

10 08 08 Planning & Zoning Board  
Verbatim Meeting Minutes

Attachment

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1 entertain that, for that purpose.  
2 MR. GARCIA-SERRA: We would be willing to  
3 bear the cost of the special meeting.  
4 MR. SALMAN: Okay.  
5 CHAIRMAN KORGE: Anybody have an idea what  
6 that cost would be?  
7 MS. HERNANDEZ: No, we do not.  
8 MR. RIEL: We -- We do not develop cost. I  
9 mean, Staff is basically on an annual salary, I mean,  
10 obviously any advertising costs, or anything else, but  
11 we've typically continued, you know, to the next  
12 meeting.  
13 MR. BEHAR: Personally, I don't think we  
14 should --  
15 MR. COE: No, I don't think we should  
16 have any special meeting. We have the next  
17 meeting.  
18 MS. HERNANDEZ: You have security, you  
19 have everything else.  
20 CHAIRMAN KORGE: I don't know that we have  
21 consensus for that.  
22 MR. SALMAN: All right. That's fine.  
23 CHAIRMAN KORGE: Any more discussion on  
24 continuing this agenda item?  
25 I just want to make a comment. We do have a

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1 lot of members of the public here who've made a special  
2 trip here, for this agenda item, and, you know, it's  
3 not a good situation, because then they've got to come  
4 back, too.  
5 MR. SALMAN: I know, but it's an automatic  
6 appeal and we're going -- we're setting ourselves up  
7 for a problem, honestly --  
8 CHAIRMAN KORGE: Yeah. Yeah.  
9 MR. SALMAN: -- in whatever decision we make  
10 here.  
11 MR. COE: There's a motion to continue this  
12 agenda item.  
13 CHAIRMAN KORGE: Right, we were discussing  
14 it.  
15 MR. SALMAN: We were discussing it.  
16 MR. COE: Okay. Do we call the question? I  
17 mean, either we're going to do it or we're not going to  
18 do it.  
19 CHAIRMAN KORGE: Well, let me ask, anybody  
20 in the public want -- The applicants explained their  
21 position. Anybody else in the public want to come  
22 forward, at this time and --  
23 MR. COE: Why? There's no public input  
24 on this, Mr. Chairman. This is a vote of the  
25 Board.

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1 CHAIRMAN KORGE: Okay. Fine. Let's --  
2 Let's -- There's -- The question's called. No further  
3 discussion.  
4 Call the question, please.  
5 MS. HENENDEZ: Jack Coe.  
6 MR. COE: Yes.  
7 MS. HENENDEZ: Jeffrey Flanagan.  
8 MR. FLANAGAN: Yes.  
9 MS. HENENDEZ: Javier Salman.  
10 MR. SALMAN: Yes.  
11 MS. HENENDEZ: Robert Behar.  
12 MR. BEHAR: Yes.  
13 MS. HENENDEZ: Tom Korge.  
14 CHAIRMAN KORGE: Yes.  
15 Okay. So this item is continued to the  
16 next regularly scheduled Board meeting at what  
17 date?  
18 (Thereupon, Pat Keon entered the meeting  
19 room.)  
20 MR. RIEL: It's November 12th.  
21 CHAIRMAN KORGE: November 12th.  
22 MS. HERNANDEZ: And this will be --  
23 MR. DAMIAN: I apologize. I didn't  
24 introduce myself.  
25 MR. SALMAN: Will this serve as a public

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1 notice for the --  
2 MS. HERNANDEZ: Yes. Folks, this will be  
3 the only notice that you are receiving. Please  
4 understand that it is a continuance to the next  
5 Planning and Zoning Board meeting.  
6 MR. DAMIAN: I'm Vincent Damian,  
7 representing Shirley Maroon and neighbors. I forgot to  
8 introduce myself.  
9 MR. SALMAN: I know who you are.  
10 MR. DAMIAN: Thank you.  
11 MR. RIEL: Ladies and gentlemen, could you  
12 please go? We have other agenda items.  
13 CHAIRMAN KORGE: We're still -- We're still  
14 in meeting here.  
15 Would you please note, for the record, that  
16 Pat Keon has arrived.  
17 The next item on our agenda -- If you want  
18 to chat, outside is the place, please. Thank you.  
19 Next item on the agenda is item number  
20 six, "Proposed Zoning Code text amendment pursuant  
21 to a proposed settlement agreement with Fernando Menoyo  
22 and Almeria Row, LLC, represented by Tew Cardenas,  
23 LLP."  
24 MS. HERNANDEZ: Okay. Mr. Chairman, if I  
25 may just do a brief introduction to the Board, so that

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1 we can get into this item.

2 This item comes to you as a result of a  
3 referral from the City Commission. You are not  
4 considering today any settlement discussions that the  
5 applicants may have had. This was as a result of a  
6 Bert J. Harris claim. The Board is here merely to  
7 consider a request on a zoning matter. Issues  
8 involving the Bert J. Harris claim will be considered  
9 at the City Commission level. But the Board's inquiry  
10 really has to do only with zoning issues, at this  
11 point.

12 I will tell you that the applicant is here  
13 before you today based on a referral of the City  
14 Commission. It is Staff's position that sufficient  
15 information was not provided for thorough Staff  
16 analysis, so we will be requesting today that the Board  
17 listen to the input of the applicant, pose any  
18 questions that they would like Staff to come back with  
19 and direct the applicant to provide to Staff the  
20 necessary information, so that Staff can provide a  
21 thorough Planning Department review and bring back a  
22 recommendation to you.

23 At the conclusion of the presentation and  
24 after the discussions by the Board members, we're going  
25 to also ask that this specific matter be continued to

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1 the next Board meeting, so that we don't have to  
2 re-advertise, so that the input is provided to Staff  
3 in a timely basis, and so that we can come back to  
4 you with final recommendations of professional staff.  
5 And I don't know if Mr. Riel has anything to add to  
6 that.

7 MR. RIEL: No, I think you pretty much  
8 covered everything.

9 MR. SALMAN: Through the Chair, Madam  
10 Attorney --

11 MS. HERNANDEZ: Yes, sir.

12 MR. SALMAN: -- could you please explain,  
13 for the benefit of the public, what a Bert J. Harris  
14 Act is?

15 MS. HERNANDEZ: Yes. A Bert J. Harris claim  
16 is a claim that is just below that of a taking. A  
17 property owner has a one-year between a zoning action  
18 of the City Commission in order to file a claim, to  
19 perfect it, claiming that action of the City  
20 Commission, in a zoning capacity, has inordinately  
21 burdened their property.

