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CITY OF CORAL GABLES
ZONING CODE REWRITE WORKSHOP
VERBATIM TRANSCRIPT
CORAL GABLES CITY COMMISSION CHAMBERS
405 BILTMORE WAY, CORAL GABLES
THURSDAY, OCTOBER 5, 2006, 6:08 P.M.

City Planning Staff:

- Eric Riel, Jr., Planning Director
- Walter Carlson, Assistant Planning Director
- Javier Betancourt, Principal Planner
- Scott Bolyard, Planner
- Jill Menendez-Duran, Administrative Assistant

Other City Staff Present:

- David Brown, City Manager
- Dona Lubin, Assistant City Manager
- Dennis Smith, Assistant Building Director

Commissioner Present: Raul "Ralph" Cabrera, Jr.

Members of the public participating:

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Fernando Menoyo	9
Felix Pardo	13
Jaime Saldarriaga	34
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1 THEREUPON:

2 The following proceedings were had:

3 MR. RIEL: Okay, we're going to go ahead and
4 start. Let me just kind of give you some background.

5 My name is Eric Riel. I'm the Planning
6 Director with the City. We have Dennis Smith,
7 Assistant Building & Zoning Director. Javier is the
8 Principal Planner in the Department, Walter Carlson,
9 the Assistant Planning Director, and Scott Bolyard,
10 the Planner in the Department.

11 This evening is a workshop, and it's more so
12 a question-and-answer, an opportunity to ask
13 questions. We're going to do a verbatim transcript,
14 so we want to make sure we capture everybody's
15 comments, and the transcript is going to go to the
16 Commission and also be published on the Web.

17 The intent of this evening was kind of -- if
18 you have any specific questions that, as a part of
19 this process, perhaps you felt you didn't want to
20 come to a public meeting or you didn't meet with
21 Staff, but by looking around the room, I'll tell you
22 that most of the people that are here -- you know who
23 you are -- you've met with either myself or the
24 Planning Staff or Dennis.

25 As you all know, the start of this was, the

1 City completed a Charrette in 2002. We did some
2 discovery workshops with the Planning & Zoning Board
3 and the City Commission. We met with stakeholders,
4 property owners. We actually had three months of
5 meetings with the Planning & Zoning Board, where we
6 looked at major policy issues and got their direction
7 before we started writing the Code. And then the
8 first draft of the Code was done in January of 2005.

9 Since that time, we've done three different
10 drafts, or this is the third draft which you see on
11 the Web page at this point. We've had approximately
12 about 35 meetings in front of the Planning & Zoning
13 Board and the City Commission. We've had about 10
14 other meetings with other Boards, the Board of
15 Architects, Board of Adjustment, Economic Development
16 Board, Historic Preservation, Landscape Advisory
17 Board, and I'm probably forgetting one, but what we
18 did is, we took various issues to the Board --
19 obviously, Historic Preservation, we took historic
20 issues, Economic Development, we took the Parking
21 Code; to the Parking Advisory Board, we took the
22 parking restrictions; the Landscaping Code went to
23 the Landscape Advisory Board, and on some occasions,
24 each of those Boards actually looked at the Code,
25 throughout the development of the Code, and as you

1 know, as I said, the Planning Board went through it.

2 They went through it line by line.

3 The City team that went through the Code
4 included: We had a outside consultant, we had the
5 Planning Department involved in it, Building & Zoning
6 were involved, Development, the City Manager's
7 Office, Historic Preservation, and then other
8 departments. Again, the Parking Department, they
9 looked at the parking regulations.

10 But for the most part, it's been a pretty
11 open -- open-ended process, lot of good input. I
12 know Planning Staff and Dennis in Building & Zoning
13 have had a lot of meetings with folks in the past
14 three months. They had a lot of great comments, a
15 lot of good input.

16 As I've said in public meetings, you know,
17 it's a good -- it's a good Code. Is there additional
18 changes or are there some things that perhaps, you
19 know, we're going to need to look at again?
20 Absolutely. It's not a perfect document. As you
21 know, we started the process right after the
22 Charrette, where we did the new Mediterranean
23 regulations, the new sign Code and the new mixed-use
24 provisions. That's even before we started the
25 comprehensive rewrite of the Code. So those major --

1 those three areas were pretty much done beforehand,
2 and we just did some tweaking of those provisions.

3 But for the most part, if I were to
4 summarize what -- there's about six or seven changes
5 in the Code that were completed. I think probably
6 the largest one that was done is the revamping of the
7 single-family regulations, regarding the limitation
8 of residences, and also compatibility and context
9 standards.

10 I think the second largest thing that was
11 done in the Code was commercial uses adjacent to
12 residential uses. We created additional performance
13 standards that basically said, if you do a certain
14 type of use, you have to meet certain performance
15 standards to ensure that the residential is not
16 impacted. That had to do with lighting and
17 sanitation pickup and other things.

18 The third thing, parking requirements. We
19 increased the parking requirements in the Central
20 Business District and also updated the Code. We
21 updated the Historic Preservation provisions.
22 Although they had been done about two years ago, we
23 took another opportunity to look at it, from a legal
24 standpoint, more so.

25 The Landscape Code changed. We came up with

1 nighttime use provisions, again for those uses
2 that -- commercial uses that are adjacent to
3 single-family and multi-family.

4 We updated, from a legal standpoint, the
5 enforcement provisions of the Code, and also came up
6 with transitional rules, in other words, rules that
7 while this -- while you're in process or in review
8 for building plans, there's a transition period in
9 terms of when the new codes take effect and when you
10 will have to apply those new codes. So there's a
11 whole section on that.

12 The definitions. Our current Code probably
13 had about 200 definitions. I believe we went to --
14 we probably doubled that amount. That was something
15 that, as going through the entire process, we wanted
16 to make sure it's clear in terms of how each term is
17 defined, so there's -- and the intent of the rewrite
18 was to make it user-friendly, that, you know, anyone
19 could go in and try to interpret the Code, and they
20 perhaps would not necessarily need to meet with, you
21 know, Building & Zoning Staff or Planning Staff.

22 And then lastly, as a part of the rewrite,
23 we obviously had to redo the maps. We came up with
24 new categories. The maps are on my left here, the
25 new maps.

1 Everything that I've told you about, in
2 terms of the Code, the minutes, agendas, everything
3 is on the Web. If you want to keep up with the
4 process, continue to keep up with the process, give
5 us your e-mail address. We have a master e-mail
6 address with about 250 people on it, that we send out
7 notices. I'm sure most of you that are here this
8 evening are probably on that e-mail distribution
9 list.

10 The Planning & Zoning Board, last week,
11 passed the Code. It was a six-to-zero vote. They
12 made a couple of changes. What we're going to do is,
13 we're going to update the Code with those changes,
14 and next Thursday, we're going to be producing a new
15 document, but it will have underline and strike-out
16 in it with the addendums that were just recently
17 done, and that will be the Code that goes to the
18 Commission. If you all don't know, on October 17th,
19 at 9:00 a.m., they're having a special meeting. It's
20 the first reading on the Zoning Code, in this room,
21 just on the Zoning Code.

22 If the Commission passes it on first
23 reading, it will go to second reading on November
24 28th, and that's likely to be an evening meeting or
25 perhaps an afternoon meeting. But dependent on

1 whether they pass it at first reading or if they
2 decide to have first reading again, those dates and
3 times could change.

4 But I again encourage you, check the Web
5 page out, and one thing that throughout this process
6 I can tell you that's been the most beneficial to
7 Staff is written comments. It's much, much easier
8 for us to decipher and work when we get written
9 comments, and we've gotten a lot of really good
10 written comments and I can't encourage you more to
11 continue to give us written comments.

12 And again, all of Staff are available at any
13 time to sit down with you, and I've sat down or Staff
14 has sat down with certain individuals and we've gone
15 through the Code, page by page, and we've answered a
16 lot of questions.

17 So, with that, again, this is just a
18 question-and-answer period. All these gentlemen
19 sitting up here are going to help me answer these
20 questions. What I would ask, to make sure we get an
21 accurate record, when you stand up, those who want to
22 speak, say your name and address. Try to make your
23 comments concise, but again, I encourage you to give
24 me written comments.

25 So with that, who wants to start with the

1 first question? Just stand up and say your name and
2 address.

3 MR. MENOYO: Fernando Menoyo, 744 Biltmore
4 Way. During this process, on several occasions, we
5 have suggested that the townhouse Code -- that the
6 townhouses face the street. We have also suggested
7 that the townhouses, instead of being 16 feet in
8 width, be wide enough to allow cars, garages -- for
9 the cars to be side by side, which would make the
10 minimum width around 23 feet.

11 My question is, why haven't these issues
12 been addressed?

13 MR. RIEL: Why have they not been addressed?

14 MENOYO: Right.

15 MR. RIEL: Okay. You know, the townhouse
16 issue came as a part -- came through at the end of
17 the process, and actually, the townhouse discussion
18 was a result of a lot of discussion we had on the
19 single-family regs. That's why the reduction was
20 done in the duplexes down to 29 feet.

21 The townhouse issue, as you know, the
22 Commission has asked that that be the subject of a
23 separate study. There's a whole set of issues that
24 are dealing with townhouses, such as the doors facing
25 the street and things like that. What we decided to

1 do is, as a part of that study at a later date, we'll
2 look at the whole townhouse issue and come up with
3 some specific design regulations. At this point in
4 time, there's only a restriction that says that
5 vehicular access needs to be from the rear.

6 MR. MENOYO: Yeah, but you have made several
7 changes to the townhouse ordinance in this process.

8 MR. RIEL: There's only -- only that one.

9 MR. MENOYO: Two. The one -- the one with
10 the garages in the back, and also the landscaping in
11 the front.

12 MR. RIEL: On the front, right. You're
13 right.

14 MR. MENOYO: There's existing landscaping --

15 MR. RIEL: The ability to change it, yeah.

16 MR. MENOYO: So why not address --

17 MR. RIEL: Because I think it needs further
18 study, I really do --

19 MR. MENOYO: Well --

20 MR. RIEL: -- because I think there's other
21 things, besides those other issues that you brought
22 up, I think we need to look into, and I'm not
23 disagreeing with you. I just think it needs further
24 study at this point.

