
12 possible job to assure that, okay? Obviously, I'm a
13 past member of the Board, so I've got to stick to it.

14 MS. HERNANDEZ: The bias is evident.

15 MR. BEHAR: But I just want to make sure
16 that we don't open a can of worms by even the
17 possibility of allowing for more flat roofs, with a
18 parapet that architecturally may not be --

19 CHAIRMAN KORGE: On the bigger streets, too.

20 MS. HERNANDEZ: Right.

21 MR. COE: Do you think your former Board is
22 going to approve this?

23 CHAIRMAN KORGE: Right, well, okay,
24 let's -- are there any other issues to be discussed?

25 MR. RIEL: The only one is if you all want

1 to take the carport canopies out, if you want to --
2 if you feel strongly --

3 CHAIRMAN KORGE: Does anybody want to
4 discuss carport canopies?

5 MS. HERNANDEZ: Carport -- carport --

6 MR. AIZENSTAT: Carport canopies --

7 MS. HERNANDEZ: -- canopies --

8 MR. AIZENSTAT: -- only in residential
9 areas? What about commercial areas?

10 (Simultaneous inaudible comments between
11 Board members)

12 MR. RIEL: Single-family.

13 MR. SALMAN: Only single-family.

14 MR. AIZENSTAT: I would take that out.

15 MR. SALMAN: No, I wouldn't take it out.

16 It's got to go before the Board of Architects.
17 They're not going to let a little -- they're not
18 going to put a School Board tick-tack (phonetic) on
19 the side of a house. They're never going to approve
20 it. Believe me, I've been there enough times to see
21 the kind of grief that they give them.

22 MR. COE: I think you've got to give a
23 little flexibility to the Board of Architects.

24 MR. SALMAN: You've got to give them some
25 flexibility if they want cover without necessarily

1 building a building onto the side of their house.

2 Most of these are side house issues for a
3 carport, and it's a canvas issue. I'm not --

4 MR. BEHAR: That, I would agree with you.

5 MR. SALMAN: I'm not --

6 MR. BEHAR: I don't have a problem with that
7 one.

8 MR. RIEL: I just want to make sure that --
9 so we can respond to the --

10 CHAIRMAN KORGE: The Commission can consider
11 it, and may come to a different conclusion.

12 MR. RIEL: I'm sure it will come up again.

13 CHAIRMAN KORGE: Any other issues that we
14 need to discuss at this time?

15 MS. KEON: Can I ask Robert again, on his
16 issue of pitched roofs --

17 Do you have any recommendation for this, or
18 you think -- would you just let it go forward?

19 MR. BEHAR: Pat, I -- if we could, and I'm
20 sure Dennis has -- I'm hoping Dennis has put it --
21 tied it up where the Board of Architects will have
22 the final say --

23 MR. COE: Put it all on Dennis.

24 MR. BEHAR: -- and not allow for the flat
25 roofs, I'm okay with it. Okay? I just don't want to

1 see --

2 CHAIRMAN KORGE: You can make a motion. You
3 can make a motion to adopt the rewrite with all the
4 changes that have been brought forward, and that
5 additional change, if you want. If you get a second
6 and it's approved, it wins.

7 MS. HERNANDEZ: With all the changes
8 proposed by Staff, right?

9 CHAIRMAN KORGE: Yes, all the changes that
10 have been proposed by Staff.

11 MR. COE: Before we hear the amendment, it's
12 my concern, if we're going to have an elevation on
13 duplexes higher than elevation of the single-family
14 house, you're opening up a can of worms, and you will
15 find thousands of irate homeowners demanding to know
16 how the duplex, all of a sudden, again, is going to
17 be higher than their house, because they all thought
18 that they're going to be the same, so -- and that the
19 duplexes are going to maintain the height
20 characteristic of the single-family house and kind of
21 look like a large single-family house.

22 So, by changing that elevation -- by
23 changing that elevation and making it higher for the
24 duplex, you're opening up the whole issue again.

