

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, NOVEMBER 8, 2006, 6:05 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 Elizabeth M. Hernandez, City Attorney
 19 Javier Betancourt, Principal Planner
 20 Scot Bolyard, Planner
 21 Jill Menendez-Duran, Administrative Assistant
 22 Dennis Smith, Assistant Building Director
 23 Lourdes Alfonsin Ruiz, Assistant City Attorney

24 Also participating:

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25 Robert Fine, Esq.	9
26 Zeke Guilford, Esq.	16
27 Andy Murai	20
28 Mary Naccarato	21
29 Thomas Mooney	24
30 John Fullerton	68
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32 Mario Garcia-Serra, Esq.	73
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36 Fernando Menoyo	126
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38 Maria Longo	131
39 Tucker Gibbs, Esq.	135

40

1 THEREUPON:

2 The following proceedings were had:

3 CHAIRMAN KORGE: Okay, the meeting is
4 called to order.

5 If everybody in the audience would sit down
6 and listen up, please, so we can get the meeting --
7 we'd love to get out of here well before the nine
8 o'clock deadline, when the meeting automatically
9 terminates, absent a continuation by a vote of the
10 Board.

11 Let's start calling the roll, please.

12 MS. MENENDEZ-DURAN: Eibi Aizenstat?

13 MR. AIZENSTAT: Here.

14 MS. MENENDEZ-DURAN: Robert Behar?

15 MR. BEHAR: Here.

16 MS. MENENDEZ-DURAN: Jack Coe?

17 MR. COE: Here.

18 MS. MENENDEZ-DURAN: Pat Keon?

19 Cristina Moreno?

20 Javier Salman?

21 MR. SALMAN: Here.

22 MS. MENENDEZ-DURAN: Tom Korge?

23 CHAIRMAN KORGE: Here.

24 The first item or the next item is approval
25 of the minutes of the meeting of October 11th, 2006.

1 Do I have a motion for approval?

2 MR. COE: So moved.

3 MR. BEHAR: Second.

4 CHAIRMAN KORGE: Moved and seconded. Is
5 there any discussion, changes, corrections?

6 Hearing none, let's call the roll on that,
7 please.

8 MS. MENENDEZ-DURAN: Robert Behar?

9 MR. BEHAR: Yes.

10 MS. MENENDEZ-DURAN: Jack Coe?

11 MR. COE: Yes.

12 MS. MENENDEZ-DURAN: Javier Salman?

13 MR. SALMAN: Yes.

14 MS. MENENDEZ-DURAN: Eibi Aizenstat?

15 MR. AIZENSTAT: Yes.

16 MS. MENENDEZ-DURAN: Tom Korge?

17 CHAIRMAN KORGE: Yes.

18 Eric, are there changes to the agenda?

19 MR. RIEL: No, there aren't.

20 CHAIRMAN KORGE: No.

21 Swearing in of interested parties. Do you
22 want to put that off until your presentation, or how
23 would you like to do that?

24 MR. RIEL: However you'd like.

25 CHAIRMAN KORGE: Why don't we go forward

1 with your presentation, and maybe that will answer a
2 lot of questions --

3 MR. RIEL: Okay.

4 CHAIRMAN KORGE: -- and maybe people won't
5 want to be sworn in.

6 The first part of the presentation is the
7 Zoning Code text amendment for metal roofs, which has
8 been to this Board before and is back again.

9 MR. RIEL: It's been, actually, here, I
10 believe, two times.

11 CHAIRMAN KORGE: Two times. Three times is
12 the charm.

13 MR. BETANCOURT: Good evening, Mr. Chair,
14 Mr. Vice-Chair, Members of the Board. For the
15 record, Javier Betancourt of the City's Planning
16 Department, here again to present on the Zoning Code
17 text amendments for metal roofs within the City.

18 I'll try and make this quick and brief,
19 since this has been before you so many times already.

20 A quick background. On May 23rd, the
21 Commission requested that the Planning & Zoning Board
22 provide a recommendation on whether the Zoning Code
23 should be amended to allow metal roofs within the
24 City.

25 On July 12th, this item was presented to you

1 as a discussion item, at which time the Board
2 expressed its support for metal roofs City-wide,
3 although no vote was taken. The Planning & Zoning
4 Board also requested feedback from the Board of
5 Architects on the issue.

6 On September 14th, the item was discussed by
7 the Board of Architects, which expressed support for
8 metal roofs City-wide and offered additional comments
9 and suggestions. The Board of Architects' comments
10 are included in your packet as Attachment G, and
11 also, we were told that someone from Building &
12 Zoning would be here to answer any questions you had
13 about that meeting. Although I'm not seeing someone
14 at this moment, they may be outside, watching the
15 monitors.

16 (Thereupon, Ms. Hernandez arrived.)

17 MR. BETANCOURT: We're putting forth three
18 options for your consideration. The first is Staff's
19 recommendation, which is the most restrictive of the
20 three. It would allow metal roofs as a site-specific
21 amendment to the Zoning Code, for neighborhoods south
22 of North Kendall Drive and east of Old Cutler Road,
23 and will advance such amendment for the neighborhood
24 of Old Cutler Bay. Those proposed regulations are
25 included in your packet as Attachment A.

1 And just to show you, rather quickly, on the
2 map, what area we're talking about, this is south of
3 Kendall, east of Old Cutler. It's essentially the
4 South Gables area, and Old Cutler Bay is the
5 community here highlighted in blue.

6 I'll turn it around for the public to see.

7 The second option is the Planning & Zoning
8 Board's original recommendation. This was the
9 recommendation given to Staff on July 12th. A vote
10 wasn't taken, but there was consensus to allow metal
11 roofs City-wide, subject to Board of Architects
12 review and approval. That proposed language is
13 included in your package as Attachment B, and it
14 mirrors what was originally presented to you as part
15 of the Zoning Code rewrite before this issue was
16 taken out of that process, to be taken up separately.

17 Finally, your third option is a proposal by
18 a City resident, Robert Fine. I believe he's been
19 working with Tom Mooney, another City resident, as
20 well, which provides, I'm told, an evolution of the
21 Planning & Zoning Board's recommendation to allow
22 metal roofs City-wide, but has also incorporated a
23 number of comments, particularly comments from the
24 Board of Architects, such as bringing the Historic
25 Preservation Board and the Board of Adjustment into

1 the decision-making process. And that -- those
2 proposed regulations are included in your packet as
3 Attachment C. Mr. Fine is here to present that
4 proposal in more detail and will do so after I
5 finish.

6 Staff recommends allowance of metal roofs
7 via a three-step process. First, we would recommend
8 amending the Zoning Code and/or new Zoning Code to
9 allow metal roofs as a site-specific text amendment.
10 Again, those are the regulations in Attachment A that
11 are before you today. If that were to pass,
12 applicants would then be able to apply to amend the
13 site-specific regulations to allow metal roofs in
14 their specific sections of the City.

15 As part of our recommendation here tonight,
16 we're advancing such an amendment for the Old Cutler
17 Bay neighborhood since they've already garnered the
18 public support and been through this effort over
19 the past few months, and that is on the last page of
20 Attachment A.

21 Assuming passage of the above, property
22 owners could then apply for a metal roof, subject to
23 Board of Architects and possibly Historic
24 Preservation Board review and approval.

25 Again, Mr. Fine is here to present his

1 proposal. I'm hoping that Mr. Smith is somewhere
2 nearby, to field questions regarding the Board of
3 Architects. Okay, he's here. And that concludes my
4 presentation. This was -- oh, before I forget, this
5 was originally proposed to go to the City Commission
6 for first reading next Wednesday. It's been pulled
7 from that agenda. It's now scheduled for City
8 Commission first reading on December 12th, and the
9 second reading is tentatively scheduled for January
10 9th. It's the same meetings at which the Zoning Code
11 rewrite is going to come before the City Commission,
12 and our hope is that they will then merge at that
13 time.

14 CHAIRMAN KORGE: For purposes of clarity, as
15 I understand these three proposals, they're dealing
16 with metal roofs made from metal other than copper.

17 MR. BETANCOURT: Yes.

18 CHAIRMAN KORGE: Is that correct?

19 MR. BETANCOURT: Yes.

20 CHAIRMAN KORGE: The copper roofs which are
21 in the current Code will continue to be available
22 anywhere throughout the City?

23 MR. BETANCOURT: Yes. That is not being
24 proposed to be changed. We're -- depending on the
25 proposal, we're either just amending that copper

1 section to allow metal roofs and copper, with the
2 same language, same regulations, or they're being
3 taken up as separate items. But either way, copper
4 will continue to be allowed as a material throughout
5 the City.

6 CHAIRMAN KORGE: Thank you.

7 MR. BETANCOURT: And if you would like, I
8 think Mr. Fine can now make his presentation and then
9 we can open it up to questions and answers, or
10 however you'd like to handle it.

11 CHAIRMAN KORGE: Why don't you make your
12 presentation, Mr. Fine?

13 MS. HERNANDEZ: I think there's other
14 residents that also want to speak to the issue.

15 MR. BETANCOURT: Well, one of the proposals
16 is actually his, so I thought it might wrap up the
17 discussion.

18 MS. HERNANDEZ: Okay.

19 MR. FINE: Good evening, Members of the
20 Board. My name is Robert Fine, a resident at 360
21 Solano Prado, Coral Gables, and you know I've been
22 here several times regarding --

23 MR. COE: Mr. Fine, if I may, before you
24 begin your presentation, if you could, can you
25 distinguish, at least for me, the difference between

1 what the Staff has characterized as option three,
2 which is apparently your recommendation, as opposed
3 to option two?

4 MR. FINE: Sure. Option two was a version
5 of language that came before the Planning & Zoning
6 Board, that they looked at -- y'all looked at in your
7 discussion meeting on this, and it had language
8 regarding -- that's when you decided you wanted to
9 consider the issue City-wide, which up until that
10 point hadn't been looked at that way, and that
11 language is virtually identical to the language that
12 was before you that the Board generally liked but
13 wanted to hear from the Board of Architects.

14 After that time, one, there was a meeting of
15 the Board of Architects that I was at, where the
16 issue of metal roofs was discussed, and the Board of
17 Architects had a number of comments, which you have a
18 memo on, and so some language was changed, but also,
19 during the time from then till now, I and/or Tom
20 Mooney, who's worked with me on this, also a Coral
21 Gables resident and a planner, had spoken to
22 different people around the City about what they
23 liked, their concerns, and in a lot of cases, the
24 overwhelming concern of people that I spoke to on
25 having metal roofs, unless there was one or two who

1 just didn't like them, was, one, what happens if you
2 have someone who comes in with a 1923 Med Revival
3 house and they want a metal roof that may not be
4 quite right for it?

5 And they were also concerned that there were
6 neighborhoods north of, say, Sunset that were -- had
7 a lot of older homes in there, and it may be that, in
8 the right place in that neighborhood, it was okay to
9 have a metal roof and it would look okay, but some
10 people were concerned that they wanted a level of
11 review maybe beyond just the Board of Architects --
12 not onerous, but beyond the Board of Architects.

13 So, in looking at that, and also considering
14 that south of Sunset, where the annexed areas are,
15 there are already over 30 metal roofs, and if Ponce
16 Davis gets annexed, probably that many more, and High
17 Pines, probably that many more on top, we looked
18 at -- and the character of the neighborhoods,
19 especially east of Old Cutler, are more waterfront
20 and water borne properties, we looked at, how do we
21 sort of write a standard that alleviates a lot of
22 these concerns.

23 And so we basically took the Board of
24 Architects' comments and we then -- a lot of it has
25 to do with the finishes on the materials, which I'll

1 get to in a moment, but we divided the City into two
2 zones, north of -- essentially north of Sunset and
3 the Gables Waterway and south. And south of Sunset,
4 where, again, there's already a number of metal roofs
5 and these other things, there would be a process
6 where, if you were actually from either zone, a 1945
7 or earlier home that was either Med Revival or
8 Mission Style, which are the homes people were
9 concerned about protecting, that after the Board of
10 Architects, you would have to then go to the Historic
11 Preservation Board to make sure it was compatible and
12 it worked.

13 Another issue that came up was, there's a
14 broad range of colors of metal roofs. Some are very
15 neutral, natural aluminum, white, off-white, and then
16 there's reds and greens and other colors, and there's
17 some places, like in Snapper Creek Lakes, where
18 there's a house that's a Southern Plantation style
19 house with a red roof that looks beautiful, that
20 would just not make it, you know, on the other side
21 of U.S. 1 from this area.

22 And so what we did was, we said, we'll let
23 the Board of Architects, under this regulation,
24 define the palette of neutral colors, the natural
25 aluminum, white, off-white, and then the other

1 colors, and if you wanted those brighter colors, you
2 had to go to a full panel of the Board of Architects,
3 to make sure a brighter color didn't slip through the
4 cracks, and people all of a sudden see it and they
5 get shocked and there was a problem with that.

6 Now, when you go north of Sunset, to that
7 other zone, it's almost the same -- when you have the
8 pre-1945 Mission or Med homes, after Board of
9 Architects, it would go to HP. But if you had a
10 newer home, it would go to the Board of Adjustment,
11 not as a variance, but as a second review under the
12 same compatibility standards, which are the three,
13 four and five, the type of material, color, the
14 compatibility to the home itself, and the
15 compatibility to the neighborhood, so that there was
16 a second level of review, and again, it would not be
17 a variance standard; it would basically be just a
18 second set of eyes looking for compatibility, and
19 that was put in to alleviate a lot of concerns of
20 people in North Gables who would say, "I want a metal
21 roof, but, you know, I want to make sure that they
22 come in appropriately, in the right places," and so
23 that's what we put in that's different.

24 The other difference that's strictly from
25 the Board of Architects, when we met, we showed them

1 different materials, and one issue that had been
2 brought up was, there's now metal roofing material
3 that looks like barrel tile or Spanish S tile, and we
4 brought it to the Board of Architects to discuss
5 materials and they were unanimous and emphatic that
6 they did not want that material approved at this
7 time, because the state of the material -- it may be
8 that in a year, five years, 10 years, some
9 manufacturer makes it look like you've got barrel or
10 S tile, but right now it looks almost animated or
11 cartoonish.

12 So the language in here actually -- when it
13 talks about material you can use, specifically
14 excludes the barrel tile or Spanish S tile. The
15 materials they liked were standing seam metal,
16 corrugated metal, which is actually showing up a lot
17 now in Latin America on some homes that would be
18 similar to homes that are being built in Coral
19 Gables, or dimensional metal tiles. One good example
20 is, if you see Victorian homes, then you see it's
21 almost like a fish scale kind of tile. That, they
22 said, you know, on the right house and all that, all
23 that would be very nice, but again, they did not want
24 the barrel or S tiles made out of metal.

25 And that, I think, in a nutshell, is the

1 difference from the original regulation that said it
2 was good anywhere, you get Board of Architects
3 approval, there's two or three neutral colors, white,
4 off-white or aluminum, and then you were limited to
5 that. So we expanded what you could do, but we also
6 expanded the protections, or the review, I should say
7 the review by the City, to make sure that the best
8 mixture -- that these materials, when they came into
9 the City, came in on appropriate homes and
10 neighborhoods, appropriately. And those are the
11 differences.

12 CHAIRMAN KORGE: Thank you.

13 MR. FINE: With regards to the rest of my
14 presentation, it was essentially to basically let you
15 know that we did go to the Board of Architects. We
16 got their comments. They initially asked for a
17 lesser level of regulation than what we've put in.
18 After we wrote this, Martha Salazar-Blanco circulated
19 this to the members of the Board of Architects, and
20 she told me that the comments that came back from
21 them, that they were supportive of the language we
22 have here.

23 And if you have any questions about metal
24 roofs in general, the differences, these issues, I'm
25 here to answer anything you like.

1 CHAIRMAN KORGE: Does anybody have any
2 questions at this time? No?

3 Thank you very much.

4 MR. FINE: Thank you.

5 CHAIRMAN KORGE: Anybody here who wishes to
6 speak to this proposal? Have you already signed in?

7 MR. GUILFORD: Yes.

8 CHAIRMAN KORGE: You need sign in, if you
9 haven't.

10 MS. NACCARATO: I did.

11 CHAIRMAN KORGE: Okay.

12 Why don't you call the witnesses in order?

13 MS. MENENDEZ-DURAN: Zeke Guilford.

14 MR. SALMAN: Do we swear them in? Don't we
15 swear them in?

16 MS. HERNANDEZ: No, this is a general
17 Zoning Code amendment. This is not a one property
18 issue.

19 CHAIRMAN KORGE: It's legislative. It's
20 not --

21 MR. GUILFORD: Good evening, Mr. Chairman,
22 Members of the Board. For the record, my name is
23 Zeke Guilford, with 400 -- offices at 400 University
24 Drive, here representing Andy Murai, the owner of
25 property at 200 Solano Prado.

1 Mr. Chairman and Members of the Board,
2 before, we came before you and told you that we
3 object to metal roofs being put in the Code.
4 However, if you so desire, we are asking that you
5 support the provisions established by this Board. We
6 believe that it should be City-wide, if you're going
7 to do it, not try to separate, that you should have
8 one Code.

9 One of the differences -- I know Judge Coe
10 stated, "What is the difference between two and
11 three?" One of the major differences that we find is
12 that under the provisions that you established, it is
13 basically natural metal -- it's natural metal or
14 white. Those are the only colors permitted. Under
15 the one Mr. Fine wants, there is a -- various colors
16 that could be approved.

17 Also, because this is something new to the
18 City of Coral Gables, obviously it's a change from --
19 you've got 70 some odd years -- we believe that it
20 should have full Board of Architects approval,
21 because obviously it's important, because as Mr.
22 Behar and Mr. Salman know, the Board usually splits
23 up into small groups. However, on something like
24 this, it should be a full board, to consider the
25 scale, compatibility, architectural compatibility, to

1 the building as well as the surrounding area, for a
2 metal roof, and that's what we would ask you to add
3 to your provision Number 2.

4 CHAIRMAN KORGE: May I ask you, why would
5 you be opposed to limiting it to the area -- the
6 site-specific area under the first option?

7 MR. GUILFORD: Why are we opposed to it?

8 CHAIRMAN KORGE: Yeah. If you had to choose
9 between City-wide or just limiting -- you said you're
10 generally opposed to --

11 MR. GUILFORD: To metal roofs in general.

12 CHAIRMAN KORGE: Metal roofs, right.

13 MR. GUILFORD: Right.

14 CHAIRMAN KORGE: Other than copper.

15 MR. GUILFORD: Other than copper, correct.

16 CHAIRMAN KORGE: But if we were going to
17 allow it, you would prefer it be City-wide, rather
18 than to a limited area.

19 MR. GUILFORD: City-wide, because if you're
20 going to allow someone to build a Florida style
21 house, whether it's south of Sunset or north of
22 Sunset, it then becomes immaterial. It becomes an
23 architectural style, that that roof should be put on
24 it, no matter where it's located. So the roof should
25 basically match the architectural style of the house,

1 regardless of where it's located.

2 CHAIRMAN KORGE: But isn't the reason for
3 limiting it to -- or the reason for suggesting that
4 it be limited to a site-specific area that those
5 areas in which it would be limited are -- it would be
6 more compatible in those areas than in, say, the
7 northern area of the Gables, where there are a lot
8 more older --

9 MR. GUILFORD: The answer to that question
10 is yes and no. That's true in areas that have been
11 annexed into the Gables. But it's not true in Old
12 Cutler Bay, it's not true in Gables Estates, which
13 have never had copper roofs. They've all had tile
14 roofs. So, in those neighborhoods, really, a
15 site-specific -- you know, it doesn't -- is it more
16 compatible in Snapper Creek, that got annexed? Yes.
17 There's no question about that. Those areas that
18 have been annexed do have metal roofs, and then
19 therefore it would be compatible in those
20 neighborhoods, versus if you look at it as a
21 site-specific, it's not in Old Cutler Bay, it's not
22 in Gables Estates, so it may not. So just put it
23 City-wide, and therefore, it then matches the
24 architectural, regardless of where you're located.

25 MR. COE: Zeke, I think your client may want

1 to say something.

2 MR. GUILFORD: Sure. Absolutely.

3 MR. MURAI: Andy Murai, 200 Solano Prado.

4 Addressing the -- well, first of all, I
5 think this is a major change for the City, and I
6 think that it should be carefully considered by this
7 Board.

8 (Thereupon, Ms. Keon arrived.)

9 MR. MURAI: But if you're going to go ahead
10 and do it, you know, being site-specific would create
11 differences in neighborhoods that were not what we
12 bargained for when we purchased in, for example, Old
13 Cutler Bay.

14 You know, if you start allowing
15 site-specific, and let's talk about Old Cutler Bay,
16 where Mr. Fine -- and how this entire thing came out
17 is, this is just one man's quest to change the roof
18 of his house to a metal roof. I mean, he was denied
19 the variance, and this is where we are here today.

20 If you're going to start allowing metal
21 roofs, you know, in one section, then it will make,
22 for example, Old Cutler Bay different than Gables
23 Estates or than Cocoplum, which is right adjoining to
24 us, and maybe, you know, those who purchased in Old
25 Cutler Bay -- when we bought in Old Cutler Bay, there

1 were no metal roofs. If you start allowing
2 differences architecturally, you know, in roofs, then
3 it could make a difference in the valuation of
4 properties in that neighborhood, compared to Gables
5 Estates or Cocoplum or, you know, going down,
6 Hammocks Oaks, all the east-of-the-highway, you know,
7 properties.

8 So, if this is the way you want to go, I
9 certainly, you know, would like you to consider it
10 being, then, City-wide, and then we'll see what
11 happens, and I fully agree with the full Board of
12 Architects review.

13 Thank you, sir.

14 CHAIRMAN KORGE: Thank you very much.

15 Will you call the next witness, please?

16 MS. MENENDEZ-DURAN: Mary Naccarato.

17 MS. NACCARATO: Good evening, Board Members,
18 City Attorney. I'm here to represent myself. I have
19 a duplex at 3500 Segovia Street. It's diagonally
20 south across the street from the library. I invite
21 anyone to take a look at the house, and you'll see
22 that it's a nice-looking thing. I recently had it
23 painted, but I need a roof, and I've been
24 investigating what the benefits of a metal roof are
25 as compared to a regular roof, because since I've

1 owned it, the roof has already been done once
2 completely and then one patch-up job.

3 What is available today, other than metal,
4 is a poor example for a few things, one of which is
5 efficiency, the other is appearance, and I think that
6 most people feel that what you find today -- excuse
7 me, I'm a little nervous -- what you find today in
8 metal roofs is pretty junky-looking, and I brought
9 with me something I'd like to give to the Commission,
10 which shows you what new metal roofs are like. This
11 is in color, so you can get a good look at it and see
12 what it looks like, as compared to something that
13 would show you just in black and white.

14 Shall I give it to the young lady over
15 there, so you can look at it later?

16 CHAIRMAN KORGE: Sure.

17 MS. NACCARATO: Thank you.

18 A metal roof is quite expensive as compared
19 to the regular shingles and other things that people
20 get. You talked about you don't want copper, but it
21 is also made with zinc, aluminum and steel. So there
22 is a choice today, an expensive choice, by the way,
23 and it would certainly cost me a lot more than if I
24 went back to what is -- or went to an original type
25 roof that is not metal. I understand that you're --

1 need a roof. I'd like to go to a metal roof.

2 MR. BEHAR: You're in support of the metal
3 roofs? Bottom line, you're supporting the metal
4 roofs?

5 MS. NACCARATO: Yes.

6 MR. BEHAR: Fair enough.

7 MS. NACCARATO: That's exactly what I'm here
8 for. Thank you very much.

9 MS. HERNANDEZ: Thank you.

10 MS. NACCARATO: Would you be interested in
11 reading the Bob Villa --

12 MR. COE: Yes. Give it to the clerk and I'm
13 sure we'll read it.

14 MS. NACCARATO: Thank you so much.

15 MS. MENENDEZ-DURAN: Thomas Mooney.

16 MR. MOONEY: Good evening. For the record,
17 Tom Mooney. My address is 601 Navarre Avenue, and
18 I'll be brief in my comments.

