

1 CITY OF CORAL GABLES
 2 PLANNING AND ZONING BOARD MEETING
 3 VERBATIM TRANSCRIPT

4 CORAL GABLES CITY COMMISSION CHAMBERS
 5 405 BILTMORE WAY, CORAL GABLES
 6 MAY 18, 2005, 6:15 P.M.

7 Board Members Present:

8 Cristina Moreno, Chairwoman
 9 F. Michael Steffens, Vice-Chairman
 10 Eibi Aizenstat
 11 Pat Keon
 12 Tom Korge
 13 Michael R. Tein

14

15 City Staff:

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17 Eric Riel, Jr., Planning Director
 18 Richard Cannone, Principal Planner
 19 Elizabeth M. Hernandez, City Attorney
 20 Dennis Smith, Assistant Building & Zoning Director

21

22 Also participating:

23

24 Vice-Mayor Maria Anderson
 25 Charles Siemon, Consultant

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27 Public Speakers:

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Page

29

30 Daniel Fryer 26

31 Vice-Mayor Maria Anderson 34

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33 Elaine Codias 36

34 Barbara Collingwood 38

35

36 Mamta Chaudhry-Fryer 40

37 Jean Field 44

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39 Bob Brown 46

40 Don Sackman 47

41

42 Paul Posnak 48

43 Laurie Berry 53

44

45 Amado J. "Al" Acosta 54

46 Bruce Katz 57

47

48 Marshall Bellin 66

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1 THEREUPON:

2 The following proceedings were had:

3 CHAIRWOMAN MORENO: If we're ready, Mr.
4 Riel?

5 MR. RIEL: Yes.

6 CHAIRWOMAN MORENO: Okay. We'll start the
7 meeting tonight. Richard, if you'll call the roll,
8 please.

9 MR. CANNONE: Eibi Aizenstat?

10 MR. AIZENSTAT: Present.

11 MR. CANNONE: Pat Keon?

12 Tom Korge?

13 MR. KORGE: Here.

14 MR. CANNONE: Michael Tein?

15 MR. TEIN: Present.

16 MR. CANNONE: Michael Steffens?

17 MR. STEFFENS: Here.

18 MR. CANNONE: Cristina Moreno?

19 CHAIRWOMAN MORENO: Here.

20 Okay, the only item on tonight's agenda is a
21 review of the ordinance with respect to seeking to
22 reduce the size of homes.

23 Before we start, I'd like to recognize
24 Commissioner Anderson, or Vice-Mayor Anderson, who's
25 here with us, and I'd like to invite Mr. Smith to

1 make a presentation.

2 MR. RIEL: Let me make a couple comments
3 before Dennis gets up here. Let me just go ahead and
4 read the ordinance into the record.

5 "Ordinance of the City Commission, City of
6 Coral Gables, Florida, amending Ordinance Number
7 1525, as amended and known as the Zoning Code, in
8 particular, Article 3, Use Districts and Regulations,
9 Section 301, R-Use Districts, Section 3-1.1, R-Use
10 District Performance Standards; and Article 7,
11 Nonconforming Uses and Structures, Section 7-1,
12 Conditions and Restrictions; providing a repealer
13 provision; a savings clause; severability clause and
14 codification clause; and providing for an effective
15 date."

16 (Thereupon, Pat Keon arrived.)

17 MR. RIEL: Just so the Board is aware, we
18 sent letters to all parties that had written e-mails
19 of interest on this particular subject.

20 We also sent notices to those individuals
21 that have attended the City Commission and the
22 Planning & Zoning Board on the recent meetings we've
23 had.

24 In front of you, you have the most
25 up-to-date public comments list. It has kind of like

1 a green column on it. These were comments we
2 received since you received your packet last Friday.
3 If you note, it's fairly substantial in size, and
4 also, the Chairperson also provided comments via
5 e-mail, and I also made a copy of that and put that
6 in front of you.

7 Just as kind of some background information,
8 before Dennis gets started, the City Commission, on
9 April 24th, passed an ordinance on first reading, and
10 they scheduled for second reading on Tuesday, May
11 26th, at a time certain, at 11:00 a.m. In between
12 the April 24th meeting, they requested that the
13 Planning & Zoning Board secure public input and also
14 provide any recommendations and suggestions in terms
15 of changes that may be included within the interim
16 regulations.

17 One thing I would note, these are just
18 interim regulations. It obviously forms the basis
19 for what will eventually be in the Zoning Code
20 rewrite.

21 Two intentions -- two things that I'm asking
22 the Board for this evening is obviously input into
23 the interim regulations, and then the second thing,
24 I'd like to get your input on specific issues or
25 items you want to make sure Staff includes in the

1 Zoning Code rewrite.

2 We want to take this opportunity to make
3 sure that when we do come back with the final
4 regulations that will be in the Zoning Code, that we
5 obviously have a fairly solid, solid ordinance.

6 So, with that, I'll turn it over to Mr.
7 Smith.

8 MR. SMITH: Good evening. The last time
9 that we were here, we had proposed doing a more or
10 less across-the-board decrease in the amount of
11 permitted floor area of 10 percent. What we're
12 proposing to do here in these regulations is to have
13 a reduction in the permitted floor area of five
14 percent across the board, and then we have a program
15 where they can earn that square footage back if they
16 do things to reduce the mass of the residences. And
17 in the ordinance that is before you -- and that
18 program is explained in this report on how they can
19 earn things back, and it has some photographs of some
20 historic structures and how we use those structures
21 as the basis for coming up with the things that we
22 see in our historic structures, to help single-family
23 homes have less massiveness than what is being
24 constructed today. Those are the things that we
25 incorporated into the table, where they could earn

1 back additional square footage.

2 In the ordinance itself, we have all of the
3 regulations for the single-family use district. It's
4 Section 3-1. That's an existing Zoning Code section
5 in our existing ordinance right now, and a lot of
6 those things remain unchanged. There is some
7 miscellaneous cleanup that is done, not a lot,
8 because we are going to do the Zoning Code rewrite,
9 but one thing that we did want to see accomplished,
10 even on an interim basis, is that we wanted to have
11 all of the requirements for single-family residences
12 in that one place. So we incorporated in there,
13 within the regulations, the performance standards,
14 and there's going to be performance standards in the
15 proposed Zoning Code rewrite, too, for each zoning
16 category.

17 The performance standards that we had in the
18 ordinance are actually the existing requirements for
19 single-family residences, but it puts them all in one
20 place. For example, we have building sites, and it
21 provides for what is a minimum building site and it
22 references you also to the site-specific regulations.

23 We have density, one building per acre or
24 building site. We have facing. Right now, if you
25 want to know how a building faces in our existing

1 Zoning Code, you have to go to the site-specific
2 regulations, general provisions. A lot of people
3 have no idea why -- where to look in the Code to find
4 it, because it's not put in a place where it's easy
5 to find. Well, here, it's right with the
6 single-family regulations, which is where it should
7 be.

8 We get to Paragraph (j) of the proposed
9 ordinance, on Page 7 of 14, and that is the area
10 where we do the five percent reduction, and that five
11 percent reduction is a five percent reduction from
12 the area of the entire building site, and what that
13 does is, that lowers each category by five percent.
14 Right now, we're allowed to have 48 percent floor
15 area for the first 5,000 square feet of site area.
16 This lowers that to 43 percent. For the next 5,000
17 square feet of site area, we can have 35 percent.
18 This lowers it to 30 percent. And for the remainder
19 of the site area, above 10,000 square feet, you could
20 have 30 percent. This lowers that to 25 percent.

21 In the -- this document, there's a table, on
22 Page 3 of 18, which shows, based on the size of the
23 building site, what is permitted existing, what is
24 proposed, the incentive increase that they can earn
25 back, and what the total proposed would be able to

1 be.

2 Now, if they choose not to do the incentives
3 and actually reduce the height of the residences with
4 some of the categories that we have in the table,
5 then they will lose that square footage, and
6 consequently, the homes will be smaller because they
7 will have less square footage.

8 So, although they don't have to use the
9 incentives, okay, it still addresses the issue by
10 actually reducing the square footage of the home and
11 reducing the size of it.

12 For a 5,000 square foot site, five percent
13 of the site is 250 square feet. That's how much they
14 would lose out of a house. It would take it from
15 2,400 square feet to 2,150, and 250 square feet on a
16 2,400-square-foot house, that's like losing a bedroom
17 or a family room. But that table has the differences
18 in the reductions based on the size of the building
19 site.

20 Then we go to determination of the maximum
21 square foot floor area, Paragraph (k) in the
22 ordinance, on Page 7 of 14, and in that section, we
23 heard some discussion about the Board of Architects
24 had a concern that they didn't have the authority and
25 that the teeth weren't in the ordinance to allow them

1 to require some of the changes that they would need
2 to require, to deal with these issues.

3 Currently, the Zoning Code provides that the
4 Board of Architects may suggest or recommend changes.
5 This is that they may suggest, recommend or require
6 changes to the plans, to make them consistent with
7 the provisions of this ordinance.

8 And then how we calculate the floor area --
9 last time, we had some discussions on changes on how
10 we calculate the floor area. For the interim
11 provisions, we're going to leave how we calculate the
12 floor area as it is today. When we take a look at
13 this in the course of the Zoning Code rewrite, they
14 will probably take a look at exactly how we calculate
15 the floor area.

16 As you know, right now, and one of the
17 issues that I have heard people raise is, why do you
18 give a half-credit on garages that are one story in
19 height, because what that does is, that brings the
20 garage out to the street and pushes the mass of the
21 house back. Well, we do that -- and that's something
22 that really only kicks in when you have a two-story
23 house, because if you have a one-story house, you
24 don't achieve the maximum floor area, because then
25 you're limited by your lot coverage of 35 percent.

1 So, on two-story houses, what that does is,
2 it pushes the second floor of the house back, further
3 away from the street. But the discussion now is,
4 part of what we need to be concerned about is also
5 pulling the residence away from the neighboring
6 residence, so that you don't have one residence
7 closer, on top of -- you know, on top of another,
8 essentially.

9 So we're going to need to look at that in
10 the course of the Zoning Code rewrite. In the course
11 of doing these interim provisions, we didn't really
12 have an opportunity to study what the effects of
13 those types of changes would be.

14 In the calculation of the permitted floor
15 area is where we provide for the increase back to the
16 five percent, so that actually the issue becomes not
17 an issue of square footage but mass, for the
18 residence, and I think that some of the things that
19 we heard at the last meeting is, it wasn't so much
20 about square footage as it was about mass. And, you
21 know, I tend to agree with that statement, and
22 there's a lot of things that we can do to help reduce
23 the mass of the residences, without taking away the
24 square footage.

25 So this allows for an increase of up to five

1 percent of the area of the site, and that's it. In
2 order to earn those increases, they would go to Table
3 1, percentage increase in floor area factor for
4 single-family residences, and in here we have a
5 number of categories. The first category that we
6 have is roofs. And one thing that does affect the
7 mass of single-family residences is their height.

8 Currently, what are our Zoning Code allows,
9 it allows a single-family residence to be 24 -- or 34
10 feet in height in two and a half stories. Now,
11 what's been happening is, people have been building
12 two-story homes in 34 feet, and not two-and-a-half-
13 story homes in 34 feet. So, easily, they can build a
14 two-story home in less than 34 feet. Actually, you
15 can build a two-story home in 29 feet, very easily.

16 A half-story, let me remind you, is an attic
17 space that has been built out, essentially, and you
18 see the home with the attic space with the dormers
19 coming off of the sides. That's a half-story. A
20 good example of a one-and-a-half-story home is the
21 Merrick House. The second floor is actually built
22 within the roof structure, and it has the dormers
23 coming off, and then it has the gable on the front.
24 In that gable, there's windows, because that acts as
25 a part of the second floor of the residence. And

1 along Coral Way, you can see a couple of other
2 examples of homes with a half-story, which leads us
3 to the first way you can earn back two of the five
4 percent, and that is if you build a home that is 29
5 feet in height and not 34 feet in height. So you're
6 actually reducing the height of the home, and that's
7 taking out five feet of that mass around the
8 structure out of it and bringing down the height, and
9 that would relate to a lot of the existing homes that
10 you have that are even two stories. The older
11 two-story homes adjacent to a new two-story home
12 looks dwarfed, because the new two-story homes
13 generally are taller.

14 Then another thing that we did was, we put
15 in two provisions to allow for flat roofs. If you
16 look at the old Spanish homes that were done in the
17 twenties, there were two roof types that used flat
18 roofs with a minimum 18-inch-high parapet. One was a
19 house that was primarily a flat roof house with a
20 parapet that had small portions of roof structures
21 with pitched roof that acted as an accent, and then
22 the other type is like the reverse of that, where you
23 had predominantly a pitched roof house that had
24 accent features, that had a flat roof with a parapet
25 that were visible on a front elevation. And when you

1 have a house with a flat roof with a parapet and you
2 remove the rest of the roof structure, you help to
3 reduce the mass down, and that gives you the
4 opportunity to do roofs of varying heights within the
5 house, and that's a big help with the architecture of
6 these residences, and that will reduce the massing of
7 the residence. But in addition to that, on those
8 homes, the flat roof portion, the roof deck would be
9 limited to 24 feet, also, and the pitched roof
10 portion would be limited to 29 feet.

11 In the regulations, you'll notice that we
12 have an additional five feet is permitted for
13 properties located in a high flood hazard district.
14 That's because right now, if you're in a high flood
15 hazard district, you can't build 34 feet, you can
16 build 39, because you've got to elevate the house for
17 flood. So we incorporated that in there, so that if
18 someone from Cocoplum or Gables by the Sea wanted to
19 come in and utilize some of these provisions, they
20 could physically do it while still meeting the flood
21 criteria and, in fact, lowering the height of
22 those -- and mass of those residences. So that's the
23 first category, roofs.

24 The next category, we usually call design
25 envelope issues, and in that category, you have to do

1 three -- two out of three things in order to earn
2 back two percent. One of the things is a reduction
3 in the setbacks -- or an increase in the setbacks of
4 50 percent above the required setback.

5 On a 50-by-100-foot lot -- and that's on the
6 sides and rears, not on the front, because we don't
7 want people pushing the house as close to the
8 neighboring properties as possible. We want to let
9 them come out to the front. But then on the sides,
10 that would go from five feet and five feet to seven
11 and a half, seven and a half. And on the rear, it
12 would go from five to seven and a half.

13 That may not seem like a substantial
14 reduction, but if you have two new structures going
15 in, they'll have 15 feet between them, instead of 10
16 feet, and that is more substantial, and I think that
17 that's a relatively easy thing to do right now. When
18 we do the Zoning Code rewrite, that's an issue that
19 we definitely need to visit and study a little bit
20 more, to determine if that increase should be more,
21 how it should be more, and be able to determine just
22 what exactly we should do there. But on an interim
23 basis, this is an opportunity for them to increase
24 the setbacks by 50 percent.

25 Another thing that they could do is have the

1 garage set back a minimum of 18 inches from the front
2 plane of the residence, and that is a distance that a
3 lot of the traditional carports were set back from
4 the front plane of the residence.

5 In the photographs, you'll see -- you can
6 think about driving around the City. You'll see a
7 lot of carports just nudged back a little bit. Well,
8 today we tend to build garages instead of carports.
9 Have them nudged back a little bit. That does affect
10 the massing, because it breaks that front plane of
11 the residence.

12 The other thing that they could do on a
13 garage, if they have a large enough lot, is design it
14 so that the garage doors do not face the street, have
15 them face an interior side yard. On a 50-by-100-foot
16 lot, you can't accomplish that, because you'll have
17 hardly enough room to really do that in a reasonable
18 way, but on a wider lot, you could do that and take
19 care of that, that way. And that may be something,
20 also, that we need to look at as a part of the
21 rewrite.

22 And then, finally, to have a one-story
23 projecting bay on the front of the residence. You
24 see a lot of the traditional residences, the old
25 Spanish ones, where they had the screened porch that

1 projects out, and that now the screen porch has
2 been -- had windows put in it and it has become a
3 projecting bay, and a projecting bay is something
4 that we use in our existing Zoning Code right now to
5 identify a feature on a Coral Gables Cottage, but
6 projecting bays were also utilized on two-story homes
7 back in the twenties. So if you do two of those
8 things, you can earn part of your two percent back.

9 Then, the next category is height and
10 stories, and it is somewhat similar to the roofs
11 category. The first thing is, you do one of two
12 things and you can earn two percent back, and if you
13 did something out of each one of these categories,
14 say, well, that's six percent. Well, the provision
15 provides that the most you can earn back is five.
16 So, if you do enough to earn eight percent back, it
17 doesn't matter, because all you get back is five
18 percent.

19 The first thing would be that the area of
20 the second floor of the residence does not exceed an
21 area equal to 40 percent of the ground floor. Now,
22 what that means is that you would have a residence
23 that would maximize itself on its ground coverage,
24 almost, and then do a small second floor on the top
25 of it, instead of having a -- more of an equal

1 second -- first and second floor, a more boxy feel,
2 which you can do a nice home that is straight two
3 stories, but this gives some variation to that by
4 reducing the amount of room that is on the second
5 floor of the residence.

6 The other provision, where you could add --
7 earn back some two percent here is if you were to do
8 a one-and-a-half-story house in 29 feet. Right now,
9 like I said earlier, our Code says that you can do
10 two and a half stories in 34 feet. Technically, you
11 can do a one-story house that's 34 feet in height,
12 according to our Code as it is. But this kind of
13 breaks it down so that you have categories of
14 one-and-a-half-story house, a two-story house, or you
15 can still do a two-and-a-half-story house.

16 Our next category is architectural style,
17 and that's on Page 11 of 14 of the ordinance, and it
18 says if you do all of these things -- well, actually,
19 it's if you do one of two, if you pick one of the two
20 categories, then you can earn back one percent. The
21 first category is based on our traditional Coral
22 Gables Mediterranean-style single-family homes. And
23 these are characteristics of those homes, that we
24 also use a lot of these characteristics in defining
25 what is a Coral Gables Cottage, but if you

1 incorporate these characteristics into the homes,
2 then you can earn one percent back.

3 And when the Board of Architects looks at a
4 home, they look at the entire house. They look at
5 the front, the rear elevation, the side elevations.
6 They look at all of the sides of the home, so all of
7 that is taken into account for the entire house.

8 But we talked a lot about design and I know
9 that we've had discussion, even here at this Board,
10 about, you know, not wanting to stifle design and to
11 have that freedom for design there. So we created
12 another category, where the residence, if it's
13 designed in some other specific architectural style,
14 such as Colonial or Venetian or Italian or French or
15 Bahamian, then they can earn the one percent back by
16 that style. Now, what the architect has to do in
17 order to earn under that category is, in his plans,
18 he has to incorporate a page that defines what that
19 style is architecturally, and then he has to say how
20 his design complies with that style. But that
21 encourages, you know, different styles of
22 architecture in the City.

23 Then we have -- the next category is
24 cottages and one-story residences. If you have a
25 Coral Gables Cottage, then automatically you can get

1 the five percent back, because we feel there's enough
2 provisions under the Coral Gables Cottage Ordinance
3 that takes care of the massing issue. We don't
4 normally get complaints on massing on Coral Gables
5 Cottages, because they're existing structures and
6 normally what the people do is, they'll do an
7 addition to them, and you just don't run into that
8 issue. And then also, on one-story residences,
9 because a one-story residence, well, you can't get to
10 the maximum anyway.