25 MS. KEON: We're not --

1 CHAIRMAN KORGE: That's a good point, but
2 it's never been -- they never made the change to 29
3 for duplex. We made -- we addressed the
4 single-family --

5 MR. COE: To make it -- yeah, and we did
6 that to make it uniform, because that's what --
7 people were insisting that it be uniform.

8 Now, we've heard, some people who own
9 duplexes were saying, "Hey, you know, that's
10 terrible, we should be able to go higher." From
11 their point of view, that's fine. I think from a
12 City Code point of view, that's a disaster.

13 MS. KEON: In rewriting this, when we added
14 some elements, architectural elements, for the Board
15 of Architects to review, do we -- can we include the
16 issue of roof pitch? Will that make it more
17 prominent or more subject to review --

18 MR. AIZENSTAT: That will actually
19 probably --

20 MS. KEON: -- if, in the elements, we add
21 that --

22 MR. AIZENSTAT: That will cause it to
23 actually break up --

24 MR. COE: You can call it roof pitch --

25 MS. KEON: Is it in there?

1 MR. COE: -- and it requires a breaking up,
2 right?

3 MR. AIZENSTAT: Yeah.

4 MR. SMITH: And really, I mean, we allow --

5 MR. RIEL: Roof slope is in there.

6 MS. KEON: Roof slope is in there?

7 MR. RIEL: Roof slope is in there already.

8 CHAIRMAN KORGE: We've got nine minutes
9 left, so --

10 MS. KEON: Okay. All right. Then I'm
11 comfortable.

12 MR. RIEL: Roof slope is in there.

13 MR. AIZENSTAT: So roof slope is in there?

14 MR. RIEL: It is in there.

15 MR. COE: If there's no more questions, I
16 call the question, Mr. Chairman.

17 CHAIRMAN KORGE: Well, there's no motion on
18 the table right now.

19 MR. SALMAN: The motion is open for
20 approval. I seconded it.

21 MS. KEON: I would like to make an
22 amendment that we go --

23 CHAIRMAN KORGE: That's right, there was.

24 MS. KEON: I have an amendment, that you
25 would please revisit the issue of the --

1 CHAIRMAN KORGE: The roof pitch?

2 MS. KEON: No, the ground -- the floor

3 area --

4 MR. AIZENSTAT: Garage.

5 MR. RIEL: The reduction in the square

6 footage.

7 MS. KEON: The reduction in square

8 footage --

9 MR. RIEL: For 50-foot lots.

10 MS. KEON: -- on 50-foot lots for a detached

11 garage, as was recommended by this Board.

12 MR. AIZENSTAT: What do you mean, revisit?

13 Why don't we put it into our motion?

14 MS. KEON: Because I don't remember exactly

15 what it was, because it's not in front of us. I

16 don't remember exactly. I don't remember --

17 CHAIRMAN KORGE: It was a 50 percent

18 reduction.

19 MR. RIEL: It's 50 percent.

20 MS. KEON: I don't know if it was -- it

21 would be covered as 50 percent -- that it would be

22 covered as 50 percent --

23 MR. SALMAN: As I recall the discussion --

24 MS. KEON: -- as opposed to two thirds.

25 MR. SALMAN: As I recall the discussion,

1 Pat, we went back and forth with regards to promoting
2 detached garages, and Dennis made the very clear
3 point that, well, they're already getting a benefit
4 by a reduced setback as an auxiliary structure, and
5 you then countered, and we all agreed that, yes, but
6 for 50-foot lots and only 50-foot lots --

7 MS. KEON: Right.

8 MR. SALMAN: -- they should be allowed,
9 because of the limited amount of square footage they
10 can build on a 50-foot lot, a greater credit to help
11 encourage --

12 MS. KEON: Yes, so they can --

13 MR. SALMAN: And the fact that they're going
14 to be losing a lot of their buildable lot by
15 developing that driveway within that 50 feet, to get
16 that detached garage, we would give them a greater
17 credit.

