

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

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(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.

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- 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

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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 Salmon?

9        MR. SALMON: 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: Bibi Aizenstat?

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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. SALMON: 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

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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. SALMON: 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.

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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

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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

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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 nature, 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. ECHEMENDIA: Fair enough. I  
 25 mean, seeing as we had met with all of

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1 the Commissioners, anyway --  
 2 MS. HERNANDEZ: Right.  
 3 MR. AIZENSTAT: Sure.  
 4 MR. ECHEMENDIA: 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,

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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 MF  
 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

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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

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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

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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

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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

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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 MSFA (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

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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.

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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 NFSA.

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

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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

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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 MSA Townhouse Code. At  
 25 that time, we were involved in the

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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

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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 MSA 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

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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,

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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

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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,

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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.

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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

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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

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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

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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. ECHEMENDIA: 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

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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 MFSA and the CL and the MFSA  
 23 adjacent to single-family, all those  
 24 other properties were required a  
 25 hundred-foot setback, but the MFSA,

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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.

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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 NFSA, 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

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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

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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 MSFA, 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

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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

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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,

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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

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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. ECHEMENDIA: 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

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1 compatibility issue but there happens to  
 2 be a pending Bill 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

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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 MSEA. 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.

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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. ECHEMENDIA: 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 --

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1 CHAIRMAN KORGE: Well, Mr.

2 Echemendia --

3 MR. ECHEMENDIA: -- 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. ECHEMENDIA: Correct. In other  
 18 words, remove adjacency relative to  
 19 MSEA, 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 --

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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

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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.

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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

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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?

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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

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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.

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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 --

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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 these 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

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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.

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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.

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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

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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

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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.

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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. ECHEMENDIA: 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

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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

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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.

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

restrictions.

MS. HERNANDEZ: Is that acceptable, as well, to you?

MR. ECHEMENDIA: Yes, absolutely.

Thank you. Thank you, Mr. Salman.

MS. HERNANDEZ: Okay.

MR. SALMAN: Anybody want to second?

CHAIRMAN KORGE: Is there a second for the motion?

So there's no second for the motion?

MR. FLANAGAN: Second.

CHAIRMAN KORGE: There's a second for the motion.

MS. KEON: Okay, now we can talk.

CHAIRMAN KORGE: Discussion on the motion? Or any further discussion on the motion?

MS. KEON: You're removing adjacency --

MR. SALMAN: For MESA only.

MS. KEON: All right, but it doesn't -- you know, this is specific for these properties?

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?

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.

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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.

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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?

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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

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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

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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

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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.

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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: Bibi Aizenstat?  
 25 MR. AIZENSTAT: Yes.

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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.

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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.

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1                   MR. SALMAN: Merry Kwanzaa.  
 2                   (Thereupon, the meeting was  
 3                  adjourned at 8:55 p.m.)  
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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 Diplomate  
 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

COMPLIMENTS OF JOAN L. BAILEY & ASSOCIATES

(305) 358-2829

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
<b>Article 1 General Provisions</b>				
1-3	23	Previously granted variances. Clarify previously granted variance line 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.	
<b>Article 3 Development Review</b>				
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. Completes 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 8-4 thru 9-7).	
<b>Article 4 Zoning Districts</b>				
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.	
4-6	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 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.	
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		Planning Staff is in the process of finalizing a study of this issue and will present its findings and recommendations at the meeting.	
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 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.	
4-15	1 (MF1) 18 (MFSA) 24 (CL) 13 (C)	Limitation of height of MF2, MFSA, CL and C properties when adjacent to SFR and/or MF-1 properties. Examine height restrictions adjacent to SFR and MF-1 Districts with reference to the 30 foot depth requirement. The current code is silent on this issue; however, it has been interpreted that a minimum of 100 feet is required.	Recommend revising MFZ 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.	
4-17	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 simple 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. 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 Alcoholic beverage sales as an accessory use in the CL District.	Recommend alcohol 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, MF-1, MF2, or MFSA district. Medical clinic greater than 10,500 square feet or floor area when adjacent to an SFR, MF1, MF2, or MFSA district shall be conditional use.	
4-52	24	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 overnight accommodations continue as a permitted use, however, overnight accommodations shall not exceed eight (8) rooms when adjacent to an SFR or MF1 district.	

Changes clarifying and/or cross referencing provisions.

Further review requested pursuant to City Commission October 17, 2006 meeting

ENTERED AS EXHIBIT Eric Biel, J.A.  
BY Eric Biel, J.A. DATE 12/10/08

THE PLANNING AND ZONING BOARD  
ON 12/10/08 DATE 12/10/08

**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 1884. A reduction of these regulations would allow a significant number of properties to develop at higher intensities.	
<b>Article 5 Development Standards</b>				
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.	
<b>Article 8 Definitions</b>				
8-2 Throughout Code	1	Agreed 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.	
<b>Others</b>				
N/A	Townhouse required to face public street.	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.	Planning Staff will complete a future study pursuant to City Commission direction. 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.	
Evaluation of accomplishments from City Commission meeting – Discovery worksheets.			Planning Staff throughout the process has referred back to the Discovery sheets which encapsulated the City Commission direction. A verbal report will be provided at the meeting. See Attachment for a copy of the worksheets.	

5  
11-08-06 Planning and Zoning Board/Final Recommendation  
(Approval 6-0 vote unless noted otherwise below)

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

Page number	Line number	Summary	Planning Department Recommendation/Justification	4	5
1	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.	Approved staff recommendation.	
3-44	10				
<b>Article 3 Development Review</b>					
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 references 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. A8-7. Sections 9-4 thru 910, excluding 9-7) and update of references in UMCAD provisions	Approved staff recommendation.	
4-34	6				
<b>Article 4 Zoning Districts</b>					
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.	Approved staff recommendation.	
4-8	38				
4-11	12				
4-15	31				
4-17	19				
5-10	38				
4-6	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.	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.	
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 6, 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.	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.	
4-8					

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

ENTERED AS EXHIBIT Eric Riel, RA  
By NUMBER  
THE PLANNING AND ZONING BOARD  
ON 12/10/08 JM  
INITIALS

**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, MFSAs, CL and C properties when adjacent to SFR and/or MF1 properties. Examine height restrictions adjacent to SFR and MF1 Districts with reference to 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.	<p>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 ridgeline, domes, steeples, towers, cupolas, decorative features and such other similar structures, and excluding chimneys having a maximum height of three (3) feet above the ridgeline 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 MFSAs, which is consistent with the previously approved MFSAs language (Moratorium area). The revised language is as follows:</p> <p>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.</p> <p>MFSAs 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. MFSAs 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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	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.		<p>Recommended approval of staff recommendation with the following modifications:</p> <ul style="list-style-type: none"> <li>• 16 foot minimum width.</li> <li>• 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.</li> </ul>
4-22	39	MXD and existing site specific standards. Inserted language into the MXD to clarify that certain 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.	<p>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.</p>	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 alcohol 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 MFSAs 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 MFSAs district. Medical clinic greater than 10,500 square feet of floor area when adjacent to an SFR, MF1, MF2, or MFSAs 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.	<p>Recommend the following:</p> <ul style="list-style-type: none"> <li>Overnight accommodation is permitted use in CL Districts with a maximum of (8) rooms when adjacent to an SFR or MF-1 district.</li> <li>Overnight accommodations adjacent to SFR and MF-1 and exceed eight (8) rooms shall be a conditional use.</li> </ul>	Approved staff recommendation.
4-52	20	Allowance of drive through facilities if not adjacent to SFR and MF-1 districts. Approximately four properties are not adjacent to SFR and MF-1; 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 MF-1 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 feet 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 feet 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 feet 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).
<b>Article 5 Development Standards</b>				
5-62	Parking (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 12.12.06 City Commission meeting for first reading. If approved, provisions will be inserted into Zoning Code rewrite. 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 11.15.06	
<b>Article 8 Definitions</b>				
8-2 1		Agreed 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.	Approved staff recommendation.
Througho ut 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.	Approved staff recommendation.
<b>Others</b>		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 Prince 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