11 MR. KORGE: Right.

12 CHAIRWOMAN MORENO: Right.

13 MR. SMITH: So, you know, they get it back.

14 And then finally, the last category is
15 Category 6, special cases. We didn't want to lose an
16 opportunity. You know, you may have a neighborhood
17 or an area of the City where someone designs a home
18 that fits into that neighborhood very well, but it
19 isn't the type of home that would qualify for any of
20 these things. For Gables Estates, for example, you
21 may have a much more contemporary home that doesn't
22 meet some of these requirements. We wanted a
23 procedure where those type of homes would not be left
24 out of the process or left out of the ability to earn
25 the five percent back.

1 Initially, what we did was, we put in there
2 that they would have to receive not only approval
3 from the Board of Architects, but that such a
4 residence would have to be reviewed by the Board of
5 Adjustment and receive approval for the five percent
6 from them, as well. There are a number of things in
7 the Zoning Code right now that are not variance items
8 but they do require special approval by the Board of
9 Adjustment, and this was -- this seemed to fit into
10 that category, so we would take it there, and that
11 would do a couple of things. Number one, that puts
12 it into the public hearing process, so that if that
13 five percent was being given back to one of these
14 special homes, the neighbors within a thousand feet
15 of it would receive notice of that, and they would
16 have an opportunity to come to a public hearing,
17 either to support or not support such a request. And
18 that decision of the Board of Adjustment would be
19 appealable to the City Commission.

20 And those are the ways, the incentives that
21 we've put together that people could do to earn back
22 their five percent.

23 Going beyond that, in the ordinance, we also
24 include in here the parking requirements for
25 single-family. That's in another section of the

1 Code. And then the next substantial change is in the
2 landscaped open space requirements. We're increasing
3 the landscaped open space from 35 percent to 40
4 percent, and what is counted in that is pervious
5 landscaped area, okay? And that will not include any
6 paved areas or any otherwise impervious areas. So
7 that is pervious landscaped areas. That's where
8 grass is. That's where plant material is. That's
9 where you would have mulch beds around the plant
10 material. That does not include rock gardens or rock
11 yards or gravel driveways or anything like that,
12 just to be clear on that. That is actual landscape
13 material.

14 Then, going on to Page 13 of 14 in the
15 ordinance, we had a lot of talk at the last meeting
16 about nonconforming structures and what would happen
17 if we adopted regulations that took away that 10
18 percent, that would make a lot of homes
19 nonconforming.

20 In some areas of the south, you know, about
21 23 years ago, 24 years ago, I guess, we first adopted
22 the floor area factor provisions for single-family
23 residences. That was just after they were winding
24 down on the build-out of Cocoplum Phase I. So those
25 homes were built under one set of requirements, which

1 really had no maximum floor area. It was your lot
2 coverage times two stories. Essentially, it was 70
3 percent.

4 Around '83, I think it was, 1982 or '83,
5 probably '82, we adopted the first floor area factor
6 provisions, and a lot of Cocoplum Section Part II was
7 constructed under those provisions, and if you go
8 through Cocoplum, you see a lot of homes where they
9 have two stories built above a garage. Those are the
10 homes that were built under that set of provisions.

11 Then, about 10 years after that, about 1992,
12 '93, we adopted pretty much our current set of floor
13 area provisions, which only allows you to build one
14 story above the garage in those areas, under certain
15 conditions.

16 So there's a lot of residences in our
17 southern area of the City. Anything that was built
18 probably more than 10 years ago is legally
19 nonconforming to our requirements, pretty much,
20 already, because there's been two substantial changes
21 to the Code as it relates to how we deal with floor
22 area.

23 That being said, and you recall the
24 discussion that we had at the last meeting, you know,
25 up in the Building & Zoning Staff, we were talking

1 and we said, "Wow, what would happen if we did have a
2 major hurricane?" Well, you couldn't rebuild most of
3 Coral Gables the way that it is. You couldn't build
4 a lot of the downtown the way that it is, and you
5 couldn't build a lot of our historic structures the
6 way that it is. We should put in the Code, under our
7 nonconforming use section, a provision that in the
8 event of a natural disaster that we would be allowed
9 to rebuild the City as it was before the disaster,
10 from the zoning perspective, okay? This doesn't
11 affect the life safety codes or the fire codes or the
12 building codes or electrical codes, just your Zoning
13 Code.

14 So, well, a little bit to tell you what we
15 do after a hurricane. We have damage assessment
16 teams that go out and do a detailed assessment of the
17 City and the damage in the different areas. With
18 that information, of course, we report that
19 information to FEMA and to the State, for different
20 levels of aid, but we also report that information to
21 the City Commission and so that we can put together a
22 plan of action on what we're going to do as a City in
23 the recovery effort.

24 Following Hurricane Andrew, the City
25 Commission passed some emergency ordinances on

1 temporarily having some trailers on private property
2 and temporarily having some storage bins for a short
3 period of time, so that people would have an
4 opportunity to be able to deal with very damaged
5 homes on that interim basis. And we went to them
6 with recommendations on that after the damage
7 assessment.

8 Similarly, after our damage assessment,
9 we'll go to the Commission and we'll report to them
10 the condition and status of different neighborhoods
11 of the City, so that they can determine which ones
12 they would like to see rebuilt as they are and which
13 ones can be rebuilt under the existing Code. This
14 gives them the opportunity to do that.

15 Now, if a house catches fire, a single home,
16 well, then it has to comply with the current Code.
17 You know, this doesn't relate to that type of
18 situation. This provision is to protect not a single
19 property but to protect the community character.
20 That's why we have that provision in there.

21 And that is pretty much my assessment of
22 what we're proposing to do. The most important part
23 of this is that this is the beginning of the process
24 of dealing with the issue of oversized homes. It's
25 something that we need to move on, on a step-by-step

1 basis, so that we can really test what we're doing as
2 we go forward, and so that, you know, we protect the
3 property rights of homeowners who want to add to
4 their property, as well as the property rights of the
5 neighboring property owners who have to live next to
6 it. It's probably one of the most delicate balances
7 that we're going to face in a long time in dealing
8 with, and that's why I say that it's important to see
9 this, and, you know, I worked a lot on putting this
10 together but I'm going to be the first person to tell
11 you that this is not the final solution. This is the
12 first step in this process.

13 Thank you all very much. If you have any
14 questions, I'll be more than happy to answer them.

15 CHAIRWOMAN MORENO: Dennis, first of all, I
16 want to thank you for, I think, doing a masterful job
17 of addressing a lot of concerns that we expressed at
18 our last meeting, and I think this new proposal, even
19 on an interim basis, is a much better proposal than
20 the one that we had before. So I thank you for that.

21 MR. SMITH: Thank you.

22 CHAIRWOMAN MORENO: And I think, before we
23 take Board discussion or questions, I'd like to open
24 it up for the public to express their issues, so that
25 then we can do a Board discussion and questions to

1 Dennis with that input --

2 MR. SMITH: Okay.

3 CHAIRWOMAN MORENO: -- if that seems okay
4 with you. Okay?

5 So, Richard, have they given you cards, the
6 people who want to speak?

7 MR. RIEL: Yes, we have 14 speakers.

8 CHAIRWOMAN MORENO: Okay.

9 All right, will the --

10 MR. RIEL: So we'll do them in the order of
11 signing in.

12 CHAIRWOMAN MORENO: Okay, will the 14 people
13 who have signed in and asked to speak please stand up
14 to be sworn.

15 (Thereupon, all who wished to speak were
16 duly sworn by the court reporter.)

17 MR. CANNONE: Jason Swift?

18 Jason Swift?

19 MS. HERNANDEZ: He was here on the proposed
20 telecommunications.

21 MR. CANNONE: Oh.

22 Daniel Fryer?

23 MR. FRYER: Hi. Good evening. My name is
24 Daniel Fryer. I live at 640 Majorca Avenue. I would
25 like to thank the Board for taking public input on

1 this issue tonight.

2 A few days ago, my wife and I sent a
3 document to the Commissioners. It's quite long and
4 extensive, and I think it's included in your package.
5 I don't have time to go over all that tonight, I just
6 want to hit some of the more important points of
7 that.

8 The interim measures that we're discussing
9 are good for a start, but they mainly deal with
10 design issues and they do not fully solve the problem
11 of oversized homes. We need to go much further on
12 this. We need to put in concrete, black and white
13 measures in the Zoning Code to protect the character
14 of our neighborhoods.

15 It's more than just a design issue; it also
16 is an issue about size, setbacks, height and volume.

17 With the interim measures, one can still
18 build a house, 34 feet high, with a five-foot
19 setback, with 46 percent FAR, or a 29-foot-high house
20 with a five-foot setback with 48 percent FAR.

21 As one resident said to the Commission, a
22 couple weeks ago, she said she lives next to the
23 Berlin Wall. And nobody in Coral Gables should have
24 to live next to the Berlin Wall.

25 At the American Planning Association's

1 annual meeting in California in March, sessions
2 devoted to preserving neighborhoods emphasized that
3 zoning code regulations that regulate cubic volume,
4 width, height and depth, rather than square footage
5 and FAR, are more effective in reducing massing and
6 ensuring neighborhood compatibility.

7 So we're talking about two key issues with
8 oversized homes. One is the way that they change the
9 character of the neighborhood, and the other is the
10 way they change the quality of life and how it
11 reduces quality of life for the neighbors who are
12 deprived of sunshine and breeze and privacy.

13 First of all, I just want to emphasize, this
14 is a neighborhood-specific issue. It doesn't -- the
15 problem doesn't apply to all neighborhoods in Coral
16 Gables, and so the Zoning Code rewrite should address
17 that.

18 When we talk about setbacks, Coral Gables
19 now has very lax setbacks, five feet side, five feet
20 rear, minimum setbacks. Miami Beach has seven and a
21 half feet side, 20 feet rear. Miami Shores has
22 10-foot side setbacks, 15-foot rear. Key Biscayne
23 has seven-and-a-half-foot side and 25-foot rear, that
24 can be staggered to 15 feet.

25 So we strongly urge that the minimum

1 setbacks for a one-story house be increased to seven
2 and a half feet on the side and 20 feet in the rear,
3 and for a two-story house to be increased to 10 feet
4 on the side and 25 feet on the rear.

5 We also -- the issue about the garages being
6 set back, 18 inches, I think, is a very good idea,
7 but 18 inches, I do not believe helps enough in the
8 massing of it. I think that a minimum of five feet
9 setback from the front plane would be more
10 appropriate.

11 On height, we urge that the height of houses
12 be limited to two stories in 26 feet, and that the
13 first floor slab, the finished first floor slab,
14 should be no higher than FEMA's minimum flood plain
15 elevation to prevent stormwater runoff onto
16 neighboring properties. Some of these houses have
17 been built up, the ones they're doing now.

18 We recommend that auxiliary buildings should
19 be no more than one story high and that qualifying
20 cottages should be no more than one story high.

21 In discussing volume, we believe that
22 strict, neighborhood-specific volume controls should
23 be written into the Zoning Code. And also, if the
24 average floor to the bottom of the structural member
25 support height exceeds 10 feet, then that area should

1 be counted twice in maximum floor area factor
2 computation.

3 CHAIRWOMAN MORENO: Say that again, I'm
4 sorry.

5 MR. FRYER: If the average floor to bottom
6 of structural member support height exceeds 10 feet,
7 then that area should be counted twice in the maximum
8 floor area factor computation. In the Zoning Code
9 now, it talks about 15 feet, for that same thing. We
10 believe 15 feet is far too lax, and if you want to
11 control volume, we believe it should be brought down
12 to 10 feet and counted twice.

13 MR. STEFFENS: So everybody would have
14 eight-foot ceilings?

15 MR. FRYER: Huh?

16 MR. STEFFENS: Everybody would have
17 eight-foot ceilings.

18 MR. FRYERS: No, they'd have 10-foot
19 ceilings.

20 MR. STEFFENS: No, you said the structure.
21 Is that the structure that supports the floor?

22 MR. FRYER: That's the structure that
23 supports the floor, right. So there would be
24 eight-foot ceilings. That's what it is. I'm taking
25 this from advice of planning -- members of planning

1 departments and building and zoning departments from
2 other municipalities, and they're saying that 15 feet
3 is way too lax. They think it should be 10 feet.
4 They say a maximum of 12 feet, but it would be better
5 if it would be 10 feet, and counted twice.

6 We also feel that currently there are a lot
7 of loopholes in the current Zoning Code. We think we
8 should count a hundred percent terraces, breezeways,
9 screened porches, interior courtyards, carports,
10 garages and second-story balconies. These all cover
11 the lot, and therefore, they should be counted.

12 And as far as variances, we believe that
13 there should be no variances granted, period, that
14 the Zoning Code should be written in such a way that
15 variances are not needed, and there are just no
16 variances at all granted.

17 Again, I'd like to say the interim measures
18 are a good first start for design, but the problem of
19 oversized homes is more than a design issue. We must
20 go further and write specific, consistent setback,
21 height and volume regulations into the Zoning Code.

22 Also, we encourage you to give serious
23 consideration to the specific points expressed by
24 Planning Director Eric Riel in his memo of May 5th,
25 2005, where he discusses these issues. He has some

1 very good points in there.

2 I have a neighbor who lives across the
3 street from me from Italy, and she says where she's
4 from in Italy, you can build really huge houses, but
5 the larger the house you build, the greater the
6 setback has to be, because you do not put your
7 neighbor in the shade.

8 And so that's what we're asking here. We're
9 asking you to preserve the character of our
10 neighborhoods and also not to put residents in the
11 shade. Thank you very much.

12 I have, also -- this happened last time, and
13 it wasn't planned, believe me. Somebody who I'd
14 never met before tonight, who was here at six o'clock
15 but couldn't stay, she left about 10 minutes ago,
16 asked if I could read her statement. It's three
17 paragraphs long. I have her address. Is that okay?

18 CHAIRWOMAN MORENO: Liz, is that
19 appropriate?

20 MS. HERNANDEZ: I'm sorry, say that again?

21 MR. FRYER: I have a statement from somebody
22 who I met tonight, who was here at six o'clock but
23 couldn't stay. She left around 10 minutes ago. She
24 asked me to read her statement. She has her name and
25 her address.

1 MS. HERNANDEZ: This is legislation, so it's
2 absolutely acceptable. It doesn't have to be sworn.

3 MR. FRYER: Okay.

4 "My name is Maria Bures and I live at 1208
5 Obispo Avenue in what we commonly refer to as an Old
6 Spanish home, by De Garmo in 1924. It is a small
7 two-bedroom home that looks quite right next to the
8 homes to the left and right of mine, which are also
9 Old Spanish architecture.

10 "I have lived in the City of Coral Gables
11 since 1972. This city is my home and I have always
12 been a proud resident. I have also seen many of the
13 empty lots we used to play in when we were kids fill
14 up with homes, and with each passing decade, these
15 new homes have become larger and larger. At present,
16 there is one of these oversized homes going up two
17 blocks away, and while I'm glad that I'm not the one
18 living next to it, I can't help but feel bad for the
19 folks that are having their light and space totally
20 blocked. With little space to the left and right,
21 barely a backyard and two stories of concrete, this
22 monolithic structure seems so out of place on our
23 block. After all, Obispo Avenue was once used as the
24 model street for the development of Coral Gables.
25 Shouldn't we try to preserve it as much as possible?

1 "While everyone is entitled to designing
2 their homes as they would like, cities such as Santa
3 Barbara and Charleston and many others all around the
4 country have set strict building codes that have
5 helped preserve the character and ambience that these
6 cities are known for. Please consider the future of
7 our Beautiful City and stop the continuing expansion
8 of these totally out-of-character homes. We need a
9 stricter building code without loopholes that allow
10 these oversized structures to be built."

11 CHAIRWOMAN MORENO: Thank you very much.

12 MR. FRYER: Thank you.

13 CHAIRWOMAN MORENO: Richard, the next
14 person?

15 MR. CANNONE: Vice-Mayor Maria Anderson.

16 VICE-MAYOR ANDERSON: Hello, everybody. I
17 sound worse than I feel, so -- First of all, I wanted
18 to thank you. I watch you avidly at home. While
19 you're sitting here, struggling over the issues, I'm
20 having a glass of wine, so -- but I do enjoy your
21 challenging moments and all the topics of discussion.

22 I wanted to come in, and just besides
23 thanking you, was kind weigh in on it, because I
24 don't know if you all have had an opportunity to look
25 at the Commission meeting when we talked about it.

1 I think this is a terrific first step. I
2 agree with you, Dennis, and I think it's where we
3 need to be right now. But I want to encourage you,
4 as you've heard here, to go forward more boldly. I
5 think there are things that we can add to this to
6 make it better, to give us back some of the quality
7 of the residential neighborhoods, and I encourage you
8 to take, like I said, a much more bold approach than
9 this.

10 When I was talking with Staff, before the
11 first reading, I was talking with our City Attorney
12 and she says this is very reasonable, or we don't
13 take anything away and then there's an inordinate
14 burden. And I said, I'd like to push this a little
15 further and see where we go, without taking people's
16 rights, but I think we do begin to take -- I often
17 wonder and ponder about, when we build these larger
18 homes, don't we begin to take rights away from the
19 people who have to live next to them?

20 So I think there's a fine balance that can
21 be struck, and as we move towards the end, to the
22 final part, when we do the Zoning Code in the final
23 form, please consider these things that people are
24 talking about, setbacks, volume. I think it's not
25 only -- it's not just a design issue. I've had some

1 series of discussions with my architect friends and
2 they think it's just design, and I respect them, but
3 I think there's more to it. I think we should look
4 to other cities, as well, model them on the computer,
5 so we can all see them, and you all want to see them
6 as we move forward, and I encourage you and thank you
7 again. Thank you.

8 CHAIRWOMAN MORENO: Thank you very much.

9 MR. CANNONE: Elaine Codias.

10 MS. CODIAS: Elaine Codias. I live at 1604
11 Casilla. We're on the corner of Casilla and Zamora,
12 and I'm here because I'm concerned that the
13 neighborhood that we chose to live in is disappearing
14 around us. In the last year or so, four older homes
15 have been torn down and four very large, very similar
16 buildings have been put in their place. These houses
17 were clearly built by a developer for resale, and
18 they look like a subdivision, frankly.

19 Right now, we live in a neighborhood of
20 custom-built homes and I would ask that, whatever
21 else is done to restrict the size of these newer
22 homes, and I agree with much of what was said by
23 Daniel Fryer, that we also have some kind of
24 restriction such that a developer can't come in and
25 build repeated instances of the same house plan in a

1 limited area.

2 I brought some pictures. I don't know if
3 you want to see the pictures of these houses.

4 MR. STEFFENS: I believe it's in the Code
5 already that you can't repeat a house plan in Coral
6 Gables, right, Liz? You cannot repeat a house plan
7 in Coral Gables.