19 I had -- with Robert, had co-authored option
20 three, with regard to the -- what's before you in
21 terms of allowing alternative roofing systems. I
22 think that the package that was initially presented
23 by Robert really goes through all the benefits
24 regarding durability, particularly debris durability.
25 In the Gables, most of the damage that you see to

1 roofs are not wind blowing the roof off, but trees
2 and other debris flying that damage the tile. I know
3 that's what happened to me personally. Energy
4 efficiency, the cost, the length of the warranties,
5 et cetera. Also, the availability issue. And I
6 think probably the larger issue is the aesthetic
7 issue, and the way that the different options have
8 been written, both the Planning Board option as well
9 as the third option, written by myself and Robert, it
10 takes that to heart, because clearly a metal roof is
11 not for every style home, and I think that the Board
12 of Architects would be able to make that distinction,
13 and the option that's been proposed even goes
14 further. I don't think that with this ordinance you
15 will see metal roofs going on Med Revival homes or
16 homes where, architecturally, it just, you know,
17 wouldn't be able to handle it.

18 My only concern with the site-specific
19 amendment would be that I think it removes that
20 review of aesthetics from the table and it really
21 becomes more of a neighborhood issue, and I think
22 that the issue of aesthetics can be adequately
23 addressed with the City-wide version.

24 So, personally, I would prefer option two,
25 because you wouldn't have to go through the variance

1 process, but I think that if that's what it takes to
2 go through, I think that's certainly something I
3 would support.

4 So I would encourage the Board to endorse
5 either option two or option three and send it to the
6 Commission with a favorable recommendation.

7 Thank you.

8 CHAIRMAN KORGE: Thank you.

9 Call the next witness, please.

10 MS. MENENDEZ-DURAN: There are no more
11 speakers on metal roofs.

12 CHAIRMAN KORGE: Nobody else?

13 All right, we'll open it for Board
14 discussion.

15 MR. COE: Before we do that, for purposes of
16 the record, Mr. Chairman, at this time I'm going to
17 move approval of option two, of the three options, in
18 the Staff report.

19 MR. BEHAR: Jack, before --

20 CHAIRMAN KORGE: I'm sorry, I didn't hear
21 you. You want to move --

22 MR. COE: Option two.

23 CHAIRMAN KORGE: Option two. Is there a
24 second for that motion?

25 MR. BEHAR: Before we do, I would like to

1 add some comments, because I think that option two
2 is --

3 MS. HERNANDEZ: No, but you need a second,
4 and then there might be an amendment --

5 MR. COE: Correct, correct.

6 MS. HERNANDEZ: -- if it's accepted, but we
7 still need a second to the motion first.

8 CHAIRMAN KORGE: Right. I'm still waiting
9 for a second. If there's no second, then we'll just
10 put off --

11 MR. BEHAR: I'll second it, as long as we
12 could maybe have a friendly amendment to that
13 option. I'm -- I am a little bit concerned with
14 colors. I like what option two does, but I think
15 that we should perhaps include more than just
16 aluminum, white or copper. For example, an
17 off-white, a beige, is that not a neutral color? And
18 I think the option that Mr. Fine proposed, which is
19 to have a -- within a range of predetermined colors
20 by the Board of Architects, I think that may do the
21 same thing as the painting, exterior painting of a
22 residence, that there's a predetermined color that
23 you could choose. You don't only have to do white,
24 aluminum or copper.

25 The second --

1 MR. COE: Is that a proposed amendment?

2 MR. BEHAR: A proposed amendment.

3 MR. COE: I'll accept that amendment.

4 MR. BEHAR: Okay. So there's predetermined
5 colors, and again, it has to be in a neutral pattern.

6 CHAIRMAN KORGE: Let me just interrupt, to
7 make sure I understand this. You would take number
8 two from --

9 MS. HERNANDEZ: Option three.

10 CHAIRMAN KORGE: -- option three and insert
11 that in lieu of number three --

12 MR. BEHAR: Well, yes, in lieu of number
13 three, but I would just include, the color of the
14 roof material shall be copper, patinaed copper, or a
15 neutral color within a range predetermined by the
16 Board of Architects. There. I --

17 CHAIRMAN KORGE: That would be the end of
18 it?

19 MR. BEHAR: That would be the end of it.

20 CHAIRMAN KORGE: So -- and --

21 MS. HERNANDEZ: And you accepted that, Mr.
22 Coe?

23 MR. COE: I've accepted that, for the
24 record, yes.

25 MR. BEHAR: Now, the other suggestion is

1 corrugated metal. What I see is, you know, the
2 corrugated metal. I don't know if that's something
3 that -- I think that was added afterward, because
4 back in July or whenever we came in with this
5 proposal, I don't remember seeing corrugated there.
6 I think that was added afterwards.

7 Corrugated can be something like this --

8 MR. COE: Which we don't like.

9 MR. BEHAR: -- which I personally don't
10 agree with. I would propose --

11 MR. COE: Is that an amendment to that, too?

12 MR. BEHAR: -- to amend it to delete
13 corrugated from that number two.

14 MS. HERNANDEZ: Okay.

15 CHAIRMAN KORGE: Do you accept that?

16 MR. COE: I'll accept that amendment, as
17 well.

18 MR. BEHAR: And Jack, that is the only
19 modification I would propose.

20 MR. COE: Okay.

21 MS. HERNANDEZ: Okay.

22 MR. AIZENSTAT: Robert, let me ask you a
23 question.

24 MR. COE: If we can recirculate this, to see
25 what he's talking about. There's the corrugated

1 metal thing. I agree.

2 MR. AIZENSTAT: What happens -- I have seen
3 some metal roofs that fit certain homes that are in
4 Victorian style or so forth, that there's a green
5 patina look that goes to that roof. So, under your
6 proposal, that would not be allowed?

7 MR. BEHAR: No, no, no.

8 CHAIRMAN KORGE: It is.

9 MR. BEHAR: It is. That's why I included a
10 portion of Mr. Fine's --

11 MR. AIZENSTAT: Okay.

12 MR. BEHAR: -- submittal, which includes the
13 patinaed copper.

14 MR. AIZENSTAT: Okay, then I would be
15 agreeable to that.

16 MR. COE: This is sort of a blend now
17 between three and what was --

18 MR. BEHAR: Right, correct.

19 MR. SALMAN: Through the Chair --

20 CHAIRMAN KORGE: I'd like -- before we go
21 further, I'd like to just note one observation, for
22 whatever it's worth. There is a fourth option, which
23 is to leave the existing Code as is. I just want to
24 remind everybody of that.

25 Any more discussion on the motion as

1 amended?

2 MS. KEON: Could I ask a question?

3 CHAIRMAN KORGE: Sure.

4 MS. KEON: There seems to be a variety of
5 types of -- not types, shapes of metal, I mean,
6 whether they be tiles, whether they be all kinds of
7 things. Are we talking about just the seamed -- you
8 know, those long, seamed panel metal roofs, or are
9 you --

10 MR. COE: I think there's a picture right by
11 you.

12 MS. KEON: Yeah.

13 MR. SALMAN: That's specifically my point.

14 MS. KEON: These metal tiles, metal shakes,
15 metal shingles, those things that --

16 MR. BEHAR: Well, no, but if -- there's a
17 paragraph that excludes any metal roof that tries to
18 imitate barrel tiles.

19 MR. SALMAN: I think we need to extend that
20 exclusion to imitate barrel tile or metal shakes or
21 wood shakes or any other material that is not metal.

22 CHAIRMAN KORGE: Well, it has --

23 MS. KEON: Well, they are metal, but I mean,
24 it's more whether you --

25 MR. SALMAN: I know, because the options are

1 now they make it look like wood shakes --

2 MS. KEON: Yeah.

3 MR. COE: Well, that's because --

4 MR. SALMAN: Like --

5 MR. COE: Well, the Board of Architects
6 themselves have said at this time they're not going
7 to approve this pseudo, imitation barrel tile look
8 and so --

9 MR. BEHAR: Well, I --

10 MR. SALMAN: I agree.

11 CHAIRMAN KORGE: Well, just for a point of
12 clarity, we're referring here in the existing
13 language as amended to dimensional metal tiles, which
14 I assume would include the shake imitation or
15 other --

16 MR. SALMAN: Not necessarily. Dimensional
17 metal tiles may be like the Victorian fish scale
18 tiles --

19 CHAIRMAN KORGE: Well, whatever.

20 MR. SALMAN: -- which I don't think is
21 appropriate for Coral Gables, but --

22 CHAIRMAN KORGE: That's not what I'm
23 saying. All I'm saying is, as I read dimensional
24 metal tiles, that means --

25 MS. KEON: What does that mean?

1 CHAIRMAN KORGE: -- something other than the
2 pure flat, okay?

3 MS. KEON: Okay. So that could be --

4 CHAIRMAN KORGE: It could be any of those.

5 MS. KEON: That could be shakes. That could
6 be all those things. That's what I'm asking, for
7 clarification. Yes?

8 MR. SALMAN: That would be allowed under
9 this provision, then?

10 MR. COE: Subject to Board of Architects
11 approval. I mean, I don't think we should be so
12 specific. That's the discretion this Board would be
13 giving, and the Commission, if it approves it, the
14 Board of Architects to take a look at that in
15 aesthetic context.

16 MR. BEHAR: I think we're eliminating the
17 imitation barrel tile or, you know, Spanish S.

18 MS. KEON: And the corrugated.

19 MR. BEHAR: And the corrugated.

20 MR. SALMAN: Yeah, but have you seen an
21 imitation shake roof, what it looks like?

22 MR. BEHAR: No.

23 MR. SALMAN: They do it down in the Islands,
24 and I'm telling you, it's not what we want here.

25 MR. BEHAR: Then should we leave that

1 discretion to the Board of Architects, to get and to
2 review those options --

3 MR. SALMAN: We've already left the
4 discretion to the Board of Architects for the
5 ultimate approval, according to this, and the
6 compatibility issue. However, our Code is very
7 prescriptive. It's very specific on a lot of issues.
8 I don't see why ducking that issue here --

9 MR. BEHAR: But let me ask you a question.

10 MR. SALMAN: -- is necessarily to the
11 benefit of the Code.

12 MR. BEHAR: Let's assume there is a tile
13 that resembles a flat cement tile now. That's a
14 dimensional tile, okay?

15 MR. SALMAN: It's not a tile. It comes in
16 sheets.

17 MS. KEON: That's what this is.

18 MR. SALMAN: I just don't want to go there.

19 MR. COE: But the problem I'm having -- I
20 understand what you're saying, but the problem I'm
21 having is, if you're going to be so specific, you're
22 also -- the purpose of a code is, it is supposed to
23 last at least a few years before it has to be amended
24 again. If you're going to get so specific, what
25 you're doing is, you're thwarting manufacturer

1 advances in materials, and that's where I thought you
2 have a broad parameter on what should be approved or
3 not approved, but the major implementation should be
4 the Board of Architects.

5 MR. SALMAN: With all due deference to my
6 learned colleague, this technology has existed since
7 before the turn of the century. Stamping metal into
8 forms for tiles or for roofing has existed since the
9 turn of the century. The use of that material in
10 Coral Gables has never been allowed, period, end of
11 story.

12 MR. BEHAR: No, not true.

13 CHAIRMAN KORGE: No, copper.

14 MR. SALMAN: No, no metal roofs -- no metal
15 roofs that are visible.

16 MR. BEHAR: Copper roofs are allowed.

17 MR. SALMAN: Copper roofs have been
18 allowed.

19 MR. BEHAR: It's a metal roof. It's a
20 color. You're talking about a color, Javier.

21 MR. SALMAN: No, I'm not talking about a
22 color. I'm talking about a material. And the
23 material comes in sheets.

24 MR. BEHAR: Javier, what is the
25 difference --

1 MR. COE: It's between zinc and copper.

2 MR. BEHAR: You know, what is the
3 difference between it? I mean, the profile is the
4 same, and you have allowed the Code, you know --

5 MR. SALMAN: That's specifically my
6 question. That's specifically my point. My
7 objection is to the use of metal in imitation of
8 another material. That is my specific objection.
9 Where we demand that they use clay tile, we're
10 prohibiting it. We should prohibit their use in
11 imitation of -- the use of metal in imitation of
12 cement tile, where cement is all around us. There's
13 no reason to replace it.

14 CHAIRMAN KORGE: Javier, is copper -- excuse
15 me for interrupting --

16 MR. SALMAN: And it needs to be
17 architectural --

18 CHAIRMAN KORGE: -- but is copper used, you
19 know, for imitation of other materials?

20 MR. SALMAN: No.

21 CHAIRMAN KORGE: No?

22 MR. SALMAN: It only comes in sheets.

23 CHAIRMAN KORGE: Okay.

24 MR. SALMAN: In fact, I did one of the few
25 buildings that has a copper roof in Coral Gables, the

1 entrance to Old Cutler. So I'm well aware of the
2 Code and I'm well aware of the intent of the original
3 Code, and the intent, as I saw it, was that you shall
4 not use materials that will degrade, you shall not
5 use materials in imitation. That's the idea. And
6 it's to establish a quality of reality to this
7 artifice that we call the City of Coral Gables, and
8 so that it ages the same, so that it looks like --

9 A metal roof that is stamped out to make it
10 look like wood shakes is not going to age like wood
11 shakes. It's going to be different. It's going to
12 look different. It's going to look different real
13 fast. And we may not be happy with the result.

14 MR. COE: If --

15 MR. SALMAN: The only -- and the only
16 objection, the only addition I would like to make in
17 a friendly amendment is that we limit it to exclude
18 imitation barrel tile or --

19 MR. COE: We've done that, though.

20 MR. SALMAN: -- other expressions of
21 materials that are not metal.

22 CHAIRMAN KORGE: But you'd leave dimensional
23 metal tiles in?

24 (Simultaneous comments by Board members)

25 MR. SALMAN: I can leave that in. I can

1 leave with that -- I can live with that, because
2 that's metal tiles and that's dimensional.

3 MR. COE: Javier, what's left now of metal
4 roofs?

5 MR. SALMAN: Well, here's what's left, okay.
6 Here's what's left.

7 MR. COE: Tell us what's left.

8 MR. SALMAN: Standing seam --

9 MR. COE: Okay.

10 MR. SALMAN: -- aluminum, white -- you know,
11 white galvanized steel, or silver steel that turns
12 white.

13 MR. BEHAR: Javier, you're talking about
14 color now.

15 MR. SALMAN: You're talking about --

16 MR. BEHAR: It's a profile --

17 MR. SALMAN: But it's all flat.

18 MR. BEHAR: It's a standing seam.

19 MR. SALMAN: It's a standing seam.

20 MR. BEHAR: A variation of colors and maybe
21 materials, but it's all --

22 MR. SALMAN: And I agree with your
23 amendment, to give more palette, so that we don't
24 have to go through this every time we have a color,
25 and to, you know, get away from any objectionable

1 color.

2 MR. BEHAR: But you're limiting it to
3 standing seam.

4 MR. SALMAN: But I just don't want to use an
5 imitation of another material. It's going to look
6 tacky, and you know it.

7 MR. BEHAR: No, Javier, with all due
8 respect, I think the proposal that Staff recommended,
9 the option, which I did consider that, includes flat
10 metal tiles, okay?

11 MR. SALMAN: I can live with flat metal
12 tiles.

13 MR. BEHAR: Okay.

14 MR. SALMAN: I don't have a problem with
15 that. I just don't want it used in imitation of
16 another material. Flat metal tiles is something
17 different than tiles -- than sheets bent to look like
18 cement tile, stacked.

19 MR. AIZENSTAT: So you're saying if it does
20 have a design but it does not imitate a certain
21 product, it's okay?

22 MR. SALMAN: As long as it's not an
23 imitation of another roofing material.

24 MR. AIZENSTAT: That's what I'm saying. If
25 it doesn't imitate a different product that's used as

1 a roof, it's okay.

2 MR. SALMAN: I agree.

3 MR. AIZENSTAT: So you can have --

4 MR. SALMAN: Then it's a natural -- then
5 it's an expressive of its materiality, and I think
6 that's what we're trying to get at.

7 CHAIRMAN KORGE: What does that mean?

8 MR. COE: It seems to me --

9 MR. SALMAN: That copper looks like copper.
10 It turns green. That white galvanized steel turns --
11 you know, silver galvanized steel turns white, that
12 cement tile ages, collects dirt, and gets its own
13 patina.

14 CHAIRMAN KORGE: No, but in terms of the
15 shape, are you talking about only allowing flat
16 metal?

17 MR. SALMAN: Only allowing flat metal.

18 CHAIRMAN KORGE: Well, then you should just
19 say, only allowing flat metal.

20 MR. SALMAN: All right, fine.

21 CHAIRMAN KORGE: The way you were saying
22 it -- if that's -- I mean, I'm assuming that that
23 would ultimately be acceptable. Maybe it isn't, but
24 at least let's be clear about it, because I can tell
25 you, after what you said and the way you expressed

1 it, it just became more complicated and confusing.

2 MR. SALMAN: Okay, then let's make it
3 simple. Only flat metal.

4 MR. AIZENSTAT: What if it has a design or
5 an engraving on the metal? Is that allowed?

6 MR. SALMAN: I don't want to go there.

7 MR. AIZENSTAT: I mean, but you're going to
8 have these cases. You're going to have products that
9 are going to come up that might have lines or squares
10 in it.

11 MR. BEHAR: Bottom line, the dimensional, I
12 think, is what's troubling you, the dimensional. Is
13 that maybe -- because the flat -- the proposal by the
14 Staff recommendation includes flat metal tiles.

15 If Jack accepts the friendly amendment, I
16 don't have a problem with it, either, because I
17 think, bottom line, that's what you're trying to do,
18 is to limit what you're going to -- what profile you
19 want to see.

20 MR. SALMAN: Exactly.

21 MR. BEHAR: So you have a standard standing
22 seam metal roof --

23 MR. SALMAN: Well, there is no standard.

24 MR. BEHAR: -- of different colors --

25 MR. SALMAN: There are all different widths,

1 all different heights of seams.

2 MR. BEHAR: And flat metal tiles.

3 MR. SALMAN: That's it.

4 MR. BEHAR: Okay. Everything else is not
5 allowed.

6 MR. SALMAN: That would take care of that
7 problem.

8 MS. KEON: Can I --

9 MR. BEHAR: Do you agree with that?

10 MR. COE: Yes. I'll accept that amendment.

11 MS. KEON: What does a flat metal tile look
12 like? Does it look like a slate roof? I mean, is
13 that it?

14 MR. SALMAN: Give me your picture.

15 MS. KEON: But just tell me what it looks
16 like.

17 MR. SALMAN: Give me the picture, give me
18 the picture.

19 MS. KEON: I mean, is that an imitative
20 slate roof? I mean, is that what that would look
21 like?

22 MR. SALMAN: Here, this.

23 CHAIRMAN KORGE: Pass it around, would you,
24 please?

25 MR. COE: That's a flat metal tile.

1 MR. SALMAN: That's a flat metal tile.

2 MS. KEON: Okay. So it looks like a slate
3 roof. I mean, if you were going to tell me something
4 that it would look --

5 MR. SALMAN: No, it looks like a flat metal
6 tile roof. In the Victorian times, that's what they
7 used to --

8 MS. KEON: That's what they used, right.

9 MR. SALMAN: They didn't use slate, too
10 heavy.

11 MS. KEON: Okay, that's fine. I just want
12 to make sure that what I think that is, that that's
13 what it is.

14 MR. COE: Call the question, Mr. Chairman.

15 CHAIRMAN KORGE: Before -- well, I just
16 want to make sure I've got the motion right, okay?
17 It had several amendments. Paragraph two, we're
18 talking about -- the motion, I think, is to adopt
19 option number two, which is Attachment B on our
20 package.

21 MR. COE: Correct.

22 CHAIRMAN KORGE: And paragraph two would be
23 amended to read, "The type of roof shall be limited
24 to copper, standing seam metal, or flat metal tiles,
25 and shall specifically exclude metal roofing intended

1 to replicate barrel tile or Spanish S tile."

2 Paragraph number three would be amended to
3 read as follows: "The color of the roof material
4 shall be copper, patinaed copper, or a neutral
5 color," parentheses, "within a range predetermined by
6 the Board of Architects," close parentheses, period.

7 Is that correct?

8 MR. COE: Yeah.

9 MR. BEHAR: Yes.

10 CHAIRMAN KORGE: Okay. That's the motion
11 that's been seconded with the friendly amendments.
12 There's been discussion.

13 Before we take a roll, does anybody want to
14 discuss this further? Any more comments or
15 anything? No?

16 Pat?

17 MS. KEON: Is it a value -- in this, Mr.
18 Fine's recommendation, he also talks about, the color
19 and pattern should be approved. Is pattern an issue,
20 or no?

21 Is pattern an issue, or no?

22 MR. SALMAN: Let the Board decide.

23 MS. KEON: No?

24 MR. COE: It's architectural discretion.

25 MS. KEON: Okay. Well, it says here that

1 it should be -- so all of that is --

2 MR. BEHAR: The color, we did away with the
3 variation of color, as long as we have a
4 predetermined --

5 MS. KEON: Okay. All right.

6 CHAIRMAN KORGE: So we're okay with this?

7 MR. BEHAR: Yes.

8 MR. COE: Call the question, Mr. Chairman.

9 CHAIRMAN KORGE: Okay. The question has
10 been called, no further discussion, and would you
11 call the roll, please?

12 MS. MENENDEZ-DURAN: Jack Coe?

13 MR. COE: Yes.

14 MS. MENENDEZ-DURAN: Pat Keon?

15 MS. KEON: Yes.

16 MS. MENENDEZ-DURAN: Javier Salman?

17 MR. SALMAN: Yes.

18 MS. MENENDEZ-DURAN: Eibi Aizenstat?

19 MR. AIZENSTAT: Yes.

20 MS. MENENDEZ-DURAN: Robert Behar?

21 MR. BEHAR: Yes.

22 MS. MENENDEZ-DURAN: Tom Korge?

23 CHAIRMAN KORGE: Yes.

24 Okay, next we have further revisions to the
25 Zoning Code rewrite and an update at the same time.

1 MR. COE: Before the Planning Director
2 begins his presentation, on the handout that the
3 Planning Department has given to the Board, it says
4 Final Zoning Code. That's what this is intended to
5 be?

6 MR. RIEL: That's what we're hoping it to
7 be, yes.

8 MR. COE: Thank you.

9 MS. KEON: Tom, may I have the picture so
10 they can include it in -- the picture that's there.

11 CHAIRMAN KORGE: Oh.

12 MR. RIEL: Let me just go ahead and start.
13 We do have copies of the PowerPoint
14 presentation I'm going to go through. What I'm going
15 to do is, I'm going to go through this chart, which
16 indicates all the amendments. Each of the Board
17 Members has it. You have copies of the PowerPoint in
18 front of you.

19 Walter, could you get those lights off, as
20 well? Thank you.

21 As the Board recommended at the last
22 meeting, we went to the City Commission on October
23 17th. They did recommend approval of the Zoning Code
24 and the map on first reading. As a part of that
25 discussion, they asked us to look at some additional

1 issues. They wanted some additional input from the
2 Board, and basically, what I'm going to go over this
3 evening are those issues.

4 As a result of that, the Commission asked us
5 to go and do some additional analysis, and that was
6 basically on three issues. That had to do with the
7 MF1 duplex height, the proposed height limitations in
8 the CL and C district, and then the parking
9 requirements for retail and office.

10 Just to kind of orient you on this chart,
11 this chart, on Column 1 and 2, has the page number as
12 well as the line number, and we also gave you, as a
13 part of your packet, the actual pages. But for
14 purposes of being brief, I'm going to just go
15 through the chart this evening. Basically,
16 everything in the chart is reflected in the pages.

17 Go back, Scot.

18 Column 3 is basically a summary of the
19 issue. Column 4 is the Department's recommendation.
20 And then Column 5, where the Planning & Zoning Board
21 will put the recommendation in.

22 I'm not going to go over the items that are
23 in yellow. Those are considered minor and are more
24 technical changes, so I'm not going to review those
25 this evening. There's only about four of them, as

1 well.

2 Go ahead, Scot.

3 The first issue that was brought up is
4 clarification on previously granted variances. This
5 came up as it wasn't real clear in terms of when
6 extensions could be granted. Staff feels that we've
7 addressed the issue and clarified it with the
8 language that we put on Page 1-3. The City
9 Attorney's Office has also gone over that language
10 and feels comfortable with it, as well.

