

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

5 CORAL GABLES CITY COMMISSION CHAMBERS
 6 405 BILTMORE WAY, CORAL GABLES
 7 JANUARY 11, 2006, 6:20 P.M.

8 Board Members Present:

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

15 City Staff:

16 Eric Riel, Jr., Planning Director
 17 Walter Carlson, Assistant Planning Director
 18 Elizabeth M. Hernandez, City Attorney
 19 Dennis Smith, Assistant Building Director
 20 Jill Menendez-Duran, Administrative Assistant

21 Also Participating:

22 Charles Siemon, Consultant

23 Public Speakers:

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1 THEREUPON:

2 The following proceedings were had:

3 CHAIRMAN KORGE: Are we ready to call the
4 meeting to order?

5 MR. RIEL: Yes.

6 CHAIRMAN KORGE: Shall we call the roll,
7 please?

8 MS. MENENDEZ-DURAN: Eibi Aizenstat?

9 MR. AIZENSTAT: Here.

10 MS. MENENDEZ-DURAN: Robert Behar?

11 MR. BEHAR: Here.

12 MS. MENENDEZ-DURAN: Pat Keon?

13 Cristina Moreno?

14 MS. MORENO: Here.

15 MS. MENENDEZ-DURAN: Javier Salman?

16 Michael Tein?

17 Tom Korge?

18 CHAIRMAN KORGE: Here.

19 Let's see the agenda.

20 The first order of business will be approval
21 of the minutes. This would be the minutes of the
22 meeting of October 19th, 2005. Do I have a motion
23 for approval of those minutes?

24 MR. BEHAR: I'll make a motion to approve
25 them.

1 CHAIRMAN KORGE: Robert Behar.

2 MR. AIZENSTAT: I'll second it.

3 CHAIRMAN KORGE: Seconded. Any discussion
4 on the minutes of the October 19th meeting?

5 Would you call the roll on that motion?

6 MS. MENENDEZ-DURAN: Robert Behar?

7 MR. BEHAR: Yes.

8 MS. MENENDEZ-DURAN: Cristina Moreno?

9 MS. MORENO: Yes.

10 MS. MENENDEZ-DURAN: Eibi Aizenstat?

11 MR. AIZENSTAT: Yes.

12 MS. MENENDEZ-DURAN: Tom Korge?

13 CHAIRMAN KORGE: Yes.

14 The next item is a recommendation for the
15 Code rewrite of Article 4, Division 1. Is Charlie
16 going to lead us in the discussion of this?

17 MR. RIEL: Before Charlie gets up, let me
18 just make a couple introductory remarks.

19 Basically, what we're looking for from the
20 Board is further review and a final recommendation
21 regarding the regulations that you have in front of
22 you, and I'd like to note for the record that you
23 have new regulations in front of you. They're on the
24 green copies. This is related to some recent input
25 and comments that we've received, and Mr. Siemon, in

1 his presentation, will go over in detail what the
2 proposed changes are.

3 (Thereupon, Mr. Salman arrived.)

4 MR. RIEL: You have two versions here. The
5 top version is the clean version, and the second
6 version is basically a marked-up, underlined and
7 strike-out version, based upon the last time you saw
8 these regulations, which was in October.

9 So you can track, basically, the changes
10 since the last time the Board had reviewed this
11 particular item. I'd also note, this information is
12 on the web. We just got this, late this afternoon,
13 but it is on the web, available for downloading.

14 CHAIRMAN KORGE: Let me interrupt you. Just
15 note that Javier -- for the record, Javier Salman has
16 arrived to the meeting.

17 MR. RIEL: As you know, this issue has been
18 before the Board on several occasions. Actually,
19 this actual whole process started in March of 2005,
20 when the City Commission asked that the Board
21 accelerate, as a part of the Zoning Code rewrite, the
22 issue of single-family size and massing. As a result
23 of that, interim regulations were drafted, and those
24 were ultimately adopted, approximately three or four
25 months later. A lot of the input and discussion into

1 the development of those regulations has formed the
2 basis for the regulations that are before you this
3 evening.

4 In totality -- if I could have Walter just
5 kind of -- I have just one brief slide, PowerPoint.
6 To date, we've had approximately about eight meetings
7 to discuss this issue, both in front of the Planning
8 & Zoning Board, and we had a joint meeting over at
9 the Biltmore Hotel with the Board of Architects and
10 the Planning & Zoning Board, the Board of Architects
11 through the initial discussion of the interim
12 regulations. Obviously, the City Commission, in the
13 adoption of the interim regulations, provided us some
14 input, as well.

15 So, basically, in summary, I just want to
16 say that we've had a significant amount of input.
17 We've heard differing viewpoints. What you see in
18 front of you, the draft, represents City Staff's and
19 the consultant's recommendation, which we feel very,
20 very comfortable with, in terms of dealing with the
21 issue. It includes -- that recommendation from the
22 City includes various departments, which is typically
23 involved in the Zoning Code rewrite, Historic
24 Preservation, Building & Zoning, the Planning
25 Department, as well as the City Manager's office.

1 Instead of giving you all the background
2 materials, what I did is, I just prepared a binder
3 that has all the minutes, and you recall the study
4 that was referenced in the past, that was done a
5 couple of years ago. That information is up here, as
6 well as, I have one I can pass down. It's just
7 background information. I just didn't feel that it
8 was appropriate to give you all this information as a
9 part of your packet.

10 Again, Staff is looking for a recommendation
11 of approval. We do recommend approval of the draft
12 that is attached. And the other thing I just wanted
13 to point out that's a very important feature of the
14 single-family regulations, which we haven't really
15 gotten to as a part of the Zoning Code rewrite, is
16 the Landscape Code provisions. One of the things
17 that the Commission has provided us direction on is
18 that they want to make sure that, when we review the
19 Landscape Code, that we specifically address
20 single-family homes and come up with some very
21 specific regulations, because pretty much the
22 Landscape Code right now is silent with reference to
23 single-family homes, and that has been brought more
24 to light since, obviously, the recent storm events
25 we've had, where we've lost a significant amount of

1 landscaping and the homes are viewed more, and we
2 have said, throughout this process, that the
3 landscaping and the area -- the whole form of the
4 neighborhoods, the landscaping is as important as the
5 architecture. So the Landscaping Code will be coming
6 forward in the next months, so you'll have an
7 opportunity to review that.

8 That basically concludes my comments. We do
9 have updated comments in front of you. It's on a
10 white sheet of paper. It has like a green header on
11 it. We also did receive, late this afternoon, a
12 letter from Ms. Russo, and we also had a request
13 for -- from Mr. Andy Murai to read a letter into the
14 record, and I would like to have Jill, at this time,
15 just read that, and you have a copy in front of you,
16 as well.

17 MS. MENENDEZ-DURAN: "Members of the Board:
18 I have done a quick read-through of the proposed
19 residential Zoning Code and I am extremely troubled
20 by what I have read.

21 "Proposing that everything north of Sunset
22 Drive shall have a mandated limit to single story
23 dwellings, unless granted an exception by a Building
24 Department Official, is fundamentally wrong and
25 penalizing to the Coral Gables property owner.

1 "Increasing the zoning in a Duplex area to
2 allow townhouses will change the character of the
3 neighborhood.

4 (Thereupon, Pat Keon arrived.)

5 "Understand that I have no personal interest
6 in this matter; my property and that of my family
7 members are south of Sunset and in single-family
8 zones. However, I feel it is my responsibility to
9 work to protect overall interests of the residents of
10 the City, many of whom are unaware of these changes
11 that could seriously impact the City for generations
12 to come.

13 "Proposals such as this work to destroy the
14 family-oriented nature of our City. Beyond the
15 damage done to Coral Gables, its impact extends to
16 the greater environment by indirectly pushing the
17 residential development line closer towards the
18 Everglades. I am appalled a document such as this
19 was issued by our City.

20 "Be aware that I feel this issue is of
21 significant importance that I will personally begin a
22 Pro Bono awareness campaign to make sure all
23 residents are informed of the true nature of the
24 changes being proposed and their potential impact on
25 them, their property and Coral Gables as a city."

1 CHAIRMAN KORGE: Thank you.

2 MR. RIEL: That's --

3 CHAIRMAN KORGE: Just note, for the record,
4 that Pat Keon has arrived. I think Michael Tein had
5 a prior commitment, so he won't be attending.

6 MR. RIEL: That basically concludes the
7 Planning Department's presentation. I'll turn it
8 over to Mr. Siemon, to walk you through the proposed
9 regulations.

10 MR. SIEMON: Mr. Chairman, Members of the
11 Board, Happy New Year, and I look forward to working
12 toward the completion of this project.

13 Since we were last together, there has been
14 an extensive effort within the administration to
15 respond to comments that have come from the outside
16 through elected officials, through other sources, and
17 concerns that have been raised, and to arrive at a
18 common understanding among all members of the Staff,
19 and there has been significant consideration of
20 changes, and what you see is the result of that
21 process.

22 I would propose to take you through this on
23 a basis -- at some points, we'll arrive at changes;
24 I'll try to explain, before we go to the text, why
25 it's happened, and then try to answer your

1 questions.

2 The purpose and applicability, on Page 1 of
3 25, on the green sheets, Section 4-101,
4 single-family, purpose and applicability has just
5 been modified slightly, to add some additional
6 language with regard to the integrity of individual
7 neighborhoods and the stated goals of neighborhood
8 context and compatibility, as well as the
9 preservation of extensive mature landscape located in
10 the City.

11 That's something that we've worked out with
12 the City Attorney, as additional strengthening of the
13 purpose and applicability clause, in anticipation of
14 potential challenges to the regulations.

15 Section B, permitted uses, is virtually the
16 same as it has been all during the process. There
17 are no changes to that.

18 Section C involves a somewhat significant
19 change that has occurred as a result of the various
20 reviews of not only this chapter, this article, but
21 other articles. As some of you all recall,
22 originally we proposed three tiers of approval: As
23 of right, a minor conditional use and a major
24 conditional use. After extensive discussions among
25 the administration, the allocation of

1 responsibilities, what role the Planning & Zoning
2 Board should play, compared to the Architectural
3 Review Board, ultimately a decision has been made to
4 have a single conditional use and to make, in the
5 SF-1, the Old Coral Gables area, an administrative
6 discretionary review, which is effectively what was
7 once a minor conditional use for the SF-1 district.
8 But in the rest of the districts, there's only now
9 one conditional use category, not a minor and a
10 major.

11 In the other districts, we have transformed
12 those minor conditional uses into either a permitted
13 use with additional performance standards or a
14 conditional use, in which there are criteria to
15 govern it.

16 So the principal change in C is a -- is to
17 shift from the minor conditional use concept to a
18 discretionary administrative review by the
19 Development Review Official, and we originally had a
20 series of criteria for identifying what homes ought
21 to be considered through that discretionary review or
22 minor conditional use, rather than being permitted as
23 of right, and you may recall that there was a
24 minimum -- a maximum lot size, if it exceeded 10,000
25 square feet, if the floor area ratio was greater than

1 .35 -- there were a number of criteria by which we
2 identified those structures that ought to go through
3 that additional review.

4 As a result of some series of conversations,
5 ultimately -- and a series of modeling exercises, it
6 was concluded that those homes which required
7 additional scrutiny were those homes that involved a
8 second floor, that is, when you got additional square
9 footage, when the floor area went above .35, the
10 circumstances were not directly with the lot size; it
11 was with the character of the building, the height of
12 the building and the location of the elevated portion
13 of the building in the relationship to adjacent
14 properties.

15 So the consensus among Staff was that we
16 should make the criterion for what goes through the
17 administrative development review to be those
18 two-story, single-family dwellings in the SF-1
19 district. That's the principal change.

20 The other changes that were -- the balance
21 of these provisions, under C1a through C5, were
22 all -- versions of them were included in all the
23 prior drafts. They have been simplified and made
24 conjunctive, but they are basically the sort of
25 inquiries that were previously in the Code. There

1 have been a couple of items that were eliminated,
2 because we concluded that they were duplicative with
3 other provisions that were in the Code. For example,
4 we had a width and depth ratio analysis, which we
5 have eliminated. But that's the explanation of
6 Sections A, B and C of Section 4-101, prior to the
7 performance standards.

8 MS. MORENO: Excuse me, Charlie. I did not
9 understand b, C -- b of subsection C, I guess 1 --
10 C1b, on Page 3 of 25. "The facades facing side yards
11 are not comprised of blank walls to the extent that
12 any portion of the wall of more than 10 feet in
13 height or width includes windows -- " Well, if it
14 includes a window, it's not a blank wall. What does
15 that mean?

16 CHAIRMAN KORGE: Well, they're saying, if
17 it's more than 10 feet in the height or width and
18 includes windows, then it's not considered a blank
19 wall. It's not a very artful way of saying it, but
20 that's what it says.

21 MS. MORENO: That's not what it says.

22 CHAIRMAN KORGE: Am I right, Charlie? Is
23 that what was intended to be said?

24 MS. MORENO: That's not what it says. It
25 says, to the extent that it includes windows or other

1 decorative features. Well, it's not blank if it has
2 windows or other decorative features.

3 CHAIRMAN KORGE: "The facades facing side
4 yards are not comprised of blank walls to the extent
5 that any portion of the wall of more than 10 feet in
6 height or width includes windows or other decorative
7 features."

8 MR. AIZENSTAT: Just --

9 MR. SIEMON: I believe that there's language
10 missing there, and I cannot explain to you why. It's
11 in the prior draft that was edited, as well, but it's
12 intended to say, as I recollect, and perhaps, Eric,
13 you can help, but that it be -- to the extent that
14 any portion of the wall more of than 10 feet
15 includes -- well, I can't actually recall --

16 MR. RIEL: I can't remember, either.

17 MR. SIEMON: -- what the objective --

18 The purpose was to avoid blank walls.

19 MR. RIEL: Yes.

20 CHAIRMAN KORGE: You're defining what a
21 blank wall would be, as a wall that is more than 10
22 feet in height or width, but doesn't include windows
23 or other decorative features. That would be a blank
24 wall. Am I correct in --

25 MR. SIEMON: That is correct.

1 CHAIRMAN KORGE: You just need to write it
2 so we can read it and understand it that way.

3 MR. SIEMON: Oh, I understand what's
4 missing.

5 MR. SALMAN: It says "not."

6 MR. AIZENSTAT: Eric, also, I've noticed,
7 looking over to the sheet on my left, we've got
8 different page numbers. For example, myself, I've
9 got 2 of 25, that that would be. I seem to be
10 missing a sheet.

11 MS. MORENO: No --

12 CHAIRMAN KORGE: Underneath is the red-lined
13 version.

14 MS. MORENO: I'm looking at the red-lined.

15 MR. AIZENSTAT: Oh, you're looking -- okay.

16 CHAIRMAN KORGE: Underneath, there's the
17 package -- underneath that one.

18 MR. AIZENSTAT: Oh, you're looking at the
19 red-lined version?

20 CHAIRMAN KORGE: Unclip it.

21 MR. AIZENSTAT: Okay.

22 CHAIRMAN KORGE: There you go.

23 MR. AIZENSTAT: Thank you.

24 MR. SIEMON: This is -- I can't tell you
25 what the prior language is -- was, but the intent is

1 that the facades facing side yards are not comprised
2 of blank walls, such that any portion of the wall of
3 more than 10 feet in height or width does not include
4 windows or other decorative features.

5 MS. MORENO: Okay.

6 MR. SIEMON: That was the intention, is that
7 a dimension of 10 feet by 10 feet should not be blank
8 areas greater than that area.

9 CHAIRMAN KORGE: So you'll rewrite that to
10 be clearer.

11 MS. KEON: Does that mean -- does that mean
12 that every 10 feet, there has to be some sort of a --

13 MR. SIEMON: Some sort of decorative feature
14 or window that avoids the blank wall.

15 MS. KEON: At least every 10 feet, okay. So
16 if it was longer than 10 feet in -- oh, well --

17 MS. MORENO: It's in height. It's not in
18 length.

19 MS. KEON: No, it says height or width.

20 MR. SIEMON: Either height or --

21 MS. KEON: It says either.

22 MS. MORENO: Oh, either.

23 MS. KEON: Yes.

24 MR. SIEMON: Either height or width.

25 MS. MORENO: Okay.

1 Charlie, is the effect of this that every
2 single two-story house has to come through this
3 review?

4 MR. SIEMON: Yes, ma'am.

5 MS. MORENO: And what is -- I guess I'm not
6 comfortable with saying that, and I want to be
7 comfortable that the approval is likely to be given.

8 CHAIRMAN KORGE: Well, I --

9 MS. MORENO: So --

10 CHAIRMAN KORGE: Let me rephrase that
11 question. Why is it discretionary? If they meet all
12 these standards, are they not entitled to the
13 approval?

14 MR. SIEMON: Well, the primary issue is in
15 that item c, which describes an analysis of mass and
16 character, requires a judgment call, and that
17 judgment involves the exercise of discretion, and
18 that's why it's called a discretionary review.

19 MS. MORENO: I'd like to ask the two
20 architects, is it possible to build a house within
21 this criteria?

22 MR. SALMAN: You can build a house in any
23 criteria. My concern is, the way I understood it,
24 that one of the triggers for this discretionary
25 review was if it were over the FAR number. Correct?

1 MR. SIEMON: The original --

2 MR. SALMAN: If you were building, normally,
3 a two-story structure, it wouldn't necessarily fall
4 under discretionary review.

5 MR. AIZENSTAT: But that just changed.

6 MR. SIEMON: Most two-story buildings do
7 exceed an FAR of .35. That was the criterion that
8 was in the prior draft.

9 MR. SALMAN: Okay.

10 MR. SIEMON: And for -- I think, to simplify
11 it, the decision was made to use two-story. There
12 were also some standards that applied to -- there was
13 a division within it, also, between two and one-story
14 buildings that were going through the minor
15 conditional use approval, and they've been simplified
16 into a single provision.

17 I -- you know, I understand your concerns.
18 I think that almost any two-story building would have
19 fallen into the point -- FAR above .35, and would
20 have been subject to the minor conditional use
21 process and the prior approval.

22 MS. MORENO: I guess my problem is that I
23 think that there's a lot of historical homes in Coral
24 Gables that are two stories in height that are
25 beautiful, and I don't want to prevent those -- I

1 don't want to make them nonconforming and I don't
2 want to prevent houses similar in nature from being
3 built.

4 MR. SIEMON: They're not. Those buildings
5 can be built as a matter of right. They don't
6 require any discretionary approval. You just go get
7 a building permit and get ARB approval.

8 MR. AIZENSTAT: So how is that -- my
9 understanding is that if it is over -- if it is two
10 stories, you do need to get approval.

11 MR. SIEMON: That's right. You go to --
12 if it's a single-story residential building, you
13 don't go through -- you just get a building permit.
14 You go through applying for a building permit --

15 MS. MORENO: Right, but what I'm saying is
16 that there's a lot of historical two-story homes.

17 MR. SIEMON: Right.

18 MS. MORENO: You know, including mine. I
19 have a piece of my house that's two stories.

20 MR. SIEMON: Right.

21 MS. MORENO: That's -- and it's a 1923
22 house. You're preventing that from existing?

23 MR. SIEMON: No. You just have a different
24 development review process that requires you to go
25 beyond does it meet the setbacks, does it meet the

1 coverage, et cetera. There are some design
2 considerations. These are similar to the design
3 considerations that were adopted in the interim
4 ordinance, similar -- some of them are extracted from
5 the study, which is the massing study, which you all
6 discussed and directed us to include in it, and it's
7 not that they're precluded, it's not they're
8 prevented. It's that -- the letter that was read in
9 the record requires an exception; there's no
10 exception. It's just a discretion-- it's a
11 development review process that includes a judgmental
12 standard that is guided by these standards, that is
13 required to ensure that the two-story building, which
14 involves more FAR, greater risk of it being -- the
15 second story located where it interferes with the air
16 and light of the adjacent structure.

17 It's not a difficult process. It doesn't go
18 before a public board. It doesn't have a public
19 hearing. It's the Development Review Official, not
20 just measuring off, does it meet the 10 or five
21 feet. It's, does it meet these basic things that
22 have evolved through the discussion, through Dennis's
23 ordinance, through our various conversations with you
24 all and your predecessors, that it would be judged
25 by.

1 MR. BEHAR: Correct me on something. If I
2 understood this correctly, if I meet these
3 requirements, I could essentially have a two-story
4 home the whole length of my property.

5 MR. SIEMON: If you met all those standards,
6 but I don't think you could by putting it all the
7 way. There's a requirement that it be set back on
8 the side yard to avoid shadows to be cast --

9 CHAIRMAN KORGE: Did we increase the
10 setback requirement?

11 MR. SIEMON: We did the rear yard line. We
12 did not increase the side yard. We, instead, said if
13 it's a second-story building, it goes above 12
14 feet --

15 CHAIRMAN KORGE: That's what I'm talking
16 about.

17 MR. SIEMON: -- then you've got to look
18 at --

19 CHAIRMAN KORGE: Well, what do we do about
20 all the nonconforming structures that don't meet
21 that? That's what she's referring to. I think what
22 Cristina is referring to is that there are a lot of
23 two-story structures out there that might not
24 conform --

25 MR. SIEMON: If the issue is the existing

1 structures, not before you tonight, but something
2 that has been discussed and the administration is
3 going to recommend and I'm going to recommend, that
4 you add to your provision that deals with existing
5 structures, generally dealt with as nonconforming
6 uses, that we essentially do the following for
7 existing structures, that we give them a lawfully
8 existing status, notwithstanding their lack of
9 compliance with existing codes, and allow them to be
10 repaired and replaced in case of demolition.

11 Now, I previously raised this, I should
12 point out to this Board, and there was no response.
13 But in light of the recent experience, the last five
14 or six months, we've learned about the vulnerability
15 of our community and some of its assets, and for
16 example, the potential destruction of a historically
17 significant building by greater than 50 percent.
18 It's our perspective that we'd rather have that
19 building restored, even if only 60 percent of it
20 remains, than have it demolished and replaced with a
21 building that's not as compatible.

22 So, in the nonconformities provision, we're
23 going to have a new provision which is going to
24 grandfather those existing structures in the event of
25 their demolition by circumstances, that they may be

1 replaced. The only caveat will be, if it's a
2 historically significant structure and you demolish
3 it, you may not do so. You must then come in and
4 comply. If it's lost, damaged, destroyed, you can
5 replace it, but if you voluntarily destroy that which
6 is a part of the existing fabric -- remember, and
7 this is the rationale and the legal distinction that
8 I can justify this regulation -- what we're trying to
9 do is accommodate change and improvement without
10 destroying the diverse and rich character of our
11 neighborhoods that we have. So preserving what we
12 have makes sense, even if it's allowed -- they have
13 certain expectations and rights, and we're proposing
14 to protect those. So your concern about the existing
15 two stories, if that is, I believe, will be --

16 CHAIRMAN KORGE: Obviated.

17 MR. SIEMON: -- even better -- be treated
18 much greater than anything we've done before.

19 MS. MORENO: I guess I have -- I have at
20 least two concerns. First, in light of the two
21 hurricanes and the destruction of the trees and the
22 damage to the homes, it -- I guess it changed my
23 perspective of this whole process, and I think that
24 there's a lot of homes in Coral Gables that I'd like
25 to give people the incentive to improve. And if the

1 only way that they can improve it is by adding square
2 feet to justify the expense, I don't want to
3 discourage that, and what we're doing here is, we are
4 discouraging the renovation of some of those older
5 homes. That's one concern.

6 Second, for a lot of people, we're taking
7 away value from their property. A 1950s home is
8 worth a lot more today if it can be replaced by a
9 two-story new home than if it has to be sold and
10 maintained the way it is, and there are portions of
11 the Old Gables where the character of the
12 neighborhood is 1950 one-story homes. So, if I went
13 out and bought one of these 1950s homes, I couldn't
14 replace it with a two-story, because it wouldn't be,
15 you know, within the character of the neighborhood.

16 It's -- we have heard a lot, and we were all
17 very sympathetic to the oversized home issue, but
18 since the hurricane, it's been made clear to me that
19 people need the ability to rebuild their homes, and
20 the way that financing is today, that's going to
21 require more square footage, and people need the
22 ability to sell their homes and maximize value, which
23 they won't get if the houses have to stay as small as
24 they are.

25 CHAIRMAN KORGE: But, Cristina, let me just

1 interject. First, he's eliminated -- by
2 grandfathering every existing structure, he's
3 eliminated that issue. So then we're just faced --

4 MS. MORENO: No, no, no. I'm talking
5 about --

6 CHAIRMAN KORGE: I know what you're talking
7 about.

8 MR. SIEMON: -- a 1950s home that is
9 one-story today, not grandfathered.

10 CHAIRMAN KORGE: Right, you can even knock
11 it down. Let's say you just knocked it down --

12 MS. MORENO: Right.

13 CHAIRMAN KORGE: -- and built a new house.
14 I don't think this -- we need to go through it and
15 see how -- what size house can be realistically built
16 on it. This doesn't prohibit two-story homes. It
17 sets standards for the --

18 MS. MORENO: It says here, "The mass and
19 character of the proposed building is consistent and
20 compatible in terms of mass, height, scale and design
21 with the existing dwellings in the Zoning Analysis
22 District."

23 CHAIRMAN KORGE: Yeah.

24 MS. MORENO: So, if you get a two-story
25 block where primarily all of the homes are 1950s,

1 one-story homes, you can't put a two-story house.

2 CHAIRMAN KORGE: Is that a reasonable
3 interpretation of that?

4 MR. SIEMON: I do not believe it is, and in
5 fact --

6 MS. KEON: I don't think so.

7 MR. BEHAR: Okay, I feel really
8 uncomfortable, the same as Cristina is, prohibiting
9 somebody to develop what their property allows them
10 to do today, and that would be one of the concerns
11 that --

12 MS. MORENO: And I'm saying that, for me,
13 it's a change of perspective and, you know, I see
14 young people who are stretching themselves to buy
15 these little homes, with the expectation of being
16 able to add a story later on, as their families grow.
17 This will make it difficult for them to do that, and
18 that troubles me tremendously.

19 MR. SIEMON: Well, I don't -- it is my
20 professional opinion that I do not agree. We've
21 taken single-family-only neighborhoods, them modeled
22 in three dimensions and put in one two-story
23 building, to find out whether that could be judged
24 under these criteria to be compatible, and it is, and
25 doesn't result in a change in the character of the

1 neighborhood.

2 There does come a point where, when all of
3 the single-family homes are eliminated, that it is a
4 different neighborhood, and so we've tried to strike
5 a balance between those two competing factors. But
6 all we've done is respond to the concerns that have
7 been raised, and the concerns have been -- and I'll
8 try to summarize what we've tried to do.

9 CHAIRMAN KORGE: Well, can I --

10 MR. SIEMON: The combination --

11 CHAIRMAN KORGE: I just want to make an
12 observation here. It seems to me that the concern is
13 not over what you have attempted to do, but the way
14 it's being read. In other words, what I understand
15 Cristina and Robert to be reading this as requiring,
16 if all the houses on the block are single-story,
17 prohibiting any two-story structure on that block,
18 because it's no longer consistent and compatible.

19 You say that's not what is intended here.
20 If you're right, that's not what's intended, then it
21 seems to me this is just, really, a drafting issue to
22 make it clearer that it's a not blanket prohibition
23 against two-story houses on blocks that are only, at
24 the time, single-story houses.

25 MS. MORENO: Charlie, it seems to me that if

1 I, a lawyer, and Robert, an architect, read it that
2 way, the department review official is going to have
3 a good chance of reading it the same way we're
4 reading it. It says "consistent and compatible in
5 terms of height." If every house in the
6 neighborhood, or not even every house, most houses --

7 MR. BEHAR: The majority of the houses.

8 MS. MORENO: -- are one-story, they're not
9 going to let me build a two-story, period, end of
10 story.

11 MR. SIEMON: But I would just -- I'd like to
12 point out that the language goes on to say, "In
13 making the determination with regard to consistency
14 and compatibility, the Development Review Official
15 shall consider the extent to which the design
16 complies with the standards in this subsection and
17 ensures compatibility of the proposed dwelling," and
18 then there are four identified areas of inquiry to be
19 examined.

20 Now, if those are unsatisfying, I mean, I
21 don't have a position in this at all, but --

22 MS. MORENO: If it said the opposite, if it
23 said, "If these four criteria are satisfied, you must
24 approve it," I think I'd be more comfortable.

25 MR. AIZENSTAT: It's too discretionary.

1 MS. MORENO: It's just too discretionary.

2 MR. SIEMON: Well, that's a different --

3 MR. AIZENSTAT: That's where I'm having a
4 hard time with this.

5 MR. SIEMON: That is a very different
6 question, and just for -- I'd like to, before -- if I
7 could just finish the comment. We started off, a
8 year and a half ago, by providing this body with a
9 series of relative objective measures, derived from
10 those studies and examinations and modelings that we
11 did, that avoided discretion. And the consensus,
12 over time, was that you can't reduce Coral Gables to
13 quantitative judgments. You look at the streets and
14 there's -- it's, what's the character of landscaping,
15 the mix of the houses, how many of them are big, how
16 many of them are small, how many of the lots, et
17 cetera. So the consensus has been that we need to
18 rely upon judgment.

19 On the other hand, there was a desire not to
20 require everything to go to public hearing. So what
21 we did was create a category of permitted uses, a
22 category of discretionary Staff reviews, and then, in
23 other districts, a minor -- a major conditional
24 use -- a conditional use process. And so we, in
25 response to the concern that has been articulated all

1 along about that you can't predict compatibility --
2 the streets, you all remember the pictures that I
3 showed you of your lot sizes and the pictures we've
4 shown of the streets; your streets are not uniform.
5 There are a few -- there may be three streets in
6 which there is a predominant lot size and house style
7 on that street, on the block between the cross
8 streets. There is extraordinary diversity in terms
9 of homes from side to side. They look a little more
10 the same today because the vegetation has been
11 stripped from those lots, and Cristina, you remember
12 that I made that observation in several public
13 hearings, that in some ways, there was -- what was
14 behind the vegetation wasn't nearly as distinctive as
15 you all might think it is.

16 But that's where this evolved from, and I
17 think what we need to do, there are three -- the
18 steps are, first off, should there be discretionary
19 judgment above and beyond what the Architectural
20 Review Board looks at, in terms of the context and
21 the character and the neighborhood compatibility
22 analysis, and if that should be -- involve
23 discretion.

24 Now, we could do it quantitatively.

25 MR. BEHAR: I'd rather deal with the Board

1 of Architects making that decision than having one
2 officer.

3 MR. SALMAN: Yeah. Through the Chair --

4 MR. BEHAR: Absolutely.

5 MR. SALMAN: Through the Chair, we've

6 already got an established process for an aesthetic
7 review --

8 MR. SIEMON: That's right.

9 MR. SALMAN: -- for which now we've defined
10 a series of criteria which they're more than able to
11 use --

12 MR. SIEMON: Right.

13 MR. SALMAN: -- in that determination.

14 MR. SIEMON: There's --

15 MR. SALMAN: To add another layer of review
16 on top of it, I think, is just needlessly
17 complicating the issue, as well as, just the general
18 English needs to be such that if you meet these
19 criteria, then you shouldn't be denied.

20 MR. SIEMON: Well, it's -- it's --
21 ultimately, the issue there comes down to whether or
22 not these are sufficiently objective to say yes or
23 no.

24 MR. SALMAN: And I'm going to back up even
25 further, because the ultimate reason that this whole

1 process started was that we were having people build
2 houses which were very impolite to their neighbors,
3 putting blank walls within five feet of their
4 neighbors' property, creating situations which were a
5 cause for objection, both from an aesthetic point of
6 view as well as from just a livability point of view,
7 aesthetic for the rest of the surrounding
8 neighborhood, as well as the people who would be
9 directly affected.

10 MR. BEHAR: But, Javier, the truth of the
11 matter is, that could be controlled if you set --

12 MR. SALMAN: And I agree, and I think that
13 this is part of it, but I just don't think that the
14 approach, with regards to, "You cannot do it, and
15 then if you want to do it, you've got to go through
16 this process" -- I think that the idea of creating
17 the increased setbacks for increased heights, the
18 carving out of some of the mass, is something that
19 could be done and addressed, and in many ways, the
20 interim Code already addresses that in a fairly
21 cogent way, and to be brought up as a separate
22 review, outside of the normal aesthetic review which
23 we require as a consequence of trying to get a permit
24 through the Board of Architects, who are eminently
25 selected to be able to do that, and I'd rather deal

1 with that than create another layer of review on top,
2 because I could be through the Board of Architects
3 and then suddenly I have to go to a person for their
4 discretionary review, and I'm building to right and I
5 have approval to do it from the Board of Architects
6 and then I've got to go through another review. That
7 doesn't make any sense, and I think that the issue
8 here is one of making sure that what gets built
9 doesn't necessarily impact the neighbors negatively.
10 I think that's primarily the goal of what we're
11 trying to do here, as well as correct whatever
12 inconsistencies or lack of coordination there existed
13 in the old Code.

14 MS. MORENO: Charlie, I think that what you
15 wrote was consistent with our prior discussions, at
16 least from my perspective. However, I have changed
17 my mind. I drive through the neighborhood, and some
18 of these two-story homes that are new, that have been
19 recently built, are nicer than the one-story homes
20 that have been there since 1950. That frankly -- I'd
21 frankly rather have a nicer new home, even if it's
22 two-story, than some of these homes that -- you know,
23 you look at them and they need work, and they were
24 covered before by trees, so you didn't see them. Now
25 you see them.

1 MS. KEON: But I don't know that -- in
2 reading this, I was pretty comfortable with it, so I
3 don't have all the objections that you have. I
4 didn't read it that if it was a single-family
5 neighborhood -- single-family home -- I mean,
6 single-story homes, that it should be single-story
7 homes. If the word consistent is what tells you
8 that, then maybe you can eliminate consistent, if
9 compatible is adequate to do what you want to do. I
10 mean, if consistency means that you remain at the
11 same height, then I don't think that -- I don't -- I
12 wouldn't -- when I read it, I didn't interpret -- I
13 didn't see it that way. But, as an attorney, in your
14 reading it, if you see it that way, you know, you can
15 have compatibility and not, maybe, have consistency.
16 So I do think that it's important that they be
17 compatible.