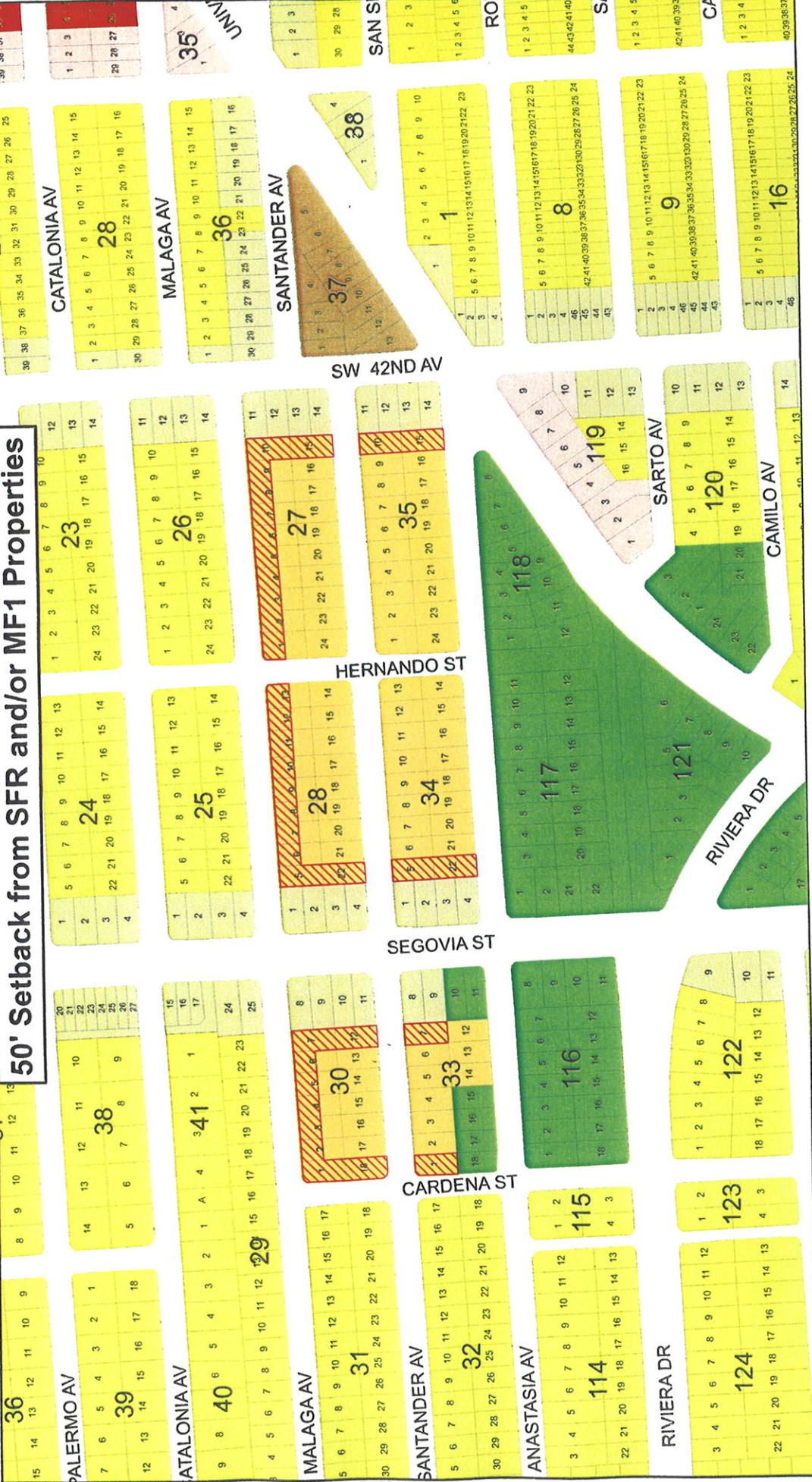
## **City of Coral Gables Zoning Code – 12.12.06 City Commission request for further review**

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)
1	2	Inclusion of Riveria Neighborhood Association (RNA) recommendations into Zoning Code. The RNA recommends 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.	5
	3	Home offices	The Planning Department recommends this be subject to future review and study.	N/A
	4	Trucks.	No changes have been proposed to the truck regulations pursuant to recent court litigation.	N/A
	5	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 encapsulated 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.	

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



## 50' Setback from SFR and/or MF1 Properties



## Zoning Districts

# Zoning Map

City of Coral Gables  
Planning Department

Single-Family Residential District (SFR)

Commercial District (C)

Preservation District (P)

Commercial Limited District (CL)

Industrial District (I)

University of Miami Campus

Area Development (UMCAD)

MFSA property limited to 35' in height (MFSA)

Multi-Family Special Area District (MFSA)

Multi-Family 2 District (MF2)

Multi-Family 1 Duplex District (MF1)

Single-Family Residential District (SFR)