22 Again, I don't want to get more into that  
23 because I don't want this -- the claim to influence  
24 this Board. I just wanted to give it to you for  
25 information purposes, so that you understand how it

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1 came back to you. Okay?

2 MR. SALMAN: Understood. Thank you.

3 MR. ECHEMENDIA: Good afternoon,  
4 Mr. Chairman, Santiago Echemendia, 1441, on behalf of  
5 Coral Gables Rentals, Fernando Menoyo, who is here, as  
6 well as Maricris Longo, I don't believe she's here.  
7 I'm also accompanied by Teofilio De La Guardia, and his  
8 wife, Maria De La Guardia, who are the architects on  
9 this project.

10 Just very briefly, just to simplify this as  
11 much as possible, the reason we filed a Bert J. is, it  
12 really -- it's -- though it's \$9,000,000 inordinate  
13 burden claim, it was really for purposes of having a  
14 discussion to resolve the issue. That's really the  
15 predicate or the premise of the Bert J. Harris Property  
16 Rights Act, is to avoid litigation.

17 We've had some very successful meetings  
18 facilitated by Liz and the City Manager, with the City  
19 Commissioners, who we believe have expressed some  
20 receptiveness to the concept of changing, on a  
21 site-specific, the regulations back to what they were  
22 before this language got incorporated regarding  
23 adjacent to MPS, adjacent to single family. Bringing  
24 it back, it was at 50, it got brought down to 35. We  
25 want to bring it back for -- to 45 feet, for a limited

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1 number of sites owned by -- by Gables -- Coral Gables  
2 Rentals, some of which were under contract at the time.  
3 Liz's position, of course, is that as it  
4 relates to settling the Bert J. claim, the ones that  
5 were under contract at the time do not qualify. What  
6 we have suggested, to address her concern, is that  
7 those simply be treated legislatively, not to be  
8 incorporated as part of the settlement agreement, which  
9 would just be for those that we actually owned at the  
10 time.

11 So we think we have a fairly -- it's a  
12 fairly simple exercise. The as-built environment  
13 around it is -- from a transitional perspective, it  
14 makes sense to go to 45 feet, because you have 60 feet,  
15 up to 110 feet, all the way around.

16 The City -- The Commissioners, after the  
17 various meetings, I think what was concluded was, yes,  
18 go ahead and send it back to the Planning and Zoning  
19 Board. In fact, the City Commission -- The City  
20 Commission met, right, Liz, and requested that it be --  
21 come back to Planning and Zoning Board, after the  
22 various private meetings, because it's required that  
23 you all make a recommendation as part of a legislative  
24 change.

25 And Bob -- My partner, Bob De La Fuente,

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1 really has more of a comprehensive presentation, but  
2 because it is Yom Kippur and because you all -- you  
3 know, we're the only thing between you all and sunset  
4 this evening, I wanted to kind of cut to the chase.

5 One of the things that we do want to get a  
6 little bit of direction from -- from you all, or maybe  
7 have you all give some direction to Eric is -- The  
8 exercise is fairly straightforward. We've identified  
9 the parcels. We want to go back to the 45 feet, the  
10 regulations, as they were before this adjacency  
11 language got incorporated.

12 Eric is requesting a lot of information from  
13 us, and maybe we can go through that a little bit,  
14 Eric, as to what you're requesting and why we believe  
15 that we're being asked for more than what should be  
16 provided.

17 Again, it's a very simple exercise. We've  
18 identified the properties. We want to go back to the  
19 45, which is what it was before, rather than the 35.  
20 It's that simple. The Planning Department wants to do  
21 a bit of analysis. I don't want to say 3D. I'll let  
22 Eric explain. But this isn't an application, per se,  
23 this is a settlement of a Bert J. Harris Property  
24 Rights Act, where the simple exercise is, we're  
25 changing the height from 45 to 35 for these

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1 site-specific properties to be appended, hopefully, to  
2 a Bert J. Harris settlement agreement, which then goes  
3 with the recommendations from Planning and Zoning,  
4 whether it's negative, no recommendation or favorable,  
5 then to the City Commission, with the intent of  
6 hopefully settling this case and bringing the site-  
7 specifics up to 45 feet, so that we can move forward  
8 with the project.

9 MR. BEHAR: Excuse me a second. Madam  
10 Attorney, I've got a question. If we do this, would  
11 this not create a spot zoning?

12 MS. HERNANDEZ: No. I mean, obviously,  
13 there will -- you know, just about anybody can argue  
14 that -- you know, a spot zoning case. I do not believe  
15 that anyone who challenges the action of this Board,  
16 should this Board adapt site-specific regulations for  
17 this property will have a successful spot zoning claim.  
18 So I'm very comfortable that you can go either way on  
19 this particular request, either approval or denial, and  
20 either one will be sufficient, for purposes of  
21 defending any claim.

22 CHAIRMAN KORGE: Well, on a typical  
23 Bert J. -- and I'm not really familiar with the Act,  
24 so I'm not talking with any knowledge, but on a typical  
25 Bert J. Harris, it would be for specific properties,

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1 would it not, not for the whole community.

2 MS. HERNANDEZ: Correct.

3 CHAIRMAN KORGE: So when you change the  
4 zoning as a settlement for those particular properties,  
5 even if it were considered spot zoning, that's the only  
6 way you're going to settle, isn't it, or do you just  
7 pay money?

8 MR. COE: That's correct, Tom.

9 MS. HERNANDEZ: The City -- No, the City  
10 cannot -- The City -- No city can engage in spot  
11 zoning. Even if there's a Bert Harris claim, the City  
12 cannot, because it's a settlement, do something  
13 illegal. So if it were spot zoning -- if it were  
14 determined to be spot zoning, it would not withstand an  
15 appeal.

16 CHAIRMAN KORGE: Good. Then what would  
17 constitute spot zoning?

18 MS. HERNANDEZ: If -- Okay. The legal  
19 definition of spot zoning is when an area is zoned  
20 different from the surrounding areas and it is not  
21 consistent with the area -- the adjacent neighborhoods.  
22 This is not an issue of spot zoning, and I can provide  
23 you with a copy of cases that would explain it better.

