

PZB Minutes with only Menoyo
Attachments I thru M

City of Coral Gables
Planning and Zoning Board Meeting
December 10, 2008
Coral Gables City Commission Chambers
405 Biltmore Way, Coral Gables

Members:	J9	F13	M12	A9	M14	M28	A13	O8	N12	D10	Appointed by:
Eibi Aizenstat	P	E	P	P	P	E	P	E	P	P	City Manager
Robert Behar	P	P	P	E	P	P	P	P	P	P	Commissioner Rafael "Ralph" Cabrera, Jr.
Jack M. Coe	E	P	P	P	P	P	P	P	P	E	Mayor Donald D. Slesnick, II
Jeffrey Flanagan	X	X	X	X	X	X	X	P	P	P	Commissioner Maria Anderson
Pat Keon	P	P	E	P	P	P	P	P	E	P	Planning & Zoning Board
Tom Korge	P	P	P	P	P	P	P	P	P	P	Commissioner Wayne "Chip" Withers
Javier Salman	P	P	P	P	P	P	P	P	P	P	Vice Mayor William H. Kerdyk Jr.

P = Present

E = Excused

City Staff:

Eric Riel, Jr., Planning Director
Walter Carlson, Asst. Planning Director
Scot Bolyard, Planner
Jill Menendez, Adm. Assistant
Elizabeth Hernandez, City Attorney
Lourdes Alfonsin, Asst. City Attorney
Ed Weller, Building & Zoning Director
Martha Salazar-Blanco, Zoning Official
Carlos Mindreau, City Architect
Dulce Conde, Zoning Technician
Alberto Delgado, Public Works Director
Kevin Kinney, Parking Director

Court Reporter:

Joan Bailey

(See attached Verbatim Transcript of Planning and Zoning Board Meeting
prepared by Joan L. Bailey & Associates)

Attachments:

- A. 12.10.08 Planning and Zoning Board Meeting - Verbatim Minutes.
- B. 12.10.08 Attendance/Speaker Sign In Sheets.
- C. Letter to Elizabeth Hernandez from Vincent E. Damian, Jr. dated 12.05.08.
- D. Letter to Elizabeth Hernandez from Mario Garcia Serra dated 12.05.08.
- E. Document entered into the record by Eric Riel: Miami Daily Business Review - Notarized copy of the Notice of Public Hearing published on 11.25.08.

December 10, 2008 - Planning and Zoning Board Meeting

Page 2

- F. Document entered into the record by Jose Gelabert Navia, Perkins & Will – Building Setback 8'-0" from property line at south LeJeune and façade stepping at corner of LeJeune and Granello.
- G. 10.08.08 / 11.12.08 Planning Department DYL PowerPoint Presentation.
- H. 10.08.08 / 11.12.08 Applicant DYL PowerPoint Presentation.
- (Note: Attachments I thru M are related to Agenda Item # 6 – Menoyo).
- I. Document entered into the record by Eric Riel – 11.08.06 City Commission matrix request for additional information/further review pursuant to 10.17.06 meeting.
- J. Document entered into the record by Eric Riel - 12.12.06 City Commission matrix request for further review.
- K. Document entered into the record by Eric Riel – Zoning Map: 50' Setback from SFR and/or MF1 Properties.
- L. Document entered into the record by Bob de la Fuente and Santiago Echemendia (A thru L).
- M. Document entered into the record by Bob de la Fuente and Santiago Echemendia – Drawings prepared by de la Guardia Victoria Architects & Urbanists, Inc./Menoyo Properties, dated 12.10.08.

12.10.08 Verbatim Excerpts of PZB
Meeting Minutes

121

1 gone into it. I was torn, coming in
2 tonight, but the concessions that were
3 done, and I think really stepping it
4 back, has helped to change my mind to
5 vote yes on it.
6 MS. MENENDEZ: Pat Keon?
7 MS. KEON: No.
8 MS. MENENDEZ: Javier Salman?
9 MR. SALMAN: I would beg the
10 applicant to look at the possible
11 exploration of reintroduction of that
12 arcade for that section of LeJeune. You
13 have an arcade all the way around the
14 building, and the affected area for
15 that limit is fairly limited that you
16 would bring back down to 35 feet, so I
17 would strongly suggest that you look at
18 that as a possibility.
19 The loss of square footage is not
20 horrible, it's not that substantial, and
21 it doesn't have to be the full 10 feet
22 on this elevation, it could be something
23 less. But notwithstanding, I'm going to
24 go ahead and vote yes on it.
25 MS. MENENDEZ: Eibi Aizenstat?

122

1 MR. AIZENSTAT: While I feel that
2 the project, a mixed-use project, is
3 what should belong there, and as I
4 stated before, I feel that the park is a
5 plus, I do feel that the massing and the
6 size of the project is quite large, and
7 that's why I would say no.
8 MS. MENENDEZ: Tom Korge?
9 CHAIRMAN KORGE: I'll agree with
10 the nos. It's a close one for me, and I
11 have some hesitation about voting no,
12 because possibly, by right, they could
13 build a similar massive project --
14 MR. SALMAN: As of right.
15 CHAIRMAN KORGE: And that would
16 probably be less advantageous to the
17 neighborhood. I mean, this is just a --
18 it's a coin toss for me, but I'm going
19 to have to go no on this, for the
20 reasons that were expressed. It's just
21 a close call.
22 MR. RIEL: Just for a matter of the
23 record, so the vote is three-three.
24 That's considered a no recommendation.
25 That recommendation will go forward to

123

1 the City Commission on January 13th,
2 2009.
3 MS. RUSSO: Thank you very much.
4 MS. KEON: So the record will show
5 the concerns over the arcade?
6 MR. RIEL: We provide a verbatim
7 record to the Commission.
8 MS. KEON: Thank you.
9 MR. RIEL: Can we take a five-
10 minute break?
11 MR. SALMAN: Sure.
12 CHAIRMAN KORGE: We've
13 got something left?
14 MR. RIEL: Yes.
15 CHAIRMAN KORGE: Oh, yes, we've got
16 the settlement.
17 MR. RIEL: Can we take a
18 five-minute break?
19 CHAIRMAN KORGE: Five? We'll have
20 a five-minute -- we'll be back here in
21 five minutes.
22 Item Number 6 is next on our
23 agenda.
24 MR. BEHAR: Mr. Chairman, I have to
25 excuse myself.

124

1 (Thereupon, there was a recess,
2 during which Mr. Behar left the
3 meeting.)
4 CHAIRMAN KORGE: We're ready. Call
5 the meeting back to order.
6 The next item on the agenda is Item
7 Number 6, proposed Zoning Code text
8 amendment pursuant to a proposed
9 settlement agreement with Fernando
10 Menoyo and Almeria Row, LLC, represented
11 by Tew Cardenas, LLP.
12 How are we proceeding with
13 presenting this?
14 MR. RIEL: I believe the City
15 Attorney wanted to make a couple
16 comments, and then I'll give a brief
17 presentation.
18 CHAIRMAN KORGE: Liz?
19 MS. HERNANDEZ: This application
20 comes to you as a result of a Bert J.
21 Harris claim that was filed by the
22 applicant. The City has -- My office is
23 taking no position with regard to
24 whether or not the applicant can
25 successfully win on the merits of their

125

1 case, should they proceed in court.
 2 However, there was a request to
 3 appear before the Board, for planning
 4 text discussion and potential amendment.
 5 The City Commission was favorable
 6 towards that review by this Board and
 7 recommendations to the Commission, and
 8 our office had no objection and that's
 9 why it's here before you today, not to
 10 discuss the merits of the --
 11 CHAIRMAN KORGE: Claim.
 12 MS. HERNANDEZ: -- the claim.
 13 However, they wish to present a
 14 potential text amendment.
 15 MR. AIZENSTAT: If I may, I'd just
 16 like to make a point --
 17 MS. HERNANDEZ: Yes.
 18 MR. AIZENSTAT: -- that I received
 19 a phone call today from Santiago, I'd
 20 just like to put it on the record, and
 21 he stated to me that because it was
 22 legislative, that it was okay for him to
 23 speak to me. I asked him how he went
 24 ahead and got my number. He said the
 25 City went ahead and gave him my phone

126

1 number.
 2 MS. HERNANDEZ: Okay.
 3 MR. AIZENSTAT: And he asked me --
 4 he made two points to me. He asked me
 5 if I had any comments or anything I
 6 wanted to make back to him. I said,
 7 "Not at this time." I went ahead and
 8 notified Liz --
 9 MS. HERNANDEZ: Yes.
 10 MR. AIZENSTAT: -- as to the
 11 conversation, just so we don't have a
 12 problem.
 13 MS. HERNANDEZ: Right, and as I
 14 advised Mr. Aizenstat, even though this
 15 is legislative in matter, you will hear
 16 that this applies to a very limited
 17 number of properties, so there is the
 18 potential that anyone who does file any
 19 type of challenge could take the
 20 position that it is quasi-judicial in
 21 nature, and it's up to the applicant to
 22 be able to defend their position in
 23 court. Okay?
 24 MR. ECHENMENDIA: Fair enough. I
 25 mean, seeing as we had met with all of

127

1 the Commissioners, anyway --
 2 MS. HERNANDEZ: Right.
 3 MR. AIZENSTAT: Sure.
 4 MR. ECHENMENDIA: Thank you.
 5 MR. AIZENSTAT: No harm intended,
 6 just --
 7 MR. RIEL: Okay, Mr. Chair, I'd
 8 just like to make some brief comments.
 9 You have the Staff Report dated
 10 November 12th, 2008, in front of you.
 11 Basically, the purpose of this report is
 12 to present Staff's position. When I say
 13 Staff, the Planning Department, as well
 14 as the Building and Zoning. What we've
 15 done is, we've gone through the Code and
 16 what we've done is provided some
 17 background analysis, and I just want to
 18 summarize, very quickly, six findings
 19 that I just want to put into the record,
 20 but again, the Staff Report stands on
 21 its own.
 22 The first finding is that the
 23 current MFSA height provisions limit
 24 building height to 35 feet within 50
 25 feet, or three floors or 45 feet,

128

1 whichever is less, on the remaining
 2 portions adjacent, abutting or
 3 contiguous -- this does include streets,
 4 waterways, alleys -- to any SFR or MF1
 5 property.
 6 The second finding, the proposed
 7 site-specifics are assigned to a
 8 property, not to a specific property
 9 owner. I just want you to understand,
 10 that is a map -- it's basically an
 11 amendment to the provisions for that
 12 property.
 13 Potential exists for the property
 14 owner to seek further variances. I just
 15 again want to let the Board know about
 16 that. Obviously, subject to satisfying
 17 the criteria.
 18 No specific building typology is
 19 proposed. Although renderings have been
 20 submitted for townhouses, there hasn't
 21 been a proffering of that it will only
 22 be townhouses. It could be
 23 condominiums. I just want to let the
 24 Board know that.
 25 Obviously, the site specific

129

1 doesn't include a site plan as part of
2 the settlement agreement. That finding
3 is presented because typically, when the
4 Board does look at things, they do look
5 at site plans, as well.

6 And then the Finding Number 6 is,
7 the site-specific standards do not
8 provide the same opportunities for
9 development commonly enjoyed by other
10 properties in the identical district.

11 And that -- I've handed out an
12 exhibit to you which basically shows
13 where the MFSA properties are, and if
14 you looked at the -- kind of like the
15 dashed or the diagonal red lines, that
16 indicates the limitation on height, the
17 35 feet for all those properties that
18 have MFSA.

19 I've outlined the assembled
20 property by the applicant, Almeria Row,
21 and I've also included two projects that
22 have undergone and gotten approval
23 for -- that have satisfied the
24 requirements in terms of the height
25 restrictions, so -- and if you go to

130

1 Page 2 again, it just indicates where,
2 elsewhere in the City, that the MFSA
3 properties are noted, and then Page 3 is
4 the same.

5 This is a further illustration
6 of -- in terms of Finding Number 6 that
7 all these other properties that are
8 adjacent to single-family would not have
9 this opportunity.

10 That concludes Staff's
11 presentation.

12 CHAIRMAN KORGE: Should we proceed?
13 Do you have a presentation to make?

14 MR. ECHEMENDIA: Yes, Mr. Korge.
15 Santiago Echemendia, 1441 Brickell
16 Avenue, on behalf of Fernando Menoyo.

17 Maria De la Guardia, the architect,
18 is with us. My partner, Bob De La
19 Fuente, will be making the substantive
20 presentation.

21 I think you'll see really a
22 compelling presentation regarding the
23 as-built environment, what's around us,
24 in terms of -- Maria has done a
25 fantastic job of actually showing it to

131

1 you graphically.

2 I have spoken with a number of the
3 Board members. Just in an abundance of
4 caution, though, in our view, it is
5 legislative. I've spoken with Bibi,
6 I've spoken with Tom, I've spoken with
7 Javier, and I've spoken with Jeff, all
8 on merely the substantive issue of
9 clarifying that your Planning Director,
10 who's done a very thorough job, I think,
11 however, misplaces a little bit in his
12 recommendation the view that what you
13 have in front of you is a development
14 proposal. It's not a development
15 proposal. This is not an application.
16 This is a referral from your
17 Commissioners and the Manager, so that
18 there could be a recommendation going
19 forward to the City Commission on a
20 possible settlement of a Bert J. Harris
21 property rights claim.

22 It's a fairly straightforward
23 exercise. We submitted a letter -- and
24 the idea behind Bert J., the intent, is
25 to resolve an inordinate burden. It's

132

1 not -- if you look at the intent of the
2 statutory section, it's Chapter 70 of
3 the Florida Statutes, it's actually
4 intended to resolve. That's why you
5 file these, to avoid litigation.

6 The nature of the inordinate burden
7 is six million dollars. It's nine. Liz
8 thinks it's six. We'll concede for the
9 moment that it's six. We're not here
10 to make a legal argument.

11 MS. HERNANDEZ: My position is not
12 that it's six. My position is that it's
13 significantly less, if there's any
14 claim. Please --

15 MR. ECHEMENDIA: I'm sorry. I
16 apologize.

17 MS. HERNANDEZ: Okay.

18 MR. ECHEMENDIA: I meant -- She's
19 correct.

20 We think that it's an artful way to
21 resolve the dispute. What ended up
22 happening is that at one point the
23 height was 50. It got reduced to 45.
24 There was a lot of discussion about the
25 C and the CL historically, and we

133

1 have -- Bob has actually combed reams of
2 transcripts. The concern at the time,
3 and I think, Pat, you're actually on the
4 record, going back during the rewrite,
5 talking about the concern about
6 assembling parcels and being able to get
7 beyond the 45 feet. That was really the
8 concern.

9 As it relates to MFSA, there's
10 really no discussion regarding height
11 limitation in any of the transcripts,
12 the shadow analysis, nothing related to
13 the MFSA.

14 At some point between September and
15 October, this word of -- rather than
16 abutting and contiguous, there was the
17 incorporation of the word adjacent, and
18 by coupling or throwing in adjacent with
19 the MFSA (sic), as opposed to CL and C,
20 you developed this predicament that
21 we're in, where you could be, as we are
22 in this case, 80 feet, 70 feet away from
23 single-family, because you have the
24 right-of-way and then the setbacks, and
25 that's considered adjacent and not

134

1 abutting, and yet you have this
2 limitation of 35 feet.

3 I promised Bob that I wasn't going
4 to make the presentation. I just wanted
5 to give you some introductory remarks,
6 but that's really kind of the gist of
7 it, and I think they really have a
8 compelling tale to tell, and I think
9 graphically it also tells the tale of
10 this really being compatible, being an
11 artful way to resolve this problem
12 relative to this property owner, who was
13 blindsided by this, you know, not
14 realizing that this adjacency language
15 was going to catch them and put them in
16 this predicament.

17 So, with that, we -- you know, we
18 urge you to give us consideration. You
19 have. We've been in front of you two
20 times. We're hopeful that from here we
21 can go straight to the Commission.

22 So, Bob, sorry to be long-winded,
23 but that's where we're at.

24 MR. DE LA FUENTE: No problem.
25 Good evening. Bob De La Fuente.

135

1 I'm Santiago's law partner, 1441
2 Brickell Avenue.

3 With us tonight, our client,
4 Fernando Menoyo, who has been in front
5 of this Board many, many times. You
6 recall he was a big part of the Zoning
7 Code -- changes in the Zoning Code
8 rewrite, and why we're here tonight is
9 because he was, frankly, taken by
10 surprise by the fact that his
11 properties, which are MFSA, had been
12 subject to a down-zoning by losing 10
13 feet in height, essentially, for all of
14 his properties that are on Exhibit A,
15 the handout we sent -- we provided, as
16 well as the handouts that Eric has given
17 you.

18 Also with us is Maria De La
19 Guardia. She is the architect for this
20 project, as well as the project that has
21 already been built for Mr. Menoyo, which
22 is on Almeria. It's called Almeria Row.
23 I'm sure you're familiar with it.

24 As you know, he does a fine job in
25 his development, and he seeks to do more

136

1 of that, and that's why we're here
2 tonight, because when he acquired these
3 properties which are the subject of the
4 Harris Act claim, he intended to be able
5 to build them at 45 feet, in the similar
6 style to what he's done to this point.

7 I think it's important to note that
8 there is no opposition here on this
9 item. This was noticed. We're happy to
10 see that all the neighbors did not come
11 out against this item, as they've turned
12 up for other items.

13 Eric mentioned that he did hand
14 out -- provide you with a handout, and
15 if you look at the properties, a couple
16 of things, just to give you guys some
17 context in what we're looking at.

18 If you look at the red hatched
19 properties, which are MFSA, there's two
20 things which really made our properties
21 different. One of them is adjacency,
22 which means, you know, we are across the
23 street from single-family, and the
24 existence of an alley behind our
25 properties. You'll see them on Page 1

137

1 of what Eric had sent out -- has given
2 to you.

3 You'll see that we are -- the
4 single-family is not behind us, not
5 across the alley, but it is across the
6 street. That's the adjacency issue.

7 What you also see is that we have
8 alleys behind us, which is -- which is
9 different from most of the other MFSA
10 properties which are also on the next
11 couple of pages of his handout.

12 When you consider those two things,
13 and those are the two things that make
14 our properties different from -- from
15 other properties which would otherwise
16 adversely affect single-family, which
17 don't have these two conditions -- and
18 Maria will tell you more about that when
19 she gets up here.

20 One of the things that the Staff
21 Report emphasized was the history of the
22 Zoning Code changes that resulted in
23 this height reduction, and as Santiago
24 mentioned, we've reviewed a lot of the
25 transcripts from the Planning and Zoning

138

1 Board meetings, as well as the City
2 Commission meetings, and we have been
3 unable to find any specific
4 consideration or comment regarding MFSA
5 in this height reduction.

6 There are a couple of passing
7 comments, that in one slide show that
8 had shadow studies, there was one slide
9 that had text that said MFSA height
10 reduction, but there was no discussion
11 by the Board or by the City Commission
12 regarding a specific height reduction
13 for MFSA properties.

14 Back in 2004, in March of 2004,
15 that was the City Commission meeting
16 where there was expressed a concern
17 about buildings greater than 45 feet,
18 not greater than 35 feet.

19 The moratorium, again, the same
20 thing. The language of the moratorium
21 was based on a concern for buildings
22 greater than three and a half stories
23 and 45 feet. That's what we want. We
24 want 45 feet for our project.

25 On April 24th, 2004, there was a

139

1 public input meeting. Concern resulting
2 in a moratorium was driven by the
3 ability to combine commercial, C and CL,
4 sites that would allow greater heights.
5 That's what Santiago alluded to earlier,
6 that there was a significant concern
7 which sort of began this whole process
8 of examining what can be next to
9 single-family, and that was really based
10 on the ability to aggregate sites and to
11 have bigger buildings which would have a
12 terrible impact on the single-family
13 homes.

14 On September 27, 2006, there was a
15 Planning and Zoning Board meeting, and
16 that's supposedly where the MFSA height
17 modification came up. We looked through
18 the Staff Report. It's attached as
19 Exhibit G to what we've given you
20 tonight. There's no mention of MFSA
21 height modification in that Staff
22 Report.

23 Exhibit H is a Zoning Code draft
24 dated 9/1/06. Adjacent to single-family
25 was allowed to be 45 feet, which is what

140

1 Mr. Menoyo thought it was. And
2 remember, he was here at every single
3 one of these Planning and Zoning Board
4 meetings. He was monitoring all of
5 these developments, and he was a very
6 active participant in town home
7 regulations. A lot of these
8 modifications were his idea. So, at
9 this point, he thought that his
10 properties were still 45 feet.

11 Regarding the height restrictions
12 related to the adjacency of multi-family
13 buildings adjacent to single-family, the
14 direction from the Board was to go with
15 three stories or 45 feet within the
16 first 50 feet of that property line.
17 That's under Exhibit I. That's an
18 excerpt from the transcript.

19 So again, Mr. Menoyo thought that
20 none of the rules had changed.

21 On Page 25 of that same transcript,
22 referencing Section 4-17, again, the
23 same issue of limiting the height when
24 it's adjacent to single-family, the same
25 language. What we found is, when we

141

1 went through it, it was written in three
2 different ways. We put the same
3 language all the way through.

4 That's the extent of the discussion
5 on this issue. But with that last
6 comment, there was no -- there were no
7 specifics, no elaboration and no
8 comments to suggest that that height was
9 going to be reduced.

10 But then something happened between
11 that meeting and the October 17th draft,
12 which is Exhibit I, and this is the
13 critical change, because that's when it
14 lumped adjacent with abutting and
15 contiguous, and there was no discussion
16 of this during that September 27th
17 Planning and Zoning Board meeting.

18 On October 17, 2006, the City
19 Commission -- This was the City
20 Commission meeting where the
21 modifications were considered, the ones
22 that were recommended by P & Z, from the
23 9/27 meeting. This is where the MFSA
24 height revision was supposed to be
25 considered, and during this meeting, we

142

1 went through the transcript and there
2 was no specific consideration or
3 discussion about those height
4 regulations.

5 This is the first time that the
6 draft shows the proposed change to the
7 Code, if you look at Exhibit I, it's --
8 but there's no discussion of the change.
9 There's a black line that we got from
10 the City that showed this is the first
11 time that this proposed change showed up
12 anywhere.

13 There was a shadow study that was
14 discussed by Commissioner Anderson, but
15 only for CL properties. So, again,
16 there was no discussion about shadows
17 for single-family based on the MFSA
18 heights.

19 On November 8th, 2006, there was
20 another P & Z meeting to consider the
21 new Zoning Code, and this is where the
22 new height reductions were considered,
23 but there was, again, no mention of MFSA
24 height issues in this entire hearing.

25 In fact, Exhibit J, this is what

143

1 the subject matter was supposed to be:
2 Additional analysis on three issues, MF1
3 duplex height -- a lot of discussion on
4 duplex height -- proposed height
5 limitations on CL and C, and parking
6 requirements for retail/office. Again,
7 nothing about adjacency or MFSA.

8 This hearing specifically reviewed
9 CL properties by single-family homes.
10 There were shadow studies, but none that
11 were relevant to the MFSA height
12 reduction, and none of those studies
13 were for adjacent properties. They were
14 only for abutting or contiguous.

15 So you were not shown anything that
16 showed the impact of a 45-foot height
17 that was across the street from a
18 single-family home, and that's something
19 that Maria De la Guardia will get into
20 more with you. Again, no shadow
21 analysis of adjacency.

22 So it seems that this change to
23 MFSA was swept in with the changes to
24 the C and CL, based on the concerns of C
25 and CL height adjacent, abutting and

144

1 contiguous to single-family homes, but I
2 think that you'll see and you'll agree
3 with us that an MFSA height issue is not
4 the same as CL when it's adjacent to
5 single-family.

6 The street, in and of itself,
7 provides a built-in buffer and built-in
8 protection and built-in distance that
9 necessarily makes it different from
10 abutting and contiguous.

11 And at the end of the day, this
12 change wasn't considered by P & Z at the
13 November 2006 meeting.

14 So, with all that in front of you,
15 I think that what Maria is going to be
16 able to show you is, what we're
17 proposing is actually a better plan.
18 It's something that's better for City,
19 and when you consider the surrounding
20 properties around our properties, the
21 potential height of those projects, and
22 whether it's appropriate to have 45
23 feet, you'll see that it is appropriate.

24 We've provided, as Exhibit C in our
25 handout, the adjacent areas and what the

145

1 potential heights are there, and you'll
2 see it's not -- the 45-foot height limit
3 is more appropriate to be next to these
4 limits.

5 Next to Group 1, it's a 106-foot
6 height limit to the east. Group 2, it's
7 a 60-foot limit to the north. Group 3,
8 60 feet to the east. Group 4, 60 feet
9 to the north, and Group 5, 60 feet to
10 the east. And Maria will go through
11 that further with you. You'll see the
12 logical transition between those heights
13 and the single-family across the street
14 from us.

15 We've also included photos of the
16 as-built conditions, under Exhibit F, so
17 you can see what the neighborhood is,
18 although I'm sure you're all familiar
19 with it, but those are actual photos.

20 In the Staff Report, Eric did go
21 through some specific findings that he
22 made, so just briefly, I'll rebut those.
23 They seem to emphasize that we're
24 seeking 55 feet. That isn't the case.
25 We're asking for 45 feet, not 55. There

146

1 is a definition of height that applies
2 to everybody else, as well, where you
3 can get an additional 10 feet for
4 mechanical equipment areas and
5 decorative roof structures, but it's not
6 livable space. This is allowed under
7 the Code's definition of height, and to
8 carve out a different exception here for
9 these properties would unnecessarily
10 complicate things, when we're just
11 seeking to reinstate what we had before.

12 He says text amendments are to the
13 property and not to the property owner.
14 The nature of this claim is based on the
15 depriv-- the devaluation of the property
16 in general, not only as to the current
17 owner. This is something that the
18 property was devalued, the property in
19 and of itself, and we're just seeking a
20 reinstatement of those rights.

21 The ability to seek variances,
22 again, this is the case with every
23 property in the City. The City is free
24 to grant or deny future speculative
25 variance requests. We can tell you that

147

1 based on the current development plan,
2 there would be no variance request to
3 build three-story town homes.

4 Beatrice Row, which is the plan
5 that had been prepared, and that's what
6 brought all this to light to our client,
7 there were no variance requests with
8 that.

9 Almeria Row did have some
10 variances, but those were based on
11 Public Works issues which have since
12 been resolved.

13 There's no typology limitation, but
14 again, we're seeking a simple height
15 reinstatement and to return the property
16 to the regulations before the zoning
17 change. We're not seeking any other
18 uses not permitted under MFSA.

19 Staff says that there's no site
20 plan as part of the settlement
21 agreement. Again, there's no site plan
22 required. A site plan would be
23 premature. We're not at that stage of
24 this project yet. We do have a portion
25 of it that, fortunately, we did have a

148

1 site plan, so there's something for you
2 to evaluate with, but rest assured that
3 the site plan will meet the zoning
4 requirements with the 45-foot height
5 limit.

6 We're basically asking for a
7 reinstatement of the old envelope.

8 Finding Number 6, site-specific
9 standards do not provide the same
10 opportunities for development commonly
11 enjoyed by identical or similar
12 properties within the same zoning
13 district. Not exactly true.
14 Neighboring properties are built out at
15 heights greater than 35 feet. 2401
16 Anderson. Avignon in the Gables is four
17 stories, taller than 50 feet. Biltmore
18 Court Villas, also four stories.
19 That's -- and I believe that's at 2600
20 Cardena.

21 So, again, this is not an
22 appropriate standard. This is not a
23 variance request. It's a legislative
24 change to the site-specific regulations
25 that would result in an appropriate

149

1 transition from the higher densities on
2 one towards the single-family on the
3 other.

4 So, with that, I would like to
5 introduce Maria De la Guardia, to walk
6 you through the rest of the
7 presentation, and then after her,
8 perhaps Mr. Menoyo would like to say a
9 few words, and then we'd like to reserve
10 some time for rebuttal, if we need to.

11 MR. RIEL: Whenever appropriate,
12 Mr. Chair, I'd like to clarify some
13 things on the record, as well.

14 CHAIRMAN KORGE: Certainly.

15 MS. DE LA GUARDIA: Good evening.
16 My name is Maria De La Guardia, and I'm
17 a principal at De La Guardia Victoria
18 Architects, with offices in 224
19 Valencia, and residence in 2508
20 Columbus.

21 Our firm, DLGV, was fortunate
22 enough to have participated in aiding
23 the City and the zoning consultants in
24 developing the MFSA Townhouse Code. At
25 that time, we were involved in the

150

1 process of designing Almeria Row, which
2 are 10 houses, 10 townhouses on Almeria
3 Avenue, while the Staff and the
4 consultants were fine-tuning the
5 Townhouse Code.

6 So there was a lot of back and
7 forth, sort of using -- you know, using
8 our project to test the Code, and there
9 were many adjustments that were made to
10 the Code because of our project.

11 And as a side note, Almeria Row,
12 which is already -- the first phase has
13 already been completed -- has won two
14 national design awards, the Palladio
15 Award, which is an architectural award,
16 and the Congress for New Urbanism Award,
17 which is an urban award, and I think it
18 has brought recognition to the City, as
19 well as a tribute to those involved in
20 designing the Townhouse Code.

21 During the entire Code rewrite
22 process, the townhouse type was
23 attractive. It was an attractive model,
24 it was an attractive type, because it
25 served as a transition between sort of

151

1 the single-family residence and the mid
2 to high density buildings, and I want to
3 discuss with you both conditions, the
4 relationship of the townhouse to the
5 single-family, but also the relationship
6 of the townhouse or the MFSA to the mid
7 and high densities, because we can't
8 just look at it with respect to the
9 single-family. We have to look at the
10 entire City, because it was always
11 intended to be a transition and a
12 mitigator of those two scales.

13 Early on in the process, the
14 consultants recognized that the City had
15 two distinct conditions, the townhouse
16 that was next door to the single-family
17 residence and the townhouse that was
18 across the street from the single-family
19 residence, and those are two very, very
20 different conditions. The townhouse
21 next door or across the alley, we know
22 to be called contiguous or abutting, and
23 those height limits were always set as
24 35 feet, and then the townhouse across
25 the street from the single-family in the

152

1 original -- in the early drafts of the
2 Code was set at 45 feet.

3 The difference between these two
4 conditions is enormous, and it has to do
5 with the distance between the two
6 buildings. So if you can please look at
7 Exhibit A, where we have contiguous --
8 Basically, a townhouse that is
9 contiguous to a single-family residence
10 can be 10 feet away from that building,
11 because the townhouse doesn't have a
12 side setback. And the side setback on
13 most typical single-family residence
14 lots are 10 feet, so your townhouse
15 building can be as close to 10 feet from
16 your single-family residence, and it
17 was -- you know, in these conditions, it
18 was found that 35 feet was an
19 appropriate height.

20 But when you have a townhouse
21 across the street from a single-family
22 residence, in our case, we are at least
23 80 feet, and building to building, and
24 that 80 feet is the 25-foot front
25 setback of the single-family residence,

153

1 plus the 50 foot right-of-way on
2 Anderson, for example, plus the
3 five-foot setback on the townhouse lots.
4 So, in an adjacent property, we would be
5 80 feet from the single-family
6 residence.

7 You know, there's a huge difference
8 between being 10 feet away and being 80
9 feet away from a single-family, plus the
10 benefit of having the parkway and, you
11 know, tree-lined streets in between.
12 And we searched high and low in the City
13 archives and in the transcripts, and we
14 could not find any shadow studies
15 performed by the City for this
16 condition, and I suspect that the reason
17 why we can't find them is because it's
18 not really an issue. When you're 80
19 feet away from a single-family
20 residence, the shadow studies are not an
21 issue, and perhaps that's why they were
22 not -- they were not -- they were not
23 performed.

24 But if we can go on to Exhibit B,
25 in these street sections you can see the

154

1 relationship of the two heights to the
2 surrounding buildings. There you can
3 appreciate that the townhouse, at 45
4 feet, is a better transition between the
5 29-foot-high single-family residence
6 and, in our case, behind Group A, we
7 have a project proposed for Valencia
8 Royale which is approximately 106 feet.
9 We feel that the 45 feet is more of a
10 transition between these two heights.
11 35 feet, we feel, is too close, too
12 similar to the 29-foot height,
13 single-family residence. It's more of
14 the same. It's not a transition. It's
15 actually only six feet taller than the
16 single-family residence.