25 MR. MENOYO: Well, but what's happening is

1 that you're getting projects in, and they're going to
2 be built before you -- before you look at it, that
3 the City might not want. So, basically, I think that
4 it's important that you address it, because I think
5 that the City should be envisioning what's built, not
6 the developers driving what's built, and if you don't
7 address those issues you're going to get townhouses
8 that are 16 feet in width, and you're going to get
9 these courtyard buildings, that I think that one has
10 already been approved, and those will be there
11 forever.

12 And you have a vision, the City has a
13 vision, of, you know, beautiful, upscale townhouses.
14 I don't know if that's -- I mean, that's my vision.

15 MR. RIEL: I think that's what's going to be
16 a part of the process for a separate study, is, we
17 want that input. And can we do that in this time
18 frame, to get this in this Code? I think the
19 Commission has directed us to do a separate study,
20 and they basically told us that they, you know, want
21 us to do it, you know, outside the Zoning Code
22 rewrite. So, I mean, that's all I can answer at this
23 point.

24 MR. MENOYO: But why do you make two changes
25 and not four changes?

1 MR. RIEL: Because that was -- when we went
2 through the changes, we felt those were the easiest
3 and had, in other words, the least impact, in terms
4 of what we've heard from the public input.

5 I mean, I've heard on the other side that
6 folks do not like town homes. They think it's a
7 product typology that they don't want to see in the
8 City. So, you know, we need to go forward with the
9 study and look at it and invite those people to
10 participate in this process.

11 MR. MENOYO: Well, the real reason why the
12 townhouse ordinance came in place is to replace condo
13 buildings --

14 MR. RIEL: A transitional area, I
15 understand.

16 MR. MENOYO: -- with townhouses.

17 MR. RIEL: Right.

18 MR. MENOYO: I don't know if people
19 understand that, and they serve as a great
20 transitional dwelling between, you know, the Biltmore
21 II and Valencia Grand and the David William, and the
22 single-family houses.

23 MR. RIEL: I agree with you, and I think, as
24 a part of this --

25 MR. MENOYO: I think people are -- people

1 are getting that mixed up with putting townhouses on
2 Segovia, which there is no reason for that. But
3 there was a reason during the moratorium to put in
4 the townhouses, for the reasons I just stated.

5 MR. RIEL: That's exactly why, you know, I
6 agree, we need to do some more study on it, because
7 there are both sides of the issue, so --

8 MR. MENOYO: But I think that by putting the
9 townhouse issue in the duplex zoning, that
10 confused -- people don't understand it, and then they
11 got very confused.

12 MR. RIEL: Thank you.

13 Anyone else?

14 Felix.

15 MR. PARDO: If you don't mind, I need to put
16 this on -- do you mind if I put it on the desk over
17 there?

18 MR. RIEL: Sure.

19 MR. PARDO: Because I don't want to miss any
20 of my notes.

21 MR. RIEL: I don't know if everybody is
22 going to be able to see you up there, Felix.

23 MR. PARDO: As long as they can hear me, I
24 think that's important.

25 There is --

1 MR. CARLSON: Name.

2 MR. RIEL: You've got to state your name and
3 address.

4 MR. PARDO: Yeah, I'm getting to it.

5 Okay. For the record, my name is Felix
6 Pardo, and I reside at 421 Cadima Avenue, Coral
7 Gables, and I just wanted to bring up a few points.
8 I've already brought up a few points when the final
9 draft came up, I guess the last final draft, came up,
10 and that was a few weeks ago, where the Planning
11 Board asked questions about the duplexes, and Staff
12 did go in and then all of a sudden changed the
13 limited apartment area that had been changed on
14 LeJeune and some of Segovia, and basically had taken
15 that out. From what I understand, it's an interim
16 thing, but I want to make sure that it's a permanent
17 thing.

18 In other words, the map that was -- that was
19 given out that day, at the last hearing -- and I just
20 wanted to clarify that on your map, I think that
21 Staff should correctly, on the left-hand side, which
22 was when it was changed to the MFSA -- which is, for
23 those of you that don't know -- which is basically a
24 limited apartment district which are currently
25 duplex, it says on the lower caption, incorrectly,

1 Current MFSA Zoning. That meant current in the
2 proposed zoning map. The current is duplex. This
3 was the proposed MFSA.

4 Then, on the right-hand side, the MF-1
5 zoning recommendation is what is existing. But, you
6 know, words kind of sometimes are important in the
7 sequence that you put it. I don't want a
8 Commissioner to make a mistake, thinking that those
9 are apartments and we're changing them to duplex.
10 No, they're duplex now, they have been proposed by
11 Staff to make them into limited apartment, and I
12 think that it's very important that you get this map
13 correctly to --

14 MR. RIEL: That exhibit is no longer --
15 that's part of the record, but we have a new zoning
16 map up here that shows that.

17 MR. PARDO: That's fine. I understand that.
18 But I think that if this is floating around, and you
19 look at it, it's a little bit -- I don't think that
20 it was done intentionally. I'm just saying that it's
21 a little misleading, because the existing is duplex.
22 The proposed was MFSA, which is limited apartments,
23 and then it was changed back to what's existing there
24 now, which are duplexes. I just wanted to clarify
25 for the record.

1 The second thing is that one of the concerns
2 that I've had from the very beginning is that we
3 have a -- there are a number of things in this new
4 Zoning Code which I have been opposed to since
5 January of 2004, and the reason is that I was
6 concerned that if you start changing nomenclature
7 that it's susceptible to making mistakes and/or
8 people not understanding what the changes are, and I
9 think there's been a little combination of both.

10 The first thing, under -- and I may have an
11 old -- because there's been so many versions. If you
12 look at your Page 2-13, Article 2, in Article 2,
13 which is Decision Making and Administrative Bodies,
14 under Section 2-707 -- now, your page may be a little
15 different, because I may have a version that's a
16 little older, okay? It's Page 2-13, Article 2,
17 Decision Making and Administrative Bodies.

18 Under Development Review Official, which I
19 expressed -- and I can't remember, I think it was the
20 Planning Board meeting of the 6th of October (sic),
21 is that correct, or was it the 13th? Do you guys
22 remember? No? Okay. Well, in that first meeting,
23 where the Board members expressed concern over the
24 duplexes, one of the things that I said, and that's
25 part of the record, is that I was concerned that the

1 first sentence, "The Development Review Official,
2 DRO, is responsible for the overall coordination of
3 the administration of these regulations."

4 Now, when you read that, if you think about
5 it, right now, that's being done by zoning
6 administrators, and the zoning administrators, if I
7 understand right -- Dennis, maybe you can help me.
8 Are your zoning administrators certified by the State
9 or something, you know, for training and, you know,
10 qualifications?

11 MR. SMITH: Our -- no, there is no
12 certification for zoning administrator, but our
13 zoning administrator is a certified -- or is a
14 licensed plans examiner.

15 MR. PARDO: Plans examiner, right, because
16 they're examining plans. So, if you go now from here
17 to Section 3-201, which is Page 3-6, at least on my
18 version, it says up on A, under A, that -- and let me
19 paraphrase: the appropriate Development Review
20 Official to discuss the nature of the application,
21 applicable standards, application information
22 requirements, application format requirements, and
23 the timing and review of approval. Such required
24 pre-application conference may be conducted after the
25 submittal of an initial application. Any other

1 applicant for development approval may request a
2 pre-application conference with the appropriate
3 Development Review Officer.

4 Now, if you go back to the definition, this
5 is someone that the City Manager appoints. There are
6 no standards or qualifications for the person. Where
7 it becomes a little bit -- a little bit dicey is, if
8 you continue down on the same page, under Section
9 3-203, Determination of Completeness, take a look at
10 Number 3. "Whether the information is technically
11 competent to proceed forward with additional City
12 review," and, you know, et cetera.

13 If you're not licensed or understand what
14 you're doing and the City Manager appoints someone
15 who may be well-meaning and a good City employee,
16 that person's qualifications to review for
17 technically competent information -- is not qualified
18 to do it. That's why you have licensed people to do
19 certain things and registered people to do other
20 things. But unfortunately, there is a huge gap in
21 the authority that this person has and the lack of
22 qualifications thereof.

23 The next item is on under 3-7, Article 3,
24 Development Review.

25 MR. RIEL: Mr. Pardo, let me just ask you a

1 question. Do you have -- if you have a lot of
2 comments, because we do have a lot of folks here this
3 evening, I mean, I'm not trying to cut you short, but
4 I just -- we do have some folks that want to speak,
5 and my preference is, I would be happy to meet with
6 you, Mr. Smith or any of the Staff would be happy to
7 sit down with you and go over this stuff, and, you
8 know, if you put in it writing, or even if you don't
9 want to do that, I'd be happy to sit down with you
10 and go through these issues.

11 MR. PARDO: And I understand that. My
12 comments are going to be short.

13 MR. RIEL: I just --

14 MR. PARDO: I'm trying to be as concise
15 as --

16 MR. RIEL: I just want to make sure that
17 when you have the opportunity available, for us to do
18 that -- and I welcome you. I mean, I certainly --
19 please contact my office. I'll be happy to sit down
20 with you.

21 MR. PARDO: I understand that, but I'd like,
22 also, the public to hear that, and I'd also like it
23 to be part of the record, that although I don't send
24 things in writing, everything that I've said, now and
25 before, has always been a part of the record, and I'd

1 like the Commission to be able to read every single
2 word. So, if you don't mind, Mr. Riel --

3 MR. RIEL: No, that's fine.

4 MR. PARDO: -- I would like to continue.

5 MR. RIEL: Written comments are part of the
6 record, as well.

7 MR. PARDO: I understand, and so are the
8 transcripts.

9 MR. RIEL: Okay.

10 MR. PARDO: So -- and I'm not trying to -- I
11 don't think I'm going to repeat myself, except I've
12 already stressed that the problem that we have with
13 that particular official, and the capacity and the
14 lack of qualifications, not only needs to be studied,
15 but, you know, I think, without a doubt, that's a
16 very dangerous thing to just continue with, without
17 reviewing that very, very carefully.

