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CITY OF CORAL GABLES
PLANNING AND ZONING BOARD MEETING
VERBATIM TRANSCRIPT

CORAL GABLES CITY COMMISSION CHAMBERS
405 BILTMORE WAY, CORAL GABLES
MAY 11, 2005, 6:15 P.M.

Board Members Present:

F. Michael Steffens, Vice-Chair
Eibi Aizenstat
Pat Keon
Tom Korge
William Mayville
Michael R. Tein

City Staff:

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

Also participating:

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1 THEREUPON:

2 The following proceedings were had:

3 MR. STEFFENS: I'd like to call the
4 Planning & Zoning Board meeting of Wednesday,
5 May 11th to order.

6 Can I have a roll call, please?

7 MS. MENENDEZ-DURAN: Eibi Aizenstat?

8 MR. AIZENSTAT: Present.

9 MS. MENENDEZ-DURAN: Pat Keon?

10 MS. KEON: Present.

11 MS. MENENDEZ-DURAN: Tom Korge?

12 MR. KORGE: Here.

13 MS. MENENDEZ-DURAN: Bill Mayville?

14 MR. MAYVILLE: Here.

15 MS. MENENDEZ-DURAN: Michael Tein?

16 MR. TEIN: Present.

17 MS. MENENDEZ-DURAN: Michael Steffens?

18 MR. STEFFENS: Here.

19 MS. MENENDEZ-DURAN: Cristina Moreno?

20 MR. STEFFENS: I would like to see if
21 there's a motion to approve the meetings (sic) of the
22 meeting of April 13th.

23 MR. MAYVILLE: I so move.

24 MR. KORGE: Second.

25 MR. STEFFENS: Are there any comments on the

1 minutes as presented?

2 Can I have a motion -- I'm sorry, a roll
3 call on the minutes?

4 MS. MENENDEZ-DURAN: Pat Keon?

5 MS. KEON: Yes.

6 MS. MENENDEZ-DURAN: Tom Korge?

7 MR. KORGE: Yes.

8 MS. MENENDEZ-DURAN: Bill Mayville?

9 MR. MAYVILLE: Yes.

10 MS. MENENDEZ-DURAN: Michael Tein?

11 MR. TEIN: Yes.

12 MS. MENENDEZ-DURAN: Eibi Aizenstat?

13 MR. AIZENSTAT: Yes.

14 MS. MENENDEZ-DURAN: Michael Steffens?

15 MR. STEFFENS: Yes.

16 Eric, are there any changes to the agenda?

17 MR. RIEL: No, there's not.

18 MR. STEFFENS: I just want to let everybody
19 in the audience know, those that are here for the
20 North Ponce de Leon Neighborhood hearing, that we
21 have a time certain, a time certain of that portion
22 of this meeting, at seven o'clock. We may finish --
23 we may finish the first portion of this meeting early
24 and start that early, but we will get to the North
25 Ponce item at approximately seven o'clock this

1 evening.

2 Can we have the first item on the agenda?

3 MR. CARLSON: Good evening, Mr. Chairman and
4 Members of the Board.

5 For the record, I am Walter Carlson, with
6 the Planning Department. I'd like to give you a
7 brief PowerPoint presentation on this, and then open
8 it up to the applicant to make a further presentation
9 and answer any questions you may have.

10 MS. HERNANDEZ: Michael? Michael?

11 MR. AIZENSTAT: Do you plan to swear them?

12 MS. HERNANDEZ: Swear in everybody who wants
13 to speak.

14 MR. STEFFENS: Now?

15 MS. HERNANDEZ: Yes, because he has to be
16 sworn in, too.

17 MR. STEFFENS: He does?

18 MS. HERNANDEZ: Yes.

19 MR. STEFFENS: Oh. Can we go ahead and
20 swear everybody in that's going to give any testimony
21 or speak today? Anyone in the audience that's going
22 to speak, if you would please rise.

23 MS. HERNANDEZ: This is on the building site
24 separation.

25 MR. STEFFENS: On any of the issues that are

1 coming before us this evening.

2 (Thereupon, all who were to speak were duly
3 sworn by the court reporter.)

4 MR. STEFFENS: Thank you.

5 MR. CARLSON: With that taken care of, I'd
6 like to begin. We call this application 5705 Riviera
7 Drive. This property is located on Riviera Drive, on
8 South Riviera Drive, for your reference, south of
9 U.S. 1, in between U.S. 1 and Hardee. It's in
10 between those two intersections.

11 The request itself is consideration of a
12 building site separation in accordance with Section
13 12-5 of the Zoning Code. In summary, this proposal
14 requests the separation of the building's single
15 building -- the property's single building site into
16 two building sites for single-family residences.

17 One of the residences -- or, excuse me, one
18 building site and the property's an existing
19 residence would face onto Riviera Drive, and the
20 second proposed building site and a new residence
21 would face onto San Vicente Street. Let me show you,
22 graphically, that application.

23 This is the subject property. It's
24 comprised of six platted lots. There's one house on
25 the property. This is one building site. The

1 existing house is shown in blue.

2 The proposal is to take three -- these three
3 building platted lots and create one building site
4 out of that, the existing residence to face onto
5 Riviera Drive, and a second building site, which
6 would consist of these three platted lots, which
7 would face onto San Vicente Street.

8 The property, as I just explained, consists
9 of six platted lots and is approximately three
10 quarters acre in size. The property has two facings,
11 150-foot frontage facing onto Riviera Drive, and
12 150-foot frontage facing onto San Vicente Street. An
13 existing one-story, 3,800 square foot single-family
14 residence, which was constructed in 1950, faces onto
15 Riviera Drive.

16 The City's Historic Resources Department has
17 reviewed this application and has determined that the
18 existing residence does not have any historic
19 significance.

20 A swimming pool and a portion of the
21 residence's garage is located on the proposed
22 building site.

23 An asphalt driveway, which previously
24 encroached onto the proposed building site, has
25 already been removed from the property.

1 A Declaration of Restrictive Covenant was
2 recorded in 1959, and that restrictive covenant was
3 for the construction of a screen enclosure over the
4 swimming pool. That screen enclosure has already
5 been removed.

6 Permitted development on the property.
7 Currently -- and this is a 33,000-square-foot piece
8 of property. Currently, this is for a single
9 building site for one single-family residence, and
10 according to the Code, would permit a residence with
11 a maximum 11,000-square-foot size to be constructed
12 on the property, and that could be constructed if
13 this proposal is denied.

14 Six review criteria are contained in the
15 Zoning Code, of which this or any other application
16 is required to meet a minimum of four criteria to be
17 considered a good candidate for building site
18 separation. Those include -- those criteria include
19 that exceptional or unusual circumstances exist; that
20 the building sites created would be equal to or
21 larger than the majority of surrounding building site
22 frontages of the same zoning designation; that the
23 building site separation would not result in any
24 existing structures becoming nonconforming; that no
25 restrictive covenants, encroachments, easements or

1 the like exist; that this proposal maintains and
2 preserves open space, historic character, property
3 values and visual attractiveness, and promotes
4 neighborhood compatibility and is in the best
5 interest of the public; and finally, the sixth
6 criteria is, the property was purchased by the
7 current owner prior to September of 1977.

8 Findings of fact. Staff has reviewed each
9 of the six criteria with the applicant's proposal and
10 has made and determined the following.

11 Criteria 1, that exceptional or unusual
12 circumstances exist. Staff comments, this proposal
13 satisfies this criteria. The property has two
14 different single-family zoning designations -- it has
15 R-7 and R-9 on that one property -- and has a
16 through-block configuration with facings both onto
17 Riviera Drive and San -- onto the rear street,
18 excuse me, sorry about that.

19 That the building sites created would be
20 equal to or larger than the majority of surrounding
21 building site frontages of the same zoning
22 designation. Staff has reviewed the application and
23 the applicant's submittal, and this proposal
24 satisfies this criteria. The frontages of both
25 proposed building sites would be equal to or larger

1 than all existing surrounding building sites in this
2 neighborhood.

3 That the building site separation would not
4 result in any existing structures becoming
5 nonconforming. This proposal does not satisfy this
6 criteria. A portion of the existing garage, which
7 encroaches onto the second building site, would have
8 to be demolished to meet the requirements of the
9 Zoning Code.

10 That no restrictive covenants,
11 encroachments, easements or the like exist. Again,
12 this proposal does not satisfy this criteria. A
13 restrictive covenant and encroachments exist, which
14 consist of a swimming pool, an asphalt driveway which
15 has since been removed, and the existing garage.

16 That this proposal maintains and preserves
17 open space, historic character, property values and
18 visual attractiveness, and promotes neighborhood
19 compatibility and is in the best interest of the
20 public. This proposal satisfies this criteria, as
21 this proposal would retain the existing residence,
22 would have the largest building site frontages in the
23 area, and is consistent with the neighborhood's
24 development pattern.

25 And the final criteria, that the property

1 was purchased by the current owner prior to September
2 of 1977. This property was not -- has not been in
3 single ownership since 1977, and was in fact
4 purchased after that date.

5 Recommendation. Staff recommends denial of
6 this building site separation request. Staff's
7 recommendation is based on the findings of fact after
8 review of the six criteria which are contained and
9 identified in the Zoning Code. Staff has determined
10 that the application satisfies three of the six
11 criteria for review, and as I stated earlier, a
12 minimum of four criteria are required to be
13 considered a candidate for building site separation.

14 Staff does, however, offer some conditions
15 of approval if there is an alternative
16 recommendation. If the Board determines, on the
17 basis of the facts of the application, testimony and
18 evidence received, that the application is consistent
19 with the requirements of the Zoning Code and
20 recommends approval of this request, Staff recommends
21 certain conditions of approval be included with that
22 recommendation, and those three conditions of
23 approval are the following: Remove existing swimming
24 pool encroachment within one year of the date of the
25 adopting ordinance, reconfigure existing residence by

1 removing the encroaching portion of the one-story CBS
2 garage and reconfigure the existing brick driveway,
3 if that is required, and all -- and both of those
4 would have to occur within one year of the approval.
5 And finally, the Zoning Code site-specific
6 regulations which are contained in Article 4 of the
7 Zoning Code shall be -- shall be amended to consider
8 the property as two building sites, one building site
9 consisting of Lots 17 to 19, and the other consisting
10 of Lots 40 to 42.

11 Building site separations are adopted by
12 ordinance, after consideration by the City Commission
13 and a recommendation by the Planning & Zoning Board.
14 There is only one reading, one public hearing before
15 the Commission, required. Therefore, this
16 application would only require one hearing, and
17 that's tentatively scheduled for June -- Tuesday,
18 June 14th.

19 And that concludes Staff's presentation. If
20 you have any questions, I'd be glad to answer them at
21 this time.

22 MR. AIZENSTAT: I have one question, if I
23 may.

24 MR. CARLSON: Okay.

25 MR. AIZENSTAT: The setback that you have

1 from the part of the house between the proposed
2 property line to the rear of the house, is that five
3 foot six? Did I read that correctly on the survey?

4 MR. CARLSON: Are you referring --

5 MR. AIZENSTAT: Yes.

6 MR. CARLSON: -- to this? Yes, it is. It
7 is over five feet. The minimum rear setback is five
8 feet, and that is five feet. It is, I believe, five
9 foot six.

10 MR. AIZENSTAT: Under the proposed new
11 zoning ordinances for single-family homes, would it
12 also be five feet?

13 MR. CARLSON: I believe that's still under
14 discussion, the rear setbacks for residences. That
15 hasn't been determined yet.

16 MR. RIEL: The current proposal is five
17 feet, but that is obviously an item that's under
18 discussion and will be discussed at, actually, next
19 Wednesday's meeting.

20 MR. AIZENSTAT: What are the proposals?

21 MR. RIEL: Staff hasn't finalized a proposal
22 yet.

23 MS. HERNANDEZ: However, the Commission
24 wants to be more stringent.

25 MR. RIEL: Correct.

1 MR. AIZENSTAT: Okay. Thank you.

2 MR. STEFFENS: Wally, were there previous
3 applications for splitting this lot?

4 MR. CARLSON: For splitting this lot?

5 MR. STEFFENS: Yes.

6 MR. CARLSON: I'm unaware of that. I could
7 find out in our records.

8 MR. RIEL: We did have previous discussions,
9 which we do on a lot of properties throughout the
10 City, where applicants will come in and ask, you
11 know, what are the application procedures, and I will
12 tell you, there has been some interest on this
13 particular parcel, but --

14 MR. STEFFENS: But there has not been an
15 application before?

16 MR. RIEL: I don't believe --

17 MR. CARLSON: We have --

18 MR. RIEL: There's been no formal
19 application filed, no.

20 MR. CARLSON: We've had discussions, but
21 there has been no application filed.

22 MR. STEFFENS: Okay, and you reviewed your
23 records for many -- multiple years in the past? I
24 mean, there's one letter from one of the neighbors in
25 here that says that they tried to split the lot five

1 or six years ago.

2 MR. CARLSON: I've been here 17, and there
3 hasn't been an application on this property.

4 MR. STEFFENS: Okay.

5 MR. RIEL: I know I can tell you I've had
6 two or three meetings with folks, but that's not
7 uncommon, to have two or three meetings with
8 different developers or property owners on a
9 particular parcel that want to develop it or do
10 something to it. So that's not uncommon.

11 MR. STEFFENS: Okay.

12 MR. KORGE: How large of a house could be
13 built on the three lots that would be separated, the
14 three back lots on San Vicente?

15 MR. CARLSON: I understand. Currently, the
16 entire property, all six lots, if that were to be
17 built on, you could build a maximum 11,000 square
18 foot house.

19 The three lots in the back, which would be
20 150-foot frontage by 100-foot depth, would be 15,000
21 square feet, you could build a house which is
22 approximately 5,600 square feet size.

23 MR. AIZENSTAT: Is that -- I have to assume,
24 is that property under septic tanks?

25 MR. CARLSON: I do not know if that is under

1 septic tanks. Maybe the owner could --

2 MR. AIZENSTAT: Is it under sewer or --

3 MR. CARLSON: I believe that whole area is
4 on septic.

5 MR. AIZENSTAT: It's on a septic tank?

6 MR. CARLSON: There is no sewer line that
7 goes down there, so I believe it must be, yes.

8 MR. AIZENSTAT: The reason that I asked that
9 question is, when you do your calculations of the
10 11,000 square feet, or 5,600 square feet if it's
11 divided, are you calculating it by the gross area
12 that you're allowed to cover, or are you calculating
13 it by a septic system that would allow it --

14 MR. CARLSON: Those are calculated from the
15 provisions -- the current provisions in the Zoning
16 Code, and those provisions are, for the first 5,000
17 square feet of a building site, you can have 48
18 percent coverage. For the second 5,000 square feet
19 of property, you can have 35 percent coverage. And
20 for the remainder over 10,000, it's 30 percent. So,
21 when you work those out for the 15,000, it works out
22 to be 5,650 square feet of building.

23 MR. AIZENSTAT: But usually the septic
24 system also dictates --

25 MR. CARLSON: Right.

1 MR. AIZENSTAT: -- what you can do with that
2 property.

3 MR. CARLSON: And I know there are
4 requirements from DERM and there's a number of
5 requirements for the placement and installation of
6 the septic field.

7 MR. RIEL: And understand that the estimate
8 that we're giving you is just an estimate, based
9 upon -- it doesn't include factors such as that.
10 We're just trying to give you an idea what could
11 possibly be built. We -- obviously, what can be
12 built takes the design of an architect, looking at
13 all provisions of the Code. It's just to kind of
14 give you an idea.

15 MR. KORGE: Is it fair to say that these
16 three lots would be subject to any changes that the
17 Commission might adopt on so-called monster homes or
18 oversized homes?

19 MR. RIEL: I can't answer that, because I
20 don't know where -- whatever actions -- in other
21 words, I don't know when the monster home regulations
22 will be going into effect, if this applicant is in
23 the process of pulling a building permit. I don't
24 know where they're at in that process, so I really
25 can't answer that question.

1 MR. CARLSON: But that could be included as
2 a condition if this Board said that that was
3 necessary.

4 MR. AIZENSTAT: Say that again, please?

5 MR. CARLSON: That could be included as a
6 condition of approval if the Board so desired,
7 recommended.

8 MR. STEFFENS: Are there any other questions
9 from the Board?

10 Is there anybody in the audience that would
11 like to speak on this issue?

12 MR. KORGE: We have the applicant.

13 MR. STEFFENS: Let's let the applicant speak
14 first.

15 MR. GUILFORD: I like this side, Wally. You
16 have all your gadgets over there.

17 Mr. Chairman, Members of the Board, for the
18 record, my name is Zeke Guilford, with offices at 400
19 University Drive. It gives me great pleasure to be
20 representing the owners of 5705 Riviera Drive. In
21 this regard, I have with me Mr. Duarte and Mr. Huezco,
22 who are in the back of the room.

23 This house was constructed in 1950,
24 consisting of six lots, basically the three lots as
25 Walter has said, facing Riviera Drive, and also the

1 three lots in the back, fronting San Vicente. It is,
2 in fact, approximately 33,000 square feet, and of the
3 subject area that Staff asked us to review, it's
4 actually three times the average size of a building
5 site for this area.

6 In 1959, the then owner of the property
7 filed a restrictive covenant with the City. In lieu
8 (sic) of putting a screen enclosure over the swimming
9 pool, they agreed to tie the lots together. But what
10 is important here is that, number one, the screen
11 enclosure is no longer there, so the purpose of the
12 restrictive covenant is really not at issue anymore.
13 Furthermore, it was done 18 years prior to the
14 building site separation ordinance.

15 So what are we requesting today? What we're
16 requesting is to have this site, I'll call it the
17 Riviera site, separated from the San Vicente site,
18 to make two different sites. What's important here
19 is, even separated, it is larger than 95 percent of
20 the subject properties in the area.

21 Let's take a moment to go through the
22 criteria set by the ordinance. Number one is, are
23 there unique circumstances? Staff has agreed there's
24 unique circumstances. You have a situation which is
25 actually -- an example given by Staff is where you

1 have block-to-block building sites, which is what we
2 have here. We have Riviera on the front, San Vicente
3 on the back, and also as Staff has mentioned, we have
4 two different zoning classifications, R-7 on the San
5 Vicente lots, R-9 on the Riviera lots.

6 The second criteria is, are you equal to or
7 greater than a majority of the lots in the area? And
8 in fact, the analysis of the area, subject area that
9 Staff asked us to review, for the Riviera lots we
10 looked at 23 lots. 22 of those lots were less than
11 149 feet, and in fact, most of them, if you look at
12 the map, they were approximately a hundred feet. You
13 had only one lot which was 150 feet frontage, and you
14 had zero lots greater than 151.

15 For the lots fronting San Vicente, we looked
16 at 134 properties. 127 of them was less than 150.
17 Seven of them were 100 -- had 150-foot frontage, and
18 none had more than 150. That equates to a 95 -- that
19 the lots that are being proposed or the building
20 sites being proposed to you today are greater than 95
21 percent of the building sites in the area.

22 The third criteria is whether there are
23 any -- oh, let me go back one second. What I have
24 here, just so you can kind of get an idea of the
25 area, we have Riviera Drive here on this aerial, San

1 Vicente. Here is the subject lot, and if you look,
2 you have a 100-foot lot, a 100-foot lot, you have a
3 50-foot lot, a 75-foot lot, a 100-foot lot, 50, 50,
4 50, 50, 100. So you have a mix of different
5 properties, just surrounding that subject property.

6 What we also have is a situation where it
7 says, do you have any encroachments onto the subject
8 site? And the answer is yes. We have the swimming
9 pool and we have this portion as defined by the
10 survey as part of the garage. What you end up with
11 here is really kind of a chicken and egg type
12 debate. Do we go ahead and remove those
13 encroachments before coming to this Board and saying,
14 "Listen, there are no encroachments on that site, so
15 therefore we really comply with that criteria," or do
16 we come to you and say, "Listen, please give us your
17 recommendation of approval, subject to the
18 encroachments being removed"? And if you notice,
19 that is what Staff is recommending in their
20 alternative recommendation, which is, "Listen, this
21 application makes sense. If you approve it, then
22 make them remove their encroachments within one
23 year."

24 The fourth criteria is, are there any
25 restrictive covenants? Yes, as I stated earlier,

1 there was a restrictive covenant in 1959, regarding a
2 screen enclosure, which is no longer there, but
3 again, it was done 18 years before the building site
4 ordinance even came into effect. And I kind of raise
5 a question to everybody here tonight, which is, would
6 anybody in their right mind today tie up three
7 building sites, which is, each lot is potentially a
8 building site in the rear, 50 feet, for a screen
9 enclosure? I think the answer is obviously no.

10 The fifth request or fifth criteria is
11 whether or not it provides open space, maintains the
12 integrity of the neighborhood. Staff has said, "We
13 agree with that," and the last one is whether the
14 property was purchased after 1977. We do not meet
15 that criteria. The property was purchased actually
16 by the person who signed the covenant in 1959, but
17 clearly, we do not meet that criteria.

18 What we clearly do is meet three of the six
19 criteria that are defined. We can clearly meet a
20 fourth criteria, which is the encroachments, easy to
21 remove. Here's a carport here. Remove this section
22 here and remove the pool, and we have no
23 encroachments, we have no setback issues, we are in
24 total compliance with that criteria.

25 You know, just as an aside, I get probably

1 one or two building site separation cases come in my
2 door every week. I take very few of them, because I
3 know the difficulty involved in them, involved with
4 the integrity of the neighborhoods. But this is one
5 that clearly warrants a separation, and I think -- I
6 think Staff even recognizes the validity of this by
7 giving you an alternative recommendation. So we ask
8 that you accept Staff's alternative recommendation
9 and recommend in favor of this, with the conditions
10 proposed.

11 Also, just as an aside, here tonight is Mr.
12 Dean Nickas. Mr. Nickas is the most directed (sic)
13 neighbor. His house is this one right here, right
14 next to where the new site would be. Here's Mr.
15 Nickas's house, right here. Mr. Nickas is in favor
16 of this application, and he'll come up and speak.
17 One thing which we have agreed to do with him is
18 actually enter into a restrictive covenant in favor
19 of him and another neighbor, that this would not
20 be -- an application would not be forthcoming to
21 attempt to split this lot after this was split, if
22 you so agree to recommend approval of this
23 application.

24 MR. KORGE: You mean that the three lots
25 would be just one building site?

1 MR. GUILFORD: One building site, exactly,
2 so that basically, someone couldn't come back -- it
3 would run in favor of the neighbors. So, unless they
4 got their approval, that they could never -- well,
5 they could come back, but obviously there would be,
6 you know, the civil ramifications.

7 MR. AIZENSTAT: So are you saying, then,
8 that you would be putting another restrictive
9 covenant?

10 MR. GUILFORD: Exactly.

11 MR. AIZENSTAT: Could you give me a
12 definition of a restrictive covenant?

13 MR. GUILFORD: Basically, it would be
14 worded something like this. "This property shall not
15 be -- "

16 MR. AIZENSTAT: No, no, I'm sorry. What I
17 was asking for, I apologize, is more just a general
18 definition. What does it mean?

19 MR. GUILFORD: What does it mean? Well,
20 basically, the covenant that was issued was with the
21 City, the one that's currently -- in 1959. The City
22 has -- because it's in favor of the City. The City
23 has to agree to release that covenant.

24 If I make a covenant with a neighbor, that
25 neighbor -- that neighbor would then have to agree to

1 release that restriction, because it's now running in
2 favor of him, versus running in favor of the City.
3 So it actually brings in other parties, to make it
4 more difficult to attempt to break it.