17 If we can go on to Exhibit C, if
18 you take note of the location of Group
19 1, Group 1 is at the very end of that
20 Biltmore corridor, and in the Biltmore
21 corridor you have buildings such as the
22 550 Building, the David Williams (sic)
23 and other buildings of similar height.
24 In this Biltmore corridor, you have all
25 these high-rises coming down the street,

155

1 and then suddenly, in the middle of the
2 block, in the same block with the David
3 Williams, we would be dropping to 35
4 feet. It's -- That's not a transition.
5 That's a mistake. To go from that kind
6 of height to 35 feet in the middle of
7 the block, I think is not urbanistically
8 sound.

9 Avignon, across the street, is four
10 and five stories in height, and it
11 provides a nice ending to that Biltmore
12 corridor, and it, I think, provides a
13 nicer transition to the scale of the
14 single-family residences.

15 In Exhibit E, you'll see that
16 immediately across the street from Group
17 2, the Biltmore Court Villas, they're
18 three and four -- and portions of those
19 villas are four stories in height. I
20 know that one of the points that Staff
21 makes is that there are not other
22 projects with similar zoning that are --
23 that are greater than three stories and
24 45 feet, and I think this is -- this is
25 one of those examples.

156

1 Directly behind Group 2, you have
2 the Valencia Grande, which is 60 feet
3 plus -- you know, 60 feet plus the
4 additional 10 feet that is given to them
5 for mechanical. So, again, here in
6 Group 2, I think that 45 feet is -- is a
7 more appropriate transition from the 29
8 feet of the single-family to the 60 plus
9 feet of the mid-density.

10 There's a few -- there's a few
11 things that I would like to address,
12 that I feel are incorrect in the Staff
13 Report, which are the requested height,
14 the shadow studies, and possible future
15 variances. We're requesting to go back
16 to the 45-foot height. Before the
17 moratorium, the height for this -- these
18 properties was 50 feet and four stories,
19 before the moratorium.

20 During the early -- or during most
21 of the rewrite, it was three stories and
22 45 feet, and we -- and Mr. Menoyo did
23 not have an objection to that. It was
24 only at the eleventh hour, in a meeting
25 that, you know, we haven't been able to

157

1 find any record of discussion on this
2 topic, it was changed. You know, this
3 wording was added, which limited the
4 height on his properties.

5 Like I said, we have not found the
6 shadow studies that Staff -- and perhaps
7 they can present us with the shadow
8 studies for this -- for these
9 properties.

10 And also, with respect to the
11 variances, when we presented Almeria
12 Row, we did have to apply for several
13 variances, but none of them were for
14 the -- you know, they weren't for the
15 building, they were for the streetscape,
16 and it was because there was a
17 discrepancy between what Public Works
18 wanted and what the Code was asking, you
19 know, and because of this discrepancy
20 between what Public Works wanted and the
21 Zoning Code required, we were sort of
22 caught in the middle and we were sort of
23 forced into applying for these
24 variances.

25 There was one variance regarding

158

1 the building, and that variance was --
2 was -- was a problem in the Code that
3 after they granted us the variance, they
4 made the correction to the Code.

5 Lastly -- well, architecturally, we
6 can design a three-story townhouse in 35
7 feet, but it is a very different product
8 to a three-story townhouse in 45 feet.
9 The concept that we were working on for
10 Beatrice Row, for Group 1, was the --
11 sort of the Italian idea and the Upper
12 East Side model of the townhouse, where
13 the principal living floor happens on
14 the piano nobile. In order to design
15 this, you need extra height to truly --
16 to truly make that second floor
17 magnificent, at least to truly make it
18 worth the climb, and it is not possible
19 to do it in 35 feet, but it is possible
20 to do it in 45 feet, and that is why the
21 35 feet gives us a lesser product. It
22 doesn't give us that sort of magnificent
23 piano nobile townhouse that we all love
24 in New York City.

25 Lastly, I would like to close by

159

1 saying that Fernando has been involved
2 with the City for -- for way over 20
3 years, and everything he has done has --
4 everything he has done or touched has
5 been of the highest quality and for the
6 betterment of the City, and I think this
7 is just another example of his
8 commitment to the City of Coral Gables.

9 Thank you.

10 CHAIRMAN KORGE: Thank you.

11 Anything further from the applicant
12 at this time?

13 MR. MENOYO: Fernando Menoyo, 744
14 Biltmore Way, just to tell you that this
15 is a very upsetting situation for me.
16 This -- I don't know how you can call
17 it, but this mishandling of the Code by
18 the Planning Department has already cost
19 me \$100,000, and it's very upsetting.

20 MR. ECHENENDIA: Mr. Chairman, I'd
21 just like to hear from your Planning
22 Director first, and then I'll just give
23 my concluding remarks.

24 CHAIRMAN KORGE: Okay.

25 MR. RIEL: I just want to clarify a

160

1 couple things that were said.

2 I think the term mishandling and
3 blindsided was used regarding the Code
4 change. As you know, we went through a
5 350-page Code rewrite. There was a
6 number of issues we discussed.

7 If you recall these charts that we
8 worked off of, those are where the
9 actual details, in terms of the
10 specifics of what recommendations were
11 provided, as well as what was provided
12 by the Planning and Zoning Board so I'd
13 like to enter those into the record, the
14 chart from 11/08/06 and 12/12/06.

15 Again, the notion that Staff was
16 slipping something in is just absolutely
17 incorrect. The shadow studies were not
18 completed for this property because the
19 Commission didn't ask for those. They
20 asked for them for commercial
21 properties. And in fact, when we did
22 the MFS1 and the CL and the MFS2
23 adjacent to single-family, all those
24 other properties were required a
25 hundred-foot setback, but the MFS1,

161

1 recognizing that it is a residential
2 property, was only required to be 35
3 feet and 50 foot back, so it is
4 different than the C and the CL.
5 So there was a recognition from the
6 Planning Board, as well as the
7 Commission, and that's clear, that's in
8 the record, which is available on the
9 web. It's part of the minutes and part
10 of the Staff Reports. Although it was
11 not -- we do not mention every issue in
12 the Staff Report, we utilized, as you
13 remember, these matrix to go through a
14 very arduous task of, you know, three
15 years of going through the Code, and
16 yes, it was changed in the end. It was
17 changed pursuant to policy direction
18 from the City Commission. They asked us
19 to make that change. Obviously, we're
20 going to follow what the policy
21 direction is of the Commission. We, you
22 know, provided that language, and that
23 was what was adopted in the Code, and
24 actually, the Zoning Code was actually
25 considered two times on first reading.

162

1 I don't know if you remember, they asked
2 it to come back to the Board and to get
3 further direction on these issues, so I
4 just want to make sure that the record
5 reflects that.
6 That's all I have. Thank you.
7 CHAIRMAN KORGE: Thank you.
8 MR. ECHEMENDIA: Mr. Chairman, it's
9 a late hour. I'll be very quick. And I
10 don't think that anybody suggested that
11 your planner, who's a very principled
12 man, was slipping anything in, but as he
13 said, it was a 350-page document. There
14 could be some mistakes. I mean, this is
15 a word that got in there. In our review
16 of the transcripts, both P & Z and
17 Commission, there was no directive that
18 the adjacency language be incorporated
19 relevant to MSFA -- or MFSA, I should
20 say.
21 Just a minor, short soap box, if I
22 may. I think one of the things that,
23 you know, Fernando expresses frustration
24 that this has hurt him to the tune of
25 100,000, and really to the tune of a lot

163

1 more than that, is, what's been
2 frustrating in this exercise is that
3 from my perspective, and our law firm
4 has handled the largest Bert J. Harris
5 cases in the State of Florida --
6 Continuum, which was a quarter of a
7 billion dollar case, and the Ritz Plaza
8 case that Bob and I handled all the way
9 to the Supreme Court -- is that even the
10 more complicated cases resulted in
11 settlements.
12 To us, this is a first-grade-level
13 Bert J. case. The cases that prevail,
14 that are reported, et cetera, are
15 typically height reductions. This is a
16 height reduction case. We've shown you
17 from a substantive -- aside from the
18 legal case, from a compatibility
19 perspective, it makes sense. We've gone
20 through no less than five meetings with
21 the Commissioners, the Manager. We've
22 been here before you. This is the third
23 time. Last time, you -- we got to 9:00
24 in the evening. And so it's been
25 incredibly expensive for him to

164

1 really -- an exercise that should have
2 been resolved as a function of, really,
3 I think, changing a mind set, and here's
4 the problem. Rather than the mind set
5 of, "How can we stop you," I think local
6 government and Staff needs to change, in
7 today's economy, particularly, to, "How
8 can we help you? How can we help
9 resolve the problems that we have?"
10 And Eric has done a marvelous job
11 of trying to find ways to either
12 recommend for denial or what are the
13 problems, but I think that, you know,
14 the case that Maria and Bob have made,
15 in terms of the graphics, the
16 compatibility, how they were caught off
17 guard, how there was nothing in the
18 record really regarding the MFSA, leads,
19 I believe compellingly, to a decision
20 that this is an artful way to resolve a
21 problem that should have been resolved,
22 frankly, months ago.
23 So, with that, I respectfully urge
24 you to recommend for approval on the
25 proposed legislative change, which is

165

1 just taking the height back to exactly
2 where it was before, for these limited
3 number of parcels that were inordinately
4 burdened, whether it was inadvertent or
5 otherwise, and certainly we're not
6 suggesting that anybody tried to slip
7 anything in, but we feel that it may
8 very well have been a glitch.

9 Thank you.

10 CHAIRMAN KORGE: Liz, did you have
11 something you wanted to add?

12 MS. HERNANDEZ: Oh, yes,
13 absolutely.

14 First of all, as I indicated at the
15 beginning, the intention was not for you
16 to consider, in any shape or form, a
17 Bert Harris claim, but rather to look at
18 text changes, legislative, and for that
19 I would ask you to consider the
20 architect's testimony and the
21 presentations regarding compatibility,
22 the language adjacent versus abutting
23 and so forth, because they have
24 introduced issues of Bert J. Harris.

25 I will tell you that a significant

166

1 portion of the properties that are in
2 this folio list were not owned by the
3 applicant when you did the Zoning Code.
4 They went in and acquired these
5 properties afterwards. So they're not
6 even subject to Bert Harris.

7 So, again, I think that injecting
8 the issues of Bert Harris and the claim
9 takes away from the intention of the
10 Commission, which was to have the Board
11 review, from a land use perspective, is
12 this good for the City?

13 Again, I would recommend that you
14 consider the testimony of the expert
15 regarding compatibility issues and the
16 language, town homes. That is the
17 relevant testimony and evidence for this
18 Board to consider. That's the position
19 of my office.

20 CHAIRMAN KORGE: Thank you.

21 Any discussion or a motion?

22 MR. AIZENSTAT: I'd actually like
23 to ask a question of the architect, if I
24 may.

25 CHAIRMAN KORGE: Oh, excuse me,

167

1 before we do, is there anybody from the
2 public who wants to speak to this
3 legislative proposal?

4 No? Okay.

5 MR. RIEL: And Mr. Chair, I'd just
6 like to clarify, also, for the record,
7 the notice provided was the agenda
8 published. There was no notice provided
9 to the adjacent property owners. I just
10 want to make sure --

11 MS. HERNANDEZ: But the notice
12 complies, again, because this was not --
13 and this is the concern that my office
14 is now facing, because it's being
15 presented to you as a Bert Harris versus
16 a text. There was no individual notice
17 to the property owners that received
18 notice of the Bert Harris claim under
19 the statute, because this was coming to
20 you as a text consideration, pursuant to
21 how the Commission forwarded it to you.

22 So there was no individual letters
23 sent to the adjacent property owners,
24 under which Bert Harris proceeds.

25 Again, I'm asking you to review

168

1 this in your capacity as a Planning and
2 Zoning Board.

3 CHAIRMAN KORGE: Right. So there
4 was no requirement for notice to
5 consider the legislative proposal before
6 us?

7 MS. HERNANDEZ: Correct. Right.

8 CHAIRMAN KORGE: Okay.

9 MS. HERNANDEZ: Only what Mr. Riel
10 has provided.

11 CHAIRMAN KORGE: So there's no
12 notice problem here.

13 MS. HERNANDEZ: That is my
14 opinion --

15 CHAIRMAN KORGE: Right.

16 MS. HERNANDEZ: -- at the present
17 time.

18 CHAIRMAN KORGE: We're looking at
19 this as a legislative proposal, not as a
20 settlement of a claim.

21 MS. HERNANDEZ: Correct.

22 MR. ECHENMENDIA: That is correct.
23 There is no -- and I apologize to Madam
24 City Attorney. I thought I made myself
25 very clear that there was the

169

1 compatibility issue but there happens to
2 be a pending Bert J. You don't have a
3 settlement in front of you. It's a
4 proposed legislative change, just for
5 the record.

6 CHAIRMAN KORGE: Right. Okay.

7 MR. AIZENSTAT: If I may, in your
8 exhibits that you show here, are they
9 done to scale? Is there a scale that's
10 used here? What scale do you use?
11 Because I didn't see it anywhere on the
12 paper.

13 MS. DE LA GUARDIA: They weren't
14 printed to any scale, but the scale is
15 correct with --

16 MR. SALMAN: Proportionally.

17 MS. DE LA GUARDIA: Yeah, it's
18 proportional.

19 MR. AIZENSTAT: Proportionally
20 correct?

21 MS. DE LA GUARDIA: Correct, yes.

22 MR. AIZENSTAT: So they are done
23 to -- Okay. I was just curious, because
24 usually you would find a scale or -- and
25 I didn't see that, in order to evaluate

170

1 as to what I'm looking at. Okay.

2 MS. DE LA GUARDIA: Okay, but they
3 are proportional, so that 10 feet is
4 correct --

5 MR. AIZENSTAT: Okay. That's what
6 I wanted to know, if it was --

7 MS. DE LA GUARDIA: -- in
8 relationship to the 29-foot height, yes.

9 MR. AIZENSTAT: Okay. Thank you.

10 MR. SALMAN: I have a -- Through
11 the Chair, I have a question for Staff.

12 It seems to me that part of the
13 problem is the word adjacency. If the
14 adjacency were stricken, would the 45
15 pop back in, or --

16 MR. RIEL: That's what changed from
17 the A district --

18 MR. SALMAN: Uh-huh.

19 MR. RIEL: -- through the MFSA. It
20 was both abutting, contiguous and
21 adjacent.

22 MR. SALMAN: That makes three
23 issues, abutting, contiguous and
24 adjacent, but the adjacency implies
25 across the street.

171

1 MR. RIEL: Understood.

2 MR. SALMAN: Whereas abutting and
3 contiguous makes sense at 35.

4 MR. RIEL: Understood. Those
5 definitions --

6 MR. SALMAN: And rather than
7 granting the 45 all the way across the
8 board -- because some of these
9 properties would not fall into the
10 adjacency issue, and I think really that
11 is probably the problem here.

12 MR. RIEL: That's the direction
13 that we were given from the Commission.

14 MR. SALMAN: Uh-huh.

15 MR. ECHENENDIA: Mr. Chair, may I,
16 just one thing, one comment? And I say
17 this respectfully to Eric.

18 Eric seems -- keeps relying on what
19 the Commission said, et cetera. Can
20 we -- What I would respectfully ask is
21 that somebody ask him as a professional
22 planner to deal with the issue now.
23 You're asking a question relative to
24 adjacency. Rather than refer or defer
25 back to what the Commission said --

172

1 CHAIRMAN KORGE: Well, Mr.
2 Echemendia --

3 MR. ECHENENDIA: -- can we get a
4 professional opinion on the issue?

5 CHAIRMAN KORGE: I think -- let me
6 just state my take on this, is that the
7 question relates to not so much these
8 properties, but other properties in
9 addition to these properties, and I get
10 the gist of this is that maybe we
11 shouldn't be changing or taking out the
12 word adjacent because it goes beyond --

13 MR. RIEL: Right.

14 CHAIRMAN KORGE: -- the proposal in
15 front of us. That's what I think is
16 really going on there.

17 MR. ECHENENDIA: Correct. In other
18 words, remove adjacency relative to
19 MFSA, but that's even more than what
20 we're suggesting. We're limiting it to
21 these parcels.

22 CHAIRMAN KORGE: Right, exactly.
23 Exactly. So --

24 MR. SALMAN: It just appears to me,
25 from a logical point of view --

173

1 CHAIRMAN KORGE: Yeah, it does.
 2 MR. SALMAN: -- that the adjacency
 3 is the problem. If you remove the word
 4 adjacency from that collection, you'd
 5 probably solve the problem.
 6 CHAIRMAN KORGE: Yes, but it --
 7 MR. SALMAN: And still keep with
 8 the intent, which was to limit the
 9 differential height between
 10 single-family and adjacent or abutting
 11 property.
 12 CHAIRMAN KORGE: That --
 13 MR. SALMAN: I mean, excuse me,
 14 contiguous or abutting property.
 15 CHAIRMAN KORGE: That's true, but
 16 that's not what was before us, or was
 17 published for hearing.
 18 You published notice of a hearing
 19 for this, right?
 20 MR. RIEL: Correct, the agenda.
 21 CHAIRMAN KORGE: So it goes
 22 beyond -- it goes really well beyond the
 23 limited scope of this proposal.
 24 MR. SALMAN: I know, but --
 25 CHAIRMAN KORGE: It's a legitimate

174

1 point. I mean, I have the same
 2 question.
 3 MR. SALMAN: We spent how many
 4 months going through this, and for sure,
 5 there's going to be other issues, but
 6 what's being proposed is a patch, not a
 7 solution, and I just want to make sure
 8 that we all understand that what we're
 9 doing is looking at a patch. Are we all
 10 clear?
 11 CHAIRMAN KORGE: I understand that.
 12 MR. SALMAN: Okay?
 13 CHAIRMAN KORGE: Yes.
 14 MS. DE LA GUARDIA: There's a
 15 world --
 16 MR. SALMAN: We spent six months of
 17 doing 30 years of patches, and now we're
 18 starting to put the first new one, and
 19 that's part of the process, I guess.
 20 MR. AIZENSTAT: What happens to all
 21 the other properties? I mean,
 22 there's -- How many other properties
 23 throughout the City are going to come
 24 back with the same idea?
 25 MR. SALMAN: That was my concern.

175

1 CHAIRMAN KORGE: Well, they can
 2 come back, but nobody is going to have
 3 another claim, a Bert J. Harris claim,
 4 because these are the only properties
 5 that timely made their claim. Others
 6 may come back later and ask that the
 7 patch be extended to the other
 8 properties, and maybe they should be,
 9 but I don't think this is going to be
 10 the night that we do it.
 11 MR. SALMAN: No, no, I agree. I
 12 just want to make sure we all understand
 13 what we're doing.
 14 CHAIRMAN KORGE: Yeah.
 15 MR. SALMAN: That's all I'm saying.
 16 CHAIRMAN KORGE: Very good point.
 17 Very good point.
 18 MS. DE LA GUARDIA: You can approve
 19 this and then amend the Code, which is,
 20 I think, the right thing to do, because
 21 there's -- you know, there's a world of
 22 difference between contiguous and
 23 adjacent. You know, it's the difference
 24 between being 10 feet away and being 80
 25 feet away, and the height limit that's

176

1 appropriate for 10 feet away is not the
 2 same height limit that's appropriate for
 3 20 feet away, and when that townhouse
 4 type has to transition and mitigate into
 5 the 60 foot tall buildings and the
 6 hundred and -- you know, hundred plus
 7 foot tall buildings, it can't be -- you
 8 know, it can't be a little -- you know,
 9 an extension of the single-family
 10 residence. You have to step -- you
 11 know, you have to step those heights up.
 12 MR. SALMAN: Your arguments were
 13 well presented, well thought through and
 14 well received.
 15 MS. DE LA GUARDIA: Thank you.
 16 MR. SALMAN: That's not the issue.
 17 MR. AIZENSTAT: Now, Eric, you
 18 wrote on here that they're asking for 45
 19 feet and an additional 10 feet of
 20 architectural elements, to a total
 21 height of 55?
 22 MR. RIEL: That's what's permitted
 23 under the Code, yes.
 24 MR. AIZENSTAT: That's what they
 25 would be able to do?

177

1 MR. RIEL: Yes.
 2 MR. AIZENSTAT: And right now
 3 they're capped at 35?
 4 MR. RIEL: 35 with --
 5 MR. SALMAN: Within 50 feet.
 6 MR. RIEL: -- 25 percent above that
 7 being --
 8 MR. SALMAN: Architectural --
 9 MR. RIEL: -- architectural
 10 elements, under the old Code.
 11 MR. AIZENSTAT: 25 percent of 35
 12 feet, or --
 13 MR. RIEL: It would be 25
 14 percent --
 15 MS. CONDE: 25 percent of the roof
 16 plate --
 17 MR. RIEL: -- at the roof plate.
 18 MS. CONDE: -- for a height, a
 19 maximum height, of 45 feet.
 20 MR. AIZENSTAT: Which would equate
 21 to how many feet? That 25 percent would
 22 equate to about --
 23 MS. CONDE: No, no, no, no. If
 24 it's -- To make it simple --
 25 CHAIRMAN KORGE: It says -- if you

178

1 look on the first page of this --
 2 MS. CONDE: To make it simple, if
 3 your roof plate is a thousand square
 4 feet --
 5 MR. AIZENSTAT: Yes.
 6 MS. CONDE: -- you're allowed to go
 7 250 feet, for a height of 25 feet.
 8 MR. AIZENSTAT: Okay.
 9 MS. CONDE: So it's not
 10 percentages -- it's percentage of the
 11 plate below you.
 12 MR. AIZENSTAT: Thank you.
 13 MR. DE LA FUENTE: 35 plus 10.
 14 MS. DE LA GUARDIA: That's correct.
 15 The Code reads that you have -- you have
 16 40 -- 35-foot height to the tie beam,
 17 and then you're allowed to go an extra
 18 10 feet for roof structures and
 19 mechanical equipment.
 20 The same applies to the 60 foot
 21 high building, and, you know, they can
 22 go 60 plus 10. The 45 can go 45 plus
 23 10. But that 10 is not meant to be
 24 habitable space --
 25 CHAIRMAN KORGE: Right.

179

1 MS. DE LA GUARDIA: -- in any way.
 2 CHAIRMAN KORGE: Right.
 3 MS. DE LA GUARDIA: That 10 is to
 4 enclose mechanical equipment and
 5 decorative roof structures, and all the
 6 different categories have that same sort
 7 of allowance.
 8 CHAIRMAN KORGE: Right.
 9 Is there any motion?
 10 MS. KEON: Can I ask -- you know, I
 11 do remember a discussion about adjacent,
 12 and, you know, there -- I mean, I don't
 13 know how you allow for this in the Code,
 14 that when you have boulevards like
 15 Anderson, and even Almeria, that are
 16 wide and may be planted and where there
 17 are medians and whatever, it's a much
 18 different experience, you know, than
 19 maybe some of the other ones.
 20 MR. SALMAN: That was my point of
 21 adjacency.
 22 CHAIRMAN KORGE: Yes.
 23 MS. KEON: Yeah.
 24 MR. SALMAN: Okay. The alley would
 25 make it contiguous or abutting --

180

1 MS. KEON: Right.
 2 MR. SALMAN: -- and it wouldn't
 3 apply here.
 4 MS. KEON: Okay.
 5 MR. SALMAN: Do you see what I'm
 6 saying? It would only apply here.
 7 CHAIRMAN KORGE: Right.
 8 MR. SALMAN: All this --
 9 MS. KEON: But is that --
 10 MR. SALMAN: -- and that's it, and
 11 here. That's it.
 12 MS. KEON: Right, but it wouldn't
 13 apply --
 14 MR. SALMAN: No.
 15 MS. KEON: -- to those others, 14,
 16 15, whatever.
 17 MR. SALMAN: At least --
 18 MS. KEON: Would that hold true --
 19 MR. RIEL: On their proposal that
 20 is similar -- if you look on Page 3,
 21 there's another property in this
 22 single-family with the same situation.
 23 MS. KEON: Right, I see that, but I
 24 have a problem -- I mean, I -- that's --
 25 I would have -- I mean, I would have a

181

1 problem with these parcels here where,
2 you know, there's Number 14, 15,
3 whatever, you know.
4 CHAIRMAN KORGE: Right.
5 MS. KEON: I mean, those are --
6 MR. AIZENSTAT: That's what I'm
7 saying. How do you --
8 MS. KEON: You know, so, I mean,
9 I --
10 CHAIRMAN KORGE: Assuming --
11 assuming that we --
12 MS. KEON: It's the word adjacent.
13 But does that -- and I would want to
14 make sure that that doesn't -- right.
15 MR. SALMAN: Exactly.
16 MS. KEON: That this -- you know,
17 if it's this wide boulevard, you know,
18 that allows you to separate those two
19 things, it's not a problem, but over
20 here it would be a problem.
21 MR. SALMAN: True.
22 MS. KEON: I mean, then adjacent --
23 MR. SALMAN: Because then you have
24 a 45-foot building in your back yard.
25 You don't want that.

182

1 MS. KEON: In your back yard, no,
2 and that doesn't work. And I don't know
3 what, you know, your review of all of
4 the properties that this would apply to,
5 because we need to -- and like Liz says,
6 our issue is really not the lawsuit.
7 Our issue is --
8 MR. SALMAN: The Code.
9 MS. KEON: -- the zoning.
10 MR. RIEL: I mean, as part of
11 the --
12 MS. KEON: So is it --
13 MR. RIEL: As a part of the
14 examination of the Zoning Code, you
15 remember, we -- and I'll be happy to
16 give Staff's recommendation. I mean,
17 the single-family was reduced to 29
18 feet.
19 MS. KEON: Right.
20 MR. RIEL: Duplex height was
21 reduced from 34 to 29 feet.
22 MS. KEON: Right.
23 MR. RIEL: That's a transitional
24 area.
25 MS. KEON: Right.

183

1 MR. RIEL: Therefore, we suggested
2 that a hundred foot is the appropriate
3 for Commercial, Commercial Limited and
4 MF2 properties. We suggested 50 feet as
5 a -- you know, a reasonable -- 35 feet
6 and then the 45 feet for the remainder
7 of the property. So there was a
8 recognition of the fact that there is,
9 you know, MFSA properties. That's why
10 we had less restrictive provisions.
11 So, I mean, that was Staff's
12 recommendation, and that's, you know,
13 what the -- when I keep saying the City
14 Commission policy direction, obviously,
15 they look to the professionals to make a
16 recommendation, so that's what it was.
17 MS. KEON: You know, you allowed --
18 I mean, the height is still more and the
19 setbacks, you know, are less, so it's --
20 I -- yeah, I would have a hard time
21 supporting the amendment that is being
22 proposed.
23 CHAIRMAN KORGE: It would apply to
24 these properties only.
25 MR. SALMAN: The way it's written

184

1 right now, it specifically goes to Mr.
2 Menoyo's properties.
3 CHAIRMAN KORGE: I'm sorry?
4 MR. SALMAN: Correct?
5 MS. HERNANDEZ: The way it's
6 written --
7 MR. RIEL: The proposal is to amend
8 the site specifics or the text of the
9 Code to allow these provisions to apply
10 only to the properties outlined.
11 MS. HERNANDEZ: Correct.
12 CHAIRMAN KORGE: The properties
13 which they're representing.
14 MR. RIEL: It would not be
15 applicable to the other MFSA properties
16 shown on this exhibit.
17 MS. HERNANDEZ: Correct.
18 CHAIRMAN KORGE: And Javier was
19 suggesting that we should look at this
20 as a City-wide change that would make
21 more sense than as a patch, and although
22 that may make sense, what we have before
23 us now is simply for these --
24 MS. HERNANDEZ: Right.
25 CHAIRMAN KORGE: -- these

185

1 specifically located areas, and that's
2 what -- that's what the motion would be
3 for, not for the entire City, and it
4 might include a recommendation that the
5 Commission look at the possibility of
6 reconsidering it on a City-wide basis --
7 MS. HERNANDEZ: Right.
8 CHAIRMAN KORGE: -- taking into
9 account the difference between abutting
10 and adjacent, and the --
11 MR. SALMAN: And the separation.
12 CHAIRMAN KORGE: And the
13 separation, yeah.
14 Do you want to try your hand at a
15 motion, Javier, maybe?
16 MS. KEON: These are not applying
17 to these; is that what you're telling
18 me?
19 CHAIRMAN KORGE: No.
20 MR. SALMAN: No, no.
21 MS. KEON: It is --
22 CHAIRMAN KORGE: Just those
23 properties.
24 MR. SALMAN: Just these.
25 MS. KEON: This, this and this.

186

1 This is the Valencia -- It's the
2 Valencia --
3 MR. SALMAN: I would make a motion
4 to go ahead and approve the increase to
5 the 45 feet for the subject properties.
6 MS. HERNANDEZ: Can you say that
7 again? I'm sorry.
8 MR. SALMAN: I'm going to make a
9 motion that we approve the increase to
10 45 feet for the subject properties.
11 MR. AIZENSTAT: What happens to the
12 properties that are next door to these?
13 MR. SALMAN: They don't get it.
14 MR. AIZENSTAT: They would have to
15 come before us --
16 MR. SALMAN: Yep.
17 MR. AIZENSTAT: -- to get it?
18 MR. SALMAN: Uh-huh.
19 MR. ECHENENDIA: I think what
20 Maria -- if I may, Mr. Chair, I think
21 what Maria suggested would be an artful
22 way -- maybe just as Javier alluded to,
23 maybe this the first step, to use his
24 term, the first patch, if you will, and
25 then maybe a second motion is to maybe

187

1 look at it on a little wider basis,
2 would possibly be appropriate.
3 MR. AIZENSTAT: Well, that's why
4 --that's where I'm looking at it,
5 because I don't know if it's right -- I
6 mean, something is being pointed out to
7 us and we're looking at these
8 properties, but if you take a look,
9 there's other properties that are also
10 involved.
11 So, if that's the case, how can we
12 turn around and just look at these and
13 ignore the other ones?
14 MR. SALMAN: I'd like to amend my
15 motion to include a recommendation to
16 the Commission that they allow us to
17 explore the change in the text of the
18 Zoning Code back regarding the adjacency
19 issue, to solve a City-wide problem.
20 CHAIRMAN KORGE: So your motion
21 would be to make the change for this
22 particular area and also to ask the
23 Commission to allow us to consider or to
24 direct -- I guess, really, to direct
25 Eric to come back to us with

188

1 recommendations regarding the
2 possibility of applying a change on a
3 City-wide basis to distinguish between
4 adjacent and abutting --
5 MR. SALMAN: For these particular
6 properties.
7 MR. RIEL: For just MFSA.
8 MR. SALMAN: For these MFSA
9 properties.
10 CHAIRMAN KORGE: For these MFSA
11 properties.
12 MR. RIEL: MFSA properties only.
13 CHAIRMAN KORGE: Right.
14 MR. SALMAN: Exactly. I know that
15 the adjacency is an issue that we
16 explored at length --
17 MR. RIEL: That's correct.
18 MR. SALMAN: -- and I don't recall
19 where I landed on the issue, but I
20 always had a problem with adjacency
21 across the street, so -- but all the
22 decisions that were made with regards to
23 the general Code had to deal with
24 adjacency the way it was written and the
25 way it's been cast into the Code.