18 And as I was saying, under 3-7, Development
19 Review, under Section 3-204, Review by Development
20 Review Committee, and then Permitted Uses -- under
21 the Permitted Uses there, we have all sorts of things
22 prior to the issuance, you know, et cetera, which is
23 fine. But then when you go over to Page 4-33, under
24 Permitted Uses under Article 4, Zoning Districts.
25 Section 4-204, I think there's a whopper there, and

1 the whopper is this, that Special Use districts, the
2 S, which is all the green -- where's your new map?
3 Which side is that on?

4 MR. RIEL: Here.

5 MR. PARDO: All the green there, all those
6 are special uses throughout the entire City of Coral
7 Gables. Well, the funny thing is that special uses
8 throughout -- one of the things that has preserved
9 the City of Coral Gables is that special uses always
10 had to go through a public hearing, without any
11 exceptions. There are a bunch of zoning attorneys
12 over there they can probably tell you that. But the
13 point is that now, if you look at B, it has something
14 in there that I think should be taken out, which is
15 permitted uses.

16 So, in other words, if you have a special
17 use under 4-204, B, Permitted Uses, the following
18 uses are permitted in an S district, subject to the
19 standards in this section and other applicable
20 regulations. In other words, there is no public
21 hearing. So now what you have is, you have accessory
22 uses, botanical gardens, cemeteries, golf or tennis
23 ground -- in other words, it's a matter of right.

24 Now, if you go to the next page, under
25 special uses, you have conditional uses. Special

1 uses are conditional uses. Now, the remarkable thing
2 of conditional uses is that it says there on the next
3 page, 4-34, C -- it says, "The following uses are
4 permitted in the S District as conditional uses, if
5 approved under the provisions of Article 3, Division
6 4, subject to the standards in this section and other
7 applicable regulations in Article 5."

8 So, in other words, all of a sudden, the
9 conditional uses have to go through a different
10 requirement. And right now, special uses -- now, or
11 in the history of the Zoning Code being written --
12 always had to go through a public hearing. Now, why
13 would you do something like that? Why? Because some
14 of these uses impact neighbors and neighborhoods.
15 That's the reason you have public hearings on every
16 parcel of land that has an underlying zoning.

17 This is a huge mistake, and this is
18 something that -- I would say probably less than a
19 hundred people really use the Zoning Code in the City
20 of Coral Gables, on an average, because most people
21 don't understand it. And although you own land, you
22 hire an architect; you own land, and you hire an
23 attorney that's competent in land use. But the
24 problem is that I'm reading this because I'm doing
25 this, and I'm saying, you know, all of a sudden,

1 these words mean things, that things are being now,
2 as a matter of right, being granted, when always,
3 including churches, including all sorts of different
4 things, had to go through a public hearing to see how
5 neighborhoods are impacted.

6 Under Article 4 of your addendum dated
7 November (sic) 27th -- and the reason I separated
8 these is just to keep a good paper trail here. This
9 would be Commercial District -- at the top of the
10 Page 4-42, it says, subparagraph b, "Greater than 45
11 feet in height, minimum of 200 feet of primary street
12 frontage and area of 20,000 square feet."

13 Now, that verbiage is very good, but it's
14 missing in your CL. It's under Commercial. It has
15 to be included under CL, which is Commercial
16 Limited. How can you omit that on the height? It is
17 extremely important. There is CL in the north part,
18 in the business part, in the apartment district part,
19 right on the U.S. 1 Riviera Neighborhood district,
20 in the southern part. You have CL, but you don't
21 have that height limitation in there. It is
22 missing. You must add "Greater than 45 feet in
23 height minimum of 200 feet of primary street frontage
24 and area and all that." What you have to do is add
25 the provision of the limitation of height.

1 Minimum setbacks, the provisions -- if you
2 look, where you should add it is under 4-38 in your
3 revision. You should add it under D, on Page 4-38,
4 D, performance standards. It should say, "Minimum
5 parcel of land" -- you see, there should be an a.

6 Mr. Riel, do you see where you have 2,500
7 square feet for a minimum parcel of land? This is
8 all under CL.

9 MR. RIEL: I see it.

10 MR. PARDO: Okay. If you put that in, they
11 could build anything, as long as they have 2,500
12 square feet. In reality, what it should say is, a,
13 "2,500 square feet for parcels of height of 45 feet
14 or less." Then you add, "if you have 200 feet of
15 frontage, if you have 20,000 square feet." That
16 should be subparagraph b.

17 Why? Because if not, anything that has CL
18 can go up to the limit as long as they have 2,500
19 square feet of land. That's the way it's written in
20 plain English.

21 Almost done.

22 The City Code definitions are very
23 important. In your -- if you go to your Municipal
24 Code, you go to your City Charter, Section 13,
25 there's a difference between resolutions and

1 ordinances which has become very, very important.
2 Resolutions are temporary positions of the City
3 Commission. No advertising is required. It
4 expresses intent by the Commission that's sitting at
5 that time.

6 But an ordinance is a permanent action of
7 the City Commission. It goes through a public
8 hearing and there are two readings. Most people
9 don't understand that there's a big difference
10 between a resolution and an ordinance.

11 Let me make a final point, which I almost
12 fell off my chair. When you look at the proposed
13 map, and I had said that since I sat on the Planning
14 Board, that the words are great as long as you apply
15 it to the map, the same as the Zoning Code today
16 applies to a map.

17 Dennis, do you have a copy of the plates
18 here --

19 MR. SMITH: No.

20 MR. PARDO: -- of the zoning map?

21 MR. SMITH: No.

22 MR. PARDO: Can I -- okay.

23 Do you have a copy there, Wally?

24 This is what everyone -- or most people, I'm
25 sorry, not everyone -- cannot understand. The

1 present Zoning Code has, of course, an overall map.
2 Because of the scale, it's always been divided in
3 different plates, both the north part and the south
4 part of the Gables. Most people don't understand it,
5 because of course, they would hire the architect or
6 the attorney to tell them exactly what their uses
7 are, and what most people don't understand, either,
8 including probably some of the Commissioners, is that
9 when you open it up to the blowup of every one of the
10 sections, it shows you, well, the present zonings, CB
11 and R3 and R5, et cetera.

12 But what is amazing is that in this proposed
13 final map that we have here, every one of those
14 parcels has a history, and through resolutions and
15 ordinances, there have been certain requirements that
16 have been put on there. On the back of every single
17 one of those maps is something called the footnotes.

18 MR. RIEL: Listing, right. We have those
19 currently, in our current zoning plates. We've
20 updated that information.

21 MR. PARDO: I understand that, but the
22 point, though, is that when you apply and you look at
23 this -- let me give you some examples.

24 Example Number 1. Take a look at your --
25 take a look at the property located on the 700 block

1 of U.S. 1, and tell me what the color is on that.

2 Tell me what the zoning is on the proposed -- on the
3 proposed zoning map.

4 MR. RIEL: I mean, I'd have to go to our
5 updated plates and --

6 MR. PARDO: I'll tell you right now. Right
7 now, it shows the colors for duplex. These are the
8 little apartments that were built right next to the
9 waterway, right off Riviera, on the east side, on the
10 south side of the Highway, and these duplexes went
11 through an ordinance, and this ordinance allowed them
12 to use those apartments and change the use to
13 offices.

14 But now, with this new Zoning Code, it
15 doesn't show you that those are apartments. It shows
16 you that those are duplexes. And in fact, the
17 component right behind it is multi-family duplex, and
18 the component up above it is MF-2, so you have MF-1
19 and MF-2. But if you go to the current zoning map,
20 Plate Number 10, Footnote Number 8, it says it's
21 something other than that. It's XA 13. Footnote
22 Number 1, it says professional business office,
23 Ordinance Number 2597. It's apartment buildings on
24 the Highway.

25 Now, I remember that between the first one

1 that I got, this map, I remember that the University
2 of Miami was all blue, which is the University of
3 Miami Campus District, UMC. But there was a little
4 mistake that was made on the little northeastern tip,
5 and then that was -- this one is dated September
6 2006. This one is dated September -- the revised
7 one, September 27, 2006, and all of a sudden, that
8 little tip got changed back to green, which is
9 Special Use District. Well, that little tip there
10 was Doctors Hospital, which was zoned as University,
11 which you cannot have the use of a hospital in the
12 University. So now there's another example of this.

13 One of the problems that I see in the way
14 that this is being done is twofold. I have examples,
15 such as the Chateaubleau up on Ponce, the same
16 problem.

17 MR. RIEL: Mr. Pardo, all those things that
18 you referenced are included in the adoption of the
19 new Code.

20 MR. PARDO: The adoption --

21 MR. RIEL: All those provisions, yes.
22 There's a --

23 MR. PARDO: How are they included?

24 MR. RIEL: They're referenced in the
25 transition section, and they'll also be included when

1 we redo the plates, which are -- in the current
2 plates of the current Zoning Code.

3 MR. PARDO: In other words, there are going
4 to be new plates?

5 MR. RIEL: There already are plates. That
6 has been updated --

7 MR. PARDO: Okay.

8 MR. RIEL: -- with any new plates.

9 MR. PARDO: And the plates are available to
10 the public today?

11 MR. RIEL: They will be, absolutely,
12 available, yes.

13 MR. PARDO: Okay. As I said, I found
14 Chateaubleau, the Hyatt, the Riviera Country Club,
15 University Baptist church, City Hall, the Veterans'
16 parcel on Alhambra. And also, there were some
17 curious things about historic references in the
18 historic -- in the historic ordinance. There are
19 certain ordinances where they actually call out a
20 specific house to be historic. By making these
21 changes, the map is shown incorrectly, because it
22 gives you the impression that those are duplexes.
23 They are not duplexes now, they have never been
24 duplexes, they will never be duplexes. That should
25 have been changed to CL, if nothing else.

1 If the whole thing that we're talking about
2 here in this Zoning Code is the Zoning Code, it's
3 that I think that before the map was actually done,
4 and as I said before on the record, years ago, that
5 what should have been done is that the Comprehensive
6 Land Use Plan should have been looked first, not
7 second, to downsize and accommodate that to comply
8 with our zoning and whatever limit we wanted on the
9 zoning. Conceptually, it was done backwards, and
10 that's why we have now an uphill battle to make this
11 thing work. Now, I know that there are a lot of
12 people that are in a hurry to get this thing
13 approved. This map is terribly wrong, and this map
14 cannot be issued like this. It has to be issued like
15 this, in plates, where you can see property by
16 property, not at this minuscule scale, although these
17 are bigger, but they have to be issued like this,
18 with the appropriate plates on it. And they have not
19 been done -- you know, that has not been done.