18 So, if consistency is an issue, that's --
19 you know, I -- and that doesn't change what you're
20 trying to do here, you know, I don't have -- you
21 know, whatever the language that works.

22 As far as whether it's -- you know, some of
23 the two-story homes that are built there do look
24 better than some of the one-story homes, but, you
25 know, maybe that two-story home that looks good is a

1 home that would work under these -- under what's
2 being presented here.

3 I mean, from when we sat and looked at the
4 design criteria that you put in, with, you know, this
5 breaking up of the front so it sets back, it's not a
6 flat wall, and all of the different things, even in
7 existing two-story homes on smaller lots, they were
8 attractive. They weren't offensive at all, and they
9 were new and they were not at all -- some of them
10 were very attractive. But it was because they had
11 these elements.

12 So I don't think that -- you know, I don't
13 know that -- you know, you should encourage and there
14 are lots of homes you would like to see
15 refurbished --

16 MS. MORENO: Replaced.

17 MS. KEON: -- and replaced, but you also
18 want to see them replaced with something that is
19 compatible and enhances the neighborhood. So, I
20 mean, I don't think -- I mean, I would hope that it
21 would never discourage --

22 MR. BEHAR: The whole intent --

23 MS. KEON: -- and so I hope it would
24 encourage, but I would also hope that it would
25 encourage that it would be compatible, and as far as,

1 you know, whether or not you should, you know, write
2 a code so that someone can buy a home and have the
3 ability to add on to it at a later date, I don't feel
4 that that's my concern. I really don't have a
5 concern with that, as a Board member. I think you
6 buy a home. If it works for you, it works for you.
7 I mean, I think that each -- you know, there are
8 advantages to living in the urban area, close in,
9 just like you see people that live in Manhattan, in
10 two-bedroom apartments that are so tiny, but they do
11 it because of the advantages of where they live and
12 the neighborhood that they live in.

13 The ability to expand it, I think if you can
14 do it within some design criteria that makes it
15 remain compatible in a neighborhood, then certainly
16 you should do it, but I would not be concerned that
17 they couldn't do it, and I think as far as the
18 valuation, I mean, I'm sure any building that you
19 build, if you buy it and you can do whatever you want
20 with it, it probably has more value than if there are
21 any constraints at all, but that's -- they're there
22 in order to ensure the preservation of a particular
23 neighborhood or a city or whatever else.

24 So I don't -- I mean, I don't think it
25 should go overboard, but I don't have grave concerns

1 with that, and I have three sons that are buying
2 homes. They can't afford to live here. Hopefully,
3 sometime in their lifetime, they will. As young
4 people starting out today, they can't go out and buy
5 a home in Coral Gables. Maybe they will someday.

6 MS. MORENO: But I think that's sad. That's
7 sad.

8 MR. AIZENSTAT: But for that very same
9 reason, you have people, young couples, that actually
10 have bought homes and live within the City, that have
11 bought them to one day upgrade those homes and
12 enlarge them, so it's a Catch-22. You want to be
13 able to allow those people to expand those homes so
14 they don't have to move or leave the City.

15 MS. KEON: Right, but as long as that
16 expansion allows that home to remain compatible with
17 the neighborhood in which they live.

18 MS. MORENO: But sometimes you want the
19 neighborhood to change, gradually, over time, and it
20 makes it a better neighborhood.

21 MS. KEON: Right.

22 MS. MORENO: You know, there are areas in
23 Coral Gables, in the old north area, where the houses
24 were tiny at one point, and little by little, those
25 houses have been upgraded, and today -- I've lived

1 here for over 25 years in Coral Gables. I'm sure all
2 of you have lived similar times --

3 MS. KEON: Yeah.

4 MS. MORENO: The older Gables neighborhoods
5 were significantly smaller --

6 MS. KEON: Right.

7 MS. MORENO: -- than what they are today.

8 MS. KEON: Right.

9 MS. MORENO: Those houses -- and to me, a
10 lot of those neighborhoods have improved.

11 But beyond that, I think, as a Board, we
12 have an obligation to the silent majority, to say to
13 them, "Hey, have you realized that what we're doing
14 here may mean that you cannot sell your house for the
15 price you thought you were going to get, because that
16 house is not worth the same amount of money as it
17 exists, than it would be if it can be replaced by a
18 bigger home." That is a reality of Coral Gables
19 today, and with these changes, we are devaluing
20 people's homes, and that bothers me --

21 MR. BEHAR: I agree.

22 MS. MORENO: -- because this change here is
23 making a two-story home a second-class citizen.
24 They've got to go in and get all these approvals, and
25 yeah, Charlie says that this doesn't read the way I

1 say, and you say it doesn't read the way I say, but
2 who's going to tell me that that Development Review
3 Official won't read it the way I say, and won't read
4 consistent and compatible to mean it's got to be
5 about the same size as everything else in the
6 neighborhood? And --

7 MS. KEON: Well, I mean, but I don't think
8 it makes them a second-class citizen. I think it
9 says that this is the potential --

10 MR. BEHAR: But, Pat, it will limit you.

11 MS. KEON: -- for making a change, and that
12 should -- that requires additional review. That's
13 all. I mean, I don't think it makes it second-class.

14 MR. BEHAR: You could go to the Board of
15 Architects and get -- like Javier said, get approval.
16 Then you go to this officer, who says, "No, it's not
17 compatible, because it's two-story, the rest of the
18 neighborhood is one-story, you can't do it." I have
19 an enormous amount of trouble, you know --

20 MS. KEON: And I think if there's a
21 possibility that it would read that way, that you are
22 not allowed to have a two-story home in a
23 neighborhood that currently is just with one-family
24 (sic) homes, then this should be changed, so that
25 that is very clear that that is not what that -- that

1 is not the intention of this. So you should
2 change -- that should change.

3 MR. BEHAR: I think the language should read
4 that you are allowed to have a two-story. Now, how
5 you break that mass of the two stories is what we
6 have to get to.

7 MS. KEON: Uh-huh. Right.

8 MR. BEHAR: But you're allowed to do it.

9 MS. MORENO: If you have a two-story home,
10 then you must meet these other requirements.

11 MS. KEON: But, see, to me, in reading this,
12 that's sort of -- that's, to me, what it says. But
13 if it doesn't say that to a majority of the people,
14 then it should change so that it says that to a
15 majority of the people.

16 MR. BEHAR: And with all due respect to
17 Charlie, I would disagree with him. I read it that
18 it could have a two-story wall that is pretty much
19 the whole -- you know, the size of the lot, the
20 entire size of the lot, without any breaks. I would
21 think that you would try to say, you're allowed to
22 have the two-story wall up to a certain amount of
23 feet and then you have to step back the second floor,
24 to break the mass a little bit. I don't read that
25 yet. I read it like you could do the two-story mass,

1 and I think that's, you know, the problem that
2 everybody is complaining about. But I think that we
3 should and we must allow two-story homes.

4 MS. KEON: But I don't think that's an
5 issue. I mean, I think everyone agrees you should
6 allow two-story homes. So I think if there's
7 language in here that would make you believe that
8 that's not allowable, then that should be changed, so
9 that it is very clear that it is allowable.

10 That's why I said, if the word consistent
11 should be taken out, then take out consistent.

12 Compatible doesn't mean that it has to be the same.
13 Compatible means that it works together.

14 MS. MORENO: A lot of people would say to
15 you, compatible means that if every house in the
16 zoning -- whatever it's called, the Zoning Analysis
17 District, is one story, a two-story house is not
18 compatible.

19 MR. BEHAR: It has to be compatible, right.

20 MS. KEON: But that's not -- well, I don't
21 think, by definition, that's --

22 MS. MORENO: Compatible means it's similar.

23 MS. KEON: No -- no --

24 MS. MORENO: Two-stories --

25 MS. KEON: Compatible is simply -- I mean, I

1 don't have a dictionary here, but it's my
2 understanding, compatible means that it works
3 together. That it works together, that's all.
4 Consistent could be interpreted as being the same.
5 Compatible doesn't mean the same, does it?

6 MS. MORENO: But, look, you and I are
7 disagreeing about it.

8 MS. KEON: Right.

9 MS. MORENO: What do you think this
10 discretionary -- discretionary review is going to
11 come up with?

12 MS. KEON: Sure.

13 MS. MORENO: Two different people are going
14 to say a different interpretation.

15 MR. BEHAR: And that is a separate, you
16 know, issue, completely.

17 MR. RIEL: Let me make a couple --

18 MS. KEON: Okay. Well, then, I think you
19 can say that.

20 MR. RIEL: Let me back up a little. Let me
21 back up.

22 First off, the way I read this is, Eibi, a
23 one-story home is by-right review. What we have
24 heard from the Board and as a part of this process
25 is, when a single-family home goes to the second

1 floor, we would like to have criteria to evaluate
2 it. The Development Review Official is that person.
3 Basically, it's the secretary to the Board of
4 Architects.

5 My assumption is, that recommendation -- all
6 single-families still need to go to the Board of
7 Architects. But that recommendation goes to the
8 Board of Architects and they also debate these four
9 criteria, as well as the Development Review Official.

10 It's no different than me, as the Planning
11 Director, looking at the Comp Plan, which I have
12 criteria to evaluate applications on. I make a
13 recommendation to you. You debate it. You either
14 agree or disagree. You make findings of fact, and
15 the design is either changed -- the site plans
16 change. So I don't see that as being a different
17 process. It's just the same. We're calling it a
18 Development Review Official, and the Board of
19 Architects --

20 CHAIRMAN KORGE: It's not clear, because it
21 just --

22 MR. RIEL: It's not -- this is not meant to
23 say that second-story residences are prohibited.
24 We're just saying that once you go over that
25 threshold, which we've discussed different thresholds

1 as being FAR, second-story in height -- we've
2 discussed various ways. We felt this was the
3 simplest way, that is, that threshold that we've
4 established. If there's some other threshold the
5 Board would like, we'd certainly like to hear that,
6 but that's --

7 CHAIRMAN KORGE: Well, let me see if I can
8 focus this a little. I see three issues here.
9 First, that everybody already agrees on, that
10 two-story homes should be permitted on one-story
11 blocks, and if there's a drafting -- a way to draft
12 it so that it's clear that it's not barred
13 automatically, I'm sure Charlie can put language in
14 there to that effect.

15 The second issue is, who is going to review
16 it? And there's a -- right now, it's an
17 administrative officer, someone who works for the
18 City, and what I think Eric is telling me is that
19 that review by that person ultimately goes to the --
20 it's preliminary to the Board of Architects. Then it
21 goes to the Board of Architects, and the Board of
22 Architects has the final decision on that. So, if
23 they can't reach an agreement with the Development
24 Review Official, say the City Architect, if we hired
25 a City Architect, then they would go to the Board of

1 Architects, make the presentation, and the Board of
2 Architects would make that final determination.

3 So I think that it doesn't read that way,
4 but that's what you intended.

5 MR. RIEL: Yes.

6 CHAIRMAN KORGE: So it needs to read that
7 way. I think that obviates the concern that Robert
8 had expressed about -- and I think Cristina had
9 expressed and Javier expressed about, you know, who
10 would be making this review, and I certainly concur
11 that the Board of Architects is best equipped to make
12 that review.

13 And then the third issue, that I don't see
14 any resolution on, is whether the criteria are
15 specific enough to be mandatory, that is, if you meet
16 all of these specific design criteria, then it's a
17 matter of right, or it's going to be discretionary,
18 that is, the Board of Architects is given, perhaps,
19 less specific design criteria and they have to make a
20 judgment call on the design.

21 Is that a fair appraisal of where we are?

22 MR. SIEMON: Could I --

23 CHAIRMAN KORGE: Yeah.

24 MR. SIEMON: -- offer something?

25 First, you'll notice, on Paragraph C, it

1 says, "See flow chart in Article 3, Division 4," and
2 you'll notice, at the back, in Appendix A, the
3 "Excerpt from Article 3, Division 4" sets forth the
4 sequence of development review events, and you'll see
5 that the discretionary staff review precedes the
6 Board of Architects.

7 MS. MORENO: Oh.

8 MR. SIEMON: But -- so that, I just want to
9 make sure you understand. We never had it that the
10 Board of Architects was going to make a decision and
11 then Staff was going to go and second-guess them.

12 CHAIRMAN KORGE: Okay, I see that.

13 MR. SIEMON: The second point is --

14 CHAIRMAN KORGE: So that's already -- excuse
15 me. That's already clear, then. That's what I read.
16 The first point is clear.

17 MR. SIEMON: In the draft, that is clear.

18 CHAIRMAN KORGE: Okay.

19 MR. SIEMON: But there is a difference. The
20 exercise of discretion involving these standards is
21 exercised by Staff, not by the Board of Architects.
22 We have previously discussed whether all of this
23 review -- and it was then in the context of minor
24 conditional uses -- should go to the Board of
25 Architects, and the collective decision was no.

1 If that is acceptable, then we could simply
2 consolidate, eliminate the administrative
3 discretionary review. We could make single-family
4 detached dwellings permitted just as they are,
5 whether they're one or two or three stories, and then
6 add to the review criteria that go to the
7 Architectural Review Board these criteria that
8 require, also, the neighborhood compatibility
9 analysis.

10 Now, I want to hasten to point out that the
11 Board of Architects does, in some cases, make an
12 architectural -- a judgment about compatibility with
13 the neighborhood where they're provided with the
14 information. Unfortunately, because there's no
15 specification of what those requirements are, it's
16 inconsistent. So what we were trying to do was
17 regularize it, by defining the horizon of activity,
18 to make sure they get a consistent package, and they
19 make -- either they or Dennis, as the Development
20 Review Official, or ultimately the City Architect.

21 So that's -- from my perspective, what you
22 broke into one piece is really two pieces. If you
23 want the Board of Architects to make that judgment --
24 and they exercise judgment every time they review a
25 project, I mean, let's be candid about it -- then we

1 would just consolidate it, all the residential will
2 be permitted in this district, and these design
3 review matters would be applied in the -- by the
4 Board of Architects for those buildings that are
5 above some threshold.

6 We picked two-story because, in most of the
7 cases where we found -- not that two-stories are bad,
8 but we found there was a consistent recurring theme
9 that the second story, depending on how and where it
10 was placed on the structure, whether it was set back
11 from the side yard -- the first story is okay right
12 up at the minimum side yard, but the second story, in
13 some circumstances, depending on the orientation of
14 the building to the general direction of the sun
15 during the season, et cetera, was more intrusive.

16 So what we tried to create was a process
17 that would say, when you've got a second-story
18 building, you're usually over the FAR of .35, you're
19 using up more of the building volume, and we ought to
20 check it in terms of these various considerations to
21 break up the mass, break up the frontage required, et
22 cetera. That was the construct, and the judgment as
23 to who should make that call is one of reasoned
24 policy. There's no magic.

25 And the Board of Architects -- one of the

1 concerns is overloading the Board of Architects.
2 They have an ambitious obligation every week. They
3 meet every week, to review lots and lots of things,
4 and so the thought was, we're introducing some more
5 concepts that are not just design, they're
6 neighborhood compatibility, and so it made sense to
7 have Staff make that determination and then take the
8 whole bundle to the Architectural Review Board, who
9 would then make a design judgment, as they do now.

10 CHAIRMAN KORGE: But they'd make a final
11 decision on compatibility, or not?

12 MR. SIEMON: As it's drawn now --

13 CHAIRMAN KORGE: As it's drawn now.

14 MR. SIEMON: I mean, as a design issue, yes,
15 in the design character of the building, but the
16 actual land use compatibility analysis, which
17 inevitably involves both the use and the
18 structure, because the nature of the use -- I mean, a
19 single-family dwelling that has 30-foot setbacks on
20 every side is very different from one that has five
21 feet. It's still the same family. It's just that
22 noise and light have different impacts on the
23 adjacents. That sort of analysis, we thought, that
24 goes into -- there are two levels of inquiry, and
25 that's what -- that's how we got to where we are.

1 But I don't think any of us are wedded to that. I
2 think we -- I do believe, as one consultant who's
3 worked in this community, who's watched you all
4 wrestle with this, what I call the difficult
5 challenge of changing without changing -- and that's
6 really what you're talking about. You want to
7 preserve that which is valuable to you, but you want
8 to accommodate appropriate change, to take advantage
9 of unused value in the property or to expand homes,
10 et cetera.

11 But, you know, that's really a difficult
12 thing. Most communities do it real easy, because
13 they have a single lot size, down the whole street,
14 and it's real easy to draw boxes around it and say
15 this is in and this is out. You, blessedly, don't
16 have that luxury. You have a much more diverse and
17 rich character in your neighborhoods, and we've tried
18 to strike a balance. But ultimately, all we can do
19 is be advisors. You all have to make those
20 allocations: Should there be discretion, who should
21 make that discretion, and then, are these standards
22 acceptable to guide the judgment to the outcome you
23 want.

24 MS. MORENO: Charlie, I go back to that
25 consistent and compatible, I'm sorry, and I'm reading

1 the definition in the back --

2 MR. SIEMON: Uh-huh.

3 MS. MORENO: -- and it says it means "a use
4 or structure which is sufficiently uniform and in
5 agreement with existing uses or structures to be
6 harmonious, notwithstanding the individual
7 characteristics of the use or structure."

8 If I were interpreting this, unless you say
9 specifically the fact that the neighborhood is
10 single-story does not prohibit two-story, I would say
11 that that house was not compatible, and I don't see
12 how even the Board of Architects could make a
13 different decision, given your definition and given
14 this criteria, placing the two-story as required to
15 be compatible with the neighborhood, and that's my
16 problem. I don't want the two-story to have
17 different standards from a one-story.

18 The one-story should have some of these
19 design criteria, as well. I'm content to leave that
20 with the Board of Architects. I'm hoping the Board
21 of Architects prevents one wall from -- the wall next
22 to me from being blank, even if it's a one-story
23 house. I don't want a blank wall. That looks ugly.
24 So --

25 CHAIRMAN KORGE: Cristina, I think he got --

1 I think Charlie got the message about redrafting it
2 so that that's clear.

3 MS. MORENO: No, but I don't just want it to
4 say -- I don't want the two-story to be held to a
5 different standard, is all I'm saying, and the way
6 that this is, the two-story is held to a different
7 standard from the one-story. I don't like that idea.

8 CHAIRMAN KORGE: So you want them to apply
9 these standards to the one-story houses, as well?

10 MS. MORENO: I don't want the two-story to
11 have to be consistent and compatible with the
12 neighborhood if, by its very inclusion in that
13 manner, it's not allowed to be because everything
14 else is single-story.

15 MS. HERNANDEZ: Then we're going to need
16 direction from the Board as a whole, because --

17 MS. MORENO: This is just me. Everybody
18 else may be in disagreement.

19 CHAIRMAN KORGE: Well --

20 MS. HERNANDEZ: And if I may just pipe in
21 here for a minute, the problem that we've had and the
22 complaints that we've had is, when you have two-story
23 houses, the issue of the shadow that's cast on
24 another property, the issue of the noise that --
25 because the setbacks aren't being -- so we need the

1 Board -- if the Board is going in a new direction,
2 then we need the Board to give us that direction,
3 because Mr. Siemon has drafted regulations that are
4 consistent with what the Board has heard from
5 objecting neighbors, from letters, from what the
6 Commission has asked the Board to review, and --

7 CHAIRMAN KORGE: Well, I don't think -- I
8 don't think that's really what Cristina is saying. I
9 think what she's saying, again, is that she wants to
10 be clear that the mere fact that all the other houses
11 on the block are one-story does not preclude a
12 two-story house from being built on that block. She
13 still seems to be saying, as far as I can see, that
14 we need to apply criteria to assure that there's not
15 just one big blank wall, for example.

16 MS. HERNANDEZ: Right.

17 CHAIRMAN KORGE: So, to me, that indicates
18 that we have a drafting issue here, making it clear
19 enough that we don't end up boxing in -- boxing the
20 City in, in the future, in a way that we didn't
21 anticipate because, you know, we read -- some people
22 read it one way and some people read it another way.

23 MS. MORENO: See, this way, the way that
24 this reads, if it's a single-story, if it's a
25 one-story home, it could be 20 feet in height, just

1 one story, 20 feet in height, blank walls, to take an
2 extreme, because the only criteria is, one-story,
3 you're allowed to do it. Two-story, you've got to
4 meet all these criteria.

5 So I have a one-story house with cathedral
6 ceilings, the whole bit. I'm having the same shadow
7 effect on my neighbor. It's just a height problem,
8 not a story problem. And that's the way you've gone
9 with everything else. That's one.

10 And secondly, again, I'm concerned about
11 this consistent and compatible with -- but I've
12 already beat that horse to death. Never mind.

13 CHAIRMAN KORGE: Well, what -- do you
14 define -- is a two-story house and one-story house
15 defined anywhere? I mean, there's got to be a
16 definition for that.

17 MR. SIEMON: There is.

18 MS. MORENO: Okay. Maybe that's the answer.

19 CHAIRMAN KORGE: Yeah, it's just hard to
20 find everything within the red-lined --

21 MS. MORENO: Well, no, the --

22 MR. SIEMON: I think the definition of story
23 is, in fact, not included in this excerpt that you
24 have.

25 MS. MORENO: Because it's not in this --

1 CHAIRMAN KORGE: Yeah, I didn't see it,
2 either.

3 MR. SIEMON: It's not. There is a
4 definition in the Code of a story, what a story is.

5 MS. MORENO: Anyway, I've made the point.
6 Keep on going, if you want.

7 MS. KEON: Well, you know, I agree with you
8 in that sense, that if you can define that it's --
9 whatever the -- you know, a one-story home is, up to
10 a certain height, and, you know, a two-story home is
11 whatever it is over that height and whatever else --

12 CHAIRMAN KORGE: And I thought we were going
13 to apply compatibility standards to all houses.

14 MS. KEON: Yeah, right.

15 CHAIRMAN KORGE: That was my recollection.
16 Maybe I'm wrong about that.

17 MR. SIEMON: No, the compatibility analysis
18 was for a building or a structure greater than .35
19 FAR or located on a lot of greater than 10,000 feet,
20 is the prior language.

21 CHAIRMAN KORGE: Oh. So maybe we -- just as
22 a suggestion, I don't know that anybody would agree,
23 I don't even know that I'll agree at the end of the
24 day -- go back to the original compatibility
25 requirements, that is, structures of this size need

1 to meet the compatibility criteria, and then set out
2 this criteria which also affects -- mainly, it
3 affects two-story houses, but I guess it could affect
4 one-story, as well. Is that -- I mean, was the only
5 change -- was the big change you made here going from
6 FAR criteria to a one-story/two-story distinction?

7 MR. SIEMON: The original draft said any
8 dwelling which exceeded 16 feet in height, with an
9 FAR of greater than .35.

10 CHAIRMAN KORGE: Ah, there it is.

11 MS. HERNANDEZ: Right, and I think on Page 7
12 and 8, we get into the height issues, for flat roof
13 houses and for a gabled roof.

14 Was that what you were looking for, Charlie?

15 MR. SIEMON: No.

16 MS. HERNANDEZ: No?

17 MR. SIEMON: The language is in the
18 strike-out version.

19 CHAIRMAN KORGE: Yeah, on Page 1.

20 MR. SIEMON: 1 of 25.

21 CHAIRMAN KORGE: Yeah, yeah.

22 MS. MORENO: I like that better. I'm sorry,
23 Charlie.

24 MR. BEHAR: Charlie, can I ask you a
25 question on C, Item Number iii? It says, "unenclosed

1 porches or porte-cocheres, if provided, occupy at
2 least 20 percent of the front facade of the
3 dwelling."

4 At least 20 percent? If I do a
5 porte-cochere, that could be 60 percent of the front
6 facade? Is that what we want? Or it should be no
7 more than 20 percent?

8 MS. KEON: I think, when you do all the
9 other things, it couldn't be 60 percent --

10 MR. BEHAR: Because if this --

11 MS. KEON: -- because the entrance is --

12 MR. BEHAR: At least 20 percent, but could
13 it be more? Could it be --

14 MR. SIEMON: Yes.

15 MR. BEHAR: -- 80 percent? And is that what
16 you want, a porte-cochere over --

17 CHAIRMAN KORGE: Only the maximum --

18 MR. AIZENSTAT: But then you've got the
19 maximum square footage count --

20 MR. SIEMON: It's the unenclosed porch.
21 This language comes from the massing analysis.

22 MR. BEHAR: No, but if I turn the
23 porte-cochere sideways and make the whole front
24 facade --

25 MR. SIEMON: Well --

1 MS. HERNANDEZ: You won't be able to resell
2 it, but go ahead.

3 MR. BEHAR: Well, yeah, that's what
4 you're --

5 MS. KEON: But I don't think that they can
6 be -- aren't there other things that don't allow you
7 to do that?

8 MR. BEHAR: I think you may want to say no
9 more than 20 percent of --

10 CHAIRMAN KORGE: A minimum and a maximum,
11 because you don't want three feet.

12 MR. BEHAR: No.

13 MS. HERNANDEZ: Right.

14 CHAIRMAN KORGE: So, if it's a minimum, if
15 the 20 percent is the minimum, then whatever an
16 acceptable maximum would be, should be -- of no less
17 than 20 percent, no more than blank percent, and I
18 don't know what that percentage would be.

19 Does anybody have any suggestions about what
20 direction we should send --

21 MR. RIEL: Well, there's three issues that
22 Charlie outlined. One was to determine a threshold.

23 MS. HERNANDEZ: Right.

24 MR. RIEL: The second is who makes that
25 decision, and obviously, the criteria to do that

1 evaluation. Those are the three things that we need
2 direction on. And there's been a suggestion to go
3 back to the old language, which is --

4 MS. MORENO: No, I was being facetious. I'm
5 sorry. I do think that the old language should apply
6 to a one-story structure, okay, but so that you don't
7 have a one-story structure that is oversized.

8 MS. KEON: Right.

9 MS. MORENO: But whether this decision is
10 made by the Development Review Official or the
11 architectural board, my --

12 MR. RIEL: Development Review Official with
13 a recommendation to the Board of Architects; is that
14 language more comfortable?

15 MS. MORENO: Yes.

16 MR. RIEL: Okay.

17 MS. MORENO: As long as you make clear
18 that --

19 MR. AIZENSTAT: It's spelled out.

20 MR. RIEL: With clarification.

21 MS. MORENO: -- that a two-story structure
22 is permitted --

23 MR. AIZENSTAT: Exactly.

24 MS. MORENO: -- in a Zoning -- whatever it's
25 called --

1 MR. RIEL: Zoning Analysis --

2 MS. MORENO: District, even if every other
3 home in that Zoning Analysis District is one-story,
4 that that does not automatically render it
5 noncompatible.

6 MR. RIEL: And then come up with some
7 criteria that includes both one-story and two-story?

8 I'm getting nods. Can I get a motion on
9 that?

10 MS. MORENO: I'll make a motion. I'm the
11 one that --

12 CHAIRMAN KORGE: Well, before you make your
13 motion, let's go through the one-story criteria. Are
14 they materially different from the two-story
15 criteria?

16 MS. MORENO: There is no one-story criteria.

17 CHAIRMAN KORGE: There was, at one point.
18 As you pointed out, it applied to one-story, didn't
19 it? Or did it not? It didn't apply to one-story?

20 Charlie, help us out with this. The prior
21 version, the strike-out version on Page 1, did not --
22 that did not apply to one-stories at all, did it?

23 MR. SIEMON: It did not.

24 CHAIRMAN KORGE: Okay. So we don't have
25 any --

1 MR. SIEMON: No, I'm sorry. It did apply to
2 single-family dwellings with a height exceeding 16
3 feet and an FAR of greater than .35.

4 MR. AIZENSTAT: Now --

5 CHAIRMAN KORGE: What is the -- excuse me
6 for interrupting, but let me see if I understand this
7 thing. What is the definition of a single-story
8 residence, generally? Is it 16 feet or more, or less
9 than 16 feet, or --

10 MR. SIEMON: I would guess that most
11 one-story buildings -- one-story residences, most
12 residences, have a height of 16 feet or less. We
13 took that from some relatively small homes that had
14 very steep gabled roofs on a portion, is where the 16
15 feet came from.

16 CHAIRMAN KORGE: But, I mean, in the prior
17 draft, you had 16 feet. In this draft, we have
18 two-stories --

19 MR. SIEMON: It just went to two stories.

20 CHAIRMAN KORGE: We have two-stories divided
21 from one-stories. What's the definition of a
22 one-story house, in this current draft? Do you
23 remember?

24 MR. SIEMON: It's just whether it's a story
25 or not. There's not a mathematical measure of the

1 height of the first or the second floor.

2 CHAIRMAN KORGE: So Cristina was right --

3 MR. SIEMON: Yes.

4 CHAIRMAN KORGE: -- it could be 40 feet
5 high, I guess, theoretically.

6 MR. SIEMON: Theoretically.

7 MS. KEON: So you could do that, though?
8 You could just add that in?

9 MR. SIEMON: Of course.

10 MS. KEON: That would be a good thing.

11 MR. SIEMON: There are some standards that
12 apply to all uses relative to height in relationship
13 to side setbacks and rear setbacks, but that's
14 another subject.

15 MS. KEON: Okay, but I think we should
16 include the height issue into the single-family
17 homes.

18 MR. AIZENSTAT: Charlie, are we using the
19 SF-1 across the board, through the entire City, just
20 one SF-1?

21 MR. SIEMON: No. There's one SF-1 east of
22 Old Cutler -- west of Old Cutler and north of
23 Sunset.

24 MR. AIZENSTAT: West of Old Cutler?

25 MR. SIEMON: And north of Sunset.

1 MR. AIZENSTAT: Okay. Weren't we talking,
2 at one time, of looking at different areas, for
3 example, the north area and so forth, and creating
4 SF-1 for specific areas, as opposed to just dividing
5 it into two areas, dividing it by Sunset?

6 MR. SIEMON: We have discussed a special
7 single-family neighborhood in the North Ponce area.

8 MR. AIZENSTAT: Right.

9 MR. SIEMON: Predominantly single-family.
10 We have discussed whether or not additional districts
11 were required to reflect and protect distinctive
12 areas within the existing -- what's designated as the
13 SF-1, and I explained how we think the zoning
14 district analysis is an effective means of evaluating
15 an individual property in the context of its
16 neighborhood, and that to zone each neighborhood that
17 has a distinctive character would require not even
18 the 18 districts we had before, but 40 districts,
19 because it's really not defined by lot size or
20 building structure. It's defined by the mix. And so
21 what we've done is created a floating district which
22 has this area-wide definition.

23 There's a graphic at the end of it, and you
24 all are familiar with it. It shows the analysis
25 area. Basically, it moves around and is a separate

1 zoning district every time a parcel comes forward,
2 and that district is defined by the area of concern.
3 And given the historical nature of your zoning
4 districts, which vary only because -- on the basis of
5 minimum building size, you have a diverse pattern,
6 that doesn't fit easily into discrete districts, and
7 so that's why we picked the analytical model instead
8 of a map model, and I'm still very, very comfortable
9 that that's the appropriate method of evaluating
10 these individual structures in the context of
11 affected properties. But who does it and what the
12 criteria are, are still some -- we certainly -- I
13 mean, I've explained how we came up with it. Our
14 original analysis survey was that we found when
15 structures went above an FAR of point -- all the
16 structures that were pointed out to us by various
17 individuals, or examples of areas where change was
18 undesirable, et cetera, we started finding consistent
19 things, structures taller than 16 feet, FARs of
20 greater than .35, and bigger than 10,000- square-foot
21 lots.

22 I didn't quantify it, but I'll bet you 95
23 percent of the problem lots all fit into that
24 category, and that's where that was derived from.
25 Most of them did involve two-story buildings, and

1 that's the next step, was to simplify it and go to
2 two-story, and that was a collective administrative
3 Staff decision, but I don't think any of us are
4 wedded to it.

5 What we observed is, there's a class of
6 structures which have a high probability of being
7 compatible. If they go to the Architectural Review
8 Board, that ought to be okay. There's another class
9 that we really need to look carefully at where they
10 fit in. It's not just the structure and what it
11 looks like, but how does it fit into this particular
12 area, and that was the second level of analysis. And
13 then finally, there are those decisions that are
14 policy decisions, that are major conditional uses,
15 because it's a different use or something, and all of
16 those have, overlaying that, an Architectural Review
17 Board, to ensure that the design is consistent with
18 the community's objectives in terms of character,
19 materials, et cetera.

20 CHAIRMAN KORGE: All right. So we may be
21 confusing design with compatibility here.

22 MR. SIEMON: Well, they're -- but, see, you
23 can't separate them. I mean, that's part of the
24 problem. If we could draw a line and divide them
25 into two clear -- it would be wonderful, but they're

1 interrelated, and so they cross over, and so we tried
2 to find a way to find, you know, a --

3 Some design will solve the neighborhood
4 character issue. Some design will not. Sometimes
5 it will not, and we tried to recognize that in this.

6 I mean, I'm not -- I want to make sure you
7 all are -- I'm not in any way opposed to having the
8 Architectural Review Board be the entity that makes
9 these compatibility analyses, but I do observe that
10 it's going to bring to them another added set of
11 responsibilities. It's going to broaden the
12 examination. It's going to trigger a greater set of
13 affected interests than are normally at their -- and
14 just as a matter of practical activity, may increase
15 their burden.

16 Now, with the City Architect, that could get
17 a lot easier, if they delegate significant amounts of
18 these standard things that are being approved
19 routinely because they've been done a lot before.