5 MR. STEFFENS: Didn't -- go ahead.

6 MR. AIZENSTAT: What you're saying, if I
7 heard you correctly, was that the people that did the
8 restrictive covenant before went ahead and did it,
9 not knowing -- basically, why would they go ahead and
10 put a screen enclosure and tie it all up?

11 MR. GUILFORD: Uh-huh.

12 MR. AIZENSTAT: So now you're coming back,
13 however many years later, and saying, if they knew
14 that today, they wouldn't be doing it.

15 MR. GUILFORD: Right. I can't say what they
16 would or wouldn't do, but you're right, and it was
17 also done 18 years prior to even --

18 MR. AIZENSTAT: Right.

19 MR. GUILFORD: -- the ordinance coming into
20 effect.

21 MR. AIZENSTAT: Now, what happens if you go
22 into another restrictive covenant with the neighbor,
23 and then, 18 years from now, you come back to the
24 City or to the neighbor and you say, you know, back
25 then -- now we can split it into three lots, so let

1 us take that away, also.

2 MR. GUILFORD: I would have -- yes, it is
3 possible to undo a restrictive covenant. However,
4 not only would I have to undo it with the City, I
5 would have to undo it to those neighbors who it runs
6 with, as well. So, basically, what you're doing is
7 taking it between, let's say, you and I, and adding
8 the rest of this Board here. So I'd have to have
9 every single one of you agree to release that
10 covenant before I could really come forward with an
11 application.

12 MR. AIZENSTAT: It just seems to me that a
13 restrictive covenant then has no merit, if somebody
14 can do something like that and then come forward and
15 say, "Well, now we want to undo it." So why even
16 have it in the first place?

17 MR. GUILFORD: Because what it does, it
18 gives -- it gives -- I'm not going to say -- What it
19 does is, it puts some power into the neighbor who
20 that covenant is running in favor of.

21 So, basically, I can't come forward -- if I
22 have the covenant with you, unless I have your
23 approval, I can't come forward.

24 MR. AIZENSTAT: Could I ask the City
25 Attorney how she feels about the restrictive

1 covenant?

2 MS. HERNANDEZ: The restrictive covenants
3 that the City enters into are -- and this one, if you
4 look at the "now therefore" clause, it was for
5 consideration of the issuance of a building permit.
6 The City gave them the opportunity to do something
7 that they would not otherwise have been able to do.
8 This, the City Commission has the absolute discretion
9 as to whether or not it wants to remove the
10 restrictive covenant or not, because it's entitled to
11 the benefit of the deal that was cut in 1959, so --

12 MR. STEFFENS: And as part of that
13 restrictive covenant, didn't they tie their building
14 sites together?

15 MR. GUILFORD: Yes, they did.

16 MR. STEFFENS: And you're saying they didn't
17 know what they were doing when they tied their
18 building sites together?

19 MR. GUILFORD: What I'm saying is, I don't
20 know. I'm saying -- stating here today, with the
21 building site separation ordinance in front of me and
22 knowing it, I wouldn't tie it together for a screen
23 enclosure. I don't think, Michael, you would,
24 either. But --

25 MR. STEFFENS: But they tied it together

1 without that ordinance in place. They volunteered to
2 tie it together.

3 MR. GUILFORD: That's right, for -- as
4 ridiculous as it may sound, for a screen enclosure,
5 or for whatever.

6 MR. STEFFENS: For whatever reason.

7 MS. HERNANDEZ: No, and a variance.

8 MR. GUILFORD: But really, the issue that we
9 need to focus on is, how does this lot -- and the way
10 I kind of term it, how does this lot fit in with the
11 neighborhood? And if you look at it, I'm going to
12 have -- I'm going to have a building site that's
13 three times the average of the building sites in the
14 area.

15 MR. STEFFENS: Well, I'd just like to
16 examine the restrictive covenant a little bit more.

17 So they tied the building sites together.
18 Irregardless of any ordinance --

19 MR. GUILFORD: Yes, they did. Yes, they
20 did.

21 MR. STEFFENS: -- that the City came up
22 with at some future date, they knew what they were
23 doing when they signed this restrictive covenant and
24 they tied the lots together.

25 MR. KORGE: Right. So that's one of the

1 criteria that isn't satisfied to separate under the
2 ordinance.

3 MR. GUILFORD: Correct.

4 MR. KORGE: Well, let me focus on the other
5 criteria that may or may not be satisfied, and that
6 is the encroachments.

7 MR. GUILFORD: Okay.

8 MR. KORGE: Let me just ask you, supposing,
9 hypothetically, you remove the encroachments, which I
10 assume you're allowed to do currently, before you
11 brought this to our Board for consideration. If that
12 occurred, would you then -- when it came to our Board
13 with the encroachments already removed, would it then
14 meet the criteria for --

15 MR. GUILFORD: I think you would get two
16 different answers. My answer is, clearly, by a
17 survey, I will have no encroachments into the subject
18 site that is asked to be separated, which is actually
19 the way it is defined by the criteria.

20 Staff may tell you, well, because there once
21 was an encroachment, then you can't undo an
22 encroachment. But, in fact, you can undo an
23 encroachment.

24 MR. KORGE: Is that correct? Is that what
25 your position would be?

1 MR. CARLSON: Right, we --

2 MS. HERNANDEZ: We wouldn't word it exactly
3 the way he's wording it.

4 MR. CARLSON: What we do is, we look at the
5 historic development of the property, and that's why,
6 in Staff's presentation, we noted an asphalt driveway
7 which came in from the back previously, but has since
8 been removed. That is still an encroachment. That
9 encroachment existed. Whether or not it has been
10 removed, that encroachment has been put in and tied
11 those lots together. If we didn't look at the
12 historic development of the property, what we would
13 have is, we'd have people coming in after they tore
14 their house down on four platted lots and saying,
15 "Well, golly, I have no encroachments and I have no
16 houses which would be affected by this proposal" --

17 MR. KORGE: But that's not what --

18 MR. CARLSON: -- "and I want to build four
19 houses in its place."

20 MR. KORGE: But that's not what the Criteria
21 Number 3 says. It says that the building site
22 separated or established would not result in any
23 existing structures --

24 MR. CARLSON: Exactly.

25 MR. KORGE: -- becoming nonconforming as it

1 relates to setbacks, lot area, lot width and depth,
2 ground coverage and other applicable provisions of
3 the Zoning Code.

4 MR. CARLSON: And that's the existing -- is
5 the existing house which exists on the property now.

6 MR. KORGE: And the existing garage. But if
7 you knocked that garage down before you ever came
8 before us, it wouldn't be existing when it came
9 before us.

10 MR. CARLSON: But it was an existing -- it
11 was an existing --

12 MR. KORGE: It doesn't say previously
13 existing. It says existing. I don't know how you
14 arrive at that conclusion. Quite frankly, it doesn't
15 make any sense to me. Why would we care about what
16 was on this property 20 years ago, if what's on it
17 now is not encroaching onto the separated portion?

18 It seems to me the reason that you don't
19 want to allow separation where there's encroachment
20 for violation of setbacks, with an existing
21 structure, is because you don't want to turn an
22 existing structure into a nonconforming use. That
23 would be the reason, not because 20 years ago there
24 was a structure that, if it still existed, would not
25 be conforming. It doesn't make any sense to me.

1 So where I come out on this is that if
2 removal of the structure would obviate the
3 nonconforming use, then conditioning it on removal of
4 the structure, or better yet, removal of the
5 structure before it's brought before us, would
6 satisfy that criteria. That's where I come in.

7 MR. STEFFENS: Let me continue on what Tom's
8 saying. Since nobody wants to talk about the
9 restrictive covenant issue, let's talk about the
10 building site ordinance that supposedly this guy
11 didn't know about because it happened 18 years
12 later. As part of that ordinance, isn't an
13 encroachment onto an adjacent piece of property, be
14 that encroachment a pool, a fence, a wall, any type
15 of construction, what determines one building site?
16 Isn't that how one building site is created, by
17 making that encroachment onto some other site?

18 MR. CARLSON: And the City Attorney can
19 correct me if I'm incorrect, but if you build on the
20 second building site, that encroachment does tie the
21 property together as one building site.

22 MR. STEFFENS: So, then, what Tom is saying
23 automatically makes the building site ordinance moot,
24 so therefore, everybody in Coral Gables can then tear
25 down their encroachments --

1 MR. KORGE: That's not what I said.

2 MR. STEFFENS: -- come into --

3 MR. KORGE: But that's not what I said.

4 That's just one of the criteria. There are six
5 criteria.

6 MR. STEFFENS: Well, yeah, but --

7 MR. KORGE: They don't meet -- they
8 certainly don't meet Number 6, and based on the
9 restrictive covenant, I assume they don't meet
10 Number 4.

11 MR. STEFFENS: Well, I have a question about
12 Number 5.

13 MR. KORGE: Well, before we get to Number 5,
14 my point is -- my point is that there are six
15 criteria, and in evaluating all six of them, it seems
16 to me that Number 3 can be -- deals with existing
17 structures, not with structures that once existed,
18 so --

19 MR. STEFFENS: But the building site
20 ordinance deals with structures that once
21 existed or do exist.

22 MR. KORGE: I'm lost. I don't know what you
23 mean by the building site ordinance.

24 MR. STEFFENS: There's an ordinance that
25 says that if you have a site and an adjacent site --

1 MS. HERNANDEZ: It's also known as the lot
2 separation.

3 MR. STEFFENS: The lot separation ordinance.
4 If you have a site and an adjacent site and you build
5 onto or encroach onto that adjacent site, that
6 creates one building site.

7 MR. KORGE: We have one building site right
8 now. That's clear. They're asking to separate it,
9 based on the criteria that they've -- that's set
10 forth in the Code, and on those six items, the way I
11 view Number 3 -- I'm only talking about Number 3, not
12 the other ones. Number 3, if they're going to remove
13 the nonconforming structure, then there's no problem
14 with Number 3. It will be removed.

15 MS. KEON: But -- Liz, haven't -- hasn't --
16 this issue has gone to court, and hasn't it been
17 determined in court that once an encroachment exists
18 that ties properties together, whether it be a wall
19 or whatever else, that then it is one building site
20 and then would have to be subject to the lot
21 separation ordinance?

22 MS. HERNANDEZ: Correct.

23 MS. KEON: So --

24 MR. KORGE: It is. It is. That's what
25 we're dealing with right now.

1 MS. KEON: Okay, but you -- but by virtue of
2 that, you cannot just remove an encroachment and then
3 come in and ask for two building sites, because once
4 an encroachment exists, it exists -- removed or not,
5 it exists in the mind of the City, tying that
6 building site together, whether it is removed or it's
7 not removed. It still ties the site together. The
8 site is tied --

9 MR. KORGE: It's also tied by the
10 restrictive covenant, but that's not what I'm saying.

11 MS. KEON: But even without a restrictive
12 covenant, even if there was no covenant, it would
13 still be --

14 MR. KORGE: You'd have to come for approval.

15 MS. KEON: Right.

16 MR. GUILFORD: That's right.

17 MR. KORGE: I agree with that.

18 MR. GUILFORD: There's no question and no
19 one is arguing the fact that this is one building
20 site right now. The question is, of the criteria in
21 order to separate them --

22 MS. KEON: Right.

23 MR. GUILFORD: -- do you meet them? One is
24 exactly as Mr. Korge said. If you have existing
25 encroachments, then obviously, you have something on

1 the site you want to separate.

2 MS. KEON: But whether you removed them
3 before you came in or you removed them later, it
4 would still --

5 MR. GUILFORD: It's still --

6 MS. KEON: This would still apply.

7 MR. GUILFORD: It's still one building
8 site. Now --

9 MS. KEON: Okay, it would still apply,
10 though.

11 MR. AIZENSTAT: If I may ask, when was this
12 property purchased?

13 MR. GUILFORD: Excuse me?

14 MR. AIZENSTAT: When was the property
15 purchased?

16 MR. GUILFORD: 2002.

17 MR. AIZENSTAT: So I've got to assume that
18 your buyers knew of the restriction that was on this
19 property, upon purchase.

20 MR. GUILFORD: Yes, they did.

21 MR. AIZENSTAT: And they felt comfortable,
22 at that point, of buying this property.

23 Also, by the same token, I'm familiar with
24 this property, because I actually drive this way home
25 every day, so I know that a short time ago they

1 actually remodeled the home themselves. I don't
2 know -- I mean, I don't know who did, but the home
3 was remodeled.

4 MR. GUILFORD: Right.

5 MR. AIZENSTAT: So, at that point, they had
6 an idea of keeping the entire home as one unit,
7 because that's when they started taking down the
8 screen enclosure, they did the pool, they did some
9 landscaping, and now is when they're deciding that
10 they'd rather split it?

11 MR. GUILFORD: No, they've actually
12 considered splitting it for some time. This is not
13 something they -- The house on Riviera that has been
14 remodeled is intending to remain. So, if this is
15 passed, that house doesn't get demolished. Only what
16 happens is, those two encroachments that we talked
17 about earlier get removed, for the rear lots.

18 MR. AIZENSTAT: If that house remains, would
19 it have a pool?

20 MR. GUILFORD: You could put a pool in
21 there. I mean, I can show you real easily how you
22 could do it.

23 MR. AIZENSTAT: Would you have to go before
24 the Board of Adjustments for a variance in order to
25 put a pool there?

1 MR. GUILFORD: I don't believe you would.

2 Essentially, what you would do is, there's a
3 carport here, and Michael, you can basically remove
4 this garage and essentially take this pool and turn
5 it this way. I have five feet -- I need, I believe,
6 a five-foot setback -- 15?

7 MR. STEFFENS: In the rear.

8 MR. CARLSON: 15 side --

9 MR. GUILFORD: Okay, 15 rear, but 15 side,
10 I've got 40 feet here. So I clearly could put a
11 swimming pool running this way with no problem, and
12 not need a variance for it.

13 MR. AIZENSTAT: Where is the drain field
14 presently in the septic system on that lot?

15 MR. GUILFORD: I could not tell you. I
16 could not tell you.

17 MR. AIZENSTAT: Could it be in the other
18 property that they want to use?

19 MR. GUILFORD: It could. It could be in the
20 front yard. It could. There's plenty of room
21 either on -- on either side. That --

22 MR. AIZENSTAT: Does the owner know, if he's
23 here?

24 MR. GUILFORD: Do you know? Where is it?

25 MR. DUARTE: It's on the side.

1 MR. HUEZO: It's on the south side.

2 MR. GUILFORD: It's on this side.

3 MR. AIZENSTAT: Thank you.

4 Okay, so that does not encroach into the
5 property in back?

6 MR. HUEZO: No.

7 MR. MAYVILLE: We have a requirement, if you
8 get rid of the garage, to put a garage somewhere
9 else, or is the home not required to do that?

10 MR. GUILFORD: Excuse me?

11 MR. MAYVILLE: If you have to remove part of
12 the garage, the carport area --

13 MR. GUILFORD: Right.

14 MR. MAYVILLE: -- do you not have a
15 responsibility to put it somewhere else on the --

16 MR. GUILFORD: Oh, absolutely. There's a
17 requirement by Code to have a garage. Essentially,
18 what you would do is just essentially turn it here.
19 So you'd drive into it, versus this driving around to
20 it. You have plenty of setbacks. You have 40 feet
21 over here. By Code, you only need, on a 50-foot
22 frontage, 30 feet. So, essentially, you would only
23 need -- you only need five feet over here.

24 So, essentially, you could take this garage
25 and turn it right here. This is an outside wall,

1 because of the carport, so that's basically -- you
2 wouldn't be destroying -- tearing into the house, and
3 then just swing it -- swing it over to the side.

4 MR. MAYVILLE: The other question I had was,
5 it seems to me that the provision, one of the
6 criteria that we're considering, if we agree that you
7 could remove the pool or remove the carport, or with
8 any other property that had something that was tying
9 it together, simply by being able to remove it, we've
10 automatically made that an automatic given, that that
11 criteria is met. Do you agree with that?

12 MR. GUILFORD: Yes. Yes.

13 MR. MAYVILLE: So my question to the City
14 Attorney is, have we watered down this provision
15 by -- if we agree to this concept of allowing this
16 restrictive covenant to be changed by simply removing
17 a wall or whatever it is, have we watered it down so
18 it really is not a provision, as long as someone is
19 willing to change that?

20 MS. HERNANDEZ: No, you don't water it down.

21 MR. GUILFORD: But I think -- I think -- and
22 I go back to this. Whether I have the swimming pool,
23 whether I have the house, if I knocked everything
24 down, still I would have one building site.

25 MS. HERNANDEZ: Right.

1 MR. GUILFORD: And I'd still have to be
2 coming before you to say, "Can I make it two, and do
3 I meet these -- "

4 MR. MAYVILLE: But you at least have the
5 four criteria.

6 MR. GUILFORD: Absolutely. I possibly
7 could. I possibly could. I mean, I may not meet the
8 50 percent. I may have two lots -- you know, just,
9 the house on two lots, tear it down and say, "Hey, I
10 don't have any encroachments." But you say, "But you
11 don't meet the majority" -- you know, "You're not
12 larger than the majority of the lots. There are no
13 unique circumstances here. You didn't buy it after
14 the time and you don't create any additional open
15 space. So thank you for tearing down the house, you
16 may satisfy the encroachment issue, but you don't
17 satisfy any of the other ones."

18 MR. MAYVILLE: No, I understand that.

19 MS. HERNANDEZ: And, in addition to that, in
20 reality, you're looking at two legal issues here.
21 You're looking at a lot separation, but you're also
22 looking at, quote, unquote, an application to release
23 the restrictive covenant, separate and distinct from
24 that, because they can come in here and, on the one
25 hand, find a recommendation for a lot separation, and

1 the Commission can still say, "We're not releasing
2 the restrictive covenant. It's within our absolute
3 discretion whether or not to release it."

4 What Mr. Guilford is attempting to argue is
5 that there are compelling reasons why it should be,
6 and seeking your recommendation and support thereof,
7 but --

8 MR. GUILFORD: I always thank my esteemed
9 colleague for her two cents.

10 MS. HERNANDEZ: I just wanted to --

11 MR. STEFFENS: Can I ask both Staff and the
12 applicant, Criteria Number 5, that the proposed
13 building site maintains and preserves open space --
14 can you tell me how dividing one site into two
15 building sites preserves and maintains open space?

16 MR. CARLSON: Okay, what we did was,
17 there's the three things we looked at. One is, from
18 Staff's point of view, we looked at the development
19 pattern of the neighborhood, what the development --
20 what the character of the development pattern of the
21 neighborhood, and the development pattern is, you
22 have single -- you have houses on both sides of the
23 street which face onto the other, and the creation of
24 this would continue that development pattern.

25 The other is the size. These two building

1 sites would be the biggest building sites, still be
2 the biggest building sites in the neighborhood.
3 So you have the setbacks, you maintain that open
4 space, and you maintain as much or more than the
5 other buildings in the neighborhood.

6 And the fifth was that you would be
7 retaining the existing residence, so you wouldn't be
8 tearing down the old residence, which is there, which
9 already exists; you would be maintaining that and
10 further retaining the character that already exists
11 in the neighborhood.

12 MR. STEFFENS: But the criteria that you're
13 talking about or you're citing is more like Criteria
14 Number 2 and Criteria Number 1 and maybe part of
15 Criteria Number 3, I mean, dealing with compatibility
16 with the neighborhood.

17 Criteria Number 5 says that the proposed
18 building site maintains and preserves open space. It
19 doesn't say in relationship to the neighborhood or in
20 relationship to the majority of the neighborhood. It
21 just says maintains and preserves open space.

22 MR. KORGE: Promotes neighborhood
23 compatibility, preserves historic character,
24 maintains property values and enhances the visual
25 attractiveness of the area.

1 MR. STEFFENS: So it doesn't say anything
2 that it has to be equal to or greater than the rest
3 of the neighborhood. It just says it maintains and
4 preserves open space.

5 MR. CARLSON: Right, and that's how we
6 quantify --

7 MR. KORGE: Well, neighborhood compatibility
8 would be -- I think that's the main point that
9 they're making, is that this is --

10 MR. GUILFORD: I think --

11 MR. KORGE: I mean, living in that
12 neighborhood, I understand.

13 MR. GUILFORD: I think some of these
14 criterias actually overlap. If you look at Number 3
15 and Number 4, they actually overlap in some respects.
16 So you're right, Number 5 kind of overlaps with some
17 of the other ones.

18 MR. STEFFENS: Right, but the main idea of
19 Criteria Number 5, to me, seems like maintaining and
20 preserving open space, not in relationship to the
21 proportion in the neighborhood, but maintaining and
22 preserving open space. So I don't see how splitting
23 a lot into two building sites maintains and
24 preserves open space.

25 MR. CARLSON: And I explained how we

1 quantified it and how we made our determination.

2 MR. GUILFORD: Mr. Steffens, I think you're
3 also putting your period a little too quick in the
4 paragraph.

5 MR. STEFFENS: No, I just like big commas.

6 MR. KORGE: Well, I recall that the last
7 time we did this, another neighborhood, where there
8 was a tennis court on the adjacent lot --

9 MS. HERNANDEZ: Right.

10 MR. KORGE: -- that you argued to the
11 contrary, that putting one large building on that
12 oversized lot would decrease the open space, as
13 opposed to two smaller buildings where you had
14 setbacks and so forth, so I'm not sure --

15 MR. STEFFENS: I just wanted to hear their
16 answer.

17 MS. HERNANDEZ: These are all case by
18 case --

19 MS. KEON: Right.

20 MS. HERNANDEZ: -- analytical solutions.

21 MR. AIZENSTAT: If you actually drive by the
22 property, on both sides, this property does stand out
23 like a sore thumb. So I do have to agree with you
24 in that respect. For that reason, it could possibly
25 be the right thing to split it, just a comment. I

1 just don't know if it's up to us to decide on the
2 restrictive covenant or it's up to the Commission,
3 who would actually be the ones to recommend to
4 release it or not.

5 MR. STEFFENS: I think we would be making a
6 recommendation.

7 MS. KEON: We can make a recommendation.

8 MR. KORGE: They'll decide that.

9 MS. KEON: They make the decision.

10 MR. MAYVILLE: Let me ask --

11 MR. AIZENSTAT: Do we make a recommendation,
12 also, though, on the restrictive covenant?

13 MS. HERNANDEZ: Yes.

14 MR. STEFFENS: Are there --

15 MS. KEON: Is their home currently occupied?

16 MR. GUILFORD: It is, with a tenant.

17 MS. KEON: With a tenant?

18 MR. GUILFORD: Yes.

19 MS. KEON: So the people that bought it and
20 that wish to do this work to it are not occupying it,
21 it's currently rented?

22 MR. GUILFORD: Correct.

23 MS. KEON: And this condition here that says
24 retain the existing residence, that doesn't mean
25 retain for any period of time; it just means at the

1 time that the request comes forward, it is stated
2 that it's retained. Is that right?