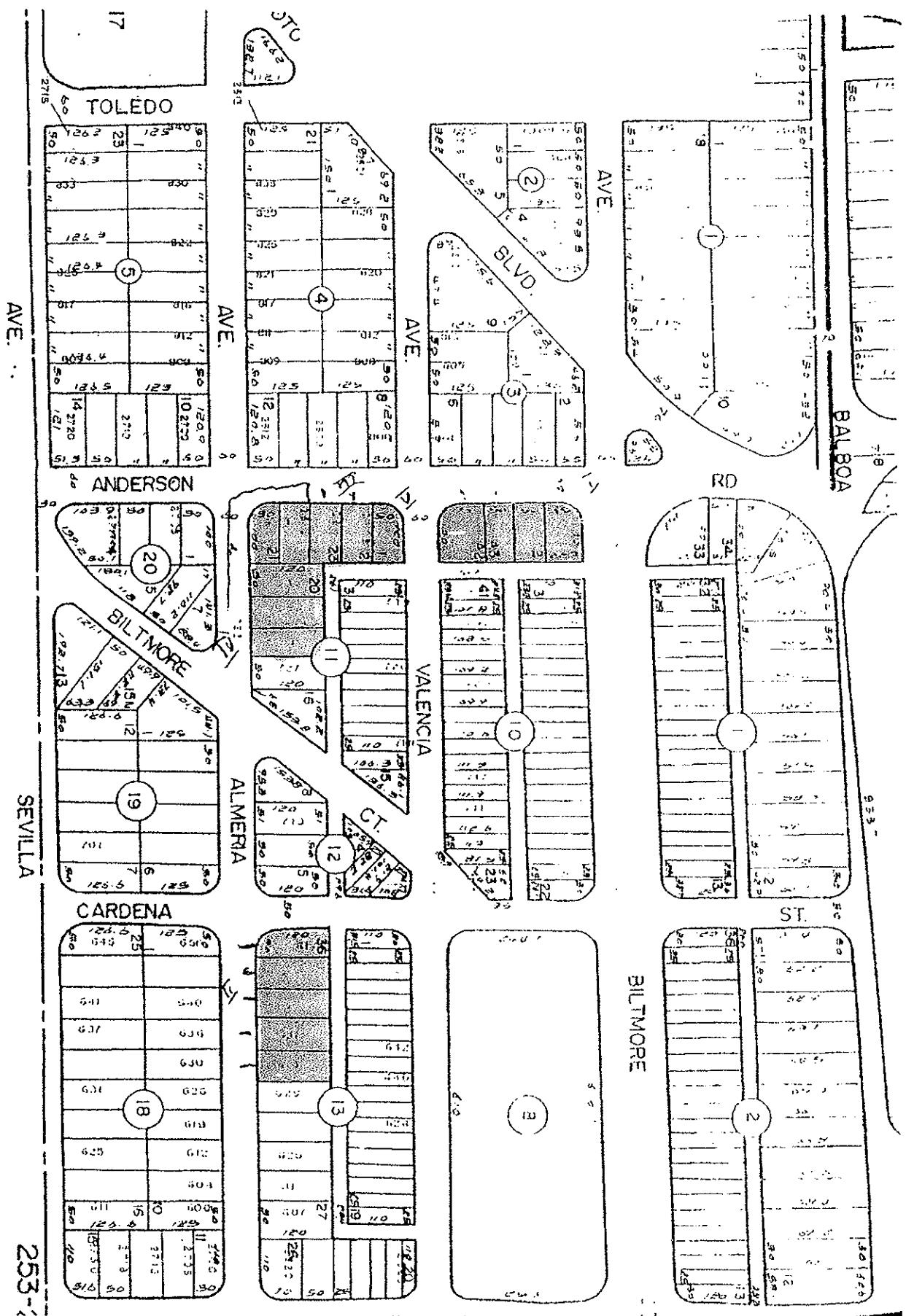
FERNANDO MENOYO  
ALMERIA ROW LLC

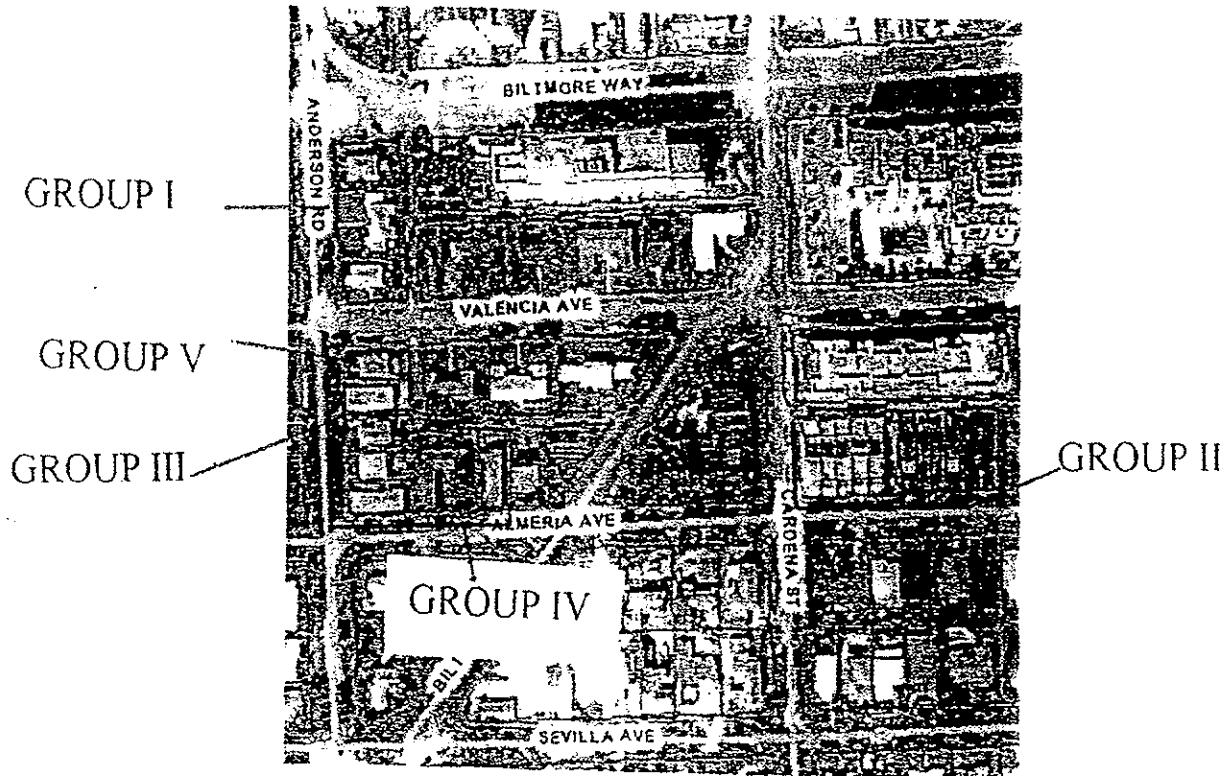
Attachment L

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 a. Parcels of land abutting or contiguous to SF Districts. Forty-five (45) feet, except that:  
 2     a portion of any building within fifty (50) feet of any property line which abuts or is  
 3     contiguous to land designated as an SF District shall have a height in excess of  
 4     forty-five (35) feet.

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

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

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

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

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

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

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

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

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

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

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

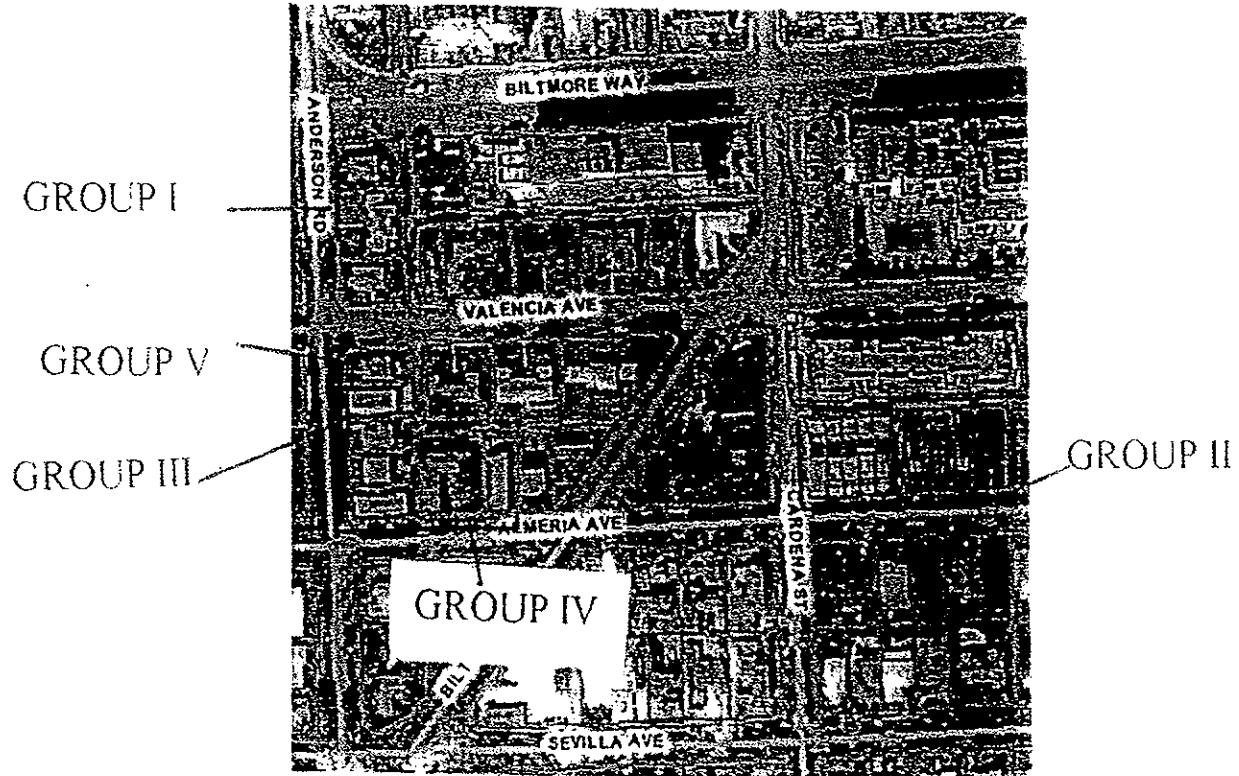
30     i. Parcels of land which are contiguous or adjacent to parcels designated  
 31     residential use - multi-family low-density land use designations: sixty (60) feet or  
 32     seventy (70) feet if a parcel of land has an area of 20,000 square feet or more.