8 MR. SMITH: That's right.

9 MR. STEFFENS: That's in the Code already.

10 MS. KEON: But they do it.

11 MS. CODIAS: It's -- Would you like to see
12 these pictures? I mean, it looks like --

13 CHAIRWOMAN MORENO: Yes.

14 MR. KORGE: I would like to.

15 CHAIRWOMAN MORENO: I would like to.

16 MR. KORGE: Yeah.

17 MS. CODIAS: The first four are -- there's
18 one on the Zamora, right across from us.

19 CHAIRWOMAN MORENO: These are all different
20 houses, right?

21 MS. CODIAS: Different houses, and these are
22 all within one block.

23 MR. TEIN: Do you have any Madeira houses on
24 there?

25 MS. CODIAS: Three on Madeira, and one on

1 Zamora, behind it, and I think there's another one
2 going up on Zamora.

3 MR. TEIN: The two I'm thinking of are on
4 the 800 block of Madeira, is that it?

5 MS. CODIAS: It's the 700, I think.

6 MR. TEIN: The 700 block?

7 MS. CODIAS: 705, 713, 717.

8 MR. TEIN: 713 and 717 are the ones next to
9 each other, right?

10 MS. CODIAS: Yes.

11 MR. TEIN: In fact, I think Mr. Fryer had
12 pictures of those, a picture of one of them --

13 MR. FRYER: One is in there, exactly.

14 (Simultaneous inaudible comments)

15 MS. CODIAS: So the first four are the
16 large homes, and then the final couple of pictures
17 just show some of the other homes in the
18 neighborhood.

19 CHAIRWOMAN MORENO: I find that very
20 helpful. Thank you.

21 MS. CODIAS: Okay, thank you.

22 MR. CANNONE: Barbara Collingwood.

23 MS. COLLINGWOOD: Good evening. My name is
24 Barbara Collingwood. I've lived in Coral Gables for
25 over 25 years. Currently, I live in an old Spanish

1 house, at 616 Alcazar, built in 1924. It's a George
2 Fink. I believe it was Permit Number 79 in the
3 City. And I was chuckling at Daniel and Mamta's
4 document, The Sore Thumb. The blue sore thumb is
5 next door to me, and that's my house.

6 We have a problem. I think we're all aware
7 of it. I appreciated hearing the thoughts tonight,
8 the interim measures, and I'm not technically well
9 tuned in. It seems like fine, but it seems also
10 inadequate. As long as we understand it's
11 inadequate, a first effort.

12 We have an opportunity -- we've lost some
13 opportunity, because some of these houses are not
14 going away. Our generation could be presiding over
15 turning George Merrick's dream into George Merrick's
16 nightmare. It's over and over, on many different
17 streets.

18 Thank you very much for giving me the
19 opportunity to speak.

20 CHAIRWOMAN MORENO: Thank you.

21 MR. TEIN: That blue house that you're
22 referring to, has that been sold yet?

23 MS. COLLINGWOOD: No. No. It isn't even --

24 MR. TEIN: It hasn't been sold?

25 MS. COLLINGWOOD: It hasn't even had a CO.

1 I don't know how it was built. I really don't. Five
2 years, also, it's been in the building.

3 MR. CANNONE: Mamta Chaudhry-Fryer.

4 MS. CHAUDHRY-FRYER: Hi. My name is Mamta
5 Chaudhry-Fryer. I live at 640 Majorca Avenue, and
6 I'd like to claim a wife's privilege of translating
7 what her husband said earlier. When Daniel was
8 talking about the floor-to-ceiling height, I know
9 that it says the structural member of the supporting
10 height. It's basically floor-to-ceiling height and
11 it's not -- to answer your question, it wouldn't be
12 that each ceiling height would be eight feet. It's
13 an average.

14 So, right now, somebody could build a
15 15-foot-high floor to ceiling and then have lowered
16 kitchen and Florida room and dining room ceiling
17 heights, so the average is what the planning
18 professionals were talking about, that a 15-foot
19 average floor-to-ceiling height increases the volume,
20 and in the document you have, you'll see one of the
21 houses that's nominally two stories, but the volume
22 is very, very large, and that's because the
23 floor-to-ceiling height is much higher.

24 You know, I think it's really appropriate
25 that tomorrow, beginning tomorrow, the Florida Trust

1 for Historic Preservation is having their annual
2 seminar in Coral Gables, and that the keynote speech
3 contrasts the difference between a culture of
4 destruction, which is what has eradicated historical
5 architecture in cities around the globe -- and I know
6 this has happened very much in India. I have seen it
7 happen. But the encouraging thing is that there's an
8 emerging culture of conservation, and the American
9 Planning Association, when they had their annual
10 meeting, a few weeks ago in California, they also
11 focused on conservation of cities and neighborhoods,
12 and they were afraid that they would lose
13 neighborhoods of character and charm like Monterey,
14 like Carmel-by-the-Sea, and so many of us are here
15 because we want to conserve our historic and charming
16 neighborhoods, too, and we feel that it's very
17 distressing that the huge new homes that cast the
18 neighbors into perpetual shade, that run off
19 stormwater onto them -- but even more, the fact that
20 they turn their back on the very nature of the green
21 and open spaces that define these neighborhoods.
22 It's not that they're dismaying because they are
23 large, per se, but because they are large in relation
24 to the size of the lot. They sprawl across the lot,
25 as several of those pictures show, and they stick out

1 like sore thumbs from the surrounding houses.

2 So I think the context is really important.
3 You know, what's appropriate in one context, what's
4 funny when you speak in one context, is shocking in
5 another, and it's the same with the language of
6 architecture, and I know that you had brought this up
7 at the last Planning/Zoning Board meeting, that,
8 well, Cocoplum is one neighborhood, but my
9 neighborhood in North Gables is very different. So
10 the context has to be taken into account.

11 I'd also like to say that, you know, the
12 discussion tonight is exclusively about single-family
13 residences. So this is a residential rather than a
14 commercial issue, and when you look at public input,
15 I would urge you to consider people who own property
16 and live on it, and the difference between people who
17 own property here, are going to develop it, but will
18 never live on it, to consider that how this affects
19 the people.

20 I am a resident. I'm not an architect. But
21 I will say this, that when Bill Gates's people design
22 computer programs, they are not only concerned with
23 the design, they're concerned with the end users, and
24 when it comes to neighborhood design, we residents
25 are the end users of what goes up.

1 I think everybody who's spoken before has
2 said this, that the design measures are good as far
3 as they go, they just don't go far enough. We need
4 to have specific size regulations, and, you know, the
5 moment you say size regulations, people say, "Oh,
6 that's taking away property rights." But isn't a
7 Zoning Code, by definition, a regulation of property
8 rights? It tells us what color we can paint our
9 houses, it tells us what kind of vehicles we can park
10 outside them, and it tells us what kind of work we
11 can do in our homes. So, if we focus so obsessively
12 on the color of the house, shouldn't we also examine
13 the size of the house? I mean, one is reversible and
14 the other is not.

15 This Code protects our neighborhoods. It
16 makes Coral Gables a desirable place to live. People
17 also claim that, you know, if we don't let them build
18 to the max, then the property values will go down. I
19 think it's quite on the contrary. You know, there
20 are communities to the north and south of us that
21 have huge homes, stacked next to each other. Their
22 property values have not gone up at the same rate as
23 Coral Gables. Our property values haven't increased
24 because we have huge homes there now. They've gone
25 up because we have a unique city of character, of

1 distinction, of scale, of charm. If we develop in a
2 way that changes that character, then we won't have
3 Coral Gables. We'll have a generic city, and our
4 property values will plummet.

5 But in the final analysis, property value is
6 much more than just dollars and cents. It's about
7 quality of life, as well. And in the course of the
8 research we did for the document that we presented to
9 you, one of the most compelling things we came
10 across, and in fact, it was put on the zoning code of
11 another municipality, it says, "The zoning ordinance
12 is the one planning-related document that clearly
13 identifies the values of a community and the
14 importance that citizens place on the environment."

15 We're talking not just about size and
16 aesthetics anymore. We're talking about the very
17 character and fiber of our City.

18 Thank you.

19 MR. CANNONE: Jean Field?

20 MS. FIELD: I'm Jean Field. I'm at 4706
21 Alhambra Circle. Mamta is a hard act to follow. I
22 want to thank the Fryers for all the work that they
23 put into this and certainly really want to reiterate
24 that I agree with everything that they have said.

25 One of the biggest concerns to me is the

1 massiveness of these houses. Again, as Dennis said,
2 scale is the crucial thing. It's not square footage,
3 per se, but it's the scale and the massiveness and
4 certainly the loss of green space and the loss of
5 character.

6 I think the house where the Berlin Wall is,
7 which is around the corner from me, is just
8 unconscionable. I can't imagine, as an owner wanting
9 to build a house, a builder wanting to build a house,
10 an architect wanting to design a house, a City
11 wanting to approve a house that goes smack up against
12 somebody else's house, cutting off their eastern
13 breezes, their morning sunshine, and just giving them
14 a wall to look at. I think it's appalling, and as
15 you drive around, this is what you see, over and over
16 and over.

17 Everyone that I have spoken to is appalled
18 about these oversized houses. Where are all of these
19 people? The sad thing is, they say, "There's nothing
20 we can do about it." I don't feel that's the case.
21 I have confidence in you and confidence in the City
22 that we can do this right and we can have a beautiful
23 City that will retain its wonderful character.

24 Thank you.

25 MR. CANNONE: Bob Brown?

1 MR. BROWN: May I distribute a letter?

2 Bob Brown. I'm -- I grew up in the Gables,
3 moved in originally here in '68, don't currently live
4 here. I'm doing my first house in the Gables.

5 I mainly came to listen tonight, and what
6 Mr. Smith said and the procedure that he's using, I
7 think, is excellent, this idea of not having a hard-
8 and-fast rule, of having a series of trade-offs. I
9 mean, I don't think there's any artistic diminishment
10 by reducing the building areas in general, but when
11 you start saying adamantly, no building is going to
12 be over 26 feet in height, in an area that's defined
13 by buildings that are tall, beautiful and impressive,
14 I think that would be too simplistic an approach and
15 it would preclude the kind of architecture that, if
16 you ask anybody to name the five favorite buildings
17 they have in the Gables, I don't think any of them
18 would be short.

19 What does define the Gables? It's not the
20 ranch houses, that I feel would be the primary
21 beneficiary of some super-strict ordinance. After
22 Hurricane Andrew, when the canopies were gone, you
23 could see that the Gables, minus the trees on many
24 streets, is not that different and not that much
25 better than any other neighborhoods that you just --

1 that I'd always assumed it was. There's plenty of
2 great streets, and they often feature tall buildings.

3 The problem with McMansions is the perverse
4 manipulation and scaling of traditional elements.
5 The ARB speaks directly to this. It can reject
6 anything. It has complete control by attrition.

7 If the ARB is capable of directive snap
8 judgments, then the current -- that the current
9 proposal presumes, it will undoubtedly reiterate them
10 at subsequent viewings. Snap directives by the ARB
11 would simply insult the studied work of
12 conscientious applicants. I don't think you should
13 create judges with (sic) quantifiable laws.

14 The proposed limits -- well, I'm not -- many
15 portions of my letter, Mr. Smith's presentation
16 alleviated, and in general, I speak in favor of it,
17 too, and that wasn't the opinion I walked in with,
18 but I hope that the process for amending continues in
19 the same kind of incremental study pattern that it
20 has been done so far.

21 CHAIRWOMAN MORENO: Thank you.

22 MR. CANNONE: Don Sackman.

23 MR. SACKMAN: Good evening. My name is Don
24 Sackman, and I live at 380 Giralda Avenue. I'm here
25 as a current member of the Board of Architects, and

1 as a member, we were presented this revised review of
2 the single-family residence by Dennis several weeks
3 ago, and I'm here representing the entire board, that
4 we are in approval and acceptance of that as an
5 interim measure.

6 CHAIRWOMAN MORENO: Thank you very much.

7 MR. SACKMAN: You're welcome.

8 MR. CANNONE: Paul Posnak -- Posnak.

9 MR. POSNAK: Good evening. Paul Posnak, 829
10 Catalonia Avenue. I'm also on a board, the Cultural
11 Development Board, of the City of Coral Gables and
12 I'm the staff pianist and accompanist for the Merrick
13 Festival. I just thought I'd throw that in.

14 We have a big issue in front of us, because
15 I think that we have the future status of our City in
16 our hands right now, and the big question is, who are
17 more important, the residents who live here or
18 developers, as was previously mentioned, who do not.

19 Most of us, believe it or not, do not want
20 to increase our property values when the quality of
21 our life is in any way seriously threatened, or even
22 modestly threatened. The City also has other means
23 of increasing its tax base than allowing McMansions,
24 which is the term of art, to be built and sold for
25 very, very high-priced turnarounds by developers.

1 I think that I appreciate very much the
2 extraordinary work that Dennis Smith has done, and to
3 approach all the issues as a starting base for the
4 City to redefine the zoning codes and regulations,
5 but thanks to the extraordinary work of Daniel and
6 Mamta Fryer, a lot of the issues and comparisons of
7 the cities should also be taken into account as we
8 proceed from here.

9 One of the cities we should look at, for
10 example, is Miami Shores, nearby. Miami Shores has a
11 minimum side setback of 10 feet, twice our own. It
12 has a minimum rear setback of 15 feet, three times
13 our own. Miami Shores is not Coral Gables, but they
14 take care of themselves, and they don't call
15 themselves the City Beautiful.

16 I agree with the need to have increased
17 setbacks, decreased height and decreased volume, to
18 correspond to the character and nature of our
19 buildings and our structures in the City. This is
20 not to say that there can't be flexibility.
21 Obviously, there are certain areas of the City where
22 very large houses with great volume are not
23 incompatible with the adjacent structures: Around
24 the golf courses, of course, and the Cutler Ridge
25 (sic) area, et cetera.

1 Am I saying that -- yeah? Cocoplum is the
2 area, that's what I meant. One of the big issues
3 here is -- the nightmare part of this is, what we're
4 seeing are beautiful, structurally sound, well
5 engineered homes being torn down, with a fair
6 regularity, to make room for McMansions. Pardon my
7 use of the term, but that's the way -- that's the way
8 it's referred to by myself and all of the people in
9 the neighborhood, neighborhoods that I know, within
10 the Coral -- within Coral Gables.

11 This is a big issue. I think that -- and I
12 know that many residents of Coral Gables agree with
13 me -- we've got to do something to make it a little
14 less easy for developers to demolish pre-existing
15 homes, many of which are 50-plus years old. My home
16 is 1948, and it was built with joists that are 12
17 inches apart. They don't build homes like that
18 anymore. If a hurricane hits, I'd much rather be in
19 my home than the fanciest home recently built within
20 the City. In fact, it's a little Noah's Ark. When
21 any danger lurks, people come to our home.

22 Now, as far as the credits and the design
23 incentives, I know where Bob Brown is coming from,
24 because he's an imaginative architect, and Bob built
25 my studio in my home, which I love, and everybody who

1 looks at it goes, "Oh." They're in love with it.
2 It's functional. It's a beautiful music studio.
3 It's acoustically wonderful. It's surrounded by
4 light. It has Frank Lloyd Wrightian elements to it.
5 It's astonishing.

6 By limiting the mass, the volume, the mass
7 of buildings, by putting real restrictions and real
8 teeth into these suggestions, instead of giving them
9 outs for design incentives, will not constrain people
10 like Bob Brown, because his expertise and his
11 imagination can conquer any of these restrictions.
12 In fact, we got into a few disputes about my home,
13 which I'm sure Bob, you know, still remembers, and he
14 came back at me with something that much more
15 beautiful, you know, made it work.

16 This is, I think, a misdirection. It's the
17 developers that I'm most concerned about, and many of
18 these design credits, credit categories, I think
19 should be compulsory and not -- and not earn-backs.
20 Not all of them, perhaps, but most of them. Why not
21 have a 29-foot height restriction? What's to --
22 unless there are buildings directly adjacent and
23 across from the area in which a building is going up
24 that do indeed have buildings of such an
25 extraordinary height.

1 What's the reason for having a design
2 incentive for a rear setback? This should be a
3 requirement. Our setbacks are the worst in our
4 adjacent -- in all of the adjacent cities. It's a
5 joke, and 7.5 feet even is not enough.

6 These are big issues, and a number of these
7 things should not be able to be gotten around by
8 crafty developers who are only interested in turning
9 a profit, building something, turning around and
10 making money. That's what's happening.

11 The height per floor, I agree entirely with
12 Daniel Fryer, should be 10 feet, not 15. There's no
13 reason to have huge floors, at least in most of the
14 neighborhoods in which these houses are going up.
15 There should be fewer loopholes for uncounted spaces.
16 All the breezeways, all the internal little things,
17 and terraces, which are not really counted, they have
18 to be factored in to some degree.

19 And also, there's -- we have to take into
20 account the character, the individual character, of
21 specific neighborhoods and find a way to make sure
22 that this is not a one-size-fits-all. So I think the
23 more teeth we have -- it's always easy to provide
24 variance, to provide exceptions, and to provide
25 incentives, but who are we providing them for?

1 Developers, not for the people who live here, and I
2 think that we are doing ourselves a big injustice if
3 we take that road.

4 The landscaping thing is wonderful, to
5 increase it by five percent, but, you know, this
6 nonconforming use is another issue. If a hurricane
7 hits and demolishes homes, why should they be rebuilt
8 under the old conditions, if the home is seriously
9 demolished, in other words, if they have to start
10 from scratch? It does not make sense. This is a
11 give-away to development. It's a total give-away to
12 development. There certainly has to be teeth put in
13 some of these things, and I want to reiterate that
14 we've got to make it more difficult to demolish
15 structurally sound and beautiful houses, and as far
16 as variances are concerned, let's forget about these
17 variances. There are too many of them, and there has
18 to be very compelling reasons if we have this going
19 in a correct manner.

20 Those are my thoughts and those of my wife
21 and all of our neighbors. Okay, thank you.

22 CHAIRWOMAN MORENO: Thank you very much.

23 MR. CANNONE: Laurie Berry?

24 MS. BERRY: Hello. I live at 608 Navarre
25 Avenue. I just wanted to express my support for

1 Daniel and Mamta's suggestions and recommendations on
2 the Code, and my agreement with much of what my
3 neighbors in the North Gables have said. Thank you.

4 CHAIRWOMAN MORENO: Thank you.

5 MR. CANNONE: Amado Acosta.

6 MR. ACOSTA: Good evening, and thank you for
7 the opportunity. My name is Amado, also known as Al,
8 Acosta, executive director of the Riviera
9 Neighborhood Association, and we thank you for this
10 input opportunity here, as we have done in other
11 times, as well.

12 While the Riviera Neighborhood Association
13 is in the midst of finalizing the report that will be
14 forthcoming out of the two-day charrette that we had
15 on April 1 and 2, in conjunction with the University
16 of Miami School of Architecture, Urban Design
17 Section -- that report is forthcoming, we're
18 finalizing that -- we have identified the matter of
19 the oversized residences as one of the major concerns
20 that we have in the association, and we also echo the
21 results and the comments that have been made by the
22 several people here tonight.

23 We also are in agreement with Mr. Smith and
24 with Vice-Mayor Anderson, that the wonderful work
25 that was done by Mr. Smith and his staff is a very

1 good first step. We attended the meeting of the
2 Commission on April 23rd that considered the work so
3 far done on the previous 10 percent ordinance and
4 urged -- and established the new ordinance
5 requirement for the first reading, and as I recall at
6 that meeting, several of the Commissioners expressed
7 the sentiment that five percent was perhaps too
8 little, and numbers like the seven percent and even
9 the original 10 percent were talked about very
10 seriously at that Commission meeting. So I urge you
11 to look at the minutes of that Commission meeting and
12 feel the sentiment of the Commission, which is
13 feeling the sentiment of the people that live in the
14 area.