20 Now, to say --

21 MR. RIEL: The information hasn't changed,
22 so -- Mr. Pardo, you need to conclude your comments,
23 because we do have other folks here this evening. So
24 I'd ask that wrap it up.

25 MR. PARDO: Mr. Riel, it seeks like -- it

1 seems to me, seems to me, that I have brought up a
2 few modified comments, and the point is that it seems
3 to me whether they get incorporated or not would
4 depend on whether you want to incorporate them or
5 not.

6 MR. RIEL: It's --

7 MR. PARDO: It seems to me that since this
8 is a workshop and these are extremely, extremely
9 important things --

10 MR. RIEL: I don't disagree.

11 MR. PARDO: I don't think -- I don't
12 think -- and I don't appreciate basically getting
13 blown off. I'm telling you right now, I've told you
14 from you the beginning, that there have been problems
15 with this map, that it has not been thought of. Your
16 thought process on how the map was done is telling.
17 It's right at the beginning of this map. It says
18 that you took certain zoning --

19 MR. RIEL: Mr. Pardo --

20 MR. PARDO: -- and you changed it to --

21 MR. RIEL: -- I'd be happy to meet with you
22 personally, one on one, or any member of Staff, to go
23 over these issues and address them with you. I'd be
24 happy to do that.

25 MR. PARDO: Mr. Riel, let me ask you, how

1 long do you think it would take to properly do the
2 map?

3 MR. RIEL: Mr. Pardo, I'm not going to get
4 into a dialogue this evening.

5 MR. PARDO: No, no, I --

6 MR. RIEL: I would just like -- I would just
7 like to give the opportunity to additional folks, so
8 they have an opportunity to speak.

9 MR. PARDO: I understand, but I'm asking you
10 a question. I think you should be able to answer
11 that. How long, if you really analyze the existing
12 zoning map and compare it to your proposed map -- how
13 long do you think, plate by plate, it would take you
14 to actually coordinate it properly?

15 MR. RIEL: I think it's fairly easy, because
16 we already have the information, it's not changing,
17 so --

18 MR. PARDO: Do you think it's coordinated
19 now?

20 MR. RIEL: Absolutely, yes.

21 MR. PARDO: And how about if I find another
22 10 examples, which I have?

23 MR. RIEL: Mr. Pardo, I would be happy to
24 meet with you, one on one, okay, to go over this
25 issue.

1 MR. PARDO: Well, Mr. Riel, I think I've
2 brought up more than enough for you to think about.

3 MR. RIEL: You know, I welcome you. I would
4 ask that you get with Jill --

5 MR. PARDO: And I called you before, with
6 the duplex issue, which all of a sudden appeared --
7 and I'll tell you, you know -- I've got to tell you,
8 Mr. Riel, that I live in the City and I don't like
9 what I've seen over the years with the development.
10 I've asked for a concurrency analysis, which is void
11 here. The minimum concurrency requirements and
12 analysis that is required by Tallahassee is really a
13 joke, when you come right down to it. I asked it
14 when I sat on this Board, on the North Gables
15 apartment district. Nothing has been done, as far as
16 that's concerned. Nothing has been done as far as
17 realistic analyses and looking into true workforce
18 housing.

19 The people that own property in the North
20 Gables apartment district are losing their properties
21 because of the assessments. The assessments are
22 being raised simply because of the potential --

23 MR. RIEL: Mr. Pardo -- Mr. Pardo, please,
24 you need to have -- other people need to speak.
25 Could I ask you to conclude your comments, please?

1 Thank you.

2 MR. PARDO: Okay, I'll conclude my
3 comments. Workforce housing in the North Gables area
4 has been ignored, simply ignored, for one reason.
5 Right now, the taxes are killing, and all the people
6 that own the small apartment areas up there,
7 apartment buildings, the taxes are excruciating.

8 The Planning Department has done nothing as
9 far as trying to implement something to be able to
10 have those people stay there. That is true workforce
11 housing. Providing bonuses for developers to add
12 more density, more units, without any parking, is not
13 the answer.

14 That's my conclusion, Mr. Riel.

15 MR. RIEL: Do we have any more comments?
16 Anybody else?

17 State your name and address.

18 MR. SALDARRIAGA: My name is Jaime
19 Saldarriaga, and I live in 2711 Segovia.

20 Very simple. My first question is, what is
21 the sense of this workshop, since all this has
22 already been approved by the Planning & Zoning
23 Board? This has to go to the Commissioners now.
24 Regardless of what we say to you or to all your Staff
25 here, it will not go anyplace, because it's already

1 approved by the Planning & Zoning Board. So,
2 unless -- and probably the Commissioners will get a
3 summary. They probably will not get all the comments
4 that Mr. Pardo has done --

5 MR. RIEL: The court reporter is doing a
6 verbatim transcript.

7 MR. SALDARRIAGA: Yeah, but you have to
8 assume that they will read it --

9 MR. RIEL: We will also provide it --

10 MR. SALDARRIAGA: -- and that is
11 questionable, that all of them will read all the
12 comments that we do here. So, in a sense, this
13 workshop should be with the Commissioners, so we know
14 they know what you're doing to us, to some of the
15 owners, for instance, in my case, the duplex.

16 I sat here and negotiated through the
17 moratorium that was the result of a resolution. It
18 was not the intent. And I asked, what is the sense
19 of negotiating with the City if tomorrow you change
20 it? Well, you already changed it. It is affecting
21 me again. This is double jeopardy, with my
22 duplexes. And I was told it is not the intent of the
23 City to change the moratorium, and you have changed
24 it. You've changed it.

25 So, again, there's no sense in negotiating

1 with the City, because tomorrow they change it.
2 Legally, yes, you can change it. Morally, you should
3 not have changed it, because you made a commitment to
4 me. Thank you.

5 One more question on the duplex. I
6 mentioned, the crawl space under the first floor is
7 like two feet, to 20. If now I'm restricted to 29
8 feet, where is the 29 feet, from the ground or
9 from -- where does it start, the 29 feet?

10 MR. SMITH: It starts from the sidewalk
11 elevation.

12 MR. SALDARRIAGA: So, if that's the case,
13 you are forcing most of the duplex to have flat
14 roofs, because you will not be able to have enough
15 pitch to be able to accommodate a nice roof. You
16 will have to go to flat roofs. I'm going to do some
17 drawings, and I'm still working on that, but you are
18 forcing us to flat roofs, because you cannot
19 accommodate a decent, nice-looking roof.

20 Thank you.

21 MR. RIEL: Please, I mean, if you want to
22 give those drawings to us, we'd be happy to sit down
23 with you and discuss it further.

24 Let me just welcome Commissioner Cabrera.

25 Any --

1 MS. DE LA GUARDIA: I'm going to follow up
2 on that, since I have similar issues. My name is
3 Maria de la Guardia. I'm an architect, and I live at
4 2508 Columbus Boulevard.

5 I'm going to pull out some boards, that if
6 you don't mind, can I put them up on the easels?
7 I'll make use of the easels.

8 MR. RIEL: Here, I could hold it here,
9 because those are kind of hard to see. If you want
10 me to, I can hold it here.

11 MS. DE LA GUARDIA: Okay.

12 With respect to the height limit of the
13 duplexes on Segovia, and Segovia, having such a wide
14 right-of-way, it's like a boulevard, and to limit the
15 height limit to 29 feet on Segovia doesn't make
16 sense. When you have a single-family residential
17 street and you have a much tighter right-of-way,
18 whether it be 50 feet, 60 feet, then the lower height
19 limits make sense, because it's in proportion to the
20 street. But Segovia, as it is right now, you're
21 building -- there's a proposal for a median, which is
22 going to sort of break that span, that avenue, which
23 is already too wide. I mean, Segovia always was
24 meant -- you know, originally had that trolley, and
25 that's the reason why it was so wide. Now it's

1 really much too wide for the height of the street.
2 And to reduce that height limit on such a wide
3 right-of-way doesn't make any sense. It can tolerate
4 29 feet. It can tolerate a lot more than 29 feet, if
5 you look at historical examples that have that type
6 of a right-of-way. I mean, it's not -- it's not
7 asking -- Segovia is not asking to be lowered, you
8 know, and I know that because the single-family was
9 reduced to 29 feet, then by consequence, you know,
10 the duplexes are being reduced to 29 feet, but that
11 doesn't make any sense. The single families are
12 reduced because the street widths are much smaller
13 than Segovia is.

14 And even the places where Segovia backs up
15 to single-family, which is one of the issues that you
16 are also trying to address, in many cases we have
17 townhouses that are backing up to single-family, and
18 you ask there that the height limit be reduced from
19 45 feet to 35 feet in those cases where townhouses
20 back up to single-family. Well, the 34 feet is way
21 below that, that transition height.

22 So I think that you need to reconsider,
23 because just because one height limit makes sense in
24 one place, it doesn't mean that it -- you know, this
25 is not mathematical. It doesn't mean that it works

1 universally, and Segovia can take the 34 feet. It
2 can stay. It can stay at 34 feet.

3 MR. RIEL: So you suggest it remain at 34
4 feet?

5 MS. DE LA GUARDIA: Yes. I think it should
6 remain as is. On the contrary, you need to scale
7 down that boulevard. The median is going to help.
8 Landscaping along the edge is going to help. But
9 lowering building heights is not going to help.

10 MR. SMITH: But the reason for lowering
11 building heights, though, as you said, is because
12 Segovia, okay, backs right onto single-family, with
13 not even an alley separating the two of them, and the
14 concerns -- yes, Segovia can take the height, but the
15 single-family homes behind Segovia cannot, and that's
16 why we proposed that, and why the Planning & Zoning
17 Board, in their deliberations, considered that, and,
18 you know, that's an issue that I'm sure, when this
19 matter goes to the Commission, is going to be a
20 significant point of discussion for them.