20 MR. SALMAN: Through the Chair, Charlie, the
21 reason that we're looking even at the possibility of
22 having a City Architect is to be able to relieve the
23 board of a lot of the really mundane kind of things
24 having to do with paint selection, roof tiles --

25 MR. SIEMON: The same -- fences --

1 MR. SALMAN: -- that takes up a lot of time,
2 that is fairly rote kind of work.

3 MR. SIEMON: Yeah.

4 MR. SALMAN: And if you really --

5 MR. SIEMON: If you took the decisions --

6 MR. SALMAN: This is not -- this is just
7 giving some specific guideline to the work that
8 they're already doing, and that's why I agree with
9 Eric's idea that that discretionary review be in the
10 form of a recommendation that goes with the package
11 to the Board of Architects --

12 MS. KEON: Right.

13 MR. SALMAN: -- and then let them make the
14 determination. I think that makes a lot more sense.

15 MR. AIZENSTAT: But are there certain
16 standards --

17 MR. SALMAN: But -- wait a minute --

18 MR. AIZENSTAT: -- that are specifically
19 spelled out that they must meet?

20 MR. SALMAN: I've got a complete thought.
21 Let me finish. Let me finish. Just the way the --
22 and it's a drafting issue. You start a code by
23 saying what it is. It's single-family. You say
24 what's allowed, and then you go and you define it.
25 You don't go into administrative discretionary uses

1 on C. That should actually be a trigger, based on a
2 threshold that is set within the allowed criteria for
3 development, which is not changing from what was
4 allowed before. All we're saying is that when you
5 get towards that upper limit, and now I'm going to
6 Page 5 of 25, that highlighted area, where it says
7 maximum residential, all that is fine, but when you
8 get -- that's where you set that threshold, that when
9 you're getting that close to the upper threshold,
10 then it triggers the additional review.

11 So you start by defining what the district
12 is, what's allowed in it, you know, how you can build
13 it within your setbacks and all the other discussions
14 that you have. So you move, basically, C to the end
15 of the package, of that section, and where it's
16 triggered on Item D, performance standards, that
17 would actually become, then, C. And then C would
18 become D, after this section.

19 MR. SIEMON: Or you could make -- you could
20 just make what is C --

21 MR. SALMAN: But do you follow the logic
22 that I'm trying to say?

23 MR. SIEMON: It could just be another
24 performance standard.

25 MR. SALMAN: Yeah, that's what I'm saying.

1 It could be another -- it's an additional performance
2 standard, and then it follows the logic of just about
3 every code I've ever seen.

4 MR. RIEL: Put it on Page 3, under
5 performance standards.

6 MR. SALMAN: Sure, for projects that go up
7 to -- beyond that trigger point.

8 MR. RIEL: Right.

9 MS. MORENO: I like that better.

10 MR. SALMAN: Does that make sense?

11 MS. MORENO: I like that better.

12 MR. SALMAN: Do you want to make that in the
13 form of a motion?

14 MS. KEON: Could I ask a question before you
15 do that? Then you're saying, instead of being
16 single-family detached one-story buildings, you're
17 talking about you use the height?

18 MR. SALMAN: No, no. Wait a minute. The
19 first thing I did was, I said single-family detached
20 dwellings. Strike the word one-story.

21 MR. SIEMON: Strike one-story. Then you
22 take --

23 MR. SALMAN: Robert?

24 MR. SIEMON: You take C and move it --

25 MR. SALMAN: Single-family detached

1 dwellings. Remove one-story.

2 MR. BEHAR: Yes. Yes.

3 MR. SALMAN: Okay?

4 MR. SIEMON: Then the next section, C,
5 which carries over to Page 3 of 25, through Line 6,
6 would be stricken. Take it out. Lift up --

7 MR. SALMAN: Lift it up.

8 MR. SIEMON: And then you would go through
9 these basic performance standards --

10 MR. SALMAN: Correct.

11 MR. SIEMON: -- and then after you get
12 through the last one, which is outdoor lighting, you
13 would insert neighborhood compatibility or
14 something --

15 MR. SALMAN: Correct, but I would set that
16 trigger at --

17 MR. SIEMON: -- and you establish, for
18 structures that fit into whatever the box is, these
19 criteria.

20 MR. SALMAN: Whatever that criteria.

21 MS. MORENO: I like that.

22 MR. SALMAN: Does that follow logic?

23 MS. MORENO: We need this, so make the
24 motion.

25 MS. KEON: Wait. Can I ask, where does the

1 two-story single-family residential dwellings go?

2 What happens with that?

3 MR. SALMAN: Okay, that stays where it --

4 it stays as it is --

5 MS. KEON: Where are they?

6 MR. SALMAN: -- in general. We can go
7 through the specifics of it, but I'm just going with
8 the logic of the way the Code is written, and I'm
9 saying that that administrative discretionary uses,
10 which is currently C --

11 MS. KEON: Right.

12 MR. SALMAN: -- is really a trigger, whether
13 it be one-story or two-story, after here, which is
14 Item 7 of the current C, which is performance
15 standards.

16 MS. MORENO: So it would be Number 11
17 here --

18 MR. SIEMON: Right.

19 MS. MORENO: -- after lighting.

20 MR. SALMAN: And that Items Number 7 and 8
21 then establish the trigger, which would then bring
22 the administrative discretionary use into play.

23 MS. MORENO: And the introduction would not
24 be two-story single-family residential dwellings.

25 MR. SIEMON: No.

1 MR. SALMAN: No, it would just be --

2 MS. MORENO: It would be residential
3 dwellings that exceed a certain height.

4 MS. KEON: But it's whatever the --

5 MR. SIEMON: Height, whatever measure of
6 threshold you want.

7 MR. SALMAN: Whatever the trigger is going
8 to be.

9 MR. BEHAR: Mr. Chairman, let me ask a
10 question. Would it be inappropriate to maybe get
11 some of the architects that are in the audience today
12 to give us some of their input?

13 CHAIRMAN KORGE: Yeah, we're going to open
14 it to the public.

15 MR. AIZENSTAT: Before we make a motion,
16 though --

17 MS. MORENO: Yeah, that's --

18 MR. AIZENSTAT: -- because --

19 CHAIRMAN KORGE: Yeah, absolutely. We're
20 going to open it to public hearing. We're not going
21 to take a motion quite yet, but --

22 MR. AIZENSTAT: Okay, because I heard, "Do I
23 hear a motion?"

24 CHAIRMAN KORGE: But I think it's helpful
25 now to get it focused, so that people can address

1 what we're contemplating, instead of what was
2 originally presented.

3 So you're just talking about moving it into
4 the performance standards and then revising it to
5 apply to certain heights, I guess greater than 16
6 feet or whatever the recommendation will be,
7 ultimately, on that.

8 Will there be any performance
9 compatibility -- performance standards applicable for
10 houses that are less than that height?

11 MR. SIEMON: No. They just go through the
12 normal design review by the Architectural Review
13 Board.

14 CHAIRMAN KORGE: Let me restate that. Do we
15 want to provide them with additional guidance on what
16 they should be looking for with respect to the
17 single -- you know, the lower -- the one-story
18 buildings, just to use the -- you know --

19 MR. SIEMON: Well, I would think that you
20 might consider -- we originally coupled the FAR of
21 .35 to 16 feet, and you might want to consider if
22 there's an FAR greater than .35 --

23 MR. RIEL: Or 16 feet.

24 MR. SIEMON: -- a height of 16 feet or
25 greater, or it's on a lot of 10,000 feet or greater,

1 that any one of those would trigger the applicability
2 of these additional standards. I think it would
3 ensure that these single-families that are out of the
4 ordinary get the kind of review that would be
5 appropriate.

6 MR. SALMAN: Which, again, is the intent of
7 what we're trying to do.

8 MR. SIEMON: Which is what we're trying to
9 achieve.

10 MR. SALMAN: Right.

11 CHAIRMAN KORGE: Okay.

12 MR. SIEMON: Okay.

13 CHAIRMAN KORGE: Do you want to go through
14 the rest of the changes in here before we open it to
15 public comment?

16 MR. RIEL: Yes.

17 MR. SIEMON: Yeah.

18 MR. RIEL: Yes. Yes.

19 MR. SIEMON: I just -- I only have a
20 comment. Obviously, you take away C, and 1 goes
21 away. The -- iii asked about unenclosed porches and
22 porte-cocheres. I don't have all of my notes,
23 because I can't carry those, from all the meetings
24 we've had in between, but the best of my recollection
25 is that this was originally -- there was an

1 unenclosed porches, which I derived from the document
2 that we had referred to, and there was a
3 porte-cocheres, and somewhere along the line,
4 somebody recommended that it get merged in some way,
5 and I believe that the original language, which I
6 recall for porte-cocheres, that it provided, "shall
7 occupy no more than 20 percent of the front building
8 facade," the porte-cochere, but I have no
9 recollection of what unenclosed porches were, and I
10 can find that out, but I can't tell you right now.
11 But my instincts are that we said there's no limit --
12 we intended to say there's no limit on unenclosed
13 porches. If you have an appropriate design that has
14 a porch across the whole front, why not?

15 MS. MORENO: Right.

16 MR. SIEMON: And that somehow, unenclosed
17 porches just didn't get stricken when it got merged,
18 but I do find, in this document, the old -- I do have
19 the old language that said porte-cocheres shouldn't
20 be more than 20 percent of the facade.

21 MS. MORENO: Right. This says it's at least
22 20 percent.

23 MR. SIEMON: I know. I understand.

24 MS. MORENO: Yeah.

25 MR. SIEMON: But I think, as these two were

1 merged, something was --

2 MS. MORENO: Lost.

3 MR. SIEMON: -- lost in the --

4 MR. AIZENSTAT: Do they count towards the
5 FAR?

6 MR. SIEMON: They do not, if -- well, it
7 depends on whether they're screened or not.

8 MR. AIZENSTAT: If they're not screened,
9 they're open, with ornamental iron or so forth, they
10 do not?

11 MR. SIEMON: Yeah. Oh, I'm sorry. Half of
12 the square footage, Dennis?

13 MR. RIEL: Yes, half.

14 MR. SIEMON: Unenclosed screened are half of
15 the floor area?

16 MR. RIEL: That's right.

17 MR. SIEMON: Half of the floor area.

18 MR. AIZENSTAT: I hear some people saying
19 zero, so --

20 MR. SMITH: A screened porch is counted as
21 one half.

22 MR. AIZENSTAT: No, unscreened.

23 MR. SMITH: Unscreened is counted zero.

24 MR. AIZENSTAT: As long as it falls within
25 the setback --

1 MR. SMITH: Correct. Right.

2 MR. AIZENSTAT: -- you can cantilever out as
3 much as you want?

4 MR. SMITH: No, you can't cantilever, but
5 just a regular covered terrace doesn't count in the
6 floor area.

7 MR. AIZENSTAT: Okay.

8 MR. SIEMON: But the screened is half of the
9 FAR. It counts as half. So if it's 20,000 square
10 foot, 10 of it is FAR.

11 CHAIRMAN KORGE: Well, you're going to end
12 up bringing back clean language, anyway, so --

13 MR. SIEMON: Well --

14 CHAIRMAN KORGE: Do you want to go through
15 the rest of this, the changes, so we can get
16 everything on the table, to open it for public
17 discussion?

18 MS. KEON: This thing with the breaking up
19 of the facade of the house, I thought when it was all
20 done, it was a hundred percent. I mean, it was --
21 they were --

22 MR. SIEMON: No. It had a series of
23 performance standards that --

24 MS. KEON: Right. No, I thought they
25 were --

1 MR. SIEMON: -- they didn't all neatly fit
2 together so you had the same result.

3 MS. KEON: No, right.

4 MR. SIEMON: They overlapped and mixed.

5 MS. KEON: But I thought there were --
6 somehow, I thought there were three. I didn't think
7 there were just two, that there were porte-cocheres
8 and there was the main entrance and something else,
9 but I don't remember. I think I have it. I'll try
10 to see if I can find that, too. Okay.

11 MR. SIEMON: I believe there was something
12 about unenclosed porches.

13 MS. KEON: I think that there is, also.

14 MR. SIEMON: And I think it got --

15 MS. KEON: Yeah.

16 MR. SIEMON: -- after some collective
17 discussion, it got eliminated. And that was the
18 intention, that we weren't going to mandate them,
19 because there are plenty of attractive Coral Gables
20 homes that don't have them.

21 MS. KEON: Well, I thought the intention of
22 all those percentages was to break up that facade so
23 that -- you know, it wasn't to say whether you had to
24 have or not have, but it was a way of looking --

25 MR. SIEMON: Well, we already have some

1 provisions for garages if they're provided. I mean,
2 this is not --

3 MS. KEON: Okay.

4 MR. SIEMON: -- the exclusive provision.

5 MS. KEON: All right.

6 MR. RIEL: Mr. Chair, what I'm going to do
7 is, as we go down these, as we craft and we get
8 consensus from the Board, I'm going to write down
9 each issue and then summarize them at the end, so we
10 can get a motion.

11 MS. KEON: You want a motion?

12 MR. RIEL: No, no, no. I'm writing them
13 down and we'll get a motion at the end. I'll
14 summarize each one of them.

15 CHAIRMAN KORGE: Right. Well, let's -- is
16 there anything else that we need to go through?
17 There's been a lot of changes. Do you want to -- is
18 there anything you need to point out to us at this
19 point, other than what we've already discussed?

20 MR. SIEMON: Yeah, there's -- yeah. The
21 buildable lot, which is found on Page 3 of 25,
22 there's been a lot of discussion about this
23 provision.

24 We started off recommending that the City's
25 traditional aversion to lot splits was not

1 necessarily the best solution to the housing land
2 price pressures and that sometimes, in some streets
3 and some blocks, it made more sense to have two
4 2,400-square-foot units than one 4,800-square-foot
5 unit, but the decision was made by this Board not to
6 make it any easier and to go back and to make the
7 requirements not pick four of six, but to be specific
8 as to what was and was not acceptable.

9 In the last draft of this, Paragraph iii --
10 b, iii, a newly created building -- I mean, I'm
11 sorry, b, iii, a -- became mandatory in the
12 collective discussions.

13 CHAIRMAN KORGE: Can I interject here? My
14 recollection is that we were going to continue with
15 the existing law, that we weren't going to change it
16 at all. That's my recollection. I think we even
17 voted on that.

18 MR. SIEMON: I think it was qualified in two
19 ways. I remember saying to you that we wanted to add
20 the analysis, the zoning area -- what's now called
21 the zoning district analysis as the basis, instead of
22 a thousand feet, which didn't really define any
23 uniform area of compatibility, and the other was that
24 there are -- because of the differential lot sizes,
25 we felt that it would be beneficial to at least

1 calibrate the lot split to the area in which it's
2 located, based on the specific lots that are there,
3 and that's what this additional language does. That
4 was --

5 CHAIRMAN KORGE: What does that mean?

6 MR. SIEMON: Well, if you read the language
7 that's in Paragraph --

8 MR. RIEL: b, i.

9 MR. SIEMON: -- b, i --

10 MR. RIEL: ii and iii.

11 MR. SIEMON: -- iii, b, i, it's Line 39, it
12 says that -- it relates the lot split to the area in
13 which it's located, which I believe was a part of
14 your prior analysis, but was not done on any
15 disciplined fashion that respected this changing
16 pressure, and I argued to the Board that I believe
17 that it would not change the rules, but clarify them
18 and provide for more consistent application to them,
19 because of the varying lot sizes in individual
20 neighborhoods, and I continue to believe that, and
21 that is what's in b.

22 What has changed is, we made the -- it says
23 one of six -- four of six. Well, one of them ought
24 to be dispositive. If it's a vacant parcel of land,
25 number one, prior to February 17th, 1977, then why do

1 you need -- you really don't -- shouldn't need the
2 other three to qualify. And then we eliminated the
3 one about covenants, because we shouldn't be mixing
4 and matching regulations and private agreements.
5 That leaves you with four, and so that's how you get
6 from where we were to where we are now.

7 The one thing that did change was that
8 previously, because there were four of six, there was
9 a provision that said you could get the -- if it was
10 an exceptional or unusual circumstance. That has, in
11 the last iteration, become mandatory, as a mandatory
12 criterion, and that represents a change. You could,
13 theoretically, get a lot split previously without it
14 being exceptional, but it was pretty hard to do, and
15 that's, I think, a policy decision that you all need
16 to address.

17 CHAIRMAN KORGE: We -- but, Charlie, I don't
18 want to argue with you, but we addressed all this and
19 we -- I mean, it's coming back to me now. I thought
20 it was pretty clear that a clear majority of the
21 Board wanted to continue with the existing law, not
22 to change it.

23 MS. MORENO: He's just clarifying the
24 existing law.

25 CHAIRMAN KORGE: I don't think there was --

1 well, let me just --

2 MR. SIEMON: Well, no, I think this latest
3 change does represent --

4 CHAIRMAN KORGE: I don't want to be
5 argumentative about this, but I mean, there was no
6 clarification discussed. I mean, we all understood
7 what the lot splitting ordinance was, and if we're
8 going to change it now, we're going to have to go
9 back through the original ordinance and then look at
10 this, because I just can't remember -- keep
11 remembering all this stuff. I remember what we
12 decided, and now I -- you know, I haven't read all
13 this in detail, and I'm not sure what it means, but,
14 you know, because -- and the reason I'm being adamant
15 about this is that, I mean, that's one of the hot
16 button issues in this town, splitting lots. It's an
17 important issue for a lot of people, and it affects,
18 you know, in a lot of ways, a community. I mean, it
19 increases the density and it increases traffic a
20 little bit and everything that goes with it.

21 So, I mean, if we're going to change it,
22 we've got to be very clear and understand what we're
23 changing and how it's going to affect the future.

24 MR. RIEL: If that's the Board's direction,
25 I would make a suggestion, then --

1 CHAIRMAN KORGE: Well, that was. I don't
2 know if it still is.

3 MR. RIEL: It generally was, but there some
4 caveats to it, and that's what Charlie is going
5 through.

6 Let me just go ahead and try to rephrase it
7 again. Under iii, b, which is Lines 37 through 52,
8 previously the language included that it had to be
9 compatible with a thousand feet in similar zoning
10 districts. What we've done in b is clarified that,
11 provided more detail. So, basically, it's the same
12 thing that's in the current Code, but it was more
13 detail.

14 Charlie is correct, in Lines 32 through
15 36, where it was --

16 CHAIRMAN KORGE: Wait, let's go back. How
17 does it clarify this by providing more detail? Is it
18 clarified -- is it broadening the ability to split,
19 or is it clarified in narrowing it?

20 MR. RIEL: It's more restrictive. It's more
21 restrictive.

22 CHAIRMAN KORGE: It's made it more difficult
23 to split?

24 MR. RIEL: More difficult, yes.

25 CHAIRMAN KORGE: Okay. Is that what -- that

1 was the consensus, that we would make it more
2 difficult?

3 MR. SIEMON: Here's -- if I can -- I'll try
4 to briefly explain to you. The prior language said
5 that the building site created would be equal to or
6 larger than the majority of the existing building
7 site frontages of the same zoning designation within
8 a minimum of a thousand foot radius of the perimeter
9 of the subject property.

10 Now, remember, these zoning districts are
11 not consistently distributed in any uniform pattern,
12 because they're related to minimum building areas.

13 CHAIRMAN KORGE: But that's going to go
14 away.

15 MR. SIEMON: Yes. So that makes this
16 language not very useful, because --

17 CHAIRMAN KORGE: Exactly.

18 MR. SIEMON: Okay, so what we --

19 CHAIRMAN KORGE: Why? I mean, it would be
20 the same zoning district.

21 MR. SIEMON: But the zoning districts aren't
22 districts, in the classic sense. They are a row of
23 lots --

24 MR. RIEL: There's 19 different
25 single-family zoning districts.

1 MR. SIEMON: -- along an individual
2 parcel -- along an individual road.

3 CHAIRMAN KORGE: But that's going to go
4 away.

5 MR. RIEL: Right.

6 MS. MORENO: So he's proposing this in lieu
7 of that.

8 MR. SIEMON: And so this language, which is
9 in i, ii, and iii is really a -- in my mind, a
10 simplification and a clarification of the majority of
11 the lots. It's consistent with the majority of the
12 lots in the area of influence, which is the
13 neighborhood. It was described by a thousand, and
14 I'm -- my --

15 CHAIRMAN KORGE: So you go look within a
16 thousand feet of --

17 MR. SIEMON: No, now you look at the Zoning
18 Analysis District, because that's really the decision
19 of compatibility.

20 CHAIRMAN KORGE: What is the Zoning Analysis
21 District?

22 MR. SIEMON: It's the same area that's --
23 this area here.

24 MR. RIEL: That same illustration in the --

25 MS. KEON: That same block, front and back

1 and whatever.

2 MR. SIEMON: And when you're determining,
3 does it make sense to fit in -- does it fit into
4 this, to make the lot split, we --

5 CHAIRMAN KORGE: Okay, I've got you. I've
6 got you.

7 MR. SIEMON: We think, one, it makes it work
8 and gives it more predictability and better achieves
9 your perspective. And I asked you to allow me to
10 replace it with that language, and I believe that was
11 the caveat.

12 CHAIRMAN KORGE: Okay.

13 MR. SIEMON: And I believe we've done that.
14 That's not really a change. That's a clarification,
15 and --

16 CHAIRMAN KORGE: I understand. Okay, go
17 ahead.

18 MR. SIEMON: Yeah.

19 MR. RIEL: And Lines 32 through 36 was one
20 of -- remember, we had a laundry list of six, that
21 you had to satisfy four. So this could not -- in
22 other words, if you met the four other criteria and
23 didn't meet this, you could still get a lot split.
24 But what we're suggesting here is that this be
25 mandatory, so it will make it more difficult.

1 Now, we can move that a under b, and then
2 say three of the four, and again, then there's that
3 choice again.

4 MS. KEON: Who makes the determination that
5 there are exceptional or unusual circumstances?

6 MR. RIEL: Planning Staff makes a
7 recommendation to this Board, and this Board
8 ultimately makes the recommendation that goes to the
9 City Commission.

10 MS. KEON: Oh.

11 MR. RIEL: And then the other change was --

12 MS. MORENO: It's pretty well defined.

13 MR. RIEL: -- we required a site plan to be
14 prepared, which wasn't done in the past. That's, in
15 a nutshell, the changes.

16 So, if the Board feels the language on 32
17 through 36 should be one of the options, we can say
18 they shall satisfy three of the four criteria, rather
19 than all four, or three of the five, whatever the
20 number ends up being.

21 CHAIRMAN KORGE: Okay.

22 MR. SIEMON: Or it could be -- it either
23 satisfies two -- I mean, a, the exceptional or
24 unusual circumstances --

25 MR. RIEL: Or b.

1 MR. SIEMON: -- and c and d, or it satisfies
2 b and c and d. I mean, that is another alternative.
3 But the consensus on the last go-round of internal
4 discussions was that it -- to recommend that it
5 be "and."

6 MS. MORENO: You require that all of these
7 be satisfied.

8 MS. KEON: Right.

9 MR. RIEL: Yes.

10 MS. MORENO: Yes.

11 MR. SIEMON: Again, keeping with what the
12 direction was, that this is not to change, but --

13 CHAIRMAN KORGE: Go ahead.

14 MR. SIEMON: So that's -- that's --

15 CHAIRMAN KORGE: Okay.

16 MR. SIEMON: Then -- let me get back to my
17 major document. The next one is -- a point I want to
18 bring to your attention is a pretty embarrassing
19 gaffe here, and I can only defend myself by saying
20 that the document that Eric and I worked at, I happen
21 to have here. It very clearly indicates a change to
22 be made, and the change was not properly made, so I
23 hope you'll bear with me.

24 If you'll look at Line 23 on Page 5 of 25,
25 there's been a lot of discussion about the maximum

1 residential floor area and the extent to which it's a
2 problem. We've discussed a whole variety of
3 alternatives, and we've basically made a decision,
4 yesterday, to go back and leave it as it is in the
5 existing Code, period.

6 CHAIRMAN KORGE: Well, the existing Code --

7 MR. SIEMON: That's not what your document
8 says.

9 CHAIRMAN KORGE: The existing Code, is that
10 the temporary regulations --

11 MR. SIEMON: No.

12 CHAIRMAN KORGE: -- or the prior
13 regulations?

14 MR. SIEMON: The prior regulations, because
15 we're adding additional performance standards in
16 terms of setbacks and taller buildings and all that
17 stuff. But it should say maximum residential floor
18 area. Maximum floor area ratio of .48 up to 5,000
19 feet, plus .3 for lots from 5,001 to 10,000, and plus
20 .3 -- .35, excuse me, thank you, Dennis -- .3 for
21 each square foot of 10,001 and above.

22 That's what it says today, and we're
23 proposing that's what it say tomorrow.

24 MS. KEON: So just the .3 is the only
25 change.

1 MR. SIEMON: Yeah. No --

2 MS. MORENO: .35.

3 MR. SIEMON: No, the .35. There should be a
4 5 after the .3, and I can only defend myself against
5 administrative failure because I've got the written
6 document right here, where we made that handwritten
7 edit, but I apologize for that, in getting it to you.

8 So that's -- we've gone back to where we've
9 started from, and we are -- Staff and the consultant
10 are content to leave that as it is --

11 MR. AIZENSTAT: As existing.

12 MR. SIEMON: -- with these other additional
13 analyses which we have provided.

14 The other change is height, and we've been
15 around a lot on height. As you all recall, we had a
16 workshop at the Biltmore, where you all directed us
17 to have a maximum height of 27 feet. We then talked
18 about, how do you measure that, and what we came up
19 with was a -- that the maximum height of 24 feet with
20 a parapet flat roof of one and a half to four feet --
21 it had to be at least one and a half, but it could be
22 up to four feet. So that was really 28 feet. But
23 the top of the tie building (sic) was at 24.

24 The other was that for gabled roofs, we
25 would measure it from the midpoint of the gable.

1 MR. AIZENSTAT: Right.

2 MR. SIEMON: Well, that's how a lot of
3 communities measure their height, but it's caused a
4 great deal of confusion here, so what we propose is
5 that if it's a flat roof, it's 24 feet, with a gable
6 of one and a half to four, but if it's a gabled roof,
7 it's 29 feet to the top of the roof, the top of the
8 gable.

9 MR. AIZENSTAT: The top.

10 MR. SIEMON: Period, the top of the gable.

11 MR. AIZENSTAT: Where can you have a flat
12 roof in the City of Coral Gables? What's an example?

13 MR. SIEMON: Oh, there are a number of
14 buildings. I don't have my --

15 MR. AIZENSTAT: Can you do a flat roof
16 today?

17 MR. BEHAR: Yeah.

18 MR. SMITH: Yes.

19 MR. AIZENSTAT: What would it be? Can you
20 give me an example, Dennis?

21 MS. KEON: Yeah.

22 MR. AIZENSTAT: I thought that in the Gables
23 you were not allowed to do a flat roof.

24 MR. SIEMON: No, you can do it, and there's
25 a style. It has a European tile parapet, often

1 decorative, at the top of the flat building. It's
2 often mixed. It's often a flat roof with a small
3 gabled roof, too.

4 MS. MORENO: I have that.

5 MR. SMITH: We allowed it in the interim
6 provisions. We made provision to allow more flat
7 roofs.

8 MR. SIEMON: But the change that's in this
9 draft is from -- instead of measuring from the
10 midpoint of the gable, because some people construed
11 that to allow -- you know, imagine 20-foot gables, so
12 it would be 10 feet up. The consensus of Staff and
13 the administration and ourselves yesterday was, we'll
14 make it 29 feet to the top of the structure, and the
15 only deviation from that is a chimney that could
16 extend three feet above the maximum permitted height,
17 and that's shown on line 8, and that's in the yellow
18 heavy highlighting, to reflect the change that we
19 made after the draft was produced.

20 MR. SALMAN: Can I add a modification, or
21 suggest one?

22 MR. SIEMON: Absolutely.

23 MR. SALMAN: Where it says the chimney above
24 three feet -- extend three feet, add the words, above
25 roof within 10 feet.

1 MR. SIEMON: It should say above the maximum
2 height.

3 MR. SALMAN: Otherwise it could be at the
4 low end and be three feet higher, and be 32 feet
5 above the ground.

6 I think there's a chimney code requirement
7 there, as well, from a building point of view.

8 MR. SIEMON: In terms of the single-family,
9 that's really it.

10 The Single-Family 2 district, there's only
11 one --

12 MS. KEON: I have a question with parking.
13 Why do you only allow three vehicle parking spaces?
14 I noticed in this district you have three, and in the
15 other district it says four. Why is that?

16 MR. SIEMON: The consensus was made that
17 where four-car garages are being provided in the Old
18 Gables neighborhoods, it doesn't fit in. In the New
19 Gables neighborhoods, it's not uncommon.

20 MS. KEON: But if you have a lot, for some
21 reason, that happens to be -- or somebody puts
22 together that, why wouldn't you let them have --
23 wouldn't it be determined on the size of the lot and
24 everything, as opposed to --

25 MS. MORENO: This is a parking garage. It's

1 not just parking spaces.

2 MS. KEON: But I mean, yeah, a garage.

3 MR. SALMAN: Forgive me for interjecting,
4 but I think, really, the objection here would be how
5 many garage doors you have. If you have three garage
6 doors, that's a heck of a lot. I don't care how many
7 spaces you have behind it.

8 MS. KEON: But in the SF-2, it says you can
9 have four.

10 MR. SALMAN: That's fine. They tend to be a
11 lot bigger lots.

12 MR. SIEMON: Bigger houses.

13 MR. SALMAN: Bigger houses.

14 MS. KEON: But that's why I'm asking, that
15 is it -- but I don't understand why it would be by
16 section, as opposed to being tied to the lot size and
17 the house size.

18 MR. SIEMON: The origins of this distinction
19 is between the general character of the New Gables
20 portion and the general character -- while you do
21 have some large lots, they don't have, typically,
22 four-car garages. They do in the New Gables area.
23 That's, you know, relative --

24 MR. SALMAN: If they want four, they can
25 always go for a variance.

1 MS. KEON: But it shouldn't be a variance.

2 I mean --

3 MR. SALMAN: Can you build a four-car garage
4 by right in North Gables, for example?

5 MR. SMITH: Yes.

6 MR. SALMAN: You wouldn't have much of a
7 house left, would you?

8 MR. SMITH: (Shakes head).

9 MR. SALMAN: There's some common sense here.
10 They're not going to be able to get that much on
11 these lots.

12 MR. AIZENSTAT: Charlie, can I ask you --
13 can we go back a second to the height, the 24-foot
14 height? If you have a two-story house, you've got a
15 24-foot height, the maximum you can go is 29,
16 correct? You've got another --

17 MR. SIEMON: No, the gable --

18 MR. AIZENSTAT: The top of the gable?

19 MR. SIEMON: If it's the top of the gable,
20 it's 29 feet.

21 MR. AIZENSTAT: It's 29. What pitch does
22 that allow your roof to go?

23 CHAIRMAN KORGE: It depends on how wide
24 your roof is.

25 MR. SIEMON: I mean, wouldn't your pitch be

1 very shallow, as opposed to --

2 MR. SIEMON: Well, it depends on the size of
3 the --

4 CHAIRMAN KORGE: It depends on how wide your
5 roof is.

6 MR. SIEMON: -- roof.

7 MR. AIZENSTAT: Well, if you want to have
8 your interior spaces today, what are they, about 10
9 feet, inside? If you do a 10-foot inside, you're
10 going to have a roof that's very -- slanted very low.
11 Is that going to look right?

12 MS. MORENO: Javier? Did you hear that
13 question?

14 MR. AIZENSTAT: I mean, you can't do a
15 5-to-12 pitch or something like that. You're going
16 to be going at a very low --

17 MS. MORENO: The point he's saying is that,
18 if you make the gable 29 feet on a two-story house,
19 you might end up with a very shallow gable.

20 MR. AIZENSTAT: And that could be very
21 awkward.

22 MS. MORENO: Look awkward.

23 MR. AIZENSTAT: That's not going to fit with
24 any of the character of the houses.

25 MR. SALMAN: Well, we have minimum pitch

1 size, pitch. We can't have them at less than, what,
2 two and a half to 12, right?

3 MR. BEHAR: Three in 12.

4 MR. SALMAN: Three in 12? No, I think it's
5 two and a half.

6 MR. BEHAR: And that's -- most houses now
7 have a minimum of 5 in 12.

8 MR. AIZENSTAT: Yeah.

9 MR. BEHAR: Right?

10 MS. MORENO: We knew we were going to get
11 you up here, Dennis.

12 MR. SMITH: Yeah, I knew, too.

13 The Code says two and a half in 12, but most
14 of the products won't let you go to anything less
15 than three and a half to 12, for the new hurricane
16 provisions.

17 MR. SALMAN: Uh-huh.

18 MR. SMITH: But at 29 feet, and that's what
19 we put in the interim Code provisions, we're looking
20 at having people do more combination type roofs,
21 where they would have -- and what happens with the
22 problem with the pitch of the roof, it's based on the
23 span that it's going. So, to shorten up the span, to
24 have more elements of roof, that will have the more
25 pitch, that's --

1 MR. AIZENSTAT: So you want shorter spans
2 to create a steeper pitch?

3 MR. SMITH: To create a steeper pitch, and
4 when we looked at some of the old Mediterranean-style
5 homes, they didn't have a very steep pitch on their
6 roofs, but they had shorter spans and they were
7 broken up into different elements, which helped allow
8 you to lower the height on some of them.

9 But if you wanted to do a traditional home,
10 with the big, you know, five in 12 sloped roof --

11 MR. AIZENSTAT: Right. You're got to go
12 down.

13 MR. SMITH: -- you're going to have to go
14 down.

15 MR. AIZENSTAT: You're going to have to
16 have, what, eight-foot -- eight, eight-and-a-half-
17 foot ceilings inside?

18 MR. SMITH: Uh-huh. So it becomes a
19 function of design, and, you know, that's what we're
20 looking for, for people to look at and study their
21 designs and work them out. And if you look at a lot
22 of the old Gables cottages, they only have the
23 pitched roof in the front.

24 MR. AIZENSTAT: Right.

25 MR. SMITH: It then it comes down and steps

1 down to a flat roof with a parapet, and that's what
2 allowed them to have the pitches that they have and
3 keep it lower, because they kind of had like a false
4 pitched roof on the front, or it pitched in both
5 directions and the water got caught in the back, in
6 the flat roof with the parapet.

7 MR. AIZENSTAT: So, technically, somebody
8 could do a flat roof all around their entire house
9 and just pitch it all around?

10 MR. SMITH: Right.

11 MS. MORENO: Are we creating an incentive to
12 do that, by doing this?

13 MR. AIZENSTAT: That's what I'm wondering.

14 MR. SMITH: In the --

15 MS. MORENO: By saying that you can't exceed
16 29 feet with a gable, which, as you say, if you want
17 it to have the traditional thing, it's going to push
18 down the stories --

19 MR. SMITH: It's going to force people to
20 get more creative in how they deal with their roofs
21 and just not put a single big roof on the houses.
22 They're going to have to break them up.