189

1 In this particular instance, the
2 definition of adjacency is one that is
3 causing us the biggest problem here, for
4 this particular type, MFSA, only.
5 MR. AIZENSTAT: Liz, are you okay
6 with that?
7 MS. HERNANDEZ: Say it again,
8 please.
9 MR. AIZENSTAT: Say it again.
10 MR. SALMAN: You want me to say it
11 again? No, I'm not going to tell you.
12 MS. HERNANDEZ: Pretty please.
13 MR. SALMAN: Okay. You want the
14 motion from the beginning or --
15 MS. HERNANDEZ: No, no, just what
16 you were just saying right now.
17 MR. SALMAN: That the issue of
18 adjacency where it applies across the
19 street is inappropriate for an MFSA --
20 MS. HERNANDEZ: Right.
21 MR. SALMAN: -- designated property
22 with regards to its limitation on
23 height. And in that respect, it should
24 be removed as one of the limiting
25 factors to the application of MFSA

190

1 restrictions.
2 MS. HERNANDEZ: Is that acceptable,
3 as well, to you?
4 MR. ECHENENDIA: Yes, absolutely.
5 Thank you. Thank you, Mr. Salman.
6 MS. HERNANDEZ: Okay.
7 MR. SALMAN: Anybody want to
8 second?
9 CHAIRMAN KORGE: Is there a second
10 for the motion?
11 So there's no second for the
12 motion?
13 MR. FLANAGAN: Second.
14 CHAIRMAN KORGE: There's a second
15 for the motion.
16 MS. KEON: Okay, now we can talk.
17 CHAIRMAN KORGE: Discussion on the
18 motion? Or any further discussion on
19 the motion?
20 MS. KEON: You're removing
21 adjacency --
22 MR. SALMAN: For MFSA only.
23 MS. KEON: All right, but it
24 doesn't -- you know, this is specific
25 for these properties?

191

1 MR. SALMAN: Yeah, but it would
2 still leave contiguous and abutting --
3 MS. HERNANDEZ: Right.
4 MR. SALMAN: -- as a limiting
5 factor for 35 feet.
6 MS. KEON: Well, you know what --
7 I'll tell you what my concern is --
8 MR. SALMAN: Okay.
9 MS. KEON: -- is that I don't know
10 what else exists out here in the City,
11 that -- you know, in looking at this, I
12 know this neighborhood, yeah, I lived in
13 this neighborhood for 25 years, so I
14 know this neighborhood, so I know what
15 these streets look like. I guess what
16 I --
17 MR. SALMAN: You have it here --
18 MS. KEON: You know, what I -- I
19 want to know if this is -- This is it?
20 What you have here on these pages is --
21 that's it? There are no other --
22 MR. SALMAN: MFSA properties in the
23 City.
24 MS. KEON: -- MFSA properties in
25 the City?

192

1 MR. RIEL: These are all the MFSA
2 properties.
3 MS. KEON: This is it?
4 MR. AIZENSTAT: And it would apply
5 to all those -- to those properties?
6 MR. SALMAN: Correct.
7 MR. RIEL: Depending on --
8 MR. SALMAN: But not -- not the
9 ones that are contiguous or abutting.
10 MR. AIZENSTAT: Correct.
11 MR. SALMAN: So it would only
12 increase to 45 feet in across-the-street
13 situations.
14 MR. AIZENSTAT: Right, not
15 contiguous or abutting.
16 MR. SALMAN: Exactly.
17 MR. AIZENSTAT: Correct. Okay.
18 MR. FLANAGAN: Just so I'm clear
19 now, this -- your motion, which I
20 thought --
21 MR. SALMAN: You want to repeat it?
22 MR. FLANAGAN: Yeah, right. It
23 applies -- it approves the applicant's
24 request only --
25 MR. SALMAN: Yes.

193

1 MR. FLANAGAN: -- and then
2 requests, basically, a permission from
3 the City Commission to come back --
4 CHAIRMAN KORGE: To look at it
5 City-wide.
6 MR. FLANAGAN: -- and begin a
7 review of it for all MFSA properties.
8 MR. SALMAN: Correct.
9 MR. FLANAGAN: Right?
10 MR. SALMAN: Correct.
11 MR. RIEL: And your adjacency is
12 for only streets, or alleys?
13 MR. SALMAN: Streets.
14 MR. RIEL: Okay. I just want to
15 make sure.
16 MS. HERNANDEZ: Right. It's a big
17 issue there.
18 MR. SALMAN: That is the problem.
19 We put adjacency -- we put streets and
20 alleys.
21 MR. AIZENSTAT: No, because the
22 alleys would be your back yard.
23 MR. SALMAN: Yeah, exactly.
24 MR. AIZENSTAT: Right.
25 MS. HERNANDEZ: Right.

194

1 MR. RIEL: I just want to make
2 sure --
3 MR. AIZENSTAT: That's why I asked
4 if this was to scale.
5 MR. SALMAN: But an alley is
6 considered -- I think it's considered
7 abutting.
8 MS. HERNANDEZ: Does Staff have
9 something to say about it?
10 MR. SALMAN: An alley is considered
11 abutting.
12 CHAIRMAN KORGE: Eric, do you have
13 anything further to add to all of this?
14 MR. RIEL: No, I mean, obviously,
15 we're going to need to do a study, and
16 that's going to take some time, I mean,
17 you know.
18 MR. SALMAN: Well, you've got all
19 the properties here, right?
20 MR. RIEL: Yeah.
21 MS. HERNANDEZ: Yeah.
22 CHAIRMAN KORGE: Okay.
23 MS. KEON: Yeah, you would --
24 MR. ECHEMENDIA: The only --
25 CHAIRMAN KORGE: Yes, sir?

195

1 MR. ECHEMENDIA: The only thing I
2 wanted to ask, I just wanted to make
3 sure we didn't get caught up in the
4 study. This is going -- would be going
5 forward as a motion --
6 MS. HERNANDEZ: Right.
7 MR. ECHEMENDIA: It's kind of a
8 dual motion that goes to the Commission
9 on ours --
10 MR. SALMAN: Yes.
11 MS. HERNANDEZ: Right.
12 MR. ECHEMENDIA: -- with coming
13 back on the others.
14 MR. RIEL: But they're not tied to
15 one another.
16 CHAIRMAN KORGE: Right.
17 MR. ECHEMENDIA: Understood.
18 MS. HERNANDEZ: Unless you want it
19 to be, Mr. Echemendia.
20 MR. RIEL: Or if he just
21 understands it.
22 MS. HERNANDEZ: I think he says
23 yes.
24 MR. AIZENSTAT: He says yes.
25 CHAIRMAN KORGE: Okay, is there any

196

1 further discussion on the motion?
2 MS. KEON: I would really like to
3 know that we are assured that the
4 adjacent issue --
5 MR. SALMAN: We're not deciding
6 that now.
7 MS. KEON: Okay.
8 MR. SALMAN: We're just making a
9 recommendation. It's got to come back
10 to us for authority to change -- to make
11 the legislative recommendation so they
12 can approve it.
13 CHAIRMAN KORGE: We would decide it
14 now for these particular properties.
15 MR. SALMAN: And these particular
16 properties only.
17 CHAIRMAN KORGE: For the other
18 properties, we're asking the Commission
19 to have Eric review that again for the
20 MFSA area generally and come back to us
21 with a further recommendation on the
22 possibility of applying a similar rule
23 for the rest of the MFSA area.
24 MS. KEON: So, in doing that, half
25 the block would be able to be 45 feet

197

1 and the other half of the block would be
2 35 feet?
3 MR. SALMAN: Exactly.
4 CHAIRMAN KORGE: Well, all of the
5 areas that are designated now would
6 qualify.
7 MS. KEON: This --
8 MR. SALMAN: Right. Right now,
9 what we're approving --
10 MS. KEON: This amendment or this
11 text Code amendment applies only to that
12 area that is labeled Beatrice Row --
13 CHAIRMAN KORGE: Assembled
14 properties.
15 MS. KEON: -- assembled properties,
16 and -- I mean, from the addresses that
17 you have here, tell me specifically on
18 this paper what applies.
19 MR. ECHEMENDIA: Okay, the ones
20 that are hatch-marked, I believe, but if
21 it gives you any comfort, there's not
22 going to be 45 feet there until after
23 you revise the Code on the rest of the
24 others some day.
25 MS. KEON: Well, I mean, all these

198

1 hatch-marked pieces are not the
2 addresses -- it's my understanding that
3 this applies to this --
4 MR. DE LA FUENTE: It's not -- it's
5 not all the hatch-marked ones. You
6 start -- It's Beatrice Row, assembled
7 property and Almeria Row.
8 MR. SALMAN: Almeria Row, and
9 that's it.
10 MR. DE LA FUENTE: That's it.
11 MS. KEON: And Almeria, and that's
12 the only ones that this applies to?
13 MR. DE LA FUENTE: That's correct.
14 MR. FLANAGAN: And half of Almeria
15 has already been --
16 MR. DE LA FUENTE: And half of
17 Almeria is not even a part of this,
18 the --
19 MR. FLANAGAN: Lots 1 through 5?
20 MR. ECHEMENDIA: It's already at
21 45.
22 MR. DE LA FUENTE: That's already
23 been built. That's the award-winning
24 property that Maria referred to.
25 MR. SALMAN: (Inaudible) up to 40.

199

1 MR. FLANAGAN: Lots 1 through 5 are
2 resolved at the 35 feet?
3 MR. DE LA FUENTE: Yes.
4 MS. DE LA GUARDIA: No, I -- when
5 we permitted that, the height was still
6 at 45 feet, but we did not choose to go
7 to 45 feet. I think it's 40 feet.
8 MS. KEON: Almeria Row?
9 MS. DE LA GUARDIA: Uh-huh.
10 MS. KEON: And this indicates that
11 it's --
12 MR. SALMAN: Forty for the --
13 MS. DE LA GUARDIA: Right.
14 MS. KEON: This is the section that
15 was developed, right?
16 CHAIRMAN KORGE: Yeah.
17 MS. KEON: And this is the to-be-
18 developed?
19 CHAIRMAN KORGE: Yes.
20 Any further discussion on the
21 motion? No?
22 No further discussion. We'll call
23 the roll, please.
24 MS. MENENDEZ: Sibi Aizenstat?
25 MR. AIZENSTAT: Yes.

200

1 MS. MENENDEZ: Jack -- excuse me,
2 Jeffrey Flanagan?
3 MR. FLANAGAN: Yes.
4 MS. MENENDEZ: Pat Keon?
5 MS. KEON: I have a problem with
6 it, because it's in the block here.
7 CHAIRMAN KORGE: This. The other
8 of this block is --
9 MS. KEON: Has already been
10 developed.
11 CHAIRMAN KORGE: -- at about 40
12 feet.
13 MS. KEON: But it's been developed
14 at 40 feet, and then you're allowed to
15 build at 45 feet.
16 CHAIRMAN KORGE: Well, or 35. It's
17 going to be -- either way, it's not
18 going to be --
19 MS. KEON: I'm going to tell you
20 no.
21 MS. MENENDEZ: Javier Salman?
22 MR. SALMAN: Yes.
23 MS. MENENDEZ: Tom Korge?
24 CHAIRMAN KORGE: Yes.
25 The motion passes.

201

1 MR. ECHEMENDIA: Thank you.
 2 CHAIRMAN KORGE: Thank you for your
 3 patience.
 4 MR. RIEL: It will be considered in
 5 the January 13th, 2009 meeting.
 6 CHAIRMAN KORGE: Item 13?
 7 MR. RIEL: Item 13 is deferred.
 8 CHAIRMAN KORGE: No.
 9 MR. RIEL: Yes. You see the
 10 little, "The above item was deferred to
 11 a future date"?
 12 CHAIRMAN KORGE: Oh, okay. Thank
 13 you. So we're adjourned till the next
 14 meeting, which will be in --
 15 MR. RIEL: One more thing. Merry
 16 Christmas.
 17 MR. SALMAN: Merry Christmas.
 18 MS. HERNANDEZ: Merry Christmas,
 19 everybody.
 20 CHAIRMAN KORGE: Happy holidays.
 21 MR. SALMAN: Happy holidays.
 22 MS. HERNANDEZ: Merry Christmas,
 23 Happy Hanukkah --
 24 MR. SALMAN: Happy Hanukkah --
 25 MS. HERNANDEZ: -- and Kwanzaa.

202

1 MR. SALMAN: Merry Kwanzaa.
 2 (Thereupon, the meeting was
 3 adjourned at 8:55 p.m.)
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

203

1 C E R T I F I C A T E
 2
 3 STATE OF FLORIDA:
 4 SS.
 5 COUNTY OF MIAMI-DADE:
 6
 7 I, JOAN L. BAILEY, Registered Diplomat
 8 Reporter, Florida Professional Reporter, and a
 9 Notary Public for the State of Florida at Large,
 10 do hereby certify that I was authorized to and
 11 did stenographically report the foregoing
 12 proceedings and that the transcript is a true and
 13 complete record of my stenographic notes.
 14
 15 DATED this 15th day of December, 2008.
 16
 17
 18
 19 JOAN L. BAILEY, RDR, FPR
 20
 21 Notary Commission Number DD 64037
 22 Expiration June 14, 2011.
 23
 24
 25

CITY OF CORAL GABLES
PLANNING AND ZONING BOARD MEETING
DECEMBER 10, 2008

**City of Coral Gables Zoning Code – 11.08.06
City Commission request for additional information/further review pursuant to 10.17.06 meeting**

Page number	Line number	Summary	Planning Department Recommendation/Justification	Planning and Zoning Board Recommendation
Article 1 General Provisions				
1-3	23	Previously granted variances. Clarify previously granted variance time frames for vesting.	Recommend clarification of provisions as provided in attachment. The City Attorney's Office and outside legal counsel has approved the proposed language.	
Article 3 Development Review				
3-6	19	Review by Development Review Committee (DRC). Clarify DRC thresholds for review.	Recommend new language which provides thresholds for review. The new language reflects existing DRC procedures pursuant to previously approved Ordinance 0-2003-45 (DRC rules and procedures).	
3-7	2	Permitted uses. Updated the City Architect reviews to include additional accessory uses. Complete as a part of cross reference of accessory uses section.	Recommend additional accessory uses be included for City Architect review and approval.	
3-29	43	Planned Area Development. Reaffirm provisions have been included pursuant to Planning and Zoning Board recommendation for approval at last meeting.	Recommend previously omitted PAD provisions be included, consistent with existing Zoning Code regulations (Pg. A9-7, Sections 9-4 thru 910, excluding 9-7).	
Article 4 Zoning Districts				
4-3	25	Accessory uses and special uses. These uses were not listed in the new single family regulations which were adopted in August 2006. These regulations are verbatim from the existing single family regulations and reflect the accessory use provisions on page 5-1, Article 5, Division 1, Accessory Uses. This will allow users to identify all allowable uses within each district.	Recommend language on accessory uses and special uses be included.	
4-8	38			
4-11	19			
4-15	46			
4-17	16			
5-10	38			
4-8	55	50% FAR calculation on SFR garages.	The City Commission recommended that since this was not a part of the Single-family Ordinance approved on August 2006, this provision should not be included. Therefore, Staff recommends removal of language that allows gross floor area calculations of one story detached garages and/or garage storage areas located in the rear yard, for lots with fifty (50) feet of lot frontage or less, and not exceeding sixteen (16) feet in height and three hundred and fifty (350) square feet in floor area, to be counted as one half (1/2) of the total allowable floor area.	
4-8	23	Carport canopies. Prohibit carport canopies constructed of canvas, cloth or other similar material on SFR properties.	Recommend carport canopies be constructed of similar construction materials as the principal structure. Canopies constructed in canvas, cloth, plastic or other similar materials shall be prohibited. Article 5, Awnings and canopies and Article 8, definition of Carport canopies is amended to reflect above recommendation.	
5-13	16		Planning Staff is in the process of finalizing a study of this issue and will present its findings and recommendations at the meeting.	
8-5	38			
4-10	38	MF1 Duplex District height. Height of 29 feet versus 34 feet. The Planning and Zoning Board previously recommended 29 feet which is a reduction from the existing Code which permits 34 feet.	Planning Staff is in the process of finalizing a study of this issue and will present its findings and recommendations at the meeting.	
4-15	1 (MF1)	Limitation of height of MF2, MFSA, CL and C properties when adjacent to SFR and MF1		
4-18	18 (MFSA)	Examine height restrictions adjacent to SFR and MF1		
4-53	24 (CL)	Districts with reference to the 50 foot depth requirement. The current code is silent on this issue; however, it has been interpreted that a minimum of 100 feet is required.		
4-57	13 (C)			
4-17	1	Minimum townhouse width. Request to increase the minimum townhouse width from 16 to 23 feet.	Planning Staff does not support this change. The 16 foot width is a minimum. Units could be built of varying sizes which is the intention of the 16 foot minimum. The 23 foot minimum width would limit/constrain the designer and could result in a loss of density given the larger width.	
4-22	46	MXD and existing site specific standards. Inserted language into the MXD to clarify that single buildings are permitted as an MXD, subject to certain provisions, and that site specific standards do not apply if a property owner submits to the MXD provisions. Clarified applicability of MXD regulations to individual buildings or overlay districts.	Recommend revising MXD language to clarify that individual buildings are permitted as an MXD subject to certain provisions, and that site specific standards do not apply if a property owner submits to the MXD provisions. Clarified applicability of MXD regulations to individual buildings or overlay districts.	
4-47	16	"S" Special Use District. Corrected "S" Use District permitted and conditional uses.	Recommend changes to permitted uses and conditional uses in the Special Use (S) District.	
4-51	32	Alcohol beverage sales as accessory use. Allow Alcohol beverage sales as an accessory use in the CL District.	Recommend alcoholic beverage sales be added as an accessory use in the CL District.	
4-51	44	Clarify required City reviews of medical clinics when adjacent to "or" not adjacent to SFR, MF1, MF2, or MFSA districts.	Recommend medical clinic continue as a permitted use, except that medical clinics shall not exceed ten-thousand-five-hundred (10,500) square feet of floor area when adjacent to an SFR, MF1, MF2, or MFSA district. Medical clinic greater than 10,500 square feet of floor area when adjacent to an SFR, MF1, MF2, or MFSA district shall be conditional use.	
4-52	24		Recommend overnight accommodations continue as a permitted use, however, overnight accommodations shall not exceed eight (8) rooms when adjacent to an SFR or MF1 district.	
4-51	53	Request allowance of all overnight accommodations (hotel) beyond 8 rooms in a CL District. Previous proposal limited use to a maximum of 8 rooms.		
4-52	32			

Changes clarifying and/or cross referencing provisions.
Further review requested pursuant to City Commission October 17, 2006 meeting

ENTERED AS EXHIBIT Eric Rich Jr. A1
 BY
 THE PLANNING AND ZONING BOARD
 ON 12/10/08 JM
 DATE INITIALS

City of Coral Gables Zoning Code – 11.08.06

City Commission request for additional information/further review pursuant to 10.17.06 meeting

Page number	Line number	Summary	Planning Department Recommendation/Justification	Planning and Zoning Board Recommendation
4-52	20	Allowance of drive through facilities if not adjacent to SFR and MF1 districts. Approximately four properties are not adjacent to SFR and MF1; therefore staff inserted provisions providing for drive throughs as a conditional use.	Overnight accommodations greater than eight (8) rooms when adjacent to an SFR or MF1 district shall be a conditional use. Recommend drive-through facilities be allowed as a conditional use if not adjacent to SFR or MF1 districts.	
4-52	39	Reduction in the minimum development standards for development for the CL zoning district. Request to reduce minimum frontage to 100 feet and minimum square footage to 10,000 sq. ft. The current Code sets the minimum at 200 foot minimum frontage and 20,000 square feet minimum lot size.	Planning Staff does not support this change. This would allow numerous properties within a CL district to develop as mid rise properties which are not presently permitted. The current limitation of 200 foot minimum frontage and 20,000 square feet minimum has existed since September 1984. A reduction of these regulations would allow a significant number of properties to develop at higher intensities.	
Article 5 Development Standards				
5-62 (parking table)	Parking table	Retail parking requirements versus office parking requirements.	Recommend the retail parking requirements remain at one space per 250 square feet (versus one space per 300 square feet) and office remain at one space per 300 square feet. Staff's analysis (see attachment) notes that urban cities have more restrictive standards for retail commercial. In addition, the City Commission directed staff to increase parking requirements, which has subsequently been required of all projects that have undergone City Commission review in previous years.	
Article 8 Definitions				
8-2	1	Aggrieved party definition. Public request to allow all citizens of the City to be an aggrieved party.	Recommend no change to the definition as stated. This issue has been debated on numerous occasions, and City Attorney has approved the language.	
Throughout Code		Utilize the term "Market value" versus "assessed value" as the values to determine when codes are "triggered" or "applicable." As an example, "Section 5-1701. Air conditioning." New commercial construction or renovation of an existing commercial structure, the use of which involves food products (such as restaurants, cafeterias, etc.), where the cumulative cost of such renovation is in excess of twenty-five (25%) percent of the assessed value of the existing commercial structure shall make provisions for the installation of an air conditioning system for commercial trash containers."	Recommend the term "assessed value" remain as the determining factor. "Assessed value" is a figure that is precise and can be determined by looking at the Tax Collector's records. In contrast, the term "fair market value" requires the submission of an appraisal, which is subject to review by City Staff. FMV is therefore subject to additional work for property owners and allows for interpretation which could be subject to further disputes.	
Others				
		Townhouse required to face public street.	Planning Staff will complete a future study pursuant to City Commission direction.	N/A
		Inclusion of Riviera Neighborhood Association (RNA) recommendations into Zoning Code. The RNA recommended the City Commission incorporate the recommendations of the RNA Charrette into the Zoning Code.	The Planning Department has been working with the RNA membership to draft language that can be included in the Comprehensive Land Use Plan. Staff recommends the reference to the Plan be included in the CLUP. Staff review of the RNA Charrette notes that the current Zoning Code rewrite does satisfy various recommendations of the RNA Charrette, specifically with regards to protection of all residential neighborhoods.	
		Home offices.	The Planning Department recommends this be subject to future review and study.	
	N/A	Trucks.	No changes have been proposed to the truck regulations pursuant to recent court litigation.	
		Cottage provisions.	No change necessary. The Cottage regulations were reviewed and updated as a part of the rewrite process.	
		Providing notice for demolition of properties.	The City Manager's Office, in coordination with several departments, is developing a notification system to address this issue.	
		Evaluation of accomplishments from City Commission meeting – Discovery worksheets.	Planning Staff throughout the process has referred back to the Discovery sheets which capsulated the City Commission direction. A verbal report will be provided at the meeting. See Attachment for a copy of the worksheets.	

City of Coral Gables Zoning Code – 12.12.06 City Commission request for further review

1	2	3	4	5
Page number	Line number	Summary	Planning Department Recommendation/Justification	11.08.06 Planning and Zoning Board/Final Recommendation (Approval 6-0 vote unless noted otherwise below)

Article 1 General Provisions				Approved staff recommendation.
1-3	23	Previously granted variances. Clarify previously granted variance time frames for vesting.	Recommend clarification of provisions as provided in attachment. The City Attorney's Office and outside legal counsel has approved the proposed language.	
3-44	10			
Article 3 Development Review				Approved staff recommendation.
3-6	19	Review by Development Review Committee (DRC). Clarify DRC thresholds for review.	Recommend new language which provides thresholds for review. The new language reflects existing DRC procedures pursuant to previously approved Ordinance 0-2003-45 (DRC rules and procedures).	Approved staff recommendation.
3-7	2	Permitted uses. Updated the City Architect reviews to include additional accessory uses. Complete as a part of cross reference of accessory uses section.	Recommend additional accessory uses be included for City Architect review and approval.	Approved staff recommendation.
3-29	43	Planned Area Development. Reaffirm provisions have been included pursuant to Planning and Zoning Board recommendation for approval at last meeting.	Recommend previously omitted PAD provisions be included, consistent with existing Zoning Code regulations (Pg. A9-7, Sections 9-4 thru 9-10, excluding 9-7) and update of references in UMCAD provisions	Approved staff recommendation.
4-34	6			
Article 4 Zoning Districts				Approved staff recommendation.
4-3	25	Accessory uses and special uses. These uses were not listed in the new single family regulations which were adopted in August 2006. These regulations are verbatim from the existing single family regulations and reflect the accessory use provisions on page 5-1.	Recommend language on accessory uses and special uses be included.	
4-8	38			
4-11	12			
4-15	31			
4-47	19	Article 5, Division 1, Accessory Uses. This will allow users to identify all allowable uses within each district.		
5-10	38	50% FAR calculation on SFR garages.		
4-6	55		The City Commission recommended that since this was not a part of the Single-family Ordinance approved on August 2006, this provision should not be included. Therefore, Staff recommends removal of language that allows gross floor area calculations of one story detached garages and/or garage storage areas located in the rear yard, for lots with fifty (50) feet of lot frontage or less, and not exceeding sixteen (16) feet in height and three hundred and fifty (350) square feet in floor area, to be counted as one half (1/2) of the total allowable floor area.	Recommended approval of revised language: The gross floor area calculations of any garage and/or garage storage areas is as follows: • Unless otherwise provided below, the area shall be computed in its entirety. • One story detached garages located in the rear yard area, and not exceeding sixteen (16) feet in height and three hundred and fifty (350) square feet in floor area, shall be counted as three quarters (3/4) of the total allowable floor area. • For lots with fifty (50) feet of lot frontage or less, one story detached garages located in the rear yard area, and not exceeding sixteen (16) feet in height and three hundred and fifty (350) square feet in floor area, shall be counted as one half (1/2) of the total allowable floor area. The previous language is as follows: • The floor space in any garage or garage and storage area except that the floor area shall be computed counted at three-quarters (3/4) of floor area for one story detached garages located in the rear yard area with a height that does not exceed sixteen feet above established grade and a floor area that does not exceed three-hundred-and-fifty (350) square feet. Approved staff recommendation.
4-8	21	Carport canopies. Prohibit carport canopies constructed of canvas, cloth or other similar material on SFR properties.	Recommend carport canopies are constructed of similar construction materials as the principal structure. Canopies constructed in canvas, cloth, plastic or other similar materials shall be prohibited. Article 5, Awnings and canopies and Article 8, definition of Carport canopies is amended to reflect above recommendation.	Approved staff recommendation.
5-13	16			
8-5	32			
4-10	35	MF1 Duplex District height. Height of 29 feet versus 34 feet. The Planning and Zoning Board previously recommended 29 feet which is a reduction from the existing Code which permits 34 feet.	Recommend the following language: Height of duplex and single-family residence buildings. No duplex or single-family building shall be constructed that is more than two (2) stories in height No subordinate or accessory building permitted by this code as an accessory	Approved staff recommendation.

ENTERED AS EXHIBIT Eric Riel, Jr. BY NUMBER
THE PLANNING AND ZONING BOARD
ON 12/10/08 DATE JM INITIALS

Major issues to be reviewed in City Commission presentation based upon interest in final public hearing process

City of Coral Gables Zoning Code – 12.12.06 City Commission request for further review

1 Page number	2 Line number	3 Summary	4 Planning Department Recommendation/Justification	5 11.08.06 Planning and Zoning Board/Final Recommendation (Approval 6-0 vote unless noted otherwise below)
4-14 4-18 4-53 4-57	31 13 24 7	Limitation of height of MF2, MFSA, CL and C properties when adjacent to SFR and/or MF1 properties. Examine height restrictions adjacent to SFR and MF1 Districts with reference to the 50 foot depth requirement. The current code is silent on this issue; however, it has been interpreted that a minimum of 100 feet is required.	use shall exceed in height the maximum height of the principal building on the building site. Said two (2) stories shall not exceed a height of twenty-nine (29) feet above established grade (see definition of established grade) including ridge-line, domes, steeples, towers, cupolas, decorative features and such other similar structures, and excluding chimneys having a maximum height of three (3) feet above the ridge-line and a maximum area of seventeen (17) square feet. Recommend the applicability of the height limitation be increased from 50 to 100 feet with the exception of MFSA which is consistent with the previously approved MFSA language (Moratorium area). The revised language is as follows: MF2 properties shall have a height limitation of three (3) floors or forty-five (45) feet, which ever is less, within 100 feet of an adjacent, abutting or contiguous (including streets, waterways, or alleys) SFR and/or MF1 properties. MFSA properties shall have a height limitation of (35) feet within 50 feet an adjacent, abutting or contiguous (including streets, waterways, or alleys) SFR and/or MF1 property. MFSA properties shall have a height limitation of three (3) floors or forty-five (45) feet, whichever is less, on the remaining portions adjacent, abutting or contiguous (including streets, waterways, or alleys) to a SFR and/or MF1 property. CL properties shall have a height limitation of three (3) floors or forty-five (45) feet, which ever is less, within 100 feet of an adjacent, abutting or contiguous (including streets, waterways, or alleys) SFR and/or MF1 property. C properties shall have a height limitation of three (3) floors or forty-five (45) feet, which ever is less, within 100 feet of an adjacent, abutting or contiguous (including streets, waterways, or alleys) SFR and/or MF1 property. Planning Staff does not support this change. The 16 foot width is a minimum. Units could be built of varying sizes which is the intention of the 16 foot minimum. The 23 foot minimum width would limit/constrain the designer and could result in a loss of density given the larger width.	Approved staff recommendation.
4-16 4-17 8-36	43 4 29	Minimum townhouse width. Request to increase the minimum townhouse width from 16 to 23 feet.	Recommend revising MXD language to clarify that individual buildings are permitted as an MXD subject to certain provisions, and that site specific standards do not apply if a property owner submits to the MXD provisions. Clarified applicability of MXD regulations to individual buildings or overlay districts.	Recommended approval of staff recommendation with the following modifications: • 16 foot minimum width • Townhouse units on a street shall be designed in a rowhouse building typology that is oriented towards the street with the front door facing the street. Corner units on two streets shall front the primary street.
4-22	39	MXD and existing site specific standards. Inserted language into the MXD to clarify that single buildings are permitted as an MXD, subject to certain provisions, and that site specific standards do not apply if a property owner submits to the MXD provisions. Clarified applicability of MXD regulations to individual buildings or overlay districts.	Recommend revising MXD language to clarify that individual buildings are permitted as an MXD subject to certain provisions, and that site specific standards do not apply if a property owner submits to the MXD provisions. Clarified applicability of MXD regulations to individual buildings or overlay districts.	Approved staff recommendation.
4-47	19	"S" Special Use District. Corrected "S" Use District permitted and conditional uses.	Recommend changes to permitted uses and conditional uses in the Special Use (S) District.	Approved staff recommendation.
4-51	32	Alcohol beverage sales as accessory use. Allow alcoholic beverage sales as an accessory use in the CL District.	Recommend alcoholic beverage sales be added as an accessory use in the CL District.	Approved staff recommendation.
4-51 4-52	44 24	Clarify required City reviews of medical clinics when adjacent to or not adjacent to SFR, MF1, MF2, or MFSA districts.	Recommend medical clinic continue as a permitted use, except that medical clinics shall not exceed ten-thousand-five-hundred (10,500) square feet of floor area when adjacent to an SFR, MF1, MF2, or MFSA district. Medical clinic greater than 10,500 square feet of floor area when adjacent to an SFR, MF1, MF2, or MFSA district shall be conditional use.	Approved staff recommendation.