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

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

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

40     ii. Parcels of land which are contiguous or adjacent to other parcels designated  
 41     residential use - multi-family high density or commercial use high-rise intensity  
 42     land use designations: sixty (60) feet or one hundred fifty (150) feet if a parcel of  
 43     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**

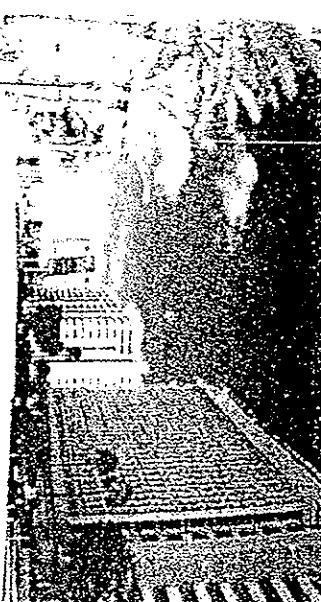
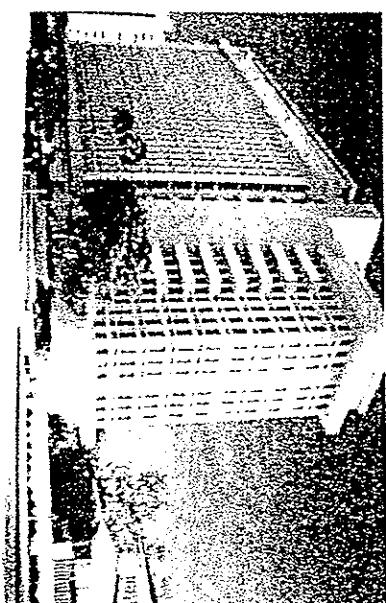
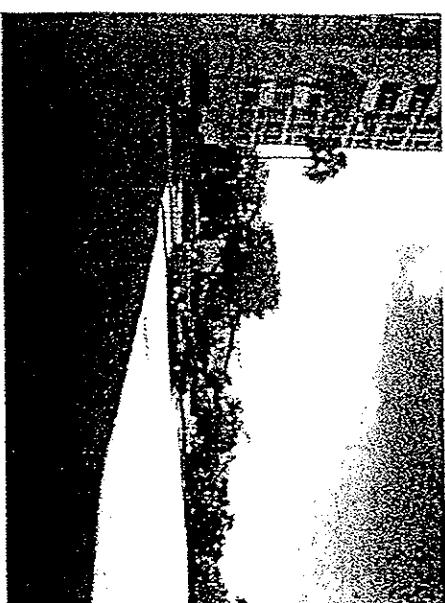
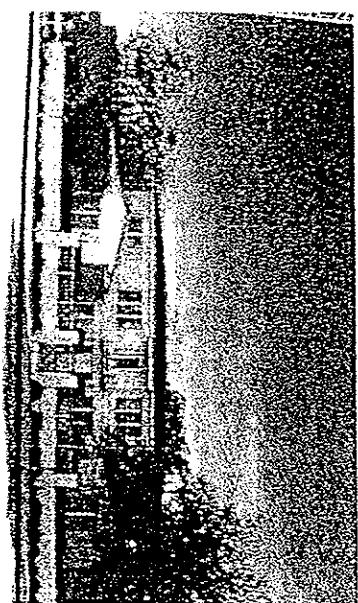
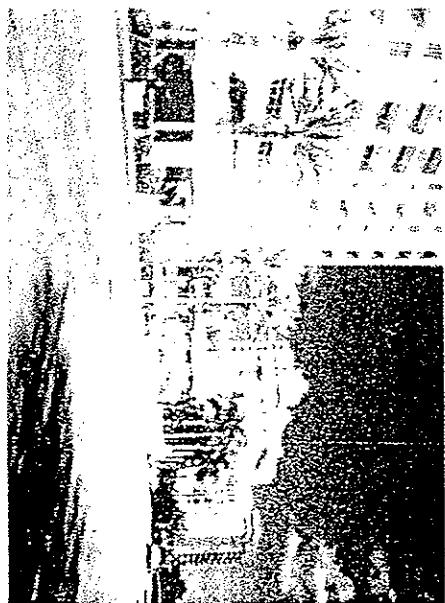
Zoning	MFSA
LUP	MEDIUM DENSITY
Height Limit	60 feet

**WEST**

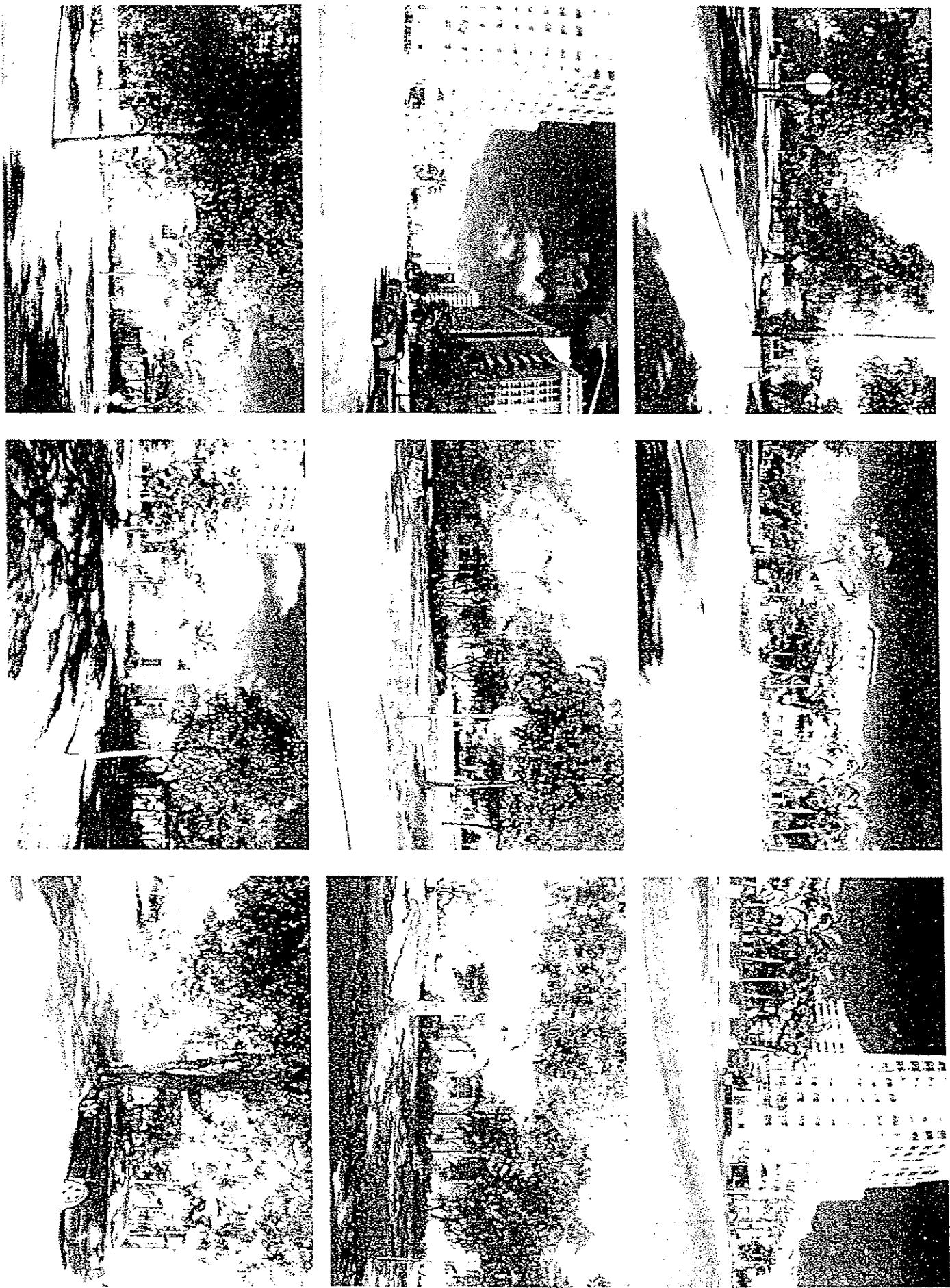
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LUP	SINGLE-FAMILY LOW DENSITY
Height Limit	29 feet