23 MS. MORENO: But are we creating an
24 incentive for the person who wants 12-story ceilings
25 to then go flat, so that they don't have the problem?

1 MR. SMITH: In some cases, yes, and in some
2 cases, we have the old traditional Gables homes, that
3 were primarily flat with one-story pitched roof
4 elements and, you know, the different combinations of
5 roof types that have to be based on the design of the
6 individual structure.

7 MR. SALMAN: And, again, ultimately, it's
8 going to have to go through an aesthetic review,
9 so --

10 MR. SIEMON: All I can tell you is, we have
11 collectively, Staff and consultant, spent a lot of
12 time talking about this subject, and this was the
13 consensus that we ultimately came to.

14 MR. SALMAN: Can I offer the suggestion, for
15 Item 9, regarding parking garages shall not contain
16 more than three vehicle parking spaces, to change
17 that to three garage doors visible from the street?

18 CHAIRMAN KORGE: That's a material change,
19 because they could have four garage doors not visible
20 from the street, or five.

21 MR. SALMAN: How about three garage doors,
22 period? I think that's the intent.

23 CHAIRMAN KORGE: You could have three double
24 garage doors, or two double garage doors and one
25 single garage door.

1 MR. SALMAN: Point taken.

2 MS. KEON: But what if someone wants to do
3 them tandem and you want an extra space in there for
4 whatever reason? I mean, if their -- let them. Why
5 do you care?

6 CHAIRMAN KORGE: Well, I thought of that.
7 It occurred to me that, you know, it's not a -- if
8 you have extra space, like for a laundry room or
9 whatever, that's not a parking space, because you
10 can't park where there isn't a door to give you
11 access.

12 MS. KEON: But people could park tandem if
13 they had extra cars, if you have kids or whatever
14 else. I mean, they could have tandem parking that,
15 you know, meets their requirements and you would
16 still have -- you know, which means you could have
17 more than -- you know, more than three spaces, but
18 you would still have -- you know, visually, it would
19 look like three spaces. This deals with garages,
20 right?

21 MR. SALMAN: Uh-huh.

22 MS. KEON: Yeah. So, I mean, I don't know
23 how you -- I mean, what if you had -- you know, you
24 could have three tandem spaces. I mean, maybe
25 somebody collects cars. Let them. Maybe you have

1 kids, that they have cars. You know, I'd rather have
2 their cars parked tandem in the garage than all over
3 the front lawn, or on the -- you know, whatever.

4 So, I mean, I don't -- you know, I don't
5 think you should prohibit people from doing that, but
6 you should do it in a way that it's, you know,
7 aesthetically pleasing. So how do you do that? How
8 do you word that?

9 CHAIRMAN KORGE: You ask Charlie.

10 Charlie, were you listening to that?

11 MR. SIEMON: I was. I'm just looking in
12 the -- I think the -- frankly, the origins of this
13 were that garages for more than three cars were a
14 part of a housing type which was generally described
15 as outsized and inappropriate. I think that's where
16 the origin of this is.

17 Dennis, there's nothing about this, is
18 there, in the existing Code?

19 MR. SMITH: Pardon me?

20 MR. SIEMON: There's not a limit on the
21 number of parking spaces in the existing Code?

22 MR. SMITH: Four.

23 MR. SIEMON: Four?

24 MR. SMITH: Four.

25 MR. SIEMON: It is in the Code, four. There

1 was a judgment, then, that was made that it ought to
2 be reduced to three, in the old district.

3 MR. SALMAN: How about, garage doors will
4 not exceed, say, 300 square feet, 10-by-10 garage
5 doors?

6 MS. KEON: But I don't think you should
7 prohibit people from doing that.

8 MR. SALMAN: That way, they can have it as
9 deep as they want.

10 CHAIRMAN KORGE: I can't see people building
11 three or four-car garages on these small lots, to
12 begin with. Then there's no house left.

13 MS. KEON: Well, they're not going to build
14 it at three. I mean --

15 CHAIRMAN KORGE: Yeah.

16 MS. KEON: -- they're going to build one or
17 two, but --

18 MR. SALMAN: Yeah, but, for example, if I
19 had a double lot, 50 by 100 foot, times two, that's a
20 double lot, 100 by 100, I can build a pretty
21 good-sized house with a double-car garage and make it
22 a double tandem and get four spaces, and I can't do
23 that in this. And I'm not affecting the neighbors.
24 I'm only showing two doors.

25 CHAIRMAN KORGE: I wish you had done that at

1 my house.

2 MR. SALMAN: Huh?

3 CHAIRMAN KORGE: That would have been nice
4 if you'd done it at my house.

5 MS. KEON: Right. I mean, when you have
6 kids that are driving and whatever else, it --

7 MR. SALMAN: What happens if you want to put
8 your boat in there?

9 MS. KEON: Yeah, it gives you the
10 opportunity, too, to back your boat -- to put a boat
11 in and everything else, and it's out of sight.

12 MR. SALMAN: Obviously, on a single -- you
13 know, a 5,000-square-foot lot, this isn't what I was
14 talking about, but a double --

15 MS. KEON: But a 10,000-square-foot lot is.

16 MR. SALMAN: Huh? But on a 10,000-square-
17 foot lot, it makes sense.

18 MS. KEON: Yeah.

19 CHAIRMAN KORGE: I guess, if you wanted to
20 focus on doors, you could say no more than three
21 single doors or a double and a single.

22 MR. RIEL: Total square footage of 300
23 square feet facing the street.

24 CHAIRMAN KORGE: Square footage. I mean,
25 whatever works.

1 MS. KEON: How many?

2 MR. RIEL: 300 square feet.

3 MR. SALMAN: Yeah.

4 MS. KEON: Okay. That's fine. I would
5 rather see that, in that.

6 CHAIRMAN KORGE: Is that the equivalent of a
7 double and a single?

8 MR. SALMAN: Three 10-by-10 doors, yeah.

9 CHAIRMAN KORGE: Or three -- yeah, okay,
10 whatever.

11 MR. SALMAN: That way, you could have a
12 double door that's 10 by 20, and then a single door,
13 and you're still there. You've still got your three
14 bays.

15 MS. MORENO: I like the idea of the tandem,
16 like what you said.

17 MR. BEHAR: Twenty.

18 MS. KEON: Yeah.

19 MS. MORENO: There's five cars in my house.

20 MS. KEON: Well, you know, when you have
21 teenagers, you know, kids that are bigger and they're
22 driving --

23 CHAIRMAN KORGE: Okay, so we can make that
24 change?

25 MS. KEON: You'll make that change.

1 MR. SIEMON: So what was the change?

2 CHAIRMAN KORGE: 300 square feet of door.

3 MR. RIEL: A maximum of 300 square foot of
4 garage door. That will allow you to have one double
5 and one single or three singles.

6 MS. KEON: I like the idea you could back a
7 boat in there, too.

8 MR. AIZENSTAT: But with 300 square feet,
9 you can't do really -- you can't have three garages
10 tandem. You only can have three individual spaces,
11 correct?

12 MS. KEON: No.

13 MS. MORENO: No, just the front.

14 MR. SALMAN: It's just what you can see from
15 the street.

16 MS. MORENO: What you're looking at is the
17 front.

18 MR. AIZENSTAT: So you can do the depth --

19 MR. SALMAN: What you're inflicting on the
20 neighbors, how many doors they have to look at.

21 MS. KEON: You could actually have six
22 spaces in there, if you wanted to.

23 MR. SALMAN: You could have nine.

24 MS. KEON: Right. You could just have a
25 garage.

1 MR. SALMAN: You could have a garage, but
2 it's got to have a garage, but it's got to have a
3 house attached somewhere, at least a little facade.

4 MR. BEHAR: The second floor.

5 MR. SALMAN: That's all I'm worried about.

6 MR. RIEL: It's not a permitted use.

7 MS. KEON: Right.

8 MR. SIEMON: And was that 300 square feet of
9 garage doors facing anything in particular?

10 MR. RIEL: Front.

11 MR. SIEMON: Front?

12 MR. RIEL: Front.

13 MS. KEON: Yeah, front.

14 MR. SALMAN: No.

15 MR. SIEMON: No.

16 MR. SALMAN: Facing the street, a street.

17 MR. SIEMON: Facing the street? Well, what
18 about side lots? What kind of neighbor is --

19 CHAIRMAN KORGE: No, I thought -- I thought
20 it was limited to --

21 MR. SALMAN: I'm thinking corner lots. I'm
22 thinking corner lots.

23 MR. SIEMON: Yeah, but I'm thinking about a
24 large lot in which the garages are on the side.

25 CHAIRMAN KORGE: Right.

1 MR. SIEMON: And so the neighbor is looking
2 at --

3 MR. SALMAN: Three garage doors.

4 MR. SIEMON: -- 300 square feet of parking
5 doors.

6 MR. SALMAN: Right now, you've got three
7 parking spaces.

8 MR. RIEL: They can do it right now.

9 MR. SALMAN: They can do it right now. They
10 can put four.

11 MR. SIEMON: I'm just asking the question.
12 One of the buildings that we were shown, by the
13 way --

14 MR. SALMAN: Right now, they can put four.

15 MR. SIEMON: -- had the garage out on the
16 side, just like that, so I was just asking. Facing
17 the street?

18 MR. SALMAN: Facing the street.

19 CHAIRMAN KORGE: Well, if it's facing the
20 street, then you can have an unlimited number not
21 facing the street, right?

22 MR. SALMAN: Yeah, if you want to do a drive
23 around the back --

24 CHAIRMAN KORGE: Yeah.

25 MR. SALMAN: -- and then put six more --

1 CHAIRMAN KORGE: Right.

2 MR. SALMAN: -- that's your business. I
3 don't care.

4 CHAIRMAN KORGE: On the side, too.

5 MR. SALMAN: And on the side, too.

6 CHAIRMAN KORGE: Okay. I don't care,
7 either.

8 MR. SIEMON: As long as it's not a blank
9 wall.

10 MR. SALMAN: As long as it's not -- you've
11 got to put a window in that garage door. Well, it
12 will be beyond the 10 feet of setbacks, so --

13 MS. KEON: Right.

14 MR. SIEMON: Yeah, it would have to be.

15 That's SF-1. And we haven't changed SF-2.

16 MR. BEHAR: Right.

17 CHAIRMAN KORGE: Let's keep moving through
18 this, if we can.

19 MR. SIEMON: The only change, actually, I
20 was -- SF-2 is basically as it has been. The last
21 time we were before you, we did recommend that we go
22 back to the standard floor area that had been there
23 before, but in the original translation, there was an
24 adjustment between five and -- from five to ten to
25 five to 15, and so if you look at Page 7, on Line 8,

1 the change that Eric and I just made wasn't
2 reflected.

3 So the second line should read 5,000 square
4 feet plus .35 for lots of 5,001 to 10,000, not
5 15,000, plus .3 for each square foot above 10,000
6 feet.

7 MR. AIZENSTAT: Just --

8 MR. SIEMON: Somebody will probably complain
9 about that, but that's what it was.

10 MR. AIZENSTAT: Question. Should we get
11 input on SF-1 before we move into SF-2?

12 MS. MORENO: He's only got a little bit on
13 SF-2.

14 MR. AIZENSTAT: Okay. I just don't want the
15 people to leave that have been waiting to comment on
16 it.

17 MR. SIEMON: We're basically --

18 CHAIRMAN KORGE: We're done?

19 MR. SIEMON: Yes, we're done.

20 MR. RIEL: Well, I think, Charlie, we need
21 the MF, the change regarding the townhouses.

22 MR. SIEMON: Oh, no, I'm just doing SF-1 and
23 SF-2.

24 MR. RIEL: Okay.

25 CHAIRMAN KORGE: So are we done with all

1 that you wanted to bring out at this time?

2 MR. SIEMON: On SF-1 and SF-2.

3 CHAIRMAN KORGE: On SF-2. Is there anything
4 else in here we need to bring up at this time?

5 MR. SIEMON: Well, there's the -- there have
6 been some comments. There's some changes in the MF
7 district.

8 CHAIRMAN KORGE: I'm sorry?

9 MR. SIEMON: There have been some changes in
10 MF district, although they're not significant.

11 CHAIRMAN KORGE: Well, let's go through
12 that, because some people may be here for that, as
13 well.

14 MR. SIEMON: If you look at -- in the MF-1
15 district, which is the lower-intensity, multi-family
16 district that we have proposed that will replace the
17 D and TH districts that you currently have, on Line
18 17 through 20, we've tried to deal with an issue that
19 arose under the interim regulations involving
20 townhouses, and as you may recall, there was a
21 project that did not have stoops on the street, and
22 there was a lot of discussion about what the
23 implications of that -- and the -- what was really at
24 issue was that townhouses were eligible for a reduced
25 front yard requirement, and so after a lot of talking

1 and discussion, we have recommended that you have a
2 zero foot side yard -- front yard except adjacent to
3 single-family district, when it would be five feet.
4 It wouldn't be on the sidewalk.

5 We've also said that no more than 65 percent
6 of the frontage of the parcel proposed for
7 development shall have a setback of less than five
8 feet. In other words, it can't be a uniform zero.
9 It's got to have 35 percent of the frontage that is
10 set back at least five feet, and with that, whether
11 it is a townhouse or not, isn't -- those
12 characteristics are not as problematic, we have
13 judged and recommended to you.

14 The other change is that we have clarified
15 that no garage may front on a public street in the
16 MF-1 district. No over-the-curb garages.

17 MR. SALMAN: That would require garages
18 happen on alleyways.

19 MR. SIEMON: That's correct, or service
20 roads.

21 MR. SALMAN: Or service roads, and that --
22 internal service roads.

23 MR. SIEMON: So, when you have the duplex
24 lot which backs up to a single-family residential
25 district, the townhouse can only extend as far back

1 as will leave access, a service road behind with a
2 parking from rear access, no front-access garages.

3 So the concern --

4 MR. SALMAN: And if you're on an alleyway,
5 then you can build right up to the property line.

6 MR. SIEMON: Right. Well --

7 MR. SALMAN: You can put the garage door on
8 the property line.

9 MR. SIEMON: Yeah, that's correct.

10 MR. SALMAN: Yeah, because your rear setback
11 is zero.

12 MS. KEON: The setback is zero.

13 MR. SIEMON: Yeah, but you can't do that
14 if -- in the circumstance where there's no alley.
15 You have to provide --

16 MR. SALMAN: As long as we're not allowing
17 front-in parking, then that solves all the problems
18 all at once.

19 MR. SIEMON: We believe that we've solved
20 that problem consistent with y'all's direction, and
21 then -- I really think that's -- that's the -- we did
22 add, in regard to the parcels not abutting the alley,
23 the dimensions, if it was a two-way, to make it clear
24 that 15 feet was a minimum one-way and 22 feet was a
25 minimum two-way, for that rear yard access.

1 MR. SALMAN: And that's okay with Dade
2 County Public --

3 MR. SIEMON: We believe that's consistent.

4 MR. SALMAN: Public Works?

5 MR. SIEMON: Now, then in the multi-family,
6 we did the same change with regard to townhouse front
7 yards, the 65 percent rule I just described. We
8 imported that into the same district, because we
9 think that has to do with the relationship of the
10 building type with the street, and that that's a
11 desirable thing.

12 I think everything else, Eric, you all have
13 seen or we have discussed previously. There was a
14 correction in the table on Page 16 of 25. The first
15 category, R, has 35/45. The text always said 35 and
16 45, but the graphic did not contain that. It only
17 contained the 35. So we've amended that to clarify
18 that provision, and we modified the definition of
19 height to make it consistent with the -- not
20 measuring from the center point of the gable anymore,
21 and we provided a definition of consistent and
22 compatible, which has been the subject of some
23 extensive discussion today.

24 We -- and I guess I just -- there's a
25 footnote that makes it -- in order for you to

1 exercise discretionary judgment under Florida law,
2 there have got to be standards to ensure that
3 everybody is treated in a similar fashion, and
4 compatible and consistent have been a subject matter
5 of whether they are or they are not. There have been
6 some cases that suggest that they're problematic.

7 One of the ways of ensuring that
8 compatibility has a measurable quality is to apply it
9 to say it's compatibility -- compatible with what.
10 And in a case called Life Concepts versus Hardin,
11 there was a measurement of what constituted a
12 neighborhood, and the compatibility was an analysis
13 of the scale and mass of those buildings within that
14 neighborhood, and that's why we're comfortable that
15 consistent and compatible, as a legal matter, is a
16 sufficiently discrete standard to sustain judicial
17 challenge.

18 That doesn't mean, Cristina, that if uniform
19 implies that it's got to be the same -- we don't --
20 we didn't think it did when we drafted it, it wasn't
21 intended to, but if it does imply uniform, then we
22 need another word, because it's not -- uniform is not
23 identical, but it's also not out of character with,
24 and given the standard in this community, which is,
25 there are very few neighborhoods in which there's

1 only single-story buildings -- there's the cottage
2 district in the SF -- up in the north end of Ponce.
3 There is some -- a lot of diversity. That's where
4 that came from. But that's -- I think those are the
5 changes, Mr. Chairman, that weren't previously
6 discussed by you.

7 There are some changes from the first draft
8 which we incorporated at your direction that have not
9 been subject to further dialogue, other than to
10 transcribe them and put them in.

11 MR. SALMAN: Now, Charlie, again, I wasn't
12 here for a lot of the initial discussion, so just on
13 my memory of the old Code or the interim Code, I see
14 that where we go from multi-family, you know, medium
15 to high density, the old Code used to provide for a
16 requirement of contiguous frontage, and that's what
17 I'm looking for. Is that still addressed?

18 MR. SIEMON: When you go from --

19 MR. SALMAN: Low, medium to high density of
20 housing.

21 MR. SIEMON: Yes.

22 MR. SALMAN: Isn't there a requirement for a
23 certain amount of contiguous frontage? Besides, you
24 know, the lot size being 10,000 or 20,000 square
25 feet, the lot size determining, it also has to have a

1 certain amount of contiguous street frontage?

2 MR. SIEMON: Front.

3 MR. SALMAN: Right.

4 MR. SIEMON: Yeah, street frontage. That
5 is, for example, in iii -- see, that's what -- the
6 parcel size is not really parcel size, it's frontage,
7 I'm sorry.

8 MS. KEON: Where?

9 CHAIRMAN KORGE: Could you give the page
10 number?

11 MS. KEON: Yeah. Where?

12 MR. SIEMON: On Page 16 of 25, if you look
13 back at the page before --

14 CHAIRMAN KORGE: Page what?

15 MS. MORENO: It's a chart. 16.

16 MR. SIEMON: Now I'm questioning myself
17 here. 200 feet of frontage --

18 MR. SALMAN: It should be 200 feet for the
19 high-density.

20 MR. SIEMON: 200 feet of frontage for the
21 height, right.

22 MR. SALMAN: Right, and it was one of the
23 triggers.

24 MR. SIEMON: Right.

25 MR. SALMAN: Or the higher density, higher

1 elevation.

2 MR. RIEL: It's on Page 15, bottom of 15,
3 Charlie.

4 MR. SIEMON: No, I'm looking at the old
5 district.

6 MR. RIEL: Oh.

7 MR. SIEMON: There was some -- there was a
8 hundred feet of frontage requirement, and we
9 concluded --

10 MR. SALMAN: No, but it was different
11 requirements, a different set.

12 Dennis, do you remember all those? When
13 you're going to high-density housing, you had to have
14 like 200 feet of frontage, contiguous, for a
15 high-rise?

16 MR. SMITH: For residential, you needed --

17 MR. SALMAN: Residential. We're talking
18 about multi-family.

19 MR. SMITH: Yes. For multi-family, you
20 needed 100 feet of street frontage and 20,000 square
21 feet of site area, to go higher than three stories or
22 45 feet.

23 MR. SALMAN: Well, that was my question. I
24 see that the --

25 MR. SIEMON: The hundred feet of frontage is

1 no longer included.

2 MR. SALMAN: Is no longer included.

3 MR. SIEMON: It's been deleted --

4 MR. SALMAN: It's been deleted?

5 MR. SIEMON: -- In the draft we have.

6 MR. SALMAN: That's what I was looking for.
7 I couldn't find it.

8 MS. MORENO: Yeah, but you have it in --

9 MR. RIEL: Bottom of 15, on the clean draft
10 here. On the clean draft, on the bottom of Page 15.

11 MS. MORENO: e, iii, on Page 15 of 25, Lines
12 32 through 36, you've got it.

13 MS. KEON: Yeah.

14 MR. SALMAN: There it is.

15 MS. KEON: Yeah, I saw it there.

16 MR. SIEMON: Oh, there it is. I'm sorry.

17 MS. KEON: Yeah.

18 MR. SALMAN: Okay.

19 MS. MORENO: And then you have it again at
20 51 and 52.

21 MS. KEON: It's in there.

22 MR. SIEMON: I'm sorry. You're right.

23 MS. MORENO: This defines what you are.

24 MS. KEON: Right.

25 CHAIRMAN KORGE: That's all height?

1 MS. MORENO: No, here.

2 MR. RIEL: It's there.

3 MR. SALMAN: It is.

4 MR. RIEL: It's on Page 15 and 16, the
5 bottom of 15, top of 16.

6 MS. MORENO: It tells you what --

7 MR. RIEL: It's a range.

8 MR. SALMAN: Could we please incorporate the
9 required frontage into that -- into that graphic that
10 you have?

11 MR. SIEMON: Yeah. Yeah, I've got room for
12 another column.

13 MR. SALMAN: Huh?

14 MR. SIEMON: I've got room for another
15 column. It only applies in some. There will be a
16 lot of N/A's, but that's all right, yeah.

17 (Simultaneous inaudible comments between
18 Board members)

19 CHAIRMAN KORGE: Height, what is that for,
20 frontage? I'm confused.

21 MR. SIEMON: In the old Code, it provided
22 that you had to have a lot a minimum of 100 feet in
23 frontage and 20,000 square feet, and the purpose of
24 that was to avoid having a very narrow frontage and a
25 long, deep lot --

1 CHAIRMAN KORGE: Right.

2 MR. SIEMON: -- that went through to the
3 other block.

4 CHAIRMAN KORGE: Right, but Cristina thought
5 that was still in this draft, and I don't see it.

6 MR. RIEL: It is.

7 CHAIRMAN KORGE: The frontage requirement.

8 MR. SIEMON: It is -- I believe -- Eric may
9 be reading it better than I am --

10 MR. RIEL: It's on the bottom of Page 15,
11 Line 54.

12 CHAIRMAN KORGE: Line 54?

13 MR. RIEL: Okay, start up at 38. Parcels of
14 land designated multi-family, high-density
15 residential land uses, and you look down to Line
16 54 -- I'm sorry, 51. I apologize.

17 CHAIRMAN KORGE: 51?

18 MR. RIEL: A minimum --

19 MS. MORENO: His comment is that it doesn't
20 say frontage.

21 CHAIRMAN KORGE: I just don't -- it says 100
22 feet, of what? I'm just -- I'm confused. I'm not
23 arguing, I'm confused.

24 MS. KEON: It doesn't say frontage.

25 CHAIRMAN KORGE: It's Line --

1 MR. SIEMON: It doesn't.

2 CHAIRMAN KORGE: Go back to Page 14.

3 MR. SIEMON: I don't think that the 100 feet
4 in frontage is incorporated in this draft.

5 CHAIRMAN KORGE: I don't see it there.

6 MR. SIEMON: And I don't believe that it
7 was incorporated -- I think that came out in the --

8 MS. MORENO: That language is not clear.

9 MS. KEON: No, it isn't.

10 MS. MORENO: I think Tom is right, because
11 it says, "Parcels of land which are contiguous or
12 adjacent to parcels designated residential use,
13 multi-family -- " It doesn't make any sense.

14 CHAIRMAN KORGE: It starts out on Page 14 of
15 15, in Paragraph 9.

16 MR. RIEL: Right.

17 CHAIRMAN KORGE: Maximum height. I assumed
18 it was talking about the maximum height, not the
19 frontage.

20 MR. SIEMON: If you'll just give me one
21 second here, I can --

22 (Thereupon, Ms. Moreno stepped out.)

23 CHAIRMAN KORGE: Do we need to be sure to
24 incorporate frontage into this?

25 MR. SIEMON: My recollection is that the

1 frontage requirement was not included in the
2 Alhambra-area interim Code that we adopted, and that
3 that was carried forward into this.

4 CHAIRMAN KORGE: Is it something we need,
5 though?

6 MR. SALMAN: The original Code had a
7 frontage requirement, and the reason for that is that
8 you would have a street frontage of a certain width
9 to prevent through blocks being developed as
10 residential, where you had less than the minimum
11 hundred.

12 CHAIRMAN KORGE: Do we need to keep that?

13 MR. SALMAN: I would think yes.

14 MR. SIEMON: Here's what happened. Now it's
15 coming back to me. You know, we imposed -- in the
16 moratorium area regulations, we modified the heights,
17 instead of you were here or here, and when we
18 modified that, we had calibrated it according to what
19 you were next to. So, in that context, we were no
20 longer concerned for the through block that had 50
21 foot of frontage and went through to the next block,
22 because what it did was had, now, adjacency height
23 limitations that made it necessarily step down to
24 what the adjacent land use is, and that's why we took
25 it out.

1 Whether that -- I believe it holds, but
2 standing here, that's been two years ago, that we
3 were going through those discussions -- but that, I
4 believe, is the origin of why the hundred foot of
5 frontage came out in that circumstance.

6 CHAIRMAN KORGE: You've got a good memory.
7 Wow.

8 MR. SIEMON: But I mean -- because we used
9 to have this. It was like this, side by side, and it
10 was separated by an alley sometimes, but not
11 otherwise, and so that's why that 100-foot frontage
12 then forced you to have a larger parcel, but once you
13 had a hundred foot, you could still go through the
14 block.

15 What we're now -- what we then said was,
16 what we're going to do is calibrate the height
17 according to the adjacent land use designation, and
18 therefore, the amount of the frontage is not really
19 material, because if it's adjacent, then it's got to
20 have that variation in height, adjustment in height.

21 MR. SALMAN: So, Charlie, if I had a -- you
22 would not have a lot that would be 50 by 200 and
23 still meet the --

24 MR. SIEMON: You're not going to have the
25 square footage to go up, and if it was 50 by 400,

1 which was, I think, the original concern, that you
2 wouldn't do that where there wasn't an alley in the
3 block, you're unlikely to -- you can't do that, I
4 think, as a matter of practicality, given the height
5 variations that were required to be -- that would be
6 then imposed on the other block.

7 MR. SALMAN: Okay, I follow you.

8 MR. SIEMON: It's been a long time, but
9 that's my -- I know that's what we did, and I'm
10 pretty confident that it worked, but it's been some
11 time since I've looked at those diagrams.

12 CHAIRMAN KORGE: Well, you might want to go
13 back and look at them, and if you think it doesn't
14 work, come back to us.

15 MR. SIEMON: I'm just -- I'm not suggesting
16 it doesn't work. I'm suggesting that my memory isn't
17 as strong as it was once. But I will check it.

18 MS. KEON: I think they're all height.

19 MR. SIEMON: I know right where those
20 graphics are. I just looked at them. I looked at
21 them; I didn't calculate.

22 Anyway, that's, Mr. Chairman, I believe,
23 where we've gotten to.

24 CHAIRMAN KORGE: That's everything.

25 MR. SIEMON: And I --

1 CHAIRMAN KORGE: Why don't we -- why don't
2 you go quickly -- unless anybody wants to add
3 anything at this point, why don't you go through your
4 notes and then we'll take a break and then come back
5 for the public hearing.

6 MR. AIZENSTAT: Could -- just, if I may,
7 just one question.

8 I was handed, I guess all of us were handed,
9 a four-page letter with some concerns from some
10 residents with the new zoning codes. Charlie, did
11 you get a chance to take a look at that letter?

12 MR. SIEMON: I did.

13 MR. AIZENSTAT: I'd like to get your
14 comments, from the author, because I think there are
15 certain items that might be in here that we have
16 changed, that are not the way they are. It might not
17 have to be now, it could be at the point when we open
18 the discussion, but here, if you'd like to --

19 MR. SIEMON: Have you got one? I'll just go
20 in order, rather than --

21 The first is neighborhood context. We think
22 that we have really done a good job of identifying
23 what the zoning analysis is. We have a narrative
24 description of what it is. We also have a graphic
25 illustration, and I think everybody should understand

1 and there will be no question as to what areas have
2 to be analyzed in the matter.

3 That doesn't necessarily -- I mean, there is
4 a tenor of the concern that's voiced that deviation
5 in size and character and mass is not desirable, and
6 we think that's not necessarily so. We think that
7 that diversity may or may not be appropriate, given
8 the particular characteristics of the neighborhood,
9 and again, we've made a provision to -- a decision to
10 rely upon process and judgment more than objective
11 standards, which I think is the -- frankly, the only
12 way you can effectively do it.

13 The second issue which is raised on the top
14 of the -- the heading is at the bottom, ground area
15 coverage. The only change we've really added is that
16 a detached garage with a porte-cochere doesn't count
17 as floor area. That was an incentive which this
18 Board recommended we do. We capped it at 700 square
19 feet for the ground coverage for the porte-cochere
20 and the -- for the detached garage. We think that's
21 a reasonable item. It does allow an increase in
22 floor area ratio, but it would provide an incentive
23 for a physical -- a house type that the community, I
24 think, cherishes, and you all thought it would be
25 worth providing an incentive for. We feel

1 comfortable on that.

2 The floor area ratio, I'm not sure what the
3 author -- we originally tried to smooth out -- when
4 we first were hired, one of the concerns was not just
5 lot splits, potential lot splits, but lot
6 assemblies. Because there's a step-up in floor area
7 ratio, it goes from .5 to .35 to .3, it's not a
8 smooth curve -- I'm sorry, I apologize -- we
9 recommended, originally, that we smooth out that
10 curve below 10,000 square feet, to eliminate any
11 incentive to try to subdivide -- between 10 -- I
12 mean, between five and 15,000 square feet, to create
13 an incentive not to assemble two smaller homes to try
14 to achieve a larger area, by smoothing out that
15 curve, because at either end of it, you have your
16 advantage, to one way or another.

17 We then went through a whole series of
18 changes and reactions and testing, and out there,
19 making sure we weren't making homes nonconforming,
20 and we kept backing down, and what this -- this
21 recommendation was discussed by Staff and the
22 administration after it was received, and in light of
23 it and for continuing misunderstandings of whether
24 we're taking rights away or not, whether we're
25 allowing more intensity, because we feel that we've

1 set in place an analytical approach to evaluating
2 impact on neighborhoods, to add to the Architectural
3 Review Board, considerations that we've had
4 previously, or to amplify it, that we would just
5 recommend to you that we go back to what was there
6 before, and that's what we've recommended.

7 So we have eliminated -- we've eliminated
8 the .35 between 10,000 and 15,000, and we have
9 replaced the .1 in the upper categories with .3.

10 MR. AIZENSTAT: So we've left it the way it
11 is?

12 MR. SIEMON: It's the way it was.

13 And then height, we believe that the authors
14 did not understand the definition of height and how
15 it's measured, and added them cumulative. There was
16 some language about, you could have a gabled roof
17 with a parapet around it at the beam tie. That ended
18 up being a parapet on top of the gable roof, a
19 misinterpretation, so we simplified it in the
20 language that you saw, that we told you in Paragraph
21 8 today.

22 We're comfortable with the rear setback. We
23 increased it to 10, from five, and we're comfortable
24 that up to 10 feet of height on a detached garage at
25 10 feet is an acceptable relationship to adjacent

1 land uses.

2 And then, the multi-family homes, we believe
3 that the principal concern relates to the assumption
4 that you can build a townhouse to the zero lot line,
5 and we believe that's not possible, not practicable.
6 You have an off-street parking obligation. You have
7 to provide that in garages, on the back side of the
8 property. That means you've got to have an access
9 way. So we think the concern is not borne out by the
10 combination, and I'm sure just the way the Code was
11 prepared, the requirement that the parking garages --
12 there not be parking garages' access facing the
13 public street is not in the same paragraph, and so it
14 may not have been connected.

15 But that was our response to the provisions,
16 and we think if you take all the provisions we have
17 included and discussed today at some length, we feel
18 pretty comfortable that we've created a system that
19 allows, again, what we think your direction and the
20 Council's direction is, is not to stop change but to
21 accommodate change, tempering it with protection of
22 the existing values. But there will be change, and
23 the opportunity for change has been, I think, and
24 Cristina is -- I take some pride, and you weren't
25 here, but I reminded -- I said to Cristina, "I think

1 if you stripped away the vegetation, you'd be
2 surprised that a lot less of your housing resources
3 is as wonderful as you think it is. It's the
4 combination and the diversity that's of great
5 character."

6 So, anyway, that's, Mr. -- Eibi, what our
7 response or my response is to that memorandum.

8 MR. AIZENSTAT: Thank you.

9 MR. SIEMON: And I appreciate the --

10 CHAIRMAN KORGE: Why don't we just summarize
11 the -- yes, Javier? You were going to say something?

12 MR. SALMAN: I thought we were going to take
13 a break.

14 CHAIRMAN KORGE: We are, but I want to just
15 have him summarize it first, and then we're going to
16 take a break, about 10 minutes, and come back and
17 take the public hearing.

18 MR. RIEL: I have about nine or 10 points.

19 Basically, on Page 1, under C, move those --
20 that particular section to the performance standards
21 section, which is Item D on the next page, and then
22 on Page 1, as well, remove the reference to one-story
23 dwellings and it will just be a permitted use,
24 single-family detached dwellings, and then, as a
25 result of that, develop a threshold for one-story,

1 whether it be 16 feet, .35 FAR or 10,000-square-foot
2 lot size, that those certain performance criteria
3 need to be satisfied.

4 MS. KEON: Did we decide it was 16 feet, or
5 you're going to come back with it?

6 MR. RIEL: No, we're going to come back.
7 We're going to come back.

8 MS. KEON: You're going to come back with
9 it.

10 MR. RIEL: We're going to look at that.

11 MS. KEON: Yeah, okay.

12 MR. RIEL: On Page 2, Line 20 -- I'm sorry,
13 Line 24, we need to clarify regarding unenclosed
14 porches and porte-cocheres, in terms of the minimum
15 and maximum. Basically, it will probably be broken
16 out into two separate sections, one to deal with
17 porte-cocheres and one to deal with unenclosed
18 porches.