3 MR. GUILFORD: Correct.

4 MS. KEON: I mean, there's no intention or
5 it doesn't require that you continue to retain it? I
6 mean, you could --

7 MR. GUILFORD: No, there's --

8 MS. KEON: -- separate it, you could knock
9 that house down, too, and you could build two homes;
10 is that right?

11 MR. GUILFORD: No, I could build -- right
12 now, what I could do is basically tear that down and
13 build, I think, 11,000 and --

14 MS. KEON: No, what I'm asking you is --

15 MR. GUILFORD: Okay.

16 MS. KEON: -- if you were released from the
17 covenant --

18 MR. GUILFORD: Correct.

19 MS. KEON: -- if the lot is agreed to be
20 split --

21 MR. GUILFORD: Correct.

22 MS. KEON: -- you could then knock the
23 existing house down, and then you could build two
24 homes --

25 MR. GUILFORD: Oh, on that, yes.

1 MS. KEON: -- if it was determined that it
2 would be two buildings sites?

3 MR. GUILFORD: Yes. Yes.

4 MS. KEON: And then two homes could be built
5 on those sites; is that right?

6 MR. GUILFORD: That is correct, unless you
7 condition otherwise.

8 MS. KEON: Okay, and it's currently occupied
9 by a renter?

10 MR. GUILFORD: Yes.

11 MS. KEON: Okay.

12 MR. STEFFENS: If we don't have any more
13 questions from the Board, I'd like to see if we have
14 any -- and if you're finished --

15 MR. GUILFORD: I'm finished.

16 MR. STEFFENS: -- I'd like to see if we have
17 any comments from the audience.

18 MR. RIEL: Mr. Chair, we had three people
19 sign up to speak.

20 MR. STEFFENS: Okay. Can you call the
21 people?

22 MS. MENENDEZ-DURAN: Sure.

23 Claude Wilson?

24 MR. CARLSON: Stand over here, and speak
25 right here.

1 MR. WILSON: Okay, got you.

2 My name is Claude Wilson. I live at 5607
3 Riviera Drive, in Coral Gables. By coincidence, my
4 wife and I bought that property exactly 18 years ago
5 yesterday, so it's our anniversary today.

6 But anyway, I'll just tell you my
7 background. I spent six years on the Historic
8 Preservation Board for the City of Coral Gables. I
9 was on the Historic Preservation Board when we made
10 the Biltmore Hotel a historic site, and in addition
11 to that, why, we fought the neighbors. Would you
12 believe the neighbors in and around the Biltmore
13 Hotel wanted us to tear it down? They said it would
14 be too much congestion and everything, and we fought
15 them tooth and nail, and we came out all right in the
16 end, as you can see.

17 I understand that four, five, six years ago,
18 this same issue came before this Board, to split the
19 lots, and it was turned down. Now, I don't know why
20 it was turned down. What's different between now and
21 then? Of course, the fear we have in the
22 neighborhood is somebody building a monster house
23 back in there, and I don't know if they'll do it or
24 not, but I hate to see the City get involved with
25 getting people to enforce government to tear down

1 buildings, and they'll have a complaint, they don't
2 want to tear it down, and they'll do it differently.

3 When I was on the Historic Preservation
4 Board, there was a historic restaurant on Aragon, in
5 the 200 block, and it had a lot of things in it, and
6 the people wanted to build a hotel there and they
7 said, "Well, tell you what we'll do. We will
8 incorporate all of these gadgets we have here and
9 make it look just like it was back then." So we
10 agreed to it. And came time the building was
11 finished, "Where are your contents that you're going
12 to put in here?" "We can't find them. We don't know
13 where they are."

14 It seems like some of these covenants that
15 you're talking about here, why not make them take out
16 a bond from Travelers Insurance Company that they're
17 going to do what they say they're going to do? I'm
18 not sure these guys will do everything they say
19 they're going to do, timely. You'll spend a lot of
20 time and effort getting all of these things finished.

21 I love Coral Gables, and there's nothing in
22 the surrounding area that affects me directly, but
23 nevertheless, I am opposed to this and think one big
24 lot would be the answer. Thank you very much.

25 MR. STEFFENS: Thank you, sir.

1 MR. AIZENSTAT: Could you state your address
2 again, I'm sorry?

3 MR. WILSON: What's that?

4 MR. AIZENSTAT: Could you state your address
5 again?

6 MR. WILSON: 5607 Riviera Drive.

7 MR. AIZENSTAT: Okay.

8 MR. WILSON: Just to the north, two lots
9 north.

10 MR. AIZENSTAT: Thank you.

11 MR. STEFFENS: Next, please.

12 MS. MENENDEZ-DURAN: James Hartnett.

13 MR. HARTNETT: My name is James -- Jim
14 Hartnett. I live at 510 Marmore Avenue, between
15 Hardee and Miller Road, between Maggiore and San
16 Vicente. As someone mentioned, I travel that street
17 quite often.

18 As a little bit of history, that house was
19 owned by a fellow that worked at the race tracks, and
20 they lived there for many years. The parents died.
21 The children then took over the house. I believe
22 they re-- updated it, and apparently have sold it now
23 to H & S Investors.

24 I want to bring several things that I've
25 noticed in reviewing the packet. One is, on certain

1 forms, there are no dates. Secondly, there's no
2 evidence that the lobbyist fee has been paid. So I
3 raise the issue that if you're going to complete
4 these forms, they ought to be completed accurately.

5 More important, though, the notice to the
6 property that notices neighbors was knocked down or
7 not publicly displayed at different times. So there
8 really is a question as to whether, in fact, they've
9 met the proper notices in time for the community.

10 However, if they knock down the main house,
11 I believe, and correct me if I'm wrong, they could
12 build six houses on the six lots. This neighborhood
13 is basically single-story residences. What I'm
14 concerned with is, if you do split the lots and you
15 do grant the application, that the lots on San
16 Vicente are going to be compatible with the
17 neighborhood and we're not going to wind up with some
18 great big monster, so that the developer can come in,
19 build his house and move on. That's not compatible
20 with the neighborhood. So, if we could get some
21 assurance on that or whether that goes to the City or
22 not, I'm not sure.

23 If it's -- if they're going to split and
24 grant the application, I have no objections to
25 splitting the lot so that San Vicente has three,

1 Riviera has three. I do have a great concern of what
2 they're going to do with the three lots on San
3 Vicente, and that's what we're looking for this Board
4 or the City to protect us, via the covenant, via the
5 zoning laws, and I trust that if you do grant this,
6 that they're going to be tied into the new, revised
7 zoning that should protect the neighborhoods as I'm
8 requesting.

9 Yes, sir?

10 MR. TEIN: I'm sorry, sir, what did you say
11 was the name of the family who owns this home?

12 MR. WILSON: What's that?

13 MR. HARTNETT: The name of the family.

14 MR. TEIN: The name of the family that
15 owns --

16 MS. KEON: No, that currently owns the
17 property.

18 MR. TEIN: That currently -- the name of the
19 family that currently owns this home?

20 MR. WILSON: I don't know what -- who
21 applied, but I understand --

22 MR. GUILFORD: It's H & S Investments. It's
23 not an individual.

24 MR. HARTNETT: Pardon?

25 MR. TEIN: I'm sorry?

1 MR. GUILFORD: H & S Investment.

2 MR. HARTNETT: No, that's the current one.

3 MR. GUILFORD: That's what he asked.

4 MS. KEON: That's what he asked.

5 MR. HARTNETT: He was asking --

6 Were you asking previously?

7 MR. TEIN: No, currently, the owner of the
8 home is --

9 MR. HARTNETT: H & S Investments, which to
10 me, tells me they're not going to live in this
11 neighborhood. They're going to build something and
12 move on. And we've got a lot of that going on in the
13 City of Coral Gables, which is of very concern to the
14 neighbors and the citizens in the City of Coral
15 Gables, and I trust that the new zoning is going to
16 prevent a lot of that, and if so, I hope that this is
17 going to be tied into the new zoning regulations, to
18 protect our neighborhood.

19 Any questions? Thank you.

20 MR. STEFFENS: Thank you, sir.

21 Next?

22 MS. MENENDEZ-DURAN: Constantine Nickas.

23 MR. NICKAS: Good evening, ladies and
24 gentlemen. My name is -- I don't go by Constantine,
25 I typically go by Dean, and my address is 5700 San

1 Vicente. I am in the home that immediately abuts the
2 subject property we're talking about, immediately to
3 the south.

4 I've had the opportunity to speak with
5 counsel for the present owners, and the present
6 owners. They've assured me of two things, and they
7 are as follows: Number one, that what they intend to
8 build, if this Board recommends approval and the City
9 Commission approves this request for separation, that
10 they would build a single-family, single-story
11 residence on the three lots on San Vicente. You'll
12 have the existing property on Riviera and a single-
13 story, single-family residence on San Vicente that
14 would be within, of course, what we're talking about
15 with the McMansions and the new restrictive
16 ordinances; and secondly, that a restrictive covenant
17 would be recorded to me and the City, of course, that
18 there would be no further requests, coming back,
19 saying, "All right, we've subdivided this into two
20 buildable properties" -- I wouldn't want to see
21 someone coming back and saying, "All right, now that
22 we've done that, you know what, we've re-thought
23 this, and perhaps we should take that San Vicente
24 front property and let's make it two, so that we have
25 three buildable properties." That would be

1 unacceptable. I've been assured that a restrictive
2 covenant would be prepared and filed of record.

3 With those two provisos in mind, as the
4 probably most affected property owner here in this
5 room, I will tell you that I have no problem, with
6 those two provisos.

7 MS. HERNANDEZ: Has the applicant submitted
8 a proposed restrictive covenant in your favor?

9 MR. NICKAS: I have not seen the document
10 yet. I have spoken to Mr. Guilford about it this
11 evening, and I trust him implicitly, so I'm sure
12 he'll send it over to me. But as President Reagan
13 once said, "Trust, but verify."

14 MS. HERNANDEZ: Trust, but write it down.
15 Sorry.

16 MR. NICKAS: Thank you very much for your
17 time.

18 MR. STEFFENS: Thank you.

19 That closes the public portion of the
20 hearing.

21 MR. AIZENSTAT: I --

22 MR. STEFFENS: Is there any Staff -- I'm
23 sorry, Board comments or questions?

24 MR. AIZENSTAT: There's a question which I'd
25 like to ask, if I may, to Walter and to Zeke.

1 For -- and I'm back to your Number 5, for a
2 second, if I may. The statement says, the proposed
3 building site maintains and preserves open space. Is
4 there a site plan presently for this property at all?

5 MR. GUILFORD: There is not. It will be
6 governed by the lot coverage and setbacks.

7 MR. AIZENSTAT: So how could that statement
8 be made without, actually, a site plan?

9 MR. GUILFORD: When you look at open space,
10 I think, as Staff has stated, they're looking at open
11 space as a contextual matter. If you look at this
12 one proposed building site, as it is applied with the
13 neighborhood and the houses that are currently
14 existing, based upon the lot coverage permitted, this
15 lot, proposed lot, would in fact have more green
16 space than a smaller lot.

17 MR. AIZENSTAT: But we don't know what type
18 of structure they're going to put on it and how
19 they're going to put it on it, as far as the open
20 space is concerned.

21 MR. GUILFORD: Correct. Correct, and I
22 think it's too early to determine that at this time,
23 unless you have some conditions.

24 I can answer a question that was raised, is
25 whether there were any plans in, and would we

1 conform. Well, I can tell you right now, there are
2 no plans in. Clearly, this is the first step of a
3 long process. It has to go to the Board of
4 Architects, et cetera.

5 So, you know, they would be complying with
6 the new building regulations as it would apply to
7 this proposed building site.

8 MR. AIZENSTAT: Because, for me, I would
9 like to see a site plan before -- to see, actually,
10 what you propose for that site, in other words, so we
11 don't have a huge home or so forth there.

12 MR. GUILFORD: Well, we've said -- and as
13 Mr. Nickas said, we've agreed to a single-story
14 house. So, at that point, you've already reduced the
15 massing considerably.

16 If you need a site plan, I guess what you
17 could do is ask for a deferral of this matter,
18 request a deferral, so that we can come back with a
19 site plan and show you how a house would actually sit
20 on this piece of property.

21 MR. STEFFENS: But, Eibi, we could also put
22 additional conditions on it.

23 MR. AIZENSTAT: Yeah, but --

24 MR. STEFFENS: Right now, if they're
25 volunteering to do a single-family house, they cannot

1 reach the maximum allowable floor area that they can
2 build on that lot in a single-family house -- in a
3 single-story house --

4 MR. AIZENSTAT: But by --

5 MR. STEFFENS: -- and if we put the
6 restrictions on it -- not with the lot coverage, you
7 can't --

8 MR. AIZENSTAT: But by the same token, there
9 are two-story houses all around.

10 MR. STEFFENS: Well, they volunteered to do
11 a one-story house.

12 MR. AIZENSTAT: So this is something that
13 you're volunteering?

14 MR. GUILFORD: We are volunteering and that
15 you can make --

16 MR. AIZENSTAT: It's not something that
17 somebody's asking you to only build --

18 MR. GUILFORD: Correct.

19 MR. AIZENSTAT: -- a one-story house. It's
20 something that you would want --

21 MR. GUILFORD: That we are volunteering.

22 MR. KORGE: What concerns me about not
23 splitting is that we'll probably end up with one
24 monster home, so to speak, oversized home for --
25 oversized for the neighborhood, on the six lots,

1 because you cannot justify, economically, not
2 developing the back three lots on San Vicente. You
3 just can't -- the market no longer can support that
4 remaining vacant.

5 So what probably will happen is that the
6 existing structure will be demolished or incorporated
7 into a much larger structure if we do nothing, and
8 since it conforms -- you know, splitting it along the
9 lines suggested, that is, to two building sites,
10 conforms with the overall neighborhood, it remains
11 the two largest lots in the neighborhood, it's not on
12 its face offensive to the neighborhood. It's not
13 incompatible with the neighborhood, provided that the
14 other aspects of it that would be offensive, the
15 encroachments, are removed, that -- and also that
16 the -- if possible, I guess we'd have to -- if we're
17 going to go forward on this basis, we'd have to have
18 some outside date for this, but that they would agree
19 to comply with the future ordinance anticipated to be
20 adopted, restricting the size of homes on new
21 developments that are -- the so-called monster home
22 ordinance.

23 MR. STEFFENS: Well, they already --

24 MR. AIZENSTAT: Have volunteered.

25 MR. STEFFENS: -- put that restriction on

1 themselves by saying they're going to do --

2 MR. KORGE: Well, that wasn't in the -- that
3 isn't in the proposal.

4 MR. STEFFENS: No, not yet.

5 MR. KORGE: I think that has to be part of
6 it.

7 MR. AIZENSTAT: Right.

8 MS. HERNANDEZ: It's not in Staff's
9 recommendations, but I think that --

10 Mr. Guilford, why don't you repeat what
11 you've agreed to with the neighbors, so that we can
12 get that?

13 MR. GUILFORD: What we agreed to was a
14 one-story house -- I call it the San Vicente site,
15 the three lots on San Vicente, more specifically -- I
16 already gave it -- think it's 17, 18 and 19, to a
17 one-story residence.

18 We've also agreed to a restrictive covenant
19 with Mr. Nickas, who is the most directly affected --

20 MR. MAYVILLE: Why just him? I mean, why
21 not --

22 MR. GUILFORD: Well, we could, but, you
23 know, what is that? What is that group? I guess we
24 could come with the four houses that abut it. We
25 could do that. We could do that. Those would be the

1 most directly affected individuals.

2 MR. STEFFENS: But why would you go with a
3 neighbor and not with a restrictive covenant with the
4 City?

5 MR. GUILFORD: Well, it would be both.
6 Essentially, it would be the City and those
7 neighbors, is what you would end up doing, having one
8 restrictive covenant --

9 MS. HERNANDEZ: Oh, we would --

10 MR. GUILFORD: Or, you want two?

11 MS. HERNANDEZ: We would do two.

12 MR. GUILFORD: Okay, then, two.

13 MR. HERNANDEZ: What the owner has is a
14 separate right that they can enforce in court. The
15 Commission should not be subservient to a --

16 MR. STEFFENS: And what are you volunteering
17 for the Riviera lots?

18 MR. RIEL: Mr. Chairman, if I could ask a
19 question first. Are you talking of just the Vicente
20 side?

21 MR. GUILFORD: Right.

22 MR. RIEL: So, if the home on the Riviera
23 side was demolished, they would be able to put a
24 two-story home up there.

25 MR. GUILFORD: Right. What --

1 MR. RIEL: I just want the Board to
2 understand that.

3 MR. GUILFORD: What my --

4 MR. STEFFENS: So you're not volunteering to
5 do a one-story house on Riviera?

6 MS. KEON: No.

7 MR. GUILFORD: Our intention was to leave
8 it, but I think, if you look at the Riviera side, I
9 mean, there's only so far you can condition, but if
10 you look at the Riviera side, there's much larger
11 homes along Riviera than you have on San Vicente.

12 MR. AIZENSTAT: I tend to agree with you on
13 that.

14 MS. HERNANDEZ: And then the other condition
15 that the gentleman indicated was no further
16 separation. Those were his words.

17 MR. GUILFORD: That is correct, and that's a
18 given. The application, it's -- yes.

19 MS. HERNANDEZ: You would do a unity of
20 title to each of the remaining plats, two separate
21 buildings sites.

22 MR. GUILFORD: Two separate building sites.

23 MR. TEIN: Let me ask you a question. I was
24 interested in what Tom said about the monster home,
25 that if we voted this down, one big monster home

1 could be built on this lot. But if we permit it, the
2 application to split the lots, couldn't two monster
3 homes ultimately some day be built on these two lots?
4 So, instead of one big monster home that we're
5 talking about if we deny, if we grant there could
6 actually be two big monster homes.

7 MR. GUILFORD: No. Actually, by the
8 condition that is being proffered here tonight,
9 you'll only have a one-story house on the San
10 Vicente. So you'd never have two monster homes.

11 MR. TEIN: But you might have one monster
12 home on Riviera and one little monster on --

13 MR. GUILFORD: Well, what we're hoping --

14 MR. TEIN: A little one, a little home.

15 MR. GUILFORD: Yeah, a little monster.

16 Really, what happened is, you already have
17 interim regulations that have been passed at the
18 Commission, the first reading, which reduces,
19 essentially, the calculations by five percent, which
20 I fully expect to be passed at the next Commission
21 meeting. So, essentially --

22 MS. HERNANDEZ: We don't know. But this
23 Board can make different recommendations, and then we
24 would have to go back to first reading.

25 MR. GUILFORD: Of course. Of course. But

1 what I'm saying is that right now there are
2 regulations going through that addresses the issue of
3 the monster homes.

4 MR. STEFFENS: And Zeke, aren't you offering
5 us a restrictive covenant?

6 MS. HERNANDEZ: Yes.

7 MR. AIZENSTAT: Another restrictive
8 covenant.

9 MR. STEFFENS: And isn't your successor
10 going to come in here and argue that you didn't know
11 what you were doing when you offered the one-story
12 restrictive covenant?

13 MR. AIZENSTAT: With all due respect.

14 MS. HERNANDEZ: The Chair could not help
15 himself.

16 MS. KEON: Can I ask a question?

17 MR. STEFFENS: We could also ask for a
18 condition that, while they might not need to meet all
19 of the proposed restrictions in the oversized home
20 ordinance, we could ask for an increase in the open
21 area on the lot to 40 percent, which is part of the
22 proposed large home ordinance.

23 MR. AIZENSTAT: Well, we would be tying it
24 to the new ordinance.

25 MR. STEFFENS: But we don't have a new

1 ordinance yet.

2 MR. GUILFORD: Yeah, but whatever is on the
3 map --

4 MR. KORGE: But I think what he's saying, it
5 will be tied to the new ordinance, assuming it's
6 adopted within a certain period of time, because you
7 can't tie it indefinitely to an ordinance that may
8 never be adopted.

9 MR. STEFFENS: Well, we can have a condition
10 that would be part of the ordinance, because if the
11 ordinance isn't implemented and they get in for a
12 building permit before the ordinance is implemented,
13 then it's a moot point.

14 MR. GUILFORD: We are so far away from a
15 building permit, we're guessing what's going to
16 happen in the future. But I think what you can do
17 is, there were certain regulations passed at a first
18 reading. Obviously, I can't remember the date it was
19 passed. You can tie it to that set of regulations.
20 Now, they may be changed, but you can't keep having a
21 moving target or something that may never happen in
22 the future. But you clearly can tie it to something
23 that is there today, that's a guide to go by.

24 MR. STEFFENS: Well, that's what I was
25 saying. We could make some conditions that are --

1 MR. GUILFORD: Absolutely.

2 MR. STEFFENS: -- parts of that proposed
3 ordinance.

4 MR. GUILFORD: Absolutely.

5 MR. KORGE: But bearing in mind that the
6 one-story limitation may make the ordinance
7 irrelevant, anyway. I mean --

8 MR. STEFFENS: Most of the ordinance, but
9 not the lot coverage portion of that ordinance.

10 MR. KORGE: Got you.

11 MR. MAYVILLE: My question is this. Are
12 you willing to postpone this thing and come back to
13 us with a recommendation? You've got a general gist
14 of what our thoughts are. I think maybe -- I don't
15 want to be speaking for the Board, but I sense that
16 the Board is willing to go down a road and be
17 supportive of it, as long as some protections can be
18 built in on both properties that protect the
19 neighborhood.

20 MR. GUILFORD: Right. I think a lot of good
21 ideas have obviously been thrown around. I think
22 Staff and I could get together and come back to you
23 at your next meeting with basically a list of
24 conditions that was discussed tonight, and then that
25 way, you know, we can just say, "the conditions as

1 proffered."

2 MS. HERNANDEZ: Right, and then a
3 restrictive covenant.

4 MR. GUILFORD: Right.

5 MS. HERNANDEZ: And then you can do a
6 restrictive covenant with the neighbor.

7 Mr. Guilford: Absolutely.

8 MR. MAYVILLE: With all the neighbors, the
9 four neighbors-- the four corners.

10 MS. HERNANDEZ: Well, whatever neighbors
11 that are requesting one. I have no idea who's
12 requesting.

13 MR. RIEL: I would ask the Board, is that
14 the intention of the Board? I just want to make sure
15 we know --

16 MR. STEFFENS: Would you like to make a
17 motion?

18 MR. MAYVILLE: Well, I didn't -- yeah, I was
19 just talking out loud.

20 MS. KEON: I'd like to ask a question of the
21 City Attorney. Can we subject this to an ordinance
22 that doesn't exist yet?

23 MS. HERNANDEZ: No.

24 MR. GUILFORD: But there are certain
25 guidelines, of which you can --

1 MS. KEON: Right, but we can't subject it to
2 that which exists -- that doesn't exist.

3 MR. GUILFORD: Does not exist.

4 MS. HERNANDEZ: Correct.

5 MS. KEON: Thank you.

6 MR. TEIN: And Bill, I think that's a great
7 idea, to have this -- if they want to make another
8 proposal, but I don't know that we can say yes, we're
9 all of the same mind, and if they come back --

10 MR. MAYVILLE: I guess my feeling was, if we
11 were going to say no, we ought to say no and take a
12 vote on it tonight. I mean, if there's a general
13 feeling that we don't want to go -- you know, if at
14 least half the Board says no, then I think we ought
15 to do an up and down vote, but if we're willing to go
16 down this road with them a little bit, my thought
17 was, give them a chance to come back to us with a
18 game plan, because we're really coming up with a lot
19 of ideas, but no specifics that I feel could be put
20 in a motion to take forward to the Commission.

21 MR. STEFFENS: Well, do I hear a motion?

22 MS. KEON: If we -- Can I ask one more
23 question? If we were to deny this or to recommend
24 denial, they still can go forward to the Commission?