15 Now, very specifically, we think that the
16 five percent, for instance, is not the same
17 applicable in a lot that is 60 by a hundred as it is
18 in a lot that is a hundred by a hundred. The mass
19 scale reduction in a smaller lot would be a much
20 bigger impact with the five percent; however, in the
21 bigger lot will go the much bigger house, which will
22 also have the more massive impact, and the five
23 percent in there would not be the same. We think
24 that this Board should consider --

25 (Thereupon, Mr. Steffens left the Commission

1 Chambers.)

2 -- adopting an ordinance that scales the
3 percentage. In other words, the bigger the lot,
4 perhaps it should not be five percent. Perhaps it
5 should be seven percent. And the bigger the lot,
6 then perhaps 10 percent. Think about that one. It's
7 mathematically correct. It's very easy to identify.

8 Another concern that we have, and it was
9 expressed at the Commission meeting of April 23rd, is
10 the matter of stormwater runoff. With the only
11 five-foot offset -- setback that we have on the sides
12 and the front, particularly on the sides, and with
13 the amount of roofs, covers, and the amount of water
14 coming down into just five feet separation and five
15 feet on the other side, I remember and specifically
16 recall the Mayor himself expressed serious concerns.
17 Even though the design criteria is there, and the
18 architects must and the engineers must provide proof
19 that the water is being self-contained on that lot, I
20 recall the Mayor saying that he has received a lot of
21 complaints about water accumulating in the adjacent
22 properties and even onto the streets.

23 While the matter at hand is one that only
24 has to do with mass impact, we believe that it's just
25 as serious a concern, the matter of the stormwater

1 runoff, and I would urge you to give some
2 consideration, even as an interim step. I'm sure
3 that Mr. Smith and his staff and you all will also
4 address this matter in more detail, because I know
5 that the Mayor mentioned this several times at that
6 Commission meeting.

7 And the last point that we have is that --
8 and we have concerns about this, and we have heard
9 that it's already taking place in North Gables, is
10 land assembly. There is apparently nothing that is
11 being addressed in the matter to keep developers from
12 proceeding with that legal method which exists. I
13 think that needs to be looked at very carefully,
14 because it can have severe repercussions as time goes
15 on.

16 So, with that, I conclude my comments on
17 behalf of the Riviera Neighborhood Association and I
18 thank you for the opportunity.

19 CHAIRWOMAN MORENO: Thank you very much.

20 MR. CANNONE: Maria Bures.

21 MR. FRYER: I read her statement earlier.

22 MR. CANNONE: Okay. Bruce Katz.

23 MR. KATZ: I'm Bruce Katz. I live at 645
24 Majorca. I've never been to something like this
25 before. I'm a typical resident that doesn't get

1 involved in anything, frankly, and I'm busy working,
2 and I never seem to have enough time to do anything,
3 and all of a sudden, the world changes around me.
4 But I've seen something that I think the typical
5 resident has to point out. Grand changes have been
6 occurring the past few years, and they will be
7 accelerating in the next few years unless we do
8 something. It's kind of late, but it's going to be
9 impossibly late if we wait. We have to do something
10 now.

11 Basically, one of the things we have to ask
12 ourselves -- first of all, when I parked today, I
13 hardly have ever been here in the many, many years
14 I've lived here, but when I parked, I parked in the
15 back parking lot --

16 (Thereupon, Mr. Steffens returned.)

17 -- I guess it's called the municipal parking
18 lot, and I noticed that the lot was back, and it
19 seems that not too many years ago, that parking lot
20 was gone for the expansion of City Hall, or the
21 almost expansion of City Hall, and I guess the
22 residents spoke and they said that they didn't want a
23 bigger building, that we had to learn and continue to
24 live in this size building. And look, it seems to be
25 working. Sure, it might be difficult and we might be

1 cramped, but didn't the residents speak? And so I
2 think this City Hall is, frankly, beautiful, and I'm
3 glad it's not dwarfed by a bigger modern structure
4 next to it. It's worked for many years, and we'll
5 make it continue to work.

6 I think one of the major problems that we
7 have to look at here is, why are we allowing people
8 to make money at the expense of the residents? Why
9 are we allowing that? Is that what we consider to be
10 the reason of Coral Gables? Certainly the tax base
11 here has grown by astronomical numbers, both with all
12 the buildings that have gone up as well as the fact
13 that every time you sell a building, it's reassessed
14 at a much higher dollar value. I can't imagine that
15 the City needs more money and that's why they're
16 allowing it.

17 So we really have to ask ourselves, why are
18 we allowing the City to be slowly -- and not so
19 slowly, actually -- destroyed. The big houses that
20 we see today, going up everywhere, they don't benefit
21 anybody except the people who make money off of those
22 houses. And I have a couple almost radical ideas
23 that I'm sure are so radical that they won't really
24 be accepted, but maybe it could show you what the
25 other extreme is, so that maybe we could really end

1 up somewhere in the middle.

2 It's interesting that someone recently
3 before me spoke about the amassing of lots. There
4 should be an instantaneous moratorium on this. This
5 is terrible. This cannot be in anybody's best
6 interest except the builders who make the money. The
7 amassing of lots should not be allowed. If somebody
8 wants to buy two, three, four contiguous properties,
9 let them do it, but the size house that they can
10 build on it in the middle is no greater than the size
11 of the house that could be built on any one of the
12 lots. So you can take the biggest size that you
13 could build on that lot, and that's all you could
14 build even if you have three or four put together. I
15 think this is something that needs to be looked at.
16 That's not within the scale of the City.

17 Secondly, my house is -- was built in 1925.
18 I love that. My father was born in 1925, so each
19 year, each one ages one year, and I kind of like
20 that. It's beautiful. It's an old Spanish home, and
21 I'm very lucky and proud that I can live in an old
22 Spanish home.

23 I think here's another radical idea, that
24 maybe isn't so radical. If somebody buys a property
25 and wants to tear it down, the new property that

1 could be built could have no more mass than the
2 property -- than the house that was on the lot to
3 begin with. That's it. So whatever the amount of
4 square feet on the previous house was, that's all you
5 can build.

6 It's interesting, in Miami Beach, somebody
7 bought a house and wanted to -- I forgot the name,
8 but I'm sure most of you remember the issue -- wanted
9 to knock it down and build another megamansion. They
10 didn't give him permission, so he paid somebody with
11 a big bulldozer to knock down the house. He expected
12 maybe a five or ten thousand dollar fine, but he
13 would get the house that he wanted and flip it and
14 make millions of dollars. But they fined him in an
15 interesting way. They said the new house that he
16 built had to be architecturally exactly equal to the
17 one that he ripped out. You know what? I don't know
18 if that's such a bad idea. If somebody wants to have
19 a more modern house, that's okay, but if that lot has
20 one that's a certain size, the one you build has to
21 be that size.

22 The people who want to have gigantic monster
23 McMansion homes, there are many cities around here
24 that would be happy to accommodate them. We don't
25 have to have them here in Coral Gables. If they want

1 to play by our rules and live in the homes that we
2 find beautiful, let them accept that. If they're
3 interested in building gigantic monster homes, there
4 are many other communities that would accept them.

5 I'm not politically knowledgeable. I'm
6 talking from the common man, and that's it. I know
7 almost nothing about architecture.

8 When I drive on AlA and I go through Sunny
9 Isles, something is wrong there. Something's wrong.
10 In the last 10 years, it seems that they've just sold
11 out entirely, and there may be mitigating
12 circumstances in certain cases, where all these
13 beautiful one and two-story homes have been replaced
14 by 20, 30, 40, 50-story homes. What's going on?
15 What's going on? How could that be allowed, except
16 that they're looking for profit, because let's face
17 it, do we really need all those people? Do we really
18 want all those people in such a small area?

19 In closing, I want to thank everybody for
20 listening to my comments. If any of these comments
21 you find useful, I think that's great. We do have an
22 emergency, because once we pass this code adjustment,
23 we're probably not going to be looking at this issue
24 for years and years to come. It's just the way
25 things are. There may be slight revisions, but we're

1 not going to go through this whole exercise again,
2 six months from now, a year from now. We know that.
3 So let's take a few more months, let's do it right,
4 and in the meantime, let's consider use of the word
5 moratorium, before things get out of hand.

6 Thank you.

7 MS. KEON: I'm sorry --

8 MR. TEIN: Mr. Katz, can I ask you a
9 question?

10 MR. KATZ: Sure, please.

11 MR. TEIN: We had a hearing on an interim
12 ordinance in March, and this is a follow-up to that
13 hearing. At that hearing, there was public notice
14 and there were very few people who spoke from the
15 anti-monster-homes provision -- position. There were
16 a number of people who spoke, saying we shouldn't
17 regulate it in the way that the interim ordinance
18 suggested.

19 We now gave -- over two months has passed
20 since that hearing. There has been, again, notice
21 for this issue to the community, both to about a
22 hundred folks who are on the direct access mailings,
23 but it's been well publicized that this thing was
24 coming down, and I don't know if I could think of an
25 issue that affects homeowners in general in Coral

1 Gables as much as this. It's certainly one of the
2 ones that affects homeowners the most and has
3 generated a great deal of buzz.

4 Do you have -- and you yourself said that
5 you generally don't come to these things, that it's
6 almost extraordinary for you, because you're so busy,
7 to come to this. Why is it that there are only 14
8 people on the list today to speak about this? And
9 some are pro, con, we haven't heard everybody, I
10 don't know, but why is it -- why do you think there
11 are not more people, if indeed this is an issue that
12 is so important to the homeowners of Coral Gables, as
13 opposed to the developers that you speak of? Why
14 aren't there more people coming before us to say,
15 "Hey, this is so important, you need to stop what's
16 going on"?

17 MR. KATZ: I think you bring up a good
18 point. First of all, let me start with a mea culpa,
19 because I certainly have gotten involved very late,
20 and to be honest, I have nobody to blame but myself
21 for that. So let me state that.

22 I think most of us would agree that the
23 election of the Mayor and City Commissioners is very
24 important in determining what rules and regulations
25 will occur here in the City of Coral Gables.

1 Recently, there was an election. Do you know what
2 percentage of the individuals turned out to vote in
3 that election? Not of all residents, but of
4 registered voters, for an election; do you know?

5 I'm sorry, what was that again?

6 MR. TEIN: I think you're going to tell us.

7 MR. KATZ: Okay. I think -- I don't have
8 the exact number. I think it's somewhere in the
9 teens.

10 UNIDENTIFIED VOICE IN AUDIENCE: Eight and a
11 half percent.

12 MR. KATZ: Eight and a half percent.

13 UNIDENTIFIED VOICE IN AUDIENCE: No, I think
14 it was seven and a half.

15 MR. KATZ: Oh, my, that's even lower. Okay,
16 so let me -- so just so everybody can understand,
17 something that is low as -- something as important as
18 the election of a Commission and also whether we
19 should extend the Mayor's term -- these are pressing
20 issues, and 92 and a half percent of all the
21 residents who are registered didn't show up. That's
22 embarrassing, but I think it goes to the unfortunate
23 apathy of many people in the area.

24 So, if you really would like to know how the
25 residents feel, I think I have a solution. Let's

1 take some of this extra tax base that we seem to be
2 collecting now and why don't we send out a letter to
3 every single resident of Coral Gables, asking them,
4 "Would you like to see big houses continue to be
5 built," or whatever the wording is, "Yes, no, I don't
6 care." And I think, at that point, we'd have a much
7 more indicative barometer of how the people feel than
8 how many people after a hard day's work would come
9 here at six o'clock, or all the other meetings, to
10 speak.

11 I believe that there is a tremendous amount
12 of interest in this issue, and after spending five or
13 ten minutes, speaking to Daniel and Mamta, who happen
14 to live right across the street from me, I realized I
15 need to get moving on this, and maybe if more of the
16 other residents spoke to Daniel and Mamta, or
17 received a letter from the City, we would get a much
18 more accurate input. That is my humble opinion.

19 CHAIRWOMAN MORENO: Okay. Thank you very
20 much. I'd like to take a break before we continue.

21 One more person? Okay.

22 MR. CANNONE: Marshall Bellin.

23 MR. BELLIN: My name is Marshall Bellin,
24 285 Sevilla.

25 I think one of the important things that

1 everybody needs to keep in mind is what impact the
2 Zoning Code has on properties in Coral Gables, and I
3 think some of the statements they made are blanket
4 statements, "Let's make the setbacks on the side 10
5 feet and let's make it 20 feet in the back."

6 What does that really do to the property
7 owner's ability to build a house? And I think if you
8 look at it, just taking some parameters, you have a
9 20 in the rear, seven and a half on each side, and a
10 25 in the front. What you end up with, on a 50-foot
11 lot, is a house that's probably about 1,900 square
12 feet. You've got to factor in a garage, because a
13 garage is mandatory. This is at one story. A lot of
14 people don't want two-story houses as they get older.
15 So you take out 300 square feet for the garage. You
16 have 1,625, and then they want to add in a factor for
17 terraces and patios. Well, let's say you count it as
18 half. A 10-by-20 patio, you've got to take out
19 another hundred square feet. So, essentially, what
20 you do by imposing those requirements is saying that
21 somebody can build a two-bedroom house and that's it,
22 on a 50-by-100-foot lot, because you can't get much
23 more in than that.

24 Each property is impacted in a different
25 way, and I think that needs to be taken into

1 account. One of the statements was, you know,
2 property owners should have rights and developers
3 shouldn't have rights, because people who live in the
4 communities are more important. I don't look at it
5 that way. I think everybody should have the same
6 rights. If somebody buys a piece of property,
7 whether they live there or they don't live there,
8 it's their business what they do with it.

9 I just wanted to give my support to Dennis,
10 and I think his approach is a good first step. We
11 can see what the impact is, what it really achieves,
12 and if you're unhappy with what happens, then you
13 change it. That's the whole purpose of these Code
14 rewrites, and then you constantly take a look at what
15 you've done, and if you're unhappy, you change it.
16 And I think that what's proposed makes a lot of sense
17 to me, as an architect, and let's see what happens.
18 You need to test these things to really understand
19 what you're faced with.

20 CHAIRWOMAN MORENO: Thank you very much.

21 MR. BELLIN: You're welcome.

22 MS. KEON: Excuse me, Mr. Bellin, what was
23 your address? Sir?

24 MS. HERNANDEZ: Marshall?

25 MR. BELLIN: Yeah?

1 MS. KEON: What section -- what was your
2 address? Did you give an address?

3 MR. BELLIN: 285 Sevilla.

4 MS. KEON: 25 Sevilla?

5 MR. BELLIN: 285 Sevilla. I'm not a
6 homeowner.

7 MS. KEON: 285?

8 MR. BELLIN: It's my office.

9 MS. KEON: Okay, thank you.

10 CHAIRWOMAN MORENO: You're still a member of
11 the Board of Architects, right?

12 MR. BELLIN: Well, once in a while, when
13 they need somebody, you know, to fill in.

14 CHAIRWOMAN MORENO: I remember you working
15 (inaudible).

16 MR. BELLIN: Yeah.

17 CHAIRWOMAN MORENO: Thank you very much.

18 MR. BELLIN: You're welcome.

19 CHAIRWOMAN MORENO: We definitely need to
20 take a break.

21 (Thereupon, a recess was taken.)

22 CHAIRWOMAN MORENO: Are we ready to start
23 again?

24 Okay, I should have closed the public
25 hearing portion of the meeting before we took the

1 break, but I'll do so now, and I'd like to have Board
2 comments, and maybe, Dennis, if you came up and
3 answered questions, it would be helpful.

4 Mr. Korge, you have a page of notes. Do you
5 want to start off?

6 MR. KORGE: I promised you I wouldn't read
7 all my notes here. No, I don't think I want to start
8 off, because I probably understand this less than
9 most of the others here.

10 CHAIRWOMAN MORENO: I'm happy to start it
11 off, and as I said, I thought the interim regulations
12 were terrific and that they addressed a lot of the
13 problems that we had with the initial kind of
14 regulations.

15 Going forward, and I think my comments are
16 just what I would like to see looked at a little more
17 thoroughly before the next revision, and maybe that
18 goes also to Eric and Mr. Siemon, it seems to me that
19 we need to consider treating it on a neighborhood-by-
20 neighborhood basis. What may be appropriate in
21 Cocoplum or Gables Estates may be unbearable in the
22 North Gables area, and it seems to me that certainly
23 all the people who are here are North Gables
24 residents, and residents of a particular area of the
25 North Gables that has been sufficiently impacted that

1 they felt the need to come out here and do a study
2 and do all of that, whereas, in answer to Michael's
3 question, I think people in other areas are not here
4 because they're not suffering to the same extent.

5 So perhaps, on a going forward basis, an
6 analysis can be done of whether it's appropriate --
7 and I'm not suggesting it is, I think it needs to be
8 analyzed -- whether it's appropriate to treat
9 different neighborhoods differently and focus on, you
10 know, the neighborhood structure and, you know, maybe
11 Riviera has one set of requirements that are going to
12 come out of the charrette, that we certainly should
13 give weight to, and the North Gables area has another
14 set, and perhaps part of that would be what Dona is
15 doing with determining whether some streets should be
16 historical in nature. So I think one issue for me
17 would be the neighborhood concept.

18 The other issue would be to put more teeth
19 in our historic preservation type properties and not
20 permit a 1923 house to be altered beyond recognition,
21 and say, you know, perhaps if, you know, the house is
22 a 1923 house, you can remodel to improve but you
23 can't triple its size and just keep, you know, the
24 skeleton of it. And perhaps that addresses some of
25 those issues.

1 And I thought a couple of the comments and
2 suggestions that were made by the public merited,
3 also, review. One of the concepts, and I know he's
4 presented a long study here, that Mr. Fryer made, was
5 to consider having different setbacks when you're
6 two-story, as opposed to when you're one-story. I
7 don't know if that works or not, but certainly that's
8 worth thinking about. It's clearly more offensive to
9 somebody in a one-story structure to have a two-story
10 monolith next to them than to have a one-story house,
11 you know, five feet away.

12 One question I had was, when you talk about
13 five feet, five feet, do they have to be on both
14 sides or can you move it so that there's 10 feet on
15 one side and nothing on the other?

16 MR. SMITH: Five feet is the minimum --

17 CHAIRWOMAN MORENO: Okay.

18 MR. SMITH: -- when you go -- and that's on
19 a 50-by-100-foot lot. The rule is that you have to
20 have a total side setback, they have to add up to a
21 dimension equal to 20 percent of the width of the
22 lot. So, on a five-foot (sic) lot, that equals 20
23 percent of 50 feet, is 10 feet. On a 75-foot lot,
24 that's going to be 15 feet. So there, you could have
25 five and 10, or seven and a half and seven and a

1 half, or eight and whatever.

2 MR. KORGE: But five is the minimum?

3 MR. SMITH: But five is the minimum, and
4 then when you get up to the maximum that is required,
5 it's a total of 20. So once you get above a
6 100-foot-wide lot, the maximum total side setback
7 becomes 20 feet, so then you would have five and 15,
8 or 10 and 10.

9 CHAIRWOMAN MORENO: What do you think of the
10 idea that if a house is two-story, to have greater
11 setbacks? Would that work?