19 Page 2, as well, we'll clarify that the
20 Development Review Official recommendation is to the
21 Board of Architects. Then we'll update the flow
22 chart in Appendix A to reflect that change.

23 The next change is -- and I have a question
24 mark next to this -- in terms of the lot split. The
25 mandatory satisfying of four criteria or remove that

1 one of unusual circumstances to be an option so you
2 select three of the four, rather than all of the
3 four, so I need a --

4 CHAIRMAN KORGE: I thought -- I thought that
5 he had answered everybody --

6 MS. KEON: Yeah.

7 CHAIRMAN KORGE: -- that everybody was
8 satisfied with it as it is.

9 MR. RIEL: As it is, okay. All right. That
10 question mark is removed.

11 Page 5, Line 23, to correct the FAR
12 calculations to read .48 up to 5,000 square feet,
13 .35, five to ten thousand square feet, and then .3
14 for 10,000 or greater.

15 Page 5, Line 27, regarding height, to
16 clarify the chimney is above the roof within 10 feet.

17 The same page, 5, on parking, Line 35, to
18 clarify or amend that language to include a maximum
19 of 300 square foot of garage door facing the street.

20 MR. AIZENSTAT: Can you just state what you
21 said about the chimneys, please, again?

22 MR. RIEL: The chimney? Basically, on Line
23 31, it would be, chimneys may extend up to three
24 feet.

25 CHAIRMAN KORGE: Above the maximum height?

1 MR. RIEL: And -- above the roof, within 10
2 feet.

3 CHAIRMAN KORGE: Above the roof --

4 MR. RIEL: Yes.

5 MR. AIZENSTAT: Within 10 feet?

6 MS. KEON: What does that mean?

7 MR. SALMAN: That means that -- imagine you
8 have a gable at the top, 29 feet --

9 MR. AIZENSTAT: Right.

10 MR. SALMAN: And your chimney is on the low
11 end. You're not 32 feet above the ground --

12 MR. AIZENSTAT: Right.

13 MR. SALMAN: -- that you have this taller
14 figure.

15 MR. AIZENSTAT: But not more than 10 --

16 MS. KEON: Oh.

17 MR. SALMAN: The Building Code requirement,
18 I think, is similar. It's within 10 feet of the
19 surrounding roof.

20 MR. AIZENSTAT: That's fine.

21 MR. SALMAN: And we may want to amend that
22 to say "above surrounding roof, within 10 feet."

23 MR. RIEL: Okay. Since we're making the
24 change of the parking garage issue of 300 square feet
25 in the SF-1, my assumption is, in the SF-2 --

1 (Thereupon, Ms. Moreno returned.)

2 MR. RIEL: -- since they're allowed four-car
3 garages, we'll go to 400 square feet?

4 MS. KEON: Yeah.

5 MR. AIZENSTAT: Wasn't it 300 feet of --

6 MS. KEON: In the SF-1.

7 MR. AIZENSTAT: -- garage doors facing the
8 street?

9 MR. RIEL: Garage doors facing the street.

10 MS. KEON: In the SF-2, it was four? So it
11 would make it at 400.

12 MR. AIZENSTAT: But it wasn't the square
13 foot of the garage itself.

14 MR. SALMAN: No, it was the square footage
15 of the garage door.

16 MR. AIZENSTAT: Only the door.

17 MR. RIEL: The door.

18 MS. KEON: The door.

19 MR. AIZENSTAT: That's what I wanted to make
20 sure.

21 MR. RIEL: And then we're going to
22 clarify -- within the definition of compatibility,
23 we're going to clarify the issue of uniformity.

24 MS. KEON: And consistency.

25 MR. RIEL: And consistency.

1 And then, regarding the MF regulations, the
2 minimum frontage, we're going to clarify and check
3 and see where we had --

4 CHAIRMAN KORGE: You did the SF-2 change,
5 right?

6 MS. KEON: Yes.

7 MR. RIEL: Yes.

8 MR. SALMAN: Yes.

9 CHAIRMAN KORGE: Page 7?

10 MR. RIEL: Yes, the SF-2.

11 CHAIRMAN KORGE: 10,000 square feet instead
12 of 15?

13 MR. RIEL: Yes. Yes.

14 .48, to 5,000, up to 5,000. .35, 5,000 to
15 10. .3, lots greater than 10. I think that
16 summarizes the discussion.

17 CHAIRMAN KORGE: That's everything.

18 Why don't we take a 10-minute break, and
19 we'll come back and hear the public, and then we can
20 maybe make some decisions.

21 (Thereupon, a recess was taken.)

22 CHAIRMAN KORGE: Let's -- everybody,
23 ladies, we're ready. We're ready to begin.

24 Before we start by swearing in the public,
25 for the public portion of our meeting, I think we had

1 one -- Robert had one more comment or question he
2 wanted to raise regarding the floor area ratio.

3 MR. BEHAR: Correct. Is Charlie still here
4 or --

5 MR. SIEMON: Oh, yeah.

6 MR. BEHAR: Charlie, on the -- under the
7 definition, under the floor area ratio, it appears to
8 me that you are proposing to count the structured
9 parking, whatever area that takes, as part of your
10 FAR. Is that right?

11 MR. SIEMON: No. It's, "shall include any
12 building area except for."

13 MR. BEHAR: No --

14 CHAIRMAN KORGE: It says "including."

15 MR. AIZENSTAT: It says "including," so
16 maybe there's a --

17 MR. BEHAR: Under the floor area ratio, Line
18 17?

19 MR. SIEMON: Oh.

20 MR. BEHAR: "Including structured parking."

21 MR. SALMAN: It should be "excluding."

22 MR. AIZENSTAT: So it should be "excluding."

23 MR. SIEMON: Yeah. I don't see -- I don't
24 know where that came from, candidly.

25 Eric, do you know?

1 MR. RIEL: I don't know.

2 MR. SIEMON: Because the provision right
3 above it says "except for" --

4 MR. RIEL: Except for, right.

5 MR. SIEMON: -- "off-street parking."
6 Off-street parking.

7 MR. AIZENSTAT: This isn't off-street. This
8 is --

9 MR. BEHAR: Required.

10 MR. AIZENSTAT: -- required parking, which
11 would be within the structure itself.

12 CHAIRMAN KORGE: You should move that phrase
13 to follow the phrase, "The total floor area of a
14 building or buildings on a building site, excluding
15 structured parking, divided by the area of the site."

16 MR. BEHAR: Instead of "including," it
17 should be "excluding."

18 MR. AIZENSTAT: "Excluding."

19 MR. BEHAR: Otherwise, you're going to give
20 up at least 40 to 50 percent of your FAR to your
21 parking.

22 CHAIRMAN KORGE: Right.

23 MR. SIEMON: Well, I won't argue. The
24 definition of floor area, which is the numerator,
25 excludes off-street parking, but we'll clarify it in

1 both places.

2 MR. BEHAR: Thank you. Okay, that's it from
3 me.

4 MR. SALMAN: Have you considered, just as an
5 additional point, hoistways and stairwells?

6 MR. SIEMON: We didn't give it -- no, we
7 didn't. That was not discussed. Otherwise, I think
8 the definition comes as is.

9 MR. BEHAR: Well, that's a very good point,
10 Javier, because typically you dedicate, I would say,
11 at least 10 to 12, 14 percent to elevators, stairs,
12 bathrooms, mechanical rooms, that are not usable,
13 leasable, rentable, you know, so you're spending a
14 lot of FAR.

15 CHAIRMAN KORGE: Yeah, and how are they
16 treated now, under in the current Code?

17 MR. SALMAN: Well, in most cities, at least
18 hoistways and stairways are counted once and that's
19 it. It's not part of your FAR.

20 CHAIRMAN KORGE: But how are they counted
21 under our Code? Because they're --

22 MR. SALMAN: They're counted on every floor.

23 MR. BEHAR: They're counted all the time.

24 CHAIRMAN KORGE: Because we don't want to
25 change that. I mean, we don't want to change the

1 size of these buildings, under the Mediterranean
2 Ordinance and so forth that would -- I mean, that
3 would be a material change. So whatever we're doing
4 under the existing Code, we should keep in force.

5 MR. SALMAN: Again, stairwells and hoistways
6 tend to be pretty minimal, less than two percent.
7 It's just adding consistency within Dade County.
8 Everywhere else in Dade County, they're counted once,
9 and not again on every floor.

10 CHAIRMAN KORGE: I don't know. How do we do
11 it here? We do it differently here?

12 MR. SALMAN: Every floor, we count it.
13 We're counting a hole in the building, every floor,
14 as part of the floor area.

15 MR. BEHAR: In my experience, this is the
16 only --

17 MR. SALMAN: The only city that does it.

18 MR. BEHAR: Anywhere. I guess we're unique.

19 MS. KEON: Why would they do that?

20 MR. SALMAN: I don't know.

21 MR. AIZENSTAT: Any idea why we do it that
22 way, Dennis?

23 MR. SMITH: Good evening, again.

24 We do it that way now because floor area
25 ratio is an attempt to measure the mass of a

1 structure, and although those aren't usable floor
2 area, they contribute to the mass of the structure.

3 The things that we don't count right now is
4 the parking garages, within the parking garage,
5 anything within a parking garage. We don't count the
6 floors or the stairs or the elevator shafts at the
7 level where the parking garage is, because the
8 parking garage is exempt. And then we also don't
9 count the ground floor lobby area, where you first
10 walk into the building and go to the elevators in the
11 hallways.

12 CHAIRMAN KORGE: So the stairs and the
13 elevators and the ground floor lobby also are
14 excluded?

15 MR. SMITH: No, they're not excluded.

16 CHAIRMAN KORGE: They're not.

17 MR. SMITH: Just the lobby area.

18 CHAIRMAN KORGE: Well, should we swear
19 everybody in and --

20 Anybody who is here to testify, please --
21 first, you need to sign in, if you haven't already.
22 Then we'd like everybody to stand up and be sworn in
23 at the same time.

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

1 CHAIRMAN KORGE: Shall we call the first
2 witness, please?

3 MS. MENENDEZ-DURAN: Roxcy Bolton?

4 CHAIRMAN KORGE: Ms. Bolton?

5 I don't see her here. Why don't you call
6 the next witness.

7 MS. MENENDEZ-DURAN: Maria Longo?

8 MS. LONGO: Good evening. My name is Maria
9 Cristina Longo, and I live at 100 Andalusia, and I'm
10 going to talk my concerns about MF-1, the proposed
11 MF-1.

12 I have a question. Maybe Mr. Riel can
13 answer this question. In regards to MF-1, what is
14 the motivation behind the townhouse zoning or the new
15 townhouses? Because I am in support of the townhouse
16 zoning, especially in MF-2, the proposed MF-2,
17 because it lowers density, so I am in support and I
18 support the City for doing that, but I don't
19 understand what is the motivation behind MF-1, to
20 create townhouses on Segovia. Is there any -- what
21 is the reason?

22 MR. RIEL: Approximately about 18 months
23 ago, the City Commission enacted a moratorium for the
24 area of Biltmore Way to the south, basically to the
25 Bird Road area. As a result of that discussion, new

1 regulations were put into place, and what was
2 discussed as a transitional housing type between the
3 single-family and the higher density residential
4 that's permitted on Biltmore, the discussion came
5 about of introducing a townhouse product, and then
6 those regulations were put into place, and that
7 moratorium area, those regulations are what is the
8 basis for the preparation of the new MF-1 and MF-2
9 regulations that are proposed for the remainder of
10 the City.

11 MS. LONGO: Like I said, I understand the
12 townhouse zoning, and we're building townhouses on
13 Miller Road. It's one the projects that I'm helping
14 with, and it was a good decision because it lowered
15 density and it's creating more pedestrian-friendly
16 streets. I understand that incentive of zero setback
17 to lower density in MF-2.

18 But MF-1, you have duplexes, which are --
19 according to the present Code, the height is 34 feet.
20 You don't have -- you didn't have the same problem
21 that you have in the Biltmore section with the high,
22 medium and low density.

23 So that is the question that I'm asking,
24 because I'm still trying to figure out why, and my
25 concern is -- my concern is that I support townhouses

1 but I'm not sure that there's one formula of
2 townhouses for the entire section. What I'm trying
3 to say is that in -- I lived in Boston for four
4 years, and I've been in New York, and there's
5 townhouses and brownstones, which is very similar to
6 what we're trying to do in the proposed MF-2 on low
7 density. You have a relationship between height of
8 the townhouses and the width of the street. There's
9 particular models that are used, according to the
10 streets.

11 Since I am not clear about why is the reason
12 of the MF-1 townhouses, then I'm not sure that there
13 is a particular model that is being intended to use
14 for MF-1 versus MF-2, because, for example, in
15 Segovia, the street is wider than Almeria. There's
16 going to be a median. If you're trying to -- if the
17 intention is to create an urban city, which is
18 wonderful, and define the street as an urban street,
19 like in Boston Commonwealth or in Brooklyn Heights in
20 New York, then the height may not be 34 feet, like
21 the one that is there now. The height may have to be
22 higher to create -- the wider the street, the higher
23 the buildings, the townhouses.

24 So I'm just bringing these concerns because
25 I am in support of the townhouses, I love the

1 pedestrian-friendly strolling through the streets,
2 with the stoops. I'm not sure that what I'm reading
3 in MF-1 will create that, and I don't think that it
4 should be the same formula as MF-2, and I'm not sure
5 if there's been a study about that.

6 I want to bring up, too, that the 34 feet
7 height in MF-1 in the table, if -- it says 35 feet,
8 so I'm not sure if that was a mistake, if you're
9 putting -- for duplexes, in the table next to
10 residential, it says 35 feet, whereas the maximum
11 height is 34. I'm not sure why is that, and why, if
12 the townhouses on Almeria are 45 feet and closer --
13 next to residential is 45, why are the townhouses on
14 Segovia 34? That's another question. Again, what
15 model are we intending to use?

16 And also, I have a concern about the
17 Mediterranean bonus, not that I want it or I don't.
18 I'm just bringing -- I'm bringing things that I'm
19 reading that are not consistent, that is in one area,
20 in MF-2, and it is not in MF-1. The Mediterranean
21 bonus is not mentioned at all in MF-1. The height is
22 not the same, and I wonder why.

23 The ground coverage area, I'm confused about
24 MF-1 having a ground coverage area. If you're having
25 townhouses, how can you have a ground coverage area

1 of 50 percent? Maybe you have an explanation for
2 that, and that's in MF-1.

3 MR. RIEL: I mean, it's hard for me to
4 specifically address each of those issues.

5 MS. LONGO: Okay.

6 MR. RIEL: I'll tell you, we have gone over
7 those regulations --

8 MS. LONGO: Uh-huh.

9 MR. RIEL: -- for about six to eight months,
10 so for me to go back and remember what those are --
11 but I'd be happy to meet with you and go over those
12 in detail.

13 MS. LONGO: Okay, and the other thing, the
14 last thing, is the idea of having a percentage of
15 less than -- the 65 percent of the frontage of parcel
16 proposed for development shall have a setback of less
17 than five feet. If the idea was to be able to have a
18 stoop, like the townhouses in Brooklyn Heights, then
19 five feet may not be enough. Maybe you need more
20 than that. I know that on Almeria Road, we have
21 eight feet, and we had to ask for a variance for
22 eight feet. So I'm not sure that five feet is
23 enough.

24 And I just give you some food for thought,
25 and thank you for -- I know that this is not easy.

1 I've gone through this, and I know this is a lot of
2 work, and I thank you for your effort.

3 MS. MENENDEZ-DURAN: Ignacio Zabaleta?

4 MR. ZABALETA: Thank you.

5 Good evening, Mr. Chairman, Members of the
6 Board. I, too, thank you for your efforts. I know
7 it's tough. I don't envy you.

8 I'll be quick. I'm happy to see the changes
9 that have been made to the proposed Code from the
10 meeting in August. I think it's come light-years
11 away. You've addressed a lot of the concerns that we
12 had, especially in the SF-2 areas.

13 One thing I haven't heard tonight, and I
14 think it's something that I know that I'm going to
15 keep reminding you all, and that is, don't spring
16 these changes on us from one day to the next. We
17 need a grace period. We've got projects on the
18 boards, as it were, that are being designed with the
19 interim Code, and these are projects that take six,
20 eight months to develop, and it would be devastating
21 if you approve this in the next couple of months and
22 it took effect before we even have an opportunity to
23 present it to the Board of Architects.

24 The third thing I'd like to talk about is on
25 Page 1. It's Line 29. It has to do with the

1 setbacks. Florida, the Sunshine State, I don't think
2 we're in a position at this point yet, as we are in
3 Manhattan and other places, where we're scrambling to
4 get sunlight. I would really like you to remove the
5 "entire shadow from any portions of the building
6 falls on any contiguous parcel of land at one o'clock
7 in the afternoon" -- "at 1 p.m. on December 21st."

8 I don't know if anyone has -- we chuckled
9 about it, I remember, at the last meeting. What does
10 that mean? What that means is, you've got basically
11 a 40-degree angle to work with. The "or" provision
12 here, at least one foot for every one foot of
13 building height, that's a 45-degree angle. So, in
14 your home, you were -- in any of your homes, if you
15 have a -- say, a 28-foot parapet that we're talking
16 about as being allowed, that building would have to
17 be set back 28 feet.

18 I think, if you took a tape measure from
19 your rear property line and measured to your
20 two-story, I doubt you would find that you had 28
21 feet there. It's onerous and I think it's
22 unnecessary. I think the existing setback
23 requirements are sufficient.

24 Number four, on Page 2, Line 24, we
25 discussed, a little bit, unenclosed porches. I think

1 you, in this process, need to go back and look at all
2 of these definitions, because we were told here
3 tonight that unenclosed porches do not count in FAR,
4 but I can tell you, by definition, that you have to
5 have a clear area. That is, if you have a bar or a
6 barbecue, all of a sudden it's not a clear area, it's
7 open to interpretation, and it becomes part of the
8 FAR. I know from experience. So that, I think,
9 needs to be looked at. The definitions definitely
10 need to be written down and studied closely.

11 Number five, on Page 5, beginning on Line
12 27, I really have a problem with the maximum height
13 there being measured to the top of the roof. I can
14 tell you that if I set my first floor at three feet
15 above grade, for example, and I've got 12 feet to my
16 second floor and a 10-foot tie beam height, that puts
17 me at 25 feet. I've only got four feet to develop a
18 roof at. It's completely insufficient. It does not
19 work.

20 I would agree, as was stated, that it breaks
21 down the scale, but what that means in real life, in
22 construction, is, you're reducing spans. You're
23 introducing beams, you know, every 20 feet, say,
24 increasing the cost of construction tremendously to
25 the homeowner. I don't know if anyone really had

1 considered that.

2 Number six, in Line 26, where we talk about
3 that the residence shall not exceed a height of 39
4 feet -- now we're in SF-2 -- a height of 39 feet
5 above the established grade, including ridgeline,
6 domes, steeples, towers, chimneys, cupolas,
7 decorative features and other such similar
8 structures, I think you should exclude chimneys and
9 decorative features, as you have in SF-1 and as the
10 interim Code states. I'm on Page 7, Line 27, where
11 chimneys, decorative features and other such similar
12 structures are included in the maximum building
13 height.

14 I also think that should apply for Line 13,
15 where the general -- maximum of 34 feet or two
16 stories, that should exclude chimneys and other
17 decorative features.

18 And finally, I'd like to leave you with a
19 bit of humor here. This is from the City of Coral
20 Gables Building & Zoning Department Report and
21 Proposed Adjustments, back in March 28th. We look
22 here at this photograph. Once we study this -- the
23 caption under this photo read, "This 1920s
24 Spanish-style residence is primarily two stories in
25 height with a projecting bay on the front elevation.

1 Note how the carport is slightly recessed from the
2 front facade."

3 Now, the caption under this photo reads,
4 "This residence from the 1920s would meet many of the
5 criteria for a percentage increase in floor area
6 factor: The slightly recessed carport, projecting
7 bay, flat roof with a parapet. Stylistically, the
8 residence appears to be influenced by the Pueblo
9 architectural style."

10 The caption might go on to explain that it
11 is exactly the same house, having an identical
12 massing, footprint and so forth, differentiated only
13 by their ornament. It's a cautionary illustration
14 that we might find Coral Gables littered with
15 similarly cloned mannequins wearing a variety of
16 shirts and skirts. The issue of clones and
17 cookie-cutter homes is not a new one. This dates
18 back to 1920.

19 So I would implore you that good design
20 cannot be legislated and that you really need to
21 leave all aesthetic considerations to the Board of
22 Architects, who have been doing a great job for the
23 last 80 years.

24 Thank you.

25 MS. MENENDEZ-DURAN: Albert Poza?

1 MR. POZA: Albert Poza, architect, and also
2 resident of Coral Gables for about 19, 20 years.

3 First, I'd like to say, you guys did a
4 wonderful job in portraying a lot of our concerns, so
5 I'll try not to repeat too many of those.

6 A letter was written here, which obviously
7 was news to me. I think it was Mr. Murai that sent
8 it, and I couldn't agree with more of what he said.
9 I think the letter, briefly, said that most of the
10 citizens of Coral Gables are not aware of these
11 meetings and the impact of these meetings. I
12 couldn't agree with that any more.

13 I took a little survey, not because of that
14 letter, because I did it in the last couple days. I
15 currently have maybe six or seven projects in Coral
16 Gables, and obviously, what I did was, I took those
17 projects that were of a single-family type concern,
18 and I called my clients. "Are you aware of this?
19 Are you aware of the implications?" Not one was
20 aware of it, not one. So, obviously, the word is not
21 getting out.

22 In August, when I spoke similar words, what
23 I did was, I called them up and I told them to come,
24 and they came. This time I didn't do that, because I
25 thought it was maybe abusive. Some of them are the

1 same clients, and I really didn't -- you know, I
2 thought it would be a little too much on my part.
3 But the main concern is that they're not aware. You
4 might think they are, but they're not. If they would
5 be aware -- and to go on to my next topic, is, the
6 impact, the financial impact that some of these
7 changes could be made. Now, I've heard today that
8 some of those modifications may address these issues,
9 but definitely, the financial impact, if everybody
10 was aware of the financial impact, you would have
11 thousands of people here.

12 There's a lot of people that have bought
13 small homes with intentions of, some day -- not
14 because of greed or anything, just, the family grows.
15 I started living in a little townhouse. Now I live
16 in a two-story home that I probably couldn't
17 rebuild. And yet it wasn't greed or anything. It's
18 just your nature. You know, your family grows. You
19 want to make sure, like some of the Board Members
20 have stated, that all that future, all that hope that
21 somebody has of growing -- maybe they made the
22 decision at one point, do I live in a
23 3,000-square-foot house in Kendall or do I live
24 nearby, with the hope, the aspiration, of maybe a
25 smaller house now, and in due time, 10 years, I'll be

1 able to add to it. Hopefully that isn't taken away,
2 and maybe some modifications have been made that that
3 would still be the case.

4 And I said this before. George -- you know,
5 Mr. Merrick, he knew what he was doing. I don't
6 realize -- I don't know yet why we're changing all
7 these things. Coral Gables works. Coral Gables is
8 the most desirable community in South Florida to live
9 in, from multi-million dollar homes to, in the north
10 end, a lot less than that.

11 Sure, with the way real estate has gone up,
12 most homes are approaching the million dollars. But
13 definitely, it is the most desirable community.
14 There must be a reason. I don't know what we're
15 changing things for. I really don't.

16 The limits on two stories, I think that's
17 been addressed. I won't dwell on that. I think it's
18 been corrected. Also, I don't think we should put
19 limits on building, on two-stories, the financial
20 implications on that.

21 The aspects that the speaker before me
22 addressed, the cookie cutter, the intent of
23 uniqueness, we have to -- as architects, sometimes
24 have to sign statements that we're not repeating the
25 same residence again in Coral Gables, and if a lot of

1 these restrictions or a lot of these rules, these
2 formulas, 10 feet back, this, that, the angle,
3 whatever, if we have to put those in the work, you're
4 going to get a lot of houses that look very similar.
5 The only thing, it might have a flat arch and it
6 might have a round arch, but they're going to look
7 very similar, because there's only certain ways that
8 you can meet criteria, you know, when you have a
9 50-by-100-foot lot. As the lot gets bigger, your
10 criteria is more flexible, and you might be able to
11 come up with a little bit more.

12 The tool that we have currently is the Board
13 of Architects. I would suggest that you give more
14 power to the Board of Architects. I've said this
15 before. They're the ones that can really address
16 massing. They're the ones that can address design.
17 They have that in place. I think that it's been
18 brought up before; another tier of review to see if
19 it meets the formula, I don't see that. I think, you
20 know, we need to address, how much time is that going
21 to take.

22 I mean, Coral Gables, the department as a
23 whole, I mean, I'm -- I know it. We all know it.
24 Everybody -- there's no slackers in this City, in
25 terms of workers. Everybody works, because of the

1 load that they have. So what we're doing is, we're
2 creating a bigger load, more things to review. I
3 don't think that that's in the -- you know, within
4 the scheme of possibilities.

5 I would suggest you give more power to the
6 Board of Architects. How do you not create more
7 load? Maybe limit the number of applicants on a
8 daily -- on a weekly basis, because otherwise you're
9 going to get a hundred and something numbers, and
10 maybe just first come, first served, limit it. You
11 know, it's a suggestion.

12 The issue of the shadow. The way it's
13 written, a shadow is only cast on certain sides of a
14 lot. You know, shadows -- the sun always appears on
15 the same side. It doesn't change every year or move
16 or so forth. So you're only casting a shadow on
17 certain portions. So, on the other side of the other
18 lot, depending on the orientation, you're not casting
19 a shadow. So what do you do then? You know, so that
20 issue needs to be addressed.

21 Another item that is still not clear to
22 me -- and hopefully, maybe it could be answered -- if
23 you have an existing conforming house, but with the
24 new Code, whatever implications it might be, a
25 setback issue, the shadow or the height or whatever,

1 it's rendered nonconforming now. A person wants to
2 do a hundred-square-foot addition. Do they have to
3 go for a variance? Because under normal rules, if
4 you have a nonconforming structure, if you want to
5 change the doorknob, you've got to make it legal and
6 then change the doorknob. So we're going to see all
7 sorts of variances, unless it's addressed at another
8 level.

9 An item that I'll -- it's pretty clear, but
10 maybe it isn't to others. You can have the most
11 compatible building, residence, whatever, to the
12 neighborhood. It could be as compatible -- it could
13 be almost a copy, without saying that word, and yet
14 that could be the most disgusting design there is,
15 and we want to copy it, we want it to be compatible.
16 Yet, by the same token, you may have a building, a
17 residence, whatever, that is an excellent design,
18 award, everybody would write about it, yet it is the
19 most nonconforming structure on earth.

20 We would -- you need to -- somehow this has
21 to be addressed, because, I mean, do we want
22 compatibility or do we want good design? Sometimes
23 they are really -- it's like safety and security.
24 They sometimes don't work together.

25 The issue of the chimney, I think, like the

1 previous speaker, what you've written now or have
2 addressed in the Code, it's basically what you have
3 is just the standard Code everywhere, three feet
4 above any roof adjacent within 10 feet. That really
5 doesn't leave much ability to design anything. I
6 would suggest that, remove the chimney, you could
7 have a fairly mundane little house, one that we might
8 say is ugly. You put a really nice-looking feature,
9 a really nice-looking chimney, and somewhat
10 inexpensively and without much ado, you could really
11 make it interesting. So I would look that over.

12 And then the -- if, in fact, all these
13 changes do go about, since none of them have really
14 been tried, I would suggest that at some point in the
15 future, whatever limit it is, a year from now, two
16 years from now, or from the time of implication (sic)
17 of any new rules, to reconvene and reconsider, kind
18 of take note, what has happened? What have we seen?
19 Is it working? Is it not working?

20 For 80 years, we've been dealing, basically,
21 with the same Code. I think we need to step back at
22 some point, if we pass it next week, if we pass it
23 next year, but at some point, sometime after that, to
24 say, did we create a monster? Have we really
25 improved it? Almost a time certain thing, a year and

1 a half, two years after the Code is passed,
2 reconvene. Is it good? Is it bad? How can we
3 improve it?

4 And that's basically what we're all trying
5 to do, is trying to improve it. I, for one, think
6 that it's fine the way it is, but that's only one
7 person's opinion.

8 Thank you very much for your time.

9 CHAIRMAN KORGE: Thank you.

10 MS. MENENDEZ-DURAN: Roger Soman?

11 Jerry Proctor?

12 MR. PROCTOR: Good evening, Mr. Chair.

13 Jerry Proctor. I'm an attorney.

14 I want to ask, first of all, if I could,
15 through the Chair, what is the current disposition,
16 if you will, when you read your -- I think it was
17 nine issues, right before we had the break, of the
18 lot separation part of the Code? And I'm asking
19 specifically on Page 3, about Line 32, the
20 exceptional or unusual circumstance provision that's
21 been in the Code for some time, but in this draft,
22 it's proposed to be mandatory, and I'm not clear on
23 kind of where you left it, in terms of the changes
24 that might have occurred at the dais before we all
25 began to speak.

1 MR. RIEL: I'd asked the Board if they would
2 want to make that mandatory or not, and their
3 recommendation was that it should remain as worded in
4 this draft here.

5 MR. PROCTOR: Okay. Okay. I want to speak
6 to that one issue. I don't have a problem with the
7 rest of the changes to this section of the Code, I
8 don't have a problem with the changes to the building
9 site rules that Mr. Siemon went through earlier and
10 that are here in the regulations, and I don't have a
11 problem with this provision about exceptional or
12 unusual circumstances being in the Code. It's
13 already in the Code, and it has a purpose. I think
14 your City Attorney would tell you that you need to
15 have a unique circumstance type of clause to deal
16 with what's commonly called a hardship, so I think
17 it's a good provision.

18 I would argue against it, however, as a
19 mandatory provision in this list of requirements for
20 building separation. I believe that the provisions
21 that go below it, that talk about the size of the
22 proposed lot against the size of the lots in the
23 neighborhood, the existence or not of any
24 nonconformities as a result of the separation, and
25 the character of the neighborhood analysis,

1 compatibility, that's really your benchmarks.

2 If you can -- if you come in with a lot
3 separation and you have the sizes that are prescribed
4 in b, starting on Line 39, on Page 3, if you comply
5 with those provisions, if you don't have or create
6 any nonconformities, and if you're compatible with
7 the neighborhood, the character of the neighborhood,
8 you should win. If you don't comply with those

9 rules, you should lose. Someone that comes in on a
10 lot, they may have a cookie-cutter lot or two cookie-
11 cutter lots, a rectangular or a square. They don't
12 have a unique size or shape lot. Most lots in this
13 City do not have two or more zoning categories on one
14 lot. It happens, but it's rare. And most lots --
15 there are some through lots, but they're rare. Most
16 lots, most properties in any city, including the
17 Gables, do not fit into these characteristics for
18 exceptional or unusual circumstances. We lawyers can
19 get up and maybe try to argue that they're
20 exceptional or unusual, but I don't think the Code
21 should really encourage that. If the applicant, if
22 the property that's involved, meets these
23 requirements that are underneath it, it has the right
24 size, it doesn't have nonconformities and it fits the
25 character of the area, it ought to be approved. And

1 I don't have any problem with everything from b
2 underneath being a hundred percent, not being four of
3 six or three of five or, you know, the kind of
4 hodgepodge that you might say that you have in
5 today's Code. I don't have a problem with that
6 change.

7 But I don't think that a, on Line 32, should
8 be mandatory; a is to deal with a unique situation
9 that happens once in a while, but it shouldn't be
10 mandatory. If a is mandatory, then you really have
11 almost eliminated lot separations entirely in your
12 Code, and I don't think that's what you intend.

13 I haven't been at your prior meetings, so I
14 can't tell you, Mr. Chairman, whether your comment
15 was correct or not, whether there had not been any
16 need for change. I haven't been here, so I'll leave
17 that up to you. I just feel like a is a good
18 provision, but should not be mandatory.

19 I appreciate your consideration. Thank
20 you.

21 MS. MENENDEZ-DURAN: Daphne Gurri?

22 MS. GURRI: Hi. Good evening. My name is
23 Daphne Gurri, 2701 Ponce de Leon, and I'm here as
24 vice-president of the American Institute of
25 Architects, Miami Chapter. We're a professional

1 organization, representing 570 architects in Miami,
2 Florida, and one of the objectives of the AIA is also
3 to look out for the public's interest, and we do
4 this. We're representing the interests of the public
5 at large. We're interested in the built environment,
6 design issues, anything that would be the voice of
7 architecture.

8 We've been here before. We've presented our
9 position on the final Zoning Code rewrite, as well as
10 the interim measures. We support it.

11 First -- there's two major issues that I'd
12 like to say. First of all, I think that it's
13 important to note that about 40 percent of the
14 audience, even though some of them have left, are
15 architects. We're the people that have to implement
16 these measures that are put in the Zoning Code, so
17 there's a great deal of interest and concern in
18 general about some of these things that have been
19 proposed, and I applaud you, as a Board, for all of
20 the comments I've heard here tonight. I think
21 there's been a tremendous amount of understanding on
22 the part of the Board as to what the implications are
23 for what's being presented here.

24 One of the big concerns that I have is,
25 again, on design issues, and I think it's the same

1 thing that we've said before, and it's been said very
2 eloquently. A good design cannot be legislated. The
3 measures that are being described here are very
4 restrictive and are not necessarily going to achieve
5 good architecture. And if the AIA is going to
6 support one thing, it would be either to leave the
7 Code as is or to support the interim changes, the
8 interim measures. That is what the AIA is in support
9 of. The measures that are being presented here,
10 not to drag the meeting any longer, are very
11 restrictive, starting from the shading, the heights,
12 the setbacks, et cetera, et cetera, et cetera. So
13 that's one issue.