24 MR. BEHAR: Does the fact that the adjacent  
25 property is zoned with the limitation of 35 feet and

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1 these particular three properties are going to have an  
2 exception that it be allowed to go up to 45 feet,  
3 doesn't that create, by itself --

4 MS. HERNANDEZ: Again, it is not -- it is my  
5 opinion, as the City Attorney, that it is not spot  
6 zoning. And I believe that it is not an area that you  
7 should concern yourself with --

8 CHAIRMAN KORGE: Okay.

9 MS. HERNANDEZ: -- with regard to the issue  
10 of --

11 CHAIRMAN KORGE: Gotcha.

12 MS. HERNANDEZ: -- a zoning analysis.

13 CHAIRMAN KORGE: Okay.

14 MR. ECHEMENDIA: Can I add something,  
15 Mr. Chair? Spot zoning -- and Madam City Attorney is  
16 completely right, but spot zoning typically deals with  
17 just that, zoning. It's typically when you have  
18 residential surrounded by a sea of commercial, which  
19 would be a reverse spot zoning situation. You can't  
20 deny the rezoning from residential to commercial  
21 because you're surrounded by commercial, or otherwise,  
22 you have commercial surrounded by residential. That's  
23 a spot zoning situation.

24 A height between 45 and 35 feet doesn't even  
25 fall into the case law -- classic case law relative to

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1 spot zoning.

2 CHAIRMAN KORGE: Okay.

3 MR. ECHEMENDIA: Moreover, if you balance a  
4 possible claim, which doesn't apply, versus the  
5 \$9,000,000 Bert J. Harris claim, I think you know where  
6 you should land, or at least in our opinion.

7 CHAIRMAN KORGE: Okay. Then we're not  
8 concerned with that. It's what Liz was telling us.

9 MS. HERNANDEZ: Correct.

10 CHAIRMAN KORGE: Thank you. Okay. But that  
11 was helpful.

12 MR. ECHEMENDIA: Could we get a little --  
13 Again, what one of the Commissioners was very adamant  
14 about, you know, unfortunately, the Menoyos have been  
15 put in this predicament, and to try to do this as least  
16 expensively as possible -- you know, unfortunately, I  
17 haven't been able to give Fernando my pro bono rate  
18 just yet, but what we'd like to do is do this as least  
19 painfully as possible. And to that end, we have  
20 language which proposes the change to go back to what  
21 it was. It's that simple.

22 So, with that, if you all could just  
23 maybe -- maybe if we can engage the Planner, in terms  
24 of what he's requesting and why, we would be hopeful  
25 that it be as simple as going back to that language

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1 that was there before.

2 MS. HERNANDEZ: Right. No, I -- I have to  
3 object, first of all, I -- I have to, for the record,  
4 because I am concerned that Mr. Echemendia is creating  
5 a situation where an objecting party is going to  
6 indicate that Mr. Echemendia inappropriately is  
7 suggesting to you what Commissioners want. So please  
8 disregard any statements that he says, "A Commissioner  
9 is concerned that Mr. Menoyo was unfairly," or "A  
10 Commissioner." That is irrelevant and really should  
11 not be part of the discussion. This is purely a zoning  
12 analysis, and I would recommend that we not deviate  
13 from our standards, at all, because then I'm going to  
14 be back in court with a totally different person, an  
15 affected neighbor who is saying, "You're circumventing  
16 your procedures for this particular property owner,"  
17 so --

18 We have facilitated their opportunity to  
19 come before this Board and I am recommending and  
20 advising that this Board strictly follow its  
21 procedures, which include giving the information needed  
22 to the Planning Department. It's basic, you know.

23 MR. ECHEMENDIA: Fair enough. I apologize,  
24 Madam City Attorney.

25 MS. HERNANDEZ: No, but you can't -- you've

23

1 go to be careful.

2 MR. ECHEMENDIA: No, no, I do apologize. I  
3 was just trying to put it in context, so --

4 MS. HERNANDEZ: I know.

5 MR. ECHEMENDIA: -- I do step back from  
6 those comments.

7 CHAIRMAN KORGE: Well, maybe Eric can tell  
8 us what he needs, in order to make a recommendation to  
9 us.

10 MR. RIEL: Well, I mean, it's kind of  
11 difficult for me to tell you, within a five-minute --  
12 you know, provide an understanding of what's required.  
13 It includes the Building and Zoning Department, as well  
14 as the Planning Department. We have corresponded with  
15 the applicant. We've requested a minimum amount of  
16 information, less than we typically request on a  
17 preliminary zoning analysis. We just need the  
18 information to provide this Board a recommendation.

19 MS. HERNANDEZ: Right.

20 MR. COE: And the information has not been  
21 forthcoming from the applicant?

22 MS. HERNANDEZ: No.

23 MR. RIEL: The Building and Zoning  
24 Department has responded and the applicant -- not the  
25 applicant, the claimant has not provided the

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1 information back to us, regarding some questions that  
2 we have.

3 MR. COE: And is --

4 MR. DE LA FUENTE: Can I --

5 MR. COE: -- there a reason why the claimant  
6 isn't doing it?

7 MR. DE LA FUENTE: For the record, Bob De La  
8 Fuente, I'm Santiago's law partner, 1441 Brickell  
9 Avenue.

10 I have to disagree with Mr. Riel because we  
11 have even -- We have them here, the responses to  
12 everything that they've asked. We've specifically  
13 responded with exhibits and correspondence to the City,  
14 and we had them hand-delivered, last week, within days  
15 of when it was asked for, we've responded.

16 The last time that we responded, there was  
17 no response back from the City, so we're a little bit  
18 at a loss as to what else is required in order for them  
19 to finish the review. If it's a matter of that they  
20 didn't have enough time to review it, then that's one  
21 thing. But in terms of providing the information and  
22 the documents, we've done that.

23 MS. HERNANDEZ: And you believe that  
24 whatever Ms. Salazar-Blanco requested you have complied  
25 with?

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1 MR. DE LA FUENTE: Correct. In fact, we --  
 2 on September 25th, 2008, we e-mailed and hand-delivered  
 3 this letter, here, and I can pass it up to you.  
 4 It's --  
 5 MR. COE: Hold on. Hold on. We're getting  
 6 far afield here. I don't think it's the function of  
 7 the Board to decide whether or not the City has  
 8 received sufficient information. It's at this -- The  
 9 function of the Board, in my judgment, Mr. Chairman, is  
 10 to decide whether not to grant the relief that's being  
 11 requested.  
 12 MS. HERNANDEZ: Correct.  
 13 MR. COE: If the City is unsatisfied with  
 14 what's been delivered to them, do you want the City to  
 15 rely on what it has in making its opinions?  
 16 MR. ECHEMENDIA: No, Mr. Coe --  
 17 I'm sorry, Bob.  
 18 -- I think what we'll do is, since we're  
 19 not -- and as not to prolong the evening, we know you  
 20 all need to go, we'll work diligently with --  
 21 MS. HERNANDEZ: With Martha.  
 22 MR. ECHEMENDIA: -- Liz, and Martha and  
 23 City -- and the principal planner to reconcile that  
 24 information, that they think they have not received  
 25 between now and the 12th. So we'll work it out. We