12 MR. SMITH: That can work. Once again,
13 that's something that needs to be studied. My
14 concern on that is, on the 50-by-100-foot lots, if
15 you do that, what kind of profile of structure do you
16 get? And in actuality, I think that, you know, in
17 looking at it, if we increase the setbacks it should
18 be for the entire structure -- this is my gut feeling
19 on it -- instead of doing a tiered system. But that
20 is something that needs to be looked at.

21 There was a -- in the paper report that Mr.
22 and Mrs. Fryer made, they raise a lot of very good,
23 valid points that need to be studied. I won't deny
24 that.

25 CHAIRWOMAN MORENO: Yeah. The other thought

1 that Mr. Katz brought up that we were discussing
2 briefly at the break was the idea of -- this idea of,
3 you know, if there's three houses there, you can't
4 now create a huge home in these three 50-foot lots,
5 and maybe that's something that should also be
6 considered. It's kind of the opposite of lot splits,
7 you know, not allowing three houses to be taken down
8 and one huge house to be put in its place. Again,
9 I'm not saying that I think that that is the
10 solution, but it's certainly one that bears looking
11 into.

12 To me, the most important one, from my
13 personal viewpoint, is the historic home issue, the
14 preservation of the historic homes and the
15 preservation of some air and space for the neighbors,
16 and that's at least the way that I'd like to see the
17 final regulation.

18 Michael?

19 (Thereupon, Chairwoman Moreno left the
20 Commission Chambers.)

21 MR. STEFFENS: How does this Code revision
22 affect additions?

23 MR. SMITH: The addition would have to
24 comply with the requirements. Let's say that you
25 have a house with a -- an existing house with 1,500

1 square feet and you're allowed to build 2,400, and
2 now you want to do an addition to it. They would
3 lose the five percent and they're going to need to do
4 the things in the addition and in modifying the house
5 to earn back that five percent. So, for some homes,
6 this could result in reduction in the floor area and
7 less mass that way for the home.

8 MR. STEFFENS: So, if the existing house is,
9 let's say, a 1,500-square-foot house, but it is
10 situated in such a way that you can't meet many of
11 these requirements, then you're automatically going
12 to lose --

13 MR. SMITH: Square footage.

14 MR. STEFFENS: -- the ability to add square
15 feet to your house?

16 MR. SMITH: That's correct. You would have
17 to alter your existing house to meet some of the
18 requirements to be able to do that.

19 MR. STEFFENS: Okay. How is -- how are
20 half-stories calculated, as far as floor area factor
21 is concerned? Are they counted -- if you're building
22 in an attic --

23 MR. SMITH: Uh-huh.

24 MR. STEFFENS: -- are you counting from all
25 the way to all the way in the floor area, or are you

1 calculating once it reaches some specific wall height
2 in that area?

3 MR. SMITH: The -- what the Code says for a
4 half-story is that you can have two thirds of the
5 attic space built out as a part of your half-story.
6 If you exceed two thirds, then it's no longer a
7 half-story, it becomes a full-story.

8 So we would go ahead and include in the
9 floor area whatever they build out as floor area, and
10 some of that is -- and what they can build out is
11 limited by the floor-to-ceiling height within that
12 attic space, as well.

13 MR. STEFFENS: Right, but usually in those
14 kind of -- well, not usually, but often in those
15 kinds of situations, you'll have the wall come up to
16 five feet and then it will have a slope in the window
17 with a dormer in there, or maybe it comes up to four
18 feet or three feet or something, and then the slope
19 of the ceiling.

20 MR. SMITH: You would count back with
21 that --

22 MR. STEFFENS: You would count all the way
23 to that wall?

24 MR. SMITH: That's correct, yes.

25 MR. STEFFENS: Okay.

1 Now, we have a lot of conditions in Coral
2 Gables where setbacks -- because of all of our
3 different streetscapes and configurations, we have a
4 lot of situations where, if we do start increasing
5 setbacks, we're going to severely impact some
6 people's ability to build on lots, especially corner
7 situations or other situations like that. That would
8 be a major impact on those type of lots, that might
9 not have any kind of backyard. That would be true?

10 MR. SMITH: That would be true. On some
11 corner lots, let's say it's a 50-by-100-foot lot --
12 and this is a condition that we run into in the North
13 Gables area, okay? You will have a 50-by-100-foot
14 lot that has a 25-foot front street requirement, a
15 25-foot side street requirement, five-foot interior
16 and five-foot rear.

17 MR. KORGE: Wow.

18 MR. SMITH: What that leaves you with is an
19 area where you could build within your setbacks that
20 is 20 feet wide by 70 feet deep. So that gives you a
21 footprint of 1,400 square feet, and yet your lot
22 coverage allows you to build 35 percent of 5,000,
23 which is 1,750. So your actual footprint, from the
24 setback requirements, is less than what you could
25 build for your lot coverage. That's on some corner

1 lots where they had that double 25-foot setback
2 requirement.

3 MR. STEFFENS: Well, you have fronts on two
4 sides of a lot.

5 MR. SMITH: That's correct.

6 MS. KEON: In those conditions, though,
7 aren't they subject to variance? Aren't they allowed
8 to apply for a variance because of the conditions and
9 all that? I mean, they're allowed --

10 MR. SMITH: That's a case where --

11 MS. KEON: That's a case that is --

12 MR. KORGE: There's a hardship, though.

13 MR. AIZENSTAT: A hardship.

14 MS. KEON: That's a hardship, yeah, because
15 of the configuration of the lot.

16 (Thereupon, Chairwoman Moreno returned.)

17 MR. STEFFENS: But I don't think a typical
18 corner lot is a hardship. I think --

19 MS. KEON: Well, but an unusual --

20 MR. STEFFENS: -- it's the odd-shaped lots
21 that are hardships.

22 MS. KEON: No, but I know, having sat on the
23 Board of Adjustment, though, that when they were
24 those very small corner lots, they were so -- I mean,
25 they came before the Board of Adjustment.

1 MR. STEFFENS: The way the Code is written
2 now, the proposed interim Code, the only mandatory
3 part of the Code is the reduction in floor area
4 factor.

5 MR. SMITH: The reduction in floor area
6 factor and the increase in landscaping.

7 MR. STEFFENS: In landscaping. So, in other
8 words, we could -- these houses that have been
9 described as overly large houses, those houses could
10 all still exist if, at the rear of them, they were
11 pulled in two feet or they chopped 50 -- 250 feet off
12 the top floor or they carved the patio out on the
13 downstairs, something that would not affect how the
14 mass and scale of that house is affecting all of the
15 existing neighbors.

16 MR. SMITH: Well, not exactly, because the
17 patio doesn't count on the floor area.

18 MR. STEFFENS: Right. I'm saying if they
19 carved out a patio, then they would reduce their
20 floor area.

21 MR. SMITH: That's correct.

22 MR. STEFFENS: And then it would then meet
23 the Code, without actually having any kind of real
24 reduction in massing or its effect on neighboring
25 houses.

1 MR. SMITH: That's correct.

2 MR. STEFFENS: I have -- well, Dennis, I
3 think you did a great job. It's a first step that I
4 think is really good. I think there's a -- as
5 Cristina said, I think there's a lot of things that
6 we need to look at, how this affects a lot of
7 different things, and one of the things I'd like to
8 talk about is this idea that building new houses is
9 bad, because while there are developers coming into
10 Coral Gables to build houses, speculators, I would
11 say that that's probably a minority of the people
12 that are building houses in Coral Gables, and the
13 people that are actually building houses in Coral
14 Gables are people that are going to build them and
15 live in them, and we are affecting people that come
16 here to build their houses to live here.

17 There will always be speculators and people
18 that are looking to maximize their profit, but there
19 are also a lot of people that are coming here to
20 provide for their families as best they can, and a
21 lot of people are coming here to move into the
22 neighborhood and for the first time to get into a
23 small house and then move up, which is what I did. I
24 started with a small house, and I moved up, and then
25 I moved down, because I didn't like the big houses.

1 And I'm also here to talk about my clients,
2 because I do work for people that want to move here.
3 I don't do work for developers. I do work for people
4 that want to live in Coral Gables. I do additions
5 for people that want to live in Coral Gables, and
6 this is affecting them. Once again, especially the
7 small houses. Most of my work is on smaller houses,
8 and my clients would be affected. It would affect
9 their ability to move into a house with what most
10 people consider requirements for living in a house
11 today, a living room, a dining room, a family room,
12 three bedrooms and two and a half bathrooms. Two
13 hundred and fifty feet out of that formula is a
14 bedroom and a bathroom. It's a big hunk of that
15 house. So I have some concerns about affecting the
16 smaller houses.

17 On the other hand, I also have concerns
18 about affecting larger houses. As Cristina said, I
19 don't know that this is applicable uniformly across
20 the Gables. I think that there are areas of the
21 Gables that they like that.

22 CHAIRWOMAN MORENO: Uh-huh.

23 MR. STEFFENS: They want that, and there
24 should be places that they can go if they do want
25 that. So I think that we have to look at how this

1 can be applied differentially across the Gables.

2 CHAIRWOMAN MORENO: Because you can end up
3 with a small house in Cocoplum that would look out of
4 context.

5 MR. STEFFENS: That's one thing that I'm
6 afraid of, is this could significantly scale down
7 houses in Cocoplum, and while it might be built for a
8 user, that user might have a problem selling his
9 house when a house right next door is -- or every
10 house in the neighborhood is much grander.

11 I think that the major concern here is not
12 size but bulk, and we have to figure out a way to
13 address bad bulk, because I think there's appropriate
14 bulk and there's good bulk, and I think there's one
15 house in here -- and I don't want to hold up anything
16 as a positive or a negative. This is just an
17 example, and it's this nice little Spanish house,
18 that's an example here, that probably could not be
19 built under this Code and take full advantage of the
20 FAF that's provided in this Code. This house would
21 have to be smaller than would be allowed, even though
22 this is a very good example, it's a very nice house,
23 and it fits in with the neighborhood perfectly well.

24 MR. KORGE: What page are you on? What
25 page?

1 MR. STEFFENS: It's the little --

2 MS. KEON: Yeah, I like that house. 14,
3 right?

4 MR. STEFFENS: I think that we need to
5 provide the Board of Architects with the tools to be
6 able to administer this Code. I think the Board
7 needs some criteria, some additional criteria. I
8 think that some of the language in there, while you
9 have tightened it up a little bit, I think it needs
10 to be more specific. But in being more specific, I
11 think it needs to allow enough leeway that it doesn't
12 handicap a good architect, but I think that's the
13 balance here. We don't want to design our Code
14 around the bad architects, because we could do that
15 and then handicap the good architects. We want to
16 have the tools to be able to steer the bad
17 architects, while allowing the good architects to be
18 able to do their job correctly.

19 One of the things that we talked about at
20 the last meeting for the North Ponce area was a
21 conservation district, and I know I've talked about a
22 historic district, and I don't know why we haven't
23 looked into that as an address for this issue,
24 because if this is a neighborhood issue and the
25 neighborhood is what's important, then a neighborhood

1 conservation district might be a stronger tool to
2 preserve the neighborhood in many other ways besides
3 just this bulking and massing, and make it specific
4 to where these problems are occurring, without
5 uniformly applying this.

6 And one last question or concern that I have
7 is, in the last of the bonuses, the residence of
8 superior quality, it's approved by the Board of
9 Adjustment. Isn't that an architectural issue?

10 MR. SMITH: It goes to the Board of
11 Architects and they have to approve it, but it's a
12 two-tiered process, so that it's more than the normal
13 just Board of Architects approval. It's a Board of
14 Architects approval and then a public hearing
15 process, which is the Board of Adjustment process,
16 affirming that.

17 CHAIRWOMAN MORENO: Why the Board of
18 Adjustment and not us?

19 MR. STEFFENS: Yeah, why would --

20 CHAIRWOMAN MORENO: What made you choose
21 that?

22 MR. STEFFENS: But why -- how would the
23 Board of Adjustment be looking at it?

24 CHAIRWOMAN MORENO: No, it might be very
25 appropriate. I mean, I really don't know which --

1 MR. KORGE: I didn't get that, either. I
2 didn't -- my -- I had the same exact thought when I
3 read that, why not the Board of Architects, because
4 they have the expertise --

5 CHAIRWOMAN MORENO: No, but he's saying the
6 Board of Architects gets the first look.

7 MR. KORGE: But -- no, I'm saying the last
8 look should be the Board of Architects, because they
9 have the expertise on this.

10 MR. STEFFENS: Yeah, but I don't understand
11 what the Board of Adjustment would be looking at it
12 for. I mean, is there some criteria other than -- I
13 mean, this criteria here is based on superior
14 architectural quality.

15 MR. KORGE: Right.

16 MR. SMITH: Uh-huh.

17 MR. STEFFENS: So would the Board of
18 Architects -- I mean, the Board of Adjustment be
19 looking at it for superior architectural quality?

20 MR. SMITH: They would be looking at it to
21 hold a public hearing and affirm the decision of the
22 Board of Architects, to give --

23 MR. KORGE: Is the concern, then, the public
24 hearing? Is that what you wanted to get at?

25 MR. SMITH: Yes. That's correct.

1 MR. KORGE: Well, you can do that at the
2 Board of Architects, too.

3 MR. STEFFENS: Yeah. Aren't we --

4 MR. SMITH: The Board of Architects --

5 MS. HERNANDEZ: We would have to restructure
6 the Board of Architects.

7 MR. STEFFENS: I think that's part of our
8 process, isn't it?

9 MS. HERNANDEZ: Because it is a public
10 meeting but it is not a public hearing.

11 MR. STEFFENS: But as part of --

12 MS. HERNANDEZ: It's a public meeting, but
13 not a public hearing.

14 MR. STEFFENS: As part of making the Board
15 of Architects a quasi-judicial --

16 MR. KORGE: Yeah, it's going to be
17 quasi-judicial.

18 MR. STEFFENS: -- isn't it going to be a
19 public hearing?

20 MR. KORGE: It's going to be a public
21 hearing.

22 MR. AIZENSTAT: But not while this is in an
23 interim --

24 MS. HERNANDEZ: Right.

25 MR. AIZENSTAT: -- stage.

1 MS. HERNANDEZ: This is interim. This is
2 our existing Code --

3 MR. KORGE: Oh, I see.

4 MS. HERNANDEZ: -- and what we're trying to
5 do is work within the confines of our Code, because
6 the City Commission has made this a priority. They
7 want some interim measures so that this Board can
8 continue to work as it deems appropriate with regard
9 to the Zoning Code, but right now, as it stands, the
10 appropriate body is the Board of Adjustment.

11 MR. SMITH: And I'll tell you, the reason
12 that the Board of Architects isn't a public hearing
13 is because of the types of things and the amount of
14 things that they look at. Right now they're looking
15 at between 110 and 120 items a week. There's a jump
16 up in the number of things that they're looking at.
17 And could you imagine taking 120 items through this
18 type of process each week? It would become an
19 unmanageable process. So we have the Board of
20 Adjustment there as an appeal process, so that in
21 those cases where it's necessary, we can have this
22 type of public hearing process.

23 CHAIRWOMAN MORENO: Just on a going forward
24 basis, I think what I would look at is having the
25 Board of Architects have some situations where it

1 would reconvene as a public hearing body.

2 MS. HERNANDEZ: I think we're studying that
3 as part of the rewrite.

4 CHAIRWOMAN MORENO: Yeah, not in the
5 interim. When you do the final, that's one of the
6 things that I would look at in coming up with a final
7 proposal, is having situations where the Board of
8 Architects takes certain issues and does those in a
9 quasi-judicial public hearing, because I think that
10 Michael is right, you want to have -- if what you're
11 deciding is whether the design has significant merit,
12 that decision should be made by architects and not
13 lawyers like me.

14 MR. STEFFENS: So once we -- the intention
15 and the direction that we're moving in is to relieve
16 the Board of Architects of a lot of their minor
17 responsibilities and make them --

18 MS. HERNANDEZ: Well, we're hoping.

19 MR. STEFFENS: We're hoping.

20 MR. AIZENSTAT: With the position of the
21 City Architect.

22 MR. STEFFENS: And make them a
23 quasi-judicial --

24 CHAIRWOMAN MORENO: Or at least in some
25 cases.

1 MS. HERNANDEZ: Okay. They are -- they are
2 quasi-judicial in the sense that they are not
3 ex partied before the public meeting, where they
4 review the plans for the first time in the public
5 meeting and render their decisions on the record
6 there before them. Those decisions can be appealed
7 to a Board of Adjustment for a full public hearing.
8 So they presently sit in a quasi-judicial capacity.

9 What I think you're asking is for us to
10 consider that they serve -- that they conduct public
11 hearings to have input from neighbors and have input
12 from other affected parties, I suppose, at that
13 stage.

14 MR. STEFFENS: Well, isn't that the
15 direction we're moving in?

16 MS. HERNANDEZ: We're looking at it for
17 certain limited purposes. We're obviously looking to
18 have the City Architect deal with minor issues and
19 we're looking to have the board just deal with design
20 issues and neighborhood context issues. But there
21 are, you know, certain situations that we understand
22 that, you know, neighbor input at that level should
23 be, you know, addressed.

24 The question is, do we leave that at the
25 Board of Architects? Do we have the City Architect

1 serve as an expert to the Board of Adjustment? We're
2 still weighing those issues.

3 CHAIRWOMAN MORENO: Mr. Siemon, do you want
4 to come up and weigh in on this issue, or you have no
5 opinion?

6 MR. SIEMON: No, I think we are looking at a
7 certain class of decisions will be made by the Board
8 of Architects. They will have a procedure for having
9 a quasi-judicial proceeding, and I believe that this
10 very issue is appropriate for that, in the new Code.
11 I don't think there's any contemplation, though --

12 CHAIRWOMAN MORENO: Yes, we understand
13 that.

14 MR. SIEMON: -- that we would do that in the
15 interim Code.

16 MR. STEFFENS: So we might be able to
17 eliminate the Board of Adjustment from this formula.

18 CHAIRWOMAN MORENO: We may have a totally
19 new regulation.

20 MR. STEFFENS: Yeah.

21 MS. HERNANDEZ: Right. Remember, I think
22 that we were hoping that this is going to buy us
23 additional time to review this process and adopt,
24 hopefully, measures that are even more stringent than
25 the ones that we're proposing here today.

1 CHAIRWOMAN MORENO: But what I do like about
2 this process is this concept of creating incentives
3 for better design.

4 MS. HERNANDEZ: Right.

5 CHAIRWOMAN MORENO: I thought that was --

6 MS. HERNANDEZ: Absolutely.

7 CHAIRWOMAN MORENO: -- a great idea, and
8 perhaps, you know, if we look into greater reductions
9 and then greater add-backs, I think that would be
10 positive.

11 MR. STEFFENS: I think that would have to be
12 in conjunction with a lot of additional criteria for
13 bonuses.

14 CHAIRWOMAN MORENO: But that would give --

15 MS. HERNANDEZ: Right.

16 CHAIRWOMAN MORENO: -- Dennis time to meet
17 with the Board of Architects and other architects who
18 may be interested, to come up with those kinds of
19 criteria, but I think he covered three things. I
20 mean, he covered Mediterranean look, he covered the
21 different villages that we have, and he covered my --
22 Antoni -- you know, Gaudi couldn't come and design,
23 in the City of Coral Gables, a commercial building.
24 He covered that for me, so --

25 MS. HERNANDEZ: And we did it in the format

1 of the existing Code, which doesn't have detailed,
2 objective standards that we're going to hope to bring
3 to you with the Zoning Code rewrite, because we're
4 trying to be consistent in this stopgap measure.