11 The next issue that came up was in Article
12 4, Page 4-6, and this had to do with the 50 percent
13 calculation on single-family garages. We had -- one
14 or two members of the public came up and questioned
15 how this got into the Code, and basically, the
16 Commission directed Staff to remove that provision
17 that the Board had originally recommended and go back
18 to the original provisions that were in the Code. I
19 believe it was that three quarter, but basically, the
20 language that they adopted on August 22nd is the
21 language that they would like put back in. So that's
22 what Staff is recommending.

23 Carport canopies --

24 CHAIRMAN KORGE: Can I interrupt and just
25 ask a quick question? If that's what the Commission

1 wants, why is it coming back to us?

2 MS. KEON: Yeah.

3 MR. RIEL: We just brought back all the
4 issues, and we want to make sure we cover everything.

5 CHAIRMAN KORGE: Okay.

6 MR. COE: I think the Chair has raised, Mr.
7 Riel, an interesting question. If the Commission
8 wants this language, what are we doing? Are we going
9 to agree with the Commission or disagree with the
10 Commission?

11 MR. RIEL: There certainly would --

12 MR. COE: If we take it back out, which is
13 our other option, right, the Commission is going to
14 put it back in. So what are we discussing?

15 MR. RIEL: Well, I think if the Board feels
16 that it should be put back in and they state their
17 reasons why, that will be included in the
18 deliberations when it comes to the Commission, so
19 that's why I brought it back to you.

20 MR. COE: Okay.

21 MR. RIEL: Carport canopies. There was a
22 lot of discussion in terms of -- and this has come up
23 before, in front of the Board, about prohibiting
24 canopies that are constructed of canvas or cloth or
25 other similar material. These are canopies that are

1 on single-family properties.

2 What we're suggesting, and we've amended the
3 language, to prohibit those types of materials. As
4 you know, in the Code, the way it reads right now is,
5 those materials are supposed to be removed during --
6 you know, prior to a hurricane event. We don't know
7 if people do that, but basically, what we did is, we
8 took that language out and we basically are still
9 allowing canopies; however, they have to be of the
10 same architectural materials of the primary home, you
11 know, of the home, so they'll be similar in terms of
12 style and they won't be, obviously, canvas or cloth.

13 Multi-family duplex height. As you know,
14 this issue has probably generated the most discussion
15 in front of this Board, and it did generate a lot of
16 discussion at the Commission, as well. What Staff
17 did is, we went out and completed an analysis of
18 existing duplex heights. As you know, the duplexes
19 in the City, that district is Segovia Street, Ponce
20 de Leon and LeJeune Road. What we have done is,
21 we've gone out and we took photographs of duplexes
22 along the street. We did an analysis, counted how
23 many homes, and you have that information on your
24 map, as well. We went upstairs, pulled the plans,
25 and we actually tried to get a feeling of what

1 heights, what's out there, and I think you're going
2 to be kind of quite surprised what we came up with.

3 MR. RIEL: Scot, go ahead.

4 This is obviously a one-story, nine foot
5 eight; overall height, 14 feet.

6 This is another one on Segovia. It's a
7 two-story, 25 foot in height and 20 to the roof
8 line.

9 Go a little slower, Scot.

10 This one is on 2828 Segovia Street. Again,
11 a two-story unit, and I just want to note, as we go
12 through these, look at the roof profile, because that
13 has come up in the past, that there wouldn't be
14 enough space to put in, within the 34 feet, a roof
15 profile.

16 Go ahead, Scot.

17 This one is at pretty much 29 feet.

18 MR. MENOYO: May I say something about that
19 duplex? That duplex --

20 CHAIRMAN KORGE: Not at this time. Let him
21 finish his presentation. You can speak later.

22 MR. RIEL: 3400 Ponce -- go back, Scot.

23 3400 Ponce, again, two-story, 23 feet in height.

24 3616 Ponce, 25 feet in height.

25 Hold on a second.

1 What we've done is, we went out and we
2 looked at what we thought -- we picked a group, but
3 we picked what we thought was the largest on the
4 street.

5 Go ahead.

6 This one is 25 feet.

7 MR. AIZENSTAT: In other words, visually --

8 MR. RIEL: Visually, we picked what we
9 thought, and we were kind of surprised that we
10 couldn't -- with our findings.

11 3509, 29 feet.

12 3220 LeJeune Road, 24 feet. 2722 LeJeune,
13 24 feet.

14 3306 -- this one was done by Phineas
15 Paist -- 27 and a half feet.

16 This was a new duplex project that was just
17 constructed on U.S. 1. I don't know if you recall,
18 about a couple months -- or about 12 months ago, you
19 all approved an office building across from the Fire
20 Station 2.

21 CHAIRMAN KORGE: Uh-huh.

22 MR. RIEL: These are duplexes that are
23 immediately behind those. These were constructed, as
24 I said, this year. They act as a buffer to the
25 single-family neighborhood. The top is 29 feet, six

1 inches. We contacted the architect to clarify,
2 because those plans, obviously, weren't microfiched,
3 because they just were constructed, but 29 foot in
4 height.

5 Just kind of a summary, we put them all --
6 you know, we kind of grouped up Segovia, Ponce and
7 LeJeune. We could not find any, in our survey that
8 we selected, that were above 29 feet.

9 MR. AIZENSTAT: You couldn't find any?

10 MR. RIEL: Could not find any.

11 MR. AIZENSTAT: What about any new
12 construction?

13 CHAIRMAN KORGE: This is --

14 MR. AIZENSTAT: I mean, apart from that one,
15 any other --

16 MR. RIEL: One of those that we've shown
17 you was new construction. I'm not sure what year,
18 but it's only like a couple years old. I think it
19 was one of the first ones on Segovia.

20 MR. AIZENSTAT: But what I'm saying is,
21 anything in progress of being built?

22 MR. RIEL: I don't -- we did not go and
23 search the files in terms of duplexes, but we went
24 out and just went into the field and looked what was
25 out there, what we thought was visually -- which is

1 obviously a person's perception of how high a
2 building is, and we were quite surprised to find that
3 we could not find one that even got to 29 feet. It
4 was 28 eight, so --

5 Go ahead, Scot.

6 We also did some -- and it's kind of
7 difficult to see here. We also did some shadow
8 analysis, to kind of get an idea of what the shadows
9 would look like. You can probably see it better on
10 your color presentation in front of you. Obviously,
11 there's more shadow in the winter months than there
12 are in the summer.

13 Go ahead, Scot.

14 This is just some different views, and this
15 is kind of an example of what a 34-foot duplex would
16 look like if it was next to a 29-foot duplex. And
17 this is basically just kind of an analysis of that,
18 obviously, the larger one on the bottom being 34, and
19 the other one being 29.

20 Go ahead, Scot. Go ahead and pass that.

21 So, basically, what Staff is doing, we're
22 continuing to recommend that the duplex height remain
23 at 29 feet, because the existing duplexes out there
24 do not go to the 34 feet. We think it's compatible
25 with the single-family height, which was the original

1 issue that was brought forward by this Board, as well
2 as Staff. The 29-foot building, obviously, does cast
3 less of a shadow, and we feel that the 29-foot height
4 does not impair the roof design, as you can see by
5 the examples that are actually out there in the field
6 now.

7 The next issue is the issue on limitation of
8 height for the C and CL district. As you know, the
9 Board had recommended that there's a limitation in
10 height for the first 50 feet adjacent to a
11 single-family or a multi-family property.

12 Go ahead.

13 Just for the sake of clarification, the
14 commercial limited properties that are not included,
15 that do not apply, that do not surround -- are not
16 surrounded by single-family -- that's the Douglas
17 Entrance. And I apologize, my power -- my pointer
18 went out here.

19 Go ahead to the next one.

20 Alhambra, which is basically the Hyatt, that
21 is not surrounded by single-family. There's also
22 another property on Salzedo and Alhambra that's not
23 surrounded by single-family. And then on Biltmore
24 Way. Again, these are not surrounded by
25 single-family properties, so these provisions do not

1 apply. I just wanted to make sure -- and then
2 there's a section down on U.S. 1 where this does not
3 apply, because there's been -- some questions came
4 up, you know, in terms of how this applies, and it
5 does not apply to these properties.

6 This is an analysis of a shadow study just
7 based upon what you could possibly build. This is
8 the 63 foot that you could build.

9 Go ahead, Scot.

10 If there was a limitation with the 50-foot,
11 this is what you could -- this is what the limitation
12 would look like. And this is what the 45-foot height
13 would look like, if you go back 100 feet. As you
14 know, most of the CL properties are 100 foot in
15 depth. Some of them do go to 110, 120.

16 And this is just another kind of a shadow
17 analysis that looks at what these variations in
18 height --

19 Staff is recommending -- as you know, the
20 current Code, right now, requires it to be 100 feet.
21 We're suggesting that you go from the 50 to 100.
22 We've done some analysis, in terms of what you can
23 build on a CL property if you have the 50 foot
24 back -- and our analysis indicates that you have to
25 at least almost have 300 foot of frontage. You

1 almost have to combine six 50-foot lots to try to get
2 the parking on and the building itself. So it would
3 be very, very difficult, even with the 50-foot
4 setback, to put that rear portion of that property a
5 little higher, per
6 the Comp Plan. So that's why we feel that
7 probably the 100 foot, the way it is in the current
8 Code just leave that as it is. It provides further
9 protection of the single-family properties and
10 multi-family properties, and this is the actual
11 language that appears in the three sections of the
12 Code.

13 Go ahead, Scot.

14 Basically, I just went over -- in terms of
15 our justification for that.

16 Minimum townhouse width. There was a
17 request to increase the minimum townhouse width.
18 Staff does not support this. It's a minimum. 23
19 foot at a minimum, we feel, would be restrictive in
20 terms of the design. You do not have to build to 16.
21 You can build to 23. We feel the 16 allows you
22 flexibility to make different size town homes. So we
23 recommend that the provisions retain the minimum
24 16-foot width.

25 Mixed use and existing site-specific

1 standards. We've had some questions come up. Since
2 we took the MXD and we allowed mixed uses, City-wide,
3 the question came up, how does this apply to
4 individual buildings? So what we did is, we went
5 through the Code and came up with a new chart that
6 basically says what provisions of the mixed-use
7 provisions apply to single buildings and what applies
8 to the overlay, just to clarify the provisions. It's
9 not a change. It was always the intent to have those
10 regulations apply. But for those individuals seeking
11 to do an individual mixed-use building, we feel that
12 that clarified that.

13 Go ahead.

14 Regarding medical clinics -- let me get my
15 bearings here. There were some questions that had
16 come up in terms of the allowance of medical clinics
17 adjacent to or not adjacent to single-family and
18 residential properties. What we've suggested is that
19 a medical clinic greater than 10,000 square feet in
20 floor area adjacent to a single-family or
21 multi-family shall be considered a conditional use.
22 Then it would need to come to this Board for review
23 and approval. If it's less than 10,500 square feet,
24 it's basically a permitted use.

25 The same issue --

1 CHAIRMAN KORGE: Is that a liberalization of
2 where we are right now?

3 MR. RIEL: Right now, medical clinics is a
4 permitted use in CL districts.

5 CHAIRMAN KORGE: Always permitted?

6 MR. RIEL: Yes.

7 CHAIRMAN KORGE: Without condition?

8 MR. RIEL: Yes.

9 CHAIRMAN KORGE: Okay.

10 MR. RIEL: And remember, that's --

11 CHAIRMAN KORGE: So this would impose
12 additional restrictions on larger medical clinics?

13 MR. RIEL: Yes. If you recall, the medical
14 clinic use, that discussion spurred the nighttime
15 provisions. I'm sure you're all familiar with that.
16 And we recommend that you provide this threshold in
17 terms of -- 10,500 square feet is a fairly large
18 medical clinic. That's not a small facility.

19 Overnight accommodations. The same issue
20 came up, in terms of, we have it as a permitted use
21 for eight rooms or less in the CL district when it's
22 adjacent to single-family and multi-family. We're
23 suggesting, overnight accommodations greater than
24 eight rooms adjacent to single-family and
25 multi-family be a conditional use. Right now, it is

1 a permitted use. But again, trying to provide that
2 protection in those CL districts, we feel that it's
3 an additional step, as a conditional use, but it will
4 go through this Board. So this is a change.

5 Allowance of drive-through facilities.
6 We're recommending that drive-through facilities be
7 allowed as a conditional use if they're not adjacent
8 to single-family and multi-family districts.
9 Otherwise, when they're not adjacent, they are a
10 permitted use.

11 Go ahead and go to the next one, Scot.

12 This next issue came up, I believe, at the
13 last meeting and the meeting before. The discussion
14 was taking the CL zoning district and reducing the
15 minimum frontage and square footage requirements.
16 Right now, in the Code, you're required to have
17 20,000 square feet or 200 feet of frontage. There
18 was a request made to reduce that to 100 and 10,000.
19 Staff does not support that change at all. We feel
20 that this would open up numerous opportunities to
21 provide for additional development in the CL
22 district, and I can tell you, early on in this
23 discussion, when we were meeting with the City
24 Commission, they were fairly adamant in terms of
25 instructing Staff to keep that 200-foot minimum and

1 20,000 square feet.

2 MR. BEHAR: But, Eric, let me ask you a
3 question, because I'm one that has -- am a proponent
4 to do away with that standard. By 20,000 square
5 feet, you're encouraging to have bigger projects. If
6 you kept it at 10,000, you don't have to assemble
7 more lots --

8 MR. COE: (Inaudible).

9 MR. BEHAR: You know?

10 MR. RIEL: Understood. We fully understand
11 the issue. I'm just reporting to you, the Planning
12 Department's recommendation is that you not reduce
13 that in the CL district. I mean, if the Board
14 recommends otherwise, we certainly will provide that
15 to the Commission.

16 MR. BEHAR: We'll discuss that when we open
17 it up.

18 MR. RIEL: The next issue that came up was,
19 one of the Commissioners had asked us to look at
20 retail parking requirements and office parking
21 requirements. This discussion came up relative --
22 there was some concern that since we were getting
23 more restrictive on the retail parking requirements,
24 that would encourage office uses on the ground floor.
25 So what we did is, we basically contacted other

1 communities, and you have a chart in your background
2 materials that pretty much goes -- the range of
3 retail parking spaces per thousand ranges anywhere
4 from three per thousand to four per thousand to five
5 per thousand.

6 Subsequent to the Commission meeting, I've
7 had the opportunity to meet with that Commissioner
8 and clarify, and this issue, obviously, will come up,
9 but we feel that we should continue with one space
10 per 250 and one space per 300 square feet, and that
11 issue of whether or not, by requiring more parking
12 for retail, that will force more office on the ground
13 floor, I don't think that's going to happen, because
14 there's a mixed-use provision in there that says 50
15 percent of your frontage in a mixed-use building has
16 to be retail. So the concern was, office uses
17 typically don't put eyes on the street and they're
18 not very -- in terms of, you know, being kind of a
19 blank wall effect on the street. So that provision,
20 with the 50 percent that's in the Code, we feel that
21 that's enough safeguard. So we recommend no change
22 in the parking requirements.

23 And then in Article 8, the question came up,
24 I believe it was discussed at the Board, in terms of
25 the aggrieved party definition. There was a request

1 made that the aggrieved parties include basically
2 almost anyone or any citizen within the City of Coral
3 Gables. We recommend no change to that definition.
4 The way the definition reads is, it's whoever
5 receives a courtesy notice is considered as an
6 aggrieved party, and as you know, we debated that on
7 numerous occasions, and the City Attorney agrees with
8 the language that we have also proposed in the Code.
9 No change there.

10 And then the other issue that came up was
11 the use of the term market value versus assessed
12 value. We had a request to change where -- in other
13 words, if you do a 50 percent -- if you do a 50
14 percent or more, just as an example, reconstruction
15 of your property, 50 percent or more of the assessed
16 value, you have to do certain things. There was a
17 request made to use market value, rather than
18 assessed value. The concern that we have there is
19 that we -- that property owner would then need to go
20 get an appraiser, and the City would either have to
21 agree to it, or if there's disagreement, there would
22 have to be another appraisal done. We feel that
23 assessed value is in the Code. It's been in there
24 for some time. It's finite. It doesn't allow for
25 interpretation. We do not recommend a change to go

1 to market value at this time. So we recommend
2 assessed value be the current threshold or trigger
3 for items, and it includes items in historic
4 preservation, the Landscape Code. It's spread
5 throughout the Code.

6 CHAIRMAN KORGE: The existing Code actually
7 says assessed value --

8 MR. RIEL: Yes.

9 CHAIRMAN KORGE: -- not just value?

10 MR. RIEL: It says assessed value.

11 And then other issues that have come up --
12 obviously, you know, townhouses, we're not going
13 to -- we're going to do a separate study on.

14 We had a request from the Riviera
15 Neighborhood Association to include their
16 recommendations in the Zoning Code. Staff has been
17 working with them. We're going to work with them on
18 including the language in the Comp Plan. We feel
19 it's not appropriate to have specific recommendations
20 from a neighborhood in the Zoning Code. I will tell
21 you that Staff has -- we have looked over the
22 recommendations, and a lot of the recommendations
23 that are made as a part of that charrette were
24 included in the rewrite of the Code, protection of
25 the neighborhood, nighttime uses, a lot of those

1 things that, you know, although you might not be able
2 to put your finger on it, it's there. That's the
3 whole reason why we're redoing this Code, is those
4 transitional areas where you have commercial against
5 residential.

6 And then the other issues that we had
7 questions of, what are we going to do with home
8 offices, what are we going to do with trucks. And
9 then providing notice of demolition to property
10 owners, that's one thing that has come up. We're
11 working on that internally with the City Manager's
12 Office and we'll come forward with something at a
13 later date.

14 And then one of the interesting things that
15 one of the Commissioners asked is -- and I don't
16 know, Walter, if you could hand them out -- way back
17 in 2004, we met with the City Commission, it was
18 actually January, and we developed what we call
19 discovery worksheets. And they asked us, go back and
20 tell us how we did. So we went back through and we
21 checked all the items that we went through, and I can
22 tell you, from Staff's viewpoint, we went through the
23 document, mid-point, quarter-point, we went through,
24 and what we've done is, we've checked each of the
25 areas that we feel that we've either studied the

1 issue, addressed the issue, or recommended against it
2 or for it, and it included also the Planning Board's
3 recommendation and Staff's.

4 So, in light of that, as well, we also had
5 charrette recommendations. We did the same thing.
6 We had charrette implementation recommendations; we
7 went through and checked those that we feel that
8 we've accomplished, and I can tell you, for the most
9 part, I think we hit about 95 percent of them, with
10 the exception of, you know, the home occupation
11 ordinance and other things. But if you go through
12 the list and see all the things, for the most part, I
13 think we had a good 95 percent of those, and I really
14 appreciated the Commissioner reminding -- typically,
15 I wouldn't remind us of, you know, a lot of the
16 recommendations that we made early on, but, you know,
17 two years ago, well over two years ago, we did look
18 at a lot of these things.

19 MR. COE: Which Commissioner was that?

20 MR. RIEL: It was Commissioner Withers.

21 That basically concludes Staff's
22 presentation. We'll be happy to answer any
23 questions. Building & Zoning is here. I can tell
24 you, Staff has continued, even after the October 17th
25 meeting, to continue to work with individuals on each

1 of these issues, and try to understand the issues.
2 Obviously, as I had said when we passed the Code the
3 last time, you know, we might not have made everyone
4 happy, but I think it's a good Code. It required a
5 lot of consensus, a lot of input. We got a lot of
6 good input, and again, I'm still confident that we
7 can move forward with this.

8 These items and only these items will go to
9 the Commission on December 12th, on first reading.
10 They will make a recommendation, and then the
11 recommendation from October 17th and December 12th
12 will go to the City Commission for second and final
13 reading, and that's scheduled for January 9th, 2007.
14 It's a special meeting. And hopefully that evening
15 will conclude it, and we'll have an adopted Zoning
16 Code.

17 With that, I'll -- however you would like to
18 proceed, Mr. Chairman.

19 CHAIRMAN KORGE: I'd like to open it to
20 public comment. Anybody who wishes to make any
21 comment on any of these items? And maybe the way we
22 should do this --

23 MR. COE: In the order that the secretary --

24 CHAIRMAN KORGE: The most efficient way
25 would be to go item by item.

1 MR. COE: Well, I think the most efficient
2 way is the order in which they signed in.

3 CHAIRMAN KORGE: Just have them talk
4 randomly on each of them? Okay.

5 MR. COE: Whatever they want. Otherwise, it
6 gets very confusing.

7 CHAIRMAN KORGE: All right, maybe you're
8 right. Wel, would you call the first --

9 MR. COE: How many have signed up, by the
10 way?

11 CHAIRMAN KORGE: -- the first person who
12 signed up?

13 MS. MENENDEZ-DURAN: John Fullerton.

14 MR. COE: How many people have signed up?
15 Do you have an idea? About 10?

16 MR. FULLERTON: Good evening.

17 MS. MENENDEZ-DURAN: About nine.

18 CHAIRMAN KORGE: Nine? I'll remind
19 everybody that we have a three-minute limit, so try
20 to keep within it. We'll be keeping a light over
21 here for you, to let you know when you've hit the
22 three-minute limit.

23 MR. FULLERTON: Well, in that case, my name
24 is John Fullerton, of Fullerton Diaz Architects, with
25 offices at 366 Altara Avenue. I reside at 2214

1 Granada Boulevard.

2 My subject that I have been interested in,
3 in the last few weeks, is the thing that was brought
4 up just at the end of Mr. Riel's presentation, and
5 that is that 10,000 or 20,000 square foot lot
6 situation. When I first heard about it, I thought it
7 was a fantastic idea, to introduce a little variety
8 into the skyline of our City and to allow a developer
9 or to allow landowners with the smaller lots, the
10 ones that could aggregate to 10,000 square feet
11 versus 200,000 -- 20,000 square feet, would provide
12 an alternative building scale which to me is friendly
13 to the street. It would also help to prevent, and
14 not that necessarily we need to prevent them, but the
15 aggregation of these large 200-foot lots with 20,000
16 square feet, which would allow the 16-story towers
17 and the major buildings along our streets, which a
18 lot of people object to.

19 I've written a letter, and it should be in
20 your package, expressing my opinion about it, and
21 I've also done a little schematic comparison of what
22 might happen, if I can give it to you all, between
23 these two possible scenarios. And I think it
24 shows -- and it's kind of simplistic, but it shows
25 what might happen if we can get the smaller lots

1 versus the big lots, and they would develop eight or
2 nine-story buildings and they would have all the
3 required parking, whereas in a 1.4 or 5 FAR
4 requirement for a smaller parcel, you could only --
5 they don't even build parking. So you could
6 conceivably have a block that is 600 feet long by 220
7 feet wide that would require 580 parking spaces if it
8 were developed out in the CBD for -- at 1.45, and not
9 provide any parking at all.

10 Now, obviously, those people can also put
11 parking behind the buildings and so forth, that would
12 bring that number down, but the point is, they don't
13 have to provide it in the CBD.

14 And I think my proposal here is not -- would
15 not be adjacent to any single-family or the SF zoning
16 or the MF zoning, either. So it's just a thought,
17 and maybe we could talk about it, and I know you're
18 not ready to make these issues right now -- study
19 them now, but if you just put it on your agenda for
20 some study at some future date, that would be great.

21 MR. COE: Thanks.

22 MR. BEHAR: Am I missing option one here,
23 John?

24 MR. COE: You're missing option one? No,
25 you've got it.

1 MR. BEHAR: I've got option two, option
2 three.

3 MR. FULLERTON: Yeah, two and three.
4 Number one just showed the single -- or two-story
5 submission -- or options that you could do if you
6 just had a 25 or 50-foot lot.

7 I think the important thing is that these
8 buildings should be able to be developed and provide
9 a more interesting skyline, as well as parking within
10 the buildings. I think that's one of our main
11 objections -- I mean, objects in suggesting this, and
12 I just think it's a great idea and a great forward
13 movement for this Zoning Code to consider.

14 CHAIRMAN KORGE: There's one thing I didn't
15 understand. The smaller lots, the hundred-foot lots,
16 how does that accommodate parking better?