14 Then, on another issue that we had also
15 mentioned before, was our concern for the need of
16 having a City Architect position, and we feel --
17 we're very supportive of having that position to
18 support the Board of Architects, to take care of some
19 of the load of the mundane things, and then the Board
20 of Architects could have more time to review the
21 bigger projects, including the single-family homes,
22 the new residences, as well as all the commercial
23 projects.

24 But I'm a little confused, because there's a
25 definition for the Development Review Officer, and

1 then there's reference in the definition to two other
2 committees, the Development Review Committee and the
3 Administrative Review Committee, and in the flow
4 chart it's not described, but to me, this is just a
5 complete layer of bureaucracy that's being added.
6 You already have the Board of Architects. The sole
7 task of the Board of Architects is to look at the
8 massing and character and architecture and make sure
9 that it works with the neighborhood. So I don't
10 understand, and I don't think that this is a good
11 thing. It's going to slow down the process, and it's
12 kind of deviating from what the intent was, to create
13 a City Architect position to alleviate the Board of
14 Architects of the smaller, mundane issues.

15 If there is a City Architect position in
16 addition to this, then I stand corrected. But, to
17 me, it sounds, from what I'm being presented here
18 tonight, that that's one and the same.

19 MR. RIEL: They're one and the same.

20 MS. GURRI: Okay.

21 MR. RIEL: Development Review Official is a
22 generic title that is not specific to a departmental
23 title. For instance, in my department, Walter
24 Carlson could be the Development Review Official on
25 certain items and I could be. It's just a generic

1 title. That could be a City Architect, it could be
2 any position, depending upon the director
3 determination.

4 MS. GURRI: Then, as we had mentioned
5 before, our concern would be that that position has
6 to be an architect. Number one, the qualifications
7 haven't been spelled out, so it could be a lay
8 person, and that would be totally the wrong
9 direction, to have someone with less qualifications
10 than an architect being handed a project to take a
11 look at, to filter, before it gets to the Board of
12 Architects.

13 So I would encourage the Board to maintain
14 empowering the Board of Architects. Let the Board of
15 Architects do their job, which they have been doing,
16 again, as stated before, for the last 80 years, and
17 thank you very much.

18 MS. MENENDEZ-DURAN: Fernando Menoyo?

19 MR. MENOYO: Fernando Menoyo, 744 Biltmore
20 Way. Just some brief points on the MF-2 townhouses.
21 The garages in the back are not spelled out for the
22 MF-2 area. That's missing. I think that's very
23 important.

24 MR. RIEL: It was an oversight on my part.

25 MR. MENOYO: Very important.

1 Also, if you look at Page 6 of 12, where
2 they talk about the front setback, it's confusing,
3 because it says -- on Item iii, it says townhouses
4 with a height of 45 feet or less, 10 feet front
5 setback, which is not consistent with the first part,
6 which says from zero to -- or five feet --

7 MS. KEON: What page are you --

8 MR. AIZENSTAT: What page are you on,
9 please?

10 MR. MENOYO: This is on Page 6 of 12.

11 MR. BEHAR: What?

12 CHAIRMAN KORGE: I have 25 pages.

13 MR. AIZENSTAT: There's 25 pages.

14 MS. KEON: Oh, that's the one that went out,
15 I think, to all of us.

16 MR. SIEMON: It's 12 of 25.

17 MR. MENOYO: 12 of 25? I probably have --

18 MS. KEON: You have the older one.

19 MR. RIEL: You're looking at an older
20 draft --

21 MR. MENOYO: -- the internet --

22 MR. RIEL: -- previous draft.

23 MR. MENOYO: Internet draft.

24 MR. AIZENSTAT: And what line, please?

25 MR. MENOYO: Item 6, minimum setbacks,

1 front. So --

2 MR. AIZENSTAT: Can we get what you're
3 saying about it?

4 MR. MENOYO: It says -- go ahead, Charlie.

5 MR. SIEMON: We've previously described to
6 you that we adjusted the townhouse setback in the
7 MF-1 to zero, with five feet next to the residential
8 single-family, but you couldn't have more than 65
9 percent of the frontage on the -- could be zero. 35
10 percent had to be -- we had intended to add that to
11 the MF-1 for townhouses specifically, but -- and then
12 Item iii, which is listed there -- and we did, but
13 Number iii should have been deleted.

14 MR. AIZENSTAT: Townhouses with a height of
15 45 feet or less.

16 MR. SIEMON: Ten feet. That should be --

17 MR. AIZENSTAT: That should be --

18 MR. SIEMON: i and ii replaced -- would be
19 townhouses, and then iv would be buildings of 45 feet
20 or less, and then buildings with 45 feet or higher.
21 That was what we intended. It didn't get into this
22 text.

23 MR. MENOYO: But in order to create stoops
24 in the front -- we're building a project, Almeria
25 Row, and we had to go in for a variance because we

1 needed eight feet, eight feet to put in the stoop,
2 which makes, we think, a very beautiful townhouse,
3 with an exterior stoop.

4 CHAIRMAN KORGE: Someone else made the same
5 observation.

6 MS. KEON: Instead of 10 feet, is that what
7 you're saying?

8 MR. MENOYO: Well, instead of -- now it
9 reads from zero or five feet.

10 MR. SIEMON: The issue is that the language,
11 also, in the MF-2 district includes a build-to line
12 requirement, which is not in the townhouse, and we
13 would -- if the sentiment is to use the zero-five
14 front setback for the townhouses, you would make that
15 the minimum. They could do more, if they wished to
16 have stoops, et cetera, and not have the build-to
17 line apply to townhouses. That would be our
18 recommendation.

19 MR. MENOYO: So, if someone wants to build
20 townhouses with stoops, they can do that?

21 MR. BEHAR: Well, you have to set it back to
22 whatever accommodates it.

23 MR. MENOYO: Right.

24 MR. BEHAR: This is a minimum.

25 MR. MENOYO: Right.

1 MR. BEHAR: You could give it eight feet, 10
2 feet, whatever you want.

3 MR. AIZENSTAT: I don't think you'd have to
4 go for a variance, then.

5 MS. KEON: Yeah, it's a minimum setback.

6 MR. AIZENSTAT: It's a minimum. So, if you
7 wanted to go further, you could.

8 MR. MENOYO: That's good.

9 CHAIRMAN KORGE: Charlie, there was a
10 reason for the build-to line, wasn't there? Which
11 are we going to do? I mean, I recall that, you know,
12 that was like a big deal. We had to have a build-to,
13 to force the town homes back to the street. Wasn't
14 that it?

15 MR. SIEMON: Well, it was to -- it was to
16 bring the lines into some general relationship. But
17 as you recall, there were a couple of different
18 deviations. We allowed them to move up, to reduce it
19 to five feet, where there was extensive public
20 right-of-way between there and the street, and I
21 think the build-to line should still apply. It's a
22 20-foot setback for buildings of greater than 45
23 feet, and that should be a build-to line. They
24 should not be built -- set back any further than
25 that.

1 So we would just recommend that Item 5, on
2 Page 11 of 25, Line 20, be amended to say that the
3 front setback shall be a build-to line for the ground
4 level of any building except townhouses, and that
5 that would make the setback for townhouses the
6 minimum.

7 MR. MENOYO: And the last issue is that
8 townhouse definition. We own a property, where
9 there's a project being built -- it's called Valencia
10 Carriages Homes -- which they're using the townhouse
11 ordinance to build an apartment building, with zero
12 setbacks on the sides. They're calling them
13 townhouses. It's actually a courtyard building, with
14 a courtyard in the center, and, you know, they
15 designed -- they're not real town homes. And we're
16 very upset, because when you create that central
17 courtyard, all the massing goes to the sides. All
18 the open -- all the open spaces are -- the
19 requirements are met by that central courtyard, so
20 all the massing goes to the neighbors.

21 CHAIRMAN KORGE: But that hasn't been
22 approved yet, has it?

23 MR. MENOYO: I think it has.

24 CHAIRMAN KORGE: It has? I thought --

25 MS. KEON: How did that happen?

1 CHAIRMAN KORGE: -- that was being adjusted.

2 MR. MENOYO: It's right with zero setback.

3 MS. KEON: Yeah, we've heard that before,
4 and I thought it would be --

5 MS. MORENO: And I thought we said that we
6 didn't want that.

7 MS. KEON: We said we didn't want that.

8 MR. SMITH: That project complies with the
9 existing townhouse provisions, and we've made that
10 determination, and that issue has not been appealed
11 to the Board of Adjustment. The appeal period has
12 passed. That determination -- actually, to bring up
13 that project now, I think that we would need to
14 notify the owners of that project, as well as their
15 architect, because it's very similar to a project
16 being done on Almeria, called Almeria Row, where it
17 may be row houses, but every one of those row houses
18 has a courtyard in the middle of it that does the
19 same thing that this project does. The only
20 difference is, this project has a central courtyard
21 instead of individual courtyards.

22 MS. KEON: Yeah, but that's --

23 MR. SMITH: But it complies with the
24 existing definition of townhouse that is in our
25 Zoning Code, but it's not a row house, it's a

1 townhouse.

2 MS. KEON: But we had that discussion about
3 that, didn't we?

4 MS. MORENO: We did, and we said we didn't
5 want that to happen anymore.

6 MR. SMITH: Well, then, you can amend it
7 here so that it won't happen anymore.

8 MS. MORENO: Okay, Eric?

9 MS. KEON: But you have to show us why it
10 happened. I think we thought that in what we wrote,
11 it wouldn't allow for that, and you're saying to us
12 that it does allow for that.

13 MR. SMITH: Yes, it does.

14 MS. KEON: So we're asking you to show us
15 how it could allow for that.

16 MR. RIEL: I mean, I can't do an analysis of
17 that plan, because I'm not familiar with it, so I
18 mean, it's very difficult for me to comment on that
19 at this time.

20 MS. KEON: Well, how do we get to that? How
21 do we get that done, Tom?

22 CHAIRMAN KORGE: I don't know. I mean, you
23 know, I would have assumed that when we drafted it
24 the first time, that we would have contemplated the
25 possibility that we would approve the substantive

1 equivalent of an apartment building under the guise
2 of a townhouse, is what you're saying is happening.

3 MS. KEON: Right.

4 CHAIRMAN KORGE: I'm not sure that I see it
5 that way. I'd have to look at it and see, myself,
6 but --

7 MR. SMITH: And if you saw the design for
8 this building, it absolutely is not an apartment
9 building. It is a townhouse project.

10 CHAIRMAN KORGE: Okay. So --

11 MR. SMITH: Mr. Menoyo feels that it's an
12 apartment building, but --

13 CHAIRMAN KORGE: oh, okay.

14 MR. SMITH: -- in our review of it, we do
15 not feel it is, at all, an apartment building. It is
16 a townhouse project.

17 CHAIRMAN KORGE: Putting aside the zoning
18 regulations for a second, in the generic sense of
19 what we consider a townhouse, you would consider it a
20 townhouse?

21 MR. SMITH: Absolutely.

22 CHAIRMAN KORGE: Okay.

23 Why do you consider it not a townhouse?

24 MR. MENOYO: Mike Steffens, who voted for
25 the present ordinance, doesn't consider it a

1 townhouse.

2 MS. MORENO: Okay, explain the difference.

3 MR. MENOYO: Well, it's a courtyard
4 building. You enter the building through one central
5 location, into a courtyard, and then the townhouses,
6 so-called townhouses, are from the courtyard, and
7 there's one that's on the second floor, and you enter
8 a door and you walk up a stairway, and that's how
9 they get away with a townhouse definition, because
10 the townhouse definition in this ordinance is very
11 vague. I think the townhouse definition needs to be
12 clarified. That's my third point.

13 See, the difference is, for instance, in
14 our -- in Almeria Row, each individual unit has to
15 have 25 percent of open space. So that creates --
16 you have to create a certain -- to the neighbor. But
17 on the Valencia Carriages project, all the open space
18 is in the center of the building. So we're left with
19 a wall from the front of the lot to the back of the
20 lot that's 45 feet in height, throughout.

21 MS. MORENO: In other words, the open area
22 only benefits the people who live in the townhouse,
23 it doesn't benefit the neighbors?

24 MR. MENOYO: Right. The massing.

25 MR. AIZENSTAT: But in your project, doesn't

1 the open area also benefit only the residents --

2 MR. MENOYO: No, because --

3 MR. AIZENSTAT: -- of the townhouse?

4 MR. SMITH: Yes, that's correct.

5 MR. AIZENSTAT: Because it would be in the
6 center, with the building around it.

7 MS. MORENO: No, I'm talking about visual
8 benefit.

9 MR. MENOYO: No, no, I mean, the stepping
10 down of the side elevation, the side elevation of the
11 townhouse, is --

12 MR. BEHAR: But the courtyard, the space
13 you're creating, is in the center of your primary
14 building and your garages?

15 MR. MENOYO: Yes.

16 MR. BEHAR: So that benefits only the owner
17 of that town home.

18 MR. MENOYO: Right, but I'm not talking
19 about the open space. I'm talking about the side
20 elevation of the building.

21 MR. BEHAR: Right.

22 MR. MENOYO: See, it steps down. Where we
23 have the courtyard, that wall is only 11 foot tall,
24 and it's 30 feet -- it's about 25 feet long. So, you
25 know, you don't have a 45-foot wall from the front of

1 the lot to the back of the lot.

2 CHAIRMAN KORGE: So why did they do that, to
3 get more square footage?

4 MR. MENOYO: More units.

5 MS. KEON: More units.

6 MR. MENOYO: More units. Instead of four
7 units -- four townhouses that would fit on that
8 75-foot lot, they're building five. Five units.

9 MR. BEHAR: I mean -- and I don't know the
10 project, I'm not that familiar with it, but it sounds
11 like they're utilizing the space in the center as a
12 common space versus as private space. Is that --
13 that's what it sounds like.

14 MR. MENOYO: It's a courtyard apartment
15 building, like they build them in California, and
16 normally those apartment buildings do not have zero
17 setbacks.

18 CHAIRMAN KORGE: Each unit has a door facing
19 the street?

20 MR. MENOYO: No.

21 CHAIRMAN KORGE: No?

22 MR. MENOYO: The interior courtyard.

23 MR. AIZENSTAT: The courtyard, and they have
24 balconies that face the street.

25 MR. MENOYO: Right, and also, it's not a

1 pedestrian-friendly -- you know, townhouses are
2 pedestrian-friendly.

3 CHAIRMAN KORGE: Right.

4 MR. MENOYO: You know, you look at the front
5 entryways of the townhouses. This, the front
6 entryway doors are towards an enclosed, interior
7 courtyard.

8 MS. MORENO: So what we need to do is say
9 that, to be a townhouse, you must have a front
10 entryway on the street.

11 MR. MENOYO: Right. The definition has to
12 be changed.

13 MS. MORENO: Dennis?

14 CHAIRMAN KORGE: Dennis disagrees.

15 Come on up, Dennis, and tell us why.

16 MR. SMITH: I think what I would really like
17 to do is, you know, at the next Planning & Zoning
18 Board meeting, or maybe another one, show you a
19 model, because they've constructed a model of this
20 project, and it fits into the townhouse styles that
21 we've, you know, developed here. It's not a row
22 house. And if you want row houses, then you have to
23 change the definition of townhouse. But row houses
24 is not the only form of townhouse development that
25 there is. There's a number of different types of

1 townhouse developments, and Valencia Carriage is one
2 type of townhouse development, just like Almeria Row
3 is another, and they both have very similar
4 characteristics, and they look different from the
5 exterior but they're both very good projects, and I
6 don't know that I would say that it needs to be
7 changed, because I think that variety will add to
8 that area and that community as they develop these
9 projects down the street.

10 So, you know, I think it's a very good
11 project and I really look forward to sharing it with
12 you, the model of that project. I can borrow that
13 from the architect so that you can see, and then we
14 have a comparison of that to Almeria Row, so that you
15 can see the similarities between the two projects.

16 CHAIRMAN KORGE: Yeah, that's a good idea.

17 MS. MORENO: I think that's a great idea,
18 but I will tell you, my concern is, I don't want
19 enclaves in Coral Gables, like you see in Dade
20 County, where you have a walled community. I
21 wouldn't want to see that. We're a -- you know, an
22 open community.

23 MR. SMITH: That's not this, at all.

24 MS. MORENO: Okay.

25 MR. SMITH: You'll be -- I think you'll be

1 very much surprised when you see the building.

2 Whenever anybody sees the model, you know, they go,

3 "That's what you're talking about, okay."

4 MS. MORENO: Okay.

5 MR. AIZENSTAT: Thank you.

6 MS. KEON: So you'll bring that to us at the
7 next meeting? Is that what you --

8 MR. SMITH: I'll try and get it for the next
9 meeting or the meeting after that, whatever we can
10 fit in on the agenda.

11 MR. RIEL: Whenever we bring this issue
12 back. We'll schedule it.

13 CHAIRMAN KORGE: That's good.

14 MR. SMITH: And spend some time on there for
15 a presentation of that project.

16 MR. AIZENSTAT: Thank you.

17 MS. MORENO: Thank you.

18 MS. MENENDEZ-DURAN: Rafael Sixto?

19 MR. SIXTO: Good evening. I'm Rafael Sixto,
20 1700 Ferdinand Street. I also reside at -- I'm a
21 member of the Board of Architects, and my office is
22 also in Coral Gables.

23 I was here to speak on behalf of the Coral
24 Gables Board of Architects, but frankly, I'm going to
25 speak as an individual member of the Coral Gables

1 Board of Architects, because a lot of the documents
2 we have before us today, especially in the
3 single-family, the board has not really had an
4 opportunity to meet and come up with a formal
5 position on any of this, but we've discussed it
6 informally, briefly, at the last board meeting, and
7 what I'm about to say as an individual, I think, by
8 and large, will reflect some of the comments I heard
9 at the board meeting, and that is that, specifically,
10 with what is being written within the SF-1 district,
11 some of the specific items that are trying to be
12 legislated, involve design.

13 We do not -- or I do not, as an individual,
14 oppose the reduction in the bulk and the mass of
15 single-family homes. That's where it all started,
16 with citizens coming to the City Commission and
17 saying, "We need to do something." I'm in total
18 agreement with that.

19 Something has been done already, with the
20 interim zoning ordinance, and in fact, that interim
21 zoning ordinance does a lot of really good things.
22 It provides a lot of flexibility to the design
23 architect, and ultimately the homeowner, because the
24 homeowner has more options to design the way the
25 homeowner wishes to design the house, through his

1 architect. And that interim zoning ordinance has
2 points and percentage points that one can pick and
3 choose as to what one wants to do with the envelope
4 of the building and -- as well as setting back the
5 envelope farther distances from adjacent properties.

6 Specifically, it also allows for 34-foot
7 high structures, or it doesn't. It depends what you
8 pick and choose. For instance, in the Gables, we
9 know the beautiful character of many of our homes
10 will have a stair tower. You know, there might be a
11 beautiful, wonderful piece of the architecture that
12 wants to rise up to 34 feet, and the rest of it be
13 lower, 29 feet.

14 What this current writing is doing, the
15 current proposal for SF-1, is that all heights need
16 to be at 29 feet. There's very little room for
17 picking and choosing, and especially when one reads
18 what is being legislated, specifically, that the
19 front -- that the portion of the front facade of the
20 building which contains the main entrance to the
21 residence shall occupy no more than 25 percent of the
22 front facade of the dwelling or -- and, actually,
23 and -- that the unenclosed porches or porte-cocheres,
24 if provided, occupy at least 20 percent of the front
25 facade of the dwelling, and if the dwelling has a

1 portion of the roof which is gabled, no more than 80
2 percent, blah, blah, blah, the point being that,
3 let's just say for a moment that one wanted to design
4 a French City Village style, which we all know can be
5 two stories, that very flat plane or front facade,
6 but it's dependent on the articulation of window
7 treatment and doors and cornice and all of that.
8 Well, you know, all of a sudden, this is being
9 legislated, 25 percent of the front facade, you know,
10 da, da, da. There's a lot of leg up.

11 I would propose to you that, given all of
12 the restrictions that are already written into this
13 proposed ordinance, with the height restriction of 29
14 feet and the setbacks and all that, that's all fine.
15 However, do away with all of this other. Don't even
16 consider writing it in as a -- you know, I know
17 you've tweaked it here in today's meeting, but why
18 legislate all of that? Leave that to the Board of
19 Architects. That's what the Board of Architects has
20 been doing very well for the last 80 years. That's
21 one point.

22 Finally, I think the tweaking of the interim
23 zoning ordinance, we almost have -- we have a
24 document that's been proven already for a couple of
25 months, and we've seen -- or at least I've seen, as

1 an individual member of the Board of Architects,
2 residents that have come before us that have all the
3 kinds of possibilities and very many options with
4 which one can design, and if there needs to be
5 tweaking done to that interim ordinance. I would
6 say -- I would suggest this, that for FAR, at least
7 for single-family, that there be some measure by
8 which bulk is -- bulk of the envelope is restrained
9 by way of limiting the amount of unenclosed balconies
10 and porch areas and that sort of thing. We know that
11 that doesn't count against the FAR, therefore, it's
12 adding bulk. Unlimited amounts of unenclosed -- of
13 balconies that are open, they're not air conditioned,
14 and porches and that sort of thing, unlimited --
15 essentially, you can basically add to your mass by
16 adding porches and that sort of thing. So, if there
17 needs to be tweaking done to that, that's one item.

18 The other, of course, is the rear setbacks,
19 still at five feet, and I'm not here to presume to --
20 you know, the consultant is doing a wonderful job and
21 you've all been working very diligent and very hard,
22 but I think those are two proposals that perhaps need
23 to be looked at.

24 A third proposal still is, why not let two
25 parallel ordinances go forward? Test them both. I

1 mean, certainly it's do-able. The South Florida
2 Building Code has parallel chapters for high velocity
3 hurricane shutters versus not. The same -- similar
4 could be done for the zoning ordinance, I would
5 think.

6 But those are my points, and I thank you for
7 your time.

8 MS. MENENDEZ-DURAN: Al Acosta?

9 MR. ACOSTA: Good evening, Mr. Chairman,
10 Mr. Vice-Chairman --

11 (Thereupon, Chairman Korge left.)

12 MR. ACOSTA: -- Members of the Board, Mr.
13 Riel. That's all right. The minutes are recorded.

14 I'm Al Acosta. I'm representing the Riviera
15 Neighborhood Association. I've been here many times,
16 along with other members, and tonight I appreciate
17 the opportunity. I also want to thank you one more
18 time for the tremendous jobs that you're doing, on a
19 voluntary basis, and that's highly recognized.

20 Single-family districts is the topic, and
21 now we need to address the matter of the town homes.
22 Supposedly, the new proposal for town homes is to
23 improve on the concept of the duplexes. But the
24 concept of the duplexes has served us in the
25 residential areas that are abutted by commercial

1 areas, very, very well. And we have at least two
2 fine examples in the Riviera area.

3 Right on South Alhambra and U.S. 1 and
4 Caballero, where the MetroBank is, picture that.
5 Okay? That is zoned commercial now. But there are
6 some lots abutting the residential area which are
7 parking lots, which are zoned duplex and used as
8 parking lots. Next to those parking lots are
9 single-family residences.

10 Now, with the new ordinance, those parking
11 lots will be converted, more than likely, to town
12 homes. The town homes will be abutting the existing
13 single-family residences, boxing in those residents
14 in there. That's not fair.

15 I think the ordinance needs to make an
16 exception to conditions such as the one I'm
17 describing. Where the town home would be built next
18 to existing single-family homes, there needs to be
19 some more separation. There needs to be more
20 setbacks, there needs to be something. It's not
21 right to box in people that have lived in there for
22 quite a while, lived in those residences, now come
23 with a new ordinance and have them boxed in with
24 construction that goes right to the sidewalk.

25 (Thereupon, Chairman Korge returned.)

1 MR. ACOSTA: And I'd request that you
2 consider that, because I think it's an oversight, and
3 it's very complicated. What you're doing in here is
4 very complicated. And by the way, for the record, of
5 the architects, there are some engineers here, as
6 well, okay? Just a little bit of humor.

7 Please address that.

8 There's another area that I think is perhaps
9 an oversight. I'm going to ask the question, and
10 perhaps somebody can answer. For the MF-2, under
11 minimum setbacks, on the rear, it says zero feet. It
12 doesn't mention or distinguish anything, as it does
13 on MF-1, where the lot rear is on water, on a canal,
14 on a waterway.

15 Is that what this Board and is that what the
16 City needs -- wants now, to allow projects on MF-2 to
17 be able to build up, right up to the water? Do we
18 realize what we're getting into by doing that? I ask
19 you to specifically look at Page 9 of 25.

20 And Dennis is here? No? Okay. He can
21 correct me, because I know of a particular project
22 that's coming up right in the area where I just
23 described. They would really love to have this go in
24 effect, and once you have that condition of zero feet
25 on the water, I mean, you're going to have a Venice,

1 an Italy Venice, in Coral Gables, and I don't think
2 that's what you want.

3 MR. BEHAR: Excuse me, but I think that
4 there's a specific setback for waterways, that I
5 don't think is zero, as you refer to.

6 MR. ACOSTA: Exactly. Exactly -- Robert?
7 Is that Robert?

8 MR. BEHAR: Yes.

9 MR. ACOSTA: May I address you that way, Mr.
10 Behar? And you do that in the other one. You go to
11 Page 6 of 25 for the MF-1, and in the minimum
12 setback, you talk specifically about the water, on
13 the letter -- Number 46 through 51, you address the
14 water in the back. Why not also address the water in
15 the back for MF-2, on Page 9 of 25? You need to.
16 Otherwise, developers are going to take advantage of
17 this and are going to kill us.

18 Did I make myself clear here? Do I need to
19 clarify this any more? This is a major oversight I
20 request specifically that you address, by changing
21 the language in 9 of 25, to similar as you have on 6
22 of 25.

23 Is that a fair request, Mr. Riel? Is that a
24 fair request?

25 MR. RIEL: I mean, every request made before

1 this Board is fair.

2 MR. ACOSTA: But I mean, will it be
3 addressed and not just left hanging?

4 MR. RIEL: I'll get back with you. I'll get
5 back with you.

6 CHAIRMAN KORGE: You're talking only about
7 setbacks from the water, or from land, as well?

8 MR. BEHAR: From the water --

9 MR. ACOSTA: No, from the water, in the
10 rear.

11 MR. BEHAR: -- which I think that it might
12 have been an oversight, in this particular case,
13 because --

14 MR. AIZENSTAT: Charlie's right here.

15 MR. BEHAR: Yeah, Charlie is here to answer
16 that. In every instance where you have a body of
17 water, you always set back at least 35 feet, in my
18 recollection.

19 MR. ACOSTA: Right. So please include it
20 back in here.

21 MR. RIEL: I need to check if there's
22 site-specific standards that also address that issue,
23 as well, so I'll get back with you.

24 MR. ACOSTA: Okay. So, if there's anything
25 else that goes on, will the RNA, through me, receive

1 the feedback?

2 MR. RIEL: I will certainly let you know.

3 MR. ACOSTA: I appreciate it very much, sir.

4 MR. RIEL: We're in contact.

5 MR. ACOSTA: That's right.

6 MS. KEON: Doesn't the single-family -- the
7 townhouse next to the single-family residence already
8 require a five-foot setback? I think there is a
9 requirement, no?

10 MR. ACOSTA: Well, the problem --

11 MS. MORENO: But that's in the front.

12 MS. KEON: Uh-huh.

13 MR. ACOSTA: No -- yes, that was the other
14 topic that I addressed before, Ms. Keon.

15 MS. KEON: There is a required setback.

16 MR. ACOSTA: There is requirement now.

17 However, because of the change, the lot that is zoned
18 duplex now --

19 MS. KEON: Right.

20 MR. ACOSTA: -- it doesn't apply to that.

21 So it's confusing, and it wouldn't be fair to those
22 homes that are in there now.

23 Okay, the last point I'd like to make, if I
24 may -- unless you have a question of me here. The
25 last point, it has to do with something that perhaps

1 may never come, but I understand it is already taking
2 place in North Gables area, and that is land assembly
3 in residential areas. You say, "Land assembly? It's
4 so expensive, the land in Coral Gables, that
5 developers cannot afford to do land assembly."
6 Right. Ask the people who are paying a thousand
7 foot -- a thousand dollars a square foot in Downtown
8 Miami. Okay?

9 Again, we have brought this point repeatedly
10 to this Board. I don't see the consultant has
11 addressed it. I don't see that the Board has
12 addressed it. It's only a precaution that needs to
13 be taken, and it may be just a simple way of saying,
14 "Hey, if more than one lot is going to be bought by
15 one owner in the residential area, perhaps the City
16 Architect should look at that," you know, and then
17 bring out or raise -- blow horns or move bells or
18 whatever, but something needs to be done to avoid the
19 possibility that land gets to be so expensive that
20 the people are buying it now and assembling it now,
21 because they know it's going to be 10 times more
22 expensive in five years.

23 So, again, I don't envy you. I sat on the
24 Florida Board of Professional Engineers for eight
25 years, traveling to Tallahassee extensively. I sat

1 for four years on the Dade County Board of Rules &
2 Appeals to the South Florida Building Code, and I
3 know that what you're going through is tremendous,
4 and I appreciate it.

5 MR. BEHAR: Can I ask you a question? I'm
6 sorry to interrupt you.

7 MR. ACOSTA: Yes.

8 MR. BEHAR: Because I'm not clear. I'm not
9 sure that what you're saying is totally true.

10 MR. ACOSTA: Okay.

11 MR. BEHAR: If you have a single-family lot,
12 it's an assemblage --

13 MR. ACOSTA: Uh-huh.

14 MR. BEHAR: -- you can't go back and change
15 that single-family designation to make multi-family.

16 MR. ACOSTA: I understand that, sir. The
17 situation is, if you buy one lot now and another lot
18 later and another lot later --

19 MR. BEHAR: And you want to do --

20 MR. ACOSTA: -- and then you tear down those
21 homes -- you're entitled to tear them down, right?

22 MR. BEHAR: Right.

23 MR. AIZENSTAT: To do a big home.

24 MR. ACOSTA: That's right. Now the lots are
25 empty. Now you're changing the character of the

1 neighborhood. Now what happens?

2 MR. BEHAR: You have to come back for a
3 single-family residence that meets these
4 requirements. You can't -- what I gather you're
5 saying is that you could make a multi-family; that's
6 what you're afraid of happening.

7 MR. ACOSTA: No, no, no, no. They could go
8 to oversized homes.

9 MR. BEHAR: But --

10 MR. ACOSTA: And then the other remaining
11 areas in the block, not being the majority anymore,
12 no longer define the character of the lot. It's just
13 a flag I'm raising. I mean, I trust your judgment
14 and your wisdom. If you don't think it's right, then
15 you talk it among yourselves as a Board. You have
16 that wisdom and the knowledge, and you have the
17 professional people backing you up. I'm just raising
18 the flag. Thank you.

19 MS. MENENDEZ-DURAN: Michael Steffens?

20 MR. STEFFENS: Mr. Chairman, Board, it's not
21 really good to be here this late. I thought I was
22 over this.

23 I have some specific comments about areas of
24 the proposed ordinance and then some general
25 comments.

1 A couple of people have touched on the
2 shadow issue. The shadow issue only deals with one
3 side of the structure, and that side of the structure
4 that it's dealing with may not affect any of the
5 adjacent structures. If the shadow is cast off the
6 front facade, it's not affecting any of the adjacent
7 structures.

8 On Page 2 of 25, c, i, or small one, i. It
9 adds up to --

10 CHAIRMAN KORGE: What page?

11 MR. STEFFENS: 2 of 25, Line 16, 17 and 18.
12 That adds up to a 37-foot front setback on --
13 actually, it's a 35-foot front setback on a
14 100-foot-deep lot, which is pretty excessive.

15 On Page 5 of 25, going back to the existing
16 Code for the floor area factor, I think, is an
17 extremely positive move. I had an example of a house
18 I was working on recently, which is a historic
19 property in the North Gables, on a 19,000-square-foot
20 lot. Under the old Code, they would be allowed to
21 build 6,950 square feet on a 19,000-square-foot lot.
22 Under the interim Code, they would be able to build
23 5,982 feet. Under the proposed Code, as it was
24 written here, they would be allowed to build 4,833
25 feet.

1 I don't think that a 6,950-square-foot house
2 on a 19,000-square-foot lot is excessive, and even
3 under the interim Code, they're allowed 14 percent
4 less house, which is almost a thousand square feet,
5 which is a lot of house to remove, but when you look
6 at the scale of the house on that size lot, a
7 6,000-square-foot house versus a 7,000-square-foot
8 house, on a 19,000-square-foot lot is imperceptible.

9 On the issue of height, I don't understand
10 if the parapet for the flat roof is in addition to
11 the height of the flat roof or it's subtracted from
12 the height of the flat roof. Is that maximum height
13 of 24 feet measured to the top of the parapet or to
14 the top of the roof?

15 The other issue about the slope of the roof
16 in relationship to the 29 feet, you might want to
17 consider reducing that height, the 29 feet, maybe, to
18 27 feet, and measuring from the finished floor, so
19 that you don't have the issue of the property -- the
20 building being higher on the street, so that there's
21 a consistency in that height, so that the property
22 isn't affecting how much height you can build on the
23 house.

24 On the garage door issue, you just
25 considered changing the area of garage doors on these

1 houses to 300 square feet. Three single-car garage
2 doors equal approximately 192 square feet. So you've
3 just allowed them to build almost two times as much
4 garage door area as a three-car -- as three
5 single-door car garages would permit.

6 MS. KEON: Change that.

7 MS. MORENO: Yes.

8 MR. SALMAN: What size doors?

9 MR. STEFFENS: Eight-foot by eight-foot. If
10 you figure eight-foot by eight-foot --

11 MR. SALMAN: You can't park in an eight-foot
12 opening. You can't drive in.

13 MR. HERNANDEZ: You've got to do a
14 nine-foot.

15 MR. SALMAN: You've got to do a nine-foot.

16 MR. HERNANDEZ: Nine by eight.

17 MR. SALMAN: Okay, and I did 10 by 10, as a
18 rough number.

19 MR. STEFFENS: So it's a little bit bigger.

20 MR. SALMAN: And if we're going to have them
21 parking a boat or something in there, you want to
22 give them a little bit extra height, too.