5 MR. SMITH: I heard you.

6 CHAIRWOMAN MORENO: Yeah, I know, you heard
7 me.

8 MR. STEFFENS: What about the nonconformity
9 issue? Are we covering that completely in here?
10 Because that's something that does concern me, also,
11 I mean, the fact that in writing this, we're making a
12 large percentage of current homes nonconforming.

13 CHAIRWOMAN MORENO: Michael, I think some of
14 that will be addressed if we do a neighborhood
15 type --

16 MR. KORGE: Review.

17 CHAIRWOMAN MORENO: -- vehicle. Then, you
18 know, perhaps Cocoplum will be allowed to remain sort
19 of the way that it is, with -- I think you're always
20 going to have to give relief for something
21 extraordinary like a hurricane, but, you know, if a
22 house burns down and you build it up and it's
23 according to the Code, that's the way of dealing with
24 nonconformities.

25 MR. STEFFENS: Right. No, I know, on that

1 issue, on a case by -- on a specific strange case
2 like that, but on a sort of a uniform case where, you
3 know, we have a big problem, it just seems to me
4 problematic that --

5 CHAIRWOMAN MORENO: That's why one of the
6 things that we need --

7 MR. STEFFENS: -- it becomes a political
8 decision rather than a -- you know, an as-of-right
9 kind of decision.

10 CHAIRWOMAN MORENO: Well, it seems to me
11 that one of the things we need to look at, when
12 Dennis is given a little more time, is neighborhood
13 by neighborhood, and we are fortunate that we have
14 very distinctive neighborhoods.

15 So in Gables by the Sea, do we need to
16 reduce, or are we okay the way we are, or how do we
17 affect that area? Cocoplum. Gables Estates has its
18 own overlay district, that I found out from Pat. So,
19 you know, maybe you don't need to adopt anything else
20 there.

21 Obviously, the biggest problem is in the
22 North Gables area, so that needs to be addressed more
23 stringently. I just think that some of these
24 nonconforming issues will go away if you do it
25 neighborhood by neighborhood.

1 MR. SMITH: I'll tell you, when I was
2 working on this initially, the first thing that I did
3 was, I divided the City into my first two districts,
4 okay? I said, "Okay, everything south of Sunset and
5 east of Old Cutler Road and in Snapper Creek and
6 Hammock Lakes, in Pine Bay Estates, that's one
7 district that we have to deal with," and then I said,
8 "Okay, now, all the lots that were traditionally
9 platted as 50 or 25-foot lots, that's everything
10 north of that," and then I started thinking about,
11 "Okay, now, U.S. 1 becomes a boundary and now Hardee
12 becomes a boundary."

13 But then you get into redistricting the
14 City, and that's what we're doing with the Zoning
15 Code rewrite. So I, you know, stepped back from that
16 process, but that's the direction I think that we
17 need to go in.

18 Eric, you can correct me if I'm wrong; I
19 think in our Comprehensive Plan there's a goal that
20 we should identify neighborhoods within the City, and
21 I think that that's a process that, you know, as a
22 part of this, we're looking at doing, and that will
23 help us to do just exactly that.

24 MR. STEFFENS: Yeah, I think that would be
25 very positive. Thanks for the work on this, Dennis.

1 MR. AIZENSTAT: Dennis, if I may, I had a
2 question for you. If you go to Page 8 of 14 on the
3 existing Code, c, it says, "Floor space in
4 penthouses, interior balconies and mezzanines."

5 Why is penthouses there in single-family
6 homes?

7 MR. SMITH: Because penthouses are allowed
8 in single-family homes -- shh -- have always been.

9 CHAIRWOMAN MORENO: A penthouse?

10 MR. AIZENSTAT: What is the definition,
11 then, of a penthouse?

12 MR. SMITH: A penthouse -- well, actually,
13 a penthouse in a single-family home isn't that bad of
14 a thing, because a penthouse, where a half-story is
15 two thirds of the attic space, a penthouse is a floor
16 above two floors that is no more than 25 percent of
17 the area of the floor below it.

18 MR. AIZENSTAT: Sort of like a loft area?

19 MR. SMITH: It's like a loft area.

20 MR. AIZENSTAT: Should we not then redefine
21 it, as opposed to leaving it the way it is, since
22 we're trying to do such simplicity with the Code
23 itself?

24 MR. SMITH: I think that we are looking at
25 that as a part of the Zoning Code rewrite, but the --

1 we do allow penthouses, and actually, here it says
2 that we count them in the floor area. Where it
3 defines them and where it provides an exclusion for
4 them as being counted as a story is in a completely
5 different section of the Code. So we would have to
6 do another ordinance to change that section,
7 because --

8 MR. KORGE: I wouldn't start rewriting the
9 whole Code at this point to make clarifications like
10 that, because we're doing that now. This is -- as I
11 understand it, this is to address specific problems
12 and not to, you know, make a perfect Code.

13 MR. SMITH: Right.

14 CHAIRWOMAN MORENO: No, I think Eibi is
15 addressing it for the final rewrite.

16 MR. AIZENSTAT: That's correct.

17 CHAIRWOMAN MORENO: Yeah.

18 MR. SMITH: For the --

19 MR. AIZENSTAT: Yeah.

20 MR. SMITH: No, for the final, we certainly
21 should, but that was the balancing act in doing
22 this. There's a lot of things I would like to change
23 here, but it's the existing Code and we're going to
24 get it, so we want to try to focus in on those things
25 that would impact the size of homes right now, in the

1 most effective way, within these sections of the
2 Code.

3 CHAIRWOMAN MORENO: Dennis, what -- I'm
4 sorry.

5 MR. AIZENSTAT: What would you say is the
6 average size of a lot, if you take all the lots
7 within the City?

8 MR. SMITH: Well --

9 MR. AIZENSTAT: Your best guess.

10 MR. STEFFENS: 68.5 feet?

11 CHAIRWOMAN MORENO: Yeah.

12 MR. AIZENSTAT: Would it be fifty-two
13 thousand square feet, fifty-five?

14 MR. SMITH: If you take all the lots in the
15 City, you know, I couldn't fathom a guess, but then,
16 I don't know that that's an important -- I don't know
17 that that's the correct question.

18 The question that we have to be asking is,
19 what is the average size building site in each
20 neighborhood?

21 CHAIRWOMAN MORENO: Uh-huh.

22 MR. STEFFENS: Right.

23 MR. SMITH: And then from there, we go to
24 defining the maximum size home permitted in that
25 neighborhood.

1 CHAIRWOMAN MORENO: I think that's the right
2 approach.

3 MR. AIZENSTAT: When you say the
4 neighborhood, are you talking about dividing north
5 and south and so forth?

6 MR. SMITH: Well, I think there's more
7 neighborhoods than that. I think we have to really
8 sit down and look at how we define a neighborhood. I
9 think a neighborhood is defined by the size of -- the
10 general size of the sites in the neighborhood.
11 Neighborhoods normally have some geographic
12 boundaries. They have different sizes. It's like,
13 okay, homes on Ferdinand, are they in the North
14 Gables or are they in the Country Club Prado
15 neighborhood? Is the Country Club Prado neighborhood
16 different from the North Gables neighborhood?

17 You know, neighborhoods become a very
18 intimate thing, and it's where people immediately
19 relate to each other in where they live. So we
20 really have to work on defining what we're going to
21 call a neighborhood, as we go forward in that
22 process.

23 CHAIRWOMAN MORENO: The question I
24 interrupted Eibi for was to ask you whether you
25 wanted to consider, on the 50-foot lots, creating

1 incentives for carports instead of garages, or even
2 for people to have -- I'm not suggesting it, I'm just
3 considering it -- no garage and no carport in
4 exchange for a one-story residence, so that you would
5 address the problem of what Michael is saying; people
6 need three bedrooms, two baths, living room, dining
7 room, but you don't necessarily need a garage. A lot
8 of us use it for storage. So maybe, on those little
9 lots, a trade-off could be, you know, we will allow
10 you not to have a garage, subject to the things that
11 Liz talked about when we created the -- that amnesty
12 program where, you know, you would have to agree that
13 you would never park a truck or a boat or anything
14 else, you would have to have two parking -- I mean,
15 just --

16 MS. HERNANDEZ: Or build an illegal shed.

17 CHAIRWOMAN MORENO: Right.

18 MS. HERNANDEZ: I mean, the biggest problem
19 we have in the North Gables from people who enclose
20 their garages is, they go off, they buy these sheds,
21 and then we're having to -- because they need
22 storage, whether they have a garage or a shed, and --
23 you know.

24 CHAIRWOMAN MORENO: Well, then, maybe that
25 was a poor idea, then.

1 MS. HERNANDEZ: No, but, you know, I'm just
2 saying --

3 CHAIRWOMAN MORENO: To me, there's things
4 that you need to do, because I lived in one of those
5 50-foot houses, where we had -- and I will tell you
6 that you my 50-foot-by-100 house has been tripled in
7 size since I lived there, and it -- it was difficult
8 to live in a house where you had two bedrooms, one
9 bath, a small living room, small dining room. I had
10 to move out of it. So what happens is, people want
11 to come and do what Michael says, do an addition.
12 That, realistically, is the best way for a lot of
13 people to go. You know, you buy into a small house
14 when you're just married, and then you start having
15 children and you build, and it's the way to stay in
16 Coral Gables. I don't want to inhibit that. I want
17 to create the ability for people to continue to do
18 some of that and not throw out, you know, the baby
19 with the bath water and say, "Hey, you can never do
20 that anymore."

21 So we've got to accommodate all those
22 issues. You know, we're talking about greedy
23 developers, but some are young couples who bought,
24 like I did, you know, before I had children, and I
25 was fortunate that I was able to, you know, move up

1 to another house, but in today's market, I wouldn't
2 have been able to do that. I would have had to, you
3 know, build up the house somehow. So that's why I
4 was thinking the carport issue might be a way to --

5 MR. SMITH: I know that if -- you know, when
6 I think about that, I always also like to think about
7 security --

8 CHAIRWOMAN MORENO: Uh-huh.

9 MR. SMITH: And I know that for some people
10 it's a -- it's an issue that they want to have the
11 garage so that they have a safe place to pull in,
12 close the door behind them, so that they can get
13 safely into their home. For some people, that
14 becomes an issue, too, and I don't want to take that
15 ability away from people, to be able to do that.

16 CHAIRWOMAN MORENO: But you wouldn't be
17 taking it away. You would just be creating a
18 different kind of incentive. So, if I needed that, I
19 wouldn't buy the house without the garage.

20 MR. SMITH: Right.

21 CHAIRWOMAN MORENO: But if my preference was
22 to have a family room, then that would be a way to do
23 it on a 50-foot lot.

24 MR. STEFFENS: What about incentivizing the
25 carport a little bit more?

1 CHAIRWOMAN MORENO: Uh-huh. That's what I'm
2 saying.

3 MR. STEFFENS: Because right now, the
4 carport and the garage are the same.

5 CHAIRWOMAN MORENO: Uh-huh.

6 MR. STEFFENS: And a carport would probably
7 have less of an impact, because it sort of reads --

8 CHAIRWOMAN MORENO: Open.

9 MR. STEFFENS: -- like an open area or a
10 patio.

11 CHAIRWOMAN MORENO: Uh-huh.

12 MR. STEFFENS: So make it 33 percent instead
13 of 50 percent.

14 MR. SMITH: Well, looking at -- yes, and if
15 you look at a lot of the historic homes --

16 CHAIRWOMAN MORENO: They have --

17 MR. SMITH: -- they have the one-story
18 carport on the side of the house --

19 MR. STEFFENS: And the garage in the back.

20 MR. SMITH: -- and then the garage is in the
21 back, but the one-story carport on the side of the
22 house helps to do a lot for the scale and massing of
23 that home --

24 CHAIRWOMAN MORENO: It does, and it --

25 MR. SMITH: -- especially adjacent to that

1 neighbor next door.

2 MR. STEFFENS: Especially in the example
3 that you had included in your proposal, the one that
4 was sent out earlier --

5 MR. SMITH: Right.

6 MR. STEFFENS: -- because you had the one
7 house that was rendered in two different ways that
8 had that nice carport on the side.

9 CHAIRWOMAN MORENO: Okay. Any more
10 comments?

11 Tom?

12 MS. KEON: Go ahead.

13 MR. KORGE: No, go ahead.

14 MS. KEON: Yeah?

15 MR. KORGE: Yeah.

16 MS. KEON: I had two questions here, in the
17 existing Code that you're looking at, on Page 7 of
18 14. You know, the things that deal with the Board of
19 Adjustment, again, they just seem to be very, very
20 subjective as to what is good design, also. You
21 know, in here, this one on 12 of 14, where it talks
22 about the review of the residences of superior
23 quality, who decides it's of superior quality?
24 Because you've already decided before it goes to them
25 for review. So who decides that? I mean, how is

1 that decided? How do you come up with, it's of
2 superior quality? I mean, who makes those
3 decisions?

4 MR. SMITH: The Board of Architects would
5 make that decision, and then the Board of Adjustment
6 would affirm that decision at a public hearing.
7 That's the concept there.

8 MS. KEON: I want to talk about this study
9 that's attached here --

10 MR. SMITH: Uh-huh.

11 MS. KEON: -- this massing study that was
12 done in 1997, when this issue first came forward,
13 that was done by the School of Architecture, by Valle
14 and Correa, that's attached here. I am -- I'm a
15 little surprised that we haven't done anything with
16 this study since 1997, because it seems so pertinent
17 to what is happening here, and as everyone has
18 spoken. They -- they call out, as a action plan in
19 this study, that a simplified version of the Code,
20 specific to each subdivision, should be produced,
21 because it talks about, the index of Coral Gables
22 zoning of 1946 clearly identifies various
23 neighborhoods as development subdivisions and sets
24 the fabric -- the requirements that define the fabric
25 and the tone of those particular things.

1 So, you know, all we maybe need to do is go
2 back to where we were in the beginning and the types
3 of things that really defined and created the
4 ambience that we see here in this City, because
5 that's what it's talking about doing.

6 Everyone -- every homeowner that spoke here,
7 aside from the Riviera section, which is just -- it's
8 very proactive, and because of the issues, are
9 addressing them on their own, but everyone else that
10 spoke here, spoke -- lives in this area that is north
11 of Coral Way, anyway, and it's that area that
12 probably more defines the character of this City than
13 any area, any area in the whole City of Coral Gables.
14 When you think about the Gables, that's really what
15 you think about, although it's a very small area, you
16 know, and why, just as -- you know, once an area is
17 defined, just as there is a zoning overlay for Gables
18 Estates and for -- I think Hammock Lakes has an
19 overlay, some of these areas that are the newer and
20 larger areas have overlay, to maintain that ambience
21 in this City, there should -- I would think that
22 maybe we could look at, there, the existence of a
23 zoning overlay, and in this -- this study itself, it
24 lays out precisely the things in our Zoning Code that
25 are prohibiting us from maintaining the integrity of

1 that area and lists specifically the things in the
2 Zoning Code that should be -- that could be done to
3 do it.

4 It also shows us where, on a typical size
5 lot, building in a traditional style, where you can
6 build a home that has a fair amount of square footage
7 in it. And I think it talks about moving the setback
8 requirements, and I know that was a discussion that
9 we had about setback requirements one night, what
10 should they be. They actually move them back all the
11 way to 35 feet and tell you, you know, in order to
12 ensure the rebuilding of homes in that area to
13 maintain the fabric of that community, you have to
14 build on that site -- I mean, if you want to build
15 according to the 35-foot setback and whatever over
16 there and not do something that contributes to that
17 area, well, I suppose you could, but it's probably
18 not going to be worth your while. So it would move
19 you to build in that.

20 I think where it talks about here, or it
21 looks at what traditionally the homes have been
22 built, where -- you know, of the frontage, that one
23 percentage of it usually is attributable to this,
24 another percentage, you know, has a parapet, another
25 percentage has different -- and that's -- it defines

1 the ways or the -- how these are built --

2 MR. KORGE: It forces them.

3 MS. KEON: -- that give it that --

4 MR. KORGE: It forces them to go to that.

5 MS. KEON: -- that give you that character.

6 I find this study to be very, very, very impressive,
7 very impressive, and I guess I'm wondering why, since
8 it specifically addresses the area of the City that
9 is of the most concern with this -- and you know what
10 else? It's really simple to read. This is not so
11 simple, what you have here, and any -- you know, it
12 talks about including, for each one of the sections
13 or your divisions, a very simple illustration of what
14 can be built there, so that when people -- an
15 ordinary person can understand the regulations that
16 its government is imposing upon us.

17 I would -- you know, and I understand you
18 need to try and work within the existing Code, but as
19 Commissioner Anderson said, she'd like you to push
20 that envelope, I would really like you to push it a
21 whole long way, to really looking at what this study
22 is proposing that we do, and tell us, you know, that
23 it -- I mean, it brings the heights down to, I think,
24 26 feet. It -- you know, I mean, it does the things
25 that the people in this community seem to be asking

1 for.

2 Now, I'm not an architect, and my expertise
3 certainly is not in zoning, so maybe there is
4 something that I'm not seeing here, but as an
5 ordinary citizen, it seems so apropos.

6 So I would ask that maybe in your going
7 through, as this only being a first step, for the
8 next step and for that push of your envelope, you
9 would really look at this, because I think that if
10 you did it, I think it would give you what you -- I
11 think it would give the people the protection that
12 they're asking for, and because that's where most of
13 your 50-foot lots are.

14 And, you know, as you move to the other
15 subdivisions of the City, you know, people -- it's an
16 attempt to maintain, and in some areas of the City
17 that were built out in the fifties, where the
18 architecture is not terribly remarkable, it gives us
19 an opportunity to maybe redefine those areas as they
20 are redeveloped, to maybe either move toward that
21 Mediterranean look or to just promote some very
22 attractive buildings, that Merrick did initially when
23 he designed the different villages, you know. I
24 mean, I think it's a matter of maybe going way back
25 to where we started --

1 MR. STEFFENS: Pat --

2 MS. KEON: -- but thank you.

3 MR. STEFFENS: -- I think that that is a
4 good tool, along with these other criteria that you
5 have in here. I think that is a tool.

6 MS. KEON: Right, yes.

7 MR. STEFFENS: I think the problem with --
8 one of the problems or concerns that I have with that
9 tool is that it's very formulaic.

10 CHAIRWOMAN MORENO: Uh-huh.

11 MR. STEFFENS: And the other one is that
12 house that I held up in here as a -- that was an
13 example of a house that is compatible with the
14 neighborhood would not be allowed to be built under
15 that formula.

16 MS. KEON: All right. I don't know. I
17 mean, because in looking at it, it seems to change
18 quite a bit, so I mean, I don't know that. That's
19 why I'm asking that you would look at it.

20 MR. STEFFENS: So --

21 CHAIRWOMAN MORENO: But I think one of the
22 things -- to take off from what she says, one of the
23 things you might create is, if there's areas in the
24 Gables, and there are, where there's no significant
25 architecture, well, then, you're pushing the

1 developers -- if you give them more leeway there,
2 you're pushing the developers and the people who want
3 to build new homes to look in those areas where we
4 really don't care if they replace the houses, instead
5 of tearing down houses in the Majorca/Navarre/Obispo,
6 very distinctive neighborhood.