21 MS. DE LA GUARDIA: Okay, but in -- you
22 know, following your same reasoning, where you have
23 townhouses that are backing up to single-family,
24 they're required to come down to 35 feet.

25 MR. SMITH: And they have an alley.

1 MS. DE LA GUARDIA: No. That's where --
2 when -- well, now the townhouses have to have alleys,
3 right, because of the parking?

4 MR. SMITH: Yes.

5 MS. DE LA GUARDIA: Okay. But there are
6 cases where they don't have alleys, and you are
7 recommending or encouraging developers to create
8 their own alleys, and in those cases, you know,
9 they -- you have, you know, that adjacency.

10 I just think that it doesn't -- you know,
11 Segovia doesn't merit 29 feet at all. You know, it's
12 just the width of the street.

13 MR. MENOYO: What is the rear setback for a
14 duplex?

15 MR. SMITH: Five feet.

16 MR. MENOYO: Five feet? The same as a
17 townhouse?

18 MR. SMITH: Yes.

19 MR. RIEL: Can I ask somehow if I can get a
20 copy of these? Because I want to make sure I give it
21 to the Commission. Is there somehow you can get me
22 either a photograph of them or --

23 MS. DE LA GUARDIA: Okay.

24 MR. SMITH: What's the other one?

25 MS. DE LA GUARDIA: Let me just bring -- I

1 know you don't want to talk about townhouses, but I'm
2 here and I did all this work, so I want to talk about
3 townhouses.

4 MR. RIEL: Well, when we get to the study,
5 we know who to call.

6 MS. DE LA GUARDIA: Okay.

7 And, you know, I worked through the design
8 of Almeria Row, while you were working, so, you know,
9 I feel like I can -- I can put my two cents in on
10 this. I think that you need to define the townhouse
11 in the Code, and it's not defined, and that's what's
12 generating other building types. If you start mixing
13 building types on the street -- you know, I put in
14 this sort of -- this cartoon that talks about chaos,
15 because although they're all very beautiful
16 buildings, they're all different building types
17 coexisting on the same street, and then you get this
18 hodgepodge.

19 The transition from that apartment building
20 block -- apartment building street to the townhouse
21 is not going to be an easy transition. It's going to
22 go through its ugly period before it gets really
23 nice, and I think that you have to make every effort
24 to encourage that the townhouse type be built,
25 because right now, the way it works, you can build a

1 courtyard type, you can build other types. And what
2 I was trying to show, for example, in this diagram is
3 that the townhouse is a very urban type that is very
4 pedestrian-friendly and it has its stoop and its
5 portico, and it's like -- you know, like, it can be
6 porches on the street, because in most of these, you
7 need some kind of entrance and a transition to the
8 townhouse, and the townhouse will establish a certain
9 rhythm along the street. Whether it be 24 feet, 20
10 feet, you know, it will establish a rhythm, based on
11 the type, so -- and that, I think, that rhythm, is
12 very important for the beauty of the street. That's
13 why we love all those townhouse streets in Back Bay
14 and in Boston and in New York, and if you start -- if
15 you try to establish that rhythm coming down the
16 street and then suddenly you interrupt -- introduce a
17 completely different type, as the courtyard type,
18 which is a introverted type and it's a type where the
19 units are all looking in and the entrance to the
20 units are from the inside and it really -- it has a
21 different relationship to the street than the
22 townhouse -- I think it's going to be much more
23 difficult to get to the goal, which is to have -- you
24 know, have a townhouse streetscape, and I think New
25 York already has that townhouse streetscape, and it

1 can afford to have sort of the anomalies in the
2 middle of the block, for whatever reason, but I think
3 in our case, that we're so young in the developing of
4 the townhouse streetscape, I think it's important
5 that we define it very closely so that the developers
6 and the builders have to build that, and I think one
7 of the ways that that can be done is by making each
8 unit be accessed from the street, rather than from an
9 internal entrance within the building.

10 I think the courtyard house is a really
11 beautiful type, but I don't know if it necessarily
12 should, at least in our situation, coexist with the
13 townhouse type.

14 MR. RIEL: Well --

15 MR. SMITH: Well, what I'd like to say is,
16 all row houses are townhouses, but not all townhouses
17 are row houses. There's different row house types,
18 and, you know, I think that it will be -- it will
19 give more diversity to see different typologies of
20 townhouses going down the street, instead of that
21 repetitive type of typology that has been established
22 in other communities, like Georgetown, just boom,
23 boom, boom, down. I think here, you know, we don't
24 want to necessarily follow what other people have
25 done. We want to create something special here, and

1 by having the different types, I think we can do
2 that.

3 But when we study the townhouses, I know
4 that the different types of townhouses, whether it's
5 the courtyard type or the row house type, you know,
6 or the side yard type, you know, is going to be part
7 of that discussion.

8 MS. DE LA GUARDIA: I agree. You have to
9 keep in mind, though, that many of these places
10 already have their streetscapes established, in terms
11 of -- and we are -- you know, we're going to have
12 missing teeth for a while, before it sort of fills
13 out --

14 MR. SMITH: Right.

15 MS. DE LA GUARDIA: -- and we can sort of
16 afford those -- you know, those variances, but for a
17 while, I think we need to focus on, you know,
18 modulating the street and maintaining the rhythm and
19 keeping -- you know, I think on one of these photos,
20 we have -- let me see. No, there -- we don't have
21 many -- you know, you can have different -- it
22 doesn't have to be the same townhouse, and usually
23 it's more --

24 MR. SMITH: Uh-huh.

25 MS. DE LA GUARDIA: It's more beautiful when

1 each one is articulated differently, but I think --

2 MR. SMITH: But each one of those town homes
3 was done by somebody else.

4 MS. DE LA GUARDIA: Exactly, and then you
5 find places where there was five done by one
6 developer, or there might be one, each one
7 individual.

8 And then the other thing to consider is, I
9 think that you need to study the lot size, because
10 the true -- you know, what Fernando brought up was
11 that, you know, the 23 feet -- or 22, 23 feet or
12 24-foot unit will give you the parking in the back
13 and really clean up -- it cleans up that whole -- you
14 know, the whole parking issue.

15 MR. SMITH: Uh-huh. But you can do a nice
16 townhouse in 20 feet or even less and have a very
17 nice unit.

18 MR. MENOYO: So what --

19 MR. SMITH: And the design of the
20 townhouse, I don't know if that should be driven by
21 the parking.

22 MS. DE LA GUARDIA: Well, but then you're
23 going to -- then you require two cars parking and
24 then you just ruined your 16 or 20-foot -- I mean, if
25 you look at -- I mean, look at any single -- look at

1 any -- any example of a townhouse in 16 feet or --
2 well, 16 feet is sort of -- would sort of be the
3 minimum. That requires two cars.

4 MR. SMITH: You can have one in the garage
5 and one behind it in the driveway on the rear, but
6 that's -- when we have the townhouse study --

7 MS. DE LA GUARDIA: Uh-huh.

8 MR. RIEL: We will call you.

9 MR. SMITH: -- we'll talk about that.

10 MS. DE LA GUARDIA: Okay.

11 MR. RIEL: Okay, let me go to this side over
12 here. Let me pick somebody. Mr. Fine, then Mr.
13 Guilford.

14 MR. FINE: Robert Fine, with offices at 1221
15 Brickell Avenue. I'll be brief, just a couple
16 issues. One is that when the change of commercial
17 districts went to commercial limited, commercial
18 limited in part were districts that came out of
19 commercial areas adjacent to single-family
20 residential, but it also came out where CA areas were
21 also designated as commercial limited, and CA areas
22 now, even when they're not adjacent to residential,
23 did not have square footage limitations on the size
24 of medical facilities, the medical clinics.

25 The CL, because the big emphasis was with

1 what we did not want in the single-family
2 residential, has a limitation on size of medical
3 clinics, 10,500 square feet, but although that may be
4 appropriate in an area where you're adjacent to a
5 single-family neighborhood, there are CA areas not
6 near single-family residential who are now being
7 limited and owners of those properties who want to
8 have that use and greater square feet are being
9 limited. That's a use they have now as of right, and
10 this change takes that away from them.

11 So what we would ask is, a simple amendment
12 to the provision in the CL, allowing medical clinics
13 to -- instead of just limiting to it 10,000 square
14 feet, allowing them, but stating that they are
15 limited to 10,000 square feet when they are adjacent
16 to single-family residential districts.

17 MR. SMITH: How close to single-family?
18 When you say "next to single-family," what do you
19 mean? They're adjacent or within a hundred feet
20 or -- I know that in the CL districts, we've got a
21 number of issues, because the CL provisions are set
22 up to buffer the single-family areas from commercial,
23 but we do have pockets of CL districts on the map
24 that are in the middle of commercial areas.

25 MR. FINE: Right. Well, I think you have to

1 keep in mind that when I say medical facility,
2 medical clinic, I'm not talking about overnight type
3 uses. Whether it's part of or not, there are already
4 limitations on that, and when you have a doctor's
5 office, it's just like an accountant's office.
6 People come in, no more, no less than other
7 facilities, so -- and sometimes in bigger facilities,
8 you actually have equipment, like x-ray and all that,
9 so you will actually have fewer people coming in
10 because those areas are taken up by other functions.

11 So I don't see that there's any -- the
12 impact on a neighborhood, when you're looking at day
13 type businesses and all that, are any greater for a
14 medical facility, doctor's office and things like
15 that, than you have in any other kind of commercial
16 use that would be allowed there.

17 Again, you know, there was a concern that
18 they got large near residential. I understand that.
19 There may be other ways to deal with that, even if
20 they're right next to it, that the entrances have to
21 be on the commercial street side, so people aren't
22 going into alleys behind and the like. There's ways
23 of dealing with that, and I can meet with Staff in
24 the next day or so --

25 MR. RIEL: We are meeting tomorrow.

1 MR. FINE: -- to refine that, and we are
2 meeting tomorrow, but the Board asked me to come
3 tonight and bring a couple issues up, so these are
4 the recommendations, you know, we agreed on.