Major issues to be reviewed in City Commission presentation based upon interest in final public hearing process

City of Coral Gables Zoning Code – 12.12.06 City Commission request for further review

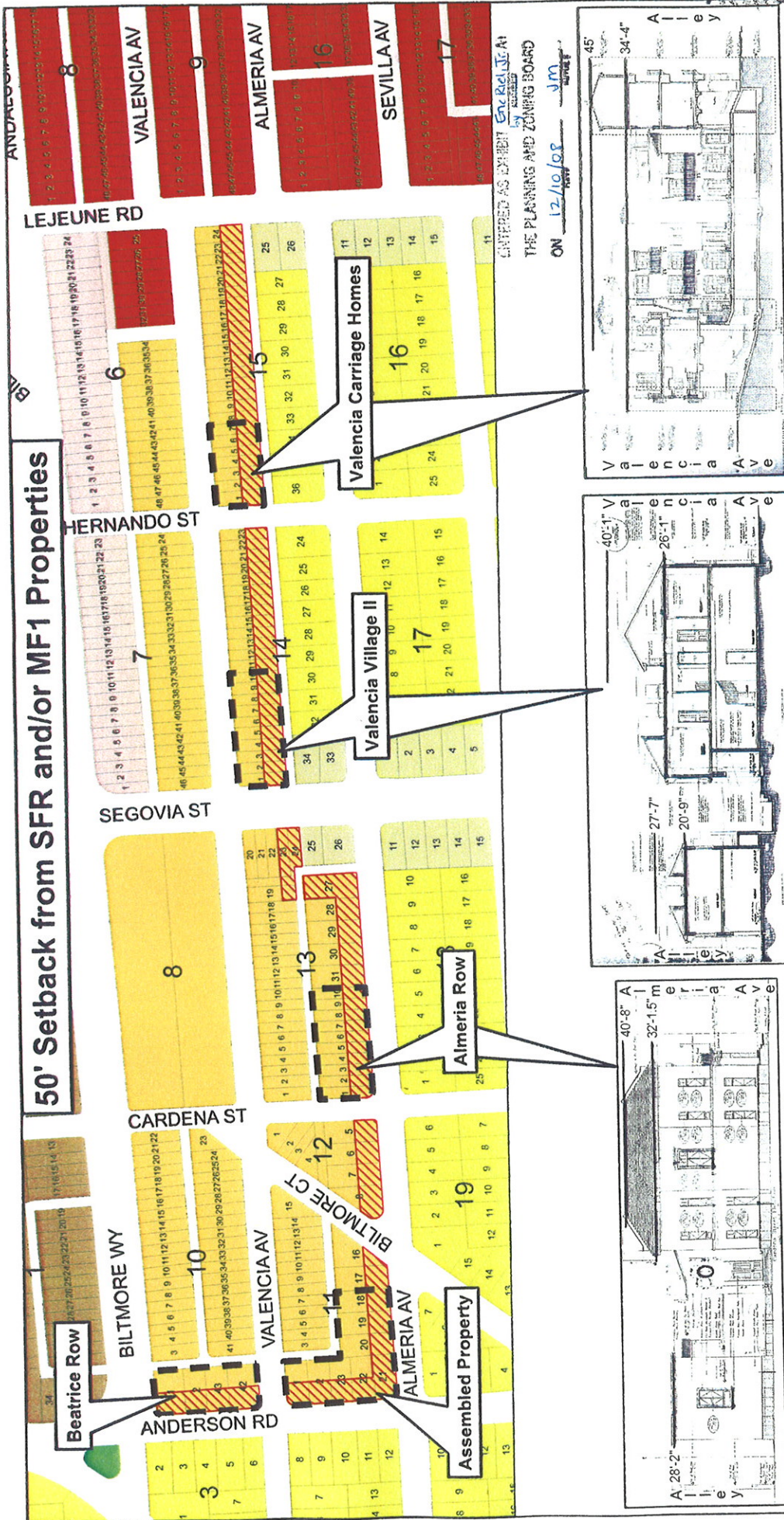
1 Page number	2 Line number	3 Summary	4 Planning Department Recommendation/Justification	5 11.08.06 Planning and Zoning Board/Final Recommendation (Approval 6-0 vote unless noted otherwise below)
4-51 4-52	53 32	Request allowance of all overnight accommodations (hotel) beyond 8 rooms in a CL District. Previous proposal limited use to a maximum of 8 rooms.	Recommend the following: <ul style="list-style-type: none"> Overnight accommodations is permitted use in CL Districts with a maximum of (8) rooms when adjacent to an SFR or MF1 district. Overnight accommodations adjacent to SFR and MF1 and exceed eight (8) rooms shall be a conditional use. 	Approved staff recommendation.
4-52	20	Allowance of drive through facilities if not adjacent to SFR and MF1 districts. Approximately four properties are not adjacent to SFR and MF1; therefore staff inserted provisions providing for drive throughs as a conditional use.	Recommend drive-through facilities be allowed as a conditional use if not adjacent to SFR or MF1 districts.	Approved staff recommendation.
4-52	39	Reduction in the minimum development standards for development for the CL and C zoning districts. Request to reduce minimum frontage to 100 feet and minimum square footage to 10,000 sq. ft. The current Code sets the minimum at 200 foot minimum frontage and 20,000 square foot minimum lot size.	Planning Staff does not support this change. This would allow numerous properties within a CL and C zoning districts to develop as mid rise properties which are not presently permitted. The current limitation of 200 foot minimum frontage and 20,000 square foot minimum has existed since September 1984. A reduction of these regulations would allow a significant number of properties to develop at higher intensities.	Recommend that the City Commission request the Planning Department complete a study, within 120 days or other time frame as determined by the Planning Department to reduce the current limitation of 200 foot minimum frontage and 20,000 square foot minimum lot area to a 100 foot minimum frontage and 10,000 square feet minimum lot area for all commercial properties. This is a separate agenda item for City Commission consideration. Final vote (5 -1)
Article 5 Development Standards				
5-62 (parking table)	Parking table	Retail parking requirements versus office parking requirements.	Recommend the retail parking requirements remain at one space per 250 square feet (versus one space per 300 square feet) and office remain at one space per 300 square feet. Staff's analysis (see attachment) notes that urban cities have more restrictive standards for retail commercial. In addition, the City Commission directed staff to increase parking requirements, which has subsequently been required of all projects that have undergone City Commission review in previous years.	Approved staff recommendation.
5-73	48	Allowance of metal roofs.	Provisions are under consideration at the 12.12.08 City Commission meeting for first reading. If approved, provisions will be inserted into Zoning Code rewrite at Second reading. If deferred beyond second reading of Zoning Code rewrite, provisions will be added at a later date.	
5-138	21	Permanently installed stand-by generators	Provisions inserted into new Zoning Code as adopted by the City Commission on 11.15.08	
Article 8 Definitions				
8-2 Through out Code	1	Aggrieved party definition. Public request to allow all citizens of the City to be an aggrieved party. Utilize the term "Market value" versus "assessed value" as the values to determine when codes are "triggered" or "applicable." As an example, "Section 5-1701. Air conditioning. New commercial construction or renovation of an existing commercial structure, the use of which involves food products (such as restaurants, cafeterias, etc.), where the cumulative cost of such renovation is in excess of twenty-five (25%) percent of the assessed value of the existing commercial structure shall make provisions for the installation of an air conditioning system for commercial trash containers."	Recommend no change to the definition as stated. This issue has been debated on numerous occasions, and City Attorney has approved the language. Recommend the term "assessed value" remain as the determining factor. "Assessed value" is a figure that is precise and can be determined by looking at the Tax Collector's records. In contrast, the term "fair market value" requires the submission of an appraisal, which is subject to review by City Staff. FMV is therefore subject to additional work for property owners and allows for interpretation which could be subject to further disputes.	Approved staff recommendation. Approved staff recommendation.
Others				
N/A		Townhouse required to face public street.	Planning Staff will complete a future study of townhouses pursuant to City Commission direction. This study will be completed in association with the completion of the North Ponce de Leon Neighborhood study. Recommendations then will be drafted for possible citywide implementation.	N/A

Major issues to be reviewed in City Commission presentation based upon interest in final public hearing process

City of Coral Gables Zoning Code – 12.12.06 City Commission request for further review

1 Page number	2 Line number	3 Summary	4 Planning Department Recommendation/Justification	5 11.03.06 Planning and Zoning Board/Final Recommendation (Approval 8-0 vote unless noted otherwise below)
N/A		Inclusion of Riveria Neighborhood Association (RNA) recommendations into Zoning Code. The RNA recommended the City Commission incorporate the recommendations of the RNA Charette into the Zoning Code.	The Planning Department has been working with the RNA membership to draft language that can be included in the Comprehensive Land Use Plan. Staff recommends the reference to the Plan be included in the CLUP. Staff review of the RNA Charette notes that the current Zoning Code rewrite does satisfy various recommendations of the RNA Charette, specifically with regards to protection of all residential neighborhoods.	
		Home offices.	The Planning Department recommends this be subject to future review and study.	
		Trucks.	No changes have been proposed to the truck regulations pursuant to recent court litigation.	
		Cottage provisions.	No change necessary. The Cottage regulations were reviewed and updated as a part of the rewrite process.	
		Providing notice for demolition of properties.	The City Manager's Office, in coordination with several departments, is developing a notification system to address this issue.	N/A
		Evaluation of accomplishments from City Commission meeting – Discovery worksheets.	Planning Staff throughout the process has referred back to the Discovery sheets which captured the all direction and input received from interested parties, public, City staff, Planning and Zoning Board, other City Boards and Committees and City Commission. Staff has indicated within the Discovery Worksheet the completion of each request.	
		Evaluation of accomplishments from City of Coral Gables 2002 Charette.	Planning Staff throughout the process has referred back to the 2002 Charette and evaluated every recommendation and as a part of the entire Zoning doe rewrite process has solicited input and directions on each recommendation and excluded or included pursuant to the rewrite process.	

50' Setback from SFR and/or MF1 Properties



Valencia Carriage Homes Section Plan

Valencia Village II Section Plan

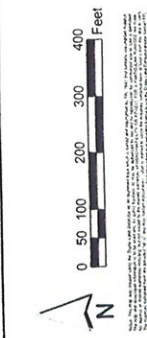
Almeria Row Section Plan

Zoning Map

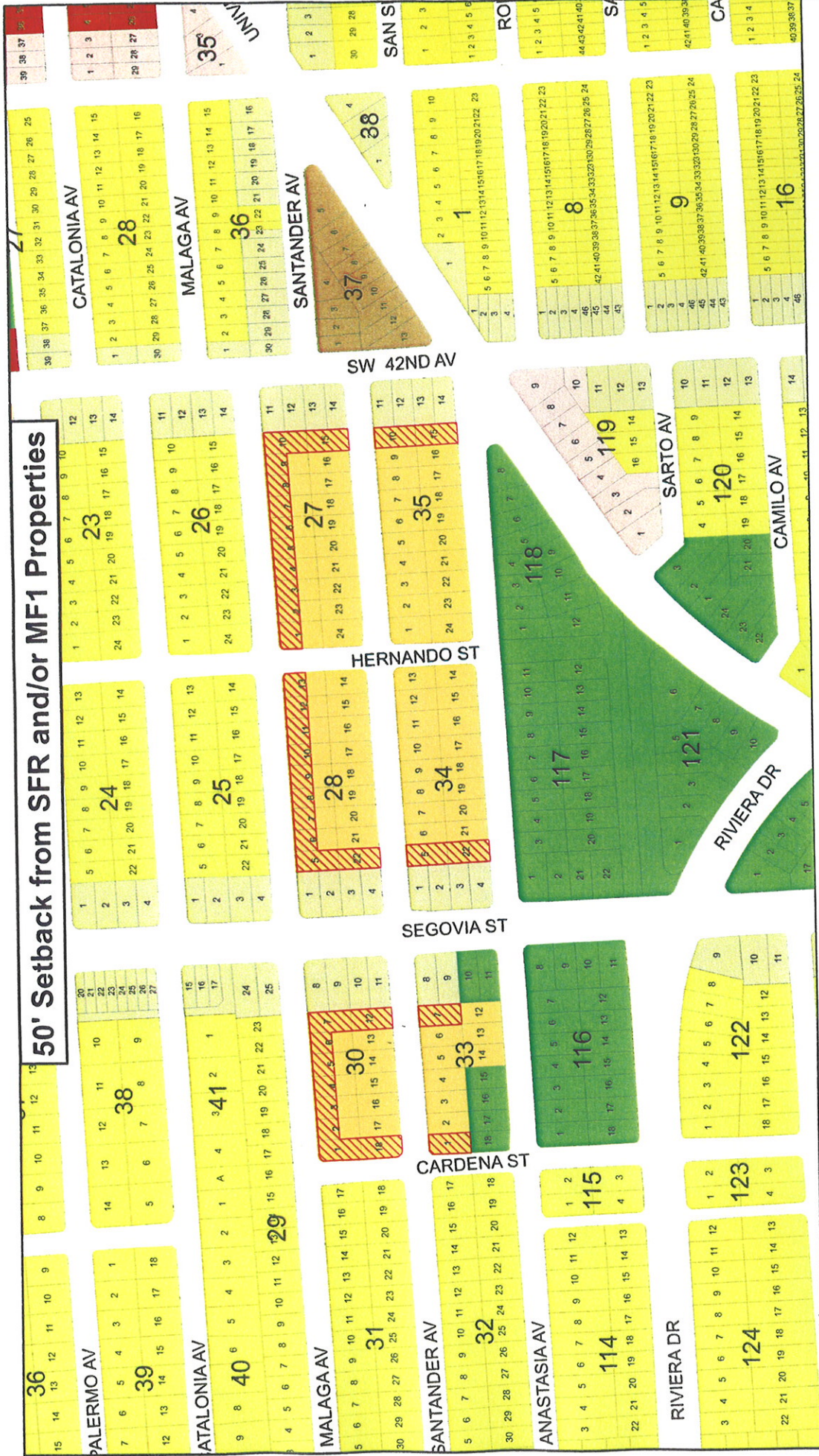
City of Coral Gables
Planning Department

- Zoning Districts**
- Special Use District (S)
 - Preservation District (P)
 - University of Miami Campus Area Development (UMCAD)
 - Commercial District (C)
 - Commercial Limited District (CL)
 - Industrial District (I)
 - MFLA property limited to 35' in height (45' with architectural features)

- Single-Family Residential District (SFR)
- Multi-Family 1 Duplex District (MF1)
- Multi-Family 2 District (MF2)
- Multi-Family Special Area District (MFLA)



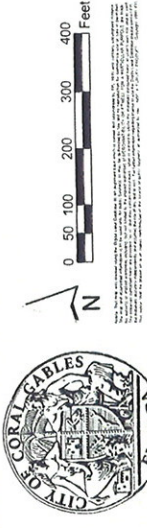
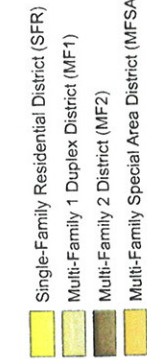
50' Setback from SFR and/or MF1 Properties



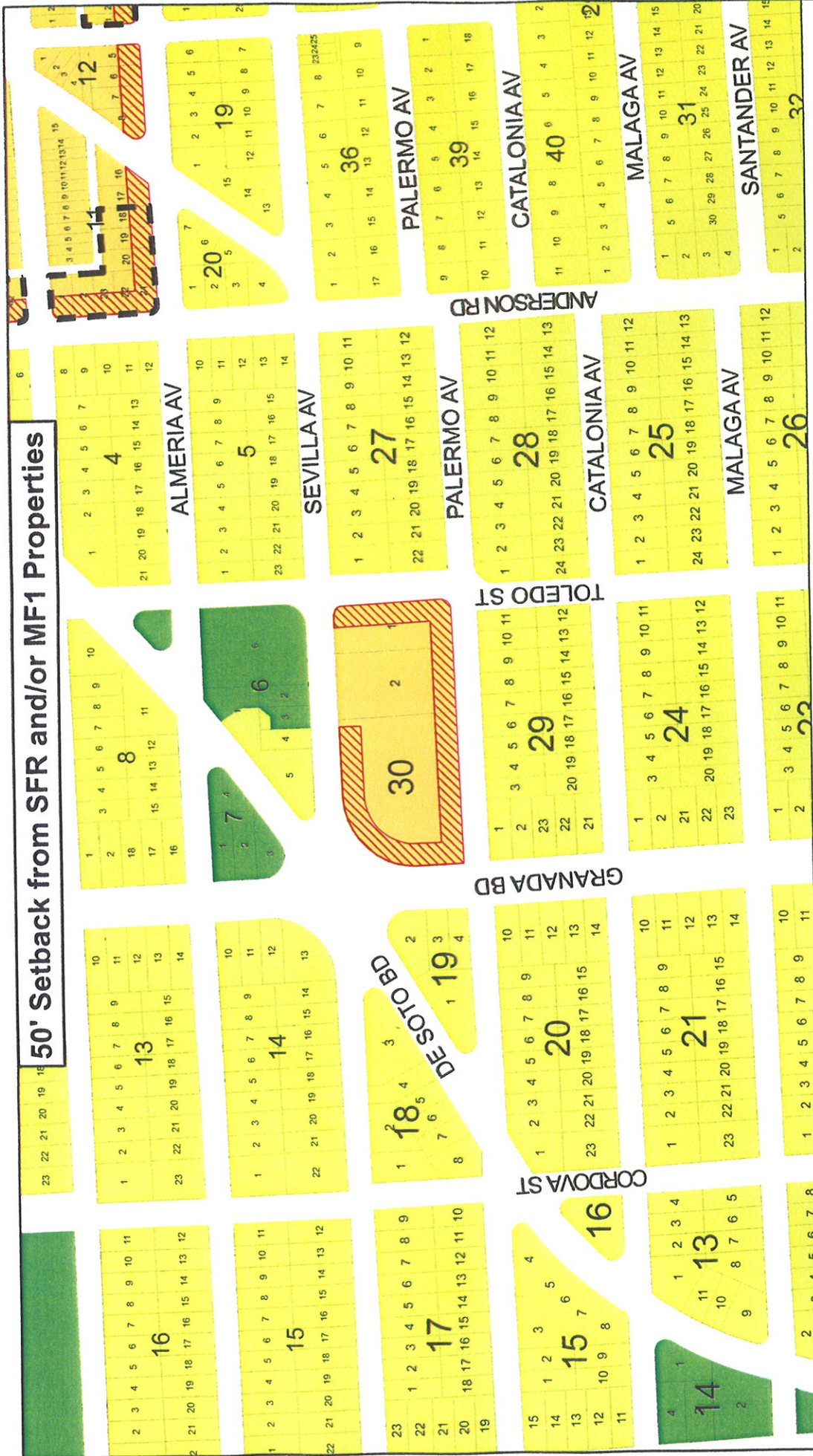
Zoning Map

City of Coral Gables
Planning Department

- Zoning Districts**
- Single-Family Residential District (SFR)
 - Multi-Family 1 Duplex District (MF1)
 - Multi-Family 2 District (MF2)
 - Multi-Family Special Area District (MFA)
 - Commercial District (C)
 - Commercial Limited District (CL)
 - Industrial District (I)
 - Special Use District (S)
 - Preservation District (P)
 - University of Miami Campus Area Development (UMCAD)
 - MFA property limited to 35' in height (45' with architectural features)

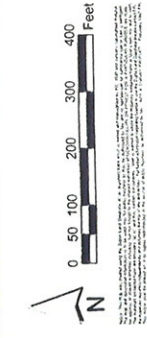
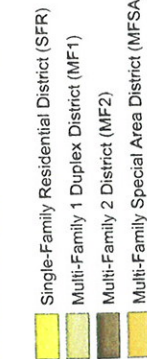


50' Setback from SFR and/or MF1 Properties



Zoning Map City of Coral Gables Planning Department

- Zoning Districts**
- Single-Family Residential District (SFR)
 - Multi-Family 1 Duplex District (MF1)
 - Multi-Family 2 District (MF2)
 - Multi-Family Special Area District (MFSA)
 - Commercial District (C)
 - Commercial Limited District (CL)
 - Industrial District (I)
 - Special Use District (S)
 - Preservation District (P)
 - University of Miami Campus Area Development (UMCAD)
 - MFSA property limited to 35' in height (45' with architectural features)

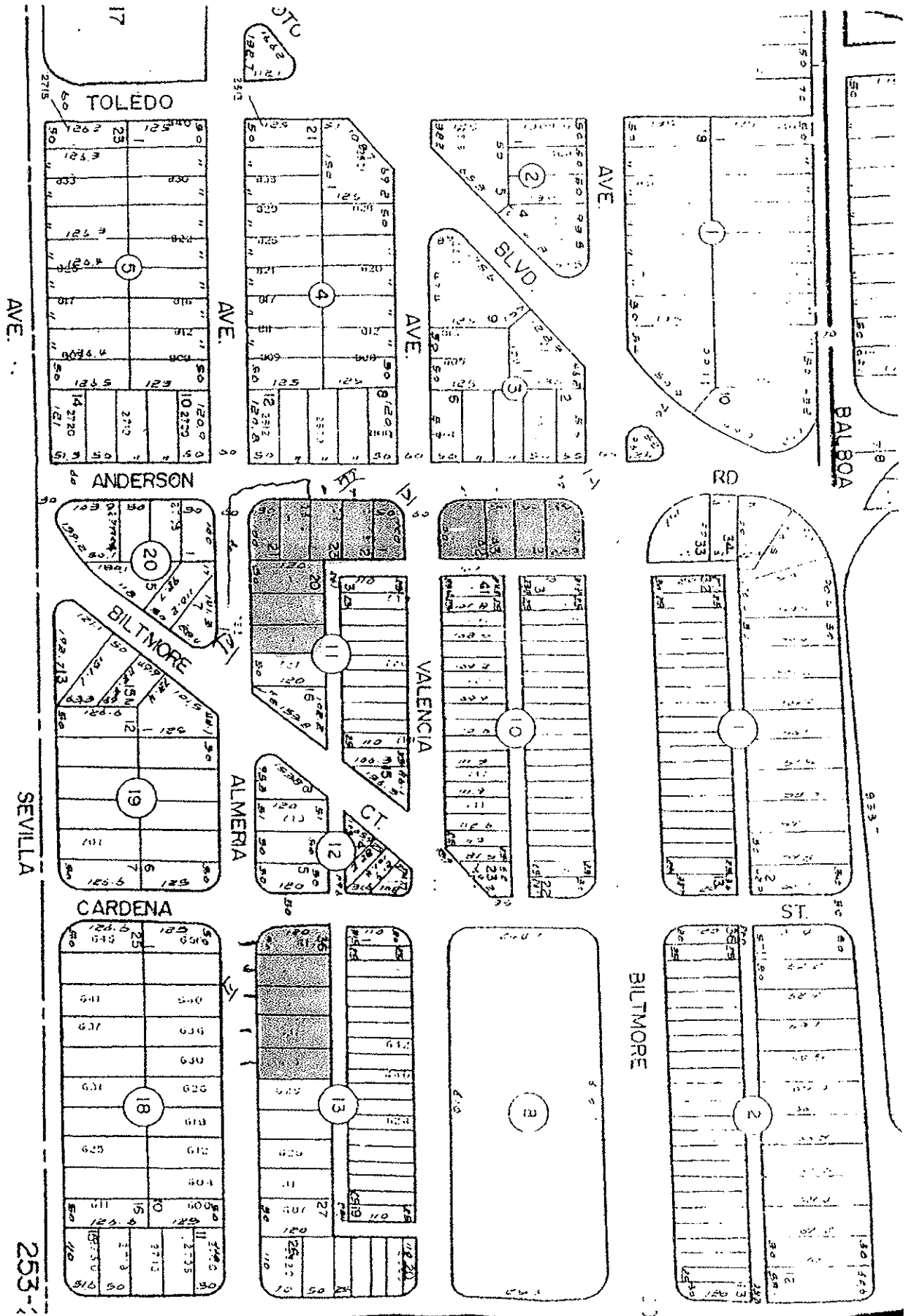


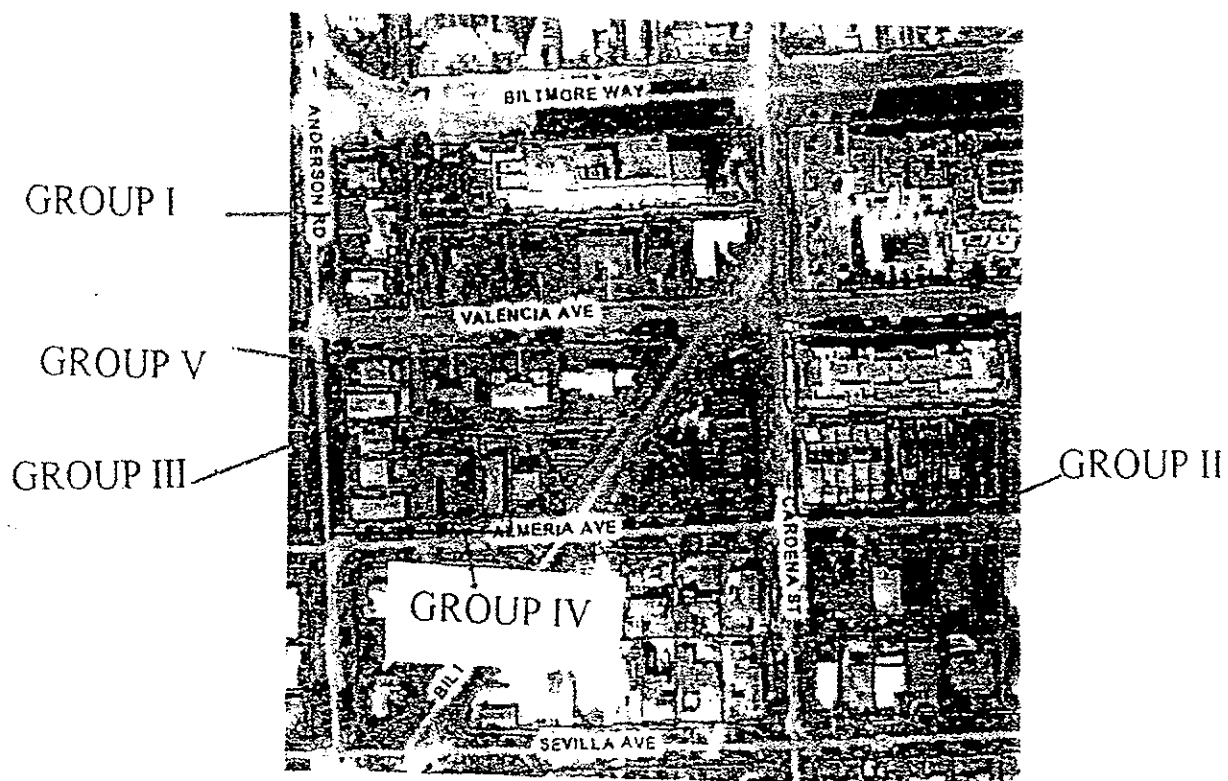
FERNANDO MENOYO
ALMERIA ROW LLC

Planning & Zoning Board Meeting

December 10, 2008

- A. Properties
- B. Prior Code Provisions Regarding Height
- C. Height Analysis – Adjacent Properties
- D. Land Use Plan Map
- E. Photographs of Neighborhood
- F. Proposed Site Specific Regulations
- G. Staff Report: 9/27/06 Planning & Zoning Board Meeting
- H. 9/1/06 Draft Zoning Code: MFSA – No Change
- I. Excerpt: 9/27/06 Planning & Zoning Board Meeting
- J. 10/17/06 Draft Zoning Code: First Revision to MFSA
- K. Shadow Study: 11/8/06 Planning & Zoning Meeting
- L. Excerpt: 11/8/08 Planning & Zoning Board Meeting





TOWN HOUSE

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
- a. ~~Parcels of land abutting or contiguous to SF Districts. Forty-five (45) feet, except that:~~
~~no portion of any building within fifty (50) feet of any property line which abuts or is~~
~~contiguous to land designated as an SF District shall have a height in excess of~~
~~thirty-five (35) feet.~~



- b. ~~Parcels of land adjacent to SF Districts. Forty-five (45) feet.~~

- c. ~~Parcels of land which are contiguous or adjacent to MF - 1 Districts or land~~
~~designated as public buildings and grounds. Forty-five (45) feet.~~

- d. ~~Parcels of land designated residential use - multi-family low density.~~

~~Parcels of land which are contiguous or adjacent to parcels designated~~
~~residential use - multi-family low-density land use designations: forty-five (45)~~
~~feet.~~

~~Parcels of land which are contiguous or adjacent to other parcels designated~~
~~residential use - multi-family medium density land use designations: forty-five~~
~~(45) feet.~~

- ~~i. Parcels of land which are contiguous or adjacent to parcels designated~~
~~residential use - multi-family high density or commercial use high-rise intensity~~
~~land use designations: sixty (60) feet.~~

- e. ~~Parcels of land designated residential use - multi-family medium density.~~

~~Parcels of land which are contiguous or adjacent to parcels designated~~
~~residential use - multi-family low-density land use designations: sixty (60) feet.~~

~~Parcels of land which are contiguous or adjacent to parcels designated~~
~~residential use - multi-family medium density land use designations: sixty (60)~~
~~feet or seventy (70) feet if a parcel of land has an area of 20,000 square feet or~~
~~more.~~

~~Parcels of land which are contiguous or adjacent to parcels designated~~
~~residential use - multi-family high density or commercial use high-rise intensity~~
~~land use designations: sixty (60) feet or one-hundred (100) feet if a parcel of~~
~~land has an area of 20,000 square feet or more.~~

- f. ~~Parcels of land designated residential use - multi-family high density.~~

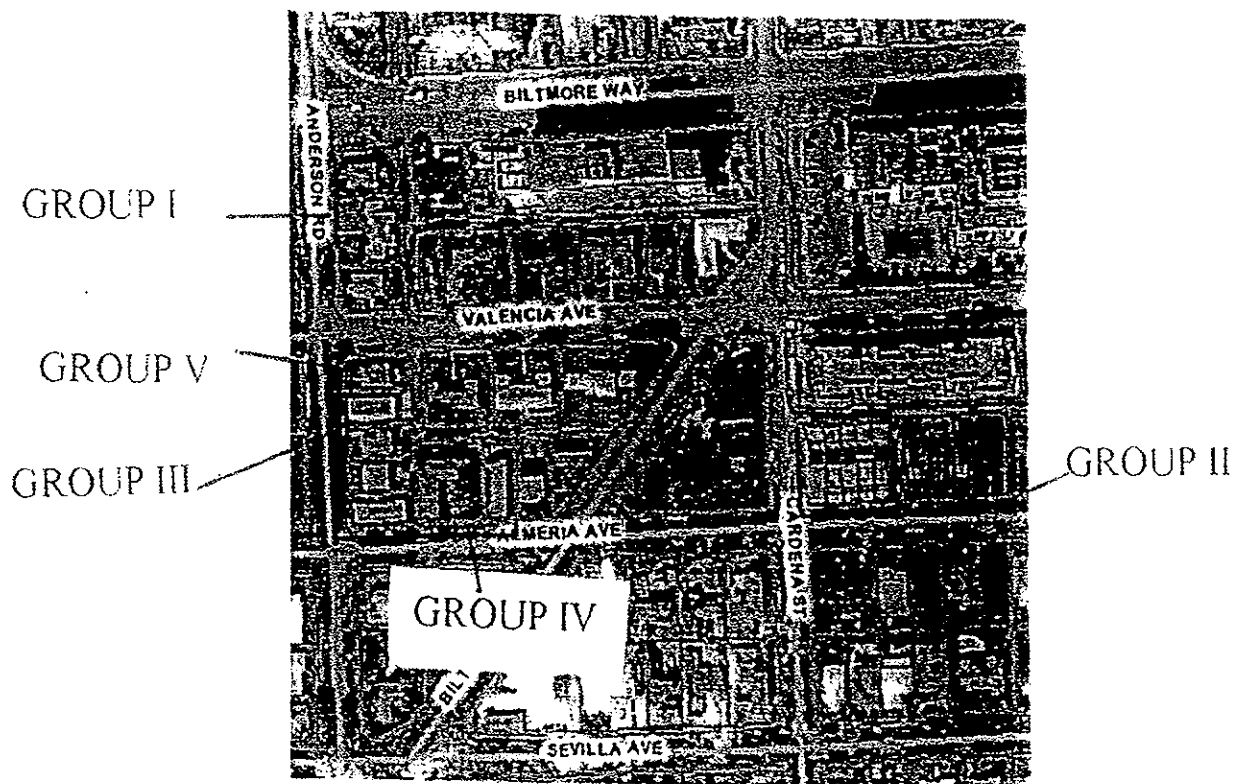
- ~~i. Parcels of land which are contiguous or adjacent to parcels designated~~
~~residential use - multi-family low-density land use designations: sixty (60) feet or~~
~~seventy (70) feet if a parcel of land has an area of 20,000 square feet or more.~~

- ~~i. Parcels of land which are contiguous or adjacent to parcels designated~~
~~residential use - multi-family medium density land use designations:~~

- ~~(a) Sixty (60) feet if a parcel of land is less than 10,000 square feet, or seventy~~
~~(70) feet if a parcel of land has an area of 10,000 square feet or greater but~~
~~less than 20,000 square feet, or~~

- ~~(b) One hundred (100) feet if a parcel of land has an area of 20,000 square feet~~
~~or more.~~

- ~~ii. Parcels of land which are contiguous or adjacent to other parcels designated~~
~~residential use - multi-family high density or commercial use high-rise intensity~~
~~land use designations: sixty (60) feet or one hundred fifty (150) feet if a parcel of~~
~~land has an area of 20,000 square feet or more.~~



HEIGHT ANALYSIS ADJACENT PROPERTIES

GROUP I: 744 Biltmore Way; 2509 Anderson Road; 745 Valencia Avenue

NORTH

Zoning	MF2
LUP	MULTI-FAMILY LOW DENSITY
Height Limit	Per CLUP or Site Specific Zoning Regulations

SOUTH (Group V)

Zoning	MFSA
LUP	MULTI-FAMILY LOW DENSITY
Height Limit	35 feet, per revised Zoning Code (subject of Harris Act claim – requesting restoration of 45 feet)

EAST

Zoning	MFSA
LUP	MULTI-FAMILY HIGH DENSITY
Height Limit	Approved Project: 106 feet.