17 MR. FULLERTON: No, it only -- it doesn't
18 accommodate it better. It just accommodates it. It
19 allows you to build a multi-story parking structure
20 on a hundred by a hundred foot lot. It's not
21 necessarily a real economical solution, but it does
22 permit you to provide the parking required for the
23 FAR that you would be entitled to on the -- at 3.5 on
24 a 10,000-square-foot lot.

25 MR. COE: Thank you, John. I think your

1 three minutes is up.

2 MR. FULLERTON: Thank you.

3 MS. MENENDEZ-DURAN: Jaime Saldarriaga.

4 MR. SALDARRIAGA: I still live at 2711
5 Segovia. I want to make just a few comments in
6 relation to the pictures, elevation pictures, that
7 Eric showed just now. It would be nice for us to
8 have seen those pictures before. I just saw them,
9 and I have the following comments.

10 In the old times, the indoor ceilings used
11 to be designed for eight and a half and nine feet.
12 Nowadays they design for 11, to have more spacious
13 rooms. If you take some of the pictures that he has,
14 especially three of them, and you add four feet more
15 for the higher ceilings, and maybe two and a half
16 feet for an elevated entrance, you already exceed the
17 29 feet limitation. If you take the pictures that
18 are there, that means of the 12 they presented, three
19 of them, or 30 percent, are already in excess of the
20 29, if you design for 11 feet, indoor ceilings.

21 In the old buildings -- I already said
22 that, but in the old buildings, they used to design
23 for eight and a half and nine feet. I went there and
24 I checked some of my friends, and they are eight and
25 a half and nine. Nowadays they design for 11. So,

1 if you take that into consideration, you already
2 exceed the 29 feet limitation in three of the 12
3 properties that he showed.

4 Thank you.

5 MS. MENENDEZ-DURAN: Mario Garcia-Serra?

6 MR. GARCIA-SERRA: Give me one second to set
7 up all this.

8 Good evening, Mr. Chair, Members of the
9 Board. Mario Garcia-Serra, with offices at 1221
10 Brickell Avenue, representing Gables Catalonia,
11 Limited, the owner of property located at 283
12 Catalonia Avenue, and indicated on this aerial
13 photograph that you see there, represented here also
14 today by its principals, Ramon Rasco, Lani (phonetic)
15 Rasco, Steve Reininger and Luis Perez. This is also
16 the site of their law firm, Rasco, Reininger, Perez,
17 Esquenazi & Vigil, which is located not too far from
18 City Hall, where we are today.

19 On this site right now, there's a two-story
20 office building and a parking lot which presently
21 exists, and it's currently zoned CB in its entirety.
22 The proposed zoning map would rezone the western half
23 of the property CL, and the eastern half C. The
24 division there is demarcated by that dotted line that
25 you see in the middle of the property. So the

1 western half, the City Staff is proposing CL, and on
2 the eastern half, C zoning.

3 The current Zoning Code has three commercial
4 categories, and the new proposed Zoning Code has two
5 commercial categories. Because of this decrease in
6 the number of categories and the presence of a
7 single-family zoned property across Salzedo Street --
8 it's that vacant property which you see to the west,
9 across Salzedo Street -- Staff has proposed that the
10 western half of the property essentially be
11 down-zoned. I use this term, down-zoned, not because
12 of the potential building envelope, which is not
13 affected, but because of the several uses which are
14 currently permitted on this site and would be made
15 either conditional uses or lost altogether on this
16 property, uses such as car rental facilities, medical
17 offices over 10,000 square feet, hotels and
18 drive-through facilities.

19 Of importance to note, also, is that right
20 now you could apply a Mixed-use District -- pursuant
21 to the Mixed-use District 3 category to this site,
22 because it is CB, but you would not be able to assign
23 the new mixed-use district category which is proposed
24 in the Code to this site, at least in its entirety,
25 because the western half is zoned CL, which would

1 essentially deprive us from being able to achieve a
2 mixed-use residential project on this site.

3 Ostensibly, this down-zoning has been
4 proposed to protect the single-family residential
5 community which you see to the west. However, please
6 note that the CL zoning by itself does not grant any
7 protection to this single-family zoned neighborhood.
8 The limitations on height, nighttime uses and noise
9 are equally applicable to both C-zoned properties and
10 CL-zoned properties. The only thing this change does
11 is deprive my client of uses that he presently has,
12 as of right, and is being done to protect a
13 single-family home, which does not actually exist; as
14 you can see, the lot is vacant over there and has
15 been vacant for a long time, and as far as I know,
16 has no prospects of development at this point.

17 There's been an ongoing debate as to whether
18 this rewrite is a reorganization and reformatting of
19 the Code or whether it's a substantive rewrite. The
20 truth is somewhere in the middle. This rewrite will
21 make the Code more user-friendly, but the City
22 Commission has repeated on several occasions that the
23 mission of this new Code should be to provide more
24 protection to single-family home communities. Those
25 protections, though, are already in place regardless

1 of whether this property is zoned C or CL. We're not
2 asking to be up-zoned. We're just asking to maintain
3 the development rights that we already have right
4 now.

5 Accordingly, we had met earlier with Staff,
6 and Staff pretty much told us that they were going to
7 look to this Board for direction on this issue.
8 Ideally, what we're looking for is a designation of
9 the property as commercial, C, in its entirety, which
10 I think would maintain the development rights that it
11 has right now, and that's, respectfully, what we're
12 here tonight requesting. Even though I know it's a
13 new item that's being brought up, nonetheless, it's
14 something that came up recently, it's an important
15 matter to this client, and we respectfully ask for
16 your consideration.

17 CHAIRMAN KORGE: Thank you.

18 I have one quick question, Eric. Because
19 it's across from residential and it's designated CL,
20 they can't use -- have mixed use there; is that
21 correct?

22 MR. RIEL: They never could have mixed use,
23 under the current regulations. And under the new
24 regulations, mixed use is not permitted in a CL
25 district.

1 MR. COE: It's a wash. It's a use wash.

2 MS. KEON: Right.

3 MR. RIEL: There's no difference.

4 MR. GARCIA-SERRA: If I could --

5 CHAIRMAN KORGE: But a retail use would be
6 okay there?

7 MR. RIEL: Yes.

8 CHAIRMAN KORGE: I guess the reason I'm
9 asking is because a mixed use would imply retail and
10 then residential --

11 MR. RIEL: Residential.

12 CHAIRMAN KORGE: -- on top of retail, and I
13 don't understand why -- I'm just curious, why would
14 that matter? I mean, how would adding retail across
15 the street -- I mean, not retail, adding residential
16 across the street from single-family residential
17 impair or downgrade the residential, as opposed to
18 having nothing but commercial and retail across the
19 street from residential? I just don't understand
20 that.

21 MR. RIEL: Most of the CL properties are
22 very narrow in depth. They only have a hundred-foot
23 depth. So, by introducing that mixed-use component,
24 we didn't feel that was appropriate. Most of the
25 commercial properties that are adjoining have more of

1 a depth, so that's where the mixed use would be more
2 desirable.

3 CHAIRMAN KORGE: I mean, I guess what I'm
4 asking is, in relation to the residential property --
5 I mean, I understand why you might have limitations
6 on CL, because it's across the street from
7 single-family residential, to reduce the adverse
8 consequences of the higher usage of CL across the
9 street from the single-family residential. But I
10 wouldn't have thought that a residential use in the
11 CL community would be prohibited because it is
12 somehow more adverse to residential -- single-family
13 residential than commercial or retail would have
14 been.

15 MR. RIEL: When we looked at the CL issue,
16 we obviously had to look at CL City-wide. So we
17 needed to make, you know, an interpretation, and
18 that's where we landed. I mean, we -- there was
19 some -- a lot of discussion on the Commission level
20 whether or not to allow mixed use to go even into the
21 commercial areas, because right now it's only
22 allowed, you know, pretty much in the North Ponce
23 area and the CBD. By doing these regulations, we're
24 allowing it on the U.S. 1 corridors now, which is not
25 permitted at this point in time, so we just felt

1 going to the CL was a little bit -- a little bit too
2 far.

3 CHAIRMAN KORGE: It doesn't make any sense
4 to me, but okay. I didn't have any other questions.

5 Anybody have any questions or comments?

6 MR. SALMAN: Certainly this is an odd
7 condition, and this is an odd area of the City. We
8 have a tower across the street from the parking lot,
9 just to the south of the -- I'm sorry, it's the old
10 Mayor's building, as far as I'm concerned.

11 MR. GARCIA-SERRA: Correct.

12 MR. SALMAN: You have a little hotel with a
13 bar in the corner. Then you have single-family,
14 catty-corner, a vacant lot, the police station up the
15 block. You've got some little offices and a church,
16 I believe, further west. It's a mixed, mixed bag. I
17 don't know what kind of order we're trying to
18 establish in here by making this a CL and not just
19 leaving it as a C and be done with it, for entirety
20 of the block.

21 CHAIRMAN KORGE: It seems to me that the
22 real odd part of this is the single-family
23 residential in this area.

24 MR. SALMAN: Yeah.

25 CHAIRMAN KORGE: It's just a little isolated

1 patch of single-family residential.

2 MR. SALMAN: Would allowing the uses which
3 they're being limited to, to the CL, through a
4 conditional use, alleviate the problem?

5 MR. RIEL: Well, the problem is, you know,
6 this is -- like you said, it is a unique property.
7 You know, it's -- when we did the CL district, we had
8 to make some assumptions. When it's adjacent to
9 single-family, we made the assumption right away that
10 it should be CL, and this property is getting caught
11 in that. You know, they certainly, when they develop
12 their property, can come back and change it, but, you
13 know, there's other provisions in the Code that we're
14 changing to provide more opportunities for this
15 property. I mean, they could go a PAD route. You
16 know, there's other things that they could do, and
17 the same question came up with the Hyatt. The Hyatt
18 has CL on the front half and commercial on the back,
19 and the Commission said, "Well, why don't we just go
20 and change that?" and I had said, "Well, that's
21 something that we were instructed, not to kind of,
22 you know, up-zone properties." So, if that -- if the
23 Hyatt wants to come in and certainly change it to
24 commercial, that's not a problem. And the same case
25 with, you know, this property here.

1 MR. SALMAN: The current zoning before the
2 rewrite was what?

3 MR. GARCIA-SERRA: CB.

4 MR. RIEL: CB.

5 MR. SALMAN: CB.

6 MR. GARCIA-SERRA: So, if I may address two
7 points. We don't consider this an up-zoning. We
8 think we're getting the same development rights that
9 we have today, tomorrow if this whole property is
10 zoned C. We're not looking here for an up-zoning.

11 CHAIRMAN KORGE: Remind us what the
12 current -- the current allowed, the CB allowed.

13 MR. COE: Mr. Chairman --

14 MR. GARCIA-SERRA: Correct.

15 MR. COE: Mr. Chairman, one second. The
16 effect of what you're saying, if this Board agrees
17 with you, would be an up-zoning. You do realize
18 that?

19 MR. GARCIA-SERRA: If you look at the --
20 What's happened is that we started with three zoning
21 categories, CA, CB and CC. From what I could tell,
22 just from a quick look at the zoning map, all the CAs
23 were made CL. All the CBs -- all the CCs were made
24 C, and then the CBs are the middle category, where
25 it's tough to decide what to do. The ones which were

1 abutting single-family remained CL, such as this one.
2 Other ones that weren't abutting single-family, from
3 what I could tell, were made C.

4 MR. RIEL: Correct.

5 MR. GARCIA-SERRA: And what happens then is
6 that you have a series of uses in the CB which are
7 not permitted in the CL and which we've lost if this
8 is approved as it's proposed.

9 What we're just asking for is to have those
10 uses kept in the CB, which would then -- are also
11 right now in the C.

12 CHAIRMAN KORGE: Would it not --

13 MR. COE: To keep -- one second, Mr.
14 Chairman.

15 To keep what you want is up-zoning. You do
16 realize that? Under the current -- under the new
17 proposed zoning, to get what you think you're
18 entitled to would be an up-zoning.

19 MR. GARCIA-SERRA: The baseline that you're
20 using is the proposal, and I'm using the current
21 zoning as the baseline.

22 MR. COE: Because you've got to look at the
23 whole Zoning Code as about to be enacted, and what
24 you're asking for would give your particular parcel
25 an up-zoning.

1 MR. GARCIA-SERRA: If you're looking at
2 what's proposed right now.

3 MR. COE: Uh-huh.

4 MR. GARCIA-SERRA: But if you're looking at
5 what they have existing right now, it stays the same,
6 in my opinion, and one thing that you have to keep in
7 mind, also, is that in order to protect single-family
8 neighborhoods, you want to limit height, you want to
9 limit noise, you want to limit nighttime uses. All
10 of those limitations are already in the Code,
11 regardless of whether -- they're both in the C
12 district and in the CL district.

13 So, if we are made C, then these protections
14 will still be in place. The height is limited for
15 100 feet to 45 feet. Nighttime uses are regulated,
16 as are noise uses, you know, noxious noises and those
17 sorts of things. Whether it's C or CL only gives us
18 a hit as far as uses are concerned. I don't think,
19 necessarily, it extends any further protections to
20 the --

21 MR. RIEL: It's a difference in use. And he
22 mentioned, there's three uses, on that piece, that's
23 CL. Car rental, hotel, they could not do, and
24 drive-throughs. Those are pretty much the uses that
25 they would not be able to do on that portion of the

1 property. The remaining portion is zoned C, so it's
2 not an issue. So it's pretty much down to those use
3 issues.

4 MR. GARCIA-SERRA: And if I could just
5 address the mixed use issue. Right now, we do not
6 have mixed use, as of right, on this property.
7 However, we could apply to have the MXD3 district
8 apply to this property as an overlay. In the
9 proposed MXD, it can be assigned to either a C
10 property or an M property, but not a CL property.
11 That's the point I'm trying to make.

12 MR. RIEL: So you would have to change the
13 zoning to MXD, increase the boundary, which is
14 basically a change in zoning. So, I mean, anybody
15 could come in and request a change in zoning.

16 MR. AIZENSTAT: That's what I was getting
17 to. Wouldn't you then want to come in and request
18 that, at that point?

19 MR. GARCIA-SERRA: We would have to be
20 requesting a rezoning to C for the balance of the
21 property and then requesting assignment of the
22 overlay zoning.

23 MR. AIZENSTAT: Would they be able to do
24 that simultaneously?

25 MR. RIEL: Sure. All mixed-use developments

1 come through the Board, anyway. They're a
2 conditional use, so -- if they do a mixed-use
3 project, no matter what their zoning is, they've got
4 to come to the Board, so --

5 CHAIRMAN KORGE: Do you consider a mixed use
6 more intense of a usage than --

7 MR. RIEL: No.

8 CHAIRMAN KORGE: -- simply commercial or
9 retail?

10 MR. RIEL: No.

11 CHAIRMAN KORGE: Then why in the world
12 would mixed use be essentially barred in the CL area?

13 MR. RIEL: Because it's across from
14 single-family.

15 CHAIRMAN KORGE: Well, I just asked the
16 question. Is it a more intense use or not? You said
17 no.

18 MR. COE: That's not a less intense use,
19 though.

20 MR. RIEL: That's not --

21 CHAIRMAN KORGE: It's a less intense use
22 than just retail and commercial, right?

23 MR. RIEL: Yes.

24 CHAIRMAN KORGE: Then you want more
25 intensive uses across from residential than less

1 intensive uses; is that what you're saying?

2 MR. RIEL: I'm not understanding your
3 question.

4 CHAIRMAN KORGE: Well, I'll try it again.
5 If mixed use is a less intense use than just retail
6 or commercial, and you're allowing retail and
7 commercial only across from single-family in the CL
8 district, but not mixed use, why?

9 MR. RIEL: I'm sorry, I just -- I mean,
10 retail uses, the commercial -- it would be commercial
11 limited. There's only a limit -- there's a
12 limitation to the types of uses. So I don't
13 understand. I mean, we just made an assumption or a
14 recommendation that CL should not have mixed uses
15 because of the narrowness of the lots. This just
16 happens to be one that is --

17 MR. BEHAR: Doesn't mixed use have --
18 encompass residential and --

19 MR. RIEL: Yes.

20 MR. BEHAR: -- some commercial?

21 MR. RIEL: Yes, the first floor commercial.
22 First floor.

23 MR. BEHAR: Isn't that limiting --

24 MR. COE: This is too narrow a space to do
25 that, so that's the problem.

1 MR. RIEL: Right. Right, you need 20,000 --

2 MR. GARCIA-SERRA: I would point out --

3 MR. COE: It's a unique parcel, and that's
4 what we're dealing with. You have a unique parcel.

5 MR. GARCIA-SERRA: It's also an issue, I
6 think, that is coming to light in all of the border
7 areas. Wherever commercial comes up against
8 single-family residential -- I know my colleague,
9 Robert Fine, had a similar situation, a few meetings
10 back, with a property on Sevilla -- excuse me, on
11 Almeria, across from Norman's restaurant --

12 MS. KEON: Right.

13 MR. GARCIA SERRA: -- which is also right
14 behind an alley from a single-family residential
15 neighborhood.

16 MR. AIZENSTAT: But at that time he was
17 told that he can come back to the Board and request
18 it, if I'm not mistaken. Wouldn't that fall --
19 wouldn't that fall the same for yourself?

20 MR. GARCIA-SERRA: Some actual revisions
21 were made to the Code text in response to that
22 particular situation.

23 CHAIRMAN KORGE: Anything else? Anybody
24 else?

25 MR. SALMAN: We're talking hotel,

1 drive-through and what else?

2 MR. RIEL: Car rental, hotel --

3 MR. SALMAN: Car rental facility?

4 MR. RIEL: Right, and drive-through, on that
5 half.

6 MR. SALMAN: On that half.

7 MR. GARCIA-SERRA: With the mixed-use issue,
8 it's important to know that it's another baseline
9 issue. Right now, we can apply just for the overlay
10 district and that's all we'd have to do. Under
11 what's being proposed right now, we'd have to apply
12 for a rezoning to C, and then also apply to have the
13 overlay assigned, which I would consider as another
14 hurdle or another hindrance that's being put in the
15 way of the development of the property, which it
16 doesn't have today.

17 MR. SALMAN: So this would involve a change
18 in the proposed zoning map --

19 MR. GARCIA-SERRA: Correct.

20 MR. SALMAN: -- for your property.

21 MR. GARCIA-SERRA: That's what we're
22 requesting --

23 MR. SALMAN: It would change it to a C
24 instead of a CL, in defiance of the order for the CL
25 when we're adjacent to, but the adjacency is one of

1 across the street. It's not back-to-back adjacency.

2 MR. GARCIA-SERRA: Correct.

3 MR. SALMAN: And really, currently, the fact
4 that it's a vacant lot is immaterial. They could
5 build a house there tomorrow --

6 MR. GARCIA-SERRA: That's true.

7 MR. SALMAN: -- by rights. Anything else,
8 they'd probably have to get a variance, which may or
9 may not come, but that's something we deal with in
10 the future.

11 When you have to break up these lots -- not
12 break up, but take the City and then recategorize
13 these things, you are a special case, by definition.
14 Your oversize, in combination with your lot next
15 door, may qualify you for a PUD, because you have
16 over 200 feet of frontage, right?

17 MR. RIEL: Well, they could do a height --
18 they have a minimum of 200 foot of frontage and
19 20,000 square feet.

20 MR. SALMAN: And being commercial wouldn't
21 necessarily have an underlying zoning change
22 requirement?

23 MR. RIEL: Correct.

24 MR. SALMAN: Okay. So that's something they
25 would have to do if they wanted to go to a PUD, so it

1 is an additional administrative step that they would
2 have to go through --

3 MR. RIEL: Correct.

4 MR. SALMAN: -- but one which would not
5 reasonably be denied --

6 MR. RIEL: Correct.

7 MR. SALMAN: -- as far as I'm concerned.

8 MR. RIEL: Most of the mixed-use -- I can't
9 think of a mixed-use project that has come through
10 that hasn't had a rezoning attached to it, or a
11 change in land use. If somebody can think of one
12 that just came with a straight mixed use --

13 MR. SALMAN: What I'm trying to do is define
14 in my mind, and maybe for the Board, your hardship.
15 Now, I understand that by having half your property
16 as a CB and half as a C --

17 MR. GARCIA-SERRA: CL and C.

18 MR. SALMAN: CL.

19 MR. GARCIA-SERRA: Uh-huh.

20 MR. SALMAN: And you don't have -- these
21 properties are not unified? There's no unity of
22 title?

23 MR. GARCIA-SERRA: There is.

24 MR. SALMAN: There is unity of title?

25 MR. GARCIA-SERRA: There is a unity of

1 title. Aside from the practicalities, also --

2 MR. SALMAN: See, now you made it harder.

3 Okay.

4 MR. GARCIA-SERRA: We're also -- you know,
5 you're splitting up a property that's owned as one
6 unit with two different zoning designations, also.

7 MR. SALMAN: And right now the entire
8 property is zoned CB?

9 MR. GARCIA-SERRA: Correct.

10 MR. SALMAN: And we're trying to get it into
11 the CL or C, and the issue is drive-through, car
12 rental facility and a hotel, adjacent to a
13 residential property, in this particular
14 neighborhood, which is so mixed, that goes from an
15 old Royal Castle to a church on the same street.
16 Okay.

17 MR. GARCIA-SERRA: Was drive-through on your
18 list of things, also?

19 MR. SALMAN: Drive-through, hotel and car
20 rental facility. Is there anything else?

21 MR. GARCIA-SERRA: There's also a package
22 liquor store, but that's not really something that --

23 MR. SALMAN: And a bar, but, you know, it's
24 a neighborhood bar, it's okay.

25 I wouldn't object if the Board wanted to

1 move it to C and then be done with it. It is -- the
2 adjacency is pretty far.

3 MR. AIZENSTAT: What do you do with all the
4 other properties, then?

5 MR. COE: Are you going to rezone all the
6 properties to C? There are probably 30 more
7 properties that are going to come in --

8 MR. SALMAN: I don't know. I'm just
9 saying --

10 MR. COE: You can't, when you're doing a --
11 in all due respect, when you're trying to do a Code
12 rewrite, you're doing a City-wide Code rewrite.
13 Particular anomalies would be addressed
14 individually --

15 MR. AIZENSTAT: Exactly.

16 MR. COE: -- at some other meeting, but not
17 in terms of a Code rewrite. You're defeating the
18 whole purpose of a Code rewrite.

19 MR. SALMAN: Okay, except that the Code
20 rewrite is taking a proactive step and making
21 determinations as to what the zoning of the new --
22 the new zoning application is going to be for
23 particular properties. So whether you like it or
24 not, you're making a change.

25 MR. COE: And that individual property

1 owner --

2 MR. SALMAN: And we have entertained
3 relocation of properties within the Zoning Code and
4 their designation at this Board. So I think that Mr.
5 Serra's -- Garcia-Serra's position is correct.

6 MR. COE: But there's maybe 30 other
7 property owners that could make the same argument.

8 MR. SALMAN: And we've listened to 27 of
9 them.

10 MR. COE: Well, you may have to listen to
11 them, because then you cannot properly do a Code
12 rewrite. If they're individual anomalies, they come
13 individually in front of this Board.

14 MR. GARCIA-SERRA: If I could suggest,
15 perhaps, a compromise, because I see the -- I think
16 the principle of having CL adjacent to single-family
17 is something that this Board is considering
18 significantly, as far as, you know, how to handle
19 this case, handle this situation.

20 The actual -- it's a series -- this is, I
21 think, about six or eight lots that combine the whole
22 property, platted lots. The only lot that's actually
23 adjacent from a single-family residential community
24 is the one that's right here, a 45-foot-wide lot.
25 The rest is not. I don't know if that's -- if you

1 want to hold on to that principle of having pink
2 wherever you see yellow on the map.

3 CHAIRMAN KORGE: So only that lot would
4 be designated -- currently, would be designated under
5 the proposal that we've generally adopted --

6 MR. GARCIA-SERRA: No, right now --

7 CHAIRMAN KORGE: -- the map we've adopted,
8 only that one is CL?

9 MR. GARCIA-SERRA: Right now, three of those
10 lots are proposed to be CL.

11 CHAIRMAN KORGE: Three of them?

12 MR. GARCIA-SERRA: It's either three or
13 four, but -- three or four are, but there's only one
14 that's really adjacent to the single-family
15 community.