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1 just wanted to bring to your attention that there is a  
 2 little bit of a debate going on between Bob and Eric as  
 3 to whether we provided the information or not.  
 4 MR. COE: I suppose we could appoint a  
 5 special master to go over everything.  
 6 MR. ECHEMENDIA: No, that's okay.  
 7 MS. HERNANDEZ: Bob, Bob.  
 8 MR. BEHAR: For the record, make sure you  
 9 work with the Planning Director, not the principal  
 10 planner, or with the Planning Director.  
 11 MR. ECHEMENDIA: That's what I meant.  
 12 MS. HERNANDEZ: Santiago, could you please  
 13 introduce, then, the properties, you know, go through,  
 14 so that the Board can provide any questions that they  
 15 may have.  
 16 MR. ECHEMENDIA: Thank you, Liz. Yes,  
 17 absolutely.  
 18 MR. DE LA FUENTE: Okay. Just very briefly,  
 19 the two exhibits that are to your right will show you  
 20 exactly what we're talking about. These are also  
 21 included in your packet, that we've handed out to you.  
 22 They're broken down into five different groups, and  
 23 you'll see which these subject groups are.  
 24 A small clarification, if you look at Group  
 25 3, we have not included the already built townhomes. I

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1 don't know if you're familiar with the project that has  
 2 already been built, but those already built townhomes  
 3 are not part of this plan. So, basically, we start  
 4 here, it goes along Anderson and then along Almeria,  
 5 until here, all the way up to here, where Group 3 is.  
 6 So all these properties are the subject of this claim  
 7 where we see --  
 8 MR. COE: These are vacant properties? Is  
 9 this vacant land?  
 10 MR. DE LA FUENTE: No.  
 11 MR. COE: Okay. There's already structures  
 12 on that that you would demolish?  
 13 MR. DE LA FUENTE: Correct. Correct. And  
 14 these are the properties where we seek the  
 15 reinstatement of the original 45-foot height.  
 16 CHAIRMAN KORGE: But the properties in that  
 17 gap area here --  
 18 MR. DE LA FUENTE: Not part of the claim.  
 19 CHAIRMAN KORGE: I understand. Are they  
 20 already developed?  
 21 MR. DE LA FUENTE: They are already  
 22 developed.  
 23 CHAIRMAN KORGE: And so you're not  
 24 redeveloping them?  
 25 MR. DE LA FUENTE: No.

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1 CHAIRMAN KORGE: What height are they to?  
 2 MR. DE LA FUENTE: Those are -- I would ask  
 3 Mr. Menoyo to -- He's -- He's our client --  
 4 CHAIRMAN KORGE: Sure.  
 5 MR. DE LA FUENTE: -- and he's very familiar  
 6 with these, so --  
 7 MS. HERNANDEZ: Has he been sworn in? Just  
 8 to --  
 9 MR. DE LA FUENTE: I don't think --  
 10 MR. ECHEMENDIA: No.  
 11 MS. HERNANDEZ: Anybody that's going to  
 12 testify needs to be sworn in.  
 13 CHAIRMAN KORGE: State your name and address  
 14 for the record, then she will swear you in.  
 15 MR. MENOYO: Fernando Menoyo, 744 Biltmore  
 16 Way.  
 17 MS. DE LA GUARDIA: Maria De La Guardia 2508  
 18 Columbus Boulevard.  
 19 MR. VICTORIA: Teofilio Victoria, 2508  
 20 Columbus Boulevard.  
 21 CHAIRMAN KORGE: Okay. Let's swear  
 22 everybody in.  
 23 THE COURT REPORTER: Okay. Do you solemnly  
 24 swear or affirm to tell the truth, the whole truth and  
 25 nothing but the truth?

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1 MS. DE LA GUARDIA: Yes.  
 2 MR. VICTORIA: Yes.  
 3 CHAIRMAN KORGE: Thank you.  
 4 Now, I guess the question was, in that --  
 5 that gap area there, I can't read the lot numbers. On  
 6 Almeria, between the two areas to be developed, what  
 7 are the heights of the current structures that are  
 8 already developed on those lots?  
 9 MR. MENOYO: Correct. This is a project  
 10 that was built maybe -- a townhouse project that was  
 11 built about 30 years ago. It's four stories. There  
 12 are sections of this project that face Almeria, that  
 13 are four stories high.  
 14 CHAIRMAN KORGE: Just out of -- They're  
 15 about 45 feet or --  
 16 MR. MENOYO: Over 45 feet --  
 17 CHAIRMAN KORGE: Over 45.  
 18 MR. MENOYO: Ours are 45 feet, that we're  
 19 supposed to have, are limited to three stories. We're  
 20 limited to three stories and we're not arguing that  
 21 limitation.  
 22 CHAIRMAN KORGE: Right.  
 23 MR. MENOYO: Yeah, before the -- before the  
 24 townhouse ordinance, we had 50 feet in heights.  
 25 CHAIRMAN KORGE: Okay. But you see what I'm

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1 asking about. It's -- So it would be --  
 2 MR. MENOYO: Yeah. This is -- This is  
 3 50 feet. This is another condominium here, and this is  
 4 a historic property.  
 5 CHAIRMAN KORGE: How tall is the condo?  
 6 MR. MENOYO: I'm not sure about this one.  
 7 CHAIRMAN KORGE: Right. Okay.  
 8 MR. MENOYO: I'm not sure about this one.  
 9 These are townhomes.  
 10 CHAIRMAN KORGE: Townhomes. Okay.  
 11 MR. MENOYO: All this, this is high density.  
 12 This is the Biltmore 2, the David William is here.  
 13 CHAIRMAN KORGE: You're referring to -- Is  
 14 that Block 10, there?  
 15 MR. MENOYO: Yes.  
 16 CHAIRMAN KORGE: And how -- I'm sorry.  
 17 Block 10 is the David William Hotel?  
 18 MR. MENOYO: That is correct.  
 19 CHAIRMAN KORGE: Okay. Now I see, yeah.  
 20 MR. MENOYO: This is the Valencia Grand,  
 21 that building that was recently built.  
 22 CHAIRMAN KORGE: Right.  
 23 MR. MENOYO: All this, this little area, is  
 24 a multi-unit area, very small, within the residential  
 25 area, and our properties are the buffer between the