WEST

Zoning	SFR
LUP	SINGLE FAMILY LOW DENSITY
Height Limit	29 feet

GROUP II: 635 Almeria Avenue; 643 Almeria Avenue

NORTH:

Zoning	MFSA
LUP	MULTI-FAMILY MEDIUM DENSITY
Height Limit:	60 feet

SOUTH

Zoning	SFR
LUP	SINGLE FAMILY LOW DENSITY
Height Limit	29 feet

EAST

Zoning	MFSA
LUP	MULTI-FAMILY LOW DENSITY
Height Limit	35 feet, per revised Zoning Code

WEST (Already-Built Townhomes)

Zoning	MFSA
LUP	MULTI-FAMILY LOW DENSITY
Height Limit	35 feet, per revised Zoning Code

GROUP III: 2605 Anderson Road; 2611 Anderson Road

NORTH (Group V)

Zoning	MFSA
LUP	MULTI-FAMILY LOW DENSITY
Height Limit	35 feet, per revised Zoning Code (subject of Harris Act claim – requesting restoration of 45 feet)

SOUTH (Group IV)

Zoning	MFSA
LUP	MULTI-FAMILY LOW DENSITY
Height Limit	35 feet, per revised Zoning Code (subject of Harris Act claim – requesting restoration of 45 feet)

EAST

Zoning	MFSA
LUP	MULTI-FAMILY MEDIUM DENSITY
Height Limit	60 feet

WEST

Zoning	SFR
LUP	SINGLE FAMILY LOW DENSITY
Height Limit	29 feet

GROUP IV: 731 Almeria Avenue; 735 Almeria Avenue; 743 Almeria Avenue; 2615 Anderson Road

NORTH

Zoning	MFSA
LUP	MULTI-FAMILY MEDIUM DENSITY
Height Limit	60

SOUTH

Zoning	SFR
LUP	SINGLE FAMILY LOW DENSITY
Height Limit	29 feet

EAST

Zoning	MFSA
LUP	MULTI-FAMILY LOW DENSITY
Height Limit	35 feet, per revised Zoning Code

WEST (Group III)

Zoning	SFR
LUP	SINGLE FAMILY LOW DENSITY
Height Limit	29 feet

GROUP V: 760 Valencia Avenue

NORTH (Group I)

Zoning	MFSA
LUP	MULTI-FAMILY LOW DENSITY
Height Limit	35 feet, per revised Zoning Code (subject of Harris Act claim ... requesting restoration of 45 feet)

SOUTH (Group III)

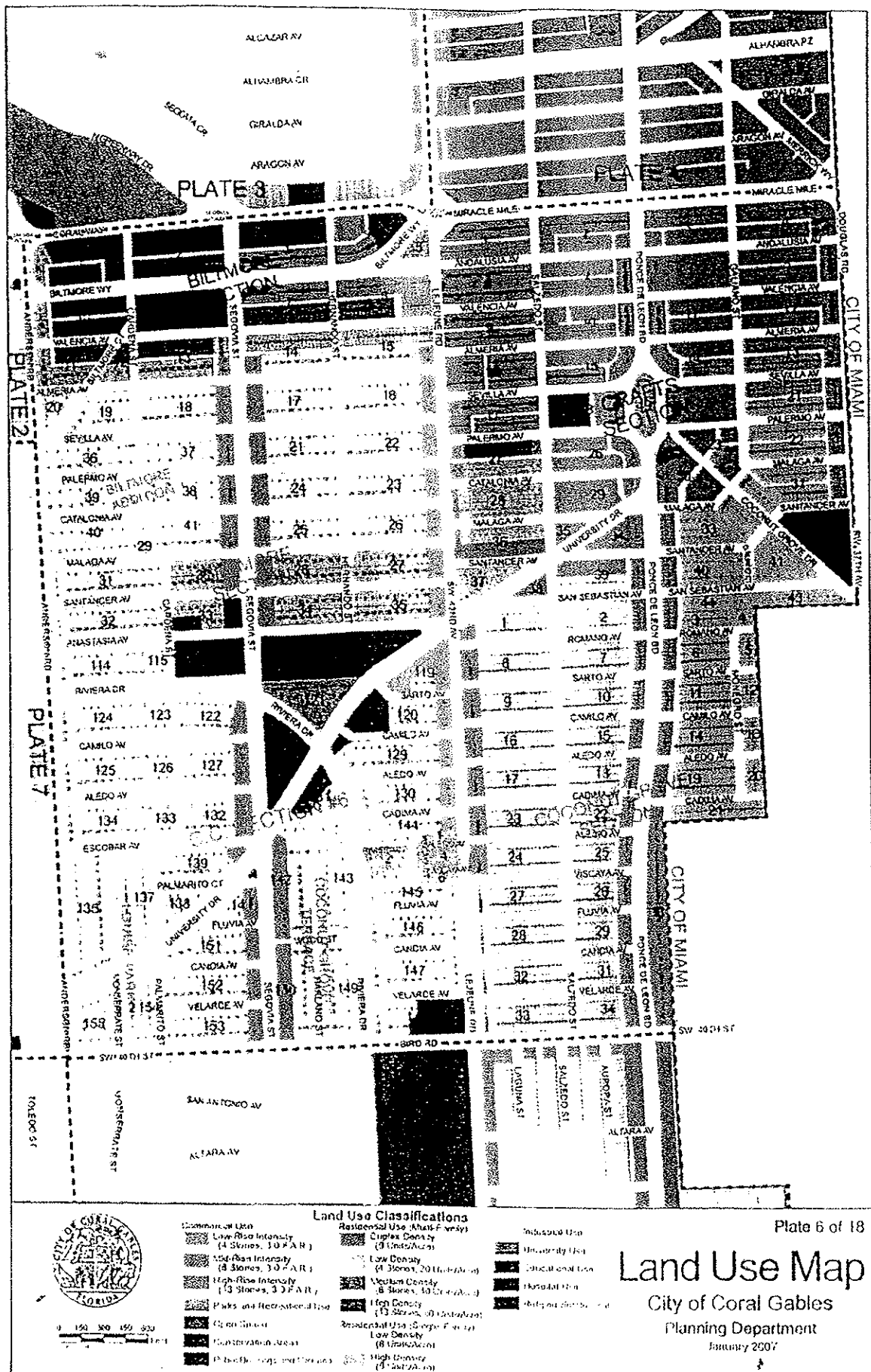
Zoning	MFSA
LUP	MULTI-FAMILY LOW DENSITY
Height Limit	35 feet, per revised Zoning Code (subject of Harris Act claim ... requesting restoration of 45 feet)

EAST

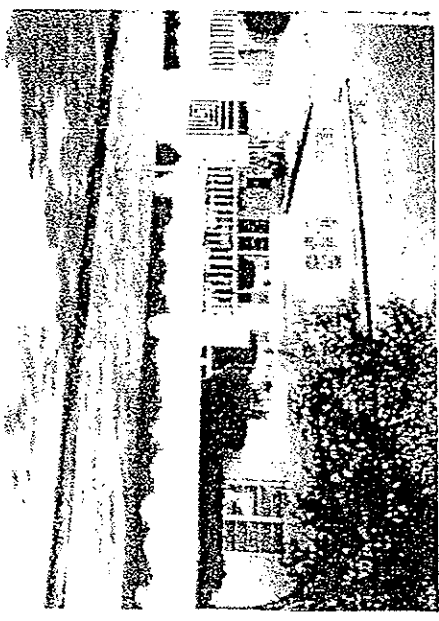
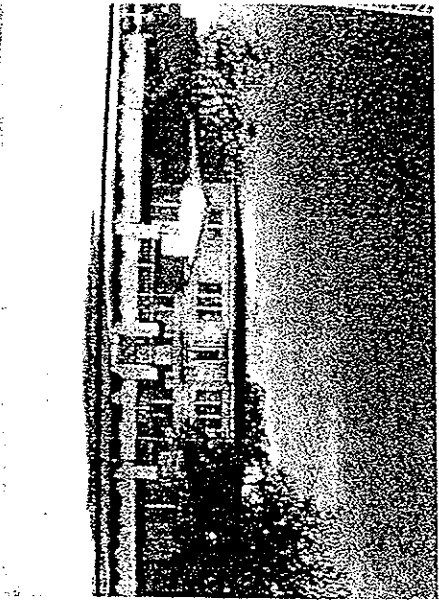
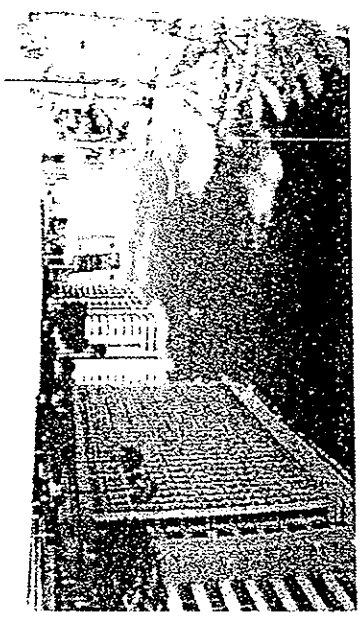
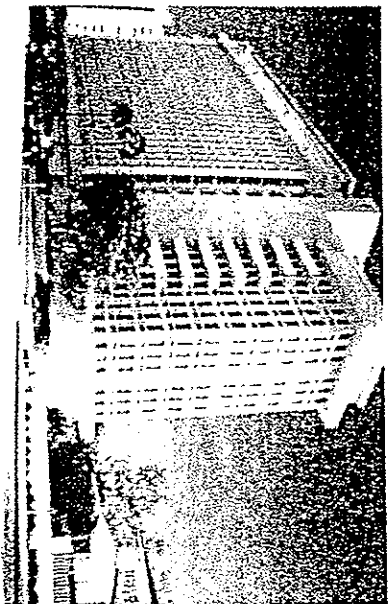
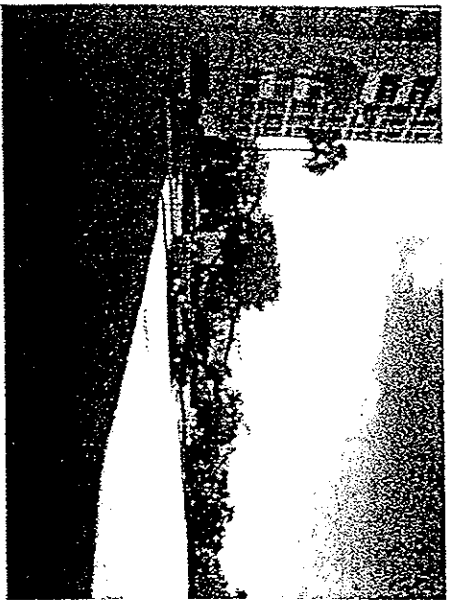
Zoning	MFSA
LUP	MEDIUM DENSITY
Height Limit	60 feet

WEST

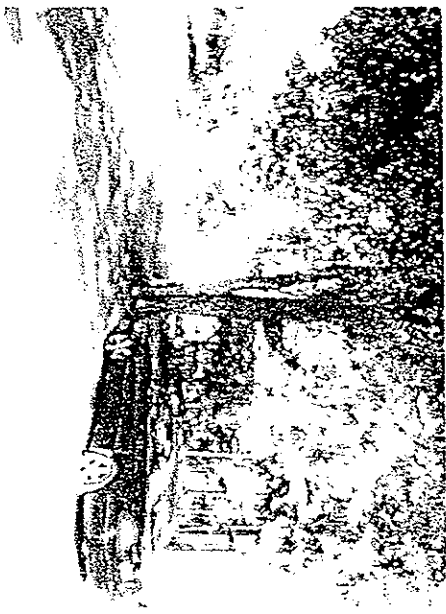
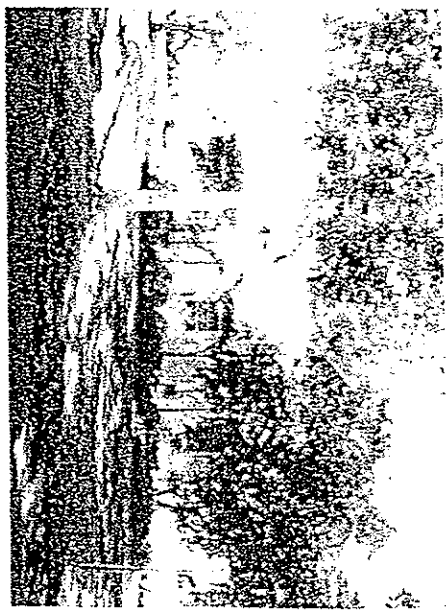
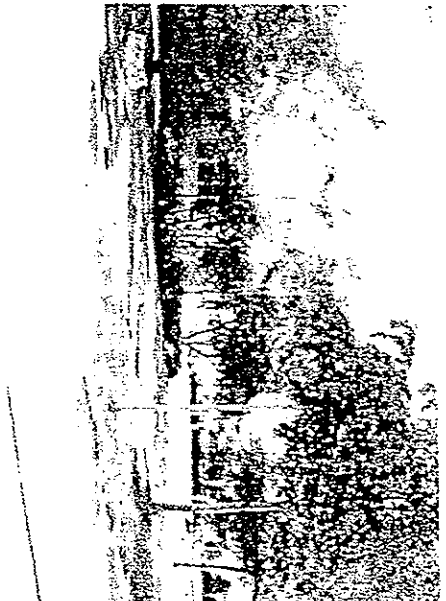
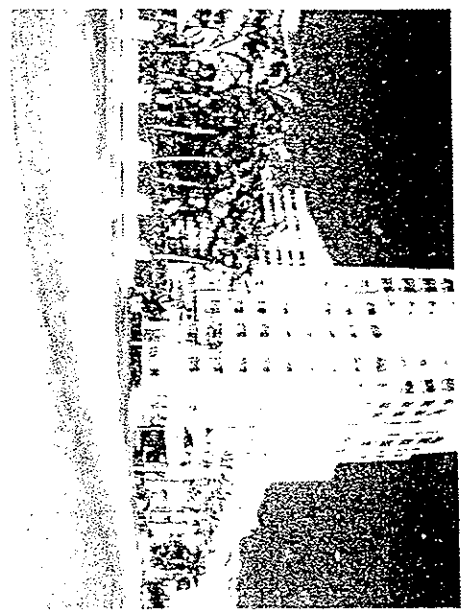
Zoning	SFR
LUP	SINGLE-FAMILY LOW DENSITY
Height Limit	29 feet



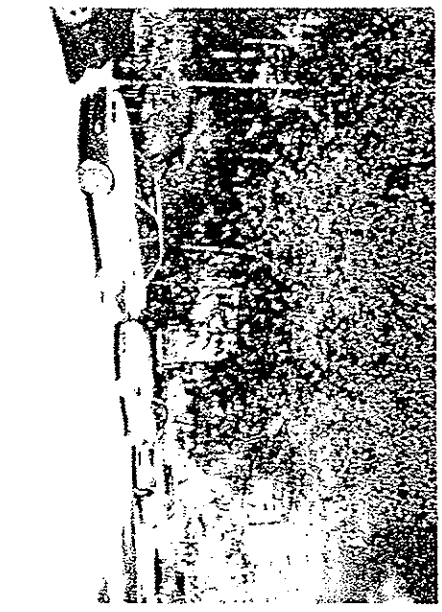
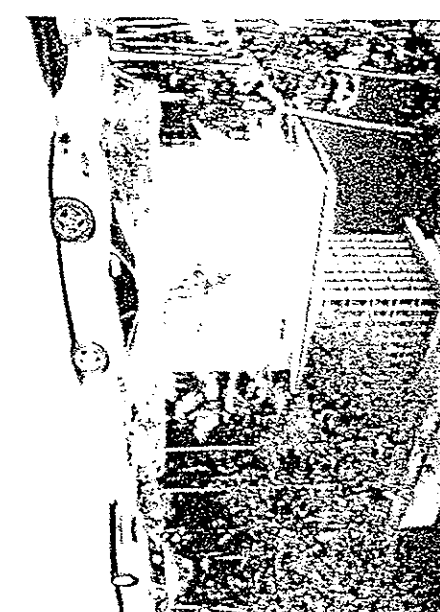
Fernando Menoyo - Bert J. Harris Jr. Claim Vs. City of Coral Gables



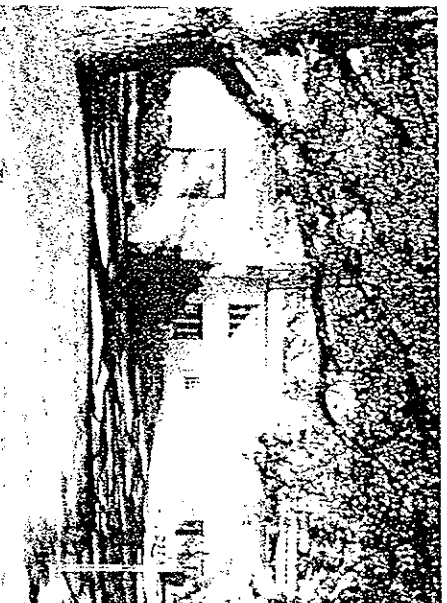
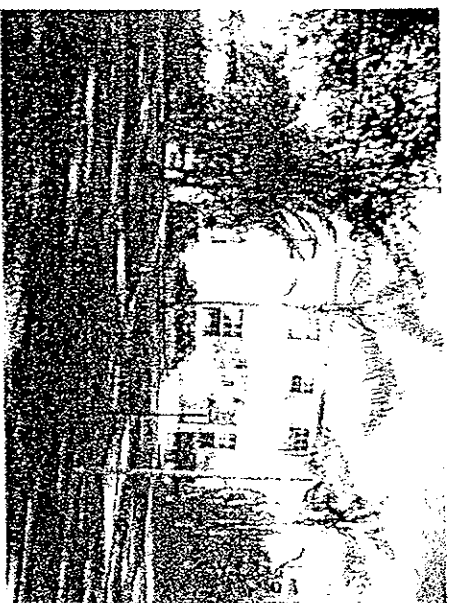
Fernando Menoyo - Bert J. Harris Jr. Claim Vs. City of Coral Gables



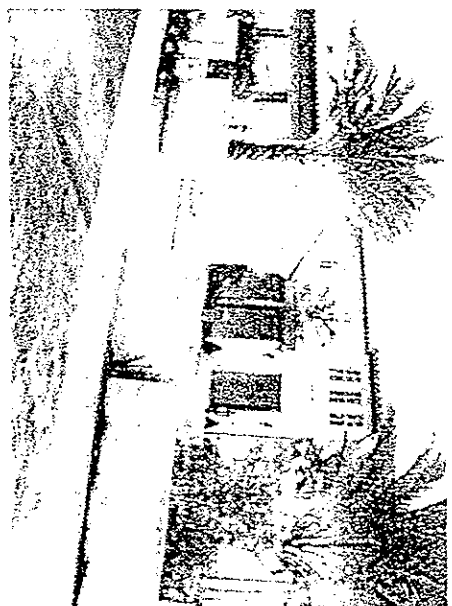
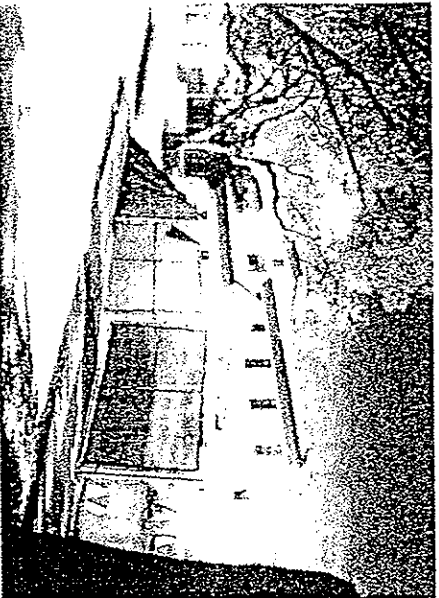
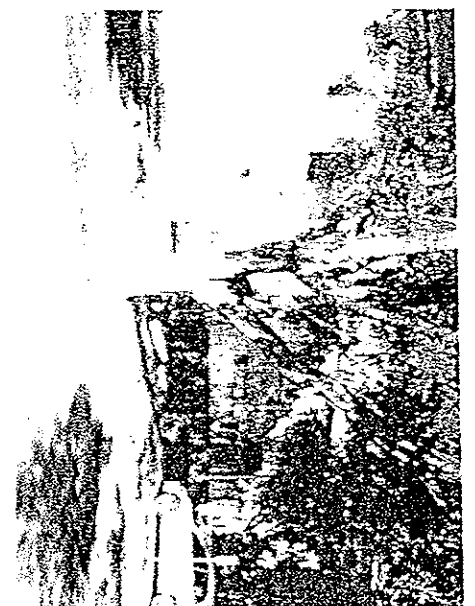
Fernando Menoyo - Bert J. Harris Jr. Claim Vs. City of Coral Gables



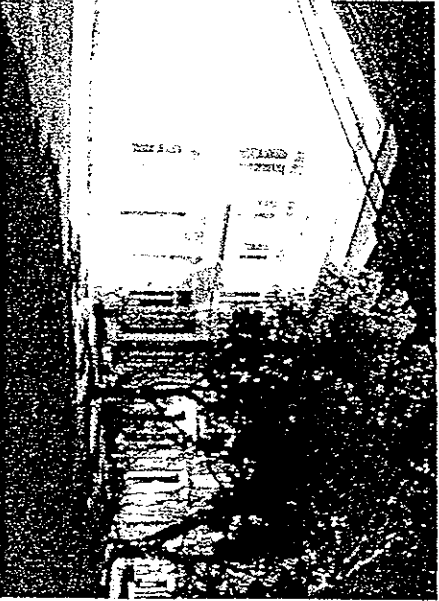
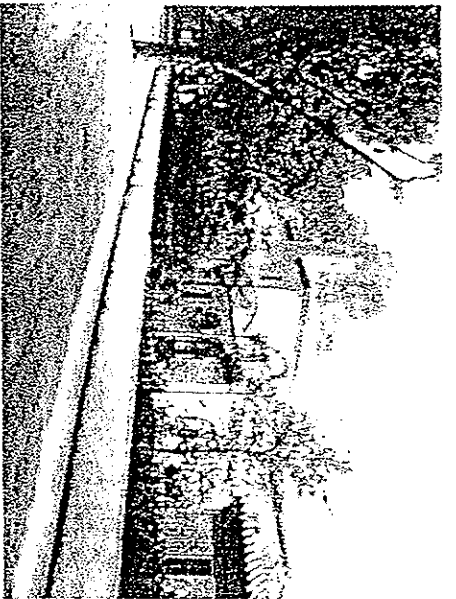
Fernando Menoyo - Bert J. Harris Jr. Claim Vs. City of Coral Gables



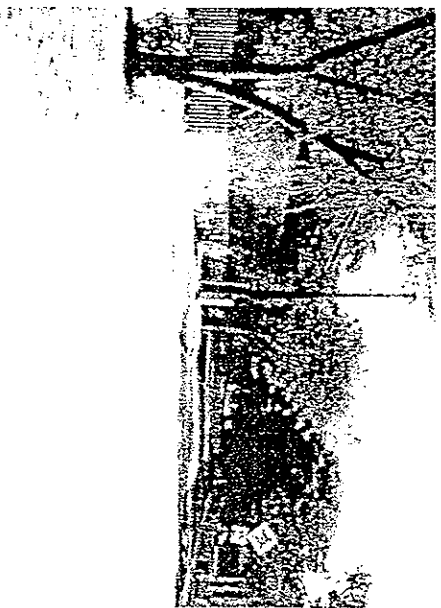
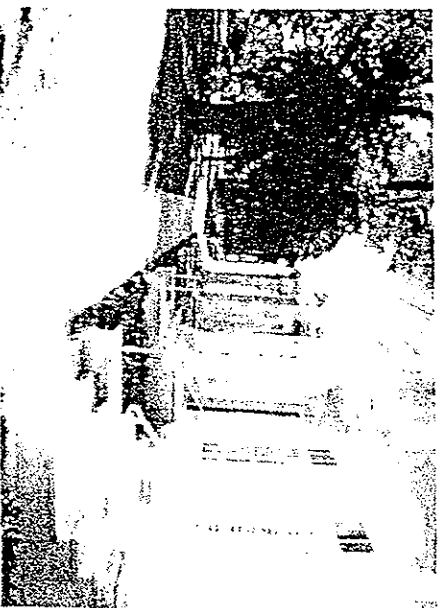
Fernando Menoyo - Bert J. Harris Jr. Claim Vs. City of Coral Gables



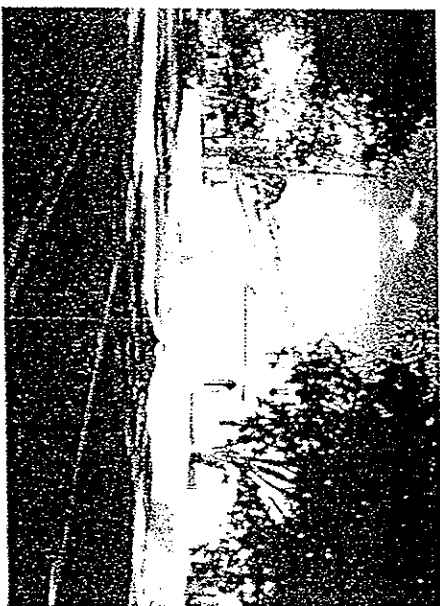
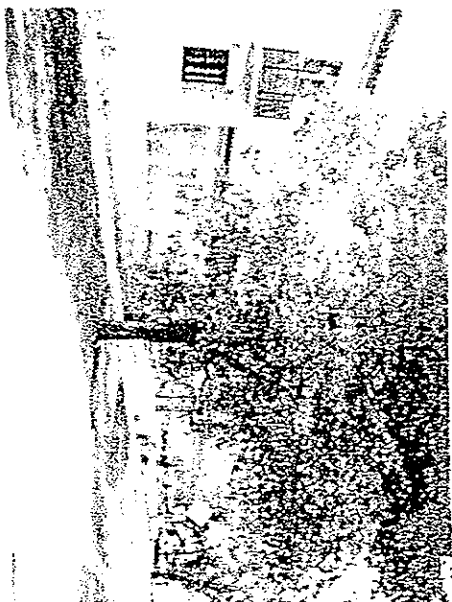
Fernando Menoyo - Bert J. Harris Jr. Claim Vs. City of Coral Gables



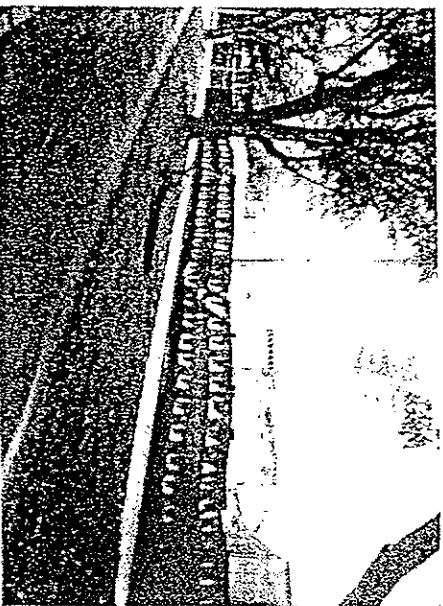
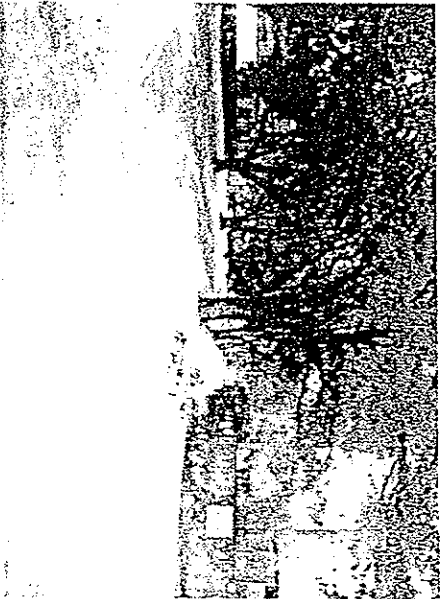
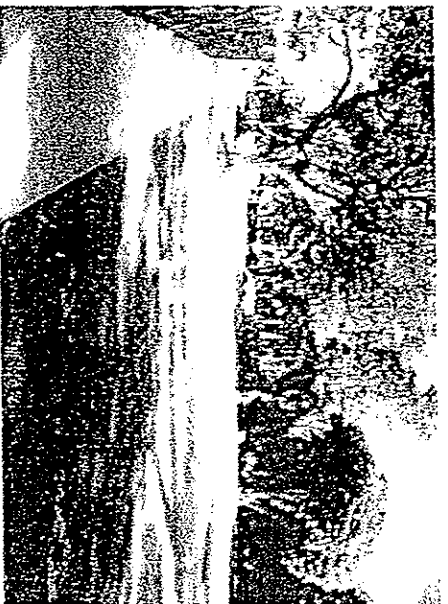
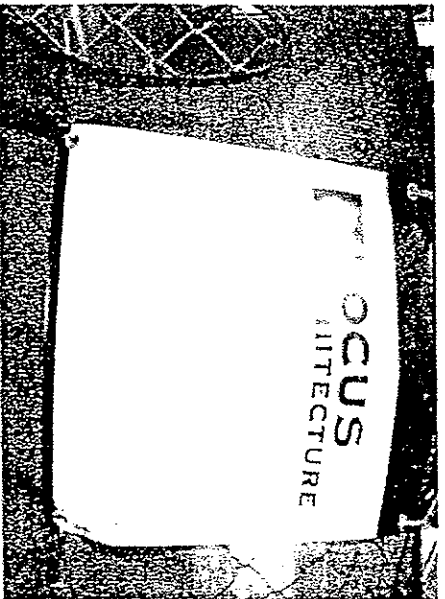
Fernando Menoyo - Bert J. Harris Jr. Claim Vs. City of Coral Gables



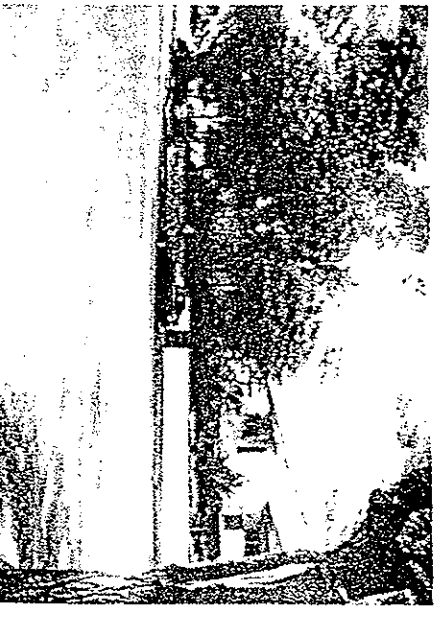
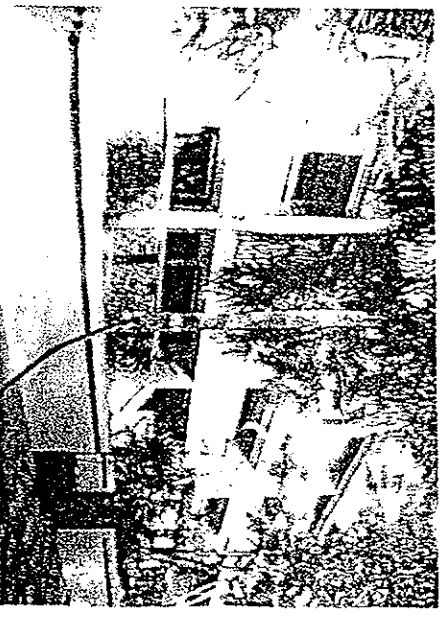
Fernando Menoyo - Bert J. Harris Jr. Claim Vs. City of Coral Gables