5 MR. RIEL: Thank you. We got your language,
6 and what we'll do is sit down with the map and
7 we'll --

8 MR. FINE: There was also a similar issue
9 with regards to hotels. We're meeting on that
10 tomorrow.

11 MR. RIEL: Right.

12 MR. FINE: So, for the record, the Board
13 knows that I'm going to be here to talk about that,
14 and --

15 MR. SMITH: Now, for hotels, we talked about
16 that, that item, at the Planning & Zoning Board a
17 little bit, and I know that the thing came up that no
18 matter how big the site is, if you have a hotel in
19 the CL, it's limited to eight units.

20 MR. FINE: Right.

21 MR. SMITH: Okay. Any thought to how to
22 deal with that?

23 MR. FINE: I've submitted some language,
24 also. Eric has that, and I believe I sent you a
25 copy, but what we've been doing was saying, this

1 affects some property that actually, as of right now,
2 could have a hotel use. That's a change. We came up
3 with some language that would limit the access on the
4 single-family side. So, for example, you'd only be
5 allowed where there's an alley separating, and you
6 generally conserve from the alley that separates the
7 hotel from single-family. So the public entrances
8 and deliveries would all have to come from the
9 commercial street, and the only real exits you'd
10 allow at the back would be -- would require mostly
11 fire exits, so that way, there would be impact for
12 them providing the alley. The language suggests as
13 the lighting would be such provided by Public Works,
14 because there's certain minimum requirements they
15 want for safety, but you wouldn't want to have bright
16 lighting and, you know, theme lighting on that kind
17 of alley, so we wouldn't be looking for that, and
18 again, all the public entrances and deliveries, we
19 would come off the commercial street, so it's not
20 going to impact the residential neighborhood.

21 MR. RIEL: Thank you.

22 MR. FINE: Thank you.

23 MR. GUILFORD: I'm right here.

24 MR. RIEL: Oh, you moved.

25 MR. GUILFORD: Zeke Guilford, 400 University

1 Drive. Actually, I really have a question, really
2 more of a statement, actually, I'd ask you guys to
3 take a look at it. Where the Alhambra Hyatt is,
4 which is Douglas Road and Alhambra, it is the only
5 half a block along LeJeune which is CL, and I know
6 why you did it. It was actually XCA, but since it
7 takes up the whole block, I think what you're going
8 to actually end up doing is creating a problem,
9 because even though it was XCA, there were some uses
10 allowed in CA that are not allowed in CL, so you're
11 going to have a situation where someone is going to
12 have to almost monitor their uses of what's in the
13 front of the building, what's in the back of the
14 building, and if the building ever burned down,
15 then --

16 MR. SMITH: You could have eight hotel
17 units.

18 MR. GUILFORD: -- you could have eight hotel
19 units, and Eric, I'll let you tell the Hyatt that
20 they can only have eight.

21 So I think with the pattern along Alhambra,
22 that you guys ought to just go head and take a look
23 and make it -- you've got the wide boulevard. That's
24 where you're supposed to have the higher uses.
25 Across the street, which is -- again, is just C, it

1 is the only half a block and it's actually that
2 whole -- the Alhambra takes up the whole block, so I
3 think you may want to just take a look at that.

4 MR. RIEL: You know, the X uses don't go
5 away. They're going to remain in effect. But you --

6 MR. GUILFORD: Right, but I think, just to
7 clean it up, you may want to get rid of the X and
8 just --

9 MR. RIEL: Well, we're not removing X uses.
10 Those are still -- they're considered nonconforming
11 uses.

12 MR. GUILFORD: Right, right, but I mean, you
13 may want to basically just make it a C, and then
14 someday probably the X will go away.

15 MR. RIEL: Part of the problem is, one of
16 the things that we weren't doing, we weren't rezoning
17 properties, up-zoning properties, and there's other
18 properties that have that kind of the same situation,
19 and we really didn't want to get into that, but we'd
20 be happy to sit down with you and try to work
21 something out.

22 MR. GUILFORD: You've got it.

23 MR. SMITH: Laura, do you have a follow-up?

24 MS. RUSSO: Yeah. Laura Russo, 2655
25 LeJeune, and a similar issue to the one Mr. Guilford

1 mentioned is, up at the Chateaubleau is the only
2 block or portion of a block on Ponce, on northern
3 Ponce that is not Commercial, and it's commercial
4 limited, because it's CA, yet it currently has a CB
5 use, and it's not surrounded by single-family but
6 rather by intense -- by dense multi-family, so --

7 MR. SMITH: And coincidentally, it also
8 happens to be a hotel.

9 MS. RUSSO: Right. Right, exactly, with 82
10 units. So it's something --

11 MR. GUILFORD: Well, maybe with the Hyatt,
12 the two can get together and get 16 units.

13 MS. RUSSO: Right, you know.

14 MR. RIEL: Yes.

15 MS. GAVARRETE: I have a question on the --

16 MR. RIEL: State your name and address.

17 MS. GAVARRETE: Janet Gavarrete. It's 4615
18 Granada. I have a question on the -- Can you please
19 describe what the existing regulations call for, for
20 single-family homes between Bird Road and Ponce, on
21 Granada, what the -- that's question number one, and
22 then what the proposed changes are, and why, of those
23 changes? In other words, in terms of height,
24 setbacks, maximum amount square footage and so on,
25 just so that I can understand what the proposed

1 changes are from --

2 MR. SMITH: There realistically, for
3 single-family, are no proposed changes, because
4 they've already been approved.

5 MS. GAVARRETE: By the Commission?

6 MR. SMITH: Uh-huh.

7 MR. RIEL: Yes. That was heard about two
8 months ago.

9 MR. SMITH: They asked that the
10 single-family regulations be done first, because they
11 were concerned about monster homes, and I'll send you
12 a copy of what it is and I can go over that with you,
13 Janet --

14 MS. GAVARRETE: Okay.

15 MR. SMITH: -- but primarily, what we
16 decided not to do was, we didn't take away any
17 permitted square footage.

18 MS. GAVARRETE: Okay.

19 MR. SMITH: Okay? What we did do was,
20 lowered the height from two and a half stories in 34
21 feet to two stories in 29 feet, because what we found
22 that people were doing is, the reason for the 34 feet
23 was so that you could accommodate two and one half
24 stories and people were only building two stories but
25 going all the way up to 34 feet --

1 MS. GAVARRETE: Right.

2 MR. SMITH: -- creating the more massive
3 homes. Then, we did some things with a little
4 increased landscaping, and we're counting some things
5 that we didn't count in the floor area, like interior
6 courtyards that pushed the house outward but didn't
7 count as floor area and, you know, had more of an
8 impact on the neighboring properties in that.

9 We increased the setbacks a little bit,
10 require them to be more equal on the sides than
11 offset, things like that. And they're in -- they
12 went into effect October 1st, they became effective,
13 and we want to start seeing the preliminary designs
14 for some new homes under those regulations, and you
15 know how construction is, in about a year, year and a
16 half, we'll start seeing the finished product of
17 those homes and then we'll be able to really see, you
18 know, what kind of impact we're having in controlling
19 the scale, not the square footage, of some of these
20 homes.

21 I hope that answers your question, and I'll
22 get you the regulations.

23 MR. MENOYO: Also, incentives for detached
24 garages, right?

25 MR. SMITH: Pardon me?

1 MR. MENOYO: Incentives for detached
2 garages?

3 MR. SMITH: Yes. There's incentives for
4 doing it in a style like the Old Gables from the
5 twenties, where you had the house with the carport
6 that you drove through to a detached garage in the
7 rear. There's some bonuses for that, incentives for
8 that.

9 MR. PROCTOR: Hi. Jerry Proctor, 200 South
10 Biscayne Boulevard. I have a question on building
11 site determination. I'm aware of the recent change
12 that addresses encroachments. Was that made through
13 this process or through some other process or --

14 MR. SMITH: It was done before this was
15 done. There were some things, Jerry, we did before
16 we started the Zoning Code rewrite, like our building
17 site ordinance, our Mediterranean ordinance, the Sign
18 Code, the mixed-use, and essentially, we're just
19 bringing those forward into the new Code the way that
20 they were, and we may have put them in different
21 places, but they are --

22 MR. RIEL: There were changes that were
23 proposed, but the regulations that are in there right
24 now are the ones that are in the current Code.

25 MR. PROCTOR: Let me show you what I'm

1 talking about. I -- and maybe I'm misinformed, but I
2 thought this provision and a similar one in another
3 place had been added in the last -- especially the
4 last sentence here.

5 MS. LUBIN: Dennis, you need to read that,
6 so that she can get it for the record. I'm sorry.

7 MR. RIEL: It's Page 3-10, Line 47.

8 MR. SMITH: It's in there.

9 MR. RIEL: Page 3-10, Line 47.

10 MR. SMITH: I wish someone would complain
11 about the type size.

12 MR. BROWN: Get your glasses.

13 MR. PROCTOR: Right here.

14 MR. SMITH: Yeah. It's in there.

15 MR. PROCTOR: So it hasn't changed?

16 MR. SMITH: No, it hasn't changed.

17 MR. PROCTOR: So what's going forward on
18 the 17th is the 2003 ordinance, basically?

19 MR. SMITH: For buildable sites, yes.

20 MR. PROCTOR: Okay. Thank you.

21 MR. MURAI: Andy Murai, 200 Solano Prado. I
22 just want to go the record that this document has
23 been evolving for the last two and a half years and
24 has now been approved by Planning & Zoning Board, and
25 in the last 90 days, there has been tremendous

1 efforts by all concerned to incorporate, you know, as
2 much as possible, what we should be having in zoning,
3 and I'm sure, as we go forward, there might be some
4 other changes. But it's very dangerous, at this last
5 stage, if we're going to have pork-barreling, because
6 that will destroy the entire document. Making
7 changes here and there, you know, from the original
8 document should be carefully considered, because
9 otherwise we might end up with a document worse than
10 the one we had.

11 We have a document. Staff has met with as
12 many people as possible. If there's corrections that
13 have to be made, it should be done, but other than
14 that, we should go forward, you know, and I want to
15 go on the record with that.

16 MR. RIEL: Thank you.

17 MS. LONGO: Maria Cristina Longo. I live
18 in 2828 Segovia. I have a question. When -- what is
19 the time line for this study they are going to be
20 doing on the townhouses? When does it start?