16 CHAIRMAN KORGE: How do we decide on three
17 or four versus --

18 MR. RIEL: A hundred-foot depth. A
19 hundred-foot depth.

20 CHAIRMAN KORGE: A hundred-foot depth,
21 okay.

22 MR. GARCIA-SERRA: Which we would still
23 comply with, because it's a height requirement that
24 exists in every Zoning Code, regardless of whether
25 you are C or CL, in every zoning district.

1 CHAIRMAN KORGE: When you're talking about
2 depth, it's a hundred-foot depth adjacent to the
3 single-family residential. That's why you have
4 four -- is it four lots?

5 MR. GARCIA-SERRA: 45 -- yeah, well, what
6 Eric is saying is that there's a restriction in the
7 Code right now that for a hundred feet of depth from
8 the single-family residential neighborhood, you're
9 restricted to 45 feet in height, all right, and we're
10 going to abide by that, because we have to abide by
11 it now, it's in the Code, it's in the proposed Code
12 also, it's in the C district, it's in the CL
13 district. What I'm saying here is that to lessen the
14 effect that we have on the uses, the issue of the
15 uses that we have on this property right now, perhaps
16 only make the actual lot that is adjacent to the
17 single-family residential community --

18 MR. AIZENSTAT: Can you have spot zoning
19 that way?

20 MR. GARCIA-SERRA: No, I wouldn't say -- I
21 wouldn't say it's spot zoning. If you go --

22 MR. COE: Counsel -- Counsel, your three
23 minutes have been up, 12 minutes ago.

24 MR. GARCIA-SERRA: I know, for a long time.

25 MR. COE: There's a bunch of other people --

1 MR. GARCIA SERRA: Understood.

2 MR. COE: -- that want to speak, because
3 we're stopping at nine o'clock.

4 CHAIRMAN KORGE: Is there a motion at this
5 time, or proposal, from anybody?

6 MR. SALMAN: I would make the motion that we
7 relocate the boundary between the CL and the C to be
8 the first 45 feet, in this particular --

9 MR. COE: Has that been publicly noticed?
10 I think you cannot do that unless there's been public
11 notification about that, by adjacent property owners.

12 MR. RIEL: If you get a second, I'd like to
13 make some comments.

14 CHAIRMAN KORGE: Sure, but before we do
15 that, can we proceed or does it lack --

16 MR. BEHAR: Let's proceed, and I'll come
17 back --

18 CHAIRMAN KORGE: No, I'm asking Liz if we
19 can proceed with the notice that we've provided.

20 MS. HERNANDEZ: I think we're proceeding at
21 risk on that issue. I would counsel you to go ahead
22 and proceed, but be cognizant and I'm advising
23 counsel that I think we are stepping on very murky
24 ground, and I will research the issue of notice, but
25 I would tell you, go ahead and proceed, and if we

1 come up with, you know, a concern about that, we'll
2 just bring it back to you on a separate date.

3 MR. RIEL: That's what -- my concern is in
4 terms of providing notice to the adjacent property
5 owners by just going ahead and rezoning or up-zoning
6 a property at this stage in the game, when the actual
7 map has gone to first reading review and approval.

8 MS. HERNANDEZ: Right.

9 MR. RIEL: And to interject this at such a
10 late hour, when this just came to light about two or
11 three weeks ago, I do have some concerns, as well.

12 MR. SALMAN: Let's do this, then. Let's
13 make a -- I change my motion to defer this item until
14 such time as counsel has time to review it and better
15 instruct the Board as to how to proceed.

16 MS. HERNANDEZ: Okay. I'm fine with that.

17 MS. KEON: I'll second that.

18 MR. SALMAN: Thank you.

19 MS. KEON: You're welcome.

20 MR. AIZENSTAT: Wouldn't that be the same as
21 counsel bringing it back to us individually?

22 MS. HERNANDEZ: We're either going to bring
23 it back as part of the -- you know, either we're
24 going to move it on or we're going to bring it back
25 as a separate item, if it needs separate advertising.

1 MR. AIZENSTAT: Right.

2 MS. KEON: That would be noticed.

3 MR. BEHAR: I like your, you know,
4 recommendation. I think that it should come back
5 with more advice from counsel, and deal with it at a
6 separate date.

7 MR. SALMAN: With the proper notice.

8 MS. KEON: With proper notice.

9 MR. AIZENSTAT: But as an item.

10 CHAIRMAN KORGE: Does that require a vote?

11 MS. HERNANDEZ: No.

12 CHAIRMAN KORGE: No?

13 MS. HERNANDEZ: We're just holding it out --

14 CHAIRMAN KORGE: Okay.

15 MR. GARCIA-SERRA: One thing I want to
16 clarify, though, because Mr. Aizenstat, I think, just
17 said as an item. Do you mean as an application, as a
18 separate -- private application or --

19 MR. AIZENSTAT: I would think that you'd
20 bring it back as a separate item, as opposed to part
21 of the zoning rewrite.

22 MS. HERNANDEZ: Right. But I don't think
23 that they're saying for you to file an application,
24 but rather, you know --

25 CHAIRMAN KORGE: Well, no, what else could

1 it be?

2 MR. AIZENSTAT: Right. I think that we have
3 to --

4 MR. SALMAN: We either change it or they
5 change it.

6 MR. COE: If they don't file -- if you don't
7 file an application, you're a discussion item; am I
8 not correct?

9 MS. HERNANDEZ: Right.

10 MR. COE: If that's what you want --

11 MR. AIZENSTAT: It's only a discussion item,
12 so --

13 MR. GARCIA-SERRA: I think we would be
14 amenable to that.

15 MR. SALMAN: Because his other option is to
16 wait until the Code is enacted and then just file for
17 a zoning change.

18 CHAIRMAN KORGE: That's what they didn't
19 want to do.

20 MR. COE: I mean, if you want to file an
21 application --

22 MR. SALMAN: It's what they really don't
23 want to do.

24 CHAIRMAN KORGE: They want to incorporate it
25 into the map.

1 MR. GARCIA-SERRA: It all depends on the
2 outcome of the proposed zoning map, you know --

3 MS. HERNANDEZ: Right.

4 MR. GARCIA-SERRA: So at least we'll discuss
5 this item first with you and also with Staff, and if
6 it's appropriate to come back as a discussion item,
7 it will. And if it's appropriate to come back at a
8 later time as a separate application, it may very
9 well, also.

10 CHAIRMAN KORGE: Okay.

11 MR. GARCIA-SERRA: Okay. Thank you very
12 much for your time and indulgence.

13 CHAIRMAN KORGE: Call the next person,
14 please.

15 MS. MENENDEZ-DURAN: Zeke Guilford.

16 MR. GUILFORD: Good evening again, Mr.
17 Chairman, Members of the Board. For the record, my
18 name is Zeke Guilford, with offices at 400 University
19 Drive. I actually have two items before you this
20 evening regarding the Zoning Code rewrite.

21 The first item, I believe Staff agrees
22 with. Under Section 4-202, University of Miami
23 Campus Area Development, which is on Page 4-34 of
24 your packet, I believe there was some language that
25 was omitted, and we just want to add -- because what

1 happens is, when we separated this from the PAD
2 ordinance, we took all the general provisions of the
3 PAD ordinance and put it in this, as well, and what
4 we're trying to do is just make sure there are no
5 ambiguities between the specific regulations that
6 apply to the specific UMCAD and the general
7 provisions, and that language would read as follows.
8 It would be actually Line 6, where it says UMCAD, in
9 parentheses, District. We would ask that you add the
10 standards, comma, regulations and requirements in
11 Section 4-202, A, through 4-202, Q, either supersede
12 or in addition to these described in Section 4-202,
13 R, through 4-202, U. And I believe Staff has no
14 objections to that addition, and it's -- it is what
15 was in the previous Code, as well.

16 MR. RIEL: I've indicated to counsel it's
17 not a problem.

18 CHAIRMAN KORGE: Pardon me?

19 MR. RIEL: I've indicated to counsel it's
20 not a problem.

21 MR. GUILFORD: Okay, thank you.

22 MR. COE: What's your other point?

23 MR. GUILFORD: The second issue, I'm also
24 representing Crescent Properties --

25 CHAIRMAN KORGE: But before we proceed with

1 that, let's take a motion on this --

2 MS. HERNANDEZ: Right.

3 CHAIRMAN KORGE: -- if you're agreeable
4 and --

5 MR. COE: No, you should do a motion on the
6 whole thing at the end.

7 CHAIRMAN KORGE: No, he's got a different
8 client for -- or is this the same --

9 MR. GUILFORD: No, it's a different client,
10 so you --

11 CHAIRMAN KORGE: A different issue. He's
12 got a different issue. I'd rather just get this
13 addressed right now, while it's fresh, and just take
14 a motion --

15 MS. HERNANDEZ: For final -- right, for
16 final consideration.

17 CHAIRMAN KORGE: For this -- you've got
18 nothing else on UM, right?

19 MR. GUILFORD: No, that's it. That's the
20 only thing.

21 MS. HERNANDEZ: You can do it either way,
22 Mr. Coe.

23 CHAIRMAN KORGE: Does anybody want to move
24 to adopt the recommendation?

25 MR. SALMAN: So moved.

1 CHAIRMAN KORGE: Any second?

2 MR. BEHAR: Second.

3 CHAIRMAN KORGE: Any discussion?

4 No discussion. Let's call the roll on that,
5 please.

6 MS. MENENDEZ-DURAN: Jack Coe?

7 MR. COE: Yes.

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: Tom Korge?

17 CHAIRMAN KORGE: Yes.

18 MR. GUILFORD: Thank you very much.

19 The second issue is, I'm representing
20 Crescent Properties, and like the gentleman before
21 me, we have the same issue, and actually, if you look
22 to -- it's actually on this Page A -- I think it was
23 slide 32. We represent -- Crescent is the owner of
24 the office component of the Alhambra Hyatt, and what
25 you have is actually 200 feet in depth, and you

1 actually have the front portion fronting --

2 MR. COE: Mr. Guilford, where are you
3 referring to?

4 MR. GUILFORD: I'm actually referring to
5 this little --

6 MR. RIEL: Slide 32.

7 MR. GUILFORD: It's Slide 32.

8 MR. RIEL: Slide 32 in your presentation
9 package.

10 MR. GUILFORD: You probably have -- you have
11 a bigger one. So Page 32.

12 MR. COE: Page 32, okay.

13 This is a map. This is not --

14 MR. GUILFORD: Exactly. That's exactly --
15 and what you will notice is, along Alhambra Circle --

16 MR. COE: Oh, okay.

17 MR. GUILFORD: -- there's only one that is
18 designated CL. Behind that piece of property is C,
19 which is actually the same property. So what you
20 have is a front portion of the property CL, the rear
21 C. So what you're going to end up with is
22 essentially a Code Enforcement situation, because
23 you're going to have certain uses --

24 MR. COE: That's your other client, it would
25 go to.

1 MR. GUILFORD: What's that?

2 MR. COE: Mr. Murai, your other client.

3 MR. GUILFORD: That's right.

4 MR. COE: That's Code Enforcement.

5 MR. GUILFORD: It becomes a Code
6 Enforcement -- it becomes a nightmare issue. It
7 becomes a Code Enforcement issue.

8 CHAIRMAN KORGE: Which block are we looking
9 at?

10 MR. GUILFORD: We are looking at the one --

11 MR. BEHAR: Block 30.

12 MR. GUILFORD: Block 30.

13 MR. COE: The Hyatt Hotel.

14 MR. GUILFORD: This is CL, and this is C.

15 MR. COE: It's the Hyatt Hotel. That's
16 already been alluded to by Staff.

17 CHAIRMAN KORGE: Yeah.

18 MR. GUILFORD: So what you also have is,
19 you're allowed mixed use in the rear portion of the
20 property, you're not allowed it in the front portion
21 of the property.

22 What I would ask is, based upon the -- our
23 City Attorney, that this be added as part of the
24 discussion that is going forward, and I think there's
25 other pieces of property. I've spoken to Mr. Riel.

1 I understand where he's coming from, and that when
2 you do bring this forward, these --

3 MR. COE: So you want them to be treated the
4 way we treated Ramon Rasco's property on Catalonia,
5 correct?

6 MR. GUILFORD: To be all C? That's correct,
7 because it's appropriate. I have one building on
8 there, and now you're splitting a building right in
9 half.

10 MR. RIEL: But just so the Board
11 understands, it's currently zoned CA.

12 MR. GUILFORD: CA, but still, even under the
13 CL -- and I understand Staff, but there are also a
14 couple of other uses. There's government uses or
15 municipal uses and some others, but really, the issue
16 is that I'm only allowed certain things in the
17 front -- I'm not allowed certain things in the front
18 portion that I was allowed previously, and I can have
19 it in the back.

20 MR. COE: The City Attorney and Staff will
21 go look into this one, as they --

22 MR. GUILFORD: As the other one, and bring
23 it all forward at one time.

24 MR. COE: I expect we'll have probably one
25 whole agenda just for doing that.

1 MR. GUILFORD: Exactly.

2 MS. HERNANDEZ: And that would be --

3 MR. GUILFORD: And there's -- and there are
4 a couple other ones I know of --

5 MR. COE: Appropriate notice -- that's the
6 way to do it, right?

7 MR. BEHAR: Thank you.

8 MR. GUILFORD: Thank you.

9 CHAIRMAN KORGE: Thanks very much.

10 Call the next witness, please.

11 MS. MENENDEZ-DURAN: Amanda Quirke.

12 MS. QUIRKE: Please forgive my voice.

13 Amanda Quirke, 1441 Brickell, on behalf of Amace
14 Properties.

15 I just want to first make an objection --

16 MR. AIZENSTAT: Can I ask you to speak into
17 the microphone?

18 MR. COE: Can you speak up? Speak into the
19 microphone.

20 MR. RIEL: Yeah, bring it closer. There you
21 go.

22 MS. QUIRKE: I'd first like to make an
23 objection to the proposed height limitations in the
24 MF2 and CL districts, in that they were improperly
25 noticed. In the notice, there was no notification on

1 what the feet would be. It was just that the
2 Planning Department was going to study and make a
3 recommendation here, and so I'd first like to ask
4 that this item be removed for lack of notice.

5 MS. HERNANDEZ: I'm sorry, I'm having
6 trouble hearing you. I apologize profusely, you
7 know.

8 MS. QUIRKE: That's okay.

9 The notice on the height limitations in the
10 MF2 and CL properties, the notice that was posted
11 just said, you know, the Planning Department is
12 considering this and will make a recommendation at
13 the meeting, and I'd like to object --

14 MS. HERNANDEZ: I can't, based on what
15 you're saying, rule that the notice is insufficient.
16 At this point, I believe notice is sufficient. If
17 you have specific --

18 MS. QUIRKE: Okay.

19 MS. HERNANDEZ: -- you know, grounds and
20 reasons and showing, we're happy to look at it, but
21 not based on what you're saying here at this time.

22 MS. QUIRKE: Okay. In light of that, we'd
23 just like to say that we feel that 50 feet was
24 sufficient and was previously recommended by the
25 Board, and then also request a clarification that the

1 hundred -- that the proposed hundred feet --

2 MR. COE: Ma'am, could you speak up, into
3 the microphone?

4 MS. HERNANDEZ: She is.

5 MR. COE: I can't hear what you're saying.

6 MS. HERNANDEZ: You have laryngitis, right?

7 MR. GUILFORD: Really bad.

8 MR. COE: That's a real problem.

9 MS. HERNANDEZ: Let me ask a question, just
10 to help you out.

11 Do you think if she uses the portable mike,
12 that might help better?

13 MR. RIEL: No.

14 MS. HERNANDEZ: No. Okay, sorry. I tried.

15 MS. QUIRKE: That's okay.

16 MS. HERNANDEZ: Yeah.

17 MR. COE: Maybe talk a little bit slower.

18 MS. QUIRKE: All right.

19 MS. HERNANDEZ: Oh, okay.

20 MS. QUIRKE: I'd just like to ask for a
21 clarification that the hundred feet will be --

22 MS. HERNANDEZ: Oh, there you go.

23 MR. GUILFORD: -- that the hundred feet will
24 be measured from the single-family residential
25 property line and not from the edge of the adjacent

1 property line.

2 MR. RIEL: It's the edge of the property.

3 MS. QUIRKE: It's the edge of the property
4 that's adjacent. To that end, I'd just like to point
5 out the distinction, because this height restriction
6 covers properties that are contiguous and abutting,
7 as well as adjacent, which covers properties that are
8 across the street or across the canal, which is
9 considerably different.

10 So I'd like to request that this
11 clarification or change be made such that the hundred
12 feet is measured from the single-family residential
13 property line, because I understand the Planning
14 Department's study and recommendation is based on the
15 shadowing considerations, that that is the basis for
16 the -- for setting back the increased height.
17 However, I'd just like to point out that it is
18 different for properties that are across the street
19 or across a canal, as compared with properties that
20 are abutting or are contiguous to a single-family
21 property.

22 MR. RIEL: The street -- the 50 or hundred
23 foot is measured from the CL property line, not from
24 across the street. So --

25 MS. QUIRKE: What I'm asking is that the

1 feet be measured from the single-family residential
2 property line, to be consistent with the
3 recommendations, that there is a concern about
4 property shading, but if you're across the street or
5 across the --

6 MS. HERNANDEZ: That concern disappears, is
7 what she's saying, the shading.

8 MS. QUIRKE: That is part of the hundred
9 feet, is what I'm requesting.

10 MR. RIEL: That's not the intent, no.
11 That's not the intent.

12 CHAIRMAN KORGE: No, I think what she's
13 suggesting is that it should be.

14 MR. RIEL: I understand that, but that's not
15 the intent of what the recommendation was.

16 CHAIRMAN KORGE: Because of the shadow? I
17 mean --

18 MR. RIEL: That is not the entire basis or
19 the reason for the hundred foot.

20 MS. QUIRKE: But this would have the same
21 effect. I'm not -- I'm not disagreeing with the
22 concern about shading. What I'm saying is that I
23 think it's fair and reasonable to measure that from
24 the single-family property line, because it will
25 still give you the same hundred feet as if -- than if

1 the property was immediately abutting or adjacent.

2 MS. HERNANDEZ: The same distance --

3 CHAIRMAN KORGE: Yeah.

4 MS. QUIRKE: Exactly.

5 MS. HERNANDEZ: -- is what she's saying.

6 MS. QUIRKE: It would be the same distance.

7 MR. RIEL: The way it is in the current
8 Code, it includes property abutting and across the
9 street, including waterways and alleys. It does
10 include it in the current Code, and that provision
11 will carry forward.

12 MS. HERNANDEZ: It's just carried forward.
13 It's consistent --

14 MR. RIEL: Consistent with the current
15 language --

16 MS. HERNANDEZ: -- with what's in the
17 present language, so --

18 MR. RIEL: Yes.

19 MS. HERNANDEZ: You're asking, I guess, for
20 a change from what's the present language, and which
21 would make a fairly substantial change to the
22 property.

23 MS. QUIRKE: Well, the present language in
24 the current Code does not specify a feet limitation,
25 it just refers to the parcel, so that I'm not

1 requesting a change. I'm just requesting a
2 clarification be included in the Code of where that
3 hundred feet is measured from, and I would argue that
4 it's measured from the single-family residential
5 property line --

6 MS. HERNANDEZ: Right. I follow you on
7 that.

8 Does the present Code have a feet
9 limitation?

10 MR. RIEL: It has a definition of a property
11 line.

12 MR. SALMAN: And adjacency.

13 MR. RIEL: And adjacency, yes.

14 MS. QUIRKE: It has adjacent, but it doesn't
15 say a hundred feet from a single-family residence or
16 anything like that. It doesn't say any amount of
17 feet, in fact.

18 MR. RIEL: If that's the intent, we would
19 suggest that it be 150 feet, because each
20 right-of-way and waterway is a different depth, so
21 setbacks --

22 MS. HERNANDEZ: I'm just asking whether
23 it's the same or not.

24 MR. RIEL: No, setbacks are always measured
25 from the property line of the property. It

1 doesn't -- it's not measured from across the street.

2 MS. QUIRKE: This is -- I would respectfully
3 say, though, that this is not really a setback.
4 It's -- we're trying to buffer increased height for
5 purposes of shadowing out single-family residences,
6 and I'm not disagreeing with that purpose.

7 MR. SALMAN: But also, the intent was to
8 limit the scale where they're in visual adjacency.
9 And across the street is visually adjacent, which is
10 what --

11 MS. QUIRKE: Sure.

12 MR. SALMAN: -- the point of the discussions
13 of adjacency at this Board was --

14 MS. HERNANDEZ: Right.

15 MR. SALMAN: -- was about. So, whereas your
16 argument is well-founded, it doesn't take into
17 account the fact that you have a building, and even
18 across the street, even if it's at or even less than
19 a hundred feet, its adjacency forces us to make the
20 change within the hundred feet of the affected
21 property.

22 MS. QUIRKE: Uh-huh.

23 MR. SALMAN: It's for the purpose of
24 compatibility of scale of the proposed development
25 from what we're trying to protect.

1 MS. HERNANDEZ: That's right.

2 MS. QUIRKE: I'm not suggesting that it
3 shouldn't apply to properties that are adjacent. I
4 do think that it's reasonable to still have a height
5 buffer. I agree with that. All I'm requesting is
6 that it just be consistently applied.

7 MS. HERNANDEZ: I'm happy to meet with you
8 and to see if -- because I'm following most of what
9 you're saying, and I think what I was picking up on
10 was the issue of whether it's contiguous or across,
11 and I think there's -- I think there's some
12 legitimacy on what's being said, I'm just having a
13 hard time following it, and it's not -- it's because
14 of your voice.

15 MS. QUIRKE: I'm sorry.

16 MS. HERNANDEZ: No, I know.

17 MR. SALMAN: It's a fine point. You could
18 argue it --

19 MS. HERNANDEZ: Right.

20 MR. SALMAN: -- but would it require a
21 modification of the Code.

22 MS. HERNANDEZ: Right.

23 MR. SALMAN: And I knew when we approved
24 it --

25 MS. HERNANDEZ: And I think -- that's why I

1 need to meet with Eric.

2 MR. SALMAN: -- we would have to be
3 making --

4 MS. HERNANDEZ: Yeah.

5 MR. SALMAN: -- little --

6 MR. RIEL: Yeah, we had a lot discussion
7 about adjacent, across and contiguous, and we crafted
8 that definition. Every time we --

9 MS. HERNANDEZ: But I know this is going to
10 the City Commission, and I think it's a valid
11 question that we need to review, just to be sure.

12 MR. RIEL: I'll be happy to clarify it.

13 MS. HERNANDEZ: Right.

14 MS. QUIRKE: That's all I have. Thank you
15 very much.

16 MS. HERNANDEZ: Thank you.

17 MR. COE: Thank you.

18 MS. HERNANDEZ: Sorry about the voice.

19 MS. MENENDEZ-DURAN: Robert Fine.

20 CHAIRMAN KORGE: Three minutes, Mr. Fine.

21 MR. FINE: I'm here on 12 matters.

22 CHAIRMAN KORGE: Pardon me?

23 MR. FINE: I'm here for 12 matters. No, I'm
24 kidding.

25 MR. BEHAR: You'd better be kidding.

1 MR. FINE: Actually, I'm here on two, and
2 they should be very brief.

3 Earlier tonight --

4 MS. HERNANDEZ: One minute for each. One
5 minute -- no.

6 MR. FINE: Earlier tonight, John Fullerton
7 made a presentation to you regarding reducing the
8 minimum size of property, commercial properties, to
9 allow to you exceed the 45-foot height limitation.

10 John and I spoke about this issue before his
11 presentation. I do -- I know it's late in the game,
12 but I think it's very well-founded. The materials --
13 and looking at it, I think it's very important to
14 note that you can build now at a 1.45 FAR in the CBD
15 and put no parking in your building, and if you're
16 capped at 45 feet, what would be your incentive?