25 MS. HERNANDEZ: Sure.

1 MS. KEON: With our recommendation?

2 MS. HERNANDEZ: Correct.

3 MS. KEON: And it doesn't affect their
4 ability to proceed, one way or the other?

5 MS. HERNANDEZ: Correct.

6 MS. KEON: Is that right?

7 MS. HERNANDEZ: Correct.

8 MS. KEON: It doesn't affect if they can
9 come back or they can't come back or --

10 MR. MAYVILLE: Well, they have --

11 MS. KEON: -- how soon they come back or
12 anything else?

13 MR. STEFFENS: We could continue it and
14 they could come back.

15 MS. HERNANDEZ: Right.

16 MR. STEFFENS: We can't deny it and then
17 they come back.

18 MS. HERNANDEZ: And I don't know that -- and
19 Mr. Guilford or Mr. Carlson can correct me, but I
20 don't know that the City Commission -- I can't
21 remember a time when they've overruled a
22 recommendation of this Board not to separate a site.

23 So, you know, if you have conditions that
24 you're thinking, I would like to see those -- you
25 know, I'm leaning towards -- you know, it's a valid

1 application but I'd like to see some additional
2 conditions, then what Mr. Mayville is recommending
3 is, in fact, appropriate.

4 MR. KORGE: I wrote down the conditions that
5 would be acceptable to me. I could make a motion.

6 MS. HERNANDEZ: Well, I mean --

7 MR. KORGE: It may not be for anybody else.

8 MR. MAYVILLE: I would not vote on it
9 tonight. I mean, I would --

10 MS. KEON: I'm feel -- I mean, I'm
11 comfortable with the reasoning to separate these into
12 two building sites. What I'm not comfortable with is
13 the current concern that exists by the Commission and
14 the residents of this City, is with the setbacks and
15 the size of homes that can currently be built under
16 the Zoning Code, because we can't condition it on
17 something in the future, that isn't there yet. We
18 would have to be subject to what things we may put in
19 here and the current Zoning Code, and that's what I'm
20 not comfortable with.

21 MR. KORGE: Well, would you --

22 MS. KEON: I would be comfortable when the
23 monster home ordinance is in place.

24 MR. KORGE: What if it's never enacted?
25 Then would you be uncomfortable splitting?

1 MS. KEON: Probably.

2 MR. KORGE: All right.

3 MR. RIEL: May I make a suggestion? May I
4 make a suggestion, that you continue the item, ask
5 the applicant to come forward with a restrictive
6 covenant that he has the neighboring parties review,
7 provide it to the City. We'll look at that and then,
8 by the time it comes back, I think we will have more
9 direction regarding the limitation on single-family
10 homes.

11 Obviously, it's not going to come back until
12 June, if not later. By that time, this Board will
13 have given us input on single-family home size, as
14 well as the Commission. So, basically, what I'm
15 asking the applicant to do is proffer a restrictive
16 covenant and put things in writing and then we'll
17 come back with that.

18 MR. AIZENSTAT: And it could help if you
19 want to do some kind of a site plan.

20 MR. GUILFORD: Sure, that's fine.

21 MR. AIZENSTAT: That doesn't mean that you
22 have to tie it to something, but just to give us a
23 visual.

24 MR. GUILFORD: Right, okay.

25 MR. STEFFENS: So, Tom, would you like to

1 take your conditions and make them into a suggestion
2 for a continuance?

3 MR. KORGE: Yeah, however you want to place
4 it. Here are the conditions. They've already
5 explained that it would be divided into two sites.
6 One would be the three lots facing San Vicente. The
7 other would be the three lots facing Riviera. The
8 three lots -- on the three lots facing San Vicente
9 and the three lots facing Riviera, there would be a
10 unity of title for each of those so that they're just
11 one building site each.

12 On the San Vicente lots, there would be in
13 the covenant, the restrictive covenant, a limitation
14 on the house to be a one-story house, maximum; that
15 the restrictive covenant which would replace the
16 current declaration of restrictions would be two
17 covenants, one with the City and another with the --
18 with any of the adjacent homeowners who want to
19 participate in that covenant; that all nonconforming
20 structures and the pool encroachment on the Riviera
21 site would be removed within one year from final
22 approval by the Commission of the separation.

23 And I was going to say, you know, compliance
24 with -- that no building permit would be issued
25 within a certain period of time, I hadn't quite

1 decided what, to give the Commission an opportunity
2 for the -- to get through that ordinance, but since
3 that -- you know, that ordinance is crucial to your
4 vote, I don't even think I'll include that, that
5 other restriction, just leave that out.

6 So those would be the basic criteria that
7 would permit the separation, and presumably, when you
8 come back to us with all this in writing, the
9 Commission will have acted on that ordinance and
10 we'll know, at that point, how everybody feels about
11 whether this will be workable, overall.

12 MR. STEFFENS: I'd like to see aspects of
13 that ordinance incorporated into some restrictive
14 covenant.

15 MR. KORGE: Why?

16 MR. STEFFENS: Well, if the ordinance never
17 gets --

18 MR. KORGE: Well, that could be --

19 MR. STEFFENS: If they come back and they're
20 ready to go, I don't want us or the City Commission
21 holding them up. I mean, they could be waiting for
22 six months.

23 MR. KORGE: Well, that's an interesting way
24 to do that, but then what we're doing is, we're
25 imposing an ordinance --

1 MR. STEFFENS: They could voluntarily accept
2 it or not accept it.

3 MR. KORGE: No, let me just finish. We're
4 imposing an ordinance on them that -- you know, maybe
5 the Commission comes back with something more
6 restrictive, or different. I don't know that I want
7 to -- I mean, the purpose of that ordinance would be
8 to put some further regulation on oversized homes,
9 and I wouldn't want to second-guess the best way to
10 do that, when the Commission hasn't made a final
11 decision, and I'd have some problems putting that in
12 there unless the Commission took no action and that
13 was the only method by which this Board as a whole
14 would agree to separation.

15 Overall, I think the separation makes sense.
16 It's more in conformity with the neighborhood than
17 what exists now. So, I mean, in principle, I agree
18 with you, what you're saying. In other words, it
19 makes sense.

20 MS. KEON: I have no problem with the
21 separation.

22 MR. KORGE: The concern --

23 MS. KEON: I have concerns with what can be
24 built there.

25 MR. KORGE: Right.

1 MR. AIZENSTAT: If you really look at the
2 site separation, it does make sense on this site, if
3 you look at the neighborhood.

4 MR. STEFFENS: So do we have a motion, then?

5 MR. RIEL: Well, that's a motion. That was
6 a motion.

7 MR. MAYVILLE: Yeah.

8 MR. KORGE: What was it a motion for?

9 MR. MAYVILLE: To defer this --

10 MR. RIEL: To continue.

11 MR. KORGE: To continue, okay.

12 MR. STEFFENS: Who made the motion?

13 MR. MAYVILLE: Tom.

14 MS. KEON: Mr. Korge.

15 MR. STEFFENS: Okay. Is there a second for
16 Tom's motion?

17 MR. MAYVILLE: I'd second.

18 MS. HERNANDEZ: Okay, what are we doing,
19 continuing or deferring? Continuing requires no
20 advertising, deferring does, so --

21 MR. MAYVILLE: You ought to have the
22 advertising.

23 MR. AIZENSTAT: You want the advertising.

24 Just --

25 MR. MAYVILLE: This may be three months down

1 the road before --

2 MR. AIZENSTAT: Actually, there was a
3 gentleman that had said that there was -- I think it
4 was Mr. Hartman (sic) or somebody, that signs were on
5 and off. I didn't understand. I drive by that way,
6 and I always saw an orange sign.

7 MR. GUILFORD: No, there were signs there.
8 I had them placed. I got a call from Staff that the
9 signs were down. When I went out to the site, the
10 signs were actually laying in the grass. I don't
11 know if it was a yard man who did it or who did it,
12 but from the time Staff, the signs -- I think the
13 gentleman may be correct, it may have been a day or
14 two -- that the signs were back up.

15 MR. CARLSON: And Staff went out and checked
16 that they had all been put back up.

17 MR. RIEL: It is not uncommon for signs to
18 go down because of weather, people take them,
19 children take them. So we have repeatedly given --

20 MR. CARLSON: It happens with a lot of
21 different properties.

22 MR. RIEL: -- more than one or two signs.

23 MR. MAYVILLE: I would suggest we defer it,
24 just so everybody gets proper notice.

25 MR. STEFFENS: Your motion is to --

1 MR. AIZENSTAT: Will that cost them? Will
2 that cost the applicant?

3 MR. RIEL: Yes, it will.

4 MR. MAYVILLE: We're not talking about a lot
5 of money, but -- we're talking about a couple hundred
6 dollars.

7 MR. KORGE: How much is it going to cost
8 them?

9 MR. RIEL: We would have to renotice all
10 properties within a thousand feet. I couldn't guess.
11 I would probably say about 1,000 to \$1,500.

12 MR. MAYVILLE: On a project that's this
13 big -- but I think that the whole neighborhood needs
14 to -- otherwise, if you continue it --

15 MR. KORGE: Well, everybody got notice by
16 mail.

17 MR. MAYVILLE: Yeah, but I'm saying, but if
18 you continue it, nobody knows when it comes back
19 before the Board here.

20 MR. KORGE: Well, everybody who was
21 interested is here. We had several people come
22 and comment.

23 MS. KEON: They may be out of town by the
24 time it comes back and they wouldn't know.

25 MR. MAYVILLE: Yeah, we've got summer,

1 summer going on and --

2 MS. KEON: You would know.

3 MR. KORGE: But is that consensus, to defer?

4 MR. TEIN: I mean, if you defer, it's to
5 defer, not defer with conditions, correct?

6 MR. KORGE: Well, I want to move what
7 everybody agrees to. I mean, I would move to
8 continue.

9 MR. AIZENSTAT: Isn't there a motion --

10 MR. KORGE: I would move to continue.

11 MR. AIZENSTAT: -- and a second? Was that
12 motion made to defer or --

13 MS. KEON: I think that Bill seconded the
14 his motion.

15 MR. MAYVILLE: I seconded it, but the
16 question was whether it was a deferral or a
17 continuance, and I suggested -- I would move --

18 MS. HERNANDEZ: I asked for clarification --

19 MR. MAYVILLE: Okay.

20 MS. HERNANDEZ: -- what we were doing, so
21 that I could then advise Mr. Riel.

22 MR. KORGE: And I didn't know the
23 difference until it was explained.

24 MR. AIZENSTAT: I would suggest, also, to
25 defer it, to make sure that the surrounding

1 neighborhood does know, and that somebody doesn't
2 come to us and say, "I hadn't heard about it."

3 MR. KORGE: All right, then, I'll make it a
4 motion to defer.

5 MR. MAYVILLE: I'll second it.

6 MR. STEFFENS: Can I get a roll call?

7 MR. RIEL: One question. The presumption is
8 that the Board will be in support of removing the
9 restrictive covenant, then?

10 MR. TEIN: Say that again?

11 MR. RIEL: Removal of the existing
12 restrictive covenant, that's the presumption?

13 MR. STEFFENS: It depends on what they come
14 back with.

15 MR. MAYVILLE: That's right.

16 MR. TEIN: Yeah, that was part of --

17 MR. RIEL: Okay, I just want to make sure.

18 MR. TEIN: This is just a straight deferral
19 motion, without conditions attached, correct?

20 MS. KEON: There were -- No, there was a
21 host of conditions attached.

22 MR. STEFFENS: There's suggestions.

23 MR. TEIN: Are we voting -- all right,
24 could we have a repeat of that?

25 MS. KEON: There's a host of conditions.

1 MR. GUILFORD: Can I tell you what? Defer
2 it. I've heard the conditions. It's taped. The
3 Staff and I can get together, put those conditions
4 down as part of your package. Those conditions will
5 be part of it, and then we can take it from there, so
6 that we would have at least --

7 MS. KEON: Well, that has to be voted on
8 yet.

9 MR. GUILFORD: Right, but right now -- but
10 right now, what I think what you have is a deferral.

11 MR. KORGE: Well, I move to defer --

12 MS. KEON: With conditions.

13 MR. KORGE: -- with these conditions, to
14 bring it back to us --

15 MR. GUILFORD: That's fine.

16 MR. KORGE: -- and if they bring it back to
17 us with those conditions, the Board could turn it
18 down. The Board could ask for additional conditions.
19 It's not an approval of those conditions.

20 MR. TEIN: Okay. I understand.

21 MR. KORGE: But what we're doing is giving
22 them guidance about where we think we're heading.

23 MR. TEIN: I understand.

24 MR. STEFFENS: Can I have a roll call?

25 MS. MENENDEZ-DURAN: Tom Korge?

1 MR. KORGE: Yes.

2 MS. MENENDEZ-DURAN: Bill Mayville?

3 MR. MAYVILLE: Yes.

4 MS. MENENDEZ-DURAN: Michael Tein?

5 MR. TEIN: Yes.

6 MS. MENENDEZ-DURAN: Eibi Aizenstat?

7 MR. AIZENSTAT: Yes.

8 MS. MENENDEZ-DURAN: Pat Keon?

9 MS. KEON: No.

10 MS. MENENDEZ-DURAN: Michael Steffens?

11 MR. STEFFENS: Yes.

12 MR. GUILFORD: Thank you very much.

13 MR. STEFFENS: Thank you.

14 MR. RIEL: Mr. Chair, could we take --

15 MS. KEON: I would move to defer it until

16 the ordinance is in place. I mean, that would be

17 mine, I would defer it -- If I were to make that

18 motion --

19 MR. KORGE: I think they got that.

20 MS. KEON: But I would defer it until the

21 ordinance is in place.

22 MR. STEFFENS: Wally, are you giving us our

23 presentation?

24 MR. RIEL: Could we take a two-minute break,

25 just for some equipment change?

1 MR. STEFFENS: Yes, we can.

2 (Thereupon, a recess was taken.)

3 MR. RIEL: Okay, why we're here is to
4 discuss future growth of the northern part of the
5 City, known as the North Ponce de Leon Area. I have
6 a brief PowerPoint, and then I'm going to turn it
7 over to our consultant, who has also a brief
8 PowerPoint, and then why we're here is to look for
9 public input.

10 I'm going to go ahead and have the lights
11 turned down, because it's a lot easier, because I'm
12 going to show you the 3-D model again this evening,
13 and it's much easier to see, so --

14 Again, the purpose of this evening's meeting
15 is to seek public input. Staff and the consultant
16 desire to get input from property owners, residents,
17 stakeholders, the Planning & Zoning Board, and
18 obviously, the City Commission, who gives the
19 ultimate policy direction.

20 The goal is to develop a master plan for the
21 North Ponce Neighborhood area. Basically, the area
22 boundaries are Flagler Street to the north, Navarre
23 to the south, which is the CBD limit, Douglas Road to
24 the east, and then Salzedo Street and LeJeune Road to
25 the west. Although these are the property boundaries

1 within the City, one of the things that the
2 consultants and Staff are also going to look into is
3 what impacts the City of Miami, as well as the
4 County, has on development within the City.
5 Obviously, you know, we have no control over that,
6 but we are going to basically take into consideration
7 what is being constructed in those areas, as well,
8 and basically, we're defining that as kind of the
9 area of influence.

10 What is the master -- why are we doing a
11 master plan? A significant amount of discussion from
12 the Planning Board, other City boards and the City
13 Commission regarding redevelopment or development
14 pressures in the area. Basically, what will the
15 master plan examine and provide? We're going to look
16 at allowable uses, building design, streetscape,
17 pedestrian circulation, traffic, parks and
18 recreation, historic preservation, and then any other
19 public improvements.

20 Background materials. As you probably know,
21 and some of the Board Members have been on the Board
22 some time, there's a significant amount of background
23 materials. What I have is, I have prepared three
24 binders. There's one right in front of the Board, I
25 have one here, and there's also one in the audience.

1 It includes, basically, nine background materials
2 that includes studies that were completed
3 specifically for the area, historic preservation
4 reports, a specific task force study that was
5 completed in 1994, and we also did a summary of those
6 recommendations, which is actually Tab 2 in the
7 binder, and then probably the most notable thing is,
8 in 2003, the Planning & Zoning Board, the Economic
9 Development Board and I believe the Historic
10 Preservation Board had a tri-board meeting to discuss
11 issues regarding the North Ponce area. Those minutes
12 are, I believe, Tab Number 4 in your binder.

13 So there has been a significant amount of
14 information that's available, and I would probably
15 say one of the more important documents is,
16 obviously, the City did a Charrette in 2002, which
17 includes the CBD and the North Ponce, as well.

18 Basically, in terms of public notice, we
19 mailed out a notice to every property owner of record
20 that we found. That's about 1,200 notices. We also
21 e-mailed those -- we have an e-mail notification
22 system in our department, basically those of
23 interested parties, and then we also put it in the
24 ENEWS, the City of Coral Gables ENEWS, which at the
25 present time has about 8,000 recipients, and that is

1 advising of this evening's meeting, as well as the
2 other meetings that are going to be coming up.

3 One of the things I would like to do is kind
4 of go over what the allowable development in the area
5 is, and if I could have -- Richard is going to hand
6 some maps out. This is actually the map that I have
7 up on the PowerPoint, and while he's doing that,
8 basically, in summary, the areas that you see shown
9 in brown on the map up there are areas that are
10 allowed to construct six to eight stories in height
11 with multi-family residential. That's under the
12 current regulations, that six stories is allowable by
13 right, and then the eight stories is allowable by
14 Mediterranean bonuses.

15 The portions that are shown in red are those
16 areas that are allowed to construct up to 13 stories,
17 and 16 stories with Mediterranean bonuses. Now, I
18 just want everybody to understand, that's the current
19 Comprehensive Land Use Plan. That has been in place
20 for some time. I just want to make sure everybody
21 understands that. That is what the property rights
22 that are available to those property owners,
23 obviously subject to all the other provisions in the
24 Zoning Code.

25 MR. STEFFENS: Could you also tell us the

1 FAF of those two areas?

2 MR. RIEL: Floor area ratio is --

3 MR. STEFFENS: FAR, I'm sorry.

4 MR. RIEL: FAR. In the commercial, it's
5 3.5, and the residential, I'd have to ask Walter.
6 I'm not sure what the maximum FAR of the apartments
7 are, but I'll get you that answer.

8 MR. CARLSON: It's based on site size.

9 MR. RIEL: Site size. Okay, it's based on
10 site size.

11 What I'm going to do now is go through a 3-D
12 model, which the Board has seen in the past, but what
13 I'd like to do is kind of -- this is more for the
14 folks that haven't seen this before. What the City
15 Staff has done is, we've developed a model.

16 Just in terms of explanation of what we have
17 here -- let me just kind of get in position --
18 basically, what this is, this shows the existing
19 development that is in the area. The green are those
20 projects, those buildings, that are either under
21 construction, in some type of a permit process. This
22 is up-to-date as of about four to six months, so we
23 don't have information on those projects in the past
24 four to six months. We are continually updating it.

25 MR. TEIN: Can you just go through the

1 streets --

2 MR. RIEL: I'm going to move it around. I'm
3 going to tip it around.

4 MR. TEIN: Yeah. No, but I mean, just
5 orient me where the --

6 MR. RIEL: Okay. This is basically Miracle
7 Mile. Let me just pull it down a little bit here.
8 This is Navarre. Navarre, Salzedo.

9 MR. TEIN: What's the left-most street, in
10 the southwest corner?

11 MR. RIEL: Douglas. This is Douglas.
12 Again, this --

13 MR. TEIN: What's the west-most street?

14 MR. RIEL: This right here?

15 MR. TEIN: The west-most.

16 MR. RIEL: This is Salzedo.

17 MR. TEIN: On the southwest corner, what's
18 the west-most street? Right there.

19 MR. RIEL: This is LeJeune.

20 MR. TEIN: Okay.

21 MR. RIEL: This is LeJeune, Southwest Eighth
22 and Flagler.

23 What I'm going to do is, I'm going to pan
24 around. The areas -- the buildings shown in red are
25 those that have actually gone through the Planning &

1 Zoning Board for review. They were done as part of a
2 change in land use and zoning, and basically, I'm
3 just going to try to pan around. This model is very
4 sensitive, so -- especially when I don't have a
5 mouse.

6 If you notice, on the properties where you
7 can see the colors -- see the brown, see the red?
8 That is the underlying land use, brown, again, being
9 multi-family, red being commercial, blue being
10 institutional, basically schools, green being parks,
11 and I'm going to just pan around to kind of the north
12 side. Again, LeJeune Road, Salzedo and then Ponce.

13 MR. TEIN: Where's Alhambra?

14 MR. RIEL: Alhambra is --

15 MR. TEIN: That's Miracle Mile there, right?
16 No, that's Alhambra.

17 MR. RIEL: This is Alhambra.

18 I'm going to flip around. And then
19 obviously, the northern part of the City is all
20 single-family. There is an exception. There is a
21 small area up here where there's a church, and
22 there's some mid or low-rise commercial.

23 I'll just pan around to the other side here.
24 The Douglas Entrance. This is a residential project
25 that was approved by the Board, I believe about two

1 or three years ago. It's actually now under
2 construction. This is the new Publix and the
3 apartments on Douglas there.

4 So, again, this just kind of gives you a
5 feel for current construction in the area.

6 Next steps. Basically, as I indicated,
7 we're here this evening to seek input. The Board of
8 Architects, we're actually going to the Board of
9 Architects tomorrow morning at 11:00 a.m. to secure
10 their input. We've gone to the Economic Development
11 Board on May 4th. We're going to the Historic
12 Preservation Board on the 26th, and then, with the
13 City Commission, that date needs to be determined.

14 Obviously, it will probably be within the
15 next month or two, but I just want to note for those
16 members of the public, the intent tonight is to
17 solicit input. June 8th at 6:00 p.m., before this
18 Board, the intent is to present preliminary
19 findings. We hope that, since you participated this
20 evening, that you will also come to that hearing, and
21 we will also then, at that time, advise when the next
22 hearings are. But you can certainly come to the
23 Board of Architects, the Historic Preservation Board.

24 We do have everything on the City's web
25 site. We also do have an e-mail address that's

1 called northponce@coralgables.com, where you can
2 write in comments, and those comments will be
3 provided to you in verbatim form.

4 That's all I have, and I'm going to go ahead
5 and turn it over to our consultant, Charlie Siemon,
6 of Siemon & Larson, and if you could, let him go
7 through their presentation, and then if you have any
8 questions for me or the consultant, I'll be happy to
9 come back up.

10 Oh, I'm sorry, I forgot one thing. We did
11 receive a -- from Miami-Dade County Public Schools, I
12 think it came in around five o'clock this afternoon,
13 comments, and we want to distribute that to the Board
14 for information, as well.

15 MR. SIEMON: Mr. Vice-Chairman, Members of
16 the Commission -- Board, I just want to make some
17 very brief remarks.

18 My purpose in these remarks is twofold.
19 One, to make sure everybody understands where we are
20 in the process and what we've done to come here and
21 listen for input, and two is to try to stimulate some
22 input, not just general input, but specific input
23 with regard to some things that we've observed as
24 we've gone through our initial research.

25 You all know where the area is --

1 Can we turn the lights back down? There we
2 go.

3 -- that we're working on. We've reviewed
4 the materials. These are these plans and documents
5 you've been told about. I want to amend Eric's
6 remarks. It's not just to prepare a master plan, but
7 it's to implement one. There have been, I count,
8 four different plans prepared in the last 15 years.
9 None of them have ever gone forward.