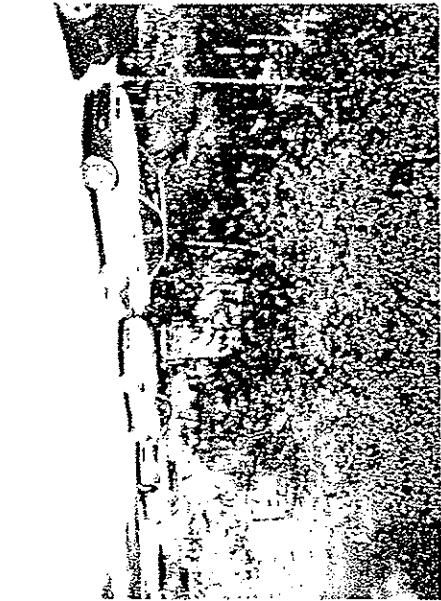
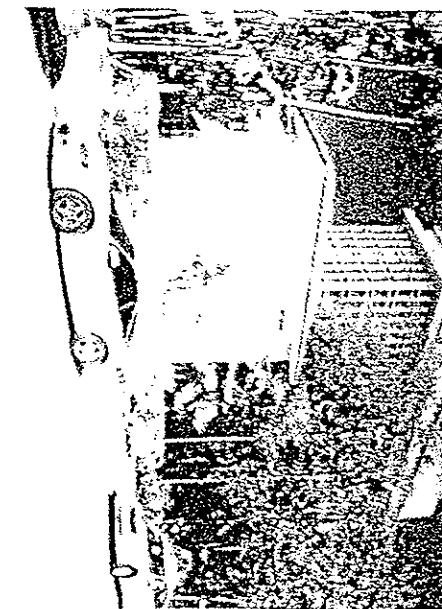
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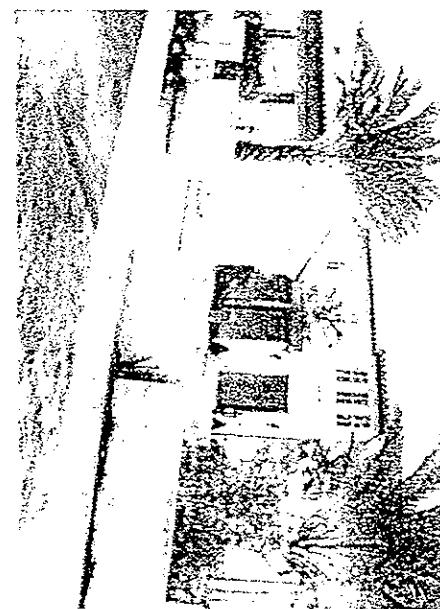
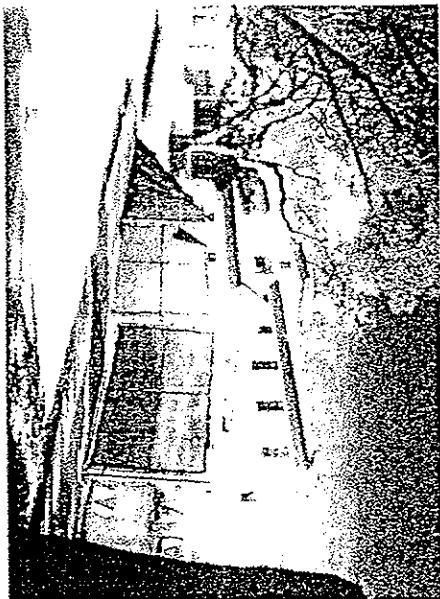
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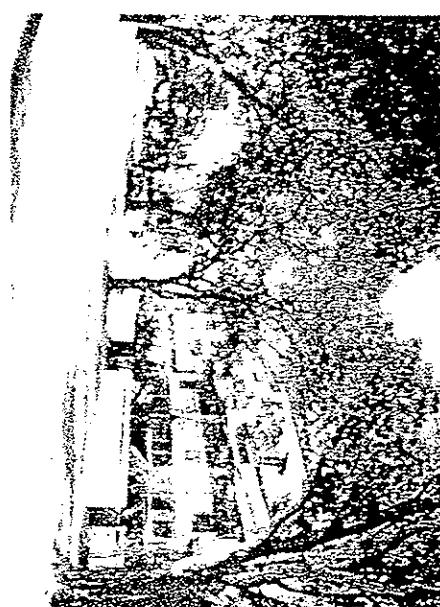
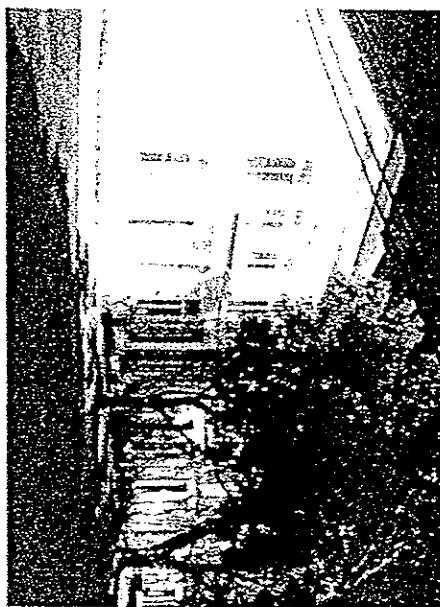
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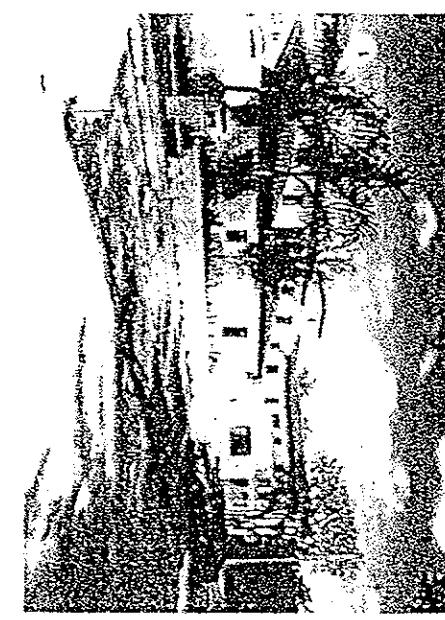
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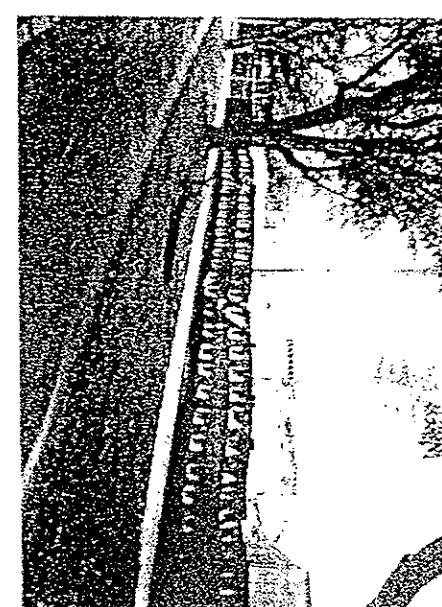
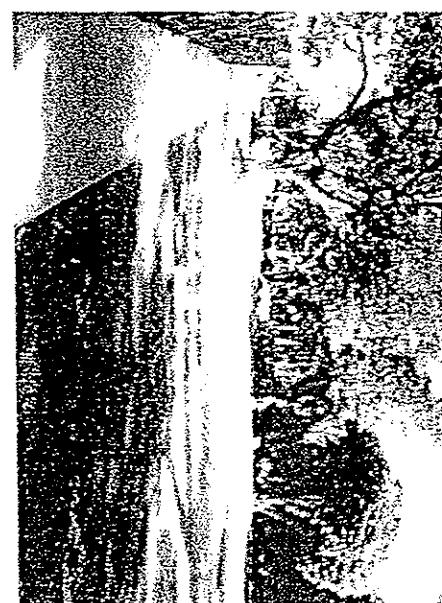
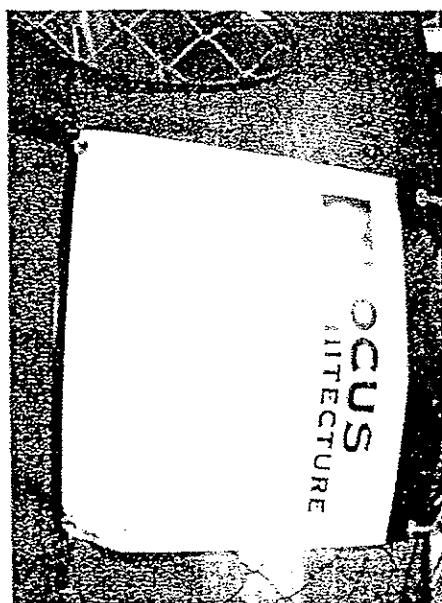
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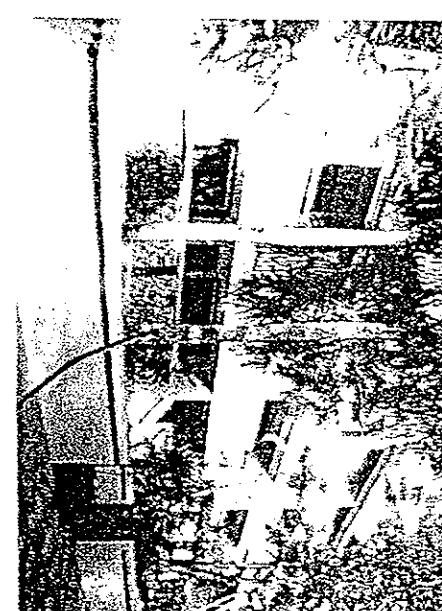