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1 higher -- the higher buildings in the back and the  
 2 single family homes.  
 3 CHAIRMAN KORGE: Right. I see.  
 4 MR. MENOYO: And prior to the moratorium, we  
 5 came up to see -- Because I -- Thirty years ago I met  
 6 with John Little. John Little used to have Dennis  
 7 Smith's job here, in the City. I was 24 years old  
 8 then, and I had just arrived from -- I had gone to  
 9 school up in Ithaca, New York, at Cornell. I landed a  
 10 job with GE, and when I came here, I decided this was  
 11 going to be my home.  
 12 I met with John Little. He gave me a copy  
 13 of the zoning map. And ever since, we -- my partners  
 14 and I have been investing in this area, land banking,  
 15 carrying negative cash flows in all of our buildings,  
 16 trying to upkeep them and having beautiful properties,  
 17 which I believe people are aware of.  
 18 And, uh -- When we -- Finally, when we  
 19 decided to take advantage of our land, we came up to  
 20 see Dennis Smith, and he steered us in the way of the  
 21 townhomes. What we presented to him, at that time, was  
 22 a condominium project that was 50-foot tall, what we  
 23 were allowed to build then, with ground parking,  
 24 50-foot tall, four stories high. Dennis Smith  
 25 suggested that -- that a townhouse typology would be a

32

1 better structure as a buffer between the buildings in  
 2 the back and the single family homes in the front.  
 3 So we got our architects involved, we got  
 4 our attorney involved. We spent thousands of dollars  
 5 helping the City develop a good ordinance for this --  
 6 for this land. As a matter of fact, we made  
 7 suggestions that were really working -- that worked  
 8 against us, such as making sure that all the garages  
 9 would be in the alleyways in the back, not in the  
 10 front, that the main doors would face the street, a  
 11 whole series of improvements that we suggested for the  
 12 ordinance. And we got our -- What everyone, at that  
 13 time, agreed was the correct height, 45 feet. Then,  
 14 about three months prior to the passing of this  
 15 ordinance, in January of 2006, right?  
 16 MR. DE LA FUENTE: Seven.  
 17 MR. MENOYO: 2007, this change was made. We  
 18 were never told about the change. Even though we had  
 19 been involved with the City, spending our money, our  
 20 time to work with the City, we were never told about  
 21 the change, not until we submitted our plans for a  
 22 different project. Almeria was our first project, that  
 23 we limited to two stories because we had never  
 24 developed in this City, and we wanted to be  
 25 conservative, but we wanted to have our right to go to

33

1 three stories, and we never relinquished our right. We  
2 never wanted to relinquish our right.

3 Last year we submitted plans to develop  
4 another beautiful project, Beatrice Row, and when we  
5 submitted our papers, the City came back to us to tell  
6 us that we couldn't go the 45 feet. And we said,  
7 "What? Why not?" And then they told, "Well, we made  
8 this change." Two months before the final ordi -- You  
9 know, the whole rewrite was passed, unbeknownst to us.

10 And we had to rush, hire attorneys, spend  
11 another I don't know how many thousands of dollars  
12 trying to -- You know, this effort, for a person like  
13 me, that I've been here, trying to make a livelihood,  
14 for 30 years, trying to do what's right for the City,  
15 something like this can put us under. And I don't know  
16 if the City is aware of that. This effort, the  
17 thousands of dollars that were spent, the way the City  
18 has put us in this position, can make us go broke.  
19 It's very unfair.

20 CHAIRMAN KORGE: Thank you very much.

21 MR. DE LA FUENTE: Mr. Chair, I believe  
22 where Mr. Menoyo was also going with this was trying to  
23 explain to you how the original height, that was  
24 45 feet, is, in fact, a better planning decision and  
25 how that's a more appropriate transition between the

34

1 taller buildings that are in back of or near his  
2 properties, and the single family that's limited to 29  
3 feet.

4 If you look at Exhibit C in the handout that  
5 we provided, it shows you what the permissible heights  
6 are in the properties that are surrounding this  
7 property. So we have provided that information, so you  
8 have that before you, that shows you why it's logical  
9 to have 45 feet rather than 35 feet. In fact, I would  
10 like to ask the architects to come and explain to  
11 you -- we've prepared a couple of exhibits here, so you  
12 can see for yourselves how, from a transition  
13 perspective, it makes better sense to have a 45-foot  
14 height limit for these properties, rather than 35 feet.

15 MR. COE: Mr. Chairman, before they go  
16 into this, I'm going to ask Mr. Riel a question. What  
17 we're talking about here was simply part of the master  
18 plan redone from last year, when it cropped the heights  
19 down, that's what we're are talking about, correct?

20 MR. RIEL: What has happened, to do a brief  
21 two-minute overview, the Commission enacted a  
22 moratorium, 120-day moratorium to do a special study,  
23 the area of Biltmore Way, LeJeune, Bird Road, Granada.  
24 Special regulations came up, and they're called MFSA.  
25 They were included as part of the rewrite of the Zoning

35

1 Code.

2 During the finalization of the Code, in  
3 October, the Commission asked us to look at properties  
4 that are adjacent to single family. If you recall, the  
5 shadow studies we did on the duplexes, and all the  
6 other studies. They asked us to look at all properties  
7 adjacent to single family, which is the subject  
8 property. It was reduced, by the Commission, 35 feet  
9 for the first 50 feet, and then the remaining portion  
10 of the property can be 45 feet.

11 They asked that the definition of adjacent,  
12 abutting and contiguous basically be the same.

13 MS. SALMAN: That's the problem.

14 MR. RIEL: And that's the issue.

15 MR. SALMAN: That's the problem.

16 MR. RIEL: And, again, it was a subject of  
17 further study as a part the rewrite. The Commission  
18 actually referred it back to this Board, with a number  
19 of other issues. It went back to the Commission,  
20 again, on first reading, and then it was ultimately  
21 adopted.

22 MR. COE: And the claimant never got notice?

23 MR. RIEL: I am not -- I mean, we do not  
24 send out a notice to every property owner within the  
25 City for each public hearing.