10 Our purpose was, while working on the Zoning
11 Code rewrite, there were proposals to use this for
12 the receiver site for TDRs, what kind of land uses,
13 et cetera, and as we looked at it, we came to the
14 conclusion that to make those decisions, you had to
15 look carefully at the area, and we also believe that
16 in order to meet the challenges that this very
17 dynamic neighborhood involves, we're going to have to
18 create new zoning districts, and to do that, we need
19 a very fine-grained plan on which to base those
20 programs.

21 We have done a field survey. We have
22 photographed every structure in the area, every
23 single structure, and they're compiled in a notebook
24 of issues. So you look at each street and we've got
25 the structures that indicate certain characteristics,

1 but we have a compendium of all the pictures, and I
2 will suggest to you that when we get down to
3 developing the plan, we're going to be going street
4 by street and block by block to develop specific
5 programs, because of the very diverse character of
6 the area.

7 We've had an in-house workshop with Planning
8 Staff and we've had an in-house, interdepartmental
9 workshop. We had Law Enforcement, we had Parking, we
10 had everybody in the community -- in the City
11 administration here, giving us input in regard to the
12 dynamic and characteristics and operation of this
13 neighborhood, and we've had some interviews with key
14 people.

15 There are some observations that we think
16 are fairly obvious, but we just want to point them
17 out. There's major roads that go through this
18 neighborhood, and they have a lot to do with it.
19 It's good news, bad news. It gives it superior
20 access to the surrounding metropolitan region, but it
21 also carries high volumes of traffic through this
22 area, and these are major matters that both serve and
23 transect this area.

24 Second, this area is served by a great
25 network of streets. This is the network that is

1 there. This provides local communications within
2 these neighborhoods to the major arterials, but also,
3 each one of these represents an opportunity for a
4 great address in a near-urban neighborhood.

5 There are a couple of things that jump right
6 out at us. The area to the north of Southwest Eighth
7 has an established character. We think it's very
8 vulnerable to change, and we think -- and this is the
9 area we're talking about right here. We think it's a
10 candidate for what's known as a conservation
11 district, which is basically -- it's not a historic
12 preservation district, because it's not just its
13 historic value. It's its character, which is very
14 uniform, very well -- very sensitive to change, and
15 we think that's not something -- this is not
16 something that's currently in your Land Development
17 Code, and we think it's something you're going to
18 want to consider, because we think it's fairly
19 obvious, the character of this and what its future
20 ought to be. And so that's an early observation
21 we've made, and we're looking for input.

22 We also think these two areas which are
23 largely -- oops -- two areas which are largely
24 commercial, along this area, the Douglas gate --
25 entrance, and these properties and this here, are

1 really largely developed. They are largely
2 permitted. They're classic C use and mixed use,
3 under your existing Code, and so we see very little
4 reason to spend a lot of time in planning for those
5 areas.

6 The North Ponce corridor is really an area
7 where there's a lot of activity. There's been a lot
8 of redevelopment along this corridor, an area of a
9 lot of concerns about what the future will bring.
10 We've created an analytical framework, because we've
11 looked at it, that breaks it down into a series of
12 units, and each of these units, what we see is the
13 structure of these neighborhoods that basically has
14 Ponce as an organizing major street.

15 These areas feed into Ponce. These are
16 opportunities where the opportunity for neighborhood-
17 serving commercial to be included in traditional
18 retail on the first floor of buildings along that
19 could start to organize these into -- these areas
20 into real neighborhoods, and we think, if you look,
21 it really starts to lay out into a logical area.

22 One of the things that there's been a lot of
23 discussion about is creating walkable neighborhoods.
24 This is a -- about a four and a half minute walk,
25 each of these areas you see. What you get is

1 significant overlap and a great opportunity, and this
2 is about a nine-minute walk.

3 So it's an area that has tremendous
4 potential to create what I call a near-urban
5 neighborhood, a quasi-urban neighborhood. It
6 certainly has the plan densities to do that.

7 The key, however, is going to be, can you
8 maintain and improve the public realm, largely the
9 streets, so that it's an attractive, desirable
10 pedestrian environment, so people aren't spending --
11 when they walk on the street, passing parking
12 garages, which is a significant problem, and there's
13 very little parking in this area.

14 This is the area of active redevelopment.
15 One of the things that we looked at is how this line
16 has been drawn. It's largely been drawn along
17 property lines. We think that there's some natural
18 boundaries that jump out at us, and we asked the
19 question of whether these two areas really aren't the
20 logical area to start talking about a candidate
21 mixed-use district.

22 It might be that this would be mixed use,
23 with residential being the predominant use, and this
24 being commercial being the predominant use,
25 commercial, office, et cetera. But we think it makes

1 sense to start talking about these transition areas
2 and how they ought to be incorporated.

3 Then that leaves these areas out here, which
4 have a more uniform character, very much sort of like
5 the single-family district to the north, but this is
6 clearly a multi-family district. The existing
7 intensity of use invites future redevelopment and
8 will affect a couple of buildings that have historic
9 values and, of course, the fabric of the
10 neighborhood.

11 That's all that I want to add, but those are
12 our preliminary observations about what we've seen
13 and a short description of the data we've collected,
14 and our focus really is not just on preparing a plan,
15 but preparing a plan that leads to a specific set of
16 regulations to implement the future that the plan
17 calls for.

18 And with that, we look forward to your input
19 and that of the public.

20 MR. STEFFENS: Thank you.

21 Eric, are we ready for public input at this
22 time?

23 MR. RIEL: Yes. I mean, unless the Board
24 has any questions. We have 14 people that have
25 signed up to speak.

1 MR. STEFFENS: Does the Board have any
2 questions of the Staff that made a presentation at
3 this time?

4 MS. KEON: I'd like to ask about, when you
5 talked about a conservation district for that area
6 north of Flagler -- or from Eighth to Flagler, what
7 does that mean, that you -- to preserve it as it is
8 currently, or that you enhance it to preserve -- what
9 does that mean? Tell me about what that means.

10 MR. SIEMON: A conservation district is
11 something that has more detail than you'd ordinarily
12 find in a residential zoning district, but less
13 restrictive regulations than you find in a historic
14 landmark district.

15 MS. KEON: Okay.

16 MR. SIEMON: And what it does is recognize
17 that you have a unique neighborhood of relatively
18 uniform character that's susceptible to change
19 because of its location, because of the increasing
20 value of the property in this area, and it's a device
21 for accommodating change, but in a very fine grain,
22 ensuring that it doesn't undermine the overall
23 character of the area and start a change in
24 character, and we believe that the characteristics of
25 the neighborhood, the current values in the

1 neighborhood, really call out for conservation.

2 MS. KEON: Okay.

3 MR. SIEMON: It doesn't mean preservation.

4 It means conservation, enhance and improve what's
5 there, supplement it, add to it. We think there are
6 a number of things that can be done to the public
7 realm, principally the roads, but there is a small
8 park there that we think could be improved as a
9 community resource and asset to anchor that area, but
10 that's the concept.

11 MS. KEON: Okay, so it would be to maintain
12 it as a single-family district, but improve upon it?

13 MR. SIEMON: Yes, ma'am.

14 MR. KEON: That's what that means?

15 MR. SIEMON: And cautiously, I say,
16 accommodate expansion and improvement --

17 MS. KEON: So it's public improvements,
18 like --

19 MR. SIEMON: -- but a big emphasis --

20 MS. KEON: -- landscaping and streetscaping
21 and that type of thing?

22 MR. SIEMON: In conjunction, there's a quid
23 pro quo. You ask the property owners to participate
24 in the production of the character of the
25 neighborhood, and the quid pro quo for that is

1 community attention to the public realm, to protect
2 it from external forces that might bring change and
3 to try to bring some more community resources. We
4 think it's a neighborhood that you've got a lot of
5 land in one of the major roads, there's a lot of
6 right-of-way there that we think could be
7 recaptured, it's really not needed for roads, and
8 converted into some physical character that would
9 add -- improve and increase the quality of the
10 address and the experience of living in it.

11 MS. KEON: Such as increasing sidewalks and
12 planting trees and that sort of thing? That's the
13 type of thing?

14 MR. SIEMON: Pocket parks and sitting places
15 and things that you would find in a quasi-urban
16 neighborhood.

17 MS. KEON: Okay.

18 MR. STEFFENS: And who would determine what
19 is a conservation district?

20 MR. SIEMON: You will, at the first
21 instance.

22 MR. STEFFENS: So we would -- we would sort
23 of do what the Historic Preservation Board does in
24 designating a historic district? We would write some
25 description of what a conservation district would

1 have to meet, and then we would look at areas and
2 then we would say --

3 MR. SIEMON: When I say "you," I mean, we're
4 going to produce for you a draft master plan, which
5 is going to include the proposal for a conservation
6 district as a protection technique for distinctive,
7 unique characters -- neighborhoods like this, and
8 we'll lay out the various parameters that we think we
9 see and observe, and you're going to debate that and
10 hear from the public and make decisions, but --

11 MR. STEFFENS: Yeah, but we would -- after
12 we adopt something like that, we would be the ones
13 that would determine what a conservation district --
14 where a conservation district would be?

15 MR. SIEMON: And what regulations and
16 requirements would be imposed, and the plan will
17 include not just regulatory initiatives, it will also
18 include public improvement and other initiatives.

19 MR. STEFFENS: Would that be a zoning
20 district, or is that something that overlays --

21 MR. SIEMON: There would be a zoning
22 district that would accompany it. Probably, we would
23 probably recommend that it not be an overlay, that it
24 be a tailored district to this particular area.

25 MR. STEFFENS: Okay.

1 MS. KEON: Thank you.

2 MR. AIZENSTAT: What do you mean, when you
3 say not be as restricted?

4 MR. SIEMON: Well, historic preservation
5 focuses on not only -- but preserving specific
6 structures, for example, because they have historic
7 value. There are some homes in this district, this
8 area, which have some architectural value, but the --
9 and under most regulations, there's a strong bias
10 against demolition and replacement with a new
11 structure.

12 There would not be such a bias, typically,
13 in a conservation district. You could replace it,
14 but when you replace it, you replace it in a modern
15 form and function that fits into the neighborhood.

16 MR. AIZENSTAT: As to what's intended to be
17 there. Thank you.

18 MR. SIEMON: It's conservation of the
19 values, not necessarily the structures.

20 MR. AIZENSTAT: Okay. Thank you.

21 Just one other question, which I actually
22 have for Eric. In the handouts and the studies that
23 were done under the Correa Valle North Ponce Draft
24 Zoning Review, why was that never adopted?

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

1 because I wasn't here at the time. You're talking
2 about the '94 study?

3 MR. AIZENSTAT: Yes.

4 MR. RIEL: I know we have utilized some of
5 the recommendations.

6 MR. AIZENSTAT: I'm sorry, that was the '99
7 study.

8 MR. RIEL: The '99 study. I need to take a
9 look.

10 I'm not sure. To be quite honest with you,
11 I'm not sure. I don't -- I'm sure it went before a
12 board, but I'm not sure why it wasn't formally
13 adopted. It was probably a study and it did not
14 include specific Zoning Code provisions, and as Mr.
15 Siemon indicated, the intent here is not to do
16 another study. We are going to provide regulations,
17 as a part of the Zoning Code rewrite, and we're also
18 redoing the Comprehensive Plan. So we're doing all
19 the documents and we're using all this information as
20 background to make this happen.

21 MR. AIZENSTAT: So you are using all this
22 information. Even if it was not adopted, you're
23 still reviewing it?

24 MR. RIEL: Absolutely.

25 MR. SIEMON: Absolutely. It's all in here.

1 MR. SIEMON: We tried to investigate, as
2 well, as to what happened and why it didn't go
3 forward, and I think the simple observation would be
4 that there was a concern that was raised, it's been a
5 persistent concern, but there's a -- the answer to it
6 is to develop a study and a plan, and then after
7 that, the concern sort of dies off. Then the plan is
8 delivered, and there's no real leader, no champion to
9 move it forward to that final, and I think -- that's
10 at least two of the documents that have been prepared
11 in the last 15 years, I think suffered that reality,
12 and that's why I emphasize, we came to this
13 backwards. We were asked to address the regulatory
14 needs of the area, and based on these documents and
15 the not having brought them to the fine-grained
16 detail we think you need, we said, "We don't think we
17 can do that. We can't go beyond the tools that are
18 in your existing Code without doing a detailed study
19 that connects all the dots," and that's what this is
20 to be.

21 MR. AIZENSTAT: Thank you.

22 MR. STEFFENS: I'd like to now open up the
23 meeting to public comment. Currently, I think we
24 have 17 people that are signed up?

25 MS. MENENDEZ-DURAN: Fourteen.

1 MR. RIEL: Fourteen.

2 MR. STEFFENS: Fourteen people that are
3 signed up to speak, and I assume you know who you
4 are, and if you haven't signed up to speak and if
5 you're interested in speaking on this issue, if you
6 could please sign up.

7 The other thing I would like to mention is
8 that, at the beginning, when we swore everybody in, I
9 know that 14 people didn't stand up to be sworn in,
10 so anybody that would like to speak --

11 MS. KEON: They don't need to be sworn.

12 MR. STEFFENS: They don't need to be sworn
13 in for this?

14 MR. RIEL: I don't believe they really need
15 to be sworn. This is more of a public input.

16 MR. STEFFENS: Okay.

17 MR. RIEL: So I think it's probably just --

18 MR. STEFFENS: I would like to ask that the
19 members of the public that are coming up to speak,
20 that they keep their comments brief and to the point,
21 specifically about the North Ponce district.

22 We do have a clock here that's available,
23 and I really don't want to use it if it's not
24 necessary, but, you know, I would like to be able to
25 hear everybody this evening and also be able to get

1 Board input after we receive all of your comments.

2 So, if that is okay, I'd like to call the
3 first person.

4 MS. MENENDEZ-DURAN: Humberto Ramos.

5 MR. STEFFENS: Please come up and state
6 your name and address.

7 MR. RAMOS: My name is Humberto Ramos, and I
8 live at 36 Carmona, in Coral Gables. After listening
9 to the presentation, I am happy to hear that they are
10 going to do something. I actually live in the area
11 north of Eighth Street. I'm happy to see that
12 they're going to do something to try and preserve
13 that as a single-family residential area. I don't
14 know how far into the future that's going to happen,
15 but I think the community as a whole does have a
16 concern with traffic along Ponce. We do wish that
17 something would be done to somehow control the speed
18 that cars drive through Ponce.

19 We are also very happy about the park that
20 they're currently -- the City has been developing
21 there, and we would like to see that become more of a
22 focal point of the neighborhood, in terms of it being
23 more functional, as far as benches and maybe a tot
24 lot and that sort of thing.

25 That's basically the extent of my comments

1 for now. Thank you.

2 MR. STEFFENS: Thank you.

3 The next one, please.

4 MS. MENENDEZ-DURAN: Ciro Sosa.

5 MS. SOSA: My name is Ciro Sosa. We live at
6 112 Cibao Court, which is right next door to this new
7 park that we have there.

8 MR. AIZENSTAT: Could I ask you to speak up,
9 please?

10 MR. SOSA: Yes. The name is Ciro Sosa, 112
11 Cibao Court, and we live right there next door to
12 this little park that you guys put in. We're very
13 happy about that.

14 But the main reason I'm here is because I'm
15 very concerned with the traffic problem that we will
16 have, with this development that we're seeing in
17 Coral Gables. The high-rises that are coming up, all
18 over the Ponce area, all over the -- that's going to
19 indicate a very heavy traffic problem, which I'm very
20 concerned about, especially for people that have
21 young children and so forth. So this is something
22 that I know we have to look at.

23 The rest of the presentation, which I heard,
24 which I wasn't here for the whole thing, but what I
25 heard, I liked, and I hope that we'll have a chance

1 to look at it again. Thank you.

2 MR. STEFFENS: Thank you.

3 MS. MENENDEZ-DURAN: Nicholas Wohl.

4 MR. WOHL: I'm Nicholas Wohl. I live at 32
5 Marabella Avenue, and I'm a paramedic with the --
6 firefighter/paramedic with the City of Miami. I live
7 in that North Gables community, that residential area
8 that's being deemed a conservation area, and my
9 concern is, my street in particular is an extremely
10 wide street. I think it's like a double street. At
11 one time, I guess it used to be a trolley, and my
12 concern is, it's being used as a main thoroughfare
13 for vehicles to travel through, I guess to get out of
14 the 836 east-west traffic. My cop -- my -- I'm
15 sorry, my neighbor's a City of Coral Gables cop.
16 He's excellent. I've talked to him about possibly
17 setting up speed traps or something, and he says he's
18 limited as to what he can do, due to his management.

19 I was possibly thinking about maybe --
20 there's an area in the City of Miami called Coral
21 Gate. I don't know if you guys are familiar with it.
22 But basically, what they have done, they've shut down
23 the street on 37th Avenue, which is their adjacent
24 street, and they've literally put -- I guess it used
25 to be open lanes of traffic, and what they've done is

1 they've closed them off with like decorative medians,
2 and I was wondering if there's a possibility, if
3 maybe 37th Avenue, from Eighth Street north to
4 possibly Ponce, this area right here, on 37th Avenue,
5 if it could be shut down. I know it's a huge biggie.
6 I know. It's just a -- just an idea. It would close
7 it in, and we could be protected from traffic. We
8 would become an isolated little community, and access
9 routes would be through Ponce north and through Ponce
10 south and also by Galiano.

11 MR. STEFFENS: You're not suggesting to
12 close 37th Avenue, you're suggesting to close your
13 street entrances to 37th Avenue?

14 MR. WOHL: Yes. I'm sorry if my -- it's my
15 first time up here, I'm not used to this, but yes,
16 exactly. Absolutely. This is an option. I know
17 it's a hugey. Someone mentioned in the area that it
18 has been brought up before. I don't know what
19 happened, where it stopped, but I just think it would
20 be a great idea for the area. It would --

21 I know he mentioned earlier that it was
22 trying to turn into a conservation area. I don't
23 know. Personally, I think that would be a great
24 idea. The traffic is ridiculous. Me, myself, I have
25 a family member that lives across the street. I

1 cross that street commonly, every day, and there's
2 been two instances -- excuse me, two instances where
3 I've had to dodge vehicles that are, you know,
4 traveling at a high speed.

5 If you guys need studies done, I mean, I'll
6 literally ask my cop to radar the vehicles. We can
7 get speed limit -- I mean, I'm telling you, it's a
8 danger and, you know, we just need to possibly
9 address that issue.

10 MR. MAYVILLE: Are you talking about the
11 area, like what's being done on Red Road by the
12 University of Miami, all the way up where they have
13 blocked off --

14 MR. WOHL: I do apologize. I don't know
15 what's going on there.

16 MR. MAYVILLE: It's the same concept.

17 MR. WOHL: Are they shutting it down?

18 MR. MAYVILLE: They put decorative medians
19 on all those streets, all the way up.

20 MR. WOHL: Closing those streets off?

21 MR. MAYVILLE: To Red Road, yeah.

22 MR. WOHL: I think it's a wonderful idea.
23 It would isolate us into a little private community,
24 and I think the traffic would diminish and the safety
25 and the crime would diminish dramatically.

1 So, anyway, thank you. I appreciate it.

2 MR. STEFFENS: Thank you.

3 Next, please.

4 MS. MENENDEZ-DURAN: Ricardo Mijares?

5 Emelina Ferran-Botta?

6 MS. FERRAN-BOTTA: Okay, I wasn't going to
7 talk, but after hearing him, I'm going to talk.

8 I live in 22 Marabella. My name is Emelina
9 Ferran-Botta. I've been living in that area for 31
10 years. That always has been a very busy street, for
11 31 years, because it's a big street.

12 My main concern is that 42nd Avenue, they're
13 closing most of the entrances to that part of the
14 Southwest, and there's going to be more traffic on
15 Ponce de Leon for people trying to get to that side
16 of the -- east side. That's my main concern, and
17 it's going to be more traffic on that area, and I'm
18 glad they put it as a con-- what's the name, con--

19 MR. STEFFENS: Conservation --

20 MS. FERRAN-BOTTA: Conservation.

21 MR. STEFFENS: -- area.

22 MS. FERRAN-BOTTA: It's a very nice place.
23 More or less, everybody knows everybody.

24 And that's my main concern, is the traffic.
25 But please, don't close the whole thing. It gives me

1 claustrophobia.

2 MR. STEFFENS: Thank you.

3 MS. MENENDEZ-DURAN: Joseph Andolino?

4 MR. ANDOLINO: Hello. My name is Joseph
5 Andolino. I live at 11 Antilla Avenue, and I've
6 lived there since 1992.

7 My concern is about the brown zones, that's
8 where Antilla is, and if you look at the brown zones,
9 and as I come out my door, I see more and more green
10 placards with architectural notices, and I call up
11 and ask what are they proposing, and they're all
12 proposing six to eight-story buildings, with 20
13 units.

14 So I'm wondering, some day when I come out
15 my door, am I going to see no sky? Because every
16 building in the area, in the brown zones here, has
17 green placards where they plan on knocking the
18 buildings down, and I also worry about keeping the
19 integrity of that neighborhood. It has some charming
20 buildings that were built 20, 30 years ago, Spanish
21 stucco, Art Deco style buildings, which lend to the
22 ambience of the neighborhood, and as we move forward
23 into this century, my fear is every one of the
24 buildings is going to look like one of those
25 Mediterranean buildings which are springing up all

1 over the City, which are beautiful, but this City is
2 supposed to be a conglomeration of different types of
3 architecture, and I'm afraid that in the brown zones,
4 we're going to have just -- it's going to look like
5 West Avenue in South Beach, which is just one long
6 street of high-rises and parking lots, and I'm
7 wondering how this neighborhood will be able to
8 absorb the traffic, both in the vehicles and
9 pedestrian, because the sidewalks are big enough for
10 one person to walk them.

11 My other concern is, in these areas, if you
12 build a 20-story building and you build them
13 contiguous, next to each other, and you allow one or
14 two parking spaces, you know each unit will have two
15 or three cars. So where are they all going to park?
16 And when people come to visit us, where are our
17 visitors supposed to park? Because now our streets
18 are congested with people who live in the area, that
19 are parking in the area. And this is one of my
20 concerns, as well as the traffic.

21 I had -- I worked for one of the campaigners
22 for the Commission seat, and I stood at Coral Gables
23 Women's Club from seven in the morning to seven at
24 night, and I watched the traffic in that area, coming
25 from Douglas Road down, and there was -- I didn't see

1 any police officers. People were not adhering to the
2 stop signs and they were -- they were mostly going
3 above the speed limit.

4 So as our City grows, I'm concerned about
5 these aspects of it. Thank you.

6 MR. STEFFENS: Thank you.

7 Next, please.

8 MS. MENENDEZ-DURAN: Pedro Querejeta.

9 MR. QUEREJETA: My name is Pedro Querejeta.
10 I live on 32 Alcantarra Avenue, which is also the
11 conservation area.

12 My issue that I want to talk about is also
13 the traffic area, which my neighbors have talked
14 about already. I think closing off the 37th Avenue
15 entrance to Coral Gables in this area would
16 dramatically change the entire feel and the problems
17 that we're facing in this area, which is the traffic.

18 In the morning and in the afternoon, during
19 traffic hour, we have people cutting from Boabadilla,
20 which is the west side of this area. If you look at
21 Block 12 and 13 between there, there is a street that
22 passes through into the City of Miami, through the
23 west side. So we have people crossing from the west
24 side of Miami and Coral Gables, through our entire
25 neighborhood, crossing over to the east side. Kids,

1 dogs, it doesn't matter. People are flying through
2 there. My house is directly in the middle of the
3 block, and I don't have a meter to record their
4 speed, but they must be going 45 miles an hour down
5 this street.