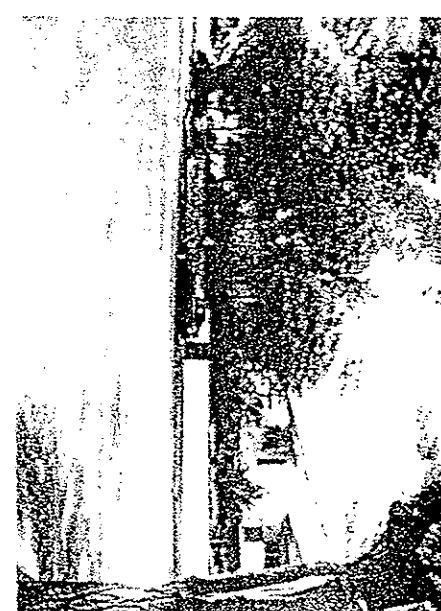
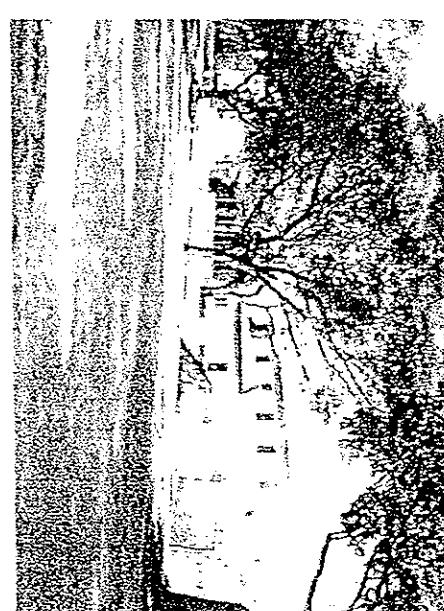
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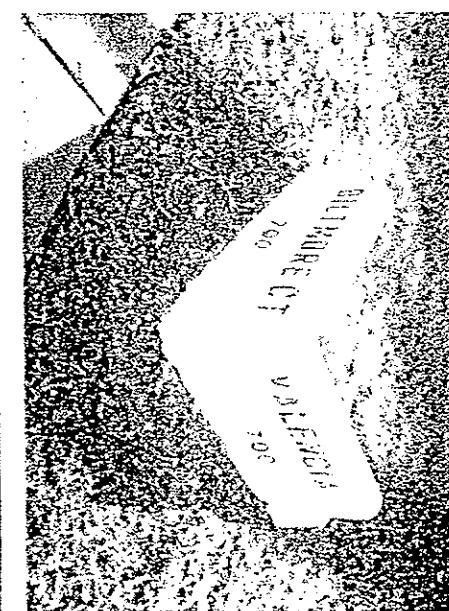
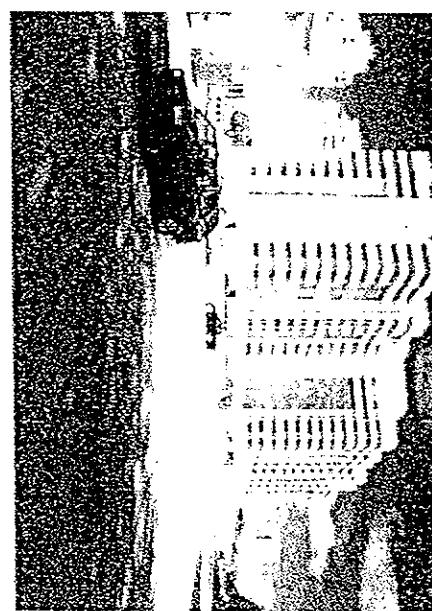
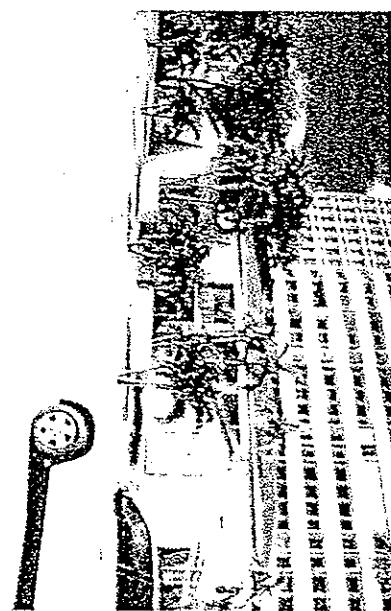
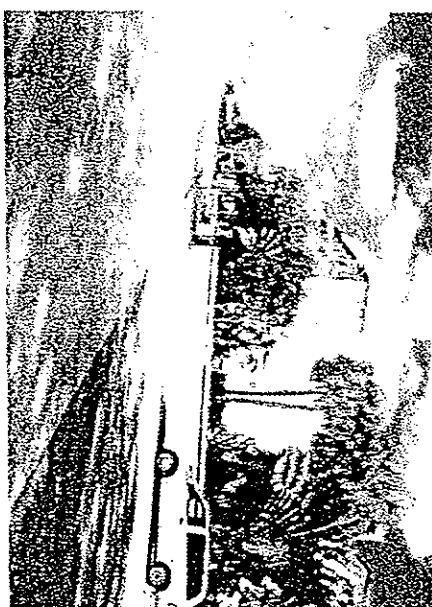
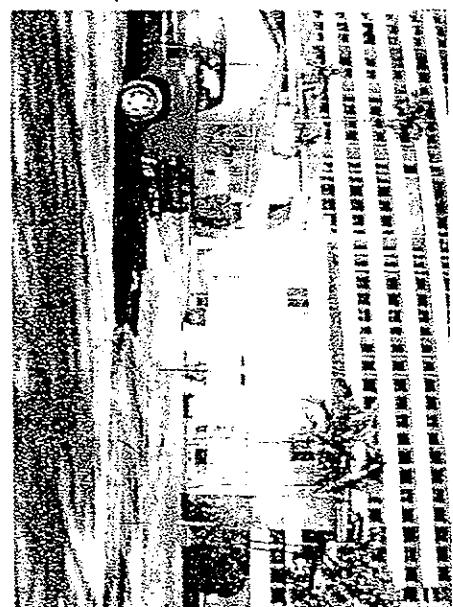
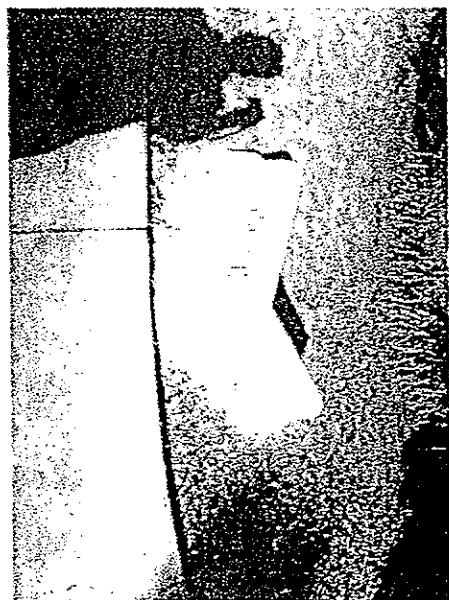
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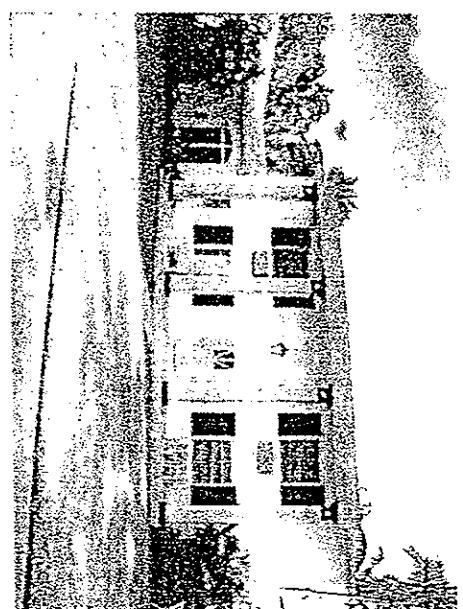
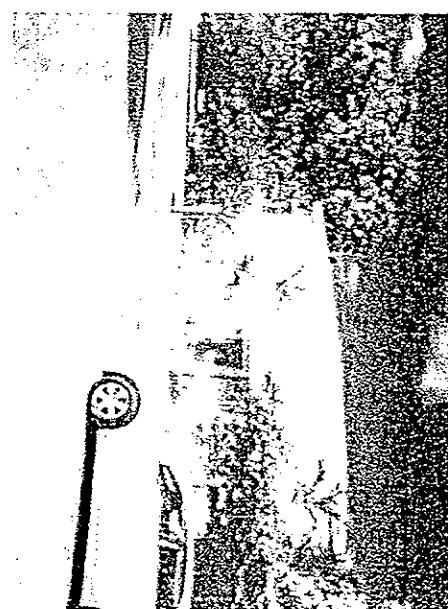
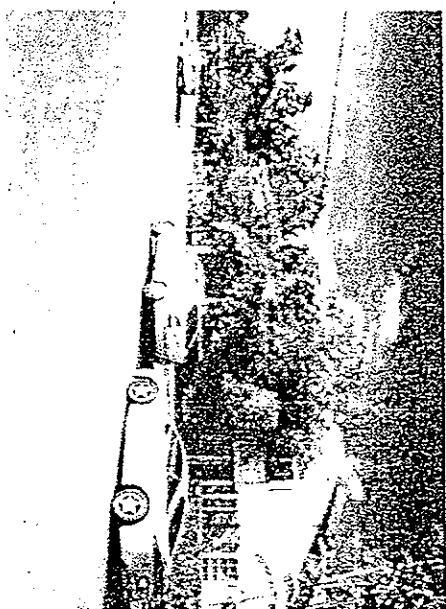
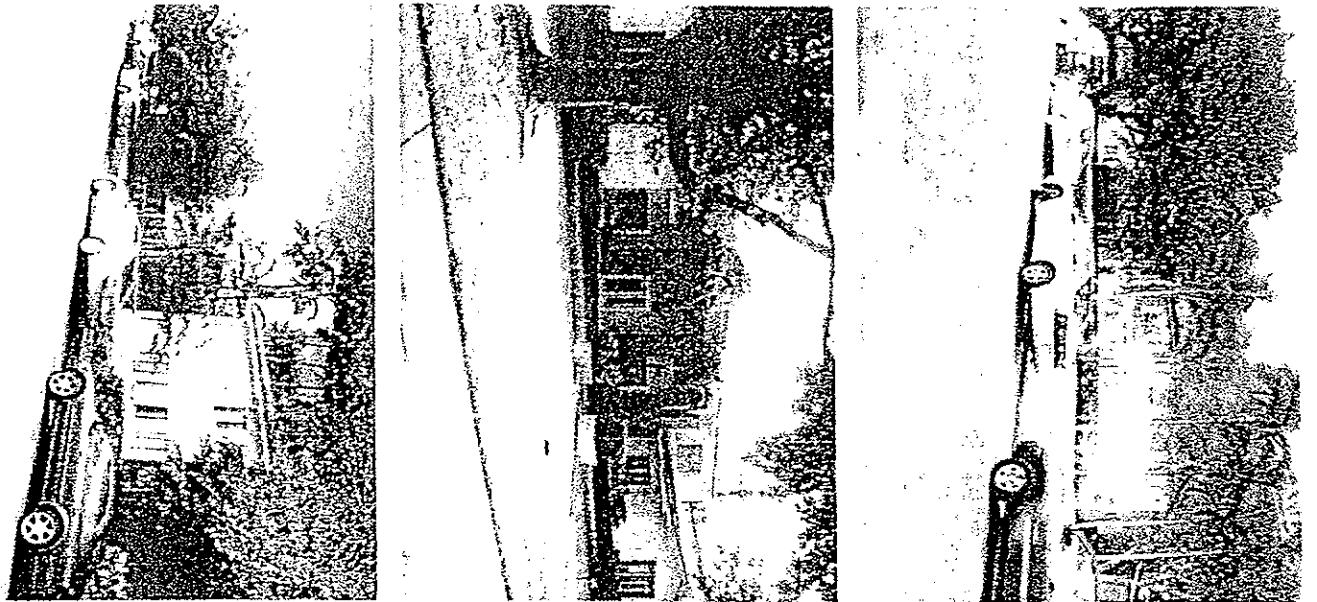
Fernando Menoyo - Bert J. Harris Jr. Claim Vs. City of Coral Gables