23 MR. STEFFENS: I think 300 square feet is an
24 awful lot. I don't think you want to see three
25 10-foot-by-10-foot garage doors lined up on these

1 scale of houses, but it's something to look at.

2 MS. KEON: Maybe that you can't exceed or
3 whatever.

4 MR. STEFFENS: I don't have the page -- it's
5 in the definitions, the definitions that you're
6 talking about floor areas and floor area ratios. I
7 didn't see anywhere how garages on single-family
8 residences would count. Today, garages that don't
9 have a second floor above them count as 50 percent
10 and garages that do have a second floor above them
11 count as a hundred percent, but I don't see that,
12 either way, indicated in this Code, how you would
13 count garages, except for in -- it says in floor area
14 ratio, including structured parking, which would mean
15 any garage, whether it has a structure above it or
16 not, would count as a hundred percent.

17 I'd like to talk sort of generally about the
18 two different sections of the Code, and I want to
19 start with the multi-family. When I was sitting in
20 your position, I agreed with the simplification of
21 this Code, trying to simplify the zoning categories
22 and simplify how this is applied. But I think that
23 the two multi-family districts really don't address
24 all of the issues in the Gables. I think that with
25 the fine fabric of this City, that we need to have

1 more specific zoning districts that deal with the
2 juxtapositions.

3 The one that came up before you a little
4 earlier, I am not familiar with the larger building
5 that's proposed, but there is, from what I
6 understand, an odd juxtaposition of those two
7 building types, the townhouses or the row houses and
8 this other project, and I think it would probably be
9 good for the Board to more tightly define townhouses
10 or row houses or whatever you would like to call
11 them, and where, specifically, that type of project
12 should take place, and then there's sort of an
13 intermediate size apartment building or garden
14 apartment or some other type of apartment that would
15 have its place in the changing scale, and I also
16 think that the City needs to retain the duplex
17 designation, because there's areas that are duplex
18 today that if they changed to townhouses would have a
19 huge effect on the City, and that can probably be
20 seen most clearly on Segovia.

21 If Segovia, which now looks like a grand
22 boulevard, with very large houses on it, but they're
23 all actually duplexes, all of a sudden changed to
24 townhouses, the scale of that street would change
25 radically, and I don't think it's the kind of change

1 that the Board is anticipating, and it's something I
2 didn't realize when I was sitting in your position.

3 In relationship to the single-family
4 districts, you know, we have heard people say that we
5 can't assemble properties or they don't want us to
6 assemble properties. They don't want us to split
7 properties. We can only build a house 20 feet from
8 each side property line, 37 feet from the front
9 property line, 40 feet from the rear property line,
10 and it has to meet sun angles and other setback
11 requirements within that small envelope that's being
12 described. So we are handcuffing any kind of
13 creativity that we can have.

14 I have currently redesigned my own house,
15 that I intend to bring before the Board of Architects
16 some day, three times, listening to all the changes
17 that this Board has gone through.

18 In the single-family areas, I don't think
19 that a uniform application of a Code that is an
20 attempt to solve a sporadic problem that is occurring
21 in isolated locations is the answer. Two-story
22 houses have been scattered randomly throughout the
23 historic district or the North Gables district or
24 throughout all of Coral Gables, throughout the
25 history of this City. They weren't located only

1 because they were adjacent to existing two-story
2 houses or a majority of the street was two-story
3 houses. Somebody wanted to build a two-story house
4 and they built a two-story house.

5 A majority of all the houses on all of our
6 boulevards are two-story houses. If you look at
7 Granada, North and South Greenway, Alhambra Circle,
8 and then if you go down, south of U.S. 1, to some of
9 the other boulevards, a majority of those houses are
10 two-story houses.

11 New houses that are attempting to recreate
12 the massing of many of the historic houses would not
13 be permitted under this Code. Mr. Behar brought up
14 the idea of having a facade that is uniform across
15 the front of the house. That would not be permitted
16 under this Code, and a lot of the examples that are
17 shown in this brochure, or this proposed zoning, that
18 say permitted and not permitted, the ones that are
19 permitted are permitted only for some specific little
20 item that they're talking about, but the rest of the
21 house -- that house would really not be permitted if
22 it had to conform to all of the issues that are
23 written in this Code.

24 Mr. Chairman, I remember, several months
25 ago, you made a comment similar to what I was talking

1 about now, that maybe the problem is we can't have
2 just two single-family zoning districts that deal
3 with these issues. Maybe we need more, that deal
4 with the specifics of all of these different pieces
5 of fabric that we have.

6 The performance standards that were talked
7 about, that we were changing the performance
8 standards, putting it in a section for performance
9 standards, the performance standards that you were
10 talking about, the 16-foot height, going over .35
11 FAR -- first of all, the 16-foot height, that would
12 require still -- if that's a performance standard,
13 that would require every two-story house to go for
14 the special review. If it's over 3.5 (sic) FAR, that
15 would require every house, period, that would be
16 proposed to be built to go before review, because
17 nobody in their right mind is going to build a house
18 of .3 FAR in Coral Gables. If you're allowed .48 on
19 the minimum lot, on a 5,000-square-foot lot, nobody's
20 going to build a .35 house. So that would, by
21 default, cause every house to fall under that
22 performance category.

23 I still think that these issues should be
24 handled through Historic Preservation and the Board
25 of Architects. If the neighborhood is of such a

1 quality and has such characteristics that it is
2 something special, it should be designated historic,
3 and that will provide the level of protection that is
4 required to keep all the houses one-story, or
5 restrict two-story houses, or whatever we need to do.

6 I just urge you to consider the changes that
7 you're thinking about in this Code, because a lot of
8 them are very, very drastic. Thank you.

9 CHAIRMAN KORGE: Thank you.

10 MS. MENENDEZ-DURAN: Bruce Katz?

11 MR. KATZ: Good evening, Mr. Chairman, Mr.
12 Vice-Chairman, Members of the Board.

13 We've heard a lot of information tonight
14 that has been very interesting and very important,
15 and I'd like to reassure everybody that many people
16 in the community are very disturbed by the type of
17 construction that has been built in the last few
18 years, and it's the McMansion, the monster homes,
19 whatever name du jour that you want to give them.

20 Something changed. I mean, everybody says
21 that for 80 years, the system worked, and it did
22 work, but something changed. There's a lot of money
23 floating around right now. The housing industry has
24 changed, the economics of the whole industry have
25 changed, and as such, we have to realize, not to put

1 it too dramatically, but our City is under assault,
2 and we have to make some changes. And of course,
3 it's difficult, because by making these changes, some
4 people will not be able to build the big houses that
5 they want to build, but I think the overall quality
6 of the neighborhoods, the overall quality of the
7 City, is more important than a few people being able
8 to build a very big house.

9 I'd like to go over just a couple points
10 here, and then I'm -- I usually get up pretty early
11 and I'm half asleep already.

12 If you look here on -- and I had mentioned
13 this at one other meeting. I am a little concerned,
14 of course, that some of the changes that we discussed
15 earlier never came to be. And some did, of course,
16 but one of the ideas, if you look on Page 4, then we
17 get to Line Number 27 -- we went through this once
18 before, and I guess I have to repeat it again. I
19 believe that five feet is just not enough in most
20 lots, except in the most small lots, and I feel that
21 if a lot is at least 75 feet wide or more, that the
22 minimum on each side should be seven and a half
23 feet. We went through this once before, how it would
24 be difficult to bring a boat in and all the other
25 stuff, and all I wanted to say is, if somebody wants

1 a boat, then they need to buy a bigger property. But
2 I don't feel that somebody should have a relatively
3 big house, relatively close to them, because that
4 person wants to bring in a boat.

5 Just kind of the same thing, if you look at
6 the same Page 4, at Line 51, basically, what happens
7 is, if we read -- the way I understand this, you
8 could, with eaves and windows and balconies, get to
9 two and a half feet of the property line on the
10 side. I just think that's too close.

11 We speak about if a property -- if a
12 porte-cochere does not exceed 12 feet high and is not
13 over 350 feet, it only has to be two feet from the
14 interior property line. I mean, for the person on
15 the other side of that property line, I suppose 12
16 feet high is better than 30 feet high, but it's still
17 12 feet high, two feet from the property line. I
18 think that's too much of an exception.

19 In the rear, the detached garage not
20 exceeding 12 feet -- this is, once again, Page 5, at
21 Line 6 -- there's only a minimum of only five feet.
22 I still don't see why, if the detached garage is
23 under 12 feet, which most detached garages are, why
24 they can move closer to the end. I don't see -- I
25 mean, 12 feet is better than 30, again, but I think

1 we should keep it at the 10 feet.

2 As far as -- you know, we spoke about the --
3 Page 5, Item Number 23, there have been a whole bunch
4 of changes, up and down, and it's been a roller
5 coaster of emotions, and I guess invariably some
6 people are happy and some people are sad when these
7 changes are made. I really think that the area that
8 the monster homes seem to affect is the lots that are
9 somewhere between 5,000 and 10,000 square feet, and I
10 wish you would put that right back down to the .3 it
11 says here on Line 24, as opposed to the .35. Leave
12 everything -- if you want to increase it, over 10,000
13 square feet, to .3, that's okay, but I really believe
14 from 5,001 to 10,000 feet, we should go back to the
15 .3 that was here up until, as you guys said, just a
16 few days ago.

17 As mentioned earlier, I, too, am very much
18 against the lot assemblage, and I really -- I had
19 mentioned this once before, and I'll mention it again
20 at this meeting. I believe, without a doubt, that if
21 people put together two, three, four, five lots,
22 whatever you want to, you can't build a house bigger
23 than you could on the biggest of those lots. If we
24 put that rule in, it's going to save a lot of trouble
25 later on, because as more and more people move into

1 South Florida, there's just more and more money
2 coming in from all parts of the country and people
3 are going to start assembling lots and they're going
4 to be able to meet these requirements, but the houses
5 are going to be much bigger than all the other houses
6 in the neighborhood, and I know that the Board has a
7 way out by saying it doesn't meet the -- it doesn't
8 meet the general characteristics of the neighborhood,
9 and I have a lot of confidence in the Board, but even
10 how you guys today were surprised that a project was
11 approved that you didn't think would be approved, I
12 would feel a lot safer if we made some type of
13 stronger rule against lot assemblage.

14 We talk about the height here. A lot of
15 people, you know, have said you can't build anything.
16 I live in a house that was built in 1925. It's two
17 stories tall. It's 24 feet high, plus a parapet.
18 I'm fairly tall. I don't have to lower my head when
19 I walk around any of the floors. I really think that
20 the 29 feet should be reduced to 27 feet. I think 29
21 is too much. There may be some people here who'd
22 like to have it 34.

23 You see, it's true that there were always
24 some two-story houses scattered amongst the Gables,
25 but now even the gentleman before me, who had

1 mentioned, very wisely, that no one is going to build
2 a .35 when you can build a .48, because the land
3 values are getting so high that you have to build the
4 biggest house that that lot will allow to justify the
5 purchase of the land, but all I know is, if we say
6 the maximum is 27 feet, in 1925 the architects and
7 the designers and the engineers had a lot less than
8 they do today. They were able to build a beautiful
9 house that's 24 feet high. Here we are in 2006. I
10 don't know why they can't do it at 27 feet.

11 We spoke about the parking garage, and there
12 was a whole bunch of -- this is line 35 of Page 5,
13 that, you know, we're going to -- this is very -- I
14 think this is a very big mistake, if I can say so,
15 the limiting of three spaces, where we originally
16 started. Then we said, well, we're going to have a
17 certain amount of square feet facing the street, but
18 if you want to park one car behind the other, you
19 can, so in theory, you can fit in six cars. If we
20 were able to, right now, magically open every single
21 garage in the single-family homes in the City of
22 Coral Gables and see them on some gigantic television
23 screen, I doubt highly that more than 20 percent of
24 them have cars parked inside of them, and all we're
25 doing by making these garages bigger is giving people

1 a chance to store stuff in there, and it's not being
2 used to take cars off the street. I mean, it will in
3 some cases, but it won't be in all the cases. I
4 think the idea of three spaces was a good one, and,
5 you know, I guess if we want to change it, let me
6 throw my two cents in. It looked good until tonight,
7 in my opinion, because of the fact that nobody parks
8 their cars in the garages. They're all in the
9 driveways, they're all in the swale. I mean, there
10 are some people that do, but it's just -- it's
11 just -- the potential for abuse is just too great.

12 Anyway, thank you. I know your job is very
13 difficult, and it's late at night, and listening to
14 all of us -- but thank you very much.

15 CHAIRMAN KORGE: Thank you.

16 MS. MENENDEZ-DURAN: Sergio Artigues?

17 MR. ARTIGUES: Good evening. My name is
18 Sergio Artigues, and I live at 155 San Souci Drive.

19 I'd like to commend you all, and I say this
20 sincerely, because I think the task before you is a
21 very difficult one, but in part, I think it's
22 difficult because I believe you're trying to change
23 something that is not broken, and I believe you're
24 trying to change something that, at best, should be
25 tweaked, as opposed to completely changed.

1 I think the Code has worked for many years,
2 and I think if you drive throughout the City, you see
3 a result of why and how it has worked.

4 I have a comment regarding the Board of
5 Architects. I've served on the Board of Architects
6 for many years. It's been some years since I do, but
7 I think the board is the ideal group to review
8 anything that is imposed, before a design
9 professional. I don't think there should be another
10 level of review. As it is, this City, through the
11 Board of Architects, reviews more than most, and I
12 think they do a very successful job, and again, if
13 you drive through the City, I think it's clearly
14 evident. Although there are some exceptions
15 recently, with some of these bigger homes, I think
16 they're not many at all. I think it's an isolated
17 incident, and I think, with some minor tweaking to
18 the existing Code and perhaps some design criteria
19 that can be incorporated into the Board of
20 Architects' review, I think this could be kept to a
21 minimum, if not eliminated.

22 Another comment I have regarding the Code
23 changes is the language. In particular, I am
24 concerned with the part where it makes reference to
25 consistency and compatibility. I think -- if

1 anything is to be adopted, I think it should say what
2 it means to say. I don't think that Board members,
3 three or four Board members, should read this and
4 have to discuss what it means. I think it should be
5 clear. I personally don't agree with what it says,
6 because I don't think it says what it means and it
7 doesn't mean what it says, or at least not according
8 to the presentation that we heard. I think that
9 should definitely be cleared up, and not in the form
10 of some notes being taken down and saying we're going
11 to address this. You should at least be able to
12 review what these revisions sound like or what they
13 at least are clearly intended to mean.

14 And last but not least, at the current
15 moment, I am a member of the Board of Adjustments.
16 We review all the variances in the City. And one of
17 the things that concerns me is, there are going to be
18 a lot of currently conforming legal structures which
19 will become nonconforming structures. My
20 understanding is that if any of these structures
21 desire to have any modifications or additions or
22 remodelings done, they will no longer be conforming
23 structures, therefore, the process that they have to
24 go through in order to have their permits issued is a
25 variance process.

1 I am concerned that there will be so many of
2 these cases brought before our board that we are
3 going to -- we are going to experience a serious
4 bog-down, and there's just so many hours in the day
5 or so much amount of time that you can spend on some
6 of these cases. I unfortunately -- you know, we've
7 sat on this board, many mornings, where we don't
8 leave until afternoon. We've spent hours on many of
9 these cases, and I think the proper time should be
10 given to some of the cases with merit, with this type
11 of time. I think it's going to be quite clear that
12 if a home, for example, that all of a sudden doesn't
13 comply with the new established setbacks needs to
14 have an addition placed upon it and needs to be lined
15 up with an existing wall, I quite frankly would
16 rather not have to spend time reviewing a variance
17 that really was a hardship imposed on the resident
18 owner by a Code change. In other words, the Code is
19 imposing a hardship on the owner. I don't understand
20 that. I don't think the Code should impose hardships
21 on owners, not owners that were conforming to begin
22 with.

23 With that, I'd just ask you to please
24 consider my comments, and I don't want to reiterate
25 everything that's been said today but there have been

1 some other very valid comments, and please review
2 this carefully. Thank you.

3 MS. MENENDEZ-DURAN: Elfrieda Zundell?

4 MS. CHAUDHRY-FRYER: She's left, but if I
5 may, she left some photographs for the Board to look
6 at, and I could just hand them up, if you like.

7 These are of new houses next to the
8 existing traditional homes.

9 MR. RIEL: Can you just identify yourself
10 for the record, so we know where the photographs --

11 MS. CHAUDHRY-FRYER: Yes. My name is Mamta
12 Chaudhry-Fryer. I live at 640 Majorca. The pictures
13 are from Elfrieda Zundell. I think her address is on
14 the envelope, I don't know.

15 MS. MENENDEZ-DURAN: Daniel Fryer?

16 MR. FRYER: Hi. Daniel Fryer. I live at
17 640 Majorca Avenue. I'm not an architect, I'm not an
18 attorney, I'm not a builder. I have no financial
19 gain in this. I'm just a resident who lives in a
20 nice neighborhood in North Gables that I've seen
21 change over the last couple of years.

22 I've heard people say tonight there's no
23 problem, it doesn't need fixing. I've heard people
24 say, leave it to the Board of Architects. I've heard
25 people say it's worked for 80 years, what is trying

1 to deal with the changes restricts good design, and
2 that there's two-story houses throughout the City and
3 there always have been two-story houses, that's true.
4 As Mr. Katz said, his house is two stories; it's 24
5 feet high.

6 Also, it's not isolated. There's two
7 blocks, about two blocks away from me, that it's
8 taking over those entire streets with oversized
9 homes, and they are massive, absolutely massive,
10 so -- and it spreads throughout the -- without
11 anything happening, it's going to spread throughout
12 the Gables.

13 Mr. Aizenstat mentioned a letter. My wife
14 and I are the ones who wrote this letter. We sat
15 down with City Staff before we wrote it. We asked
16 some questions. We wrote it based on the answers we
17 got from City Staff. So, if there were some things
18 that we did not understand, then City Staff also did
19 not understand those things.

20 A couple of comments I'd like to have. It's
21 already been mentioned about increasing the ground
22 area coverage to allow porte-cocheres. I understand
23 the emphasis to encourage that type of design, but
24 also, we question whether it's wise to give up open
25 space and green space in order to do that.

1 As far as increasing height, it was
2 discussed that possibly we did not understand what
3 the height meant. Again, we asked the question and
4 we were told that, yes, it could increase -- with the
5 way it was written, that it could increase height to
6 35 feet, which was an increase of over 34 feet;
7 that's why we wrote down here, "increases height."

8 The question I have is, the parapet around a
9 gabled roof, is that on the top of the gabled roof or
10 is that around -- what is that? What is a parapet on
11 a gabled roof, for four feet?

12 MR. SIEMON: It's part of the roof top.

13 MR. FRYER: Oh, the roof, okay. Because
14 there are designs in the Gables, such as the Dutch
15 houses, that have a decorative wall on top, that go
16 -- exceeding the ridgeline of the roof, exceeding the
17 gables. That's what I thought you meant. So what
18 you're saying, then, with this thing, it would be 29
19 feet including whatever decorative design would be on
20 top of the ridgeline; is that correct?

21 MR. SIEMON: That's correct.

22 MR. FRYER: I have a question for Mr.
23 Steffens. He was just here. He talked about
24 changing the height from -- measuring from the
25 finished floor, and I'm just wondering what that

1 meant, as far as how high the finished floor would
2 be. I don't know if anybody has an answer for that
3 or not, changing it from -- lowering it to 27 feet,
4 the maximum height, to -- and measuring from the
5 finished floor.

6 Does anybody have any idea what that would
7 mean? George?

8 MR. HERNANDEZ: I do, but I'll talk about it
9 later.

10 MR. FRYER: Okay, because he brought it up,
11 and I thought it was an interesting point. Okay.

12 The other thing I want to talk about,
13 briefly, is the multi-family homes. As you know,
14 several people already brought up their concerns
15 about changing duplexes, areas of duplexes, to
16 townhouses in MF-1. We have the same concerns.
17 Right now, the duplexes that fit into -- next to the
18 single-family homes, like on LeJeune Road, running
19 from Zamora down south toward Bird Road, with the
20 changes, does it still mean that it would be zero lot
21 line next to a single-family home? No? Is that
22 changed?

23 MS. KEON: The setback?

24 MR. FRYER: Mr. Riel, is that changed, or is
25 that still zero lot line next to a single-family

1 home?

2 MR. RIEL: Charlie?

3 MR. FRYER: MF-1.

4 MR. SIEMON: It hasn't been changed, but
5 the townhouse would require access from the rear,
6 through a service corridor of a width of 16 to 22
7 feet.

8 MR. FRYER: But you could still, on the
9 single-family home next to it, on the side, build a
10 zero lot line?

11 MS. KEON: No, he's saying you have to have
12 access to the back of the project.

13 MR. FRYER: Okay.

14 MS. KEON: So you would have to have the
15 space to get to the back of the project on the side.

16 MR. FRYER: Oh, okay. That would be -- can
17 that be on the street side, or does that have to be
18 on the --

19 MR. SIEMON: It would be on what's the rear
20 line of the duplex lot.

21 MR. FRYER: On the side lot?

22 MR. SIEMON: Between the residential and
23 single-family.

24 MR. FRYER: Okay. So it would not be zero
25 lot line. That's fine.

1 And then also, would the townhouses be 34
2 feet high, still, or would their height --

3 MR. SIEMON: Up to 34.

4 MR. FRYER: Up to 34 feet.

5 Okay, thank you very much. I appreciate all
6 your help, and I appreciate some of the changes that
7 have been made since we put this out. They seem to
8 be positive. Thank you.

9 MS. MENENDEZ-DURAN: Ruth Balestra?

10 George Hernandez?

11 MR. HERNANDEZ: Hi. Good evening, ladies
12 and gentlemen. Thank you for staying so late. I
13 remember those nights.

14 MR. RIEL: And you don't miss them.

15 MS. MORENO: We miss you, George.

16 MR. HERNANDEZ: Thank you.

17 George Hernandez, 5726 San Vicente and 337
18 Palermo, and I am an architect, but I'm also an
19 educator, and I have different types of comments.
20 Some are very specific and offered in an effort to
21 help tweak the document. Others, I think, are more
22 general and philosophical.

23 And I'd like to start by saying that even
24 though I'm an architect, what I'm about to say is not
25 about my financial gain. It's about my potential

1 financial loss, because I make my livelihood
2 designing the types of houses that these changes
3 would not affect. They're houses on one-acre parcels
4 in Gables Estates or Hammock Lakes or Snapper Creek,
5 so those clients with that much land around them are
6 not going to be affected by these changes that are,
7 by and large, affecting the smaller properties in
8 those areas of Coral Gables either in the north or in
9 the middle section, which is where I live. But I can
10 tell you for a fact that I think -- and I know that
11 over the many months that we've had these
12 discussions, what I'm about to say has come up
13 previously, and that is, if we're going to make a
14 Code that makes a large portion of the structures of
15 the City nonconforming, and they were built
16 completely within the law, then I think we all have
17 to think about putting some measure into effect so
18 that if we have a catastrophic occurrence that I
19 could rebuild my house, because as an architect, I
20 can tell you, I bought my 5,000-square-foot lot with
21 every penny that my wife and I had, and I built it
22 very carefully for what I could afford, in the hopes
23 that I could live there a long time and dignified --
24 in a dignified fashion, house and raise my family.
25 And now I'm looking at a Code where, if we have the

1 same kind of season next year as we had this year,
2 and a third of my house is demolished by a storm, I
3 cannot put myself back. I think there's something
4 wrong with that, just basically wrong with that.

5 Somebody previously said something that I
6 have been saying for a long time. If this is about
7 protecting that area of Coral Gables in the very
8 northern limit of the City, where the most number of
9 historic houses occur, then let's designate the whole
10 historic part of the City. That's a historic
11 preservation issue. There are very complex,
12 multi-layered laws that are set up by the Federal
13 Government, they're then reinforced by the State
14 Government and further reinforced by Municipal
15 Government, that every old community in this country
16 operate under, and that's in place in the City.
17 Let's not be afraid. Let's do the difficult thing.
18 Let's designate the whole northern section of Coral
19 Gables and let this review come, neighborhood by big
20 neighborhood, to the Historic Preservation Board.
21 They're the ones that can really deal with the issues
22 of compatibility, with the notion of historic
23 preservation in mind, and I think all I'm doing there
24 is reiterating what Michael Steffens said.

25 But after this storm season, we have seen

1 that a great part of our housing stock is not so
2 wonderful and it's not so beautiful and it's not so
3 distinctive. In fact, and I think I said this before
4 this Board, when I say Coral Gables and you close
5 your eyes, the image that comes into your mind, the
6 image we sell, the image we promote, the image we
7 love, the image we photograph, is a Mediterranean
8 Revival city. That is about 20 percent of what is
9 real out there, and Katrina made it very visible.

10 You drive down Riviera, you could swear
11 you're not in Coral Gables. You drive by Blue Road,
12 you could swear you're not in Coral Gables. But if
13 we follow these guidelines, we are to design
14 compatibly with post-World War II ranch-style houses,
15 which have nothing to do with the idea of this City,
16 nothing to do with the reason why we love it, nothing
17 to do with any of the promotional brochures we put
18 out about it, nothing to do with anything about the
19 City.

20 Now, I happen to have family members who
21 live in those houses. They offer other things. But
22 that's not Coral Gables, and it's not what makes
23 Coral Gables distinctive. So -- and I think that
24 this Board is already focusing on that. This notion
25 of compatibility is very tricky, because what was

1 making Coral Gables look like Coral Gables was a
2 superb planning and planting plan that was issued in
3 by Merrick, with Fred Buttons, and a wonderful,
4 magnificent, mature, verdant canopy, which is, by and
5 large, gone.

6 So let me step off that soap box for a
7 moment and get to the nitty-gritty. I have a couple
8 of questions. SF-1 and SF-2 -- and these are more
9 technical in nature. The definition of SF-1 and SF-2
10 is that it says everything south and east of Old
11 Cutler and LeJeune Road is SF-2. I think that there
12 has to be a more clear distinction of that, because,
13 for example, if that's true, then Snapper Creek and
14 Hammock Lakes I and II would be SF-1. Those
15 neighborhoods are acre-plus properties. They're
16 newly annexed areas. Their character is completely
17 different from SF-1. They have nothing to do with
18 the historic Coral Gables character. So I think we
19 need to be very specific about where SF-1 and SF-2
20 apply.

21 Also, if you say everything south and east
22 of LeJeune in Coral Gables, that means there are
23 neighborhoods east of LeJeune, south of University
24 Drive, north of Bird Road, in a sort of pocket of
25 single-family residential just south of the Central

1 Business District in the Downtown, which really do
2 belong in the SF-1, but this would exclude it.

3 So I think you have to go back and tighten
4 up the language, that gives very specific coordinates
5 about where SF-1 is and where SF-2 is, it seems to
6 me.

7 The other issue has to do with the notion of
8 these setbacks, and many people have touched upon it,
9 but I read the document that came on December 28th,
10 and then I know that it's been changed since, but the
11 way the setbacks are written, and Mike Steffens made
12 the point, you could have a 37-foot front setback on
13 a 50-by-100-foot lot. Now, as a person that has been
14 working in the City and has measured the City and has
15 photographed the City and has lectured about the City
16 ad infinitum, I can tell you that a 37-foot front
17 setback on a 50-by-100-foot lot is incompatible with
18 Coral Gables. We are authoring ourselves in
19 incompatibility, because if you walk across the
20 northern Coral Gables, what you're going to see is a
21 very hard line of a 25-foot setback, and at some
22 points a porch will encroach 10 feet into that, and
23 it is only a porch, and that's in the northern
24 limit. So that whole formula for how the setbacks
25 are calculated is confusing, at best, and I think may

1 have some errors in it.

2 The other issue, and I'm offering this, I
3 think, to help this gentleman -- I don't know his
4 name, this gentleman --

5 MR. FRYER: Bruce Katz.

6 MR. HERNANDEZ: Mr. Katz. You know, he
7 spoke about why it is that we take the 20 percent of
8 the lot width and then allow it to be unevenly
9 distributed, with five feet as a minimum on one side,
10 and I know that previously we had discussions about
11 boats and this and that.

12 It's easy, I think, when you're afraid, to
13 think of the worst case scenario, right? Let's think
14 for the moment of why it would be good to do that,
15 what is the best case scenario, which is what a good
16 designer, hopefully, would do, okay? If my setbacks
17 are 10 feet and 10 feet, on my right and on my left
18 side, okay, but I can distribute them five feet on
19 one side and 15 on another, I can use that to protect
20 myself from another neighboring house that's
21 seemingly too close. In other words, I'll give
22 myself five feet of setback when my neighbor has
23 retired himself 10, and I'll have a good neighbor
24 policy to the other neighbor, who may be five.

25 Or, there may be a magnificent tree, which,

1 by the way, is the case in my house, that to save the
2 magnificent tree, I had to work with that ability to
3 slide the house plus or minus.

4 Now, yes, some people may be using it for a
5 boat, or some people may bank both five feet
6 together, which is a negative, but that's what the
7 Board of Architects is supposed to look at. So let's
8 give designers some leeway to, in fact, do the
9 opposite, be proactive and correct design problems by
10 having that flexibility, rather than holding it to a
11 strict 10 here and 10 there, and then we have to put
12 in an application to take down an oak, or we find
13 ourselves closer when we had another neighbor that
14 was very far set back on the other side. So I think
15 that there are reasons like that for that kind of
16 flexibility in the side setbacks.

17 Then, finally, and I hate to bring this up
18 again, but I'm trying to shed a little bit of light,
19 no pun intended, on this whole shadow thing, okay?
20 The way I read the text and the way I see the
21 picture -- and I'm going to use the picture, okay --
22 is that it's a concern not to cast a shadow on a
23 neighbor. Okay, now, believe me, I'm not being
24 facetious, but this summer, we might really
25 appreciate a neighbor's shadow, because we have not

1 had a summer without a canopy, so -- so this summer,
2 we may be rewriting it in the opposite and
3 encouraging neighbors to shade our yards a little bit
4 with their structures, because we've had the walls
5 shading and the verdant canopy. Now that the verdant
6 canopy is gone -- and, you know, codes really should
7 be place-specific. In the tropics, we should relish
8 shade, not sun, but let's put that aside -- because
9 usually these shade ordinances happen in codes for
10 colder climates. But anyway, let's put that aside
11 and look at the shade issue again, because, you know,
12 people like things to flower and it's hard to grow
13 flowering things in the shade. So, anyway, let's
14 look at the shade, okay? If your house is on a
15 north-south street, then your side setbacks are going
16 to be one on the north and one on the south,
17 regardless of which side of the street you're on,
18 okay? So, if your house is on a north-south street,
19 then it makes sense that your north setback protect
20 your neighbor's south side setback, okay? While your
21 own south setback has to be protected by the
22 neighbor. So I saw the diagram as applying only to
23 that side, the north side, that would produce a
24 shadow to the next neighbor, okay?

25 Now, if you're on an east-west street, it

1 doesn't make sense, because at one o'clock in the
2 afternoon, on the shortest day of the year, December
3 22nd, you're going to get a small amount of light in
4 that setback, and then for the rest of the day, even
5 a one-story house is going to shade that whole
6 street. It's the nature of the latitude we live in.
7 It's just the pure nature of it. So, if that
8 regulation stays, it should apply only for north
9 setbacks on north-south streets.

10 Now, let's compound the issue. We know the
11 plan of Coral Gables. It's a gridiron plan,
12 embellished by beautiful diagonal streets. So what
13 happens, then, where houses face southwest or
14 northeast? It complicates this even further. So I
15 would say maybe we pull back a little bit from this
16 shadow issue and look, more so, just at the issue of
17 context, to make sure that we don't have two parallel
18 walls, running very far deep into the lot, that are
19 each five feet from their property line, because I
20 think that's the nature of the problem, rather than
21 complicating it so much.

22 These are little -- these other things are
23 really little things offered to help. For example,
24 the part on the porte-cochere, it says the
25 porte-cochere should be 20 percent of the front

1 facade, but if you are looking at a Coral Gables
2 cottage, which is a 50-foot lot, most of the cottages
3 are 40 feet wide. 20 percent of that is only eight
4 feet. You can't drive a car in a structure that's
5 eight feet wide. So most of the porte-cocheres in
6 historic cottages are already more than 20 percent of
7 the front. So, again, we're writing a Code that's
8 making the existing situation incompatible, okay?

9 The townhouse, this notion of having the
10 townhouse setback move back and forth, and by the
11 way, its classic -- the American -- I think we'll
12 talk later about this issue of typology, but the
13 American row house, okay, does -- if you've seen any
14 Edward Hopper paintings, you've seen millions of
15 them, have these beautiful movements of bays and
16 stoops and bays and stoops, and that ratio is usually
17 two thirds, one third, two thirds, one third, two
18 thirds, one third. But to get the two thirds, one
19 third, because the usual American building lot is 24
20 feet wide, there was a 16-foot room dimension and an
21 eight-foot hall dimension -- we really need a little
22 more than 65 feet, because the 65 feet won't give you
23 two thirds, one third. You really need to move it to
24 68 feet -- or, I'm sorry, 67 percent. It's 65
25 percent. We really need 67 percent to produce that

1 two thirds, one third, two thirds, one third rhythm
2 in the bays, when you add the wall thicknesses and
3 all this stuff.

4 The structured parking on the FAR -- the
5 measurement from the floor area. The way the
6 definition reads now in the document, it says that
7 the height is measured from the ground, immediately
8 in the center of the residence. That's often called,
9 also, in codes, established grade. The problem with
10 that is that we currently measure our heights from
11 the crown of the road. It's more punitive. It's
12 tougher. And what happens is, if you measure from
13 the established grade, a lot of times people build
14 up, they berm up against the house, and then they're
15 allowed to measure from there. So, in fact, you're
16 really not diminishing the height. You're letting
17 them -- it happens a lot in the old sections of
18 Cocoplum, where you've seen they've built berms up to
19 get the driveways up to that flood level. And then
20 they had problems with flooding, because it brings
21 all the water to those property lines between houses.
22 So I think you don't want to measure it from the
23 floor level because, again, it doesn't regulate how
24 high you're raising the floor from the street. I
25 don't even think you want to measure it from the

1 established grade, because I think it's less punitive
2 than what we currently have, which is a crown of the
3 road measured height, and whether it goes to 29 or 24
4 or 27, I allow you to continue to talk about it.