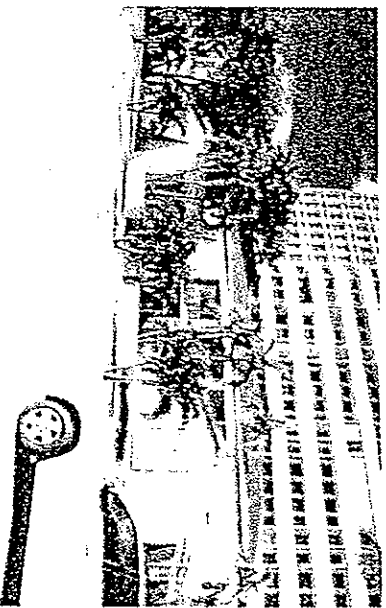
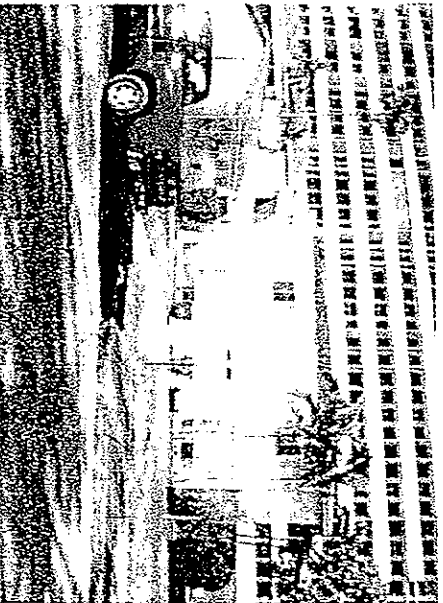
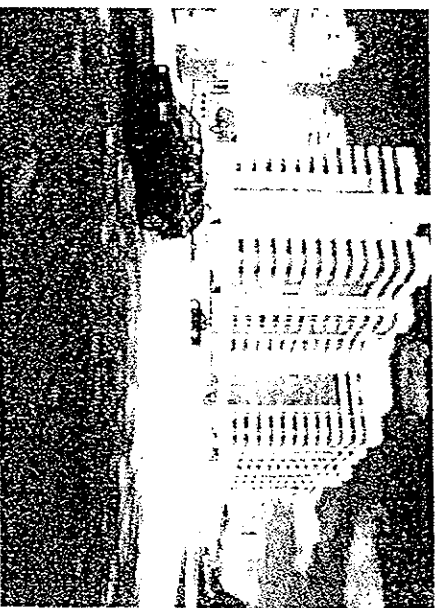
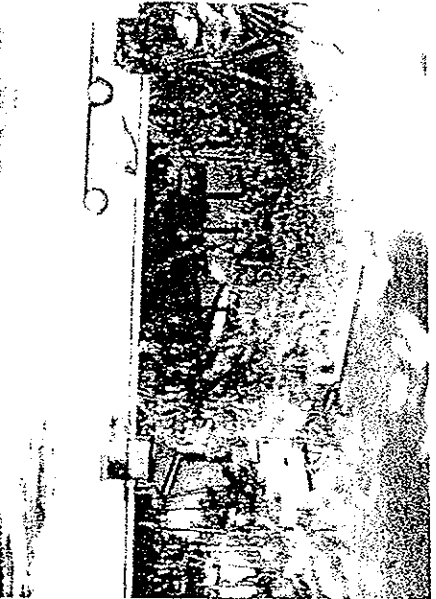
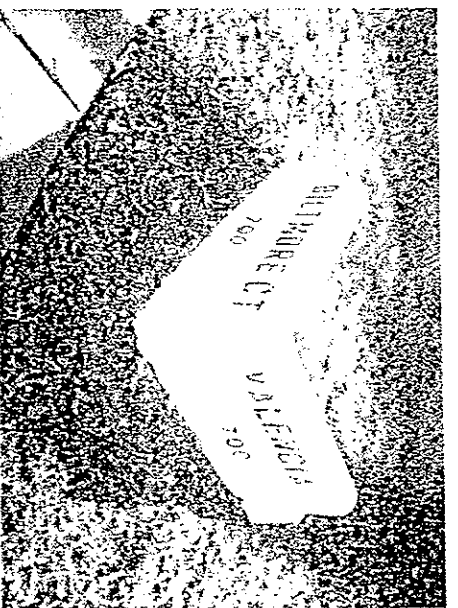
Fernando Menoyo - Bert J. Harris Jr. Claim Vs. City of Coral Gables



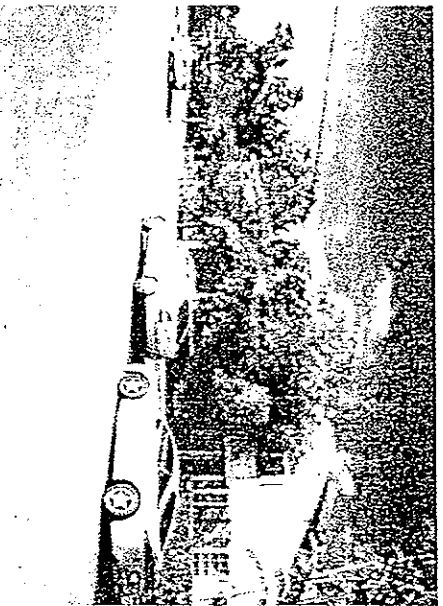
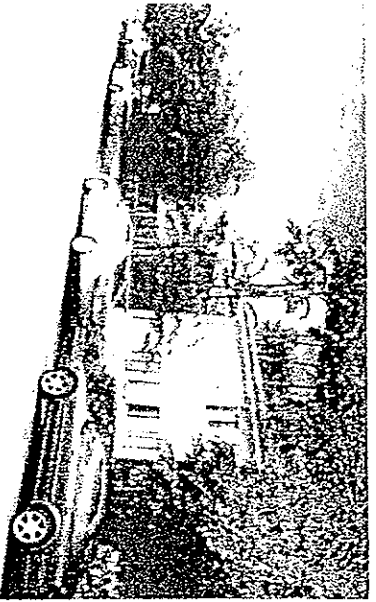
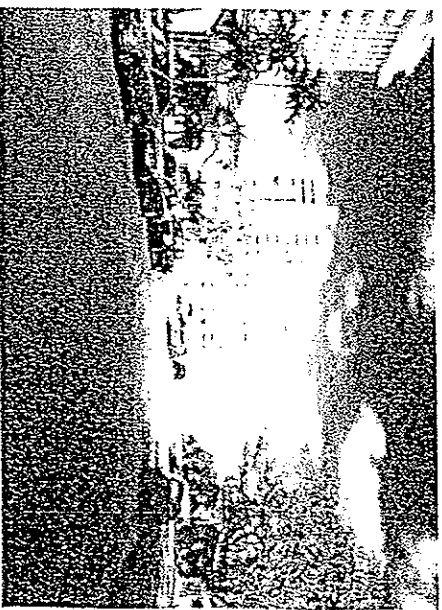
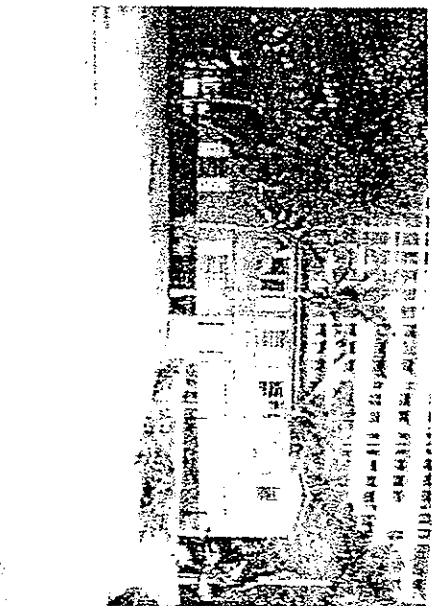
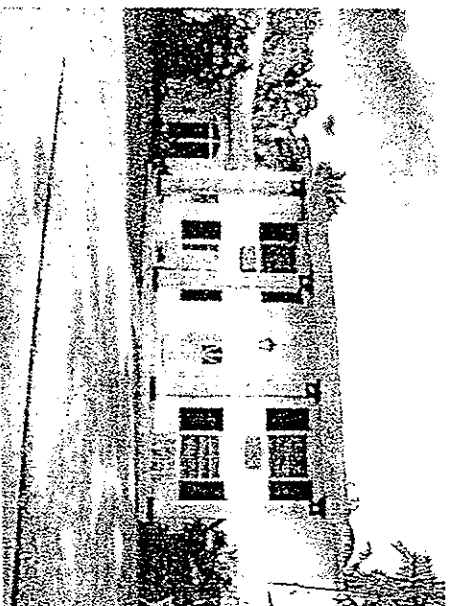
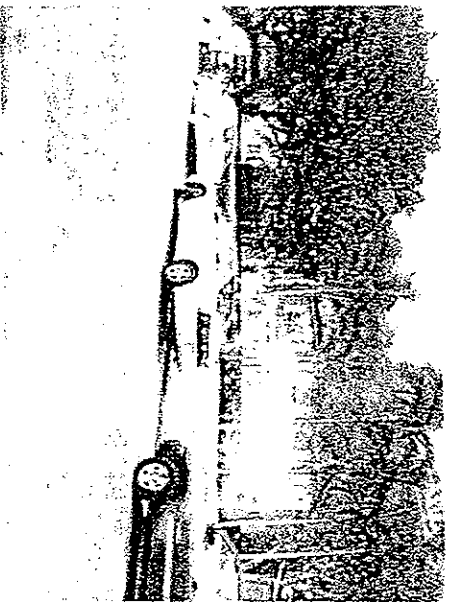
Fernando Menoyo - Bert J. Harris Jr. Claim Vs. City of Coral Gables



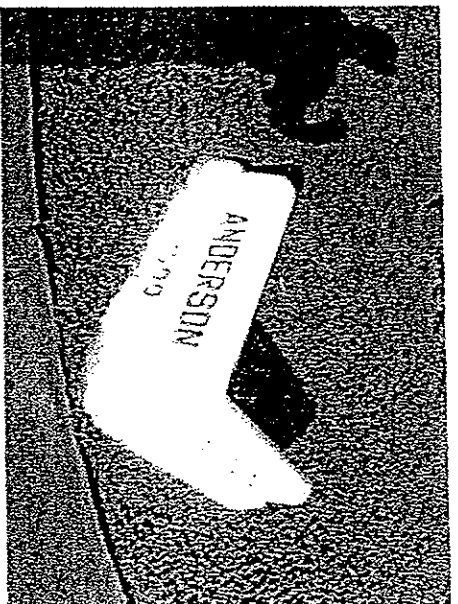
Fernando Menoyo - Bert J. Harris Jr. Claim Vs. City of Coral Gables



Fernando Menoyo - Bert J. Harris Jr. Claim Vs. City of Coral Gables



Fernando Menoyo - Bert J. Harris Jr. Claim Vs. City of Coral Gables



SITE SPECIFIC

APPENDIX A -- SITE SPECIFIC ZONING REGULATIONS

SECTION A-12 -- Coral Gables Biltmore Section

A. Height of buildings.

1. Height of buildings on the following described properties shall have a height limitation of forty-five (45) feet and 3 stories:
 - a. Coral Gables Biltmore Section, Plat Book 20, Page 28, Lots 1, 2, 42 and 43, Block 10;
 - b. Coral Gables Biltmore Section, Plat Book 20, Page 28, Lots 1, 2, 18, 19, 20, 21, 22, 23, Block 11.
2. Height shall be defined as per Section 4-104: The maximum permitted height is measured from established grade to the flat roof deck and when there is no flat roof deck, the height shall be to the tie-beam on the top floor of the building. Mechanical equipment areas and decorative roof structures may extend beyond the permitted height of a total of ten (10) feet. When more than one of the following conditions occurs for a specific property, the more restrictive condition shall apply.

SECTION A-3(A) -- Almeria Replat

A. Height of buildings.

1. Height of buildings on the following described properties shall have a height limitation of forty-five (45) feet and 3 stories:
 - a. Almeria Replat, Plat Book 166, Page 82, Lots 6, 7, 8, 9, 10, Block 1
2. Height shall be defined as per Section 4-104: The maximum permitted height is measured from established grade to the flat roof deck and when there is no flat roof deck, the height shall be to the tie-beam on the top floor of the building. Mechanical equipment areas and decorative roof structures may extend beyond the permitted height of a total of ten (10) feet. When more than one of the following conditions occurs for a specific property, the more restrictive condition shall apply.

City of Coral Gables
Planning Department Staff Report

To: Planning and Zoning Board Members

From: Planning Department

Date: September 27, 2006

Subject: Presentation of proposed Zoning Code and Zoning Map Amendments.
Consideration and recommendation on the new Zoning Code (item 1) and City Zoning Map amendments including change of zoning for existing inconsistent properties and adoption of new Zoning Map designations (items 2 and 3 – two part process), as follows:

1. AN ORDINANCE REPEALING THE ZONING CODE OF THE CITY OF CORAL GABLES, FLORIDA, AS AMENDED, AND ALL OTHER CITY CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE, AND ADOPTING A NEW ZONING CODE TO BE KNOWN AS THE ZONING CODE OF THE CITY OF CORAL GABLES, FLORIDA, WHICH PERTAINS TO THE GENERAL PROVISIONS OF THE ZONING CODE; THE ESTABLISHMENT OF THE DECISION MAKING AND ADMINISTRATIVE POWERS AND DUTIES OF THE CITY COMMISSION, PLANNING AND ZONING BOARD, BOARD OF ARCHITECTS, BOARD OF ADJUSTMENT, HISTORIC PRESERVATION BOARD, CODE ENFORCEMENT BOARD, TICKET HEARING OFFICERS, ENFORCEMENT OFFICERS, DEVELOPMENT REVIEW COMMITTEE AND PLANNING AND ZONING ADMINISTRATORS; THE ESTABLISHMENT OF DEVELOPMENT REVIEW PROCEDURES, INCLUDING NOTICE AND HEARING REQUIREMENTS RELATED TO BUILDING SITE APPROVALS, CONDITIONAL USES, PLANNED AREA DEVELOPMENTS, MORATORIUMS, VARIANCES, SUBDIVISIONS, TRANSFER OF DEVELOPMENT RIGHTS, HISTORIC PRESERVATION AND PROCEDURES, ABANDONMENT AND VACATIONS, CONCURRENCY REVIEW, ZONING CODE AMENDMENTS, ZONING MAP AND LAND USE PLAN AMENDMENTS, DEVELOPMENTS OF REGIONAL IMPACT, THE PROTECTION OF LANDOWNERS' RIGHTS, VESTED RIGHTS DETERMINATIONS, UNITY OF TITLE AND DECLARATION OF RESTRICTIVE COVENANTS, DEVELOPMENT AGREEMENTS AND APPEALS PROCEDURES; THE ESTABLISHMENT OF ZONING DISTRICTS APPLICABLE TO ALL LAND WITHIN THE CORPORATE LIMITS OF THE CITY, INCLUDING RESIDENTIAL, OVERLAY AND SPECIAL PURPOSE, AND NON-RESIDENTIAL DISTRICTS, AND PROVIDING AUTHORIZED AND PROHIBITED USES WITHIN EACH ZONING DISTRICT; THE ESTABLISHMENT OF DEVELOPMENT STANDARDS, INCLUDING THOSE RELATED TO DESIGN, LANDSCAPING, LIGHTING, PARKING AND LOADING, CONSTRUCTION, PLATTING, ROOFS, SANITATION SYSTEMS,

SCREENING, SIGNS, AND WALLS AND FENCES, WHICH ARE APPLICABLE TO USES PERMITTED WITHIN THE VARIOUS ZONING DISTRICTS AND ALL OTHER DEVELOPMENT ACTIVITIES SUCH AS ACCESSORY USES, AUTOMOBILE SERVICE STATIONS, AWNINGS AND CANOPIES, CLEARING, FILLING, AND EXCAVATION ACTIVITIES, COTTAGES, DOCKS AND OTHER WATERCRAFT MOORINGS, GROUP HOMES, ASSISTED LIVING AND CHILD CARE FACILITIES, HELIPORTS AND HELISTOPS, TELE-COMMUNICATION FACILITIES, UNDERGROUND UTILITIES AND TEMPORARY USES; THE ESTABLISHMENT OF REGULATIONS CONCERNING NONCONFORMING USES, STRUCTURES, SIGNS AND LAWFULLY EXISTING USES; THE ESTABLISHMENT OF PROVISIONS GOVERNING THE ADMINISTRATION, INTERPRETATION AND ENFORCEMENT OF THE NEW ZONING CODE; PROVIDING FOR DEFINITIONS APPLICABLE TO THE ZONING CODE; PROVIDING APPENDICES IN SUPPORT OF THE ZONING CODE, INCLUDING SITE SPECIFIC ZONING REGULATIONS, A FOUNDATION MAP, AND CAMPUS PERIMETER MAP; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; PROVIDING FOR THE PROPER NOTICE OF PROPOSED ENACTMENT AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE ZONING CODE; AND PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

2. AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES APPROVING A CHANGE OF ZONING TO THE OFFICIAL ZONING MAP OF THE CITY OF CORAL GABLES, FLORIDA FOR VARIOUS PROPERTIES REFERENCED HEREIN FOR THE PURPOSE OF CORRECTING INCONSISTENCIES BETWEEN COMPREHENSIVE LAND USE PLAN MAP AND ZONING MAP CLASSIFICATIONS , REFERENCED HEREIN AS THE "INCONSISTENCIES LOCATION MAP" AND LEGALLY DESCRIBED IN THE "INCONSISTENT USES TABLE"; AND PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.
3. AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES APPROVING AN UPDATE AND REVISION OF THE ZONING MAP CLASSIFICATIONS PURSUANT TO THE ZONING CODE REWRITE AND CITYWIDE CHANGE OF ZONING AND ASSIGNMENT OF THE NEW ZONING MAP CLASSIFICATIONS TO THE OFFICIAL ZONING MAP OF THE CITY OF CORAL GABLES, FLORIDA FOR ALL PROPERTIES LOCATED WITHIN THE CITY, WHICH IS PART TWO OF A TWO PART PROCESS, AND PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Recommendation

The Planning Department recommends the Planning and Zoning Board based upon the findings of fact herein recommends approval of the following:

Zoning Code Rewrite – Presentation of Proposed Zoning Code
September 27, 2006
Page 3 of 4

1. Recommendation for adoption of the final Zoning Code including all Articles and Sections.
2. Recommendation for adoption of the Inconsistent Properties Map Ordinance. Change of existing Zoning Map classifications on specific inconsistent properties to provide for the correct Zoning Map classification to be consistent with the current/correct Comprehensive Land Use Plan (CLUP) Map classification.
3. Recommendation for adoption of the new Zoning classifications and Map Ordinance per the Zoning Code rewrite.

Background

The new Zoning Code and Zoning Map were presented to the Planning and Zoning Board at a public hearing on 09.06.06. At that meeting issues were identified and revisions were discussed which have been incorporated by Staff into the final Zoning Code document. A copy of the final Zoning Code is provided in ~~striketrough~~ / underline format as Attachment A. An addendum of amendments summarizing the changes made is provided for the Board's reference at the front of the final Zoning Code document. A copy of the 09.06.06 Staff report including background information on the Zoning Code rewrite process and attachments previously provided to the Board is included as Attachment B. Verbatim minutes of the 09.06.06 Board meeting are provided as Attachment C.

Staff is requesting policy direction from the Planning and Zoning Board on six (6) remaining issues. Those issues are identified in the following chart. Staff's recommendation is also provided for each issue for the Board's consideration and discussion:

Issue	Section page / line	Proposed Zoning Code Provision	Staff Recommendation
MF1 (duplex) District height.	Sec. 4-102 page 4-10 lines 27-34	Not to exceed twenty-nine (29) feet above established grade.	Remain as proposed.
MF1 (duplex) District and MFSA District townhouse density.	N/A	Property designated on the City's Comprehensive Land Use Plan (CLUP) Future Land Use Map as "Residential Use (Multi Family) Duplex Density" is limited to a maximum 9 units per acre.	This existing CLUP requirement currently regulates the density of property designated for duplex development within the City, and is not proposed to be amended.
Townhouse regulations.	Sec. 4-104 pages 4-15 thru 4-18	Performance standards for townhouses are provided on pages 4-15 thru 4-18. In summary: Height: max. 45' (max. 35' within 50' of SFR District) FAR: max. 2.0 Setbacks: front - 10' interior side - 0' street side - 10' rear - 10' Frontage: 16' min.	Remain as proposed in MFSA District and MF2 District. Townhouse provisions have been removed from MF1 District.
Mixed Use District (MXD) minimum site size.	Sec. 4-201 page 4-24 line 13	Minimum site area for a proposed district is twenty-thousand (20,000) square	Minimum area requirement to apply to designation of MXD districts only. No

Zoning Code Rewrite – Presentation of Proposed Zoning Code
September 27, 2006
Page 4 of 4

Issue	Section page / line (chart)	Proposed Zoning Code Provision	Staff Recommendation
		feet.	minimum area requirement for individual projects.
Upgrading of nonconforming use – change of ownership.	Sec. 6-206 page 6-1 lines 50-53	Requires property be brought into conformance in the event of a change of ownership or substantial renovation of a nonconforming use.	Remain as proposed.
University of Miami Campus (UMC) District	Sec. 4-202 (reserved)	Proposed provisions not included.	Review and recommendation by Board at future PZB meeting.

Public Notification/Comments

The following has been completed to solicit input and provide notice of this public hearing:

Type	Explanation
Newspaper ad published for proposed Zoning Code	Completed 09.18.06
Newspaper ad published for rezoning of inconsistent properties and new Zoning Map	Completed 09.18.06
Inconsistent properties posted	Completed 08.25.06
Certified notification letter mailed to inconsistent property owners	Completed 08.25.06
Email notification sent to interested individuals	Completed 09.12.06
Posted agenda on City web page/City Hall	Completed 09.19.06
Posted Staff report on City web page	Completed 09.19.06

An updated synopsis of public comments received since 05.26.06 is provided as Attachment D. Copies of the published newspaper notifications for the new Zoning Code, Zoning Map inconsistencies and the new Zoning Map are provided as Attachments E and F.

Respectfully submitted,

Eric Riel, Jr.
Planning Director

Attachments:

- New Zoning Code document with an addendum of changes from 09.06.06 Planning and Zoning Board meeting shown in ~~strikethrough~~ / underline format.
- 09.06.06 Staff report with attachments.
- 09.06.06 Planning and Zoning Board verbatim meeting minutes (provided separately in meeting package for Board approval).
- Synopsis of public comments received (05.26.06. thru 09.15.06).
- Copy of published newspaper notification for proposed Zoning Code.
- Copy of published newspaper notification for rezoning of inconsistent properties and new Zoning Map.

ARTICLE 4 - ZONING DISTRICTS

- ii. Buildings with a height of forty-five (45) feet or less. Twenty (20) feet.
 - iii. Buildings with a height greater than forty-five (45) feet. Twenty (20) feet, provided however, that any portion of a building which has a height of greater than twenty-four (24) feet, shall be set back an additional ten (10) feet.
 - iv. Adjustment to front setback. In the event that there is public right-of-way between the edge of street pavement and the front property line of the parcel proposed for development, the required front setback shall be reduced by the distance between the edge of pavement and the front property line; provided however, that in no case shall a building be constructed within five (5) feet of the front property line.
 - b. Side setbacks.
 - i. Interior property line and abutting alley side setback.
 - (a) Townhouses with a height of forty-five (45) feet or less. None
 - (b) Buildings with a height of forty-five (45) feet or less. Five (5) feet.
 - (c) Buildings with a height of greater than forty-five (45) feet. Ten (10) feet, provided however, that any portion of a building which has a height of greater than twenty-four (24) feet, shall be set back an additional ten (10) feet.
 - ii. Abutting a public street.
 - (a) Buildings with a height of forty-five (45) feet or less. Ten (10) feet.
 - (b) Buildings with a height of greater than forty-five (45) feet. Ten (10) feet, provided however, that any portion of a building which has a height of greater than twenty-four (24) feet, shall be set back an additional five (5) feet.
 - c. Rear setback. Ten (10) feet or five (5) feet if rear property line abuts an alley.
6. Floor area ratio. Maximum floor area ratio (FAR) shall not exceed 2.0.
7. Determination of maximum square foot floor area or FAR: The total floor area of a building or buildings on a building site divided by the area of the site. The total floor area shall include the gross horizontal area of the several stories of any building or buildings on the site, as measured from the exterior face of exterior walls (not the windows or doors in the exterior walls), and shall include any building area not specifically excluded by this section as floor area excluded from computing the FAR of a building or buildings. The floor area of a building that is excluded from the determination of a buildings floor area ratio in this District shall include the following:
 - a. Unenclosed private balconies.
 - b. Off-street parking garages.
 - c. Corridors on the ground floor of the building.
 - d. Corridors located above the ground floor that are at least fifty percent (50%) open and unenclosed.
 - e. Open stairwells.
9. Height. The maximum permitted height of MFSA buildings is as follows:
 - a. Parcels of land abutting or contiguous to SFR Districts. Forty-five (45) feet, except that no portion of any building within fifty (50) feet of any property line which abuts or is contiguous to land designated as an SF District shall have a height in excess of thirty-five (35) feet.
 - b. Parcels of land adjacent to SFR Districts. Forty-five (45) feet.
 - c. Parcels of land which are contiguous or adjacent to MF1 Districts or land designated as public buildings and grounds. Forty-five (45) feet.

ARTICLE 4 - ZONING DISTRICTS

- 1 d. Parcels of land designated residential use - multi-family low density.
2
3 i. Parcels of land which are contiguous or adjacent to parcels designated residential use -
4 multi-family low-density land use designations: forty-five (45) feet.
5 ii. Parcels of land which are contiguous or adjacent to other parcels designated residential
6 use - multi-family medium density land use designations: forty-five (45) feet.
7 iii. Parcels of land which are contiguous or adjacent to parcels designated residential use -
8 multi-family high density or commercial use high-rise intensity land use designations:
9 sixty (60) feet.
10
11 e. Parcels of land designated Comprehensive Land Use Plan Residential use - multi-family
12 medium density.
13
14 i. Parcels of land which are contiguous or adjacent to parcels designated residential use -
15 multi-family low-density land use designations: sixty (60) feet.
16 ii. Parcels of land which are contiguous or adjacent to parcels designated residential use -
17 multi-family medium density land use designations: sixty (60) feet or seventy (70) feet if a
18 parcel of land has an area of 20,000 square feet or more.
19 iii. Parcels of land which are contiguous or adjacent to parcels designated residential use -
20 multi-family high density or commercial use high-rise intensity land use designations:
21 sixty (60) feet or one-hundred (100) feet if a parcel of land has an area of 20,000 square
22 feet or more.
23
24 f. Parcels of land designated Comprehensive Land Use Plan Residential Use - Multi-Family
25 High Density.
26
27 i. Parcels of land which are contiguous or adjacent to parcels designated residential use -
28 multi-family low-density land use designations: sixty (60) feet or seventy (70) feet if a
29 parcel of land has an area of twenty-thousand (20,000) square feet or more.
30 ii. Parcels of land which are contiguous or adjacent to parcels designated residential use -
31 multi-family medium density land use designations:
32 (a) Sixty (60) feet if a parcel of land is less than ten-thousand (10,000) square feet, or
33 seventy (70) feet if a parcel of land has an area of 10,000 square feet or greater but
34 less than twenty-thousand (20,000) square feet; or,
35 (b) One hundred (100) feet if a parcel of land has an area of 20,000 square feet or more.
36 iii. Parcels of land which are contiguous or adjacent to other parcels designated residential
37 use - multi-family high density or commercial use high-rise intensity land use
38 designations: sixty (60) feet or one-hundred-fifty (150) feet if a parcel of land has an area
39 of twenty-thousand (20,000) square feet or more.
40
41
42 g. Parcels of land abutting existing buildings with non-conforming heights. Notwithstanding any
43 other provision of this Subsection 8, a parcel of land which is proposed for development
44 which abuts parcels of land on three sides improved with existing buildings with heights
45 exceeding the maximum permitted height shall have a maximum permitted height of: the
46 lowest height of the three buildings on the parcels abutting the parcel proposed for
47 development.
48
49 h. Height summary. The following matrix summarizes the provisions of Subsection I, 1-6:

1 MR. SALMAN: Good evening.

2 MR. RIEL: Okay, also on Page 4-10, we added
3 the reference to architectural style, because it was
4 not referenced herein. So we referenced that
5 section.

6 Page 4-11, assisted living facilities. The
7 current Code allows assisted living facilities in
8 multi-family -- or currently, apartment districts.
9 We inserted that use. We do have supplemental
10 regulations. So this was basically, by us doing the
11 cross-over analysis of that table, we found that this
12 needed to be put into this category, as well.

13 In addition, on the same page, the same
14 thing with bed and breakfasts, established -- and
15 private yacht basins. We have supplemental
16 regulations dealing with this. It was not identified
17 as a conditional use in the district, so when you go
18 to the district, you would not know unless you went
19 to the regulations. We referenced them herein.

20 4-14. This has to do with the height
21 restrictions related to adjacency of multi-family
22 buildings adjacent to single-family and MF1
23 buildings. As you know, we've had a lot of
24 discussion about the height, when you're adjacent --
25 when you have the multi-family use adjacent to the

24
1 single-family. It was determined, based upon -- the
2 direction we received from the Board is to go with
3 three stories or 45 feet, within the first 50 feet of
4 that property line.

5 The remaining portion of that property line
6 would then be governed by the Comprehensive Land Use
7 Plan height, and as you know, as I indicated, there's
8 been a lot of discussion on this, this particular
9 issue, and we just reflected the Board's direction on
10 this issue.

11 MS. KEON: Can I ask a question on that?
12 And it's in some of these comments here. Do -- with
13 that maximum height, then, is it subject to
14 Mediterranean bonuses or anything else that could
15 bring it up, or are those buildings that about a
16 residential or the single-family --

17 MR. RIEL: 45 feet within 50 feet, but
18 beyond the 50 feet, it could get the bonuses.

19 MS. KEON: Yeah, no, I don't care about the
20 beyond the 50 feet, but at the 50 feet, so, even with
21 bonuses, it's not subject to bonuses, so there's no
22 way they can get above that, no matter what?

23 MR. RIEL: 45 feet, that's it.

24 MS. KEON: Okay, thank you.

25 CHAIRMAN KORGE: The height with the

1 Mediterranean bonus.

2 MR. RIEL: Three stories or 45 feet,
3 whichever --

4 CHAIRMAN KORGE: Right.

5 MR. RIEL: 4-14. We had townhouse parking
6 design standards in this section. It's more
7 appropriate to be in the parking design section. We
8 moved it to there. That's why it's been omitted.

9 4-15, the same comment on assisted living
10 facilities, was not referenced. Bed and breakfast
11 was not referenced. Private yacht basins was not
12 referenced.

13 4-17. And this -- again, this is not on
14 your -- it's not a bold item, so it's in your
15 regular -- it's in the white sheets. Again, the same
16 issue of limiting the height when it's adjacent to
17 single-family, the same language. What we found is,
18 when we went through it, it was written three
19 different ways. We put the same language all the way
20 through.

21 4-18, the same comment, townhouse parking
22 design, moved it to the parking section.

23 4-19. This is on the yellow sheets. Since
24 we enacted the moratorium regulations -- the
25 moratorium regulations, which is basically the MFSA

ARTICLE 4 - ZONING DISTRICTS

permitted height a total of ten (10) feet. When more than one of the aforementioned conditions occurs for a specific property, the more restrictive condition shall apply

~~12. Townhouse parking design standard. All off-street parking for townhouses shall be accessed from the rear of the property, either off of an alley or off of a driveway acting as an alley at the rear of the property. No driveways or garage doors shall be permitted along the street frontage of any individual townhouse.~~

11. Parking garages. In the event that structured parking is to be constructed above grade, the facades of the garage shall be designed and improved so that the use of the building as a garage is not readily apparent. That portion of the parking garage that is constructed at ground level shall be screened from street view with living units, portions of living units, or other usable building area, except for vehicular entrance and exit areas. Entrances and exits to garage areas shall have gates that at least partially conceal the interior of the garage from street view. The sides and if necessary the rear of parking structures shall be screened from view of the street with a combination of walls and landscaping as shall be approved by the Board of Architects.

12. Refuse and waste disposal facilities. Refuse and waste disposal facilities shall be enclosed within a building or structure which reflects the architectural character and exterior finishes of the building which is to be served by the facilities. An enclosure used exclusively for refuse and waste facilities may be located in a required front setback area.