7 MR. KORGE: Well, I --

8 CHAIRWOMAN MORENO: So you use it kind of as
9 an incentive.

10 MR. SMITH: And, again, Mr. Steffens is very
11 correct. That's the problem that I've had with that,
12 that it's very formulaic, and the concern that we had
13 with it was that you were going to get repetitiveness
14 of design and get the same thing.

15 CHAIRWOMAN MORENO: Yeah.

16 MS. KEON: But you have repetitiveness of
17 design there now. I mean, you have porte-cocheres
18 and you have garages and you have the ones that are
19 set back off the street and you have that
20 asymmetrical building that typifies what is -- it is
21 pretty much repeated. I mean, it's repeated maybe in
22 different dimensions, but the proportions are
23 somewhat the same.

24 MR. KORGE: This is the same debate we had
25 with the Mediterranean Ordinance, where when we

1 started, the architects came in complaining, "Well,
2 we don't want to be told," you know, "We don't want
3 to be restrained in our creativity," but the
4 complaint had been that, given an incentive to build
5 Mediterranean style, people were taking advantage of
6 the incentive without really delivering the product.
7 So constraints -- additional guidance had to be
8 provided. And so, where I come out on this is that,
9 first, this is a big improvement over the last
10 version. I do agree, I really had trouble when I
11 read the ordinance, understanding a lot of it. I
12 think, just in terms of draftsmanship, it probably
13 could use some more assistance.

14 But the first global question I have is, if
15 the criteria that we set, beginning at Page -- I
16 guess Page 9, Table 1, if that's the criteria or some
17 variation of that is the criteria we want to set for
18 all buildings in a particular area, or overall, why
19 don't we just set that and make it mandatory, not
20 take away FAR and then give it back? If it's going
21 to work for the betterment of the neighborhood, why
22 take away something and then give them an incentive
23 to do what we want them to do? Just tell them to do
24 it, if it's lawful.

25 CHAIRWOMAN MORENO: I don't want to do

1 that.

2 MR. KORGE: Why?

3 CHAIRWOMAN MORENO: Because I don't want to
4 have a community that looks like a townhouse. You're
5 going to end up with everything looking the same.

6 MR. KORGE: So you take it away, take away
7 five percent, and then you give it back if they do --

8 CHAIRWOMAN MORENO: In a variety of ways.
9 So you choose. You're not saying to everybody, you
10 know, "You've got to build a replica of the Merrick
11 House." I don't want to say that.

12 MR. KORGE: That's not what --

13 CHAIRWOMAN MORENO: I don't want everybody
14 to do that.

15 MR. KORGE: But that's not --

16 CHAIRWOMAN MORENO: I want there to be
17 different criteria that people can pick and choose so
18 you end up with a variety of designs. That doesn't
19 really address the issue of being a good neighbor.
20 You know, find the neighborhood look, but don't have
21 everybody build the same house.

22 MR. KORGE: So you don't approve of Table 1?

23 CHAIRWOMAN MORENO: No, I do approve of it,
24 because it gives you choices. I'd like to see more
25 choices in Table 1.

1 MR. KORGE: Well, that's not what I said.

2 What I said was --

3 CHAIRWOMAN MORENO: You want to make it
4 compulsory, though.

5 MR. KORGE: Yes. In other words, if we want
6 to set criteria, whether it's setback criteria -- and
7 really, I think we've got to look to the Board of
8 Architects for that, more than anybody else, but
9 these criteria -- you know, height criteria and so
10 forth. But we provide, you know, an incentive to do
11 it. Why provide an incentive to do it? Why not just
12 make it mandatory, and the incentive is sort of an
13 illusory one, because we're taking away to begin
14 with.

15 So, unlike the Mediterranean Ordinance,
16 where we added FAR, here we're really starting by
17 taking away the FAR and then giving it back,
18 promising to give it back, if the houses meet these
19 criteria. Why not -- if these criteria are so
20 important to prevent massing, or the appearance of
21 massing and bulk, why not just say these are going to
22 be the rules of the future? The FAR will not be
23 reduced, it will be the same, but you're going to
24 have to meet this. You don't have to go to that full
25 FAR, but you have to meet these criteria, whether

1 it's setback or whatever ultimately is decided.

2 CHAIRWOMAN MORENO: Because then, if I want
3 to build a 1,500-square-foot home on my 50-foot lot,
4 I have to follow this criteria, anyway. I can't
5 choose another style, even though I haven't impacted
6 my neighbors in any way. Let's say that I want to
7 build a modern home on my 50-foot lot, for 1,500
8 square feet, not objective (sic) at all, and that I
9 get a great architect and he designs a beautiful
10 home. If you make that compulsory, I cannot do that.

11 MR. KORGE: Is that correct?

12 MR. SMITH: It's correct, pretty much. The
13 approach here was truly a design-based approach,
14 because this is an interim provision, and I've said
15 to different people, you know, when we look at this
16 in the long term, I might turn around and say, you
17 know, the limit for single-family homes in this
18 neighborhood needs to be two stories and 29 feet or
19 27 feet or whatever, but as an interim provision, we
20 wanted to leave the creativity of design there, okay,
21 and tackle it from that perspective until we can
22 establish exactly where those neighborhoods were, how
23 big they were, what heights were appropriate to them
24 and things like that.

25 CHAIRWOMAN MORENO: For me, there's a

1 difference between limiting the height of the
2 building and the setbacks. That's different from
3 telling me, use -- you know, use barrel tile or use
4 flat roofs. That's an aesthetic choice. If you want
5 to say all of the North Gables cannot be more than 29
6 feet in height, well, when I want to build my modern
7 home, I can do it like that, 29 feet in height,
8 that's my limit, but don't tell me I have to put
9 barrel tile when I want to build something else that
10 is architecturally pleasing, just so that I can live
11 in Coral Gables.

12 I don't want us to all look the same, and
13 I'm saying this and I live in a 1923 old Spanish
14 house, which is my taste, but I don't want to impose
15 my taste on all my potential neighbors.

16 MS. KEON: But, you know, there's a lot of
17 places around the country, in their efforts to
18 preserve historic districts or to maintain or
19 preserve a particular ambience, that actually do
20 regulate design. I mean, that's one of the --

21 CHAIRWOMAN MORENO: But I dislike that. I
22 find that a lot of new neighborhoods are being built
23 that way, where everything looks the same.

24 MS. KEON: Well, I don't think everything
25 has to look the same, but I'm not so sure that -- I

1 mean, and I don't think it needs to be throughout the
2 City, but I don't know that there's -- I think I'd
3 like to hear some discussion about whether, you know,
4 there are maybe specific areas or particular
5 regulated areas --

6 CHAIRWOMAN MORENO: I agree with that, but
7 that goes to Dona's issue of designating certain
8 streets as historical.

9 MS. KEON: Right.

10 CHAIRWOMAN MORENO: So that if you say
11 Obispo is historical --

12 MS. KEON: Right.

13 CHAIRWOMAN MORENO: -- then on Obispo you
14 can only build that style.

15 MS. KEON: But I mean, like a particular
16 segment of the City that maintains that sort of
17 thing, not the whole City, and not every 50-foot lot
18 in the City, but maybe a particular region --

19 CHAIRWOMAN MORENO: I can live with that.

20 MS. KEON: -- or an area of the City.

21 MR. STEFFENS: Well, we can do a
22 conservation district.

23 MS. KEON: You see, I think that that is --

24 MR. KORGE: I want to make sure I understand
25 this.

1 CHAIRWOMAN MORENO: And I think that that
2 should be a --

3 MR. KORGE: This criteria that you set is
4 going to force homes to look alike; is that right?
5 Is that what we're saying here?

6 CHAIRWOMAN MORENO: If you make it
7 mandatory.

8 MR. KORGE: Well, whether it's mandatory,
9 that if you follow it and get the five percent --

10 MR. SMITH: That's correct.

11 MR. KORGE: -- add-back, then they're all
12 going to pretty much look the same? Is that what
13 we're saying?

14 CHAIRWOMAN MORENO: No, because if you
15 gave --

16 MR. SMITH: No, because --

17 MR. KORGE: That's what Cristina is saying.

18 CHAIRWOMAN MORENO: He gave me some leeway
19 here, because he gives you a voluntary five percent
20 if you do a home of --

21 MR. STEFFENS: Architectural merit.

22 CHAIRWOMAN MORENO: -- architectural merit,
23 and if you do --

24 MS. KEON: As determined by?

25 CHAIRWOMAN MORENO: -- Colonial, Venetian

1 vernacular --

2 MR. STEFFENS: The Board of Architects.

3 MR. KORGE: I just want to make sure I
4 understand this, because what Cristina was saying --
5 I just want to be sure I understand it. I'm not
6 really challenging it. I'm just asking again, to be
7 sure, if anybody who uses this five percent is going
8 to be pretty much looking similar, because what you
9 were concerned about, diversity of architecture, this
10 is going to restrain diversity of architecture?

11 CHAIRWOMAN MORENO: Okay --

12 MR. SMITH: No.

13 CHAIRWOMAN MORENO: -- let's stop. Okay,
14 let me clarify my statement. Certain of these
15 things, if you make them mandatory -- first of all,
16 you can't make all of this mandatory, because some of
17 it conflicts with the others. The way that Dennis
18 set it up, for example, for design, you could pick
19 the Coral Gables Cottage style, or you could pick one
20 of our traditional villages, or you could pick a home
21 of, you know, meritorious architecture.

22 MR. KORGE: Uh-huh.

23 CHAIRWOMAN MORENO: And with each of those,
24 depending on your choice, you got back some
25 add-back. If you make it mandatory, what are you

1 going to make mandatory, the Coral Gables Cottage?

2 MR. KORGE: You have to -- excuse me, I'll
3 answer that question. You're going to have to
4 rewrite this so that it makes sense in the mandatory
5 context. I didn't mean to suggest that you just --

6 MS. KEON: Right.

7 MR. KORGE: -- make this mandatory and
8 that's it. But the principle that I'm talking about
9 is different than, I think, what you've addressed,
10 and that's why I asked that question that way. The
11 principle I'm talking about is, whatever we feel we
12 need to do to address the massing, bulking problem,
13 it should apply. I mean, either it applies or it
14 doesn't apply.

15 CHAIRWOMAN MORENO: I don't disagree with
16 that. I agree with that.

17 MR. KORGE: Okay. So that's my first
18 comment on that.

19 Second, I just want to say I agree
20 completely with what I think everybody here so far
21 has agreed, that it needs further study, neighborhood
22 by neighborhood, and I think even you agree with
23 that, Dennis, because I'm not comfortable, at this
24 point, that if we just adopted this, we wouldn't
25 create a lot of problems.

1 MS. HERNANDEZ: Correct.

2 MR. KORGE: Maybe more problems than we
3 solve. But, you know, you've got to start somewhere,
4 and this is a big step forward.

5 I had some specific questions, probably a
6 lot more than I should ask, but just going down in no
7 particular order, in the flood zone housing, you set
8 a five feet higher elevation. Is that because
9 whenever you're in a flood zone, you have to build an
10 extra five feet up, or is that just an averaging, or
11 shouldn't we be looking at what the 100-year flood
12 line would be in that neighborhood?

13 MR. SMITH: That's what we are looking at.
14 A flood zone is either an A type of flood zone, which
15 is based on FEMA's flood insurance rate maps, or an
16 X -- no, a VE flood zone --

17 MR. KORGE: Uh-huh.

18 MR. SMITH: -- which is a velocity -- a
19 flood zone for properties on the waterfront, and they
20 have a specific elevation requirement, that they have
21 to build to a certain elevation above mean sea level.

22 MR. KORGE: Well, I guess what I would --

23 MR. SMITH: It would be 12 or 10 or, you
24 know, 11.

25 MR. KORGE: Right.

1 MR. SMITH: And that generally is five feet
2 higher than the road --

3 MR. KORGE: Okay.

4 MR. SMITH: -- in the flood zone, okay? So,
5 in that flood zone, we give them an additional five
6 feet in height to make up for that.

7 MR. KORGE: But you're satisfied that an
8 average of five feet covers everybody?

9 MR. SMITH: That's correct.

10 MR. KORGE: In other words, you know, there
11 may be some that are five feet six inches, four feet
12 six inches --

13 MR. SMITH: Five feet is an existing
14 standard, and it works.

15 MR. KORGE: Okay.

16 CHAIRWOMAN MORENO: And everybody will look
17 the same, because they'll all have the same
18 condition.

19 MR. KORGE: Right.

20 Landscaped open space, I just have this
21 observation, which was -- when I heard, I forget
22 who -- several people had talked about the concern
23 about stormwater runoff, and one way that it might be
24 addressed, and I don't know how, you've got to figure
25 that out, but --

1 MR. SMITH: Thanks.

2 MR. KORGE: -- you know, we have driveways,
3 right? And some driveways are more impervious than
4 others, and so you might consider whether there
5 should be an incentive provided, and I don't know how
6 you would do it, for the driveways that drain well,
7 you know, like a brick driveway with no concrete
8 underneath, or you see sometimes concrete blocks with
9 grass growing in between them. You understand what
10 I'm talking about there?

11 MR. SMITH: Yes, sir.

12 MR. KORGE: That might help some, and again,
13 I don't know how you would figure that.

14 MR. STEFFENS: Tom, the Code says that you
15 have to keep all of your own water on your site.

16 MS. HERNANDEZ: Right, so if you put in --

17 MR. KORGE: Right. Having said that, we've
18 got to make it happen, though.

19 CHAIRWOMAN MORENO: Right.

20 MR. STEFFENS: The Code says you have to do
21 that.

22 MR. KORGE: Okay. Well, then, why are
23 people coming here as though it's a problem? I
24 mean --

25 MR. STEFFENS: I don't know.

1 MS. KEON: Yeah.

2 MR. KORGE: You know, I've heard several
3 people say it was a problem.

4 MS. HERNANDEZ: It's not --

5 MR. STEFFENS: You're required to keep all
6 your water, own water, on your own site.

7 MS. HERNANDEZ: Right, and when we've had a
8 Code Enforcement issue, where a property owner is
9 complaining and brings evidence to the board, the
10 property owner that's causing the runoff has to take
11 the appropriate remedial measures to make sure that
12 there is no runoff.

13 So, if someone is having that problem,
14 they're not reporting it to the City, because if they
15 were, the City would conduct the necessary
16 inspections, and if something's got to come out, it's
17 got to come out, but the property owner --

18 MR. KORGE: And so nobody thinks that's a
19 problem that really needs to be addressed here?

20 MR. SMITH: It is a problem, but it's not as
21 excessive a problem as I think --

22 MS. HERNANDEZ: Right.

23 MR. SMITH: Or, prevailing a problem as
24 people may think.

25 MS. HERNANDEZ: That's right.

1 MR. SMITH: The problem with the drainage
2 issues is, when it's a problem, it's really a
3 problem --

4 MR. KORGE: Right.

5 MR. SMITH: -- because it's flooding
6 somebody else out, and so you really hear about that.
7 And one of the big things that we do in our zoning
8 reviews is, we review the grading plans for the
9 property, to make sure that people have appropriate
10 swale areas, that they've got swales created between
11 their property and their neighboring properties.
12 And, you know, if there's a case where it's
13 questionable, we'll require drainage calculations on
14 top of the drain -- the grading plan.

15 MR. KORGE: Okay.

16 MR. SMITH: Even after all that, sometimes
17 it all just doesn't work and they flood their
18 neighbor out, and then they have to do something to
19 correct that.

20 MR. KORGE: But we don't --

21 CHAIRWOMAN MORENO: What you're saying is,
22 the Code already addresses it. You don't need to do
23 further than what's there. It's just a question of
24 implementing and enforcing it.

25 MR. SMITH: That's correct.

1 MR. KORGE: Okay.

2 We have a minimum building site, or minimum
3 street frontage of 50 feet. Do we have -- if there's
4 a pie-shaped lot with a smaller than 50 feet
5 frontage, do we just deal with that at the Board of
6 Adjustment?

7 MS. HERNANDEZ: Right.

8 MR. SMITH: If it's an odd shape where the
9 frontage --

10 MR. KORGE: Yeah.

11 MR. SMITH: -- is not clear, then that would
12 go to the Board of Adjustment for an interpretation,
13 but if it's a lot that just doesn't have 50 feet,
14 then it's just not a building site.

15 MR. KORGE: Yeah, but, you know, you see
16 sometimes, like I know in Cocoplum, they have some
17 odd-shaped lots that are large lots, but the
18 frontage -- they're on a cul-de-sac, the frontage is
19 awful small.

20 MR. SMITH: Yeah.

21 MR. KORGE: Okay, so that would be addressed
22 with the Board of Adjustment.

23 I see that you have a different setback
24 requirement from the canal, if you're on a canal,
25 waterway, lake or bay, which is greater than -- is

1 that right, greater than the rear setback on other
2 properties?

3 MR. SMITH: That's correct.

4 MR. KORGE: Why?

5 MR. SMITH: To preserve waterway views.
6 Typically, we've always required a 35-foot waterway
7 setback.

8 MR. KORGE: But how does that preserve -- I
9 mean, thought the setback was to protect neighbor
10 against neighbor.

11 MR. SMITH: Uh-uh.

12 MR. KORGE: In other words, give a little
13 breathing space to the next-door neighbor. And if
14 you've got a house on the Bay, I mean, there's no
15 neighbor behind the house.

16 MR. SMITH: Uh-huh.

17 MR. KORGE: So why would we be -- I mean,
18 whatever the setback is, it is, but why would we
19 extend it further for -- I just don't --

20 MR. SMITH: So that -- the reason for it
21 was, people were building boat houses, and if you go
22 down some of the canals, you'll see these boat houses
23 built right on the water, and it cut the neighbors'
24 view of the waterway off.

25 MR. KORGE: I see.

1 MR. SMITH: So they said we need to adopt a
2 setback to deal with that.

3 MR. KORGE: To protect the view.

4 I had some trouble understanding, on Page 6
5 of 14, Subparagraph (g) -- I don't want to discuss
6 it, but I really -- it wasn't quite clear to me what
7 it meant.

8 MR. SMITH: I'm sorry, what page was that,
9 again?

10 MR. KORGE: 6 of 14, Subparagraph (g). I
11 just found it confusing when I read it.

12 MS. KEON: That's what I told him.

13 MR. SMITH: That is an existing -- that is a
14 part of the existing language in the Code.

15 MR. KORGE: So we're -- Excuse me for
16 interrupting. I don't need to waste a lot of your
17 time. That will be cleaned up when we clean up the
18 rest of the Code?

19 MR. SMITH: Yes.

20 MS. HERNANDEZ: Correct.

21 MR. KORGE: Okay. So I don't want -- okay,
22 good enough.

23 MR. SMITH: That allows you to actually
24 build a smaller house on the lot than the minimum
25 requirement, from the days when we had a problem

1 getting people to build the smaller --

2 MR. KORGE: Yeah.

3 MR. SMITH: -- house on the lot.

4 CHAIRWOMAN MORENO: So we're going to
5 probably eliminate that?

6 MR. SMITH: That's correct.

7 MR. KORGE: And then, on Page 7 of 14, at
8 the bottom of the page, where we set some criteria
9 for the Board of Architects, I'll just give you some
10 language I scribbled that might be helpful, because I
11 don't think we really set much of a standard there.