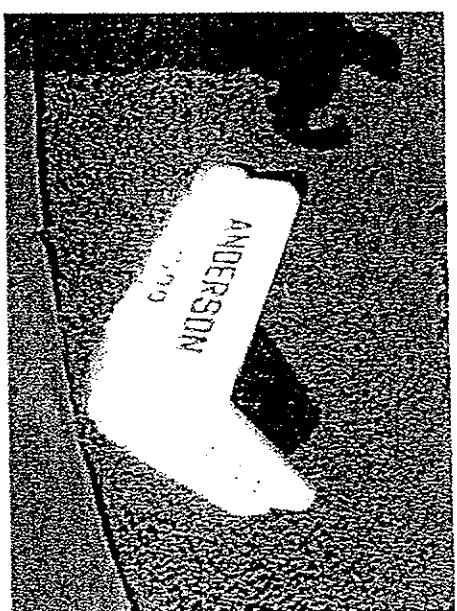
Fernando Menoyo - Bert J. Harris Jr. Claim Vs. City of Coral Gables



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 ~~strike~~through / 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:

<b>Issue</b>	<b>Section page / line</b>	<b>Proposed Zoning Code Provision</b>	<b>Staff Recommendation</b>
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**  
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Issue	Section page / line (chart)	Proposed Zoning Code Provision	Staff Recommendation
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.	minimum area requirement for individual projects. 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:**