13. Minimum dwelling unit floor area. Each dwelling unit shall have a minimum floor area of five-hundred-seventy-five (575) square feet.

14. Architectural style. See Article 5, Division 6.

Section 4-104. Multi-family Special Area (MFSA) District.

A. Purpose and applicability. The purpose of the Multi-family Special Area (MFSA) District is to accommodate various forms of multi-family housing to meet the housing needs of a diverse community, while ensuring that there is a transition to single-family neighborhoods which protects the integrity of those neighborhoods. These regulations are applicable to MFSA zoned property in the area bounded by Biltmore Way to the North, Bird Road to the South, Granada Boulevard to the West and Le Jeune Road to the East.

B. Permitted principal uses and structures. The following uses are permitted in the MFSA District.

1. Accessory uses, buildings or structures.

2. Assisted living facilities (ALF).

3. Duplex dwellings that conform to the performance standards for duplex buildings in an MF1 District.

3. Family day care as required and defined pursuant to Florida Statutes.

4. Multi-family dwellings.

5. Single-family dwellings that conform to the standards for single-family residences in an SFR District.

6. Townhouse dwellings.

7. Utility infrastructure facilities.

ARTICLE 4 - ZONING DISTRICTS

C. Conditional uses. The following uses are permitted in the MFSA District as conditional uses, if approved under the provisions of Article 3 Division 4, subject to the standards in this Section and other applicable regulations in Article 5:

1. Bed and breakfast establishments.

2. Private yacht basins.

D. Performance standards. The following performance standards shall govern the general development of structures in this District. Where there are specific standards for properties that are specifically set forth in the Site Specific Zoning Regulations, the regulations in the Site Specific Regulations shall apply (see Appendix A).

1. Building sites. Buildings and structures constructed in this District shall be constructed or erected upon a building site containing at least one platted lot, and such building site shall have a minimum street frontage of fifty (50) feet.

2. Minimum parcel dimensions.

a. Buildings with a height of less than seventy (70) feet. Multi-family dwellings shall be constructed on a parcel of land with a width of not less than fifty (50) feet or a depth of not less than one hundred (100) feet.

b. Buildings with a height of seventy (70) feet or greater. Multi-family dwellings with a height of seventy (70) feet or greater shall be constructed on a parcel of land with an area of not less than twenty thousand (20,000) square feet and at least one hundred (100) feet of frontage on a public road.

c. Townhouses. Minimum parcel width of sixteen (16) feet.

3. Maximum density. Sixty (60) dwelling units per acre or the density provided in the Comprehensive Land Use Plan, with architectural incentives, whichever is less.

4. Facing of lots and buildings. The facing of a building site shall be based on the platting of the lots that comprise the building site, except for specific deviations or exceptions prescribed in the Site Specific Zoning Regulations in Appendix A. Every lot shall be deemed to face the street upon which it abuts; if a lot abuts upon more than one street, it shall be deemed to face the street upon which it has the shortest street line; and any building shall face the front of the lot, and be subject to the restrictions governing buildings on each street on which it is deemed to face.

5. Setback requirements. No building or structure, or any part thereof, including porches, projections or terraces, but not including uncovered steps, shall be erected at a lesser distance from the front, side or rear line of any building site than the front, side or rear setback distance, respectively, prescribed and established herein for such building site.

a. Front setback. The front setback shall also be a build to line for the ground level of any building.

i. Townhouses with a height of forty-five (45) feet or less. Ten (10) feet.

ii. Buildings with a height of forty-five (45) feet or less. Twenty (20) feet.

iii. Buildings with a height greater than forty-five (45) feet. Twenty (20) feet, provided however, that any portion of a building which has a height of greater than twenty-four (24) feet, shall be set back an additional ten (10) feet.

iv. Adjustment to front setback. In the event that there is public right-of-way between the edge of street pavement and the front property line of the parcel proposed for development, the required front setback shall be reduced by the distance between the

ARTICLE 4 - ZONING DISTRICTS

edge of pavement and the front property line; provided however, that in no case shall a building be constructed within five (5) feet of the front property line.

b. Side setbacks.

i. Interior property line and abutting alley side setback.

- (a) Townhouses with a height of forty-five (45) feet or less. None.
- (b) Buildings with a height of forty-five (45) feet or less. Five (5) feet.
- (c) Buildings with a height of greater than forty-five (45) feet. Ten (10) feet, provided however, that any portion of a building which has a height of greater than twenty-four (24) feet, shall be set back an additional ten (10) feet.

ii. Abutting a public street.

- (a) Buildings with a height of forty-five (45) feet or less. Ten (10) feet.
- (b) Buildings with a height of greater than forty-five (45) feet. Ten (10) feet, provided however, that any portion of a building which has a height of greater than twenty-four (24) feet, shall be set back an additional five (5) feet.

c. Rear setback. Ten (10) feet or five (5) feet if rear property line abuts an alley.

6. Floor area ratio. Maximum floor area ratio (FAR) shall not exceed 2.0.

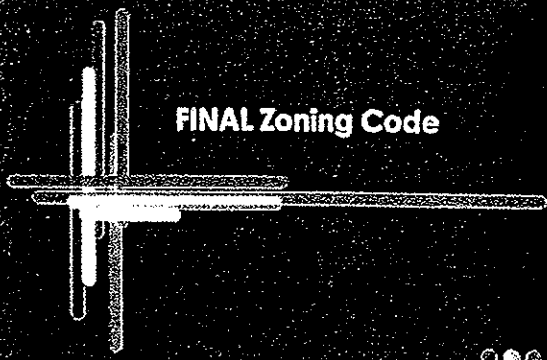
7. Determination of maximum square foot floor area or FAR: The total floor area of a building or buildings on a building site divided by the area of the site. The total floor area shall include the gross horizontal area of the several stories of any building or buildings on the site, as measured from the exterior face of exterior walls (not the windows or doors in the exterior walls), and shall include any building area not specifically excluded by this section as floor area excluded from computing the FAR of a building or buildings. The floor area of a building that is excluded from the determination of a buildings floor area ratio in this District shall include the following:

- a. Unenclosed private balconies.
- b. Off-street parking garages.
- c. Lobbies and corridors on the ground floor of the building.
- d. Corridors located above the ground floor that are at least fifty percent (50%) open and unenclosed.
- e. Open stairwells.

8. Height. The maximum permitted height of MFSA buildings is as follows:

- a. ~~Parcels of land adjacent, abutting, or contiguous (including streets, waterways and alleys) to SFR Districts. Thirty-five (35) feet within fifty (50) feet of any property line and three (3) floors or forty-five (45) feet (whichever is less) on the remaining portions. except that no portion of any building within fifty (50) feet of any property line which abuts or is contiguous to land designated as an SF District shall have a height in excess of thirty-five (35) feet.~~
- b. ~~Parcels of land adjacent to SFR Districts. Forty-five (45) feet.~~
- b. Parcels of land which are contiguous or adjacent to MF1 Districts or land designated as public buildings and grounds. Forty-five (45) feet.

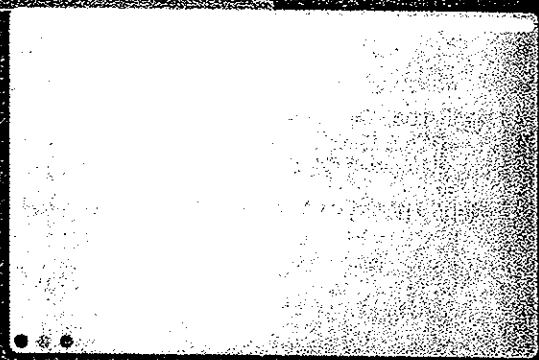
City of Coral Gables Planning Department



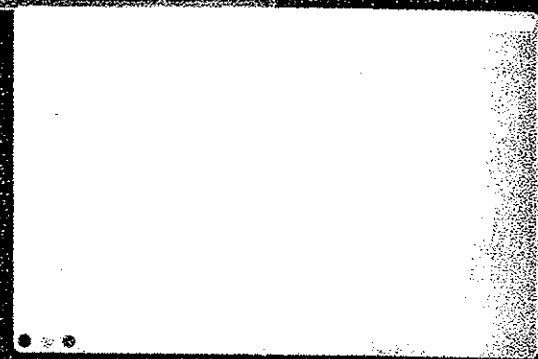
FINAL Zoning Code

City of Coral Gables | Planning and Zoning Board | 11.08.06

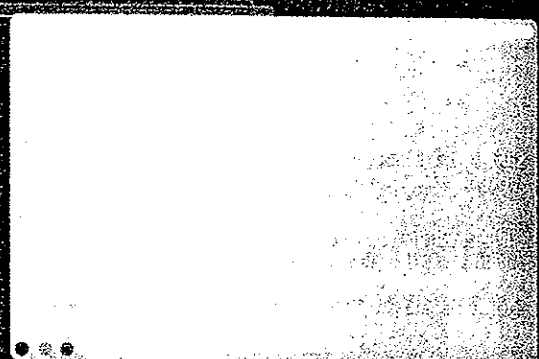
PZB review and recommendation



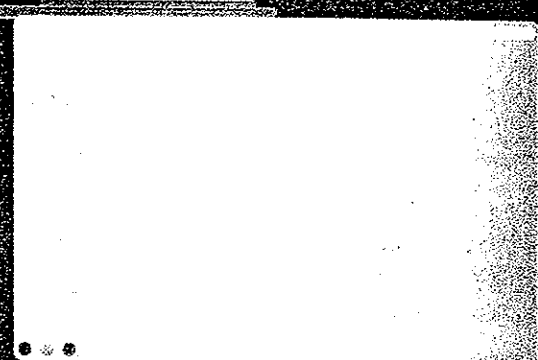
City Commission action



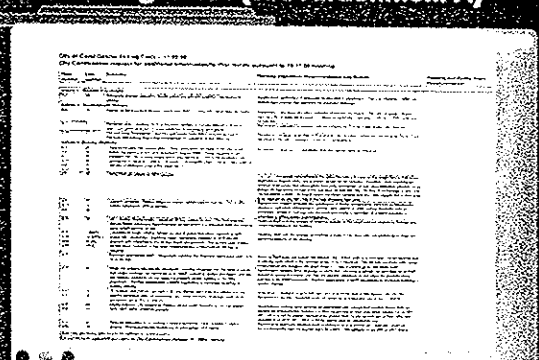
Studies



Remaining issues



Remaining issues (see Attachment A)



Item	Description	Priority	Status	Comments
1	Item 1: [illegible]	High	Open	[illegible]
2	Item 2: [illegible]	Medium	Open	[illegible]
3	Item 3: [illegible]	Low	Open	[illegible]
4	Item 4: [illegible]	High	Open	[illegible]
5	Item 5: [illegible]	Medium	Open	[illegible]
6	Item 6: [illegible]	Low	Open	[illegible]
7	Item 7: [illegible]	High	Open	[illegible]
8	Item 8: [illegible]	Medium	Open	[illegible]
9	Item 9: [illegible]	Low	Open	[illegible]
10	Item 10: [illegible]	High	Open	[illegible]

Remaining issues, cont...

1-3	23	Previously granted variances. Clarify previously granted variance time frames for vesting.
-----	----	--------------------------------------------------------------------------------------------

Remaining issues, cont...

4-6	55	50% FAR calculation on SFR garages.
-----	----	-------------------------------------

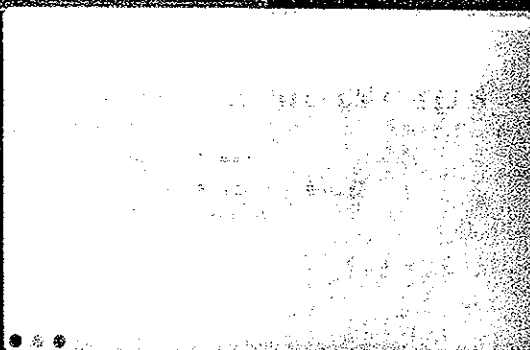
Remaining issues, cont...

4-8	23	Carport canopies. Prohibit carport canopies constructed of canvas, cloth or other similar material on SFR properties.
5-13	16	
8-5	38	

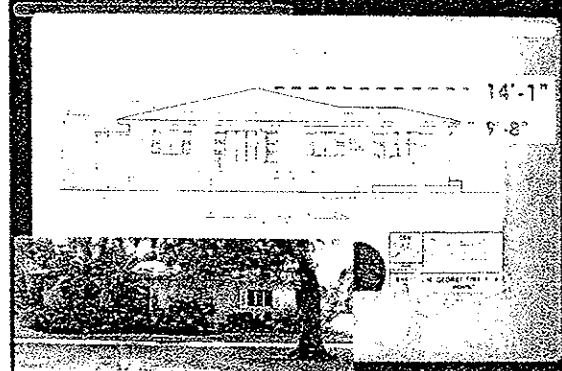
Remaining issues, cont...

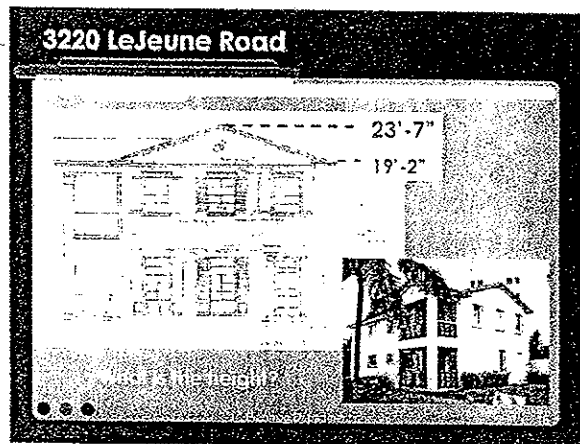
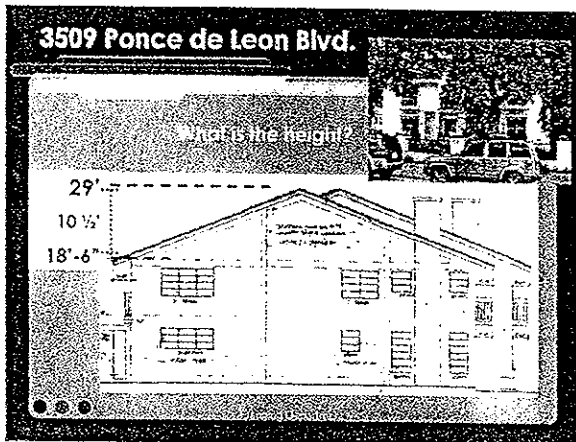
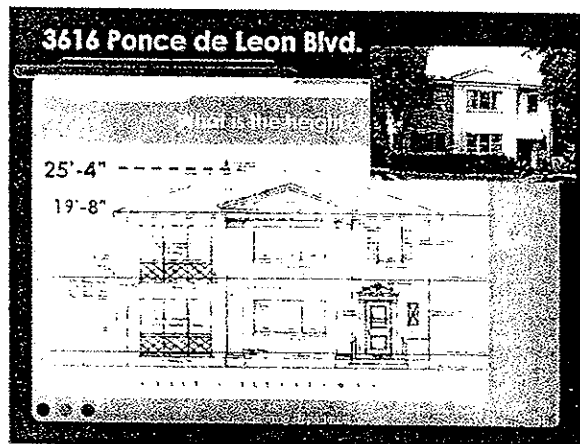
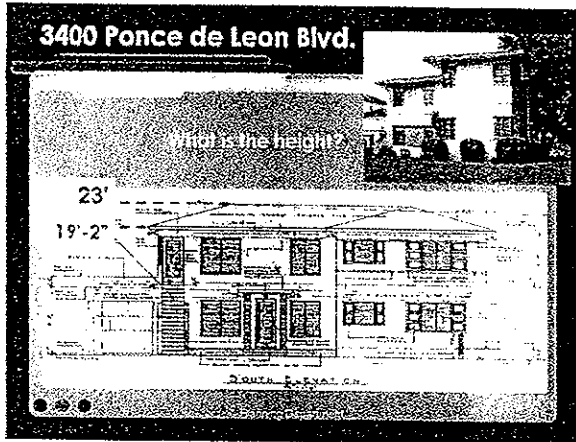
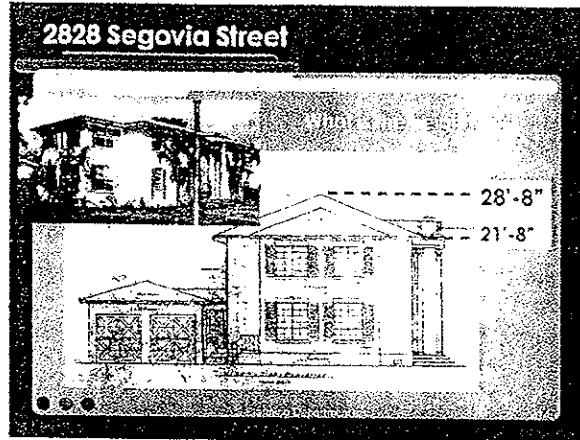
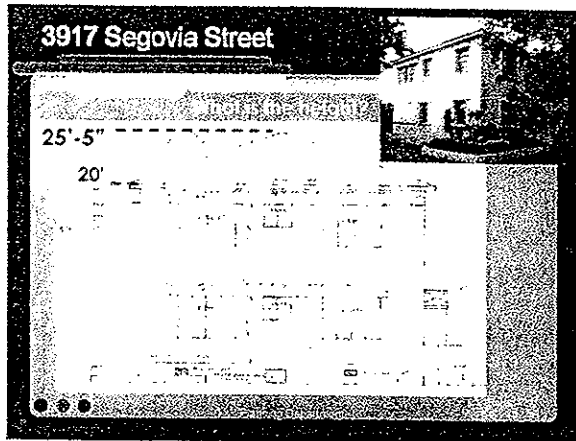
4-10	38	MF1 Duplex District height. Height of 29 feet versus 34 feet.
------	----	---------------------------------------------------------------

Study of proposed MF1 Duplex height

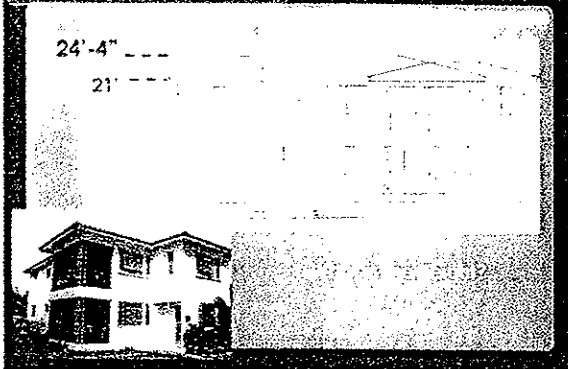


3123-25 Segovia Street

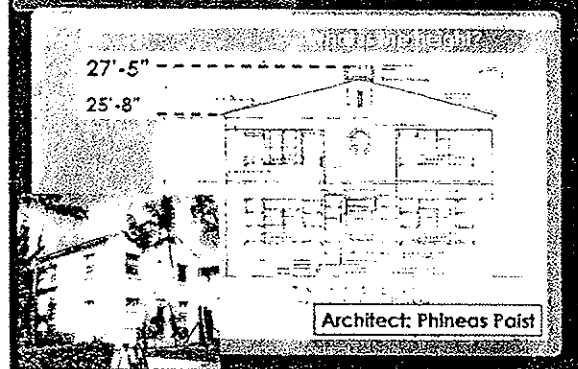




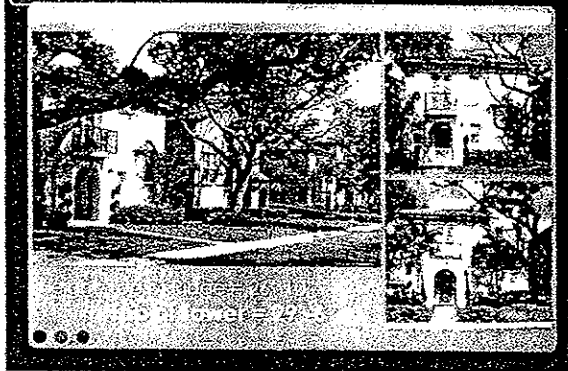
2722 LeJeune Road



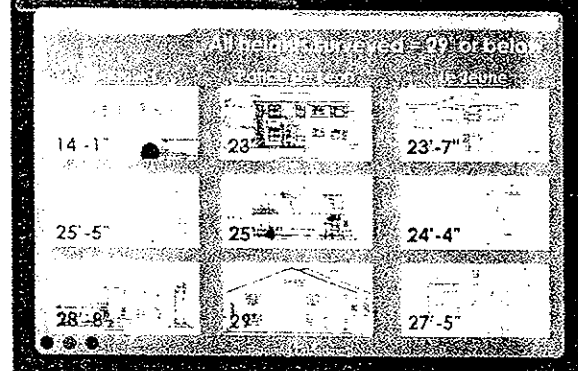
3306 LeJeune Road



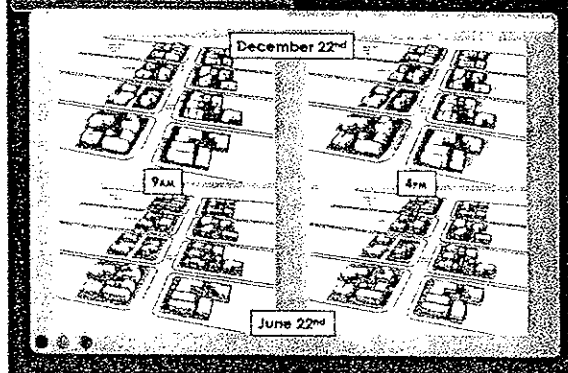
New Duplexes south of US1



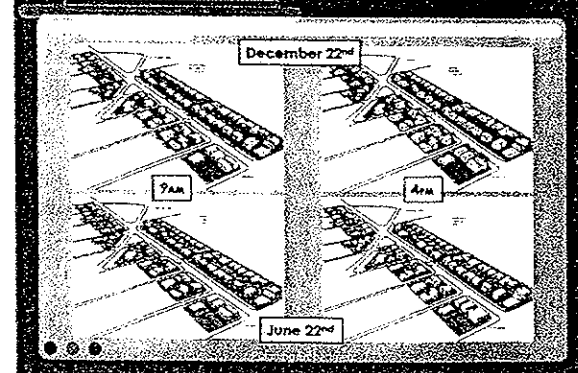
Duplex heights summary



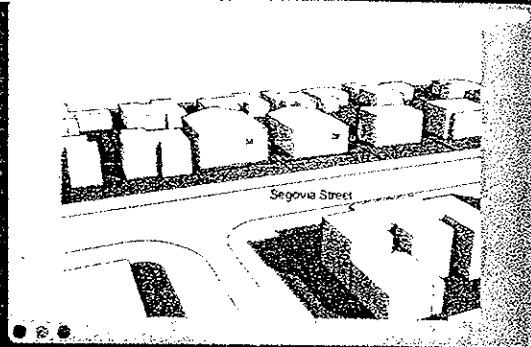
Segovia St (Almeria Ave - Malaga Ave)



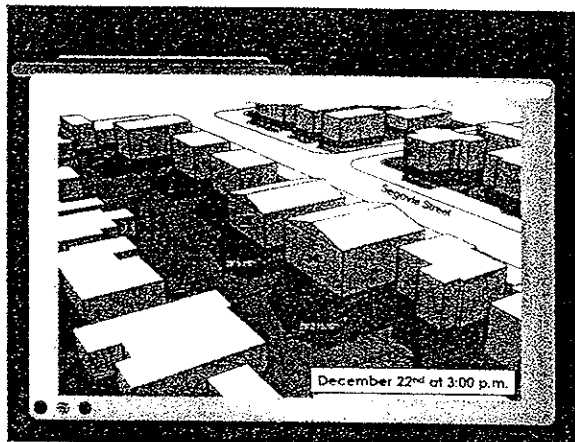
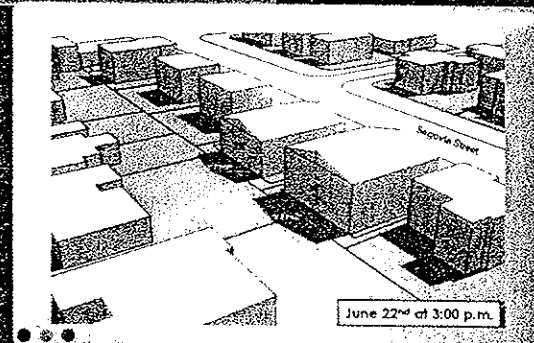
Segovia St (Riviera Dr - Bird Rd)



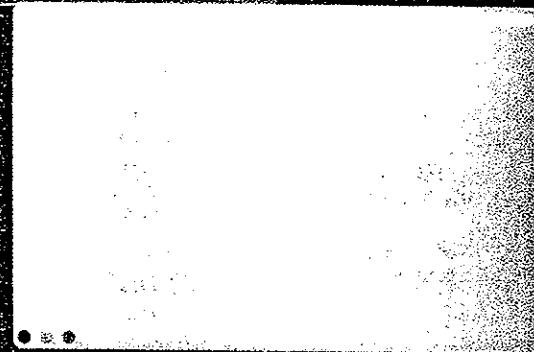
Height comparison of 29' vs 34' shadow study



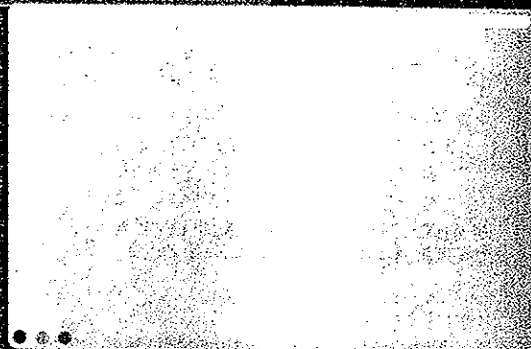
Height comparison of 29' vs 34' shadow study



Shadow study conclusion



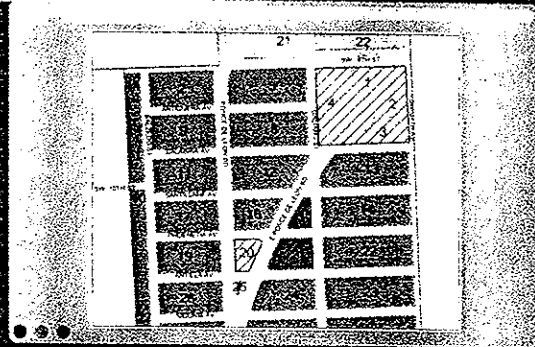
MF1 Duplex height recommendation



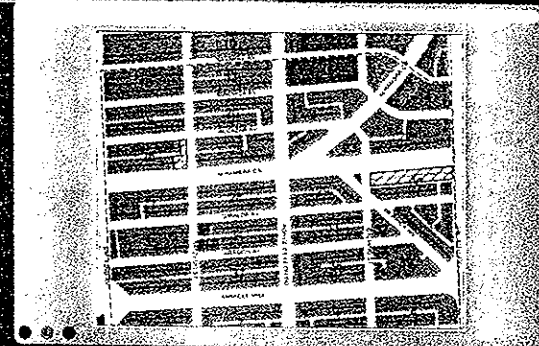
Remaining issues, cont...

4-15	1 (MF1)	Limitation of height of MF2, MFSA, CL and C properties when adjacent to SFR and/or MF1 properties.
4-18	18	
4-53	(MFSA)	
4-57	24 (CL) 13 (C)	

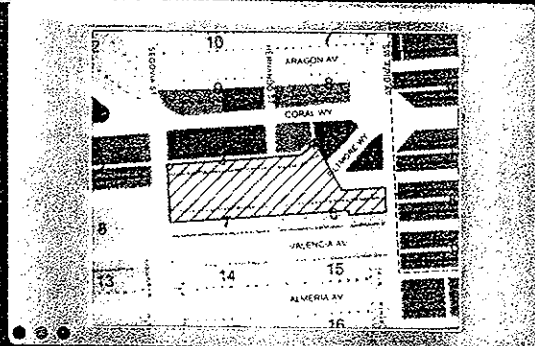
CL properties not affected by height limitation



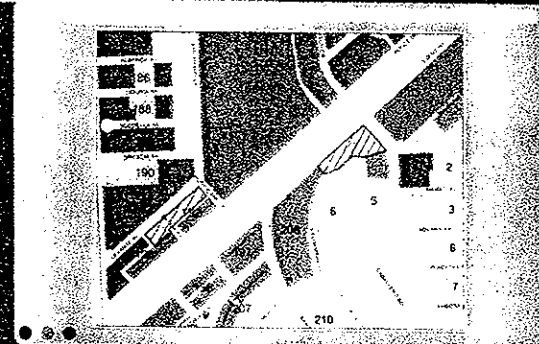
CL properties not affected by height limitation



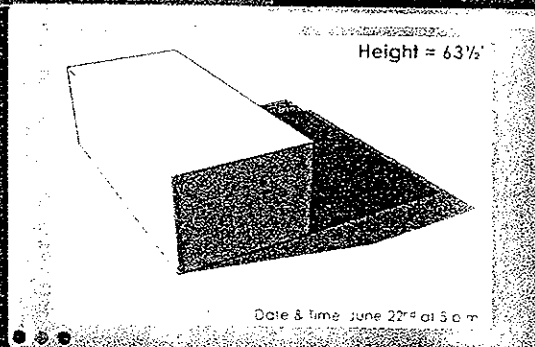
CL properties not affected by height limitation



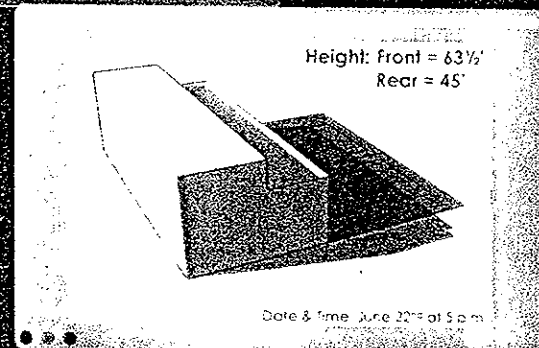
CL properties not affected by height limitation

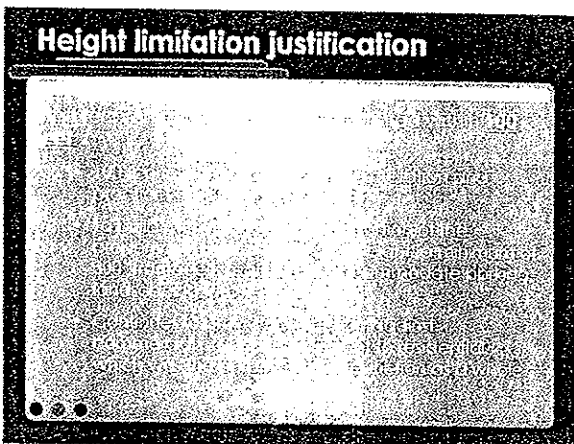
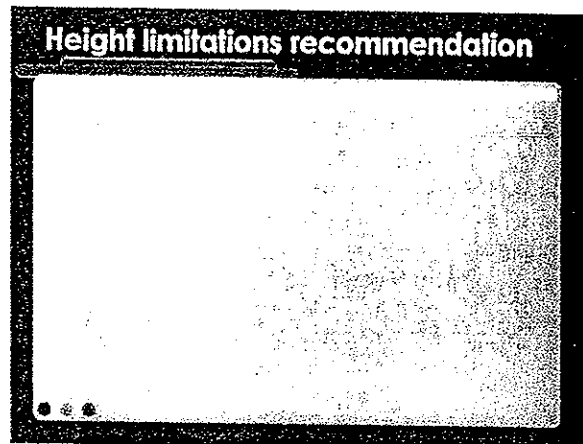
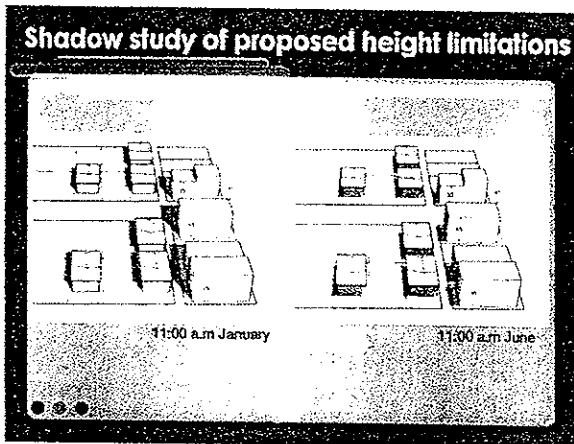
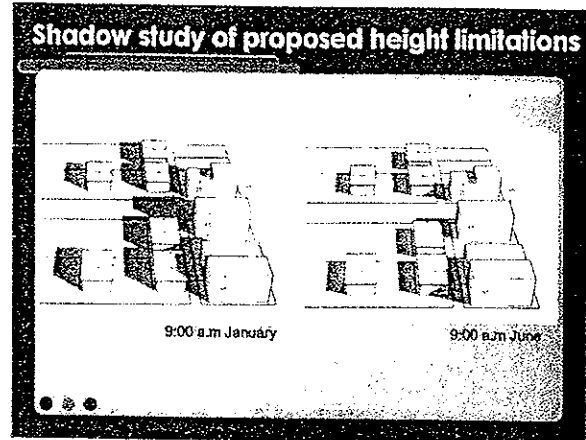
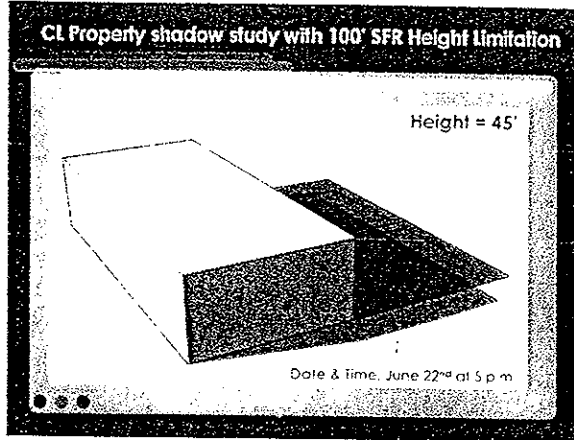


CL Property shadow study without SFR Height Limitation



CL Property shadow study with 50' SFR Height Limitation





Remaining issues, cont...