5 MR. BEHAR: George, what happens if you're,
6 in essence, where the crown of the road is low and
7 you have to, because of the FEMA requirements --

8 MR. HERNANDEZ: You have to build up, yeah.
9 But you know what? That's so -- well, you mean if
10 you're in a base flood area, in an area that has
11 flooding?

12 MR. BEHAR: Yes.

13 MR. HERNANDEZ: No, there's a different
14 provision in here for that, and that's usually in the
15 S-2 district.

16 MS. KEON: Yeah.

17 CHAIRMAN KORGE: Right.

18 MR. HERNANDEZ: But in the S-1 district,
19 I've known very few houses where the houses
20 actually -- there have been some cases that I've
21 seen, even in the S-1 districts, because there's some
22 places there by St. Philip's and so on, and Indian
23 Mound Trail, around St. Teresa, where the roads do
24 have a little topography. So, in that case, it's
25 helping you when the crown of the road is higher than

1 the established grade. But mostly, in the Gables,
2 the crown front of the road -- I would say 95 percent
3 of the times, the crown of the road is lower than the
4 established grade. But there are --

5 MS. MORENO: George, what about the problem
6 of the pitching of the roof with the 29, whatever
7 that -- whatever problem it was that Robert raised?

8 MR. HERNANDEZ: You know, if you do -- if
9 you're in S-1, I think the 29 is fine. In S-2, you
10 need the 34. When you design a house on an acre, the
11 house is an 8,000-square-foot house, you're going to
12 have larger dimensions, larger volumes and a taller
13 roof.

14 MS. MORENO: But do you think you could
15 build a two-story house with a gabled roof?

16 MR. HERNANDEZ: Yeah, I think you can. I'll
17 tell you what my problem is with the S-1, S-2,
18 currently, as well, even if we get the zones
19 designated very carefully. There are some -- there
20 are very few, again, but there are some acres, three
21 quarter acres and half acres in areas that will be
22 S-1, and the half acres are usually ringing the
23 Biltmore Golf Course, all of those streets that ring
24 the Biltmore Golf Course. It's on Mariola Court, on
25 Alhambra. They're usually half-acre properties, or a

1 good number of them are half-acre properties. They
2 will have larger houses. We probably should do a
3 separate little category for that, because to hold
4 those to the same limits as a 50-by-100-foot lot on
5 Milan, or on Genoa, is tough. It is very tough,
6 which speaks to the notion of grading, I guess a
7 little more grading, but, you know, many people have
8 already said how difficult this task is before you.

9 The last point I wanted to make was more
10 about -- it was interesting to me to hear the
11 discussions about -- by the way, I very much agree
12 with the notion that we shouldn't get rid of the
13 duplex zoning, and I also agree with -- I think one
14 of the subtexts of what we've all been talking about
15 tonight is this notion of typology, which is
16 wonderful, actually, that we're actually having a --
17 I know it's not wonderful that it's eleven o'clock at
18 night, but it's wonderful that we're having a
19 discussion in the public realm with a board at that
20 level, because what you're really talking about is
21 the fit between a building type and its specific
22 place within a plan and its use, and I think the
23 duplex as a building type is a useful type. We
24 shouldn't eradicate it. We should use it where it's
25 appropriate.

1 I think the row house is a building type,
2 different from a townhouse, by the way. In other
3 words, all row houses are townhouses. Not all
4 townhouses are row houses.

5 The Norman Village is a townhouse. The only
6 row house that existed in Coral Gables before Almeria
7 Row or these new projects get built is that one
8 singular detached one on Biltmore Way, which I think
9 the Junior League has, which is like in a Venetian
10 style, and it's absolutely beautiful, and by the way,
11 it's an absolutely flat facade, but it has a loggia
12 on the first floor, which gives it the relief, not by
13 changing the mass this way, but carving out into the
14 mass, which this Code doesn't accommodate yet.

15 But, you know, I think it's really wonderful
16 that we're talking about building types, where
17 they're best used, given street sections, areas of
18 the City and so forth. That's really -- that's a
19 graduate-level discussion, you know. It's nice.
20 It's an elevated discussion. And I think Segovia is
21 the type of street that is trying to resemble that
22 very elegant American street where you saw large
23 mansions and beautiful green space. The mansions
24 happen to be duplexes, but they're really designed to
25 look like single large houses, and I think the grain

1 of the row houses for a much smaller, tighter, more
2 interesting, pedestrian-friendly street is not for
3 Segovia. It would lose its stately character. So
4 the gentleman that gave that suggestion, I think it
5 was a very good suggestion.

6 That's it. Thank you. I'm sorry I spoke so
7 much, and thank you for all your work. It's tough,
8 and I think it's better, and I'd like to keep
9 offering suggestions, but -- and I'm sure we'll get
10 to a good place eventually.

11 CHAIRMAN KORGE: Thank you.

12 MS. MENENDEZ-DURAN: Mamta Fryer?

13 MS. CHAUDHRY-FRYER: Good evening. My name
14 is Mamta Chaudhry-Fryer. I live at 640 Majorca
15 Avenue.

16 I live in that 20 percent that George
17 Hernandez just pointed out, you know, the 20 percent
18 that's in all the brochures that come out. When you
19 get the City's newsletter and the annual report, all
20 the pictures that the City uses are from that 20
21 percent, and I think Mr. Korge had made this point a
22 long time ago, that we need a more varied breakdown
23 in these neighborhoods. SF-1 and SF-2 is catching a
24 lot of fish in a net that you don't necessarily want
25 to catch.

1 But I will speak only about that 20 percent
2 that concerns my immediate neighborhood, and you will
3 have noticed that all the residents who show up here,
4 who follow this issue, tend to be from that historic,
5 Old Gables neighborhood.

6 What we're asking about is compatibility,
7 certainly not a pattern card that people use and they
8 feel constricted. We've heard some very thoughtful
9 things from the architects today. If these were all
10 the architects building in this area, I don't think
11 we'd be having the kind of problems we do, and a
12 gentleman said, "Why change it? If you drive through
13 the City, you see what works." But I have to tell
14 you, right around where we live, you also see what
15 doesn't work, and those large -- overly large,
16 out-of-proportion houses also have this ability to
17 then creep from that particular section into another,
18 because then they're redefining the character of the
19 neighborhood, and those houses will become the
20 template by which this will hopscotch through the
21 City. That is what we are asking you to help us
22 prevent.

23 On the August 10th public hearing, many of
24 us were struck by the purpose statement. You know,
25 that's what is the engine that drives the whole

1 Zoning Code rewrite, and that purpose statement
2 lacked both vision and it lacked teeth. It was not
3 enforceable. It was not specific.

4 Five months after that, the same statement
5 came back with a little more description of the area,
6 but the purpose statement was the same, and then,
7 almost four hours ago, we saw a change in that
8 purpose statement, which included the goals of
9 neighborhood context and compatibility.

10 When we're talking about neighborhood
11 context, we're talking about what Miami Shores has
12 put down in its Zoning Code, in its purpose
13 statement. It says, "strictly limiting the intensity
14 and extent of permitted uses which would detract from
15 the predominantly one-family residential character,
16 impair property values or" -- and this is the part
17 that really speaks to the residents -- "disturb the
18 sense of security of community character that is an
19 inseparable part of the enjoyment of the ownership of
20 property."

21 We live there not only because of the house
22 that we love, but the community property, the
23 neighborhood that it belongs to.

24 I would like to talk about the two things
25 that residents have brought up at every single public

1 hearing that they have appeared before you. There is
2 no other factor that more affects a neighboring house
3 than height and setback. There have been extended
4 discussions about height and how it is measured. I
5 would just say that on the setbacks, the side
6 setbacks remain unchanged. They're still at 20
7 percent of the lot width. They're still at five
8 percent from the property line, all right? For a
9 one-story house. And as some people have pointed
10 out, that if you have the encroachments of bays,
11 steps, stoops, it's a mere two and a half feet from
12 your property line to the neighboring house. With a
13 porte-cochere, it's two feet.

14 For two stories -- this is what I don't
15 understand -- it says the first floor can still be
16 five feet from the side, which is -- in the old one,
17 it was Paragraph C1a, and I think it's still here.
18 On the first page of your green sheet, it says any
19 portion of the dwelling which exceeds 12 feet in
20 height is set back from any boundary line to 10 feet,
21 okay? But you have two options. One is the light
22 study, and it is worth keeping in mind, as all the
23 architects have pointed out, even if the building
24 doesn't cast a shadow on a contiguous property at a
25 certain date and a certain time, the higher and

1 closer it is, regardless of the light studies, the
2 more it's going to loom over the neighboring house,
3 and that happens year round. It's not just going to
4 be on December 21st.

5 But look at the second option you have:
6 Ensure that each foot over 12 feet is set back one
7 foot from the property line. It doesn't say an
8 additional one foot, right? So you have 12 feet,
9 right up to five feet from the property line. Then
10 the next five feet, one foot from the property line,
11 that's five feet. So 17 feet, still five feet from
12 the property line. So, in effect, it's kind of
13 staggering it back after 17 feet, the further you go,
14 creating the sort of angles that an architect
15 mentioned.

16 But Bruce Katz, who lives across the street
17 from us, has a house that is a box, okay? It is a
18 two-story house that is completely rectangular, a
19 beautiful 1925 Spanish house. He couldn't rebuild
20 that under this. George couldn't rebuild his house
21 under this. We are losing the ability to rebuild
22 some of the houses, which is not our intention. If
23 Bruce lost his house, we would want that house to
24 come back, or equal historic -- historically
25 significant architectural homes to be allowed back.

1 Is there a way to simply write into the Code
2 that houses that have been rendered nonconforming,
3 that this is not punitive on them? If you've changed
4 this, ex post facto, then why should they be punished
5 for rules that they built under? Can that be put
6 into the Code, to say that these houses that were
7 rendered nonconforming by this, if they have the
8 plans, should be allowed to be rebuilt? What would
9 be the problem with that? That way, we get to keep
10 the historic stock and we get to prevent the large
11 houses being built. So I don't see that there's a
12 conflict there.

13 In the real setback, we told you -- you
14 know, probably to the point of ennui for all of
15 you, and certainly at this time of night -- that,
16 yes, Coral Gables has the lowest required minimum
17 setback in the rear, five feet, okay? Even Dade
18 County, which is not known for any sort of
19 architectural commitment, has more than that. Miami
20 Beach, Miami Shores, Key Biscayne, anywhere from 15
21 to 25 feet.

22 So, if it says here that lots which do not
23 abut a water body along the rear property line are
24 now 10 feet, you think, great, we've just doubled it
25 from five to 10 -- okay, it may not be as much as the

1 other communities -- but 10 feet is not 10 feet,
2 because you're allowing the encroachment of garages
3 into within five feet. So we're back to five feet,
4 and if you allow three and, tonight, four-car
5 garages, that could take up the entire width of the
6 property.

7 So I don't think it has increased side
8 setbacks or rear setbacks at all. What it has done,
9 as everyone has pointed out, is that it's increased
10 the front setback. You know, all the houses, if you
11 look down, are more or less in line. Do you really
12 want an effect that looks like a hockey player's
13 smile, with some missing teeth, as you look down,
14 with the new houses? I don't think this is in
15 keeping with neighborhood character.

16 I'll just touch briefly on two design
17 features. A porte-cochere is wonderful, but there
18 are a lot of architecturally significant houses that
19 are very valuable to the City that do not have that
20 feature. Do we want to privilege this one design
21 feature so much that we are willing to give up green
22 space and willing to give up side setbacks for it?

23 The second design feature, which nobody has
24 talked about, is the interior courtyards. According
25 to the illustration here and the description in the

1 appendix, it says that the FAR includes yards which
2 are completely surrounded by a building, such as an
3 internal courtyard, which contribute to the apparent
4 mass of the dwelling. Okay, we're talking now for
5 the single-family, as opposed to discussing it for
6 the multi-family.

7 What is completely enclosed, a hundred
8 percent? Is that what we're talking about? So, if
9 you have a little two-foot egress into the back yard,
10 then does that interior courtyard suddenly become
11 uncounted space again? I think that in these -- in
12 every instance, as all the architects have pointed
13 out, we need to be specific so they understand what
14 they can build. We understand what it is we have to
15 live with. I think these rules have to be clear and
16 they have to be transparent, because we expect our
17 government to provide us with guidelines that are
18 transparent. Thank you.

19 MS. MENENDEZ-DURAN: Bruce Brockhouse?

20 MR. BROCKHOUSE: Good evening, Members of
21 the Board, Mr. Chairman. Bruce Brockhouse. I'm at
22 1570 Madruga Avenue, Suite PH-1, and I'm also an
23 architect and a member of the Board of Architects
24 here at the City of Coral Gables.

25 I'm not going to take a lot of time, because

1 it is very late, and I just want to reiterate some of
2 the points that were made earlier by some of my
3 colleagues. Again, I'm not speaking as a
4 representative for the board, but as a member.

5 I think the one thing that really stands
6 out, in terms of the Code, is something that Michael
7 Steffens said about handcuffing the designer, to
8 limit his creativity, and I think this Code,
9 especially with that setback requirement, would do
10 that, and in effect, it does penalize the property
11 owners that have the smaller lots. That's been said
12 by my colleagues, and I'd like to say, to that point
13 again, that Coral Gables, to me, what makes it
14 interesting is the variety that has occurred, and the
15 original City that George Merrick, in his vision,
16 created is obviously the 20 percent, and I'd like to
17 see more of that, and I think good designers can
18 achieve that, and I think with a good, strong Board
19 of Architects and with some more stringent language,
20 we can do that. But I don't think this Code really
21 addresses that. And I'd like to state the case that
22 I think what my predecessors said about the Code
23 is -- that I think it has some more refining to do,
24 and I know you've all worked very hard at it, and I'd
25 like to see those chats and conversation continue.

1 Thank you very much.

2 MS. MENENDEZ-DURAN: No more speakers.

3 CHAIRMAN KORGE: No more?

4 Well, I can't imagine that we're going to
5 get anything accomplished more tonight. It's 11:30.
6 There were a lot of good comments.

7 Does anybody want to make any comments now
8 or --

9 MS. MORENO: I can tell you that I cannot
10 support a proposal that has been opposed by every
11 single architect before us. I mean, I respect
12 architects, and every architect before us has very
13 significant problems with this draft.

14 I think that this needs to go back and be
15 addressed, in terms of the architectural aspects.
16 From what I'm hearing from architects whom I respect
17 greatly, what these criteria are going to do is,
18 instead of protecting us, we're going to end up with
19 houses that all look the same. You know, it doesn't
20 make any sense to me.

21 CHAIRMAN KORGE: All right, well --

22 MS. KEON: I have one question. I would
23 like, if you could ask the City Attorney -- I would
24 really like an opinion from the City Attorney with
25 regard to the Zoning Code, with how much, in writing

1 this -- I mean, I understand that if every architect
2 that submits a project were George Hernandez and some
3 of the people that were here, that, you know, that
4 would be one issue, but that's not the case, and, you
5 know, that -- and I -- it's my understanding that
6 when you go before the -- that you can't leave it so
7 open that it is all up to the Board of Architects. I
8 mean, I think that that creates the opportunity for
9 real challenges to your Zoning Code.

10 So I would like to know, at what level do
11 you have to have what level of specificity, what
12 level of regulation do you have to have, that needs
13 to be there and yet still allows for -- you know, how
14 much, you know, creativity you allow. I need to have
15 that balance struck.

16 Now, I can assure you that every architect
17 that comes before you stands here and truly believes
18 that, you know, they are wonderful designers and
19 would only do the very best. But that isn't --
20 that's not everybody that's going to design a house,
21 that's not everybody that's going to come before you,
22 and I don't know what you can uphold as a City and
23 what you can enforce that doesn't have some level of
24 regulation within it, and I would really like that
25 opinion from -- I'd like the City Attorney to address

1 that.

2 MR. RIEL: You're talking about two
3 different issues, in terms of what -- a Code that's
4 defensible, and you're talking about an issue in
5 terms of how much to regulate, to legislate design.

6 We've discussed and debated this previously,
7 and it's just a matter of -- and Charlie has
8 addressed that and Liz has addressed that, as well.
9 We just need to -- we'll unearth that discussion, as
10 well, and we can start that discussion when this
11 matter comes before the Board again.

12 But I would just tell you, on behalf of
13 Staff, attempting to try to draft a Code that -- you
14 know, we've been at this about 10 months now. It's
15 been a challenge, and the policy direction has
16 changed from one end to the other, and I know it's
17 late this evening, but at this point, as the Planning
18 Director, I'm -- you know, I've heard a lot of input
19 this evening, I understand, but we're going to need
20 some direction from this Board, and obviously, this
21 evening is not that opportunity.

22 CHAIRMAN KORGE: Well, Cristina just gave
23 you a very clear direction in the way she's heading.
24 She thinks that you need to have something that the
25 Board of Architects or architects generally wouldn't

1 be so vehemently opposed to, that they would find
2 workable, since they mainly will be affected by this
3 in their design --

4 MR. AIZENSTAT: Review.

5 CHAIRMAN KORGE: That's -- yeah, I mean,
6 that's what she -- and I've got comments -- just from
7 the public comments, I've got all sorts of things in
8 here we could go over, but --

9 MR. RIEL: No, I've got about five pages of
10 notes, obviously very, very good points made.

11 MS. MORENO: Eric, the problem is, not only
12 did individual architects come and oppose this and
13 show us how some of the requirements make no sense.
14 The parties representing the AIA and the Coral Gables
15 Board of Architects are not in favor. The people who
16 sought the McMansion regulations are not in favor.
17 It's broken.

18 CHAIRMAN KORGE: It just doesn't work.

19 MS. MORENO: It doesn't work. So I'd
20 rather stay with the Code we have or with the interim
21 regulations than adopt something that makes no sense,
22 and frankly, I don't want -- to prevent a problem
23 that is sporadic, I don't want to create a problem
24 that's going to result in our having a townhouse
25 community, you know, in having every house look the

1 same, which is what I'm hearing the architects say to
2 me. Once you put in all these performance criteria,
3 you're going to have very little leeway for
4 difference in design, and I think you've heard me say
5 before that, although I live in an Old Spanish and
6 that is my taste, I don't want to impose my taste on
7 the world. I'd like there to be room for Frank Lloyd
8 Wright to design a house and for Antoni Gaudi to
9 design a house, as well as for, you know, George
10 Merrick's view, and that enriches the City. It
11 doesn't take away from it.

12 And in particular, I reiterate my comment
13 that after the hurricane, we've become aware of a lot
14 of houses in Coral Gables that need to be replaced,
15 and the ultimate decision of whether you replace it
16 is economic, and the only way, in today's market, you
17 can replace an existing home is if you give the home
18 buyer the ability to finance that replacement based
19 on square footage.

20 So I sympathize with the McMansion issue, I
21 don't want to see McMansions, but prohibiting growth
22 totally is not the answer. That's my opinion.

23 MS. KEON: Do you think it's beneficial to
24 move -- I think a lot of the things that are written
25 here are written to preserve that, you know,

1 Mediterranean character.

2 MS. MORENO: Well, maybe the answer is what
3 Michael said --

4 MS. KEON: And I think maybe we have to push
5 it back, I mean, to really define that area where
6 that -- where it really is most appropriate, and not
7 this whole huge swath.

8 MS. MORENO: What Michael said, which makes
9 a lot of sense to me, is, if you have an area like
10 their area, which has that Mediterranean criteria,
11 maybe the way to protect it is to make it historic.
12 That has, to me, a couple of benefits. One, the
13 historic provisions are well known and well regarded,
14 and addresses that issue.

15 Secondly, all of the neighbors are notified
16 of what's happening, so that at least one of my
17 concerns, which is, if someone is losing value in
18 their house by having the size of their house
19 limited, they get a chance to say something. You
20 know, right now, a lot of people are being affected
21 that know nothing about it, as was spoken.

22 And thirdly, you limit the application to a
23 particular section, as opposed to the City as a
24 whole, impacting neighborhoods that you -- there's a
25 lot of areas south of Dixie Highway, or east of

1 Dixie -- I never know what's east or south -- that
2 don't have that Mediterranean character at all.

3 MS. KEON: Well, that's what I'm saying,
4 either make it Coral Way, or maybe even push it
5 back --

6 MS. MORENO: But if you do it as a
7 historical district --

8 MS. KEON: Yes.

9 MS. MORENO: -- the historical people do
10 that, as opposed to trying to enact something for the
11 entire City. Just hit the historical districts. And
12 if you go down Majorca or down Navarre, there are
13 places where there are bigger houses that are nicer
14 than the little house next to them, and I'd rather
15 have the bigger, nicer house than the little tiny
16 house. You know, it's -- I've said enough.

17 MS. CHAUDHRY-FRYER: Mr. Chairman, may I
18 just add something to what Ms. Moreno said about
19 historic preservation?

20 CHAIRMAN KORGE: Well, make it quick,
21 please.

22 MS. CHAUDHRY-FRYER: I think historic
23 preservation and neighborhood conservation districts
24 are a great idea. I have to tell you, I went to the
25 Historic Preservation Board's meetings. There are

1 streets like Alcazar, which is a very small, defined
2 street, which is trying to get that one street
3 declared historic, so that all these things you're
4 talking about apply. That hasn't happened in two
5 years. They are swamped. It's not going to happen
6 unless it's put into the Code, saying, "We declare
7 this a historic district."

8 MS. MORENO: Well, why hasn't it happened?

9 MS. CHAUDHRY-FRYER: Well, I'm not sure, but
10 this is --

11 MR. RIEL: Let me -- it has -- the Historic
12 Preservation Department is looking at and has a goal
13 to create six historic districts and examine them on
14 a City-wide basis, so that's happening. It's just a
15 matter of moving down that path.

16 MR. BEHAR: In principle, it sounds like it
17 works, but the reality is, it may not work
18 everywhere. It may not work in your neighborhood.
19 There may be homeowners that may not agree with you.

20 MS. MORENO: But those homeowners have the
21 right to be heard, and at least that's a process
22 where they are heard.

23 MS. CHAUDHRY-FRYER: Look, my point is that
24 if the whole area is historic, then all these things
25 that we're talking about, that are straitjacketing,

1 and George said --

2 MR. BEHAR: Well, where do you limit the
3 whole area? I mean, that sends that whole
4 implication that, in principle, sounds good, but
5 where's the limitation, the boundaries of that
6 district?

7 CHAIRMAN KORGE: Okay, well, can't turn this
8 into a debate. It's almost midnight. We're
9 certainly -- I don't think we're there. Does anybody
10 think we're close?

11 MR. BEHAR: No, not at all.

12 MS. KEON: No, we're close.

13 MR. AIZENSTAT: One thing that I would like
14 to look at, George Hernandez went and brought a good
15 point, is that there are certain areas that have
16 half-acre lots, three-quarter acre lots and so forth,
17 which deem or demand a different size home than a
18 smaller, 5,000-square-foot home, so there should be a
19 way to look at that. I've always said, from the
20 beginning, I just don't know if it should just be an
21 SF-1 and an SF-2. I'm very concerned about that.

22 MR. SALMAN: If I may, Tom.

23 CHAIRMAN KORGE: Yes.

24 MR. SALMAN: We have a Code that served us
25 for 80 years. It had problems. There were some

1 inconsistencies, there were things that are hard to
2 find. There's stuff that I think even Dennis can't
3 find, if you really push him hard. But the reality
4 is that it worked fairly well.

5 What we're trying to do is address an issue
6 that was unforeseen when the original Code was
7 written. One is that it allowed for an enormous
8 amount of construction of lots. The lots were
9 allowed to be built for a small size lot, of 5,000
10 square feet, up to 48 percent of it, and then
11 stepping down as you went up in size. That's a right
12 that was granted to the people who bought that, when
13 they bought it, and it's been handed down until now.

14 The problem comes -- and part of the
15 performance issues that are being brought up here is
16 when you start building to that end. What
17 precipitated this is that there was no guidelines for
18 the Board of Architects to say, "No, you can't do
19 that." This is about creating some of those
20 guidelines, for when you do get to that upper limit.

21 I think, right now, reinstalling the
22 original rights that were granted when the properties
23 were divided and the initial plans were done, I think
24 is a good move, but it's now moving us back towards
25 the original Code, but we're also going to be now

1 adding these performance issues when we get to that
2 upper limit.

3 MS. MORENO: Yeah. I am not concerned with
4 performance. I just want performance issues the
5 architects support.

6 MR. SALMAN: I'm going to tell you that,
7 from my own experience, the City of Coral Gables
8 Building Code is a bear to figure out, but once you
9 figured it out, it was fine, it made a lot of sense.

10 The problem with it that I saw, that was
11 wrong with the Code, was that it actually had a
12 series of unintended consequences which really had
13 never been debated. One was that you were
14 building -- you had the right to build so much, and
15 that that transformation has been a cause of grief
16 among the different parties, aside and apart from any
17 kind of historic district, because there are historic
18 districts and historic neighborhoods. I think that
19 that's a valid place for that discussion to happen.
20 But in areas like where I live, where they're all
21 ranch styles, you know, you still have the right to
22 build, you know, a very large house, and the property
23 values being what they are, we can't go in there and
24 say, "Oh, by the way, you can't build that much
25 anymore," or, "We're going to make it really hard for

1 you to build that way." I think that when you do
2 build that way, you need to go to a certain level of
3 care, and the Board of Architects should have a
4 certain level of guidelines that they can use to say,
5 "In our opinion, it doesn't meet these guidelines,"
6 and I think that's really the task before us today,
7 is that maybe not abandon the old Code, maybe just
8 add to it.

9 CHAIRMAN KORGE: Well, if that's --

10 MR. SALMAN: I know it's a radical
11 departure, and I'm sorry, I know you've been at it
12 for a year or more and --

13 MR. RIEL: Well, not me, there's more
14 people --

15 MR. SALMAN: And there's more. And there's
16 Walter and everybody else, and the people who -- and
17 I'm the new kid on the block, together with Robert,
18 but that's how I see it. That's where I'm seeing
19 that we're heading. We're --

20 MS. MORENO: Well, it's not the whole Code.
21 It's this section.

22 MR. SALMAN: This section of it.

23 MS. MORENO: Right.

24 MR. SALMAN: No, but I mean, high-rises --

25 MS. MORENO: Because all the other sections

1 have been done already.

2 MR. SALMAN: High-rises used to -- the
3 higher you went, the more you could build, and that
4 was not necessarily the intent, but that's the
5 result. And I think that addressing those unintended
6 consequences of the way the Code was written
7 originally, in a reactive mode, is going to get us
8 into more trouble than actually addressing the
9 problems that were in the Code to begin with.

10 And I was -- and I'm going to tell you right
11 now, I've been personally against the rewriting of
12 this Code. I'm glad I'm here, so I would have a
13 voice in it, as we try to do it, but I'm going to
14 tell you that we're now moving towards the correction
15 of the old Code, is the way I see it.

16 George -- excuse me, I've never met you, so
17 I'm going to call you George for the first time --
18 you brought up a point, saying that, you know,
19 before, you have the right to move. Well, you may
20 have missed it, but it's still in here, and you may
21 have missed it because you didn't know where to
22 look.

23 MR. HERNANDEZ: No, no, no. I was just
24 responding to the gentleman's comment. I can't
25 remember his name.

1 MS. MORENO: Yes, Mr. Katz. He was saying
2 saying it was a good thing.

3 MR. SALMAN: And it's a good thing.

4 MS. KEON: Yes.

5 MR. SALMAN: I really think it's a good
6 thing.

7 MS. KEON: It's a good thing to me, too.

8 MR. SALMAN: And it's always been there.

9 MR. HERNANDEZ: Yeah, I know. I've used it
10 a lot.

11 MR. SALMAN: We all have, and we all have
12 to, sometimes, as much for the fact of a tree, as for
13 siting, as for somebody's house is five feet from
14 your property line. You're going to scoot.

15 MR. HERNANDEZ: The other way.

16 MR. SALMAN: Right, and it's about that kind
17 of give and take, and the Code has always allowed for
18 that, and I don't think that that's necessarily a
19 problem.

20 MR. BEHAR: And I think that -- I've always
21 been a proponent to give more power to the Board of
22 Architects, and I think that you're going to see that
23 that's probably the correct thing to do, is put some
24 guidelines. Yes, there are some issues that need to
25 be corrected, but let's do those. Let's not revamp

1 the whole Code.

2 CHAIRMAN KORGE: What I'm hearing is that
3 you think that this is not as much a sizing issue as
4 it is a design issue.

5 MR. SALMAN: A design and implementation
6 issue.

7 CHAIRMAN KORGE: If it's a design issue,
8 then this is why -- I think this is where Cristina is
9 coming from, that if the designers come to us and all
10 say this doesn't work, and it's a design issue, then
11 we really have to rethink it, because they would know
12 best what works for design.

13 MR. RIEL: May I make a suggestion? I
14 mean, we've heard a lot of input, a lot of good
15 input. Maybe what we can do is -- with the
16 performance standards or the design issues, what
17 we'll do is get the Board of Architects to come up
18 with a recommendation for that section --

19 MS. MORENO: Yes.

20 MR. RIEL: -- and mold it into this and come
21 back to you all. Obviously, this is a City effort
22 and involves a lot of different departments. Let's
23 challenge and get that information from the Board of
24 Architects, and then we'll come back to you.

25 In terms of the time frame of this

1 returning, I can't give you, you know, a date at this
2 time, because we have other issues that are already
3 scheduled coming up, but --

4 MR. BEHAR: Excuse me, Eric, it may be a
5 workshop, that you involve other people, not just the
6 Board of Architects, because George is not on the
7 Board of Architects. You know, Sergio is not on the
8 Board of Architects today. It may require to go out
9 and get a workshop, where you bring in architects
10 that have some input.

11 MS. MORENO: Yeah, that's a great idea.

12 MR. RIEL: Basically, what I'm trying to do
13 is, I'm trying to separate that design issue and
14 allow the Board of Architects or the Building &
15 Zoning Department to -- whatever they determine, if
16 it's a committee or whatever it is, but I would look
17 to them to give us the direction, because, you know,
18 they're the experts.

19 MS. MORENO: But, Eric, when it comes back,
20 I'd like to know the difference between current Code,
21 interim regulations and new Code.

22 CHAIRMAN KORGE: George, did you have
23 something?

24 MR. HERNANDEZ: I'm sorry for interrupting,
25 but I just wanted to say, there were things that

1 nobody said were wrong, that are in the document,
2 like the reduction of heights for the five and ten
3 thousand square foot lots. I think it's workable.
4 Everybody agreed with that. And I think a lot of the
5 architects tried to point out the things that we
6 thought could be tweaked or are less workable, but I
7 think if -- since people came and were staying -- a
8 few of us are saying -- people care about this issue.

9 So if -- I'm trying to move forward -- if
10 Eric could take all the comments and try one more
11 time for a draft, and then really give the draft out,
12 let's say, two weeks in advance, and not change it
13 between the time it goes out -- and I know everybody
14 is pressed for time -- and the time we have this
15 communal meeting, really give a charge out to the
16 community of architects to really study it and come
17 in with constructive, very constructive commentary,
18 maybe even if they want to bring illustrations, that
19 they have the time to draw a diagram, showing why it
20 works and why it doesn't --

21 CHAIRMAN KORGE: Well, what I'd suggest is
22 that --

23 MR. HERNANDEZ: -- that might be a way to
24 move forward.

25 CHAIRMAN KORGE: -- you do that before you

1 bring us --

2 MR. RIEL: Oh, absolutely.

3 MS. MORENO: Do that before it comes back.

4 MR. RIEL: And I'm not saying that this
5 forum, in front of this Board, is that appropriate
6 forum, but we'll -- let me get with other City
7 departments and the City Manager's Office and discuss
8 the best opportunity to involve all aspects.

9 MR. ACOSTA: Mr. Chairman, one bit, please,
10 if I may --

11 CHAIRMAN KORGE: Please hurry. It's --

12 MR. ACOSTA: Just, please don't limit it to
13 architects only. If you notice --

14 CHAIRMAN KORGE: It's not. It will be
15 subject to public hearing.

16 MR. ACOSTA: -- there have been other
17 participants that have contributed tremendously. We
18 need to be a part of this.

19 CHAIRMAN KORGE: It's going to be subject to
20 public hearing, and if you want to give input before
21 the hearing, by all means.

22 MR. ACOSTA: Well, at least those that came
23 in and commented today should be re-invited to that
24 next event.

25 MR. RIEL: We -- just for interest, we

1 e-mail everyone that signs up. We do an extensive
2 public outreach in terms of trying to get folks out,
3 so --

4 CHAIRMAN KORGE: Well, another thing i'd
5 like --

6 MS. MORENO: Okay, one thing I'd like to
7 make clear, because George mentioned it. Charlie had
8 said that the nonconforming uses would be
9 grandfathered in, not just as grandfathering, but as
10 legal uses, so that if people needed to rebuild, it
11 would not be a problem.

12 MR. RIEL: January 25th, it's on your
13 agenda. Nonconformings will be discussed.

14 CHAIRMAN KORGE: Right. One other point,
15 just something to think about and talk to Charlie
16 about. Somebody had mentioned the possibility of a
17 sunset provision that would force us to review the
18 changes after a period of time, to see whether
19 they've really -- how they've really worked. In
20 other words, you'd sunset all of this, which would
21 force the Commission, before it sunsets, to take
22 another look at what -- if we're going to have a
23 major change like this, the effect of that on the
24 City, because after a period of years of operating
25 under it, we would have a better feel for how it has

1 affected the City. So that's something just to think
2 about as a possibility.

3 MR. RIEL: Sure.

4 MR. BEHAR: I make a motion to adjourn.

5 CHAIRMAN KORGE: Anything else? Then we'll
6 adjourn.

7 MR. AIZENSTAT: Motion to adjourn.

8 MS. MORENO: Eric and Charlie, I apologize
9 for bringing all of these issues up, which I
10 recognize are a change in direction, but better now
11 than later.

12 MR. RIEL: Thank you.

13 (Thereupon, the meeting was adjourned at
14 11:55 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 certify that all witnesses were duly sworn by me.

DATED this 16th day of January, 2006.

JOAN L. BAILEY, RDR

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