6 My understanding, also, is on Campina Court,
7 which is the most northern street of this area, they
8 have already blocked off the west entrance to the
9 Coral Gables from that street. It's already been
10 blocked off, because of this same problem.

11 Supposedly, when they first did it, people were going
12 around the obstruction, doing whatever they can to
13 cut. Obviously, they found this other entrance on
14 this side, and they're doing the same thing. I just
15 wanted you guys to be aware of it, and please take it
16 into consideration.

17 MR. STEFFENS: Thank you.

18 MR. KORGE: You might want to bring that to
19 the attention of Public Works, because they'll be
20 responsible for dealing with that problem.

21 MR. QUEREJETA: And one other thing is, I
22 don't know, their plan, how long it's going to take
23 to implement or what they're proposing, if there's
24 any other route we can take to implement this in a
25 quicker fashion, a quicker way. Public Works would

1 be the --

2 MR. KORGE: Yeah.

3 MR. QUEREJETA: The best route?

4 MR. KORGE: You might talk to Commissioner
5 Cabrera, because he takes special interest in these
6 traffic problems.

7 MR. QUEREJETA: Okay.

8 MR. RIEL: Actually, what I'm going to do
9 is, I'm going to send the -- We do verbatim minutes.
10 I'm going to send it to the Public Works Director,
11 who is the secretary to the Traffic -- the City's
12 Traffic Advisory Board. So I'll make sure that they
13 get all this information.

14 MR. QUEREJETA: Thank you so much. I
15 appreciate it.

16 MR. STEFFENS: Thank you.

17 MS. MENENDEZ-DURAN: Anthony Martinez?
18 Eddie Lee?

19 MR. LEE: Good evening.

20 MR. STEFFENS: Right there, please.

21 MR. LEE: Oh. Good evening, and I'd like to
22 say thank you for listening to us, for this
23 opportunity for us to speak and take our suggestions
24 as consideration for the plan.

25 My name is Eddie Lee. I live at 155 Ponce

1 de Leon. I have lived there about three years. I
2 share the same concerns my neighbors do, as far as
3 traffic goes. In the three years that I've been
4 there, I've seen the median in front of my house hit
5 three times. Last New Year's Eve, a car crashed into
6 the light pole, like almost in front of my house.
7 Had it not been for the light pole, he would have
8 ended up in front of my house. The cars there are
9 like taking that curve at over 50 miles an hour.

10 I have seen a couple of cops out there.
11 They're doing as best as they can, you know, the best
12 that they can to control the speed, but, you know, we
13 don't have thousands and thousands of police officers
14 to stand there and just catch these speeders.

15 If you look at the trees on that curb,
16 you'll notice that they're all new. It's because
17 they keep getting hit, over and over again. The
18 older trees, you see that they've been there a while,
19 and they've kind of lived and survived.

20 Some suggestions I think are maybe some
21 speed deterrents. In the City of Miami Shores and in
22 Miami Beach, on Pine Tree Drive, if you're familiar
23 with the area of Pine Tree and La Gorce, they've put
24 these little barriers in the middle of a two-lane
25 street, where the traffic cannot go -- cannot drive

1 straight. They've kind of like got to go around
2 these little things, and it kind of slows down the
3 traffic. They're nice, they have landscaping, you
4 know, they're very nice to look at and pleasant, and
5 they don't really interfere with the whole landscape
6 or the layout of the neighborhood, and it worked
7 pretty well for them. I used to live on Pine Tree,
8 so, you know, I've seen the difference from now to
9 then -- from then to now.

10 Also, lower the speed limit in the area.
11 Right now, I think it's at 35 and then 30 on the --
12 25 on the curve. Lower it even lower than that. I
13 mean, most of Ponce de Leon is 30 miles an hour,
14 right up until you get up to what I consider 12th
15 Street. You know, anything beyond 12th Street is at
16 35 miles an hour, and at 35 miles an hour in a
17 residential neighborhood, which I kind of think
18 doesn't make sense if in the commercial zone you're
19 going to have 30.

20 Everyone here -- I mean, so far, everyone
21 has had a concern in traffic with that little north
22 part of Coral Gables, and it really is a problem.
23 I'd really like to see 37th Avenue, that section
24 there, closed off, also that little street that the
25 gentleman before me mentioned, between Block 12 and

1 14 also closed off. The traffic that is generated by
2 that is just unbelievable. You know, they're
3 speeding through there, they're cutting through
4 there. It just generates -- it's just, you know, a
5 real danger.

6 My daughter was one of the little girls that
7 you probably heard screaming out there. You know,
8 I'd like to be able to walk her down that sidewalk
9 one day without worrying that I'm going to get hit by
10 a car. I can't. It's really difficult for us to do
11 that. That little park they put there, I can't walk
12 to it, because I can't cross the street of Ponce de
13 Leon. It's unbelievable. It's just a -- you know,
14 it's a real danger for me, for my family, for my --
15 you know, my well-being. You know, I can't walk
16 outside my house and feel like I'm home. If I'm
17 taking too long, I'm sorry. I'm going to end this,
18 real quick.

19 The other thing I wanted to mention was the
20 park that they did put on Ponce. The Rotary Club did
21 that, I think, sponsored it. I'd also like to see
22 some more facilities put in there, maybe, you know, a
23 bench, maybe a water fountain or some more -- you
24 know, more of a family-oriented thing. Right now,
25 it's just a piece of grass. It's nice to look at,

1 but what can you do, just sit there.

2 That's about it. Thank you for your time.

3 MR. STEFFENS: Thank you.

4 MS. MENENDEZ-DURAN: Patricia Mazzei.

5 MS. MAZZEI: Hi, I'm Patricia Mazzei, 261
6 Navarre Avenue. We live on the north side of
7 Navarre, right on the edge of the zone that we're
8 looking at, and we're just concerned because we're
9 right next to the commercial part of Coral Gables,
10 that it keeps like creeping up on the residential
11 part, and the traffic on Navarre keeps getting worse
12 because people park there to lead their kids to
13 school and go to Office Max and the other places
14 there, and I just want to make sure that it's not
15 going to get more zoned into more commercial areas on
16 all sides of that street without anything being done
17 about the traffic or the trees being taken away or
18 anything like that, in what's being proposed.

19 So, thank you.

20 MR. STEFFENS: Thank you.

21 MS. MENENDEZ-DURAN: Charles Treister.

22 MR. TREISTER: Good evening. I'm Charles
23 Treister. I live at 1624 Micanopy, in Miami, and I'm
24 currently working on a project -- I'm an architect
25 and a developer. I'm working on a project in this

1 area, in the Ponce de Leon Condominium, which is on
2 Zamora and Ponce, and I was in front of your Board, I
3 think about a year or so ago, with that project. So
4 I was very interested and happy to see that the City
5 is working on this study.

6 I think -- first of all, I think the
7 neighborhood is a fantastic neighborhood, and looking
8 at it from sort of an urban planning perspective,
9 there's very few neighborhoods in all of Miami that
10 have the nice mix of residential and retail and
11 commercial and office, so it can really truly be sort
12 of a pedestrian-friendly and a neighborhood where
13 people can walk, and I think the original plan that
14 you can see in this master plan, which really goes
15 back to the original early zoning of the City of
16 Coral Gables, that Merrick envisioned, was the right
17 plan, I mean, having the continuation of sort of
18 commercial properties along Ponce and then having the
19 residential, you know, around it.

20 So I think it has a great history, and I
21 think some of the things that the City has done
22 recently, with the trolley, with the landscaping, the
23 beautification on Ponce, are very positive, and I
24 think, you know, I would just encourage -- I was very
25 happy to hear some of the comments that Mr. Siemon

1 made, in terms of looking at it holistically, and
2 looking at it and trying to integrate the different
3 parts.

4 So I would just want to -- I'm happy to see
5 this happening, and I'm happy to be here. Thank you.

6 MR. STEFFENS: Thank you.

7 MS. MENENDEZ-DURAN: Martin Ackman.

8 MR. ACKMAN: My name is Martin Ackman. I
9 own a property in the 1900 block of Ponce de Leon
10 Boulevard. I've owned it for 35 years.

11 About 35 years ago, an organization was
12 formed to help develop North Ponce, called the Ponce
13 de Leon Association, of which I'm the charter member,
14 and they have been trying to develop the North Ponce
15 area into a more commercial area.

16 If you go back far enough, you'll know that
17 George Merrick originally planned the City with the
18 North Ponce area to be the commercial area of the
19 City, and the area north of Navarre Avenue has been
20 neglected for over 30 years. The City has never done
21 anything to improve the area, other than some street
22 improvements.

23 The Central Business District stops at
24 Navarre Avenue. It goes no further. And one of the
25 benefits of helping the commercial area develop is,

1 the business area should be moved north, at least to
2 Eighth Street, so that the area could develop in an
3 organized way, not to be overbuilt and not to be used
4 for other purposes than what it was originally
5 intended, and I'd like the Board to consider having
6 the commercial -- the business district moved
7 northward from Douglas to LeJeune and from Navarre to
8 the Trail. I think that would help develop an
9 orderly business community, where people can know
10 what the future is going to be if they decide to
11 build or invest in the area.

12 Thank you.

13 MR. STEFFENS: When you say have the
14 business area move north, are you suggesting -- do
15 you mean the Central Business District?

16 MR. ACKMAN: The Central Business District
17 stops at Navarre, the south --

18 MR. STEFFENS: Right.

19 MR. ACKMAN: The north -- the south side of
20 the Navarre Avenue.

21 MR. STEFFENS: Uh-huh.

22 MR. ACKMAN: The area north of Navarre, from
23 Navarre Avenue, the north side of Navarre, going all
24 the way up to the Trail, is not considered the
25 Central Business District.

1 MR. STEFFENS: It's just regular
2 commercial.

3 MR. ACKMAN: It's regular commercial area.
4 Along Ponce, the Ponce corridor --

5 MR. STEFFENS: Right.

6 MR. ACKMAN: -- is commercial, and then you
7 go into the side streets, and it's residential. And
8 that area has never had any real planning, other than
9 the plan I see tonight. I'm very impressed with the
10 plan you've been -- that's been presented to you,
11 because I think that it's a good step in the right
12 direction, to know where the future is going to be
13 and what you're going to do in the area, what will be
14 permitted, what will not be permitted, so the area
15 can grow in a nice business climate and develop in an
16 orderly manner, not offending the residents, not
17 offending the business people, so everybody can live
18 in harmony.

19 MR. STEFFENS: Okay.

20 MR. ACKMAN: Thank you.

21 MR. STEFFENS: Thank you.

22 MS. MENENDEZ-DURAN: Toyos?

23 I have no more speakers.

24 MR. FADEL: I would like to speak.

25 MS. MENENDEZ-DURAN: Joseph Fadel?

1 MR. FADEL: Hi. My name is Joseph Fadel. I
2 live at One Alhambra Circle. The first question I
3 have is, property owners were notified. Is that
4 limited to only people that own property in this
5 area?

6 MR. RIEL: Yes.

7 MR. FADEL: Do the residents in this area --
8 do you want their input?

9 MR. RIEL: That's what the intent of this
10 meeting is.

11 MR. FADEL: But most of the people that live
12 in this area don't -- most of the people that own
13 property in this area don't live there.

14 MR. RIEL: That's the only avenue we have,
15 in terms of notifying people, what's on the County
16 records, in terms of ownership.

17 If you have any individuals or organizations
18 that would like to be notified of future meetings,
19 please give me those, but that's the only avenue I
20 have available, in terms of a public notice.

21 MR. FADEL: What about voter registration,
22 voter rolls? I mean, there must be other ways of
23 finding out who lives there. I mean --

24 MR. RIEL: That's typically what we use. We
25 use County tax records.

1 MR. FADEL: Well, I'm really surprised that
2 you should limit input to just the property owners,
3 most of whom don't live in the area.

4 MR. RIEL: I think you're incorrect --

5 MR. STEFFENS: We're not limiting input from
6 anybody. We're accepting input from everybody. It's
7 notification that is somewhat limited, because the
8 City is limited some in the ways that they can notify
9 people.

10 MR. FADEL: I just thought I would make that
11 point, because I don't think it's representative. I
12 don't think this input is representative of what
13 people in this area, you know, may or may not want.
14 You've seen that there have been a lot more people
15 here that live in the single-family home area,
16 because they own those properties. But there have
17 been much less people, you know, from the much larger
18 area which is covered by the rest of this land mass,
19 and that's indicative of why you're not getting that
20 input, because they haven't been notified. I think
21 that's important for you to know.

22 I wanted to make a couple of comments. One
23 is, why was -- to what extent are the old Spanish-
24 style homes that are in this area being incorporated
25 in the master plan? I think that's important. Mr.

1 Siemon, whose opinion I respect and who's an expert
2 at this, didn't mention it, but I'm certain that
3 somehow it has to be there, because it's important.
4 He mentioned TDRs, but I didn't hear anything else.
5 There's some beautiful old Spanish homes there right
6 now, and some people are trying to buy those
7 properties and with the intention of demolishing them
8 and building, you know, eight stories, eight-story
9 condos.

10 MR. STEFFENS: Part of the study of this
11 area will be to try to identify what properties might
12 be eligible for historic designation. That's part of
13 the study that both the historic department and Mr.
14 Siemon will be doing.

15 MR. FADEL: I'm not an expert at historic
16 designation, but I mean, I believe the property owner
17 has to seek historic designation.

18 MR. STEFFENS: Not necessarily.

19 MR. FADEL: No?

20 MR. AIZENSTAT: We happen to have the
21 Director --

22 MR. RIEL: Two of the background studies
23 that are in that binder are historic preservation
24 studies.

25 MR. AIZENSTAT: -- from Historic

1 Preservation here, Dona Lubin.

2 MR. STEFFENS: The former.

3 MR. AIZENSTAT: Maybe she can shed some --

4 MS. LUBIN: I just wanted to let this
5 gentleman know that the Preservation Office has to
6 sign off on all demolition permits, now. That's in
7 place now, and if something is considered
8 historically significant, we block the demolition and
9 we take it to the Preservation Board. So that's
10 something separate and apart from what they're doing
11 here, that's already in place.

12 MR. FADEL: Okay, good.

13 Another comment I wanted to make was, to
14 what extent -- we just finished talking about -- you
15 guys just finished dealing with McMansions, or what
16 do they call them, monster homes? To what extent do
17 we want to bring in more mixed use into the area?

18 Mr. Siemon mentioned something about how
19 there was already a stretch of Ponce and how you
20 could create distinct neighborhoods, so to speak, and
21 bring in more mixed use, allowing more mixed use in
22 these vertical swaths that you saw there, you recall,
23 on the map, and I wonder whether we want more of that
24 there. I personally don't want more of that there.
25 I think we have enough already on Ponce, and it's a

1 two-block walk to Ponce from each side. Whether it's
2 from Salzedo or from Douglas, it's two blocks to walk
3 there.

4 MR. KORGE: Are you talking about beyond the
5 Ponce corridor, the Ponce street itself, or are
6 you -- are you concerned about having mixed use even
7 on Ponce?

8 MR. FADEL: No, no, no. He mentioned
9 something about -- maybe he can interject. He
10 mentioned something about possibly designating --
11 identifying certain swaths, you know, certain parts
12 of the neighborhood --

13 MR. KORGE: I think what he was suggesting
14 is that the current plan contemplates, on Ponce,
15 mixed use, you know, commercial, retail and maybe
16 some residential, and that it would service the
17 residential adjacent to that, not that it would
18 encroach into the residential and become mixed use in
19 the residential. That's what I think he was saying.

20 MR. FADEL: Well, maybe I didn't understand
21 him correctly, I don't know.

22 Mr. Siemon, I don't know if I misunderstood
23 you or not. Did I misunderstand you or --

24 MR. SIEMON: I think that I indicated that
25 the -- it seemed to us there's a natural boundary --

1 think it's important, there's only one main park
2 here. I mean, these guys have been mentioning that
3 little park that they just set up, but it's --
4 it's a nice park, but they only have trees in it.
5 There's not even a seat, a bench to sit on, for
6 heaven's sakes. I don't know what the name of it
7 is. It's called -- what is it, Rotary International?
8 But it had another name before.

9 MR. BURR: Rotary Centennial Park. It had a
10 different name before.

11 MR. FADEL: Yeah, it had a different name.
12 Anyway, the main park is Phillips Park, all right?
13 And they're putting up 13 -- what is it, 13, 15-story
14 mixed-use projects on Ponce right now. I think it's
15 important that we have enough green space for all the
16 people that are going to be living in this area,
17 because a lot more people are going to be living in
18 this. This is going to be a very densely populated
19 area, probably the most densely populated area of all
20 of Coral Gables.

21 It would be very interesting to see a
22 simulation that maybe Mr. Riel could show you, of
23 what the area would look like, were it to be built up
24 to -- what is it, to zoning?

25 MR. RIEL: We have that, but unfortunately,

1 we couldn't get it on the model this evening. My
2 intention was to do that.

3 MR. STEFFENS: I think what they need to do
4 is to identify the potential historic structures,
5 because that's going to interrupt the massing, and
6 then they're going to build that model for us so that
7 we can see what it would -- what it could ultimately
8 look like under the existing Code, and how we could
9 mold that into what we want it to be.

10 MR. FADEL: Okay. I guess those are all my
11 comments. I don't have anything else to say.

12 Thank you.

13 MR. STEFFENS: Thank you.

14 MS. MENENDEZ-DURAN: Silvia Unzueta?

15 MS. UNZUETA: Thank you. I live at 1137
16 Asturia Avenue, which is not in the neighborhood, but
17 my friend lives at 41 Oviedo. Her name is Rosemary
18 Garcia. And I have several comments, first to thank
19 you for being freezing, maybe with the lights you're
20 not, but we are, and hungry, at this hour, so I'll
21 try to be brief.

22 A lot of people are not here, because of the
23 hour. I understood that this was to have happened
24 somewhere around six o'clock, and maybe in the
25 future, if you really want full input, you might like

1 to consider coming to the neighborhood. It is
2 refreshing, though, to be talking to our fellow
3 residents, instead of others, because we have an
4 inherent ownership in what happens.

5 I think there are issues regarding the
6 language in which we communicate to residents. Some
7 of those residents are elderly and might be
8 monolingual Spanish speakers, and I was -- a long
9 time ago, when Valdes-Fauli was here, there was a
10 report. If we had -- if we could quantify how much
11 money was spent since '94 for documents that we
12 cannot even have access to read, I mean, we'd be
13 wealthy. If that money could have been put in taking
14 care of those neighborhoods adequately, it would be a
15 different day. Those neighborhoods, even the
16 striping on the streets is not there. Police is not
17 really taking care of what happens. I have seen more
18 sting operations on homosexuals on the Ponce de Leon
19 corridor than I have seen in really taking care of
20 people speeding, running over whatever is in their
21 path. That is outrageous. Spending this amount of
22 money, this very elaborate stuff, and people that are
23 sometimes unable to really comprehend it, and
24 definitely unable to read it, because even if I had
25 wanted to read it, there was just one thing floating

1 and it was very hard to read, and the language of how
2 we communicate should be at least considered.

3 The notion of resident parking should be
4 considered. What is adequate parking when you're
5 going up with a structure? We tend to -- a lot of
6 the people living in the north end are renters.
7 Renters sometimes invite people, as well as
8 homeowners. We are people that are in communities.
9 It's not just two parking spaces, as the previous
10 gentleman was saying. You have no place to park.

11 Oviedo is like a major highway. For the
12 record, Oviedo was approved for a closure, a street
13 closure. The residents were too poor to come up with
14 the \$15,000 to close that street, back in the
15 nineties, when all the 27 streets were closed. But
16 it is approved for a closure within the City
17 Commission in Coral Gables.

18 By and large -- there was a discussion about
19 historic. I own a designated historic house, and
20 that is my bias. I believe historic preservation is
21 critical and should be maintained, but there are
22 buildings that lack the character of historic
23 significance, to qualify, but add to the overall
24 fabric of what is healthy to have in a community.
25 Those buildings that might look boring to some, they

1 make that community look the way it is, and even
2 though they might not qualify for historic
3 preservation status, just blazing that whole area
4 would do no one any good.

5 You drive down the corridor of Southwest
6 Eighth Street, and you see the City of Miami, every
7 other day, a building is going down. The Biscayne
8 Boulevard corridor, it is a mini-Manhattan.
9 Eventually, you won't know where you're living. I
10 think that should not happen here. I know that money
11 is a major component of this society, but at some
12 point, you would be amazed how many people come
13 precisely to the places that preserve, in one way or
14 another. So I think we should be quite cautious,
15 because otherwise this will be just a concrete
16 jungle, very difficult for anybody to really enjoy.

17 Then, how is the City attending to the needs
18 of the north end? I know for a fact that they have
19 been the bastard children of the City. I know that.
20 I fought. There was all kinds of stuff. I was
21 almost killed in my house on Pizarro. Those poor
22 folks adjacent to Flagler, they are really the third
23 and fourth stepchildren of the City, and that is an
24 embarrassment. They have never been attended to.
25 Yes, there's some people renting, and there is

1 absolutely no attention. No attention whatsoever,
2 and then now, all of the stuff is going up. Had
3 people not been in an outrage, that Douglas Entrance
4 would have been absolutely out the window.

5 That is not what the City is about, and
6 ultimately, everything will look like the same thing,
7 and it will be boring and the character as to why
8 Coral Gables is important would be lost. I think
9 that doesn't make any sense.

10 But resident parking, looking at ways --
11 even just striping. There are people that have --
12 she has an entrance to her garage. Consistently,
13 people come into the gym across the street on Oviedo,
14 they park, and then she cannot even enter into her
15 parking lot. She's not speaking because she's shy of
16 the microphone, not because she doesn't have an awful
17 lot to say.

18 But we residents need to say, "Stop this
19 nonsense," because ultimately, it will amalgamate to
20 nothing. Thank you.

21 MR. STEFFENS: Thank you very much.

22 MS. MENENDEZ-DURAN: Paul Rosen?

23 MR. ROSEN: Good evening. My name is Paul
24 Rosen, and I'm the developer of part of the Palmas,
25 the development at Douglas Entrance, the residential,

1 and I can tell you, on behalf of what we're doing,
2 the North Ponce area, to us, is a very exciting
3 place, and the people who are buying our units,
4 buying very quickly, are seeing that it is a -- you
5 have a unique opportunity, in a multicultural area,
6 to create what may be one of the best neighborhoods
7 in South Florida, let alone the country, because what
8 you have is a mixture of residential, commercial and
9 the retail, that if a thoughtful plan is enacted, you
10 could have a mixture of all of those pieces in a
11 controlled fashion.

12 I agree with my friend who just spoke, you
13 have to watch how the neighborhoods look and watch
14 how the streets lay out, but you could actually -- I
15 would urge you to look on a European basis and around
16 the world for the transitional type of neighborhood
17 and the transitions between the retail and the
18 residential and the office that create -- could
19 create something wonderful and exciting there.

20 There is the opportunity to take things that
21 are maybe not as valuable and make them more
22 valuable. The trolley is adding tremendous benefits,
23 in terms of its reducing traffic and in terms of
24 providing connection to the rest of Coral Gables. We
25 have a lot to work with here. It's a tremendous

1 neighborhood, and I can tell you, people are coming
2 from around the world, who want to live specifically
3 in the North Ponce area of Coral Gables, not
4 necessarily beside Miracle Mile, but in this
5 neighborhood, because of what you have here and what
6 you can create, and I urge you to do so.