36

1 CHAIRMAN KORGE: But it was -- It was a  
2 complete Code rewrite.

3 MR. RIEL: It was a complete Code rewrite.  
4 I mean --

5 MR. COE: Ultimately, it was a complete  
6 Code -- Well, everybody had notice of the complete Code  
7 rewrite.

8 MR. RIEL: I mean, we had an e-mail  
9 subscription list.

10 MR. COE: Right.

11 MR. RIEL: We did as much public outreach,  
12 you know, as -- we had 56 meetings to the total  
13 process.

14 MR. SALMAN: I know Mr. Menoyo because he's  
15 been -- when I was on the Board of Adjustment, he came  
16 for the original project, and there were some issues  
17 there. I remember Dennis presenting, for that  
18 particular Board, for those initial Almeria townhouse  
19 project, and he's a person who's actually fairly aware  
20 of what the City was doing. So if he didn't know about  
21 it, it's possible that it wasn't -- it wasn't clear.

22 Likewise, I think that part of the problem  
23 here is one of the definition of adjacency. When we  
24 extend adjacency to be across the street, that's where  
25 we're getting into this particular problem. Where we

37

1 have a house across the street from a townhouse, we're  
2 now limiting it to the 29 feet, when I think the intent  
3 was if we had a house next to a townhouse on the same  
4 block or the adjacency was along a common property  
5 line, as opposed to across the street.

6 CHAIRMAN KORGE: Or divided by an alleyway.

7 MR. SALMAN: Or divided by an alleyway, then  
8 perhaps the -- the application of that limitation is  
9 really what has led us to where we are today, with  
10 Mr. Menoyo, to get to the nut of the situation.

11 CHAIRMAN KORGE: That is. But I don't  
12 remember why we ended up merging all those definitions  
13 into one.

14 MR. RIEL: Because their height was reduced  
15 to 29 feet for single family, and the shadow studies  
16 that we did, and I remember this Power Point, you know,  
17 vividly, we did discuss the terminology of adjacent,  
18 abutting and contiguous. And it was originally Staff's  
19 recommendation, to be a little bit more lenient.  
20 However, the Commission, when they looked at all the  
21 property surrounding single family, as a transitional  
22 use, they suggested that abutting, contiguous, adjacent  
23 all be the same thing, no matter if it was by an alley,  
24 a street or right up against single family.

25 CHAIRMAN KORGE: You know, if memory serves

38

1 me right, the Board didn't originally think that was  
2 necessary and it came back to us from the Commission.

3 MR. RIEL: I know -- No, when the Commission  
4 referred all the issues back to the Board. It was  
5 about 10 or 15. I'm not sure what the recommendation  
6 of the Board was.

7 CHAIRMAN KORGE: I guess what I'm asking,  
8 didn't we originally pass it at 45, across the street?

9 MR. RIEL: Yes.

10 CHAIRMAN KORGE: Yeah. So they sent it back  
11 and said, "We want to change it.

12 MR. RIEL: Right, they asked for an  
13 additional study be completed.

14 CHAIRMAN: Right.

15 MR. RIEL: And that's when we did additional  
16 shadow studies and additional --

17 MR. ECHEMENDIA: Tom, if I may, one  
18 comment, I think -- Thank you, Eric, because that's  
19 precisely the issue. What we're suggesting --  
20 Remember, this was a global rewrite, where there was a  
21 lot of stuff in front of Commission, relative to the  
22 entire City. So I think what we're suggesting is, this  
23 is a refinement relative to these properties that  
24 really got lumped into everything.

25 MR. BEHAR: But, you know, and that's my

39

1 problem. And in principle, I agree with the concept.  
2 My problem is that we're only picking a certain number  
3 of properties to modify, and that's not -- We may have  
4 to go back and look at the whole global changed, we did  
5 before, and maybe identify --

6 MR. SALMAN: That's precisely right.

7 MR. BEHAR: You know, I cannot -- I -- I --  
8 I feel -- I'm very uncomfortable, looking at three  
9 pieces of property and just -- And I agree, that  
10 perhaps 45 feet was a better -- You know, the way we  
11 had it was a better alternative, but to go back and  
12 pick three properties and do this, I don't feel  
13 comfortable doing that.

14 MR. ECHEMENDIA: What we could do -- What I  
15 was suggest, because we were -- we're certainly not  
16 adverse to that, but let me posit at the following.  
17 We're the only Bert J. Harris claim that emanated from  
18 the rewrite. We basically filed on the last day.  
19 Nobody else could file a Bert J. claim. So what we're  
20 suggesting is, treat us pursuant to the Bert J. claim,  
21 correct this inordinate burden, and then you can go on  
22 and legislatively correct whatever else you need to do.

23 CHAIRMAN KORGE: That makes more sense to  
24 me, too, because this particular area, I mean, it's  
25 not -- it wasn't -- The idea of 45 feet wasn't so

40

1 offensive to us, originally, as the Board -- the  
2 then-constituted Board, to bring it down automatically,  
3 when it became back to us from the Commission, so it  
4 wasn't some clear-cut problem. I would prefer to deal  
5 with specific first, and then look at the global, you  
6 know, overall, City-wide, because there are other areas  
7 that it might -- you know, that were in the 35 feet. I  
8 mean, I don't know that I'm anxious to change  
9 everything just because of one problem property.

10 So I would be willing, myself, to look at  
11 this one property, in that location, bearing in mind  
12 the other properties surrounding it, you know, hear  
13 from any neighbors that want to object, if they have  
14 any objections, and treat it like a site-specific  
15 change, and then the Commission will do whatever it  
16 wants to do. But I think what they're sen -- sending  
17 it back to us for is to make a determination whether in  
18 this area, dealing with it on a site-specific basis,  
19 this would be otherwise acceptable to the Board under  
20 whatever conditions, you know, might normally be  
21 negotiated in a site-specific zoning change. So, I  
22 mean, that doesn't bother me, to do it'sitself just  
23 for this -- this site-specific area. I mean, it really  
24 makes more sense than for us to then go back and talk  
25 about doing the whole City-wide -- a City-wide change.