12 MS. HERNANDEZ: Correct.

13 MR. KORGE: I would revise it to read that
14 the Board of Architects may recommend or require
15 changes in the plans and specifications for
16 single-family residences to reduce the overall bulk
17 and massing or appearance of bulk and massing of the
18 building, in keeping with the highest standards of
19 construction, architecture, beauty and harmony for
20 the neighborhood.

21 I think we need to set some clear standards
22 for them, such as saying we want beautiful
23 architecture.

24 MS. HERNANDEZ: Right.

25 MR. KORGE: This is -- excuse me. This

1 is -- you drafted this with a view to reducing the
2 bulk and massing and even the appearance of it when
3 there is bulk and massing, so that it's not so
4 imposing on the neighbors, and I think we should be
5 really clear to the Board of Architects that's what
6 we want to do. So that's my suggestion on that.

7 CHAIRWOMAN MORENO: I'm sorry, and that goes
8 to the issue of having them look at the neighborhood
9 in context, as the design affects the neighboring
10 houses. So I think that that criteria should be
11 added when we do the final version, that one of the
12 criteria that the Board of Architects should consider
13 is whether the design is a good neighbor.

14 MR. SMITH: I think when we -- in the final
15 version, you're going to find language like that all
16 over the place --

17 CHAIRWOMAN MORENO: Okay.

18 MR. SMITH: -- emphasizing that, you know --

19 MR. KORGE: Right.

20 MR. SMITH: -- in this section, in the
21 intent section, in the purpose section.

22 MS. HERNANDEZ: But I think the
23 recommendation is in the interim -- in the interim
24 measures --

25 MR. KORGE: Right.

1 MS. HERNANDEZ: -- the statements that Mr.
2 Korge was saying, and then what the Chair was saying
3 to add in, so that the Board of Architects is focused
4 on that, at this point.

5 MR. KORGE: Right, so when they --

6 CHAIRWOMAN MORENO: Are we going to add it
7 to the interim measure? Because then we need to --

8 MS. HERNANDEZ: Yeah.

9 MS. KEON: Right.

10 CHAIRWOMAN MORENO: -- make an amendment.

11 Okay, so when we --

12 MR. RIEL: Could you read it again? You
13 read it kind of fast.

14 MR. KORGE: Okay. It's the underlined --

15 MS. KEON: Very good. Actually, very good.

16 MR. KORGE: -- sentence at the bottom of
17 Page 7 of 14.

18 MR. RIEL: Right.

19 MR. KORGE: Subsection (k), "The Board of
20 Architects may recommend or require," delete the word
21 such, "changes in the plans and specifications for
22 single-family residences to reduce the overall bulk
23 and massing or appearance of bulk and massing of the
24 building" --

25 MR. SMITH: Hold on.

1 MR. RIEL: Slow down. Say it again.

2 MS. KEON: The overall massing.

3 MR. RIEL: To reduce the bulk and mass --

4 MS. KEON: The overall.

5 MR. SMITH: The overall --

6 MR. KORGE: The overall bulk and massing, or
7 appearance of bulk and massing, of the building.

8 MR. SMITH: Okay, hold on.

9 CHAIRWOMAN MORENO: I gave you my cough.

10 MR. KORGE: Thank you.

11 MR. SMITH: Or appearance of bulk and
12 massing of the building.

13 MR. KORGE: Of the building, in keeping with
14 the highest standards of construction, architecture,
15 beauty and harmony for the neighborhood. That's the
16 whole sentence, right there.

17 CHAIRWOMAN MORENO: Okay. Good sentence.

18 MR. KORGE: Thank you. And I just had one
19 more comment. I listened to -- I took notes on
20 everybody's comments. A lot of them were pretty
21 much, you know, along the same lines of concerns.

22 Mr. Bellin, at 285 Sevilla, made a
23 observation that concerns me, and that is that he
24 thinks that with a 50-foot lot, that if these were
25 implemented, we'd end up with basically two-bedroom

1 homes only. I don't know if that's correct or I
2 misunderstood what he said, but I mean, that's a real
3 concern, because I think, you know, 50-foot lots, you
4 should be able to get like a three-two on it, so --

5 CHAIRWOMAN MORENO: I think he was saying if
6 you adopted --

7 MR. AIZENSTAT: Setbacks.

8 CHAIRWOMAN MORENO: -- the increased
9 setbacks, not Dennis's proposal --

10 MR. KORGE: Not -- okay.

11 CHAIRWOMAN MORENO: -- but the increased
12 setbacks that some of the neighbors were proposing,
13 and I think what we suggested to Dennis is to look
14 into that and perhaps have different criteria where
15 you have -- you leave the five-foot setbacks for the
16 one-story homes, but maybe increase it for the
17 two-story homes.

18 MR. KORGE: Right.

19 CHAIRWOMAN MORENO: But that's something
20 that they need to consider. But his point was, not
21 on Dennis's proposal, but on some of the other --

22 MR. KORGE: Right.

23 CHAIRWOMAN MORENO: -- proposals.

24 If you're done, could I have a motion?

25 MR. STEFFENS: I have one question. In the

1 bonus sections for the setbacks, you have, "The
2 residence and all auxiliary structures demonstrate a
3 50 percent setback increase above the required
4 setbacks at the rear and the sides of the property."

5 Is that going to still be proportioned the
6 way it's proportioned now, so if you're increasing
7 the side setback by 50 percent, you could still have
8 a five-foot minimum and have --

9 MR. SMITH: No, uh-uh.

10 MR. STEFFENS: -- the bulk of that on the
11 other side?

12 MR. SMITH: Your minimum on the side would
13 go to seven and a half feet. It would increase that
14 five-foot minimum and proportionately increase the
15 total side setback, as well.

16 MR. STEFFENS: See, I have a little bit of a
17 concern with that, because these side setbacks are
18 generally useless areas, and I think the Code in the
19 Gables allows you the opportunity to make use of your
20 side setbacks by having a minimum standard like that,
21 so you can push your house over and give up that five
22 feet on one side that is, you know, a space where the
23 dog can run or you can get into your back yard, and
24 actually use the remaining setback on the other side
25 of your house to create a side yard or something.

1 But in this case, you'd be giving up more of that
2 space that you could actually have as usable outdoor
3 space, on these useless setback areas.

4 MR. SMITH: Well, but then that goes to the
5 neighbor.

6 CHAIRWOMAN MORENO: Uh-huh, that goes to the
7 neighbor.

8 MR. SMITH: That goes to the neighbor.

9 MR. STEFFENS: Yeah, but it's not a useful
10 space. I mean --

11 CHAIRWOMAN MORENO: It's useful to create
12 light and air for the neighborhood.

13 MR. STEFFENS: Yeah, but you could still --
14 I think there should be the flexibility in there,
15 because the other house might be set back more on one
16 side, also, so it wouldn't be impacting the neighbor
17 if that house was set back, to take advantage of the
18 side yard.

19 MR. SMITH: Well, as an interim provision,
20 that's the -- that's what I think makes this work.
21 You don't have to choose that category, if you have a
22 problem with that category. You can choose one of
23 the other categories to earn your --

24 MR. STEFFENS: Yeah, but if you could do
25 that, you're not going to get credit for it, if you

1 put it all on one side of your house, even if you're
2 not affecting a neighbor who has a 40-foot setback on
3 the side of your house that you want to have a
4 five-foot setback on.

5 MS. KEON: Yeah, but what if that neighbor
6 decides that they'd like to build on? For that house
7 to build out there to their requirement, then they
8 build up to what their setback is and then you're --

9 THE COURT REPORTER: I'm sorry, I can't hear
10 you.

11 MS. KEON: But if you had -- but if you have
12 a neighbor that decides to build out their lot to
13 what is their allowable setback, or they sell their
14 home and the person that buys it wants to build it
15 out, then, you know, you're imposing a condition on
16 them --

17 MR. STEFFENS: But there are a lot of
18 conditions in the Gables where the houses are pushed
19 to one side and they end up with a large setback on
20 one side.

21 MS. KEON: Well, I think in the older
22 sections of the City, and I know it talks about it in
23 that study that was done, is that when you have an
24 open porte-cochere or whatever, it does allow you to
25 move the setback, to move it closer on one side, to

1 give you more on the other, because what it talks
2 about more is depending on the design, the total
3 setback area has to be 10 feet, and where you use it
4 is a matter of design. It's how you design your
5 house. So that if you have an open carport, you
6 know, abutting your neighbor, and it's not a wall,
7 you could bring it a little closer and leave it, I
8 mean, so I think those are much design issues, that
9 in the end you should --

10 MR. STEFFENS: I think it is a design issue,
11 and I think that --

12 MS. KEON: Yes.

13 MR. STEFFENS: -- in that, there should be
14 some flexibility, because it should be based on
15 context, and if the context is your next-door
16 neighbor has a big setback on one side and it gives
17 you the opportunity to take advantage of a side yard,
18 you should be able to take advantage of that.

19 CHAIRWOMAN MORENO: Yeah, but then what Pat
20 is saying becomes the truth. Then that neighbor,
21 when --

22 MR. STEFFENS: No, if they have -- because
23 of the way it's set up, if that neighbor is on a
24 100-foot lot and he has a five-foot setback on one
25 side, he has to have a 15-foot setback on the other

1 side, so you might be putting your house up against
2 that five-foot -- that 15-foot setback.

3 CHAIRWOMAN MORENO: What you're saying would
4 only apply if the neighbor had already --

5 MR. STEFFENS: It's context.

6 CHAIRWOMAN MORENO: -- built out his house
7 in full.

8 MR. STEFFENS: It's based on context.

9 MS. KEON: But if you tear down that house
10 and rebuild on that site, what do you do?

11 CHAIRWOMAN MORENO: Then you're affecting
12 your neighbor.

13 MR. STEFFENS: Well, then --

14 MS. KEON: The person should have the right
15 to do that.

16 MR. STEFFENS: -- you would take that into
17 account when you're building your house and say, "I
18 want to take advantage of the side yard, I'll keep it
19 away from the bulk of the other house." I mean,
20 that's what a good architect does, is look at the
21 context and try to take advantage of providing the
22 best use of space on the lot as possible. And on the
23 little lots, you know, there's very little land to
24 provide for open space, and if you build out your
25 lot, you end up with a little postage stamp in the

1 back, and you end up with setbacks on the sides of
2 the house that you're giving away and you're not able
3 to use, and if you're going to provide more setback,
4 it should seem to me that if the opportunity is
5 there, you should be able to use that to provide more
6 open space.

7 MS. KEON: You don't think you ever get to a
8 point where you accept that there's only so much you
9 can put on that lot and you need to move on?

10 MR. STEFFENS: Well, there is so much you
11 can put on a lot, and it's described in the Code, and
12 we're designing within that envelope. So how can you
13 provide the best open space and the best use of that
14 land for your client?

15 CHAIRWOMAN MORENO: Okay. Let me have a
16 motion on the interim regulations --

17 MS. KEON: I'll move.

18 CHAIRWOMAN MORENO: -- with Tom's change.

19 MS. KEON: With Tom's amendment to it.

20 CHAIRWOMAN MORENO: Do I have a second?

21 You're not going to second?

22 MR. KORGE: I don't -- I'm not sure. I
23 mean, I still -- this is a lot to digest. I mean, I
24 just -- I'm concerned that it's -- it may not solve
25 the problem, and it may create new problems.

1 MS. KEON: Well, I'd like to make the
2 amendment that we -- or move that we make that
3 amendment to this.

4 MR. STEFFENS: The amendment is?

5 MS. KEON: The amendment is Tom's
6 language --

7 CHAIRWOMAN MORENO: Right.

8 MS. KEON: -- on Page 7 of 14, Section (k).

9 CHAIRWOMAN MORENO: Right. So your motion
10 is that we recommend adoption of these as interim
11 regulations, subject to the change proposed by Tom on
12 the discretion of the Board of Architects.

13 MS. KEON: I'm not really sure I like
14 them --

15 MR. STEFFENS: You're concerned --

16 MS. KEON: -- to be honest with you, but I
17 would make that particular change. I would accept
18 that change.

19 MR. STEFFENS: If you're concerned, Tom,
20 would you want to put a sunset on it?

21 MR. KORGE: Pardon me?

22 MR. STEFFENS: If you're concerned with
23 this, would you want to put a sunset on it?

24 MR. KORGE: Well, I mean, it's going to end
25 up being sunseted when the new Code is finished.

1 MR. STEFFENS: If we get the new Code.

2 MS. KEON: If we get the new Code.

3 MR. KORGE: We'd better. We've spent a lot
4 of time on that. I don't like working for nothing.

5 MS. HERNANDEZ: Don't say those kinds of
6 things to me.

7 MR. KORGE: But I don't know, I mean, I
8 just -- I don't want to be a stick in the mud here.
9 I just -- it's just a lot to absorb, and I mean, I
10 guess we have to trust Dennis that, you know, it will
11 work out okay. I just don't know. I mean, it seems
12 like we're trying to do an awful lot with just one
13 ordinance. I don't know. We're rewriting an awful
14 lot for the whole community, not just the North
15 Gables, where the problem is probably the most acute.

16 Are we comfortable, Dennis, that this is
17 going to address the problem without creating a whole
18 lot more problems?

19 MR. SMITH: I'm comfortable with that.

20 CHAIRWOMAN MORENO: The most telling thing
21 that Dennis said to me, because you know I was very
22 concerned about the nonconforming issue, is that
23 Cocoplum has been nonconforming for years, and no one
24 has raised that as a -- none of them have come here
25 to talk to us about it. They've lived with the

1 condition. It hasn't decreased their property
2 values, and it's been nonconforming for how long,
3 over ten years, right? So --

4 MR. SMITH: That's correct.

5 MR. KORGE: Have there been any -- I know
6 there's some rebuilding going on there. When that
7 occurs, what happens to those nonconforming
8 structures?

9 MR. SMITH: They -- well, it depends on the
10 scope of the rebuilding. If it's essentially a new
11 house, or if they exceed 50 percent of the
12 replacement cost of the house, they have to comply
13 with all the current Code requirements.

14 MR. KORGE: Well, have there been many 50
15 percent issues?

16 MR. SMITH: Not in Cocoplum, because they're
17 all new enough structures that nobody has really come
18 in to do them. Where you run into the rebuilding
19 down there is where you have some of the one-story
20 larger ranch-style homes, you know, in Gables
21 Estates. Most of those are gone, there's a few of
22 them left, and, you know, you'll see that odd
23 phenomenon where they demolish everything except one
24 wall. I don't know why they do that.

25 MR. STEFFENS: It doesn't do anything for

1 you.

2 MR. SMITH: It doesn't do anything for them,
3 but people always want to save that one wall, and
4 then -- but they would have to comply with all the
5 requirements of these provisions. But generally,
6 they're going from a smaller structure to a larger
7 structure, anyway.

8 MR. KORGE: Well, I guess I'll second it,
9 if -- I mean, in light of that, what you said, and
10 also, the Board of Architects seems comfortable with
11 this, which gives me a lot of comfort, because they
12 should understand this better than anybody, and if
13 they're not happy, I definitely wouldn't be happy.
14 This is really a design issue, more than anything
15 else. So I'll second it, it goes to the Commission,
16 and we'll see what happens.

17 MS. KEON: I think it is a good idea to
18 sunset it, though.

19 MR. AIZENSTAT: Say that again, please.

20 MS. KEON: I think it's a good idea to
21 sunset it.

22 MR. KORGE: What would you suggest for a
23 sunset?

24 MS. KEON: September.

25 MS. HERNANDEZ: I would recommend against

1 September. You know, there are too many unforeseen
2 circumstances that can occur. Heaven forbid an
3 active hurricane season and then we have something
4 that's sunsetting. I would -- you know, I would ask
5 that if you want a sunset provision, I would
6 recommend December 31st of this year or upon adoption
7 of the new Zoning Code. That gives us some
8 flexibility, because our schedule is hopefully that
9 the Zoning Code will have final reading in September,
10 so --

11 MR. KORGE: Dennis, what do you think? A
12 sunset?

13 MS. KEON: Then it goes right --

14 MR. SMITH: You know, I hadn't even thought
15 of that. That's up to you all.

16 MS. KEON: If something happens in
17 September, you just come back and you remove it. I
18 mean, that's --

19 MR. KORGE: How about a sunset, December
20 31st of this year or the adoption of the new Zoning
21 Code, whichever comes first? What do you think?

22 MS. KEON: What does that give us, six
23 months?

24 MR. AIZENSTAT: Why December 31st, out of
25 curiosity?

1 MR. KORGE: Because that's what Liz
2 suggested.

3 MS. KEON: That's what Liz suggested. It's
4 six months.

5 MR. SMITH: You know, in reality, we have to
6 do something. We have to do something more than
7 this, and you know, I can't see, at this point in the
8 game, the City not going forward to do something to
9 continue to address this issue. So I don't think
10 that a sunset provision really is necessary. If
11 you're comfortable with it and you like that, that's
12 fine.

13 MR. KORGE: It definitely forces the City to
14 do more.

15 MS. KEON: That's right. I think it really
16 makes it very clear that it's only interim.

17 MR. KORGE: So I'll propose that as a
18 friendly amendment to your motion.

19 MS. KEON: Thank you.

20 MR. KORGE: So I propose the sunset be the
21 earlier of December 31st of this year or adoption of
22 the rewrite of the Zoning Code.

23 CHAIRWOMAN MORENO: Okay. Will you call the
24 roll, please?

25 MS. HERNANDEZ: And thank you for the

1 Christmas -- no.

2 CHAIRWOMAN MORENO: Richard, call the roll.

3 MR. CANNONE: Eibi Aizenstat?

4 MR. AIZENSTAT: Yes.

5 MR. CANNONE: Pat Keon?

6 MS. KEON: Yes.

7 MR. CANNONE: Tom Korge?

8 MR. KORGE: Yes.

9 MR. CANNONE: Michael Tein?

10 MR. TEIN: Yes.

11 MR. CANNONE: Michael Steffens?

12 MR. STEFFENS: Yes.

13 MR. CANNONE: Cristina Moreno?

14 CHAIRWOMAN MORENO: Yes.

15 Thank you, and I believe that concludes our
16 meeting for tonight.

17 MR. SMITH: I'm sorry, was that December
18 31st or September?

19 MR. KORGE: December.

20 CHAIRWOMAN MORENO: December.

21 MR. SMITH: December.

22 MR. RIEL: Let me just make a comment. I
23 just want to note that we're not going to have the
24 minutes available for the Planning & Zoning Board, so
25 what I've done is, I've taken notes of everybody's

1 comments, and I've tried to summarize as best I could
2 both, you know, the negative and the positive, and
3 I've got about 35 comments. I just want to make sure
4 that you understand that those will be in the memo
5 and that the Commission will get that.

6 CHAIRWOMAN MORENO: I'm happy to review it,
7 if you want to send it to me. It's up to you.

8 MR. RIEL: If you can do it by 9:00 a.m.,
9 tomorrow morning.

10 CHAIRWOMAN MORENO: No.

11 MS. KEON: Definitely not.

12 CHAIRWOMAN MORENO: No.

13 MR. RIEL: That's why I've been writing it
14 this evening.

15 MS. HERNANDEZ: But we will be happy to
16 e-mail all of you a copy of those comments, in the
17 event that you do want the comments to the
18 Commission.

19 (Thereupon, the meeting was adjourned at
20 9:30 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 1st day of June, 2005.

JOAN L. BAILEY, RDR

Notary Commission Number DD 190412.
current notary commission expires 6/14/07.