7 Thank you.

8 MR. STEFFENS: Thank you.

9 Anyone else?

10 MS. MENENDEZ-DURAN: No.

11 MR. STEFFENS: Is there anyone in the
12 audience that wanted to speak that didn't sign up to
13 speak?

14 Please come up.

15 MS. KEHRHAHN: Good evening. My name is
16 Alicia Kehrhahn, and I live on 149 Ponce de Leon
17 Boulevard. I have a question. I didn't hear, maybe
18 they did it already. Why are you going to -- are you
19 going to allow another tall commercial building in
20 the corner of 37th Avenue and Ponce de Leon? Because
21 Miami built an eight story high, behind a Coral
22 Gables lot, and I don't think that they did much
23 about going against that, when they --

24 MR. STEFFENS: Well, according to --
25 according to this zoning map, that's zoned

1 single-family residential.

2 MR. RIEL: I think she's speaking of the
3 piece that's actually in the City of Miami.

4 MR. STEFFENS: Well, the piece in the City
5 of Miami, we don't have any control over.

6 MR. RIEL: Right, and the City did --

7 MS. KEHRHAHN: That corner --

8 MR. RIEL: The City Commission did take a
9 very proactive stance, and Staff attempted to contact
10 the City of Miami, but internally, we were not even
11 successful in getting a call back.

12 We try to work closely with neighboring
13 cities, but unfortunately, in that case, it went up
14 as just a use-by-right review, because I was involved
15 in that extensively throughout its construction.

16 MS. KEHRHAHN: That has been -- that
17 damaged, you know, that part of North Gables,
18 forever, that neighborhood. Not even us, the
19 residents of Coral Gables. Even their own people, on
20 the Miami side. Coral Gables should do something
21 about it, so that it won't happen in another
22 neighborhood. Coral Gables should start working with
23 Miami, to protect like they do in Europe. The towns
24 stay beautiful, old-looking and so forth.

25 MR. STEFFENS: He does try, but sometimes

1 the City of Miami doesn't respond.

2 MS. KEHRHAHN: And what about that corner,
3 empty corner lot that is on -- that belongs to us or
4 to Miami?

5 MR. RAMOS: On 24th, at the end of Ponce,
6 where Ponce meets --

7 MS. KEHRHAHN: On the corner of --

8 MR. STEFFENS: It shows on your map that
9 it's single-family residential, so --

10 MR. RAMOS: Right. Who owns that? That's a
11 vacant lot.

12 MR. RIEL: I don't have that information
13 available right now, but I mean, I can research it
14 for you, but they're allowed to build whatever the
15 regulations within the City permit at the present
16 time. Anything outside of the City -- City of Miami,
17 Miami-Dade County --

18 MS. KEHRHAHN: It will affect --

19 MR. RIEL: -- we have no jurisdiction over.

20 MS. KEHRHAHN: Are you going to keep this
21 from Eighth Street to 37th Avenue, the way it is?
22 It's beautiful, with the smaller houses, other type
23 of construction, older --

24 MS. KEON: Yeah. Their intent was to try
25 and keep it as a single-family residential district,

1 to conserve that which is there, and to try and
2 beautify the streets, so that it -- and to do things
3 that will try and manage the traffic a little better
4 and make it just a more pleasant experience for all
5 of the residents that live in that area.

6 MS. KEHRHAHN: Yeah, because as it --

7 MS. KEON: They're not anticipating
8 changing that to more than the single-family zoning
9 that's there now. That's what he said, is making it
10 a conservation district, would conserve it as it is
11 today and improve on the experience of living there.

12 MS. KEHRHAHN: Okay, and maybe you'll also
13 consider, passing Eighth Street on Ponce de Leon, not
14 to allow such tall buildings to be erected, you know,
15 because there will be a very tall building and a
16 short one, and it will be awful. So that is my
17 contribution to this --

18 MR. STEFFENS: Thank you.

19 MS. KEHRHAHN: -- your meeting. Thank you.

20 MR. STEFFENS: Could you -- could you
21 sign in? Excuse me, ma'am. Ma'am?

22 VARIOUS VOICES: Ma'am.

23 MR. STEFFENS: Could you sign in, please?
24 Thank you.

25 MS. KEON: They want your name and address

1 so that they can make sure they notify you in the
2 future.

3 MR. STEFFENS: I'm going to -- if there's
4 no one else that would like to speak, I'm going to
5 close the public hearing portion of this meeting.

6 We're going to have a discussion now?

7 MR. RIEL: Whatever the Board would like. I
8 mean, any specific issues. I mean, obviously, we
9 have a lot of background information. We do have
10 other boards we're going to meet with. If there's
11 anything, additional information, or specific issues
12 you would like to give Staff direction at this time,
13 that's what the purpose of this meeting is. And
14 Staff would also be happy to meet with you
15 individually, if you would like.

16 Likewise, for any member of the public that
17 would like to meet and better understand the process,
18 please feel free to contact the Planning Department.
19 We'll be happy to sit down with you and explain the
20 next steps.

21 MR. STEFFENS: I would like to know, in the
22 medium-density, multi-family areas, what is the
23 maximum FAR permitted, currently?

24 MR. RIEL: I believe it's based upon the
25 allowable lot size.

1 MR. STEFFENS: So, if somebody assembles
2 the largest lot that they need, to take advantage of
3 it, what would that FAR be?

4 MR. CARLSON: It's --

5 MR. AIZENSTAT: How much (inaudible)?

6 MR. STEFFENS: I'm sorry?

7 MR. AIZENSTAT: How does it equate to an
8 acre?

9 MR. CARLSON: Walter Carlson, Planning
10 Department. The multi-family residential is based on
11 density; 40 units per acre is what it is up there, up
12 to 50 units per acre with the Mediterranean, but when
13 you talk about the FAR, what that is, that's
14 basically the size of the property. That will
15 determine how much building, because it's not --
16 there's no restriction on the size of those units.
17 There's the restriction on the density, but the
18 building itself is limited by the amount of property
19 that you have.

20 MR. AIZENSTAT: Isn't there a restriction on
21 how small you can do it, it's got to be bigger than a
22 certain size for a one-bedroom or a two-bedroom or so
23 forth, or there is no restriction that way, either?

24 MR. CARLSON: There are minimum sizes for
25 those, minimum sizes, and there are also -- it is --

1 I'm drawing from my memory here. As you increase in
2 size, increase in height, there is also additional
3 FAR.

4 MR. STEFFENS: There are -- you said
5 there's additional FAR?

6 MR. CARLSON: All right, additional --
7 additional building which could be permitted.

8 MR. STEFFENS: And that additional building
9 is determined how?

10 MR. CARLSON: Well, you have setbacks. If
11 you have a smaller property, you have to keep the
12 setbacks, so you have a greater proportion of the
13 site incorporated into the setbacks. The bigger the
14 site, the more development you can get on it.

15 MR. RIEL: I think the limitations are
16 obviously parking, number of floors, height,
17 setbacks. I don't believe there's an FAR.

18 MR. CARLSON: Yes, there is, and it --
19 excuse me, there is, but it increases as you go up.
20 It goes up from one to --

21 MR. RIEL: Two.

22 MR. CARLSON: -- two, all the way up
23 through, I think, 13 stories.

24 MR. STEFFENS: Well, in the medium
25 density -- which is not a high-rise site, that's a

1 mid-rise site, right?

2 MR. CARLSON: Yeah.

3 MR. STEFFENS: In the medium-density area,
4 what's the maximum -- there is an FAR that is tied to
5 that?

6 MR. CARLSON: Up to eight stories, right,
7 there is. There is.

8 MR. STEFFENS: Okay, up to eight stories.

9 MR. CARLSON: But a lot of it depends on the
10 size of the site, and that's what's limiting on --
11 limiting on the development which you can put on
12 there, but yes, there is a maximum put on there.

13 MR. STEFFENS: And the maximum is?

14 MR. CARLSON: It goes, up to eight stories
15 would be 1.5 -- wait, 1.4.

16 MR. AIZENSTAT: So it's 40 per acre.

17 MS. KEON: That eight stories would be two
18 additional for the Mediterranean?

19 MR. AIZENSTAT: Yes. It's six to eight
20 stories. Six stories would be without a
21 Mediterranean bonus.

22 MR. STEFFENS: Okay, so there's -- this is
23 in a six-story zone, with bonuses, you can get to
24 eight stories.

25 MR. CARLSON: You can go up to eight stories.

1 MR. STEFFENS: But that's only with bonuses?

2 MR. CARLSON: Yes, that's correct --

3 MR. RIEL: Yes.

4 MR. CARLSON: -- with Mediterranean bonuses.

5 MR. STEFFENS: And at six stories, without
6 bonuses, what's the maximum FAR that you could have?
7 Is it still 1.4?

8 MR. CARLSON: The maximum FAR would be 1.2,
9 but then I believe you can get additional development
10 with bonuses with the Mediterranean.

11 MR. STEFFENS: With the Mediterranean
12 Ordinance.

13 MR. CARLSON: Right.

14 MR. STEFFENS: So, without the Mediterranean
15 Ordinance -- and what about at six stories? What is
16 the unit count per acre?

17 MR. CARLSON: Forty units per acre.

18 MR. STEFFENS: So right now, without any
19 bonuses, you can have 40 units per acre, at six
20 stories, with a maximum FAR of 1.2?

21 MR. CARLSON: Correct.

22 MR. AIZENSTAT: That's actually way below
23 other cities. If you take a look, I think, at even
24 what we were talking about, the City of Miami, on a
25 medium density, I think they were at 65 units per

1 acre, if I'm not mistaken, with an FAR of, I think,
2 .75.

3 MR. STEFFENS: Am I correct in my
4 understanding?

5 MR. CARLSON: Excuse me, can you repeat
6 that?

7 MR. STEFFENS: Am I correct? Without
8 bonuses --

9 MR. CARLSON: Uh-huh.

10 MR. STEFFENS: -- in the medium-density
11 areas --

12 MR. CARLSON: Right.

13 MR. STEFFENS: -- currently there's a 1.2
14 maximum FAR. This is assembling a development site
15 that's large --

16 MR. CARLSON: You have to have a minimum of
17 20,000 square foot.

18 MR. STEFFENS: 20,000. That's --

19 MR. CARLSON: If you don't have that, you
20 can't go up higher.

21 MR. STEFFENS: Okay, so let's say we've
22 assembled the site that lets us take maximum
23 advantage of the zoning.

24 MR. CARLSON: You have to have a high-rise
25 site to go over four stories.

1 MR. STEFFENS: No, we have -- You have to
2 have a high-rise site to go six stories?

3 MR. CARLSON: To go over four stories,
4 right.

5 MR. AIZENSTAT: Is that over 20,000 square
6 feet, you said?

7 MR. STEFFENS: So are any of these brown
8 areas --

9 MR. CARLSON: It's 20,000 square feet,
10 that's correct.

11 MR. RIEL: And a minimum frontage.

12 MR. STEFFENS: So are any of these brown
13 areas high-rise?

14 MR. CARLSON: Excuse me?

15 MR. STEFFENS: Are any of these brown areas
16 high-rise?

17 MR. CARLSON: If they can assemble a site
18 which is 20,000 square feet or more, then they can go
19 above four stories.

20 MR. STEFFENS: But they can only go to six?

21 MR. CARLSON: They can go to six without the
22 Mediterranean. Then they go to eight with the
23 Mediterranean.

24 MR. STEFFENS: But that's not a high-rise
25 site. That's a mid-rise site.

1 MR. CARLSON: According to the Code,
2 anything over four stories is considered a high-rise.

3 MR. STEFFENS: Okay.

4 MR. CARLSON: The Comprehensive Plan talks
5 about low-rise, mid-rise and high-rise, but anything
6 in the Zoning Code over four stories is considered a
7 high-rise, and you need a large enough site, to
8 assemble a large enough site, to be able to develop
9 over four stories.

10 MR. STEFFENS: Right. So if we --

11 MR. KORGE: The minimum size would be
12 20,000, right?

13 MR. CARLSON: Correct.

14 MR. STEFFENS: So if we assemble --

15 MR. KORGE: That would imply 20 units,
16 right?

17 MR. CARLSON: 20,000 --

18 MR. KORGE: About half an acre?

19 MR. CARLSON: 43,560 is an acre, so 20,000
20 is a little under half an acre.

21 MR. STEFFENS: 17 or 18 --

22 MR. CARLSON: That's 20 units per acre, a
23 little less than that.

24 MR. STEFFENS: So we've assembled a site in
25 the brown mid-rise or in the brown-zoned area. In

1 that area, I can build 40 units, with a -- with a
2 site that meets the requirements. I can go six
3 stories, and I can build a 1.2 FAR without any
4 bonuses.

5 MR. CARLSON: That's correct.

6 MR. STEFFENS: Okay. What I would like to
7 know is, can we take that, those numbers, and say,
8 okay, let's reduce that, let's reduce the basis.
9 Let's say you can go five stories, you get an FAR of
10 1.0, and you can do 36 units. Can we reduce it
11 between five and ten percent and then say, okay, if
12 you want to get back to the six stories, the 1.2 FAR,
13 40 units, then you have to do the stuff in the
14 Mediterranean Ordinance?

15 MR. RIEL: It's an option that's available.

16 MR. CARLSON: Say, earn back a certain
17 portion?

18 MR. STEFFENS: You have to earn back to the
19 current basis.

20 MR. AIZENSTAT: As opposed to giving above
21 the current basis for a bonus?

22 MR. STEFFENS: Exactly.

23 MR. MAYVILLE: But in these people's world,
24 what I think they don't understand is that their
25 world is about to change dramatically, because the

1 traffic problems that they see right now are nothing
2 compared to what they're going to see in three years.
3 I think the traffic problems will be triple what
4 they're in right now, because you're taking, right
5 now, housing that's no more than two stories in
6 height, and at a minimum we're going to put it up to
7 four -- even if it's four, it's double what we have.
8 The roads aren't set up for this whole thing, and the
9 solutions that we're looking at for this area are not
10 in the realm of what I think these people are
11 thinking, and they are thinking that a few minor
12 adjustments and closing a couple streets is going to
13 improve the situation.

14 We're not looking at that. We're looking at
15 that along Ponce de Leon Boulevard, we're going to
16 have nothing but 10-story, 13-story buildings.

17 MR. STEFFENS: Sixteen.

18 MR. MAYVILLE: Sixteen, and we've already
19 approved quite a few of them. And on the side
20 streets, they're going to go from the two-story
21 levels that we're at right now up to six stories,
22 worst case scenario. So the question is --

23 MR. STEFFENS: No, eight stories, worst
24 case.

25 MR. FADEL: Eight stories are going in there

1 now.

2 MS. KEON: Right.

3 MR. MAYVILLE: Right. So my point to you is
4 that, as residents, the world that you live in right
5 now is totally unrealistic to where it's going to be
6 in five to seven years, because you're in the
7 hottest real estate market in the Gables right now
8 except for maybe the area just north of the Village
9 of Merrick Park, which is also getting a lot of
10 activity right now.

11 So when you're talking to us today about
12 some of the issues that you spoke about, to me, it
13 was unrealistic, because they're not fixable in the
14 realm of what I think your expectations are. The
15 expectations of where you're going is a dramatic
16 increase of traffic on Ponce and the side streets.
17 Even if you close the roads, you still would have a
18 dramatic, you know, area.

19 My feeling is, and suggestion -- I've talked
20 to a number of other communities, as well -- is that
21 you all need to organize, and the difficulty is that
22 you're not -- most of you are not property owners.
23 Most of you all are renters. So it's difficult,
24 because you have a transient community to do so.

25 But unfortunately, you all needed to get

1 this discussion started about two years ago. We've
2 already approved, this Board and the City
3 Commission -- I think there's at least 51 projects
4 that have been approved for Miracle Mile north to
5 Eighth Street, that are already set in motion, either
6 in a permitting status or waiting for plans to be
7 developed, but have already been granted to be
8 developed. And so if you all are going to have any
9 kind of impact as a community, you all need to meet
10 with your fellow neighbors, even though you may not
11 be property owners, and form together a coalition and
12 begin to have a discussion, because the world that
13 you're living in right now isn't going to exist in
14 two or three years, and so either you're going to
15 have to move out of the area and accept what
16 development is going to come into the area or you're
17 going to need to try to force some change, you know,
18 in motion.

19 But I just want to make sure there's clarity
20 that the things that you all talked about tonight
21 aren't realistic, as far as continuing in the near
22 future. It's going to be a dramatic change. You put
23 up these buildings on Ponce, like they've already
24 been approved -- we've approved at least, I think,
25 three buildings already in the last year that are

1 going up on Ponce. Just those buildings alone, with
2 the traffic, are going to affect those side streets,
3 forget whatever is happening on the side streets.

4 So my point is, and tonight we can give the
5 input, but I think, as a resident community, you need
6 to be realistic about what is coming your way, and it
7 is a big difference and it's almost nonstopable, I
8 think, unless you as a group are prepared to organize
9 and come to the meetings, and developers come to the
10 meetings because they have a financial interest.
11 Well, you have to show the same level of interest and
12 come to these Zoning Board meetings. Just like we
13 have to come to them and vote, you've got to put the
14 energy and the time into it, if you want to be
15 considered. Otherwise, the developers are going to
16 decide your community for you. So good luck.

17 MR. RAMOS: Well said.

18 MR. STEFFENS: I would like to ask Charlie
19 about the possibility of moving in a direction of
20 reducing the basis and giving the basis back as
21 bonuses.

22 MR. SIEMON: I think that's something we
23 can look at. As you recall, during the preparation
24 of the Moratorium Ordinance, we addressed this
25 sliding-scale FAR, and therefore the ability to

1 achieve greater density, and at that time the City
2 Attorney agreed with us that unassembled property did
3 not have a protected interest in that assembled
4 density, and I think that is an area where there is
5 an opportunity to adjust, and I think doing it with a
6 series of bonuses that would allow some of that to
7 be -- some or all of that to be mitigated is an
8 effective strategy to get where we need to go, or
9 where we can go, given the level of change that's
10 already in motion.

11 But, yeah, I think that those are areas
12 we're going to be looking at, and we -- I mean, I
13 think that our office right now is focusing primarily
14 on what's happening at the street level. That's
15 really going to define the character, and there's
16 some issues. The parking requirements are driving
17 what happens at the street level because the parking
18 is consuming, basically, the ground level area,
19 leaving it a relatively sterile streetscape, and so
20 we're looking at a whole series of strategies that
21 might help to mitigate that, and I think that's where
22 a bonus strategy might really have a lot of benefit.

23 MR. STEFFENS: One of the comments from one
24 of the speakers was about the problem of actually
25 walking down the sidewalks in these neighborhoods,

1 and I believe the sidewalks are, what, five feet in
2 most of the neighborhood.

3 In conjunction with relaxing setbacks to
4 allow less height and less bulk, possibly, can we
5 incorporate, maybe, additional sidewalks that would
6 be -- that would need to be provided on private
7 property, that would increase the pedestrian walking
8 areas in these neighborhoods?

9 MR. SIEMON: In the Moratorium Ordinance was
10 an urban open space zone, and I think that's
11 something that, if we can find out how to accommodate
12 the parking, would be --

13 MR. STEFFENS: I also misunderstood that
14 urban open space area as a piece of landscaping
15 between the sidewalk and the building, as opposed to
16 more sidewalk.

17 MR. SIEMON: It really goes from the curb of
18 the road to the building, and it's intended to
19 include a variety of zones, in which there's a
20 pedestrian zone, a landscaping zone, a parkway zone
21 and a parking zone, and --

22 MR. KORGE: The problem with that, that I
23 understood, was north of Eighth Street that the
24 traffic is just unbearable, and it's getting worse,
25 and that's why the single-family residents there are

1 concerned about their ability just to walk to the
2 park across the street because of the traffic.

3 MR. STEFFENS: I was only talking about
4 south of Eighth Street.

5 MR. KORGE: I know, but I think the issue
6 came up north of Eighth Street.

7 MR. SIEMON: There's clearly an issue, and
8 it's unfortunate, because north of Eighth there are,
9 from our -- from our mind, there's excess
10 right-of-way.

11 MS. KEON: Right. You could actually --

12 MR. SIEMON: Excess pavement --

13 MS. KEON: Yeah.

14 MR. SIEMON: -- in that area.

15 MS. KEON: You could do considerable calming
16 on those streets.

17 MR. KORGE: Right.

18 MR. SIEMON: You could pull that down and
19 improve it, but south of Eighth, we have inadequate
20 right-of-way to really build the kind of pedestrian
21 zone we'd like to have, and so I think an incentive-
22 based program to --

23 MR. STEFFENS: But north of Eighth, you can
24 already set that in motion. I mean, they really --
25 that's not a zoning issue as much as it is --

1 MR. RIEL: Right.

2 MR. KORGE: -- a Public Works problem.

3 MR. RIEL: Correct.

4 MR. KORGE: They have a lot of experience
5 dealing with this in a variety of situations not that
6 dissimilar, and they really should just start
7 focusing on it and working to solve that problem. It
8 shouldn't be something that awaits this Board's
9 action.

10 I mean, the City can deal with that now, and
11 they really should. I mean, regardless of whether
12 this is, you know, a high-value property or the
13 lesser expensive homes, you know, the fact that a
14 street closure which would eliminate a lot of the
15 traffic concerns can't be accomplished because, you
16 know, they don't have enough properties that can
17 contribute to pay for it, this is ridiculous.

18 MR. RIEL: If the Board would like, I would
19 suggest that you make a recommendation, and I'll
20 carry that forward to the City Commission.

21 MS. KEON: Well --

22 MR. STEFFENS: I mean, I don't see that
23 neighborhood north of Eighth Street under the
24 pressure that we're talking about south of Eighth
25 Street, because it's zoned single-family residential.

1 MR. KORGE: It's a traffic problem.

2 MR. STEFFENS: Yeah. That area is not going
3 to change from single-family residential.

4 MR. KORGE: It's not a zoning problem. It's
5 a traffic problem.

6 MR. STEFFENS: Exactly.

7 MR. KORGE: That's what I said. Yeah.

8 MR. STEFFENS: So we need to --

9 MR. KORGE: So the City needs to deal with
10 it, not -- you know, it's not something -- whatever
11 we do, even if we do a conservation area here, that's
12 not going to really affect the traffic problem. That
13 needs to be addressed positively by the City, through
14 Public Works.

15 MR. AIZENSTAT: And the Traffic Advisory
16 Board.

17 MR. KORGE: Right.

18 MS. KEON: Right. But the City has a
19 traffic consultant that they used to do the traffic
20 studies, that have done the proposed traffic calming
21 and whatever.

22 MR. RIEL: Yes.

23 MS. KEON: Have they looked at this? Do you
24 know if this area has ever been looked at for --

25 MR. RIEL: I don't know the answer.

1 MS. KEON: You don't know that.

2 MR. RIEL: I know the City is divided into
3 certain zones --

4 MS. KEON: Right.

5 MR. RIEL: -- and there's a representative
6 from each zone, and the Traffic Advisory Board does
7 deal with those issues --

8 MS. KEON: Right.

9 MR. RIEL: -- and they've been in existence
10 for a number of years, so --

11 MS. KEON: And Ponce is -- what is that
12 designated?

13 MR. RIEL: I don't know the zone number.

14 MS. KEON: Is that a collector, an arterial?

15 MR. SIEMON: No, it's an arterial.

16 MR. KORGE: It's a speedway.

17 MS. KEON: It is an arterial. All right, so
18 then you would have to work with the County in order
19 to do anything along --

20 MR. SIEMON: Significant.

21 MS. KEON: -- that street, anyway. So that
22 would take some planning.

23 MR. SIEMON: It's going to be very difficult
24 to manage the traffic problem within the right-of-way
25 of Ponce, but I think there are some things that can

1 be done.