21 MR. RIEL: We haven't made that
22 determination yet, because we want to see when the
23 adoption of the Zoning Code is. The next thing we're
24 working on is the Comprehensive Plan and the North
25 Ponce study. The way I'm thinking right now, as a

1 part of the North Ponce study, we're probably going
2 to look at the townhouse issue, because that is an
3 issue that is probably a good building typology to
4 try to encourage in the North Ponce. So I think
5 that's probably what's going to happen. I can't
6 really give you a time frame now. It all depends on
7 the adoption of the Zoning Code.

8 MS. LONGO: Because my fear is that we'll
9 be shaping our City, that is, specifically the
10 MFSA -- without Segovia, of course, as I was against
11 townhouses in Segovia, and I think it was a very
12 important step that the City took in creating that
13 typology. I am afraid that because there are some
14 loopholes that allow developers to build larger
15 buildings than you could build before, that will be
16 shaping -- you know, that people will be putting
17 through permits for things that are not going to be
18 good for that area.

19 Plus, I want the Planning Department to
20 think about -- well, I did some research and I found,
21 on some of the zoning codes in cities, that the
22 courthouse -- the court -- the garden apartment
23 buildings have their own separate form and they have
24 their own separate zoning code, whereas a townhouse
25 had also a specific one. And it's not clean, it's

1 not clear. I think it's because maybe the vision is
2 not clear. And the intention from the moratorium is
3 to make a pedestrian-friendly area. When you have
4 units that are not having the doors -- where you have
5 a huge, massive building and it's not facing the
6 doors to the street, it's not pedestrian-friendly,
7 because a home, a single-family home, has doors
8 facing. They're friendly. You're welcome. It's
9 like they're welcoming. A big building is not.

10 So I urge you to please, please, reconsider,
11 and do that study as fast as possible, and I know,
12 because I've done my research, that townhouse codes
13 are specific and courtyard apartment buildings are
14 specific, and they're separate.

15 MR. RIEL: I will tell you, we did start
16 the study, and -- but given the fact that, you know,
17 the Commission said, "We would like a separate
18 study," we were kind of put on hold, but I mean, I'm
19 sure this issue -- you're going to bring up this
20 issue, as well as everybody else is going to come up
21 to the Commission, so I'm sure we're going to get
22 some direction from the Commission on this.

23 MS. LONGO: And the last thing I want to
24 tell you is that if the City wants to give value
25 and brand to sell this sophisticated -- People pay a

1 lot of money for beautiful places in New York. The
2 most desirable places in New York and in Boston are
3 the row house type. Why? Because they're the most
4 beautiful and they're the most pedestrian-friendly.
5 You go to Brooklyn Heights, and even in Brooklyn
6 Heights, where they're all the same and they're not
7 the most beautiful, like in the north upper New York,
8 which are the most expensive -- people pay nine
9 million dollars for those. I'm not saying that we're
10 going to have nine million dollar row houses, but
11 they bring value. They bring value to the City.

12 MR. RIEL: Anyone over here? I want to make
13 sure -- yes, sir.

14 MR. GIBBS: Hi. My name is Tucker Gibbs,
15 and I represent the Riviera Neighborhood Association.
16 My law offices are 215 Grand Avenue in Coconut Grove,
17 and I just wanted to bring up an issue. We have
18 resubmitted this study. The Riviera Neighborhood
19 Association paid the University of Miami School of
20 Architecture and other planners to create a charrette
21 for them and for the community and involve the
22 community in creating a vision for the Riviera
23 Neighborhood, and in this vision are specific
24 requests regarding zoning, and we understand -- we've
25 submitted this to the Zoning Board, and you all are

1 taking it under advisement and looking at it. Again,
2 you have these issues; you're dealing with the Zoning
3 Code and your Comprehensive Plan. However, our
4 concern is that our neighborhood, by these changes,
5 some changes, is going to be affected. There are --
6 there are things, I don't want to say they're hidden,
7 but to the untrained eye, people can see things and
8 people may not be able to see things.

9 It is our request of you all, as City Staff,
10 that we'd like to see a study done, implementing
11 this, or something like the vision that we have
12 undertaken here, and to implement it, and in doing
13 so, what we want to make sure is that under this
14 proposed Zoning Code, right now, there are no
15 changes, because the concern is that right now this
16 area is ripe for development. So what we're asking
17 for is a study to implement the vision that's in
18 this. This is something, you know, you've heard
19 before, but this is very important. We have concern,
20 because there are areas of concern -- and I will say,
21 you all know about the Mahi Waterway and Dixie
22 Highway, that proposed development. The University
23 of Miami, we understand, has purchased property on
24 our side of Dixie Highway. There is concern in the
25 neighborhood that this is the beginning of maybe a

1 subtle move, over the next several years, of moving
2 offices of the University of Miami and maybe other
3 things over to the other side of Dixie Highway, and
4 this is why this visioning document is so critical to
5 our neighborhood, and what we would like to do is
6 to -- we need assurances from you all that the
7 changes that are in this Code do not impact our
8 neighborhood, and to that end, we'd like to see a
9 study, and I hate to use the word, the M word, but
10 if -- you know, what we want to see is something done
11 quickly, and that's --

12 MR. SMITH: Tucker, I'll tell you what.
13 I've seen your study, and I know that it's not been
14 included in what we've done here, because that's
15 something that maybe has to come later on, because
16 the Zoning Code rewrite is something we dealt with
17 not on a neighborhood-by-neighborhood basis, but on a
18 City-wide basis.

19 MR. GIBBS: Right.

20 MR. SMITH: As far as your neighborhood
21 goes, and I know that you're concerned with the
22 Riviera neighborhood, when I look in that area, I
23 don't look at that. I look at --

24 MR. GIBBS: Neither do we. We --

25 MR. SMITH: I'm looking from Maynada down to

1 Sunset, over to Red, up to Dixie and down to Sunset.

2 MR. GIBBS: That's correct, and that's the
3 triangle we're talking about, this southwest --

4 MR. SMITH: That's a neighborhood there that
5 is -- you know, is an area that needs to, you know,
6 be studied and have some special things implemented
7 for, maybe, in the future, but the only -- right now,
8 okay, the only thing I see happening there is Amace,
9 that property, but that's going to have to go in for
10 a public hearing. I know there was concern that they
11 could use Mediterranean, but in the Code there are
12 provisions that say that if it's across the street
13 from a waterway or canal, that they will require a
14 special locational approval to use Mediterranean, so
15 they can't use the Mediterranean without a public
16 hearing.

17 And then you've got the property where Whole
18 Foods is going in under development, and then we've
19 got the two properties that Mr. Konoff (phonetic)
20 owns that are under development. Other than the
21 Publix and what's along Dixie, it's pretty much built
22 out.

23 MR. RIEL: But one of the issues -- and what
24 I said in the beginning is, the seven issues that the
25 Code rewrite (inaudible) -- the commercial limited,

1 which is the transitional zone, is much more
2 restrictive than what is allowed now in the CA and
3 CB. So, I mean, that's one of the major reasons the
4 rewrite was completed, so -- and I know it made it on
5 to your association, but the Code is much more
6 restrictive and there's more tighter performance
7 regulations than were in the -- than are currently in
8 place, regarding nighttime uses and -- there's very
9 limited uses that are permitted in the district, so,
10 you know --

11 MR. GIBBS: The concern is that we'd like
12 to see a -- because our area is --

13 MR. SMITH: Special.

14 MR. GIBBS: -- special and unique, we'd like
15 to see a study that implements what the
16 neighborhood's concerns are, and I understand the
17 global approach you all are taking and how it might
18 impact us in a positive way. We just need that -- we
19 need that assurance, because that's our goal. And
20 that's what we're going to be saying when this thing
21 goes to public hearing in front of the Commission.

22 Again, we'd like to see something from you
23 all that would answer that, so when we get up there,
24 we're all on the same page.

25 MR. SMITH: Well, I think that's a very good

1 goal, and that's the type of study that we need to
2 do, just like we did in the moratorium area on
3 Valencia and Biltmore that you were involved with.

4 MR. GIBBS: That was the idea, was to sort
5 of replicate that process.

6 MR. SMITH: Redo that process for this
7 neighborhood.

8 MR. GIBBS: Exactly.

9 MR. SMITH: That may be something that's
10 appropriate, and, you know, that's something you
11 should consider in the future.

12 MR. GIBBS: I appreciate it.

13 MR. RIEL: Anyone else, any other comments?

14 MS. RUIZ: Yes.

15 MR. RIEL: I'm sorry. I apologize.

16 MS. RUIZ: My name is Zully Ruiz, 814 Ponce
17 de Leon Boulevard, the North Ponce area.

18 I wanted to know a clarification on the
19 Mediterranean Ordinance, you know, if it's been
20 affected, you know, some changes on it.

21 I own the property at 814. I think some of
22 you have seen it. We're finally, you know, trying to
23 finish it up, you know, with office condos, and we
24 need the site -- you know, we wanted to make some
25 modifications as to what else we could do. The

1 market has changed, and I want to see that there was
2 some more flexibility. After all, you know, that
3 area is in the north entrance, and it's like an area
4 there that I've seen in other places, that it's
5 considered like a module or something like that, that
6 it's like a very small corridor where it's different
7 than every other one, such as the Douglas Road
8 entrance, you know, where it meets 8th Street.
9 Frankly, I don't see the difference between this, the
10 Ponce entrance, and the Douglas entrance. They're
11 basically both the same, and the commercial aspect of
12 the property extends tremendously, you know, into
13 neighborhoods that are now -- you know, that now have
14 apartment districts. So, you know, I wanted some
15 clarification, if I may.

16 MR. RIEL: The Mediterranean regulations
17 didn't change, because that was part of a separate
18 study prior to the Code, a separate committee that
19 met for over two years. Those regulations, as the
20 single-family, were just put into this Code, so
21 there's been no changes done to those.

22 MR. SMITH: And not only that, but you've
23 got the most you could ever possibly get on your
24 property proposed for it, and in order to put more
25 on, we would have to go above the FARs that we allow

1 now as a maximum, and I just don't foresee that
2 happening, in this process or any other process.