41

1 MR. COE: Mr. Chairman, could we clarify  
2 what we're doing this evening? I -- I think we're --  
3 All we're doing is giving Staff input on what we want?  
4 MS. HERNANDEZ: Right.  
5 MR. COE: That's all we're doing? And then  
6 Staff is going to come back, at some point, when it  
7 receives all of the information they claim they do not  
8 have, from the claimant, and then Staff would make some  
9 recommendation. That's the drill tonight, right?  
10 MR. RIEL: That's correct.  
11 MR. COE: I don't know if we can do anything  
12 else.  
13 CHAIRMAN KORGE: No, we're not doing  
14 anything else. But, I mean, one of the suggestions  
15 that's been made by a couple of Board members is,  
16 they'd rather look at it on a City-wide basis, which  
17 is --  
18 MR. COE: Well, I -- I -- The problem --  
19 CHAIRMAN KORGE: -- materially -- Let me  
20 finish. That's a materially different task than the  
21 site-specific changes that have been requested.  
22 MR. COE: From what I understand, this is a  
23 unique situation. So assuming that is correct, there  
24 isn't any other parcels to look at and there's no  
25 reason to go beyond this unique exception, this unique

42

1 problem that we have.  
2 Is that the claimant's position, as well?  
3 MR. ECHEMENDIA: We don't disagree with  
4 that, Mr. Coe. That's not to say I don't disagree with  
5 Mr. Behar, that there could conceivably be others  
6 that -- that somebody could take the position, also,  
7 would be justified at 45 feet, that could be looked at,  
8 at some other point --  
9 MS. HERNANDEZ: Right.  
10 MR. ECHEMENDIA: -- we're not suggesting it  
11 be commingled with this. We do agree with you,  
12 Mr. Coe.  
13 CHAIRMAN KORGE: And -- And more to that  
14 point, there are no other Bert J. Harris claims filed.  
15 MR. ECHEMENDIA: That's correct.  
16 CHAIRMAN KORGE: So, you know, if we deal  
17 with this one, we're not prejudicing other people.  
18 MR. COE: Correct. That's why I don't think  
19 we should get far afield. Let's limit it to this  
20 particular, unique parcel.  
21 MR. VICTORIA: If I may, there's  
22 another consideration which I think is very  
23 important.  
24 MR. ECHEMENDIA: State your name for the  
25 record, please.

43

1 MR. VICTORIA: Teofilio Victoria, principal  
2 at De La Guardia Victoria Architects and Urbanists.  
3 And it is that this is -- It's the  
4 properties, yes, and I understand the concerns with  
5 respect to the property, but it's also a particular  
6 building type. I mean, it's a fee simple townhouse,  
7 which is a new -- a new -- It's a -- It's a -- It's a  
8 new housing product in the City of Coral Gables, and it  
9 is very limited, where it can actually be built, and it  
10 has a great deal of limitations. In fact, this, the  
11 return of the fee simple townhouse to the downtown of  
12 Coral Gables, the City center of Coral Gables, was a  
13 happy -- a happy working relationship between the City,  
14 developers and architects.  
15 And, indeed, after the moratorium, we were  
16 able to, I think, arrive at what was -- what is an  
17 innovative and, indeed, new zoning condition for not  
18 just the City of Coral Gables but, to a certain extent,  
19 for the -- for the -- for the whole of Dade County. In  
20 fact, the Coral Gables Zoning Ordinance, with respect  
21 to the townhouse has been adopted by a number of  
22 municipalities in the County.  
23 So we're looking at a very particular type  
24 of building that's not a condominium, it's not an  
25 apartment building, but rather something different,

44

1 that has its own constraints and limitations. And in  
2 our two-year work with the City, to develop this  
3 ordinance, we arrive at specific dimensions, setbacks,  
4 building heights, and general characteristics.  
5 And the building height, I think we need to  
6 remember, is actually less than it was prior to this --  
7 the incorporation of this building type, of this new  
8 building type, as well as density. It was -- So it  
9 achieved what the City was after, which was a  
10 mitigating intermediary building type, between the  
11 larger mid-rise apartment building, in some instances  
12 highrise apartment buildings, and the single family  
13 units, residential across Anderson, in one instance,  
14 across Almeria.  
15 And for the architect, of course, it was an  
16 interesting opportunity to build this building type  
17 that has -- that is prevalent throughout American  
18 cities, New York City, you might remember, Boston. Of  
19 course, in Europe, this building is prevalent and very  
20 pertinent to our situation, today, of building proper,  
21 domestic housing types for city centers. So that  
22 needs to be --  
23 What I'm trying to point out and remind you  
24 is that one needs to consider is that this not -- this  
25 is a different type of building, and we arrived at the

45

1 45-foot height dimension because it seemed to be the  
2 one that worked. We didn't need 50, but we needed 45.  
3 The owner, the developers ended up building up to 35  
4 feet, but this doesn't mean that the townhouse works  
5 best at those dimensions. In fact, it works best at  
6 the 45-foot dimension.

7 CHAIRMAN KORGE: Okay. Thank you. Anything  
8 else from the Board?

9 MS. DE LA GUARDIA: I think that one of the  
10 things that you can see in these diagrams is that when  
11 the townhouse happens across the street from the single  
12 family residence, you --

13 Okay. Maria De La Guardia, principal, De La  
14 Guardia Victoria Architects.

15 So when the townhouse occurs across the  
16 street versus next door or -- or -- or across an alley,  
17 you have this whole area, you know, you have the whole  
18 parkway, the whole right away that also acts as a  
19 buffer between -- between the two. In this case, we  
20 have, you know, two -- two parkways, the street, the  
21 sidewalk, two parkways, the street, the sidewalk and  
22 the setbacks that separate these two buildings.

23 And, you know, when we look at the  
24 transition of heights that we're going to, from 29 to  
25 45, in this case, the Valencia Royal, which is, I think

46

1 is at about 106, more or less. I mean, we're worried  
2 about the shadows in the single family residence, but  
3 what about the shadows into the townhouse? I mean,  
4 they, you know -- I think 45 feet acts more as a  
5 transition than the 35 feet. If I can go to our  
6 potential candidates, 35 feet is more of the same. The  
7 difference between 29 and 35 feet is not truly a  
8 transition to the taller buildings. So, I think,  
9 formally, if you look at the City, the 45 feet is  
10 more -- is a better transition to what is, in some  
11 cases, high density and in other cases mid density.

12 CHAIRMAN KORGE: Thank you. So where are  
13 we? I mean --

14 MR. BEHAR: Well, let's then -- Eric, why  
15 don't you put together what you think is going to be  
16 sufficient material, that needs to be submitted to  
17 you --

18 CHAIRMAN KORGE: To make a recommendation.

19 MR. BEHAR: To make a recommendation.  
20 Whatever you think is necessary, that's what you've got  
21 to submit to the applicant.

22 MR. RIEL: Especially in the Building and  
23 Zoning and the Planning.

24 MR. BEHAR: Absolutely.

25 MS. KEON: Right. And to make sure, then,

47

1 if you will include the shadowing and the distances  
2 from the single family homes --

3 MR. SALMAN: What shadow? They're on the  
4 north side of the street. They're never going to cast  
5 a shadow on the south.