17 On the other side, you can build
18 buildings -- and everybody is parceling buildings,
19 because you can't afford to have a building where you
20 can only -- or buy the property where you can only
21 build 45 feet, with land costs what they are. So
22 everybody is parceling, and what you're starting to
23 see in the City now are these big wall-like buildings
24 that are going up 100, 130, 150 feet high, and I
25 agree with Mr. Riel that you will see more projects,

1 you will see more high projects, if you go to 10,000
2 square foot, but you won't see these big wall
3 buildings. You'll see buildings that have footprints
4 that are just enough to get efficient parking in, not
5 the most efficient, but it will be self-contained, so
6 these buildings will have it. You'll get six-story
7 and eight-story buildings, because there's other
8 practical limitations in the Zoning Code that you
9 can't build, realistically, a 150-foot building on a
10 10,000-square-foot site. Other constraints lock you
11 in there.

12 So you're looking at increasing your number,
13 yes, in these areas, you know, in the CL area, and I
14 think this has application in other areas, as well --
15 I mean, my clients' concern are CL areas, not
16 adjacent to single-family areas. But I think it's an
17 issue that's important to consider, because we're now
18 just seeing, as people have started to parcel
19 buildings because of land cost (inaudible), we're now
20 seeing what these buildings look like, out of the
21 policy of the 20,000-square-foot limitation, and
22 quite honestly, I don't think it's pretty, and when
23 you start seeing blocks of these lining up, you know,
24 I think the whole basis of trying to use the Zoning
25 Code, not to take away rights, but to encourage less

1 built density, less structure up in the air, I think
2 the 20,000 square foot really, ultimately, you'll --
3 I think, when we look back years from now, we'll find
4 to have been damaging to the looks of our City.

5 So I strongly encourage you to look
6 carefully at the issue of reducing the minimum lot
7 size and frontage, to exceed the 45 feet, to a
8 hundred feet frontage and 10,000 square foot.

9 My second item goes to the issue of
10 variances that have been granted under today's Zoning
11 Code, not the new Zoning Code. If I had a client who
12 was at the Board of Adjustment on Monday, when they
13 just had their meeting, and I got a variance, the way
14 the Zoning Code is written right now, when this Code
15 takes effect, I will not be able to get an extension
16 on that variance. Even though the Code today says I
17 can go to the City Manager and get an extension, when
18 that new Code comes in, that provision does not carry
19 forward.

20 I mentioned this at the City Commission on
21 its first reading. They referred me to meet back
22 with Staff and back to this Board. I had a meeting
23 with Eric, Dennis Smith, Dona Lubin, and other
24 members of Eric's Staff, and everybody agreed that
25 that was a concern to be dealt with.

1 The other thing that was discussed was that
2 under the old Code, because of the time it takes
3 today to get plans through, and things have slowed
4 down on the third floor, unfortunately, for reasons
5 we don't need to talk about tonight, that it may be
6 appropriate to have a little bit longer extension.
7 So I had drafted some language that would have
8 allowed, one, under the new Code, for you to get your
9 extension and have the Manager or the development
10 official grant one additional 12-month extension, and
11 meeting with Dennis and other Staff, there was no
12 objection to that. And what was advertised on the
13 internet and all was that this problem was taken care
14 of, and I said, "Great, that's fine." So you know,
15 this affects my clients, it affects Laura's
16 clients -- Zeke's not here now. All of us have
17 talked about and we share this issue for our clients,
18 and others practicing zoning. You go in now and you
19 get development rights, and you lose them.

20 Planning Staff has said today that they
21 believe the language in the Code fixes that problem.
22 It does not. With all due respect to the Planning
23 Staff, they're planners, they're good planners, and
24 they've done a really good job with this Code, but
25 they're not the people who have to go in to the

1 Circuit Court Appellate Division or the DCA and
2 defend these things, and, you know -- and I've
3 written proposed language --

4 CHAIRMAN KORGE: Well, my suggestion is
5 this. Since --

6 MR. RIEL: I'd like to correct the record.
7 I said the Planning Staff and the City Attorney's
8 Office --

9 MS. HERNANDEZ: Right.

10 MR. RIEL: -- have agreed that the language
11 that is in the Code satisfies Mr. Fine's --

12 CHAIRMAN KORGE: What I was going to suggest
13 is that the intent is clear, okay?

14 MR. RIEL: Yes.

15 CHAIRMAN KORGE: So --

16 MR. RIEL: On my behalf and as well as the
17 City Attorney's Office.

18 CHAIRMAN KORGE: So, if there's a
19 disagreement over drafting, that really -- I mean, I
20 don't think we need to deal with that.

21 MS. HERNANDEZ: And I'm not addressing it.
22 I don't think Eric addressed the issue of additional
23 time. If it's the recommendation of this Board and
24 the will of the City Commission to create a further
25 extension, that's up -- that's a policy decision.

1 MR. RIEL: There are provisions in there.
2 Variances are good for 12 months and you can get a
3 12-month extension, administrative extension. I
4 believe right now you can't even get an extension
5 without going to the Board of Adjustment.

6 MR. FINE: No, it goes to the City Manager.

7 MR. RIEL: The City Manager.

8 MR. FINE: It goes to the City Manager.

9 MR. RIEL: And that's a six-month
10 extension?

11 MR. FINE: So are you suggesting that this
12 language means, if I got a variance this week at the
13 Board of Adjustment, where it said under the Code you
14 have a six-month variance the day this takes effect,
15 under that provision you cite to me, it automatically
16 becomes a 12-month variance?

17 MR. COE: That, you should direct to the
18 City Attorney.

19 MR. FINE: Well, I met with the Assistant
20 City Attorney, and she asked me, after talking about
21 it before the meeting, to bring this before the
22 Board.

23 MS. HERNANDEZ: Because you're asking for an
24 additional time period. I believe that was your
25 reason.

1 MR. FINE: It's also because the language --
2 if the -- all I'm asking --

3 MS. HERNANDEZ: You know, I'm not trying to
4 frustrate you.

5 MR. FINE: -- is that the Board direct Staff
6 to clarify it. There's no good reason for a few
7 simple words -- which is all it takes. I'm not
8 asking for a big rewrite. I have sent in language.

9 MS. HERNANDEZ: But Robert, why don't you
10 then read the language to the Board, because you're
11 saying, "I've done this, I've done this, I've done
12 this," and you're not saying to the Board, "I
13 specifically am requesting X."

14 MR. FINE: Okay. Under what, according to
15 the chart, is the fix, it says -- which is on Page
16 1-3.

17 MS. HERNANDEZ: 1-3.

18 MR. COE: By the way, right now you're on
19 number eight, in terms of your time, eight minutes.
20 You're hogging the --

21 MR. FINE: I apologize. I tried to work it
22 out with them. I really did.

23 "All variances granted under this, or any
24 prior edition of the Zoning Code, subject to a time
25 frame for construction, which are still in effect on

1 the adoption of these regulations shall remain in
2 full force and effect, including any conditions
3 attached thereto, and the recipient of the variance
4 may proceed to develop the property in accordance
5 with the plans previously approved. However, if the
6 recipient of the variance has failed to commence
7 construction before the variance expires, the
8 provisions of these regulations shall govern and the
9 variance shall have no further force and effect."

10 I don't see how that gives you an extension.

11 MR. RIEL: Can I refer to you Page 3-44?

12 CHAIRMAN KORGE: 3-44?

13 3 dash what?

14 MR. RIEL: 3-44.

15 MR. COE: 3-44.

16 MR. RIEL: Section 3-807, time limitation
17 for variances. "Any variance granted... shall be
18 null and void and of no effect 12 months from and
19 after the date of the approval granting same," and
20 then I won't read the rest of the paragraph. At the
21 end, it says, "One additional extension of 12 months
22 may be granted by the Development Review Official for
23 good cause shown."

24 MR. FINE: But this doesn't say that these
25 variances are good for a variance granted under an

1 old Code that doesn't exist. This is a Code --

2 MR. COE: Thank you, Counsel. We've gotten
3 your point.

4 MR. FINE: -- going forward.

5 MR. COE: You've been up for 10 minutes.
6 That's three times your allotted time. Thank you,
7 Counsel.

8 MR. FINE: Okay, thank you.

9 MS. MENENDEZ-DURAN: Fernando Menoyo.

10 CHAIRMAN KORGE: Before you begin, just to
11 be clear -- Eric?

12 MR. RIEL: Yes.

13 CHAIRMAN KORGE: The City interprets -- the
14 City Attorney interprets these provisions that we
15 read as allowing a 12-month time frame for any
16 variance that was adopted under a prior edition of
17 the Zoning Code, as of the date it was adopted?

18 MS. HERNANDEZ: Right, and --

19 CHAIRMAN KORGE: Assuming this is --

20 MS. HERNANDEZ: Yes, and if you want to add,
21 further clarifying, you can put, "Except as provided
22 in Section 3-807."

23 CHAIRMAN KORGE: Whatever you want to do.

24 MR. AIZENSTAT: Why don't we leave that up
25 to the City Attorney's Office?

1 MR. COE: Exactly.

2 MR. AIZENSTAT: The legal department.

3 CHAIRMAN KORGE: Okay. Thank you.

4 Yes, sir.

5 MR. MENOYO: Good evening. Fernando Menoyo,
6 744 Biltmore Way.

7 During the October 17th Commission meeting,
8 we discussed two potential modifications to the
9 town -- to the existing townhouse ordinance. One of
10 those, the first subject, is increasing the minimum
11 width of the townhouses from 16 to 23 feet. The
12 reason for this is that when you build a 23-foot-wide
13 townhouse, it allows you to fit two cars side by side
14 in the garage. When you design and built a -- any
15 townhouse that is narrower than 23 feet, then you're
16 forced to have tandem parking, and that usually
17 throws -- puts cars on the street. So there's a very
18 important factor to requiring 23-foot-wide townhouses
19 and up.

20 The other reason is that it is very
21 difficult to design townhouses that are less than 23
22 feet wide, and they're not as functional and not as
23 beautiful.

24 The second subject that we discussed with
25 the Commission was to change the ordinance and

1 require that townhouses face the street. The reason
2 for this is that townhouses that face the street are
3 more pedestrian-friendly and also because the
4 existing townhouse Code is being used to build very
5 large condominium buildings, basically. There has --
6 there is a project, and I know that there are other
7 projects that are being considered, where courtyard
8 buildings are being proposed, and actually, one of
9 them has already been permitted, that have
10 underground parking and where the units face the
11 courtyard.

12 For instance, in -- and these courtyard
13 buildings, because they're using the townhouse Code,
14 do not have side setbacks. Normally, courtyard
15 buildings have side setbacks to allow for light to
16 come through, through the sides.

17 During the DRC meeting, the Development
18 Review Committee meeting for this project that has
19 been approved, Mr. Carlson, during that meeting, said
20 that that project did not comply with the intent of
21 the existing townhouse ordinance, and also, after our
22 Commission meeting, we met with Charlie Siemon, the
23 City consultant, and he also stated that he was not
24 in agreement with such project.

25 So what we're proposing is that you make

1 those two changes to the existing townhouse
2 ordinance; one, that townhouses face the street, and
3 two, that townhouses have a minimum of 23 feet in
4 width.

5 If the City wants courtyard buildings, then
6 the City should develop a courtyard building
7 ordinance.

8 MR. BEHAR: But --

9 MR. MENOYO: But a separate ordinance.

10 MR. BEHAR: But that's not -- with all due
11 respect, I don't think that statement is correct,
12 because you're saying that the town home has to face
13 the street. Not necessarily. You don't have to have
14 a courtyard building to have town homes not fronting
15 the street. I'm sorry, and I think that you're
16 trying to mix something that is not in accordance
17 with the town homes.

18 MR. MENOYO: So why did Mr. Walter say,
19 during the --

20 MR. BEHAR: I don't know. I don't know.
21 Let's continue, because, you know, the time is up
22 and --

23 MR. COE: His time is long up.

24 CHAIRMAN KORGE: Fernando, we've already
25 looked at this, and in fact, it's on our sheet for

1 further -- they're going to complete a further study,
2 and they will be looking at that in this further --

3 MR. MENOYO: Yes, but in the meantime, you
4 will be getting buildings built in the City that are
5 not what the Code intends.

6 MR. BEHAR: I think that's your opinion.
7 With all due respect, that's your opinion.

8 MR. MENOYO: Well, Mr. Siemon agrees.
9 Mr. --

10 MR. COE: Thank you, sir. You've long gone
11 over your time. We understand your point.

12 MS. MENENDEZ-DURAN: Marshall Bellin.

13 MR. BELLIN: Marshall Bellin, 285 Sevilla.
14 I think the project that Mr. --

15 MR. RIEL: Marshall -- Marshall, pull your
16 mike down. There you go. Thank you.

17 MR. COE: There you go.

18 MR. BELLIN: I think the project that Mr.
19 Menoyo is referring to is our project. It hasn't
20 been approved, hasn't been permitted yet, but it is a
21 project that we designed around a courtyard, and if
22 you look at all the definitions of townhouses, you
23 see that that particular project, as any courtyard
24 project, does comply with the definition of a
25 townhouse.

1 I think it's a matter of design. Some of
2 the issues with 23 foot wide, you can't fit two cars,
3 well, you can, if the building is not as wide as 23
4 feet. So it's really how you design the project and
5 what you end up with.

6 I think it's a pity if all townhouse
7 projects have to be row houses, and there's a
8 distinction between a row house and a townhouse. A
9 row house is what Mr. Menoyo is building. They march
10 down the street and they're all the same -- basically
11 the same setbacks and so on. What we'd like to see
12 is some diversity of the type of projects that we
13 have, and I think courtyard buildings are extremely
14 nice, and you look at some of the things that they've
15 done in California, and they really, I think, give a
16 nice presence to the street. They are pedestrian-
17 friendly, in the same sense that row houses are
18 pedestrian-friendly. It doesn't make a whole lot of
19 difference.

20 If you have any questions or you'd like to,
21 I don't know, get our feelings on how we designed
22 these projects, I'd be happy to answer any questions
23 you have.

24 CHAIRMAN KORGE: Thank you.

25 Does anybody have any questions? No?

1 Thank you very much.

2 MS. MENENDEZ-DURAN: Maria Longo.

3 MS. LONGO: Hi. Good evening. My name is
4 Maria Cristina Longo, and I live at 2828 Segovia, one
5 of the duplexes that was selected for the study.

6 Before I talk about the duplex height, I
7 want to mention that I actually agree with the
8 proposal that Fernando Menoyo is making, as far as
9 townhouses, and I don't think -- we are not against a
10 different typology of building. I want to make that
11 clear. I think that if the City wants to make a
12 study and comes into the realization that they want
13 that diversity and they want to create the different
14 typologies, that's okay. What I'm against is that in
15 the original intention, when the townhouse Code was
16 done, the setbacks that were done at zero setback in
17 front and the sides were done that way for row
18 houses.

19 I have done -- I know that because the
20 architect, Maria de la Guardia, who spoke in the last
21 meeting, in the Commissioners' meeting, spoke about
22 it. And she also said that the City has to make a
23 decision, do they want pedestrian-friendly buildings
24 that face the street and are welcoming, or do they
25 want enclosed buildings, like courtyard buildings.

1 Now, the point is that the project that
2 we're talking about here -- and we have nothing
3 against that project in particular. We just want to
4 make sure that if something is going to be built, a
5 structure, it's following a particular ordinance that
6 follows a particular typology. The courtyard
7 apartment building has specific ordinances.
8 According to the internet researching, the townhouses
9 like -- I'm sorry, the gentleman said, there's
10 different types of townhouses. There's row houses,
11 there's stacked townhouses, and there are apartment
12 buildings, courtyard apartment buildings, and they
13 have their own specific typology.

14 So my point about that is that if we want
15 that, we need to make sure that they're not using --
16 that a developer doesn't use a Code that was not the
17 intention, because the result is, if you look at the
18 MF2, in the MF2 you cannot build what you can build
19 in MFSA. In other words, in MFSA, you can build an
20 apartment building, call it townhouses, that is
21 larger and more massive than in MF2. What is that?
22 Because they're using the townhouse Code.

23 So that's the point. The study needs to be
24 done. Do we want courtyard houses? Then let's do
25 that zoning appropriate for the courtyard houses, not

1 an apartment building with elevators and underground
2 parking and call it a townhouse.

3 Now, let me talk about the duplexes. I live
4 in the duplex on 2828, which is actually the highest,
5 28 feet and eight inches, and the duplex -- the
6 duplex height does limit -- the 29 feet, contrary to
7 what Mr. Riel said, it does limit design, and it does
8 limit design because the height inside my apartment,
9 I live on the top floor, and just like the first
10 floor, is eight and a half feet.

11 Eight and a half feet would be okay if we
12 were talking about single-family homes, because in
13 single-family homes we had the anti-McMansion zoning,
14 it was very positive, and the streets are different,
15 different than duplex streets. Duplex streets are
16 larger, wider. They have a wider right-of-way. They
17 have a different scale and a different proportion.
18 They're not the same. So why do we have to fit the
19 29 feet height in Segovia, Ponce and LeJeune, just
20 because of the single-family homes?

21 Actually, Mrs. Mamta Chaudhry Fryer -- I
22 hope I'm saying her name correctly -- which is the
23 lady who spearheaded the anti-McMansion Zoning Code,
24 mentioned in the last meeting -- she spoke here in
25 front of the Commission -- that she was willing to

1 make a compromise on height, with the 29-foot height
2 facing the single-family homes and the 34-foot height
3 facing the duplex street. Segovia, LeJeune and Ponce
4 de Leon are wider. They're buffer streets. They can
5 take it.

6 Maria de la Guardia, the architect that
7 spoke here, she showed pictures, she showed graphics,
8 that that street, the proportions can take it.

9 Now, my analogy is like having a child -- I
10 used to be a teacher -- is like having a child who's
11 gifted in a classroom and keeping him in a classroom
12 with other children and not allowing the children to
13 move forward to gifted programs, because he needs to
14 fit.

15 What I recommend here today is that a
16 compromise is made to meet the single-family homes,
17 like Mrs. Mamta Fryer -- Chaudhry Fryer said. The
18 Commissioners also agreed on talking about a
19 compromise. When the shadow study was done, I don't
20 see a shadow study with that compromise. I don't see
21 the 29 feet facing the single-family home and the 34
22 feet facing the -- I don't see the first 25 feet
23 abutting or contiguous to single-family home at 29
24 and the rest at 34. I don't see that in the study.

25 So I would please encourage you to not

1 reduce that height at 29 without considering that
2 compromise and that the study is still incomplete and
3 that it does limit. It does limit Segovia. It does
4 limit design. It can be better. It's not just
5 okay. My building is okay. It can be better.

6 Thank you.

7 CHAIRMAN KORGE: Thank you.

8 MS. MENENDEZ-DURAN: The last speaker,
9 Tucker Gibbs.

10 MS. HERNANDEZ: Mr. Gibbs cedes his time.
11 Thank you, Mr. Gibbs.

12 MR. GIBBS: And I know you all are thrilled
13 that I'm the last speaker, right?

14 My name is Tucker Gibbs, with law offices at
15 215 Grand Avenue, and I represent the Riviera
16 Neighborhood Association, and I just want to -- I'm
17 not going to say I'm going to be brief, but I'm going
18 to try.

19 We have one issue that Mr. Riel already
20 touched on, and that is the issue of our presentation
21 at the Commission meeting and discussing our
22 charrette. You all have heard about our charrette.
23 We've talked to you about our charrette. We've also
24 come before you in the context of this Zoning
25 rewrite, to ask you about implementing those

1 charrette recommendations into the zoning.

2 We have been talking, as Mr. Riel said, with
3 the Planning Department about implementing many of
4 the suggestions into the Comprehensive Plan
5 amendments, into the Land Use Plan.

6 But our concern is in what isn't said here
7 on this sheet that you all have, and that was, at the
8 City Commission meeting -- and we've said this to you
9 all, too, so this is no big surprise -- is that we
10 have a concern. The concern is the impact of these
11 changes in our neighborhood, and our neighborhood is
12 defined as the area from Maynada, Sunset, Red Road
13 and Dixie Highway, and that is the area that we're
14 talking about, and when we made the presentation to
15 the City Commission, one of the issues we talked
16 about was how this will impact our neighborhood
17 specifically, what is allowed in the commercial
18 areas, and I know Mr. Garcia-Serra and many of the
19 other people here talked about the whole concept of
20 mixed use, and you all were trying to wrestle with
21 whether mixed use is more intense or less intense.

22 Mixed use has an impact on a residential
23 neighborhood. We're not against mixed use. Our
24 charrette said that we like mixed use. But the
25 problem with the way mixed use is dealt with in this

1 zoning rewrite is, it is now allowed. It's now
2 allowed in all commercial areas, all C areas.

3 In the past -- well, right now you have
4 three mixed-use areas, just three, in the City of
5 Coral Gables, Downtown, North Industrial and South
6 Industrial areas. That's it. And before each one of
7 these mixed-use areas was created, you all did a
8 study to determine if it was appropriate.

9 Well, here we are, in the Riviera
10 neighborhood area, with a lot of C zoning around us
11 and near us and adjacent to -- not adjacent to, but
12 very close to single -- well, yeah, adjacent to
13 single-family houses and duplexes, and now you're
14 going to be allowing mixed use with just a public
15 hearing, no study. And we've come to you before and
16 asked you, and we're going to ask you again
17 tonight -- and that's the reason why I'm here, is to
18 ask you all to please recommend to the City
19 Commission, before this rewrite is put in place as it
20 applies to the Riviera neighborhood area as I've
21 defined it, to do a study. Do a study before this
22 goes into effect to our area, because we have a large
23 area of C zoning. We don't know what's going to
24 happen.

25 There are other implications. Mediterranean

1 bonuses within very close to single-family
2 neighborhoods, that was one of the issues that came
3 up -- one other point -- it's one of the issues that
4 came up in our charrette. The other issue is the
5 PADs, and PADs close -- you know, the proximity of
6 PADs to the neighborhood. That study will be able to
7 deal with that issue, and all we're asking is for you
8 to recommend that that study is done before this goes
9 into effect for our neighborhood.

10 MS. HERNANDEZ: And Tucker, the area on the
11 west side of your neighborhood and on the north side
12 of your neighborhood is what is the C zoning?

13 MR. GIBBS: Yes. Absolutely, yes, and
14 that's our concern. So that's what we'd like to
15 study. But the implementation goes all the way back
16 into those neighborhoods. Thank you.

17 MS. HERNANDEZ: Thank you.

18 MR. SALMAN: Thank you.

19 CHAIRMAN KORGE: That concludes the
20 comments, public comments.

21 So we have everything in blue that we need
22 to make decisions on.

23 MR. RIEL: Well, everything on this sheet
24 needs a recommendation. I mean, we just didn't go
25 over the yellow.

1 MR. COE: Mr. Chairman, if I may, I move --

2 MS. HERNANDEZ: I don't have it.

3 MR. COE: Huh? What?

4 MS. HERNANDEZ: Oh, I'm just saying I don't
5 have it.

6 MR. COE: You don't have this?

7 I move Staff's recommendation, based on the
8 findings of fact contained in the November 8, 2006
9 Planning Department Staff Report, of the additional
10 changes as noted.

11 This is going to be Attachment A, Mr. Riel?

12 MR. RIEL: Yes.

13 MR. COE: Okay, noted in Attachment A,
14 within the column labeled Planning Department
15 Recommendation/Justification. We've already approved
16 the change to the University of Miami, so I don't
17 think we can include that into this, but it's
18 everything else in addition to that.

19 MR. AIZENSTAT: What about the reduction in
20 square footage?

21 MR. BEHAR: The lot sizes.

22 MR. AIZENSTAT: The lot sizes.

23 MR. BEHAR: I think that's --

24 MR. RIEL: Staff's recommendation is not to
25 support that.

1 MR. COE: Yeah, I'm doing Staff's
2 recommendation. Either second or --

3 MR. AIZENSTAT: Say that again?

4 MR. RIEL: Staff's recommendation is not to
5 support the reduction to the 10,000 and 100.

6 MR. BEHAR: Before we make -- well, I think
7 we should discuss this item. I think that's one
8 issue that I think that is going to -- I'm not sure
9 the Commission understands fully, or the Planning
10 Department, what will be the consequences, and I
11 think -- I agree with Mr. Fullerton, and I appreciate
12 the illustration he provided us, and I had not had a
13 chance to speak to Mr. Fullerton or Mr. Fine about
14 it, but I think that if we encourage those lot sizes
15 to increase to a minimum of 20,000, we're going to
16 promote larger buildings, and I really think that
17 that will be a detriment or mistake that we would
18 make, and we're going to regret that 10 years from
19 now.