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

## ARTICLE 4 - ZONING DISTRICTS

- 1       ii. Buildings with a height of forty-five (45) feet or less. Twenty (20) feet.
- 2       iii. Buildings with a height greater than forty-five (45) feet. Twenty (20) feet, provided
- 3           however, that any portion of a building which has a height of greater than twenty-four (24)
- 4           feet, shall be set back an additional ten (10) feet.
- 5       iv. Adjustment to front setback. In the event that there is public right-of-way between the
- 6           edge of street pavement and the front property line of the parcel proposed for
- 7           development, the required front setback shall be reduced by the distance between the
- 8           edge of pavement and the front property line; provided however, that in no case shall a
- 9           building be constructed within five (5) feet of the front property line.
- 10
- 11      b. Side setbacks.
- 12
- 13       i. Interior property line and abutting alley side setback.
  - 14           (a) Townhouses with a height of forty-five (45) feet or less. None
  - 15           (b) Buildings with a height of forty-five (45) feet or less. Five (5) feet.
  - 16           (c) Buildings with a height of greater than forty-five (45) feet. Ten (10) feet, provided
  - 17           however, that any portion of a building which has a height of greater than twenty-four
  - 18           (24) feet, shall be set back an additional ten (10) feet.
- 19
- 20       ii. Abutting a public street.
  - 21           (a) Buildings with a height of forty-five (45) feet or less. Ten (10) feet.
  - 22           (b) Buildings with a height of greater than forty-five (45) feet. Ten (10) feet, provided
  - 23           however, that any portion of a building which has a height of greater than twenty-four
  - 24           (24) feet, shall be set back an additional five (5) feet.
- 25       c. Rear setback. Ten (10) feet or five (5) feet if rear property line abuts an alley.
- 26
- 27      6. Floor area ratio. Maximum floor area ratio (FAR) shall not exceed 2.0.
- 28
- 29      7. Determination of maximum square foot floor area or FAR: The total floor area of a building or
- 30           buildings on a building site divided by the area of the site. The total floor area shall include the
- 31           gross horizontal area of the several stories of any building or buildings on the site, as measured
- 32           from the exterior face of exterior walls (not the windows or doors in the exterior walls), and shall
- 33           include any building area not specifically excluded by this section as floor area excluded from
- 34           computing the FAR of a building or buildings. The floor area of a building that is excluded from
- 35           the determination of a buildings floor area ratio in this District shall include the following:
- 36
- 37       a. Unenclosed private balconies.
- 38
- 39       b. Off-street parking garages.
- 40
- 41       c. Corridors on the ground floor of the building.
- 42
- 43       d. Corridors located above the ground floor that are at least fifty percent (50%) open and
- 44           unenclosed.
- 45       e. Open stairwells.
- 46
- 47      9. Height. The maximum permitted height of MFSA buildings is as follows: 
- 48
- 49       a. Parcels of land abutting or contiguous to SFR Districts. Forty-five (45) feet, except that no
- 50           portion of any building within fifty (50) feet of any property line which abuts or is contiguous to
- 51           land designated as an SF District shall have a height in excess of thirty-five (35) feet.
- 52
- 53       b. Parcels of land adjacent to SFR Districts. Forty-five (45) feet.
- 54
- 55       c. Parcels of land which are contiguous or adjacent to MF1 Districts or land designated as
- 56           public buildings and grounds. Forty-five (45) feet.
- 57

## ARTICLE 4 - ZONING DISTRICTS

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

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 abut 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 (MESA) 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 MESA 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

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

4       1. Bed and breakfast establishments.

5       2. Private yacht basins.

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

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

13       2. Minimum parcel dimensions.

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE 4 - ZONING DISTRICTS

1 edge of pavement and the front property line; provided however, that in no case shall a  
2 building be constructed within five (5) feet of the front property line.  
3

4 b. Side setbacks.  
5

6 i. Interior property line and abutting alley side setback.  
7 (a) Townhouses with a height of forty-five (45) feet or less. None.  
8 (b) Buildings with a height of forty-five (45) feet or less. Five (5) feet.  
9 (c) Buildings with a height of greater than forty-five (45) feet. Ten (10) feet, provided  
10 however, that any portion of a building which has a height of greater than twenty-four  
11 (24) feet, shall be set back an additional ten (10) feet.  
12

13 ii. Abutting a public street.  
14

15 (a) Buildings with a height of forty-five (45) feet or less. Ten (10) feet.  
16 (b) Buildings with a height of greater than forty-five (45) feet. Ten (10) feet, provided  
17 however, that any portion of a building which has a height of greater than twenty-four  
18 (24) feet, shall be set back an additional five (5) feet.  
19

20 c. Rear setback. Ten (10) feet or five (5) feet if rear property line abuts an alley.  
21

22 6. Floor area ratio. Maximum floor area ratio (FAR) shall not exceed 2.0.  
23

24 7. Determination of maximum square foot floor area or FAR: The total floor area of a building or  
25 buildings on a building site divided by the area of the site. The total floor area shall include the  
26 gross horizontal area of the several stories of any building or buildings on the site, as measured  
27 from the exterior face of exterior walls (not the windows or doors in the exterior walls), and shall  
28 include any building area not specifically excluded by this section as floor area excluded from  
29 computing the FAR of a building or buildings. The floor area of a building that is excluded from  
30 the determination of a buildings floor area ratio in this District shall include the following:  
31

32 a. Unenclosed private balconies.  
33

34 b. Off-street parking garages.  
35

36 c. Lobbies and corridors on the ground floor of the building.  
37

38 d. Corridors located above the ground floor that are at least fifty percent (50%) open and  
39 unenclosed.  
40

41 e. Open stairwells.  
42

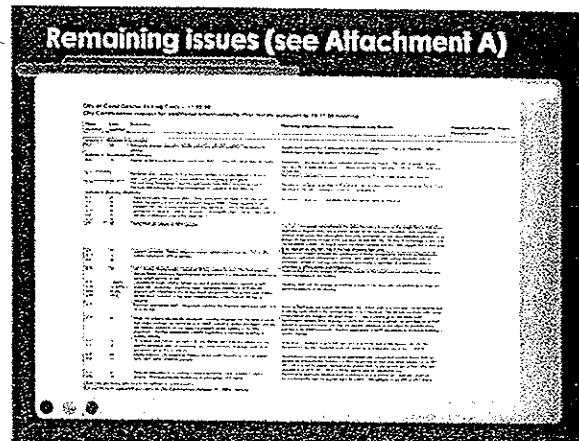
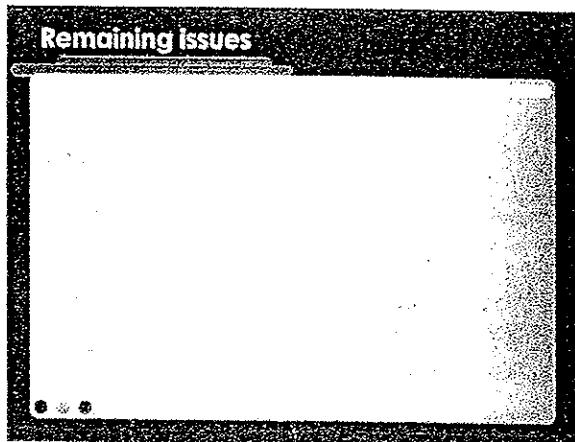
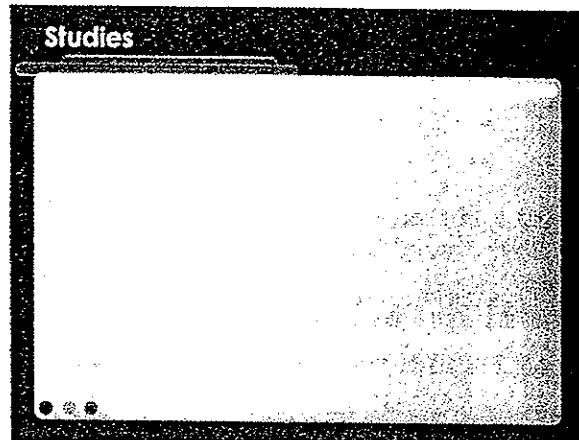