6 MS. KEON: But it isn't just for those. I  
7 mean, I have a bigger concern also that maybe this an  
8 area that you should look at with respect to the Zoning  
9 Code. You know, I mean, and I think it's better if  
10 you're going to do it, we ought to go back and look at  
11 it, also.

12 MR. SALMAN: We have -- We have a different  
13 issue with the Zoning Code. And the problem is one of  
14 adjacency, and that's, I think, what the problem is.

15 MS. KEON: Well, but that's what I'm asking  
16 you. I think when it's not adjacent and it's not  
17 abutting, but when they define it, I think it should be  
18 defined more with regard to shadowing than just its  
19 proximity to a particular -- the proximity of buildings  
20 to one another. It's the effect that the buildings  
21 have on one another, and not just that they're there.  
22 So I think that I'd like to see that information so  
23 that we can --

24 MR. SALMAN: That's a separate issue.

25 MS. KEON: Right.

48

1 MR. SALMAN: That's a separate issue.

2 CHAIRMAN KORGE: Right.

3 MR. SALMAN: I think that's a direction we  
4 should give to Staff with regards to the unintended  
5 consequence --

6 MS. KEON: Right.

7 MR. SALMAN: -- to some of these -- some of  
8 these definitions. Especially the one where  
9 adjacency's across the street --

10 CHAIRMAN KORGE: Right, but again --

11 MR. SALMAN: But that's a separate issue.  
12 Just come back to us with the recommendations for --

13 CHAIRMAN KORGE: Exactly.

14 MR. SALMAN: -- for three properties, so  
15 that we can make a decision.

16 MR. RIEL: I'll come back with a  
17 recommendation based on Building and Zoning input,  
18 compliance with the Comp Plan and the Zoning Code.

19 MS. KEON: But I'd like to see that  
20 information because I'd like the basis for whatever  
21 that recommendation is. And I think that that's an  
22 element that should be part of the basis --

23 MR. RIEL: I understand that  
24 responsibility --

25 MS. KEON: Yeah.

49

1 MR. RIEL: -- and we'll provide that  
2 recommendation.

3 MR. BEHAR: Just to -- to clarify, for the  
4 applicant, when do you feel that you will have the wish  
5 list or the necessary tools for you to make --  
6 submitted by the applicant? Do you think that sometime  
7 next week that will be ready?

8 MR. RIEL: I can't answer that, because I do  
9 not -- I do not supervise the Building and Zoning  
10 Department. They're responsible for the preliminary  
11 zoning analysis. I mean, I rely on them. They  
12 interpret the Zoning Code. They need to feel  
13 comfortable with the information they've received to  
14 provide input to the Planning Department, and then  
15 we'll come forward. You know, I can't guarantee you  
16 next week.

17 MR. SALMAN: That's where you're going to  
18 run afoul, because they're going to provide you an  
19 interpretation based on the definitions as they are  
20 provided in the code, and that's where you're going to  
21 run afoul. Okay. That's the way it's going to happen,  
22 so just get it to us and then we'll make a decision,  
23 one way or the other.

24 MR. RIEL: When I am able to make a  
25 decision, I will provide --

50

1 MR. BEHAR: Okay. Fair enough. We'll leave  
2 it up to you.

3 MR. SALMAN: We'll leave it up to you.

4 MR. BEHAR: Fair enough.

5 MR. ECHEMENDIA: Thank you, Mr. Chairman. I  
6 think -- Are we then continued to November 12th, after  
7 a motion and hopefully a second and --

8 MR. COE: Yes.

9 CHAIRMAN KORGE: Is there a motion to  
10 continue to the November 12th meeting?

11 MR. SALMAN: Motion.

12 MR. BEHAR: Second.

13 MR. COE: Second.

14 CHAIRMAN KORGE: Moved and seconded. Any  
15 discussion?

16 MR. COE: Call the question.

17 CHAIRMAN KORGE: Call the question, please.

18 MS. MENENDEZ: Jeffrey Flanagan.

19 MR. FLANAGAN: Yes.

20 MS. MENENDEZ: Pat Keon.

21 MS. KEON: Yes.

22 MS. MENENDEZ: Javier Salman.

23 MR. SALMAN: Yes.

24 MS. MENENDEZ: Robert Behar.

25 MR. BEHAR: Yes.

51

1 MS. MENENDEZ: Jack Coe.

2 MR. COE: Yes.

3 MS. MENENDEZ: Tom Korge.

4 CHAIRMAN KORGE: Yes.

5 MR. ECHEMENDIA: Thank you so much. We know  
6 we're going to be able to work this out.

7 CHAIRMAN KORGE: Hopefully we'll see you in  
8 November.

9 The last -- Is this the last item on the  
10 agenda, the amendment to the City Code?

11 MR. RIEL: Yes. This is a -- a discussion  
12 item. It's under the Planning Director's item.

13 This is an item -- It's actually an  
14 ordinance for a text amendment to the City Code. As  
15 you know, the Planning and Zoning Board is responsible  
16 for the Zoning Code, in terms of text amendments. The  
17 ordinance was presented to the City Commission. It's  
18 relative to the parking requirements that are in the  
19 City Code.

20 As part of the discussion, when I went to  
21 the Commission, initially, I believe, about two months  
22 ago, the Commission asked that the Parking Director  
23 come to the Planning Board for their input regarding  
24 the changes in the City Code. So we're looking for  
25 recommendations, suggestions, modification to the Code,

52

1 that will go to Parking Director, the Parking Director  
2 will make a recommendation to the City Commission, and  
3 the City Commission will take your comments under  
4 advisement and recommendations.

5 With that, I'll turn it over to the Parking  
6 Director, Mr. Kinney.

7 MR. KINNEY: Mr. Chairman, Kevin Kinney, the  
8 Parking Director here, in Coral Gables. As Eric  
9 explained, I did a rewrite of the Parking Code, which  
10 hadn't been touched for about 50 years, and made some  
11 significant changes. And one of those changes  
12 generated significant discussion at the Commission  
13 level. And the end result of that was that -- present  
14 that section to you, and get your comments, and see  
15 where we're going to go with that.

16 The specific issue relates to Section 5 in  
17 the -- in the proposed code that was distributed to  
18 you. It's called a Parking Replacement Assessment. It  
19 has two key components. The first component deals with  
20 loss of on-street parking.

21 Currently, how the City handles loss of  
22 on-street parking is, if a development causes the loss  
23 of on-street parking, I calculate the lost revenue, and  
24 there's an annual payment for that lost revenue, in  
25 perpetuity. In other words, the focus is on getting