20 I think that keeping it or maintaining it at
21 a 10,000 square foot minimum will promote more
22 user -- an end use of building that would not be as
23 tall. I think that will keep it between six and
24 eight-story maximum, like John, you know, illustrated
25 to us.

1 I think that that would apply to the MF2. I
2 think it applies to the -- all the different zoning
3 districts, except for the MDX, that presently has no
4 minimum or maximum lot sizes. It's not --

5 MR. RIEL: No, the CA and the CB and the CC
6 has a minimum of 200-foot frontage, 20,000 square
7 feet. It's been in place since 1984.

8 MR. BEHAR: You're increasing the minimum to
9 20,000 square feet.

10 MR. RIEL: No. That's currently in the
11 Code. I can show you the provisions right now.

12 MR. BEHAR: Well, then I think that would be
13 a mistake to keep it at 20,000. I think that it
14 should be 10,000 square feet, and, you know, I would
15 prefer no minimum, but if we have to live with a
16 minimum, 10,000 square feet and a hundred foot
17 frontage. I think that's going to promote to get
18 more of these type of buildings on any given street
19 that is properly zoned for that. I think that, to
20 me, is one point that I'm really concerned with, and
21 I'd like for us to consider it.

22 I agree with Staff on the town homes. I
23 think it should not increase to 23 feet. I think it
24 should stay at 16 foot as a minimum, and that would
25 give different possibilities in developing a town

1 home prototype. And lastly, I think --

2 CHAIRMAN KORGE: That's awful narrow. I
3 mean, wow, sixteen feet --

4 MR. BEHAR: Well, as a minimum. It doesn't
5 mean you have to do it. You could do a minimum of 16
6 feet. If you want to do a 22-foot town home --

7 CHAIRMAN KORGE: That would be 16 feet as of
8 right, wouldn't it?

9 MR. AIZENSTAT: That doesn't mean that you
10 just have one lot of 16 feet.

11 MR. COE: You can do anything you want.
12 That's the minimum.

13 MR. BEHAR: The minimum.

14 CHAIRMAN KORGE: Well, I know in the County,
15 I mean, they don't like that at all. They want
16 20-footers.

17 MR. BEHAR: Okay, and the other --

18 CHAIRMAN KORGE: Whatever. I mean, I'm just
19 pointing that out. I don't --

20 MR. BEHAR: And correct me if I'm wrong,
21 Eric, on Page 4-14, under the Article 4, the FAR here
22 is also --

23 MR. RIEL: Hold on a second. Hold on, hold
24 on. Let me get the page. 4-14?

25 MR. BEHAR: 4-14.

1 MR. RIEL: Okay.

2 MR. BEHAR: The FAR is relating to density,
3 as well; isn't that right?

4 MR. RIEL: Yes.

5 MR. BEHAR: On both -- I think that,
6 personally, the FAR should not relate to density but
7 only to height.

8 MR. RIEL: Those density limitations are in
9 the Comp Plan presently. It's merely bringing
10 forward the information that's in the Comp Plan.

11 MR. COE: It's the same thing.

12 MR. RIEL: Yeah.

13 MR. BEHAR: And maybe that's something
14 that -- you know, I have not spoken to Dennis about
15 it, but I would like if we could get his input on
16 these -- this matter. I really -- since Dennis is
17 the --

18 MR. RIEL: I think, actually, Dennis wrote
19 these.

20 MR. SMITH: Yes. It wasn't our intention to
21 connect FAR and density. Currently, right now, in
22 the Zoning Code, FAR for multi-family buildings is
23 only related to height, and it's related to height in
24 terms of number of stories. What we've done is,
25 we've tried to change it to relate it to height in

1 terms of number of feet. And I know one of the
2 issues that comes up from time to time now is, there
3 is some reference to density and how it relates to
4 FAR in the Zoning Code, but it's kind of confusing.
5 We were trying to clean that up when we did that, and
6 if it's still confusing, we should probably eliminate
7 the references to density, because it should just be
8 based on height.

9 MR. BEHAR: The objective here is to go
10 lower, so you get more FAR, right?

11 MR. SMITH: That's correct. Right now, the
12 higher you go, the more FAR you get. Under this
13 proposal, the lower you go, the more FAR you get.
14 But you'll still be getting an equivalent amount of
15 FAR as you would have if you would have gone higher.
16 This is forcing you to come down lower.

17 MS. HERNANDEZ: Right.

18 MR. AIZENSTAT: Dennis, let me ask you, how
19 do you feel about the 10,000 square foot versus the
20 20,000 square foot on the lot size?

21 MR. SMITH: Well, I think that that will
22 give us some smaller buildings, because right now
23 people assemble property in order to be able to get
24 their maximum FAR, because quite frankly, if you have
25 less than the 20,000 square feet and 200 feet of

1 frontage, then your limit is three stories. Then
2 your limit with the Mediterranean becomes an FAR of
3 3.0 -- with Mediterranean, it's 3.5, and your height
4 can go up to five stories in some cases. So what
5 that does is, that doesn't allow you to get your FAR
6 and your parking within that building envelope, so
7 you're forced to assemble.

8 If you could go up to six or eight stories,
9 you could accomplish your FAR and your parking and
10 you don't have to assemble, so you would get
11 buildings with 100 feet of frontage instead of with
12 200 feet of frontage. That's something to consider.

13 I haven't seen Mr. Fullerton's sketches, and
14 that's something that only in the last month or so
15 has been really talked about, but it is something
16 that I think is very important for us to look at,
17 because that could be the way that we get some
18 smaller buildings in the commercial areas, instead of
19 forcing people to assemble in the larger buildings.

20 MR. AIZENSTAT: It's just, everything I've
21 heard from all the people that have come and talked
22 before this Board for all these -- throughout this
23 process, whether it's been for months or for years,
24 has been heights and the massing of size of the
25 structures, and that's why I'm asking, is this a tool

1 that can be used to prevent that, or do you think it
2 won't prevent it at all and they'll still continue
3 massing?

4 MR. SMITH: No, I think it will prevent it,
5 because people will be able to -- they won't have to
6 assemble up to a 20,000-square-foot site in order to
7 accomplish their FAR. So, instead of building with
8 200 feet of street frontage, they could put their FAR
9 in a building with a hundred feet of frontage. Then,
10 next to that -- and that would be, at the most, an
11 eight-story building, probably. Next to that, you
12 would have another building type. So you're really
13 going to break up the different buildings on those
14 sites.

15 MR. AIZENSTAT: As opposed to having one
16 massive structure --

17 MR. SMITH: That's correct.

18 MR. AIZENSTAT: -- that can encompass an
19 entire block or a quarter block or so forth.

20 CHAIRMAN KORGE: Of a comparable height.

21 MR. SMITH: Of taller height, actually.

22 MR. AIZENSTAT: No, much higher.

23 MR. BEHAR: No, taller.

24 MS. KEON: Yeah.

25 MR. BEHAR: That's the whole issue. It can

1 be taller.

2 MR. AIZENSTAT: Can you take a look at this?

3 CHAIRMAN KORGE: Then what is the problem
4 with 100 feet? Why --

5 MR. RIEL: No, the Comp Plan limits the
6 height, as well. So there would not be any more
7 additional height. And also, as a part of the
8 Mediterranean --

9 CHAIRMAN KORGE: In the 200-foot parcel?

10 MR. RIEL: Yeah. I mean, the Comp Plan
11 governs the height, so --

12 CHAIRMAN KORGE: Okay.

13 MR. RIEL: And also, as part of the
14 Mediterranean Ordinance, you know, we put in those
15 architectural designs, saying that you have to do
16 step-backs -- you know, it's not supposed to look
17 like this massive front -- loggias. You know, we put
18 all these regulations in to prevent, you know, things
19 like that. So now we're going in the other
20 direction.

21 My concern here is, this issue just came up
22 about a month ago. We've been going through this
23 process for two years. I think that could have a
24 dramatic effect. I mean, we did not look at this in
25 the context of the whole rewrite for the past few

1 years. That's my concern, more so.

2 CHAIRMAN KORGE: It's -- let me make a
3 suggestion here. It seems to me that, however
4 legitimate the recommendation may be, to do 100 feet,
5 it really deserves further study.

6 MR. RIEL: Yes.

7 CHAIRMAN KORGE: And it can certainly be
8 adopted after the rewrite --

9 MS. HERNANDEZ: Right.

10 MR. RIEL: Right.

11 CHAIRMAN KORGE: -- is finished.

12 MR. AIZENSTAT: Is there a way to take a
13 look at it that way, the way the Chair is requesting
14 it?

15 MR. RIEL: Yeah. We've got -- you know,
16 we've got a number of studies on board right now.
17 You know, it's just a matter of completing the
18 studies.

19 MR. SMITH: Well, in looking at Mr.
20 Fullerton's sketches, I mean, which do you want,
21 option three or option two?

22 MR. BEHAR: You know, I think it's funny
23 that both Mr. Fullerton, who is a practicing
24 architect in the Gables -- so am I, you know, and I
25 don't know about Javier's point of view, but we live

1 from developing --

2 MR. SALMAN: Well, actually, I do whatever,
3 and I get paid.

4 MR. BEHAR: -- you know -- no, but I don't
5 know your opinion. I know you --

6 MS. KEON: (Inaudible) and then your
7 practice.

8 MR. BEHAR: -- but I don't know how you feel
9 about it. That's why I can't speak for you. But
10 seeing that Mr. Fullerton and myself, that both make
11 a living of doing buildings, prefer or are a
12 proponent to have --

13 MS. HERNANDEZ: Variety.

14 MR. BEHAR: -- the smaller parcels, has got
15 to tell you something about it.

16 MR. SALMAN: Listen, with the age of the
17 parcel --

18 (Simultaneous comments by Mr. Coe and Mr.
19 Behar)

20 MR. SALMAN: -- and the multi levels of
21 ownership, the assemblage of property is a hurdle to
22 the development of property.

23 MS. HERNANDEZ: Right.

24 MR. SALMAN: That's why we have these little
25 one-story shoeboxes up and down Miracle Mile and all

1 over the Gables, because they're on the fourth and
2 fifth generation of ownership, and trying to find
3 somebody in Tuskegee, Alabama, and another one in
4 Afghanistan to sign on a sale is impossible. So the
5 only people who make money are the trustees that run
6 these things, and the reality is that ultimately, the
7 trustees are responsible for maximizing the return on
8 the property. We're going to see the ability to
9 redevelop some of these very old stock properties,
10 without necessarily having to assemble larger,
11 20,000-foot pieces, 20,000-square-foot pieces.

12 The reality is that we're going to increase
13 the pool of available land for redevelopment within
14 the City, and that's not a bad thing, because the
15 scale is much more appropriate to the City than the
16 20,000-square-foot scenario.

17 Likewise, I don't see where we have to
18 necessarily negate the step-back requirements that
19 we've been inserting, and I get a nod on the head
20 over there -- or no, a shake? Yes, no, whatever, but
21 obviously, we need to study this further as a
22 modification to the Code as it's going forward.

23 I think the 20,000 is fine just the way it
24 is, but we've got to bring it back. It's a very
25 valid argument. Where were you two years ago,

1 anyway, John? I mean, you know --

2 MR. FULLERTON: That's right, and I
3 apologized to Eric.

4 MR. SALMAN: But I think it's right on
5 point, right on the mark as to what the goals of the
6 rewrite are, and I, for one, want to see it come back
7 here, but not today.

8 MR. SMITH: And I think that the
9 20,000-square-foot, 200-foot frontage rule has been
10 there for so long that, you know, no one just thought
11 of really examining it, because that's like a
12 benchmark rule, and no one even thought of looking to
13 see that, you know, maybe modifying that rule can
14 help us get smaller buildings.

15 MR. COE: Well, that's something that should
16 be looked at.

17 MS. KEON: Wasn't there -- I thought that we
18 were looking at or something was discussed here --
19 was something coming back on the assemblage of lots?

20 MR. RIEL: At a future date, yeah.

21 MS. KEON: But it's not --

22 MR. RIEL: We had something scheduled --
23 well, yeah --

24 MS. KEON: Is it soon or --

25 MR. RIEL: Well, once we get the Zoning Code

1 done, you know --

2 MS. KEON: Because it would be a very good
3 thing to look at when you deal with the assemblage of
4 lots, because I think it is a problem.

5 MR. SALMAN: I think that -- at least I
6 understood, when we approved it --

7 MS. KEON: Yeah.

8 MR. SALMAN: -- that there's going to be
9 some cleanup --

10 MS. KEON: Right.

11 MR. SALMAN: -- and there's going to be some
12 changes, and honestly, nobody ever reads these things
13 until it actually becomes law.

14 MS. KEON: Exactly.

15 MR. SALMAN: And then they realize, "Oh, my
16 God, we split my property in two," and, you know half
17 is CL and half is C, and now they come and pitch a
18 fit for 30 minutes down here, and I understand we
19 want to finish up at nine o'clock, so that's all I'm
20 going to say, except that with regards to this matter
21 before us today, I suggest that we take it to -- I
22 would move that we approve it except for whatever we
23 want to pull out to discuss individually.

24 MS. KEON: I'd like to --

25 CHAIRMAN KORGE: Well, before we --

1 MS. KEON: How do you want to do that? Can
2 you pull out the ones we want to discuss first?

3 CHAIRMAN KORGE: Why don't we discuss
4 everything we want to discuss, and then we'll come to
5 a consensus on everything, and I'm sure Jack will
6 have a motion for us within five minutes.

7 I have one issue that I wanted to discuss,
8 which was the 50 percent FAR calculation on
9 single-family residential garages. That was
10 Cristina's big issue -- or your big issue.

11 MR. SALMAN: Pat's big issue.

12 MS. KEON: And Cristina's.

13 CHAIRMAN KORGE: And Cristina's, both of
14 you.

15 MR. SALMAN: And I helped.

16 MS. KEON: Yes, you did.

17 CHAIRMAN KORGE: And you helped --

18 MS. KEON: Yes.

19 CHAIRMAN KORGE: -- and it was unanimous --

20 MS. KEON: Right.

21 CHAIRMAN KORGE: -- that we approved it.
22 I would suggest that -- you know, the Commission will
23 do whatever it wants to do, but, you know, that was
24 our unanimous consensus.

25 MS. KEON: I also think it's important that

1 it should be noted for the Commission that it wasn't
2 included in the first one because it was
3 inadvertently left out by the Planning Staff.

4 CHAIRMAN KORGE: Right.

5 MR. RIEL: No, no, no, no, no. It was not
6 left out by Planning Staff.

7 MS. KEON: It was voted on and approved and
8 it -- okay, I'm sorry.

9 MR. RIEL: No, no, no, no.

10 MS. KEON: It was inadvertently left out by
11 someone, because it was discussed, it was approved --

12 MR. COE: By unnamed Staff.

13 MS. KEON: -- and went forward without --

14 MR. COE: Nondesigned.

15 MS. KEON: We didn't realize it until after
16 it came back.

17 CHAIRMAN KORGE: Well, the point is --

18 MS. KEON: So for whatever reason, it was
19 approved and it was left out.

20 CHAIRMAN KORGE: The point is that --

21 MS. KEON: And it should be included.

22 MR. RIEL: But just understand, Board
23 Members, that the new language did go, it was
24 considered as part of the 17th, and that's the
25 direction they gave on it. I'm just reporting to

1 you.

2 CHAIRMAN KORGE: No, we understand that.
3 What I think -- what I'm trying to say is that, if we
4 have a motion to approve everything, with maybe some
5 changes, that one of the changes would be, we like
6 what we had originally done, and the Commission is
7 going to do whatever it wants to do.

8 MR. RIEL: Sure.

9 CHAIRMAN KORGE: The other issue that --

10 MR. COE: By the way, Mr. Chairman, my
11 motion, which has not been seconded yet, is subject
12 to amendment. It was not designed not to be amended.

13 CHAIRMAN KORGE: I understand. I
14 understand. Let me -- the other issue that -- then
15 we can bring this all to a head -- that I have, that
16 I'd like to just mention, is the height of the --
17 that you brought up and showed us, of the houses on
18 Segovia, the duplex housing, and I mean, personally,
19 I didn't have a problem with the original height of
20 34 feet. I don't know whether there's any consensus
21 on the Board on that now, but that was the other
22 issue.

23 So why don't we -- why don't you -- your
24 motion was to approve as recommended, everything, and
25 are there any amendments? I think we've discussed

1 all the issues. Yes?

2 MS. HERNANDEZ: Has there been a second to
3 Mr. Coe's motion?

4 MR. COE: No, there has not been a second.

5 CHAIRMAN KORGE: There's not been a second.

6 MR. SALMAN: I'll second.

7 CHAIRMAN KORGE: He's got a second.

8 MR. COE: Now we have a second. Now the
9 motion is --

10 MS. HERNANDEZ: Now we have a second. Now
11 we do amendments.

12 CHAIRMAN KORGE: Now, are there any proposed
13 amendments to that?

14 MS. KEON: I would like that this 4-6 under
15 the Article 4 be -- the recommendation is that it be
16 included as it was on -- when it went back to the
17 Commission, with an explanation that it was
18 inadvertently left out by -- in some fashion.

19 CHAIRMAN KORGE: Okay. Is that -- would
20 that be acceptable, as a friendly amendment?

21 MR. COE: Sure. I have no problem.

22 CHAIRMAN KORGE: Okay, that's accepted as a
23 friendly amendment. Are there any other --

24 MR. AIZENSTAT: And to pull out 4-52 for
25 further study and to see how that relates to

1 development.

2 CHAIRMAN KORGE: Well, we're not pulling it
3 out.

4 MR. RIEL: No, no, no.

5 MR. AIZENSTAT: Then how are you going to --

6 MR. COE: You don't want to pull it out. If
7 you vote on it, we can amend it later on.

8 MR. AIZENSTAT: But how do you pass it --
9 Aren't you passing this over to the Commission?

10 MR. COE: Yes.

11 CHAIRMAN KORGE: Yes.

12 MR. AIZENSTAT: Then how --

13 CHAIRMAN KORGE: It's in the Code. It's in
14 the existing Code. We're not changing it.

15 MR. COE: Exactly. This is a follow-up of
16 the existing Code. Now, you want to change the
17 existing Code. That's fine. So you --

18 MR. AIZENSTAT: To look at 10,000 square
19 feet as opposed to 20,000 square feet.

20 CHAIRMAN KORGE: They're going to look at
21 it. They are going to look at it.

22 MS. KEON: We're going to recommend 10,000,
23 send that up.

24 MR. SALMAN: We need a Code to be able to
25 change it, so let's let it go forward.

1 MR. AIZENSTAT: But we're recommending
2 10,000 square feet without really having Staff look
3 at it.

4 MR. BEHAR: No.

5 MR. COE: We're recommending 20,000.

6 MR. BEHAR: We're recommending 20.

7 MR. SALMAN: Twenty, and then they're
8 (inaudible).

9 MR. AIZENSTAT: That's what I'm saying. So
10 how do you recommend 20,000 or 10,000?

11 MR. COE: To see if we go down to 10,000,
12 as well.

13 MR. RIEL: I'm lost here.

14 CHAIRMAN KORGE: Let me see if I can explain
15 it.

16 MR. RIEL: The Code has 20 --

17 CHAIRMAN KORGE: We've got 20,000 in the
18 existing Code.

19 MR. AIZENSTAT: Right.

20 MR. RIEL: Correct.

21 CHAIRMAN KORGE: The alternative, 10,000,
22 though attractive to us, needs further study.

23 MR. AIZENSTAT: Correct.

24 CHAIRMAN KORGE: So what we're recommending
25 to the Commission is to stick with the 20,000-

1 square-foot requirement for the time being and for
2 further study to be given to the possibility of
3 10,000, to be brought to us at a future workshop.

4 MR. AIZENSTAT: And this will be done before
5 second reading, or it will come back to us?

6 MR. RIEL: No.

7 CHAIRMAN KORGE: No, it's going to come back
8 to us.

9 MR. AIZENSTAT: Okay. So It will be done
10 and then the Commission will take a look --

11 MR. RIEL: It will be done outside of this
12 process.

13 CHAIRMAN KORGE: Outside of this process.

14 MR. AIZENSTAT: Okay. That's fine. That's
15 fine.

16 CHAIRMAN KORGE: Yeah. Okay?

17 MR. COE: At some point in the future, it
18 will be done.

19 MS. HERNANDEZ: It's coming back to this
20 Board.

21 MR. AIZENSTAT: But it will be looked at, is
22 what I --

23 MR. BEHAR: Within the next five years?

24 MS. HERNANDEZ: We're presuming --

25 MR. COE: Presumably in the next five, six

1 months, I would think.

2 MS. HERNANDEZ: Yes, we're presuming much
3 less time.

4 MR. COE: Five or six months, I would
5 imagine.

6 MR. RIEL: Sure.

7 CHAIRMAN KORGE: So right now, we have just
8 the one friendly amendment, Item 4-6, to stick with
9 what we had originally proposed.

10 MR. RIEL: Okay.

11 MR. COE: Yes.

12 CHAIRMAN KORGE: And were there any other
13 amendments proposed?

14 Yeah, go ahead, Pat.

15 MS. KEON: I have one question, too, with
16 regard to the townhouses and their facing the public
17 street, and the only reason that I have a concern
18 about that is that I thought that when the -- because
19 of the setback issue only, is that I thought that
20 when that ordinance was written and there were no
21 setbacks, it was because it was facing the street, so
22 that you had, you know, a stoop facing the street.
23 If you don't have to do that anymore, I am concerned
24 that you will have walls on the street. That's what
25 I --

1 MR. BEHAR: You don't necessarily have to
2 have the doors on the street.

3 MR. RIEL: No, let me --

4 MS. KEON: No, but what I'm saying is --

5 MR. RIEL: Let me clarify. The MF2 allows
6 town homes, but it's subject to the regular apartment
7 condominium building setbacks. The MFSA allows
8 townhouses and allows the relaxation of the setbacks.
9 That's the only district that allows relaxation of
10 the setbacks. So you can do a townhouse in an MF2
11 district right now, or whatever --

12 MS. KEON: Right. Right.

13 MR. RIEL: -- but it has to comply with all
14 the same setbacks an apartment building does. So
15 there's not any, you know, incentive.

16 MS. KEON: Okay, but there are districts,
17 you're saying, though, where you --

18 MR. RIEL: MFSA is very limited, in terms of
19 its area. It's only up by Valencia and down by the
20 Youth Center.

21 MS. KEON: Okay, so your belief -- that's
22 all I'm asking. I'm asking that you believe, then,
23 that it's limited enough that it's not an issue.

24 MR. RIEL: Previously, the MFSA was from
25 Biltmore all the way down to, I guess, Bird or --

1 MS. KEON: Okay.

2 MR. RIEL: And then LeJeune. It was larger
3 area. Now it's not. It's been more focused into an
4 MFSA area. So it's much more limited in size.

5 MS. KEON: Okay, and that's what I'm asking.
6 Do you believe that it's limited enough in size that
7 not having the setback is not an issue?

8 MR. RIEL: Yes. At this point, yes, until
9 we do further study.

10 MS. KEON: Okay.

11 MR. RIEL: I mean, we need to look at the
12 townhouse issue in general.

13 MS. KEON: Okay. That's all I asked.

14 MR. SALMAN: And to that end, I'd like to
15 add my concern that when we're looking at a 16-foot
16 width for a townhouse and it's not necessarily facing
17 the street in a row house fashion, the problem is one
18 of definition.

19 MR. RIEL: Yeah.

20 MR. SALMAN: And that's what's really
21 troubling me. So my problem is really with the
22 width. If we're going to let it go the way it is, it
23 needs to be 23. If we want it at 16, we're going to
24 have to do some more study.

25 MR. RIEL: We'll study it either way, so --

1 MR. SALMAN: But I cannot go with Staff's
2 recommendation of 16 foot as being allowable.

3 MR. RIEL: And just so you understand, we
4 did discuss this issue --

5 MR. SALMAN: And when we discussed it, we
6 were going to be bringing it back --

7 MR. RIEL: Right.

8 MR. SALMAN: -- for further review.

9 MR. RIEL: Right.

10 MR. SALMAN: And I think Mr. Bellin was
11 here and so was Fernando, and they were going to both
12 hash it out in front of us and we'd figure out what
13 the heck they were talking about and there was even
14 promises of models and renderings, but that never
15 happened, at least not when I was here.