3 MS. RUIZ: This is why I came here for
4 clarification. In other words, I have 24,000 square
5 feet of land, where the building -- where there is an
6 existing building, as you well know. Okay? Then
7 if -- if -- and this is what I've been thinking
8 about, and I wanted, you know, to bring it to an open
9 forum. If you look at the Mediterranean Ordinance
10 and you take it such as in excess of 20,000 square
11 feet, okay, shouldn't the bonus be 3.5 of FAR of the
12 entire piece of property? Should it be, you know,
13 rezoned, the entire piece? Because this is one
14 folio. You know, it's one entire piece. I don't
15 know if you're familiar --

16 MR. SMITH: The problem that you have is,
17 half your property is zoned apartment and half of it
18 is zoned commercial, and the part that's zoned
19 apartment is limited in its FAR, much, much more so
20 than what the commercial part of the property is.

21 MS. RUIZ: But this is why I wanted to
22 clarify. If I have a piece that's in excess of
23 20,000 square feet, can I -- can I accept or can the
24 Mediterranean Ordinance accept me as, you know,
25 having some special uses within that site that -- you

1 want to say, Mediterranean use, I think it was one
2 and two, I believe, when I first started doing the
3 building?

4 MR. SMITH: Uh-huh. Right.

5 MS. RUIZ: Okay, and then, because the land
6 piece was over 20,000 square feet, I could do some
7 things.

8 MR. SMITH: Uh-huh.

9 MS. RUIZ: Okay, and that's what I'm really
10 basing, you know, the questions --

11 MR. SMITH: You've already gotten all the
12 benefits out of your land being over 20,000 square
13 feet.

14 MS. RUIZ: I have 30,000 square feet of
15 office --

16 MR. SMITH: Uh-huh.

17 MS. RUIZ: -- and 9,000 proposed for
18 townhouses. That's it. Now, if you take the whole
19 parcel, which is 24, and multiply it times 3.1, I
20 believe it has quite more feet than that, and that's
21 what I'm --

22 MR. SMITH: But you're not allowed to do
23 that. You can't -- you can't apply the commercial
24 floor area percentage to the part of the property
25 that's zoned for apartment. The only way that you

1 could do that is if you were to come in and apply for
2 a change of zoning and a change of land use on the
3 portion of your property that is zoned apartment and
4 the part that's zoned multi-family.

5 MS. RUIZ: That's my second -- the second
6 portion of my question. If -- if -- 37th Avenue and
7 Douglas (sic), okay, takes up a whole block, and in
8 the Charrette that I read, you know, quite a few
9 times, you want to have a grand opening or grand
10 entrance on Southwest 8th Street, shouldn't it be
11 both, you know, considered at least, you know,
12 typical or the same? Its facing, fronting, is on 8th
13 Street. It's on a major road, which is Ponce, which
14 you want to, you know, beautify, and it's really
15 getting very, very beautiful. I don't see the
16 difference between this and this. I really, you
17 know, don't see it. This is why I'm here.

18 MR. RIEL: Well, part of the process was, we
19 were not rezoning properties, so the intent of the
20 rewrite was not to rezone properties. What you're
21 seeking is a rezoning and a change of land use, which
22 there is a process in place for you to do that, so --

23 MS. RUIZ: So the ordinance doesn't do
24 anything for me?

25 MR. RIEL: The ordinance does not do

1 anything in terms of changing the property for zoning
2 or land use, no, it does not. That was not the
3 intent. The only changes we made were to be
4 consistent on public properties, City-owned
5 properties. That was the only change. We didn't do
6 it on private properties.

7 MS. RUIZ: So, in other words, in Ponce de
8 Leon Boulevard, all the buildings that are going up
9 now, that are gone 200 feet west of Ponce, to the
10 east and to the west, those properties were rezoned?

11 MR. SMITH: Yes.

12 MS. RUIZ: They were rezoned --

13 MR. SMITH: There were two of them that --

14 MS. RUIZ: -- and they were approved by the
15 Commission?

16 MR. SMITH: There were two of them that
17 needed rezoning, and the others didn't.

18 MS. RUIZ: And they're in the middle of
19 Ponce, and my property is at 8th Street and --

20 MR. RIEL: I think, in several years,
21 there's been seven of them done, seven rezonings that
22 have been done on Ponce.

23 MS. RUIZ: Right. So are you saying I don't
24 have the right to apply, or are you saying --

25 MR. SMITH: No, you do, but we can't do it

1 as a part of this process, but you absolutely --

2 MR. RIEL: You have a right to change zoning
3 and land use; you go through a process.

4 MS. RUIZ: Oh, yeah? Okay. So I see. So
5 now you've answered, so I -- okay. Now, the
6 ordinance doesn't do anything for me?

7 MR. SMITH: No.

8 MS. RUIZ: Okay.

9 MR. SMITH: You have to apply on your own.

10 MR. RIEL: The ordinance doesn't -- (Mr.
11 Riel and Ms. Ruiz speaking simultaneously) -- change
12 the City properties.

13 MS. RUIZ: Right, right, right, okay.

14 Okay, so I do have the right to apply for
15 the change of rezoning based on, you know, what other
16 parcels you have approved in the area, and take it
17 from there and present whatever I think --

18 MR. RIEL: If you want to see Staff and go
19 over the --

20 MS. RUIZ: No, no, no. Basically, what I
21 wanted was clarification, okay, on that, and you've
22 given it to me, and I thank you very much.

23 MR. RIEL: Anyone else?

24 MR. THOMPSON: Yes. Steven Thompson, 427
25 Cadima Avenue. I've been asked by various neighbors

1 to come and ask three simple questions that affect
2 our neighborhood and our community there.

3 One, that the change of the old JCI building
4 to commercial limited district, the CL
5 classification, will not allow more density, more
6 building height and/or reduction in setbacks beyond
7 what already exist.

8 MR. SMITH: That's correct, because --

9 MR. THOMPSON: Okay.

10 MR. SMITH: Because the ordinance --

11 MR. THOMPSON: I've got the answer to that.
12 The answer is, there will be no changes to any of
13 those three items.

14 MR. SMITH: The answer -- the answer to that
15 is, the ordinance that was passed to change the
16 zoning on the JCI will still be in effect with this.
17 That ordinance doesn't go away. So all those
18 restrictions that were in place there are still
19 there.

20 MR. THOMPSON: So all those conditions that
21 were placed on the rezoning --

22 MR. SMITH: They're still there.

23 MR. THOMPSON: -- at the time -- two and a
24 half, three years ago --

25 MR. SMITH: Still there.

1 MR. THOMPSON: -- are still there?

2 MR. SMITH: Yes.

3 MR. THOMPSON: They have not gone away?

4 MR. SMITH: No.

5 MR. THOMPSON: Okay.

6 Secondly, along LeJeune Avenue (sic), the
7 change to Multi-family Special Area District of that
8 property will, again, not increase density, increase
9 building height, or reduce setbacks beyond what's
10 required right now?

11 MR. SMITH: They've changed it. It's not
12 going to be changed to Multi-family Special Area.

13 MR. THOMPSON: That's what it says here --

14 MR. SMITH: It was changed at the Planning
15 & Zoning Board meeting, the change at the MF-1, which
16 is duplex.

17 MR. THOMPSON: Right, which is what it is
18 now.

19 MR. SMITH: What it is now.

20 MR. RIEL: We have a map.

21 MR. THOMPSON: Okay, well, I'm just going on
22 what it says the final is.

23 MR. SMITH: The final has been revised.

24 MR. THOMPSON: Okay.

25 MR. RIEL: What you have right there is what

1 the Planning Board recommended.

2 MR. THOMPSON: And overall, through the
3 various meetings we've had, going back and forth, at
4 the Youth Center and all the others, one statement
5 has come through: All this is doing is conforming,
6 we are not changing the zoning to increase density
7 anywhere in this neighborhood. Is that a correct
8 statement?

9 MR. SMITH: That's correct.

10 MR. RIEL: Yes.

11 MR. THOMPSON: So you're still saying that
12 that is correct.

13 MR. SMITH: That's correct.

14 MR. THOMPSON: All right.

15 MR. RIEL: Anyone else?

16 MS. QUIRKE: Amanda Quirke, 1441 Brickell.
17 I just wanted to clarify, on the Mediterranean bonus
18 regulations, from the old to the new Code -- the old
19 Code says contiguous to public rights-of-way or
20 waterways --

21 MR. SMITH: Uh-huh.

22 MS. QUIRKE: -- and then the new Code says
23 adjacent.

24 MR. SMITH: We corrected that. The -- it
25 says --

1 MS. RUSSO: Adjacent is a defined term in
2 the new Code.

3 MR. SMITH: Is it defined?

4 MS. RUSSO: It is defined in the Code.

5 MR. CARLSON: Adjacent is abutting, across
6 the street, waterway or alley.

7 MS. QUIRKE: Right, but that is broader
8 than contiguous, so it is changing, correct?

9 MR. CARLSON: That is how it's always been
10 applied.

11 MR. SMITH: The wording was changed. The
12 wording was changed, but it means the same thing.
13 Whether you're next door or whether you're across the
14 street, waterway or canal, you have to go through the
15 special process, the Mediterranean.

16 MS. QUIRKE: But contiguous is sharing a
17 parcel line, is that --

18 MR. SMITH: Right.

19 MR. RIEL: Sharing a property line.

20 MR. SMITH: Yes.

21 MR. RIEL: Yes.

22 MS. QUIRKE: Sharing a property line is
23 contiguous, but adjacent is across a waterway, across
24 a public right-of-way, so it is arguably broadening
25 the scope of what requires special approval under the

1 Mediterranean bonus, correct?

2 MR. SMITH: That is correct. It's getting
3 more restrictive.

4 MS. QUIRKE: Right.

5 MR. SMITH: Yes.

6 MS. QUIRKE: So more applications will
7 require the special approval?

8 MR. SMITH: It will either equal or there
9 may be more.

10 MS. QUIRKE: Yes. Okay.

11 MR. RIEL: Anyone else?

12 Okay. It's 7:40. Thank you all, and again,
13 if you're not on our e-mail list, please let our
14 secretary know, so we can keep you up to date.

15 October 17th, City Commission meeting in
16 this room. Thank you again.

17 (Thereupon, the meeting was adjourned at
18 7:40 p.m.)

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