4-17	1	Minimum townhouse width. Request to increase the minimum townhouse width from 16 to 23 feet.
------	---	----------------------------------------------------------------------------------------------

Remaining issues, cont...

4-22	46	MXD and existing site specific standards.
------	----	-------------------------------------------

Remaining issues, cont...

4-51	44	Clarify required City reviews of medical clinics when adjacent to "or" not adjacent to SFR, MF1, MF2, or MFSA districts.
4-52	24	

Remaining issues, cont...

4-51	53	Request allowance of all overnight accommodations (hotel) beyond 8 rooms in a CL District.
4-52	32	

Remaining issues, cont...

4-52	20	Allowance of drive through facilities if not adjacent to SFR and MF1 districts.
------	----	---------------------------------------------------------------------------------

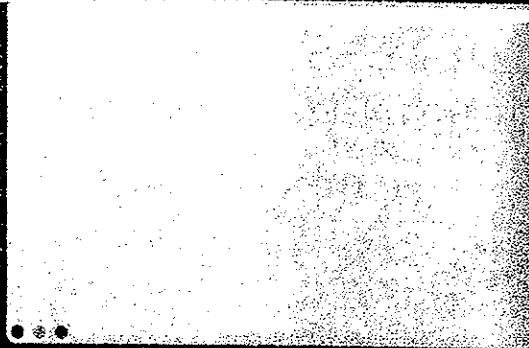
Remaining issues, cont...

4-52	39	Reduction in the minimum development standards for development for the CL zoning district.
------	----	--------------------------------------------------------------------------------------------

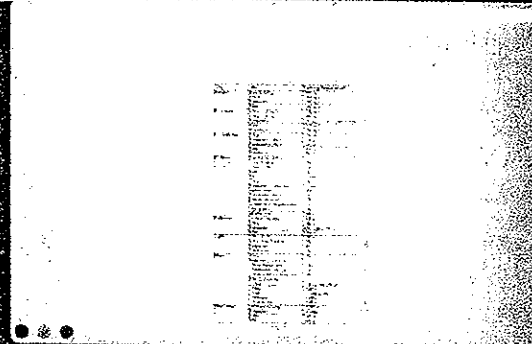
Remaining issues, cont...

5-62 (parking table)	Parking table	Retail parking requirements versus office parking requirements.
-------------------------	---------------	-----------------------------------------------------------------

Parking analysis



Parking analysis, cont...



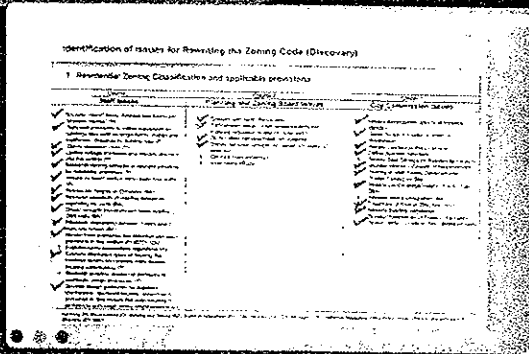
Remaining issues, cont...

8-2	1	Aggrieved party definition. Public request to allow all citizens of the City to be an aggrieved party.
-----	---	--------------------------------------------------------------------------------------------------------

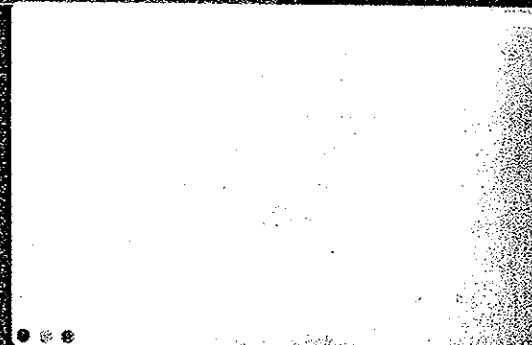
Remaining issues, cont...

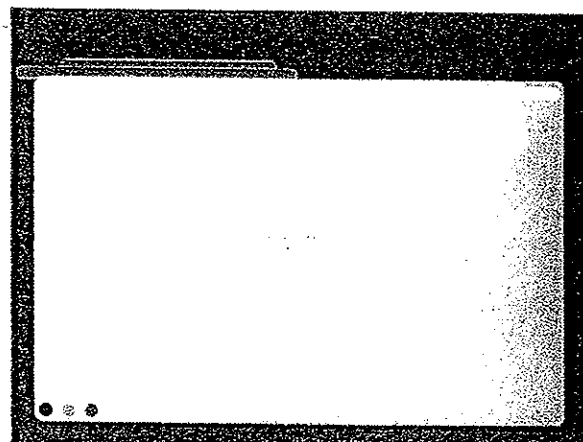
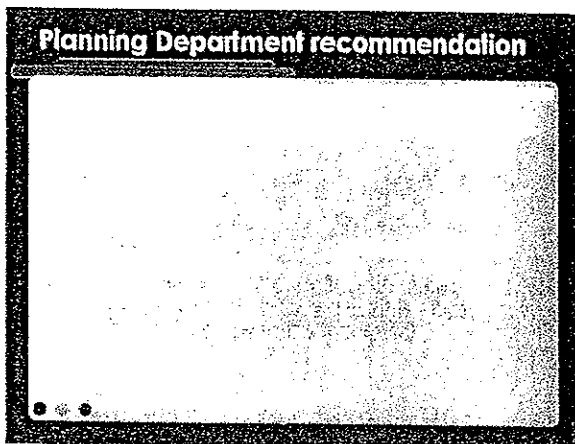
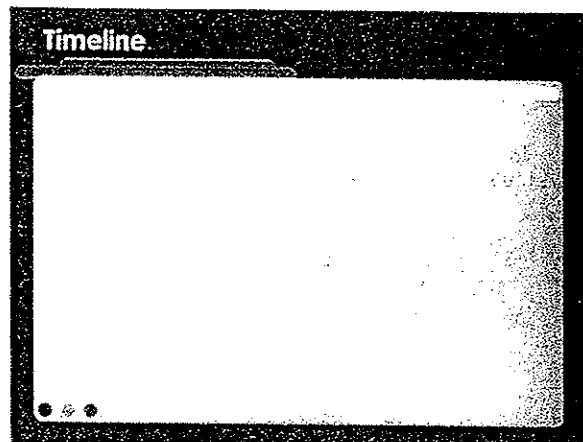
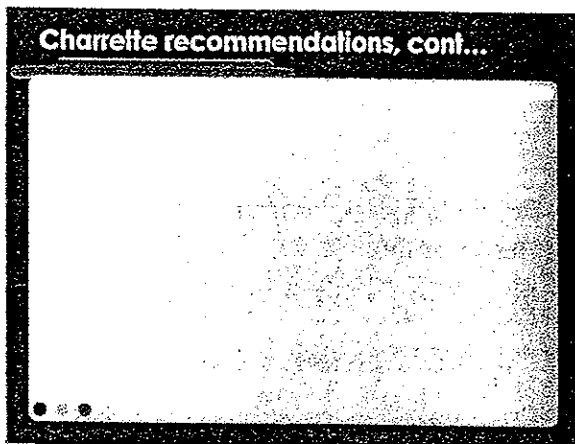
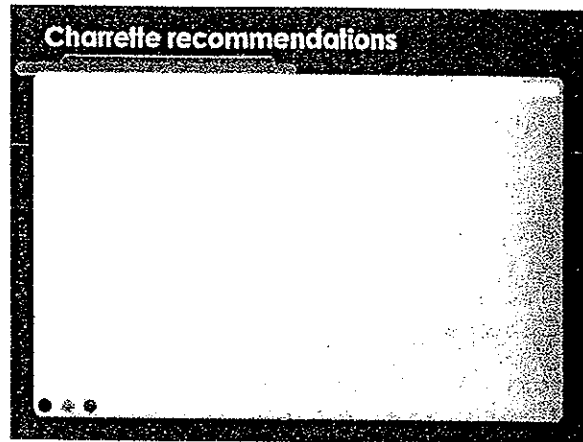
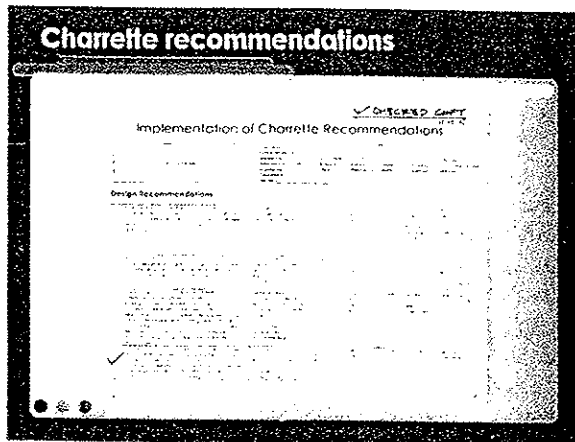
Throughout Code	Utilize the term "Market value" versus "assessed value" as the values to determine when codes are "triggered" or "applicable."
-----------------	--------------------------------------------------------------------------------------------------------------------------------

Discovery worksheets implementation



Discovery worksheets implementation





47
1 issues. They wanted some additional input from the
2 Board, and basically, what I'm going to go over this
3 evening are those issues.

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

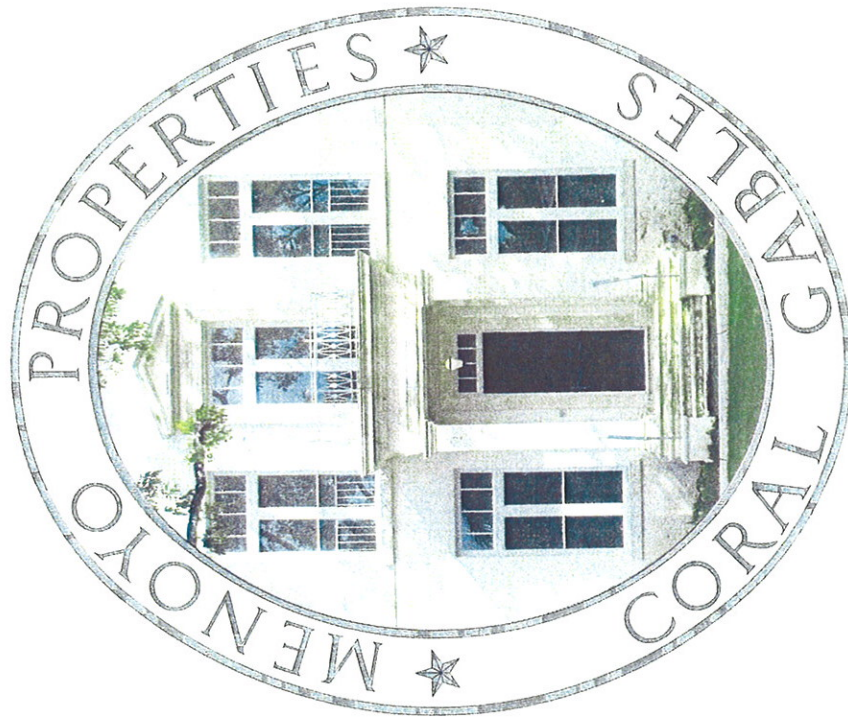
10 Just to kind of orient you on this chart,
11 this chart, on Column 1 and 2, has the page number as
12 well as the line number, and we also gave you, as a
13 part of your packet, the actual pages. But for
14 purposes of being brief, I'm going to just go
15 through the chart this evening. Basically,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

17 Go back, Scot.

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

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

ENTERED AS EXHIBIT Schedule A1
by PLANNING
THE PLANNING AND ZONING BOARD
ON 12/10/08 JM
DATE INITIALS



★ de la Guardia Victoria Architects & Urbanists, Inc. ★
224 Valencia Avenue, Coral Gables, FL 33134 tel. 305-444-6363 fax. 305-444-6614 AA2600737

Exhibit A

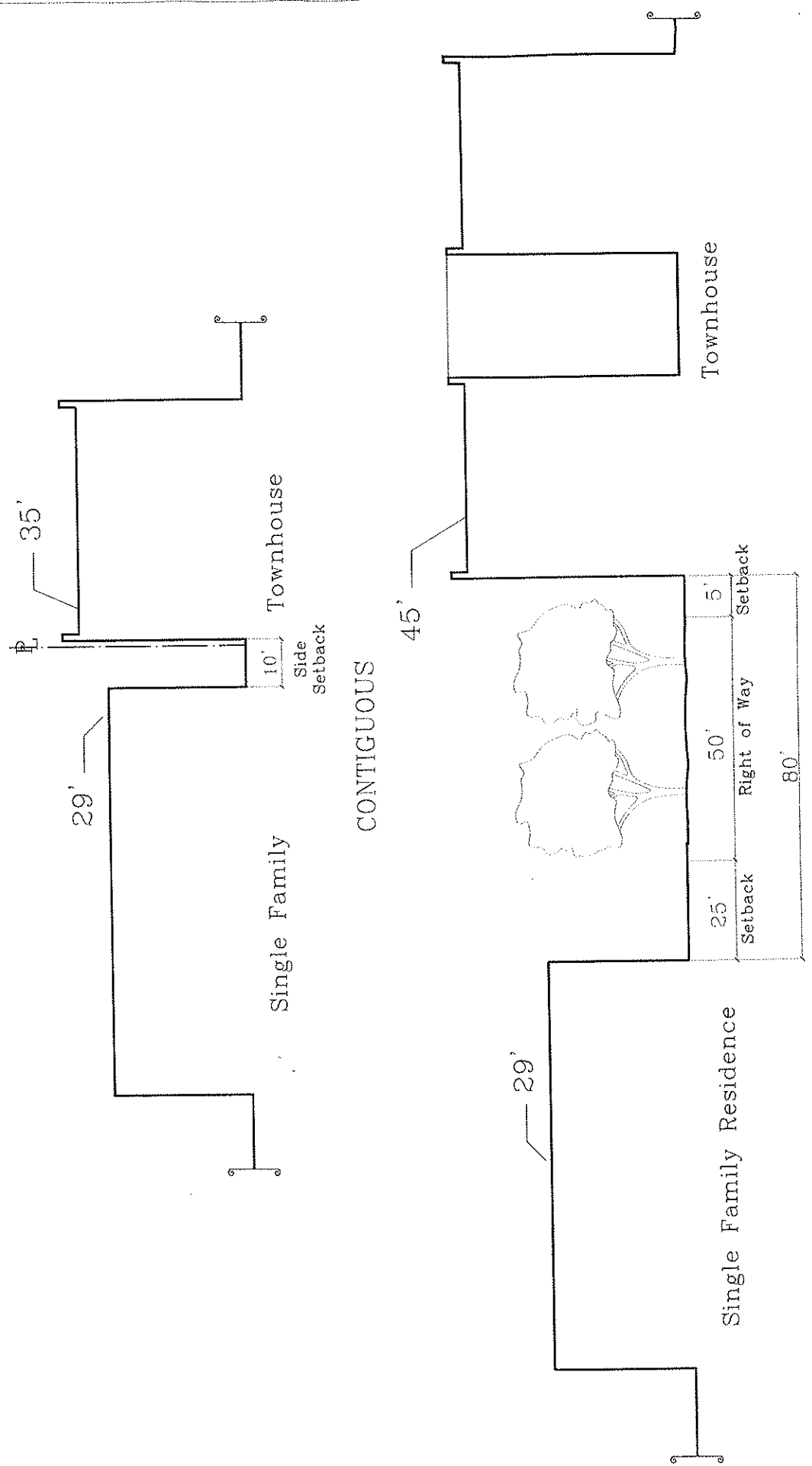


Exhibit B.1

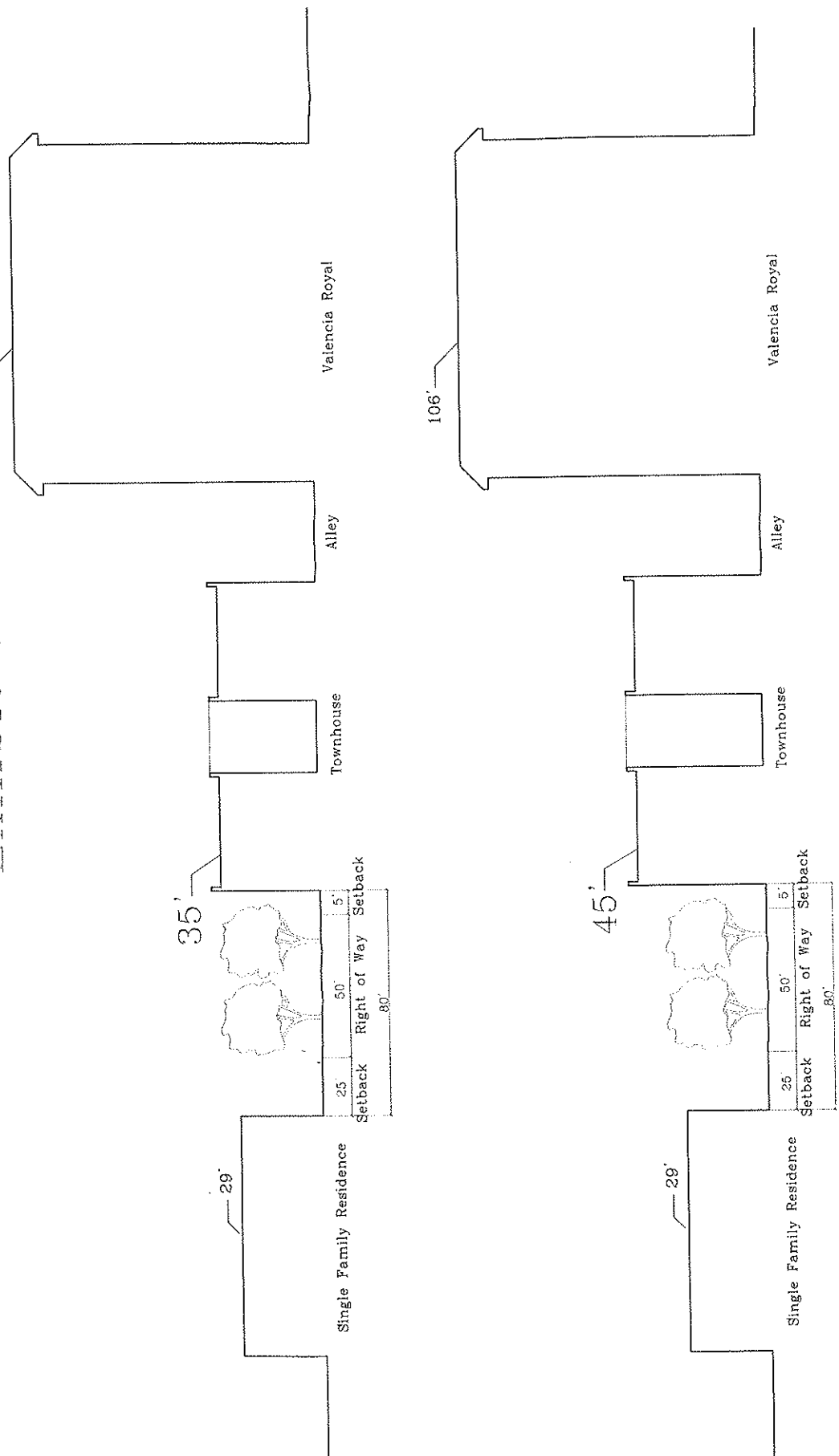


Exhibit B.2

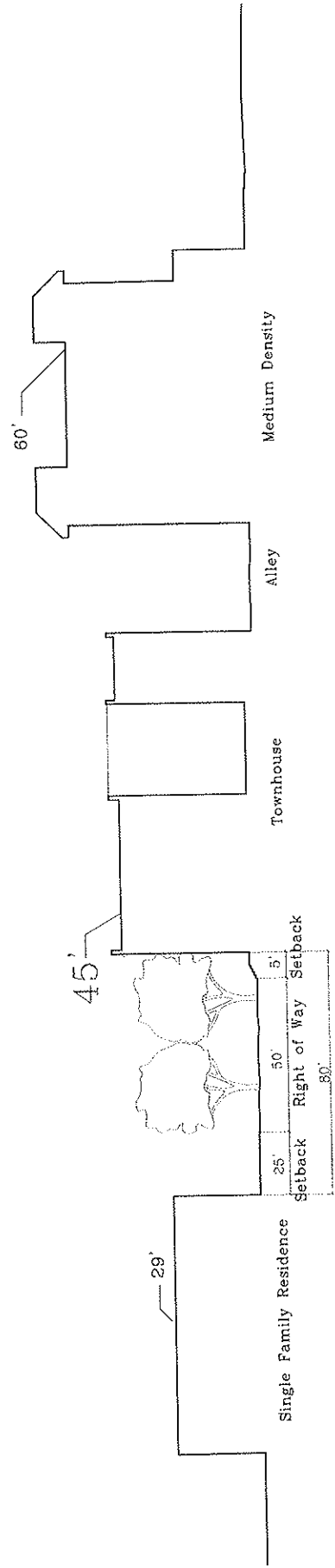
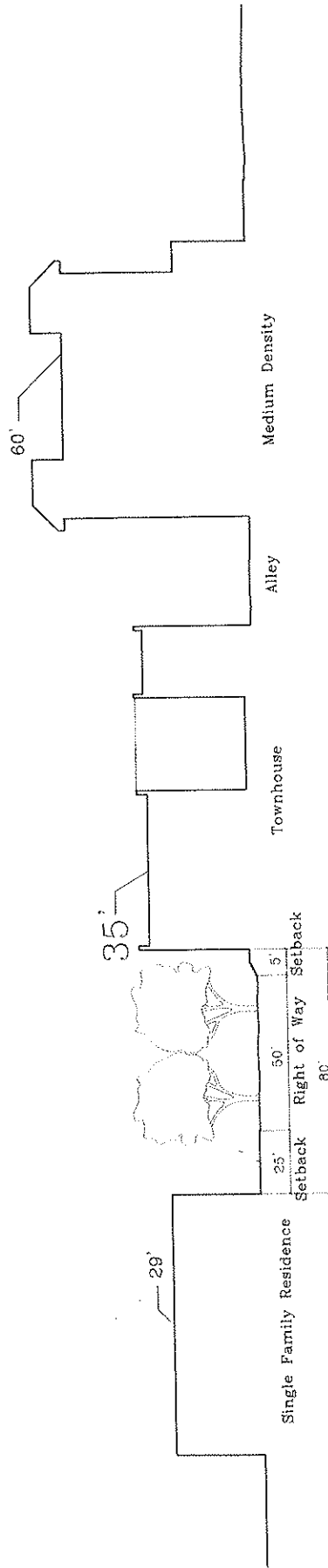
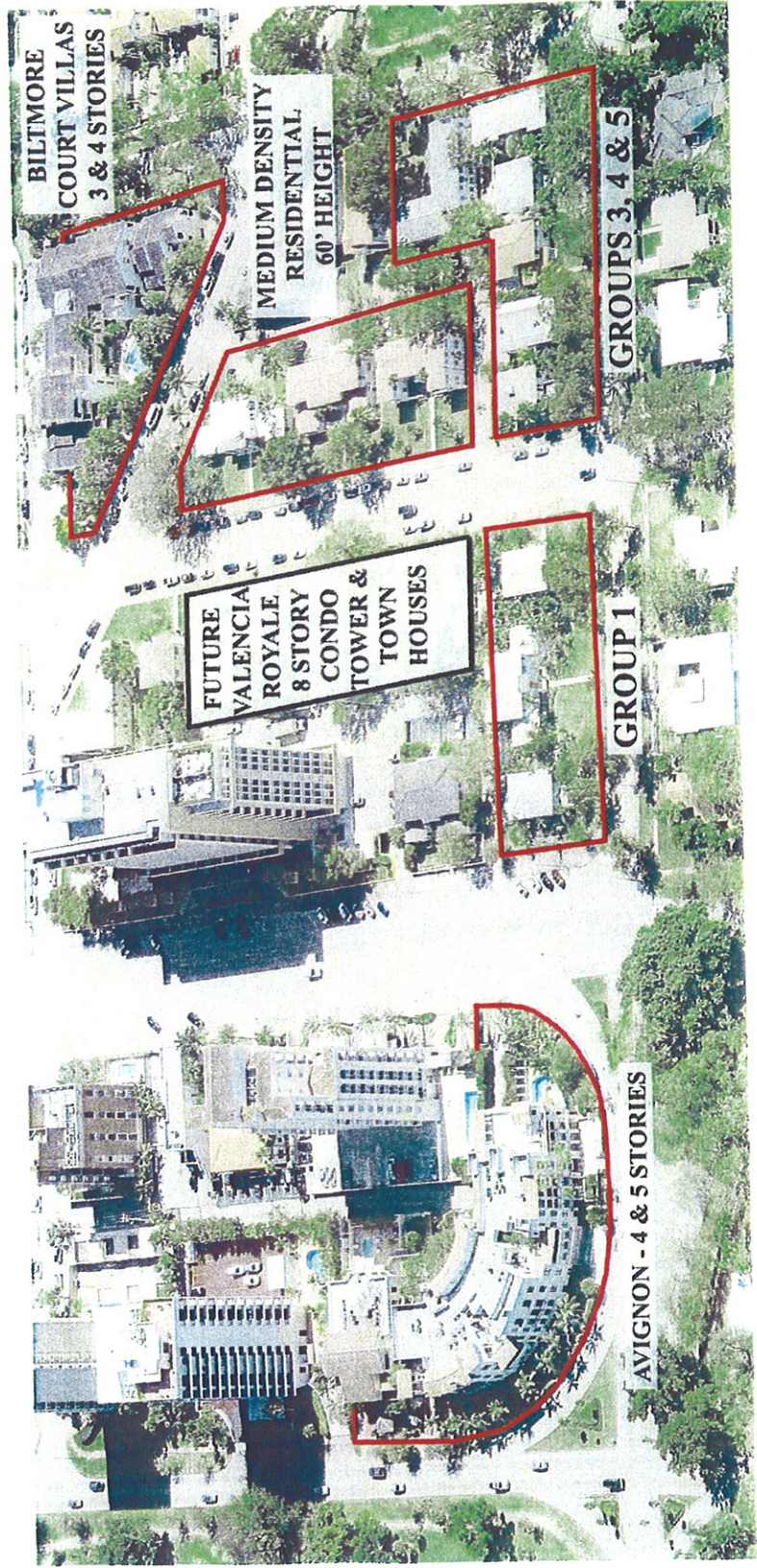


Exhibit C



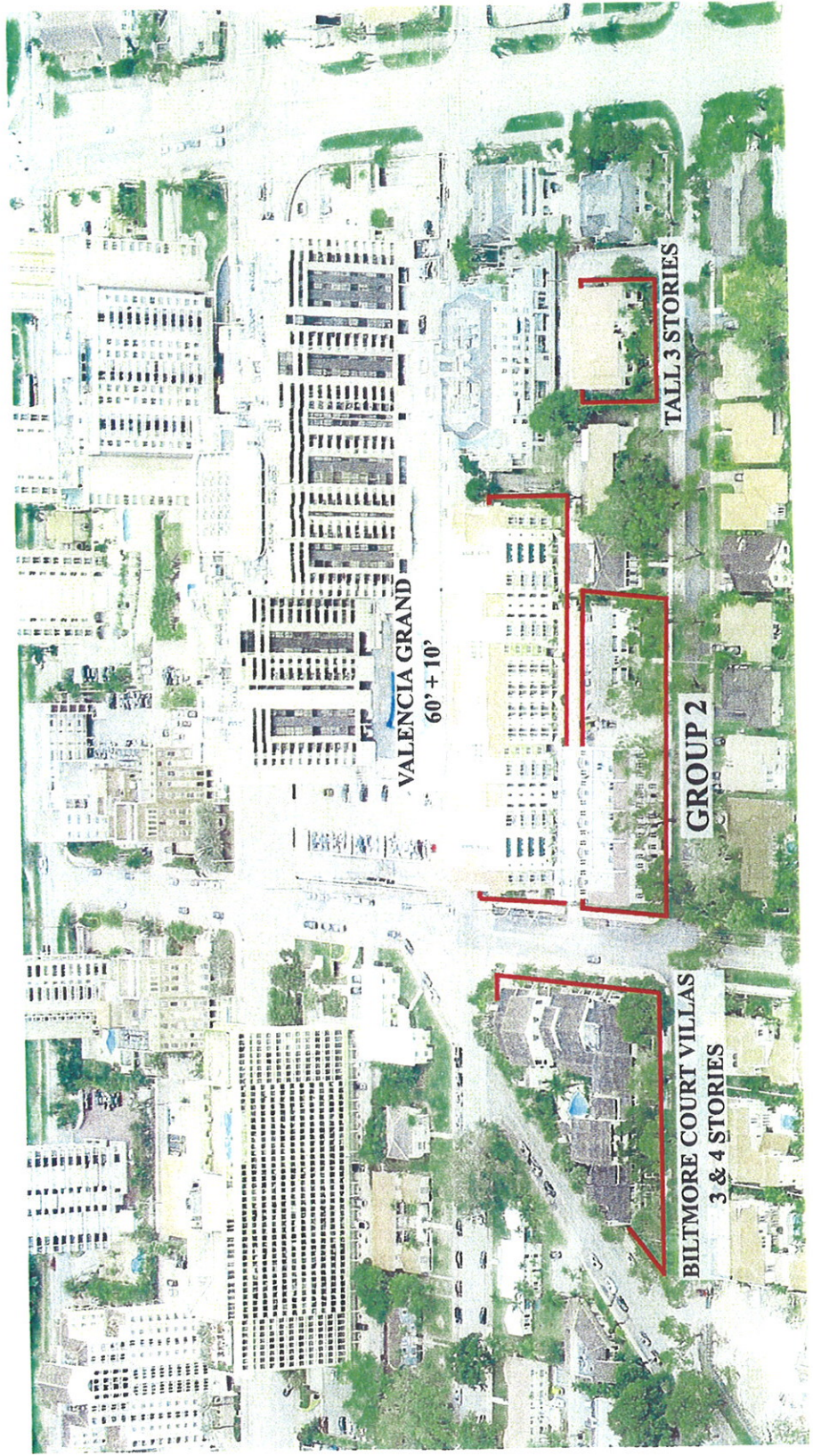
Group 1 Looking East

Exhibit D



Groups I, III, IV, V Looking East

Exhibit E



Group II Looking North