16 MR. RIEL: Correct.

17 MR. SALMAN: So that this issue sort of went
18 through the system without proper analysis and review
19 as to what the implications are. If the point is
20 that, you know, the townhouses that we're allowing
21 were really row houses by definition, and we're
22 letting townhouses exist in the form of row houses as
23 well as garden courtyard townhouses, true townhouses
24 versus row houses, well, that definition needs to
25 be --

1 MS. KEON: Right.

2 MR. SALMAN: -- clarified. The implications
3 are important.

4 MR. RIEL: I understand.

5 MR. SALMAN: The side of a building facing
6 the street is not the door. Okay?

7 MR. RIEL: I understand.

8 MR. SALMAN: Bathroom windows facing the
9 street is not necessarily what we want to see.

10 MS. KEON: No, it's not the stoop or the
11 steps --

12 MR. RIEL: I mean, there are --

13 MR. SALMAN: There are --

14 MS. KEON: -- so I have a problem with that.

15 MR. RIEL: There's two options --

16 MR. SALMAN: I don't think that they can't
17 coexist.

18 MS. KEON: No, but --

19 MR. SALMAN: And I don't think that either
20 model is right or wrong.

21 MR. RIEL: Right.

22 MR. SALMAN: But the implications of what
23 we're doing, when one model is being used to develop
24 another, may result in an unintended consequence that
25 we don't like.

1 MR. BEHAR: I may not always be right, but
2 I'm never wrong.

3 MR. SALMAN: Huh?

4 MR. BEHAR: I may not always be right, but
5 I'm never wrong. Never mind.

6 MS. HERNANDEZ: It's late.

7 MR. SALMAN: I'm tired. So my vote is that
8 we reduce this to -- that we increase this to the
9 23-foot width.

10 MR. COE: This is an amendment?

11 MR. SALMAN: This is an amendment.

12 CHAIRMAN KORGE: Is that acceptable to you
13 as a friendly amendment?

14 MR. COE: No.

15 CHAIRMAN KORGE: No, it's not. Is there a
16 second on that amendment?

17 MS. KEON: I'd like to see it take -- I
18 mean, I'd like to not deal with townhouses until you
19 can deal with them. I mean, I don't know that you
20 take it out, you don't accept applications for it. I
21 don't know what you do, but this is an issue that is
22 truly problematic, and I -- you know, you don't --
23 you know, you can understand his desire for the 16,
24 to allow flexibility, but you're saying no because of
25 some unintended consequence. So it's -- you know,

1 you're making recommendations that are not really
2 designed to fix the problem that exists, and the
3 problem is the definition of a townhouse as it's used
4 in this Code.

5 So I think you have to -- if you're going to
6 define it as a row house --

7 MS. HERNANDEZ: Now.

8 MS. KEON: -- now, and you say it's a row
9 house and you change that definition or, you know,
10 you don't allow them to continue to make application
11 for it when you don't know what it is. I mean, how
12 do you do that?

13 MR. RIEL: Well, there's two options.
14 Either you make it a row house or you allow other
15 building -- townhouse typologies.

16 MS. KEON: Under the condition -- under the
17 ordinance that was written, is it a row house,
18 Javier? Is it a row house?

19 MR. BEHAR: I believe so.

20 MS. KEON: Is it a row house?

21 MR. SALMAN: I'm Javier.

22 MS. KEON: I'm sorry --

23 MR. BEHAR: That's okay, I understood what
24 she --

25 MS. KEON: -- Robert.

1 Javier, is it a row house?

2 MR. SALMAN: The way it's written, it's a
3 row house.

4 MS. KEON: Is the way it's written a row
5 house?

6 CHAIRMAN KORGE: Yes.

7 MR. COE: We all agree it's a row house.

8 MS. KEON: Then change it to row house.

9 MR. RIEL: That's fine. Certainly we have a
10 definition --

11 MS. KEON: And the definition of a row
12 house.

13 MR. RIEL: We have a definition of a row
14 house.

15 MS. KEON: Okay. A row house, and a row
16 house -- it faces the street --

17 CHAIRMAN KORGE: Do you like that?

18 MR. COE: I don't like that.

19 MS. KEON: -- is that right?

20 MR. RIEL: Yes.

21 MS. KEON: Can we make that --

22 MR. COE: That's maybe your definition of a
23 row house.

24 CHAIRMAN KORGE: Is that a motion that would
25 be out of order at this time?

1 MR. RIEL: I would ask for you to give us a
2 motion on that, if that's your intent.

3 MR. COE: I'm not so sure that I'll accept
4 that as -- if that's going to be an amendment, I'm
5 not sure that is a legal definition of a row house.
6 The Code is a legal document. I'm going to defer to
7 the City Attorney, but I am uncomfortable --

8 MS. HERNANDEZ: I -- I --

9 MR. COE: -- with this definition, at this
10 eleventh hour, about what a row house is.

11 MS. HERNANDEZ: I am not an expert on row
12 houses or town -- so I would --

13 MR. COE: I'm not so sure it's a legal
14 definition.

15 MS. KEON: I don't think a townhouse is
16 probably a legal definition, either. I think it's a
17 typology that's probably described in the
18 architectural literature that's commonly accepted.

19 MR. COE: Row houses --

20 MS. KEON: I think that that's probably what
21 it is.

22 MR. COE: Row houses do have a legal
23 definition. You see, row houses is a unique kind of
24 thing, and it's -- I'm leery about doing that. I
25 don't think it needs to be defined.

1 CHAIRMAN KORGE: Well, the point, as I
2 understand it, is that when we created all the
3 regulations relating to, quote, townhouses, unquote,
4 we were making regulations that were very specific to
5 a particular type of townhouse, that being
6 generically referred to as the row house.

7 MR. BEHAR: What does Dennis --
8 What's your interpretation, Dennis?

9 MR. COE: Wake up, Dennis.

10 MS. HERNANDEZ: That it's ten till 9:00.

11 MR. COE: Wake up, Dennis.

12 MR. BEHAR: No, eight minutes. I'll be two
13 minutes.

14 MS. KEON: It's the only issue left.

15 MR. SMITH: What's your question?

16 MS. HERNANDEZ: Row house versus townhouse.

17 MR. BEHAR: Row house or townhouse, what is
18 your interpretation, based on the present --

19 MS. HERNANDEZ: Ordinance.

20 MR. BEHAR: -- ordinance?

21 MR. SMITH: A townhouse.

22 MR. COE: A townhouse?

23 MR. SMITH: Absolutely.

24 MR. COE: Sure.

25 MR. RIEL: And that townhouse does not face

1 the street, does not need to face the street,
2 correct?

3 MR. SMITH: Each unit doesn't have to face
4 the street, but the townhouse building does, and it
5 does, and it enters from the ground floor. It
6 faces --

7 MS. KEON: Oh, Dennis.

8 CHAIRMAN KORGE: Let me restate the
9 question.

10 MR. SMITH: It complies with --

11 MS. KEON: How would some --

12 MR. SMITH: -- the definition that is in the
13 Code right now.

14 CHAIRMAN KORGE: Well, no, that wasn't the
15 question.

16 MS. KEON: Dennis, how would some portion of
17 the building not face the street?

18 CHAIRMAN KORGE: The question --

19 MR. SALMAN: The back.

20 CHAIRMAN KORGE: Dennis, the question is
21 whether the existing regulations that are applied to
22 townhouse that we've written were meant to apply to a
23 particular type of townhouse called row houses, or
24 were they meant to apply to other variations of
25 townhouses?

1 (Simultaneous discussion between Mr. Behar,
2 Mr. Salman and Ms. Keon)

3 MR. SMITH: I think they were probably meant
4 to apply to row houses, but the definition was a
5 little bit more broad and clearly allows the --

6 CHAIRMAN KORGE: So, I understand that, but
7 should we then --

8 MR. SMITH: -- seating to not be in a row.

9 CHAIRMAN KORGE: The question is, should we
10 refocus the definition to fit what we were -- what
11 the regulations were drafted to encompass, or should
12 we just allow the broader definition to allow --
13 permit people to use these town home regulations to
14 create other types of townhouses that were not
15 contemplated by the regulations we -- and
16 restrictions we adopted?

17 MR. SMITH: That, I don't know, because
18 that, I thought you were going to come back and do at
19 a later time, when you looked at townhouses in
20 general.

21 CHAIRMAN KORGE: Right.

22 MS. HERNANDEZ: Okay.

23 MR. BEHAR: The last friendly amendment I'd
24 like to --

25 MR. COE: We have one amendment. This is

1 now amendment two.

2 CHAIRMAN KORGE: We've got one amendment.

3 MR. COE: This is now amendment two.

4 CHAIRMAN KORGE: We had a proposed second
5 amendment that --

6 MR. SALMAN: It looks like it died.

7 MR. COE: That died.

8 CHAIRMAN KORGE: That died. There was no
9 second to that.

10 MS. HERNANDEZ: But we like you, anyway.

11 MR. SALMAN: She seconded it, but that's not
12 going to pass.

13 CHAIRMAN KORGE: Well, no, if she seconded
14 it, it's an amendment.

15 Have you seconded his --

16 MS. KEON: I second his amendment that it be
17 called a row house. Is that what we -- no?

18 CHAIRMAN KORGE: No, his amendment was that
19 it be 23 feet.

20 MS. KEON: Oh, the 23 feet.

21 MR. SALMAN: The 23-foot width.

22 MS. KEON: Right, but I think, through
23 discussion, I think it's agreed that you're going
24 through the back door to correct something that, you
25 know, isn't -- it's not --

1 CHAIRMAN KORGE: Well, if you don't want
2 to --

3 MS. KEON: -- what you want it to be.

4 CHAIRMAN KORGE: You don't have to explain
5 why you don't want to second it.

6 MS. KEON: Well, that's not --

7 MR. SALMAN: There's no second and it died,
8 there.

9 MR. COE: It died. Let's move on.

10 MS. KEON: Okay.

11 MR. SALMAN: Next.

12 MR. COE: Now we're going to have a second
13 amendment, right?

14 CHAIRMAN KORGE: What amendment do you --

15 MR. BEHAR: No, this is different. It's not
16 to do with town homes.

17 CHAIRMAN KORGE: That's okay, whatever it
18 is.

19 MR. BEHAR: The last one is the --

20 MR. COE: We have six minutes to approve
21 it.

22 MR. BEHAR: The -- where the FAR is not
23 related to density but only to height. I think
24 that --

25 CHAIRMAN KORGE: Specifically refer to the

1 section.

2 MR. BEHAR: Section 4-14, Article 4 -- well,
3 it's 4-14, Article 4, where the FAR of the
4 building --

5 CHAIRMAN KORGE: Page 4-14?

6 MR. BEHAR: Page 4-14.

7 MR. SALMAN: That was defined for us by
8 Staff, that that's exactly the intent.

9 MR. BEHAR: But I think in the Code it says
10 that, right?

11 MR. RIEL: It's in the Comp Plan right now.
12 That would require a change to the Comp Plan.

13 MR. COE: Yes.

14 MR. RIEL: The Comp Plan has density
15 limitations in it.

16 MS. HERNANDEZ: Right.

17 MR. RIEL: Units per acre, and it allows for
18 density bonuses for Mediterranean bonus. We're just
19 merely taking that language and putting it in the
20 Code, to make sure people are aware of it.

21 CHAIRMAN KORGE: It's probably out of
22 order.

23 MR. BEHAR: Okay.

24 CHAIRMAN KORGE: Any more amendments?

25 MS. KEON: I'll make an amendment that the

1 townhouses under the current -- under the ordinance
2 as it is currently written be required to face the
3 public street, the front door be required to face the
4 public street.

5 CHAIRMAN KORGE: The front door of each
6 residence?

7 MS. KEON: Every unit. Every unit be
8 required to face the street, as it is currently
9 written.

10 CHAIRMAN KORGE: Is there a second for
11 that -- that amendment?

12 MS. KEON: That's all right.

13 MR. SALMAN: Sorry.

14 MS. KEON: That's okay.

15 CHAIRMAN KORGE: No second? Then that dies
16 for a lack of a second. Any more --

17 MR. SALMAN: I'm almost afraid to touch it,
18 but I'm going to give it one more shot.

19 MS. KEON: Go ahead.

20 MR. SALMAN: Leave it at 16 feet -- for a
21 point of clarification, just for a point of
22 clarification --

23 MR. COE: This is an amendment or a
24 clarification?

25 MR. SALMAN: If you're doing it -- no,

1 before I do the amendment, I don't want to be in
2 variance with what we're proposing and what we've
3 already got down. If the townhouses are 16 feet, do
4 they still have to comply with the setback
5 requirement along the street?

6 MR. RIEL: In the MF2, yes. Yeah, yes.

7 MR. COE: Of course, they would have to.

8 MR. SALMAN: So you still have 25 feet --

9 MR. RIEL: Yes, MFSA is 10 feet --

10 MR. COE: They would have to, sure.

11 MR. RIEL: -- and MF2 is 20 feet.

12 MR. COE: Yes.

13 MS. KEON: But not in the other districts?

14 MR. RIEL: No, MFSA is 10. There's a
15 reduced setback.

16 MR. SALMAN: MFSA.

17 MR. RIEL: MFSA is 10.

18 MR. SALMAN: But under the MFSA, can they
19 put the side of a building within 10 feet of the
20 street?

21 MR. RIEL: I think it's zero.

22 MR. SALMAN: Zero?

23 MR. RIEL: Yeah.

24 MR. SALMAN: That's what kills me, see?

25 MS. KEON: Yeah.

1 MR. SALMAN: Because then we have the side
2 of a building at zero to the property line.

3 MS. KEON: Right.

4 MR. SALMAN: And I think that where -- and I
5 don't object to -- okay, I'm not going to object to
6 the 16 feet. I agree that that's fine --

7 MR. RIEL: It's 10 feet --

8 MR. SALMAN: -- but it's the side
9 elevation --

10 MR. COE: Is this an amendment or an
11 objection?

12 MR. SALMAN: I want to discuss it and then
13 it will turn into an amendment real fast. Okay,
14 where the front, the part that faces the public
15 right-of-way, is within 10 feet, it needs to be
16 articulated as the front of a building, so that it is
17 not at variance with adjacent row houses.

18 CHAIRMAN KORGE: So a corner lot?

19 MR. SALMAN: A corner lot would have a front
20 on one side of the right-of-way or the other.

21 CHAIRMAN KORGE: Which one would it be on?

22 MS. HERNANDEZ: It depends.

23 MR. SALMAN: You know, the corner is beyond
24 my ability to think at this time. But it obviously
25 would require, by definition of a corner, as an odd

1 condition, and it's an automatic hardship, so you
2 would get a variance. All right?

3 MR. COE: I think you should say your
4 amendment.

5 MS. KEON: Okay.

6 MR. SALMAN: So my amendment would be that
7 we leave it as it is, and only add the wording that
8 says where a townhouse development is within the MSA
9 setback, that that facade adjacent to a public
10 right-of-way be treated as a front facade and
11 entrance to the building.

12 Is that acceptable to my colleague in the
13 architecture business?

14 MR. BEHAR: Absolutely, yes.

15 MS. KEON: I'll second that.

16 MR. BEHAR: At this time, absolutely.

17 MS. KEON: I'll second it.

18 MR. SALMAN: And she'll second it. Do you
19 approve it?

20 MR. BEHAR: Yes.

21 MR. SALMAN: Do you take it?

22 MR. COE: Uh --

23 MR. SALMAN: Now reword it and fix it.

24 MR. RIEL: I need to understand it
25 first, and we're going to need to --

1 MR. COE: I don't quite -- yeah.

2 CHAIRMAN KORGE: I don't understand it,
3 either.

4 MR. COE: I don't quite understand what
5 you're saying.

6 MR. SALMAN: Here.

7 MR. COE: It's certainly not a legal issue.

8 MR. SALMAN: And I'm going to use your
9 sketch, where you've got -- Here's the right-of-way,
10 okay? Here are your units. This is technically the
11 side of the unit. If they're within the MSA setback,
12 because they're going to sneak into the MSA --

13 MR. RIEL: Okay.

14 MR. SALMAN: -- okay, that facade needs to
15 be articulated as the front of the building.

16 MR. RIEL: Front, so it would be 10 feet, a
17 10-foot setback. Okay.

18 MR. BEHAR: That unit has to front the
19 street.

20 MR. SALMAN: Has to front the street.

21 MR. RIEL: Oh, has to front the street.

22 MR. COE: Now that I understand it --

23 MS. KEON: Yes.

24 MR. COE: Javier, now that I understand what
25 you want to amend, I'll accept that amendment.

1 MR. SALMAN: All right?

2 MS. HERNANDEZ: Okay, he's accepted it.

3 MS. KEON: Yes.

4 MR. COE: I've accepted that amendment.
5 That's fine.

6 CHAIRMAN KORGE: You want the end units
7 to --

8 MR. SALMAN: The end units that face the
9 street to have a front door on them.

10 CHAIRMAN KORGE: Of course.

11 MR. SALMAN: Okay? Not of course. Right
12 now --

13 MS. KEON: Yes.

14 MR. SALMAN: -- it's optional.

15 CHAIRMAN KORGE: Oh, really?

16 MR. SALMAN: Oh, yes.

17 MS. KEON: Yes.

18 MR. COE: That's fine. I have no problem
19 with that.

20 MS. KEON: Call the question.

21 MR. COE: See, Mr. Chairman, if there's any
22 more amendments before we call the roll.

23 CHAIRMAN KORGE: So you accept that as a
24 friendly amendment?

25 MR. COE: I accept that as a friendly

1 amendment, yes.

2 MR. RIEL: Let me just make sure. The unit
3 fronting -- unit or units fronting the street --

4 MR. COE: It makes perfect sense.

5 MR. RIEL: -- should have their door facing
6 that street?

7 MR. SALMAN: Correct.

8 MR. COE: Yeah, that's fine.

9 MS. KEON: Yes.

10 MR. RIEL: Okay. Thank you. I just want to
11 make sure.

12 MS. KEON: And I will --

13 MR. SALMAN: There's another way around it.

14 MS. KEON: And I second. Very good.

15 CHAIRMAN KORGE: Any more --

16 MS. KEON: No.

17 CHAIRMAN KORGE: No more amendments.

18 We have two amendments that have been
19 accepted. The first is the 50 percent FAR
20 calculation on single-family residential garages that
21 are set back from the back of the property, and the
22 second was the units, townhouse units, facing the
23 street have to have the doors facing the street.

24 MR. BEHAR: And we're going to revisit the
25 10,000 square foot lot --

1 MR. COE: No, that's not part of this.

2 MR. SALMAN: No, no, that's not part of this
3 amendment. That's just on a separate --

4 CHAIRMAN KORGE: That's not part of this,
5 but it will be brought back for us. They're going to
6 revisit that.

7 MS. HERNANDEZ: They've already been
8 instructed to do that.

9 MR. COE: Those are the only two amendments,
10 and at that point, Mr. Chairman, I call the question,
11 considering it is one minute to 9:00, for our
12 automatic adjournment, pursuant to Code.

13 CHAIRMAN KORGE: Okay, any further
14 discussion?

15 MS. HERNANDEZ: Don't you love me for that?

16 CHAIRMAN KORGE: The question has been
17 called.

18 MR. COE: Yes.

19 CHAIRMAN KORGE: No further discussion?

20 MR. RIEL: I just want to make sure that
21 includes everything that was in column -- the
22 Planning Department's --

23 MR. COE: It is everything.

24 MR. RIEL: Okay.

25 MR. COE: That was my motion, everything.

1 MR. RIEL: Okay, thank you.

2 CHAIRMAN KORGE: Call the roll, please.

3 MS. MENENDEZ-DURAN: Javier Salman?

4 MR. SALMAN: Yes.

5 MS. MENENDEZ-DURAN: Eibi Aizenstat?

6 MR. AIZENSTAT: Yes.

7 MS. MENENDEZ-DURAN: Robert Behar?

8 MR. BEHAR: Yes.

9 MS. MENENDEZ-DURAN: Jack Coe?

10 MR. COE: Yes.

11 MS. MENENDEZ-DURAN: Pat Keon?

12 MS. KEON: Yes.

13 MS. MENENDEZ-DURAN: Tom Korge?

14 CHAIRMAN KORGE: Yes.

15 MR. COE: Move adjournment, Mr. Chairman.

16 MS. KEON: Wait. Can we make another

17 motion? I mean, I really agree with Robert that that

18 issue of that 10,000 should come back like right

19 away --

20 MR. AIZENSTAT: It's a concern.

21 MS. KEON: -- and not like later.

22 MR. BEHAR: I really -- to me --

23 MS. KEON: Can we make a recommendation that

24 it come back -- well, how soon do you want it -- I

25 mean, that it come back at --

1 MR. BEHAR: Not at the next meeting, but --

2 MR. RIEL: No. I will tell you, the

3 next --

4 MR. BEHAR: Two meetings from now?

5 MS. KEON: Before the end of the year.

6 CHAIRMAN KORGE: The meeting isn't adjourned

7 yet. Let's -- Eric?

8 MR. RIEL: My concern is, there's the North

9 Ponce study that has been done, that we need to

10 proceed --

11 CHAIRMAN KORGE: Please -- our meeting isn't

12 quite adjourned yet.

13 MR. RIEL: We need to bring the North Ponce

14 study back. That is the first priority. If I

15 interject another study in there, that further delays

16 that, and that concerns me, because I'm getting a lot

17 of --

18 MR. BEHAR: How long do you need to bring

19 that back?

20 MR. RIEL: I would need to look at --

21 MR. BEHAR: 60 days?

22 MR. RIEL: No. I would need to look at --

23 CHAIRMAN KORGE: Why don't you let us know

24 at the next meeting?

25 MR. RIEL: I'll let you know. I'll let you

1 know. Let me do that.

2 (Simultaneous comments by Board members)

3 MS. KEON: I would -- can we --

4 MR. SALMAN: If you want to put it in the
5 form of a motion --

6 MS. KEON: I would like to make a motion
7 that it come back to us within 120 days.

8 MR. BEHAR: I second that motion.

9 MR. COE: How many days?

10 MR. BEHAR: 120.

11 CHAIRMAN KORGE: The meeting hasn't
12 adjourned. I'm sorry --

13 MS. KEON: It hasn't been adjourned. Don't
14 go.

15 CHAIRMAN KORGE: I haven't adjourned the
16 meeting yet.

17 MR. COE: Okay.

18 MS. KEON: It will come back within --

19 MR. COE: The meeting is automatically
20 adjourned. We didn't extend it.

21 MR. BEHAR: No, we're still voting.

22 MR. COE: It's after nine o'clock.

23 CHAIRMAN KORGE: I don't care. We
24 haven't -- Please sit down.

25 MR. COE: You can't conduct a legal meeting.

1 CHAIRMAN KORGE: Let's finish this up.
2 There's a motion on the table that it be brought back
3 within 120 days.

4 MR. BEHAR: There was a second. I seconded.

5 CHAIRMAN KORGE: There was a second. Is
6 there any discussion on that motion?

7 There's no discussion. Will you call the
8 roll, please?

9 MS. MENENDEZ-DURAN: Eibi Aizenstat?

10 MR. AIZENSTAT: Yes.

11 MS. MENENDEZ-DURAN: Robert Behar?

12 MR. BEHAR: Yes.

13 MS. MENENDEZ-DURAN: Jack Coe?

14 MR. COE: No.

15 MS. MENENDEZ-DURAN: Pat Keon?

16 MS. KEON: Yes.

17 MS. MENENDEZ-DURAN: Javier Salman?

18 MR. SALMAN: Yes.

19 MS. MENENDEZ-DURAN: Tom Korge?

20 CHAIRMAN KORGE: Yes, with the understanding
21 that you can come back if you don't --

22 MS. KEON: Well, you can come back and
23 whatever, but --

24 MR. RIEL: I'll let you know.

25 MS. KEON: But that it's not --

1 MS. HERNANDEZ: Are we adjourned?

2 MS. KEON: Yes.

3 CHAIRMAN KORGE: We're adjourned.

4 (Thereupon, the meeting was adjourned at
5 9:03 p.m.)

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