18 MR. SMITH: 50 percent --

19 MR. SALMAN: But only 50-foot lots.

20 MR. SMITH: -- for 50-foot lots.

21 MS. KEON: That's right. Was it 50 percent?

22 MR. SALMAN: I believe that that was
23 correct. From three quarters to a half --

24 CHAIRMAN KORGE: That's your motion to
25 amend?

1 MS. KEON: That's my motion.

2 CHAIRMAN KORGE: Is there a second to the
3 motion?

4 MS. KEON: But I'd like you to confirm that
5 that's what it was.

6 MR. COE: No, that's her amendment to the
7 motion.

8 MR. AIZENSTAT: Exactly.

9 MR. COE: There's a pending motion on the
10 table. That's her amendment to the motion.

11 CHAIRMAN KORGE: That's right. The
12 proposed amendment to the motion --

13 MR. SALMAN: You've got two motions.

14 CHAIRMAN KORGE: Is there a second to the
15 amendment?

16 MR. COE: I accept -- I accept the
17 amendment to my motion, and I will second the
18 amendment.

19 CHAIRMAN KORGE: Okay. Well, then, it's
20 included in your motion?

21 MR. COE: Correct.

22 CHAIRMAN KORGE: Okay. So is there any more
23 discussion on the motion?

24 MS. KEON: No.

25 CHAIRMAN KORGE: No discussion?

1 MR. RIEL: Call the question.

2 MR. COE: Call the question, Mr. Chairman.

3 CHAIRMAN KORGE: Then we'll bring it to a
4 vote.

5 MS. HERNANDEZ: Oh, my God. Wait. My
6 heart.

7 MR. RIEL: Call the question, please.

8 MS. MENENDEZ-DURAN: Pat Keon?

9 MS. KEON: Yes.

10 MS. MENENDEZ-DURAN: Javier Salman?

11 MR. SALMAN: With the knowledge that we're
12 going to have to deal with this at the Commission
13 level, to deal with a couple of little technical
14 issues that are going to be coming up from the
15 workshop, as well as the incorporation and the
16 binding of this document into a publishable work, I
17 hereby approve that we go forward.

18 MR. COE: Is that a yes?

19 MR. SALMAN: And that's a yes.

20 MR. AIZENSTAT: You only have six more
21 minutes to say that.

22 MS. MENENDEZ-DURAN: Eibi Aizenstat?

23 MR. AIZENSTAT: Yes.

24 MS. MENENDEZ-DURAN: Robert Behar?

25 MR. BEHAR: Yes.

1 MS. MENENDEZ-DURAN: Jack Coe?

2 MR. COE: Yes.

3 MS. MENENDEZ-DURAN: Tom Korge?

4 CHAIRMAN KORGE: Yes.

5 MR. RIEL: Can I just take a privilege for
6 one minute? I would just -- on behalf of the City
7 Staff, I just want to thank the Board for their
8 continued effort, their time commitment, and -- no,
9 on behalf of the City Administration, all of the City
10 team that worked on this -- I mean, you, as a part of
11 this, were as much a part of the City team, as well
12 as the public, and I just want to thank you as well
13 as the other six or seven members that throughout
14 this process have provided what I think is a fairly
15 good Code.

16 It will be amended, over time, technically.
17 We won't see its effects for five or 10 years, at
18 that time, but I just wanted to thank you on behalf
19 of City Staff.

20 MR. AIZENSTAT: Thank you.

21 MR. BEHAR: Thank you.

22 MS. HERNANDEZ: I concur in everything Eric
23 says. I'm out of time, but my office thanks you all
24 for your selfless dedication, and we appreciate it.

25 MR. AIZENSTAT: I also do think that you've

1 come a long way from the point that we started.

2 Even from the last time we met, on the 6th, you've
3 really progressed tremendously.

4 MR. BEHAR: And the whole Staff has done a
5 incredible, superb job, and we commend you for it.

6 MR. RIEL: Thank you.

7 MS. HERNANDEZ: Thank you.

8 MR. BEHAR: Did you get that on the record?

9 (Thereupon, the meeting was adjourned at
10 9:25 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 3rd day of October, 2006.

JOAN L. BAILEY,
REGISTERED DIPLOMATE REPORTER

Notary Commission Number DD 190412.
My current notary commission expires 6/14/07.