2 I'd like to just -- if I could have a moment
3 of privilege, I'd like to pick up on something that
4 Board Member Mayville said. This is a very dynamic
5 situation, and if the City wishes to have a diverse,
6 balanced, quasi-urban neighborhood which is highly
7 pedestrian, it's not going to happen just through
8 regulation. It is going to take, for example,
9 parking strategies in which there's going to have to
10 be collective investment in parking spaces to take
11 some of those buildings that are low-rise right now,
12 that don't have as much value as others, and convert
13 them into community parking areas, so that we can
14 recapture some of the right-of-way to create the
15 pedestrian corridors, and so we're at least going to
16 be telling you in this plan, in addition to
17 regulations -- they can have an effect, but if you
18 really want to have a conservation district, if you
19 really want to have a mid-rise conservation district
20 outside of Galiano and Salzedo, you're going to have
21 to, as a community, both privately and publicly,
22 invest in some of these strategies, and I think
23 that -- I don't think it's lost. I think -- but if
24 all they do is say, we're going to leave it to the
25 private sector and we're going to put on regulations,

1 and that will fix it, you're not going to get there.

2 And there are a number of strategies. We've worked
3 in neighborhoods --

4 MR. KORGE: Well, we can still shift that
5 burden to the private sector with impact fees.

6 MR. SIEMON: We can make them participate --

7 MR. KORGE: Right.

8 MR. SIEMON: -- and participate well and
9 make it easy, but we've been involved in
10 neighborhoods like the conservation district there,
11 and we have seen situations where, for example, one
12 of the ways that -- there's a particular neighborhood
13 I know, up north, where on the Douglas side of a
14 subdivision that they wanted to preserve, they
15 basically put together a special assessment district
16 and bought the first lot along Douglas, all the way
17 down, and then built a frontage road and a landscape
18 buffer, and that cut off -- it gave them circulation.
19 It allowed them to turn around. It gave the
20 neighborhood an ironclad future, and it paid for
21 itself. But that's the kind of ambitious undertaking
22 that's necessary to protect yourself, because in a
23 metropolitan area, nothing anybody can do solves
24 traffic problems. If you solve a traffic problem on
25 a road in a metropolitan area so that there's excess

1 capacity, so it's convenient, other traffic is going
2 to divert from less convenient routes to take that
3 route, and it's been shown over and over again.

4 So we have to find ways to protect the
5 neighborhood, to isolate that traffic and, I think,
6 calm it. I mean, I think that -- my personal view is
7 that the section between --

8 MS. KEON: Flagler.

9 MR. SIEMON: North, I forget the name of
10 the --

11 MS. KEON: Flagler?

12 MR. SIEMON: Flagler and --

13 MR. STEFFENS: Eighth Street?

14 MS. KEON: Eighth Street.

15 MR. SIEMON: -- Eighth ought to be calmed.

16 MS. KEON: Yeah. That's why I thought maybe
17 we could ask that the traffic consultant that is
18 currently --

19 MR. SIEMON: But I think it's going to be a
20 tough call.

21 MR. STEFFENS: It ought to be what?

22 MR. SIEMON: Calmed.

23 MS. KEON: Yeah.

24 MR. SIEMON: The movement --

25 MR. STEFFENS: Calmed.

1 MR. SIEMON: -- should be calmed.

2 MS. KEON: And some of the streets, the side
3 streets that are particularly large streets, could
4 actually be narrowed and the sidewalks enlarged so
5 that you have a little more friction and you could
6 have bump-outs, and there's all kinds of things that
7 can be done to improve the -- and slow the traffic on
8 those residential streets, but I think, you know, it
9 could be --

10 MR. RIEL: I would recommend that the Board
11 do a recommendation --

12 MS. KEON: Can I make a motion, then, that
13 we ask the traffic consultant to look at this
14 residential section of the North Gables --

15 MR. KORGE: Through Public Works and --

16 MS. KEON: -- between -- well, there's a
17 traffic consultant that is doing --

18 MR. RIEL: Basically, what you're doing is
19 referring the issue to the City Commission for
20 consideration.

21 MS. KEON: For consideration, for traffic
22 calming opportunities in the area between Eighth
23 Street and Douglas -- and Flagler, the residential
24 area.

25 MR. KORGE: And I'll second that motion.

1 MR. MAYVILLE: After you finish the motion,
2 I've got one other issue that Charlie mentioned
3 earlier that I think we need to address, as well, and
4 that is --

5 MR. STEFFENS: I --

6 MR. MAYVILLE: Why don't we get this one out
7 of the way first, and then I'll cover that second.

8 MR. STEFFENS: I think Jill didn't hear our
9 motion.

10 MS. MENENDEZ-DURAN: Excuse me?

11 MS. KEON: We made a motion.

12 MS. MENENDEZ-DURAN: Can you repeat the
13 motion again, I'm sorry, and who seconded it?

14 MS. KEON: I made the motion.

15 MS. MENENDEZ-DURAN: Uh-huh.

16 MR. STEFFENS: And Tom seconded it.

17 MS. KEON: Tom Korge seconded it, seconded
18 the motion.

19 MS. MENENDEZ-DURAN: Bill Mayville?

20 MR. MAYVILLE: Yes.

21 MS. MENENDEZ-DURAN: Michael Tein?

22 MR. TEIN: Yes.

23 MS. MENENDEZ-DURAN: Eibi Aizenstat?

24 MR. AIZENSTAT: Yes.

25 MS. MENENDEZ-DURAN: Pat Keon?

1 MS. KEON: Yes.

2 MS. MENENDEZ-DURAN: Tom Korge?

3 MR. KORGE: Yes.

4 MS. MENENDEZ-DURAN: Michael Steffens?

5 MR. STEFFENS: Yes.

6 MR. RIEL: Let me just make a comment, so
7 the public understands, and the Board. What will
8 happen is, this recommendation will be scheduled for
9 a Commission agenda item, and the Commission will
10 discuss and direct the Manager to deal with the issue
11 appropriately. So I just want to make sure that
12 everybody understands that.

13 MR. MAYVILLE: The point I was trying to
14 make was, you mentioned it earlier and I thought it
15 was a very interesting point, was that the reason
16 these things have failed in the past is, no one has
17 championed the project, whether it be from the City
18 Manager's Office or whether it be a Commissioner that
19 champions it. And I think what we've got to do is
20 also bring this attention to the Commission, that
21 someone has got to take charge of this thing, whether
22 it be an Assistant City Manager or a Commissioner is
23 going to be overseeing this thing, but someone has
24 got to take -- otherwise, I think we're doomed to the
25 same failure that we've had before. Is that an

1 obvious statement or is --

2 MR. SIEMON: It is an obvious statement.

3 MS. KEON: But I think that one of the
4 Commissioners in particular has taken the issue of
5 traffic calming and whatever as an initiative.

6 MR. MAYVILLE: But this is more than --
7 we're talking about taking charge of the whole area.
8 You know, traffic calming is just one piece of the
9 equation, I think.

10 MR. KORGE: The garages, the separate
11 garages and some of the other things are going to
12 require some creative solutions.

13 MS. KEON: But I think that's a different
14 thing. I think the thing we're talking about right
15 now is that residential area, which can be dealt with
16 a little differently than this area --

17 MR. STEFFENS: The single-family residential
18 area.

19 MS. KEON: -- from Eighth Street to Navarre,
20 which is, you know, a multi-family high-rise,
21 mid-rise. It's a different group than -- and there
22 are different solutions for that.

23 MR. MAYVILLE: I understand, but what I'm
24 saying is, and I think what your comment is, is that
25 regardless of whether it's here or here, someone has

1 got to take responsibility for getting it done and
2 driving this thing through to completion, and I think
3 we at least need to alert this to the Commission and
4 say we've had two failures out of two tries, and this
5 is not going to go anywhere, either, unless someone
6 is appointed and given, you know, a tasking
7 responsibility, whether it be -- Am I wording that
8 correctly? Am I --

9 MS. KEON: That's why they're elected to
10 office.

11 MR. STEFFENS: Would you like to make a
12 recommendation --

13 MR. MAYVILLE: Well, I --

14 MR. STEFFENS: -- a motion for a
15 recommendation?

16 MR. MAYVILLE: Well, I mean, my feeling is
17 that I think we need to bring it to the Commission's
18 attention, and I'll do it in the form of a motion,
19 that the north area twice has had projects or studies
20 conducted, never being brought to fruition, because
21 no one has been there to champion the project, and
22 the City Commission, however they want to decide it,
23 whether someone in the Commission takes it or someone
24 from the City Manager's Office takes it, but there
25 needs to be a champion that's going to look after

1 these projects.

2 MR. STEFFENS: And you're talking about
3 specifically the project that --

4 MR. MAYVILLE: Well, the whole North
5 Ponce -- the whole North Ponce area, that this --

6 MR. STEFFENS: You're talking about the
7 whole North Ponce area, not just the area that we
8 specifically --

9 MR. MAYVILLE: That's right.

10 MR. STEFFENS: -- spoke about right now?

11 MR. MAYVILLE: That's right. And I'm saying
12 that that whole area, which includes the area we just
13 talked about, is --

14 MR. STEFFENS: Well, why don't we take it a
15 piece at a time?

16 MR. RIEL: That's what -- I mean, that's
17 what we're here for this evening, is to get your
18 input, and we're going to draft regulations and come
19 up with incentives, mitigation strategies that deal
20 with all these issues, and it will be a part of the
21 Zoning Code rewrite. That's why we're --

22 MS. KEON: Right.

23 MR. KORGE: But I think what Bill is saying
24 is that it appears that in the north, this Eighth
25 Street to Flagler Street area is a good example --

1 MR. STEFFENS: No, Bill's talking about the
2 whole area.

3 MR. MAYVILLE: No, I'm talking about the
4 whole area.

5 MR. KORGE: But that's a good example.
6 There are problems there that really are outside of
7 the purview of even this Board, the traffic calming,
8 for example. We really don't -- you know, we are
9 concerned about it and we can express our concerns,
10 but our responsibility is zoning regulation, which
11 really is not how you would solve the traffic calming
12 problem here.

13 So he's suggesting that, as Charlie has
14 indicated, there are going to be other aspects of
15 this that are really not so much zoning issues as,
16 you know, finance issues, how are we going to acquire
17 property and pay for property to put additional
18 garages on it, and I think what Bill is suggesting,
19 correct me if I'm wrong, is that somebody's got to be
20 the point person to make sure that all of this comes
21 together, not just the planning and zoning aspect,
22 which is your responsibility, Eric, but others, as
23 well, and probably someone, I don't know whether it's
24 the Manager or someone under the Manager, should
25 probably be designated as the point person, to make

1 sure -- it could be you, Eric, to make sure
2 that these various aspects are all shepherded through
3 and hopefully realized.

4 MR. MAYVILLE: Here's a good example, the
5 trolley. The trolley only got done because one
6 Commissioner took it as a project and drove it as a
7 personal will. The same has been true with
8 Commissioner Cabrera and the traffic calming. He's
9 taken this on as a personal project and driven the
10 thing. Commission Withers has done it with the
11 museum, and he's taken it and tried to -- If you
12 don't have one of those fellows, or Commissioner
13 Anderson, that's willing to take it on and drive it,
14 I don't think it gets the constant attention that it
15 needs. That's all my point was.

16 MR. KORGE: Yeah.

17 MR. STEFFENS: Well, I think it's a great
18 idea, Bill, and I think it would be good for them,
19 someone --

20 MR. MAYVILLE: To start with this.

21 MR. STEFFENS: -- to start in this north
22 piece, because there's people in that north piece
23 that vote, as opposed to the piece south of Eighth
24 Street, where there's not a whole lot of people that
25 vote.

1 MS. KEON: But also, this piece north of
2 Eighth Street, it isn't a matter of acquiring
3 property or anything else. They are things that you
4 can begin to work on now.

5 MR. KORGE: As we've done in the past, in
6 other neighborhoods.

7 MS. KEON: Yes, that can be done today, and
8 things that can move forward at a much quicker pace
9 than you're going to have to do here, because of your
10 need to acquire property and the different property
11 owners and because it's renters and whatever else.

12 So I'd like to maybe at least start with
13 that which we can do now and begin to move that
14 forward.

15 MR. STEFFENS: And also, we're not changing
16 zoning and impacting people's rights. We're removing
17 asphalt.

18 MS. KEON: Right. Yeah, you're working on a
19 streetscape.

20 MR. SIEMON: You own most of the land
21 you're going to be dealing with.

22 MS. KEON: That's right. So we can do that
23 in conjunction with moving forward this conservation
24 district.

25 MR. MAYVILLE: Why don't you go ahead and

1 make a motion?

2 MR. SIEMON: I would just add, though,
3 on -- I guess my experience is that while elected
4 leadership is critical, I think that you all have a
5 tremendous opportunity to lead the integration of
6 these other implementation activities and not
7 isolating yourself -- when you say planning and
8 zoning, zoning is an implementation tool that's
9 exclusively, really, yours. But planning is a
10 responsibility that has a whole bunch of
11 implementation activities, and so I do think that
12 while you can't design the traffic calming, you can
13 identify that the traffic calming is an important
14 part of achieving your plan for that north
15 neighborhood, and I think you all can play a
16 leadership role in this community, particularly in
17 this special area where there's so much at risk, and
18 whoever stood up and said, I mean, this could be the
19 finest -- what I call quasi-urban neighborhood in the
20 State of Florida, bar none --

21 MS. KEON: Yeah.

22 MR. SIEMON: -- if we don't let it go.

23 MR. STEFFENS: Charlie, an image that I'd
24 like to explore in this area is an image of a true
25 urban neighborhood, something that's similar, maybe,

1 to the Upper East Side in New York, where you have a
2 continuous building wall that you're walking against
3 on the street, and I think maybe something like that
4 would require the incredibly wild idea of maybe
5 eliminating setbacks and regulating this in some
6 other way, because I think we have this sort of
7 mistaken notion that this is sort of like the
8 suburbs, and we are sort of refusing to accept the
9 fact that it's going to become a city and we're
10 trying to have sort of a city that's sort of like a
11 suburb, and what we're getting is these horrible
12 alienated buildings that have absolutely no
13 relationship to the street or the sidewalk or the
14 rest of the neighborhood. And I would like to see
15 that examined as a model. You know, if we had a wall
16 of buildings along the street, that we have a 15-foot
17 sidewalk and trees in planters on the street, and we
18 could walk along the street and our neighbors'
19 doorsteps or stoops are right there, and these
20 buildings happen to be four stories tall and it just
21 lines the street, I don't think that's a horrible
22 picture.

23 MS. KEON: With no parking lot on that
24 street.

25 MR. STEFFENS: With no parking -- you mean

1 no parking on the street?

2 MS. KEON: No, that we never walk adjacent
3 to a parking lot.

4 MR. STEFFENS: Oh. Well, you don't know
5 that you're walking adjacent to a parking lot.

6 MS. KEON: Right, that I know, right. But
7 can we vote on this thing, on the traffic calming for
8 this area, that motion that came forward?

9 MR. STEFFENS: For the north area?

10 MS. KEON: Yeah. We didn't vote.

11 MR. KORGE: We already did that.

12 MR. STEFFENS: I thought we did.

13 MS. KEON: No.

14 MR. AIZENSTAT: I thought we did that.

15 MR. KORGE: Yeah, we did.

16 MS. KEON: Did she vote -- did she call the
17 roll? I'm sorry.

18 MR. MAYVILLE: Do we want to take that idea
19 of getting somebody to report this to the Commission
20 as a recommendation, or do you want to let that
21 slide?

22 MR. STEFFENS: Do you want to make the --

23 MR. MAYVILLE: I'll make the motion that
24 Staff has informed us that the success of these
25 projects needs a champion at the Commission level,

1 and we'd recommend that someone from the Commission
2 take ownership of this area, to look at the issues
3 that are involved in that area.

4 MR. RIEL: I'd be -- from Staff's viewpoint,
5 I feel a little uncomfortable --

6 MR. MAYVILLE: Okay.

7 MS. KEON: Telling them what to do?

8 MR. RIEL: -- saying that Staff has asked
9 the Board --

10 MR. MAYVILLE: All right, I won't say it
11 that way.

12 MR. RIEL: -- to instruct the Commission,
13 okay? Please.

14 MR. MAYVILLE: All right, we'll just say
15 that the Board has noticed in testimony that it is
16 critical that a -- that someone take ownership at the
17 Commission level if this thing is going to get the
18 kind of action and attention that it needs, that --

19 Do you want to word it different, Tom?

20 MR. KORGE: That sounds good.

21 MR. STEFFENS: I would second that
22 recommendation --

23 MS. KEON: That's good.

24 MR. STEFFENS: -- if I'm allowed to.

25 MR. KORGE: I'll second it, if you're not.

1 MS. MENENDEZ-DURAN: Michael Tein?

2 MR. TEIN: Yes.

3 MS. MENENDEZ-DURAN: Eibi Aizenstat?

4 MR. AIZENSTAT: Yes.

5 MS. MENENDEZ-DURAN: Pat Keon?

6 MS. KEON: Yes.

7 MS. MENENDEZ-DURAN: Tom Korge?

8 MR. KORGE: Yes.

9 MS. MENENDEZ-DURAN: Bill Mayville?

10 MR. MAYVILLE: Yes.

11 MS. MENENDEZ-DURAN: Michael Steffens?

12 MR. STEFFENS: Yes.

13 MS. MAYVILLE: That's it?

14 MR. STEFFENS: Does the Board have any other

15 comments, or Staff, or our consultant?

16 MR. RIEL: Just as a reminder, June 8th,

17 we'll be presenting preliminary concepts to this

18 Board, and those two motions that you just made will

19 probably be scheduled for the June 9th meeting, which

20 is actually a Thursday. We'll put them on at that

21 meeting, so just for members of the public. And

22 please contact the office if you want to follow up on

23 that.

24 MR. SIEMON: I just wanted to follow up on

25 your image of that area. I have a parallel image,

1 but I would encourage you -- mine is Astor Street,
2 north of the Loop in Chicago, which has a mix of
3 buildings. There's a constant street, and so you've
4 got social diversity resulting from the mix of
5 structures, but ironically, next to the house which
6 is owned by the Junior League, which is an old
7 mansion, is a surface parking lot, and it has a
8 wonderful wrought iron fence around it, with
9 plantings, and it breaks the light into the street in
10 a remarkable way.

11 So a surface parking lot that is attractive,
12 I think can fit into your vision of that street, as
13 long as it's not a dominant element.

14 MR. STEFFENS: I would like to see the
15 street created and then somebody come and ask for a
16 variance to do something like that and we'll say,
17 "Okay, we'll give you a variance, but you've got to
18 make a really nice parking lot."

19 MR. SIEMON: Right. We may have to be
20 involved in some of that parking lot generation. I
21 mean, that's a real problem here. You don't have
22 enough parking in these neighborhoods, and if we
23 force the new development to be fully Code compliant,
24 we're going to squeeze the ability to create that
25 ground level experience we all want, and I think -- I

1 mean, someone said earlier -- you said it, we're a
2 city pretending to be a suburb, and as a result,
3 we're getting the worst of both worlds.

4 I believe that at some time in the future,
5 there are going to be urban neighborhoods, near
6 downtown urban neighborhoods in South Florida, where
7 people are going to be like near urban neighborhoods
8 in other parts of the country, where they don't have
9 three cars, they only have a single car, and those
10 days are coming.

11 MR. KORGE: What you're saying to me is that
12 the City's got to plan to buy some property in that
13 neighborhood --

14 MR. SIEMON: I think --

15 MR. KORGE: -- figure out how to pay for it.

16 MR. SIEMON: Yeah, and I think it can be
17 done.

18 MR. KORGE: It needs to be done now, before
19 it gets too expensive.

20 MR. SIEMON: But, you know, when these
21 developers are building parking garages, they're
22 paying a lot of money, particularly when they're
23 substandard sizes, and there are ways of --

24 Providence, Rhode Island, has been very
25 successful in building consolidated garages to help

1 do that, and it doesn't have to be just in this
2 neighborhood. It could be done in this North Ponce
3 Neighborhood, and we're looking at that. I'm just
4 warning you that those are the kinds of things I
5 think you're going to have to challenge -- you're
6 going to have to address. You may decide not to take
7 that risk, but those are the ways that this can be
8 really -- be everything it can be.

9 MR. STEFFENS: But I think there's two other
10 factors that are going to play into that. One is the
11 market and the other is the banks that are financing
12 that, because, you know, downtown, once they put in
13 Metrorail, they reduced the parking requirements on
14 all the buildings, and nobody would finance the
15 buildings because there was no parking in them, so
16 nobody would use the buildings, and --

17 MR. SIEMON: You're not going to have that
18 problem in this community.

19 MR. STEFFENS: Well, I don't think people
20 will buy them if they don't have parking spaces.

21 MR. SIEMON: I didn't say this year, but in
22 the future, it's inevitable. We have an
23 unsustainable pattern of development, that simply
24 can't be sustained.

25 MS. KEON: What about that you do a whole

1 review of the infrastructure for the water and sewer
2 and whatever else? Do the lines --

3 MR. SIEMON: We're depending on input from
4 the various departments.

5 MS. KEON: Okay.

6 MR. SIEMON: We've been in touch with them.

7 MS. KEON: Somebody needs to look at whether
8 those lines need to be upgraded and enlarged.

9 MR. SIEMON: We're -- we've already -- I
10 said we had this interdependent meeting, which I have
11 to tell you was one of the most exciting meetings
12 I've had at the City, because every staff was really
13 into the unique character of this, and we got input
14 back in hours, in some cases, e-mail responses to
15 questions we asked. So we are looking at all these
16 things.

17 MS. KEON: Okay.

18 MR. STEFFENS: Thank you.

19 MR. SIEMON: Okay. Thank you very much.

20 MR. STEFFENS: Can we -- before we adjourn,
21 can we say good-bye to Bill?

22 MR. RIEL: Yes. I just -- Can I make a
23 comment before the Board goes?

24 MR. STEFFENS: Sure.

25 MR. RIEL: On behalf of the City and on

1 behalf of the Planning Department, we just thank Bill
2 for his service.

3 It's been a pleasure working with you, and I
4 know prior to being on the Planning & Zoning Board,
5 you were with the Board of Adjustment, how many
6 years?

7 MR. MAYVILLE: Eight.

8 MR. RIEL: Eight years. So he has
9 obviously done a lot of service, and spent a lot of
10 time, I know, at this Board, and I just wanted to
11 thank you, on behalf of the Department and the City.

12 MR. STEFFENS: Thank you, Bill.

13 MR. MAYVILLE: Thank you all.

14 MR. STEFFENS: It was great to have you
15 here.

16 MR. MAYVILLE: I've enjoyed it, as well.

17 (Thereupon, the meeting was adjourned at
18 9:45 p.m.)

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CERTIFICATE

STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

I, JOAN L. BAILEY, Registered Diplomate Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

I, JOAN L. BAILEY, a Notary Public in and for the State of Florida at large, do hereby that all witnesses were duly sworn by me.

DATED this 17th day of May, 2005.

JOAN L. BAILEY, RDR

Notary Commission Number DD 190412.
My current notary commission expires 6/14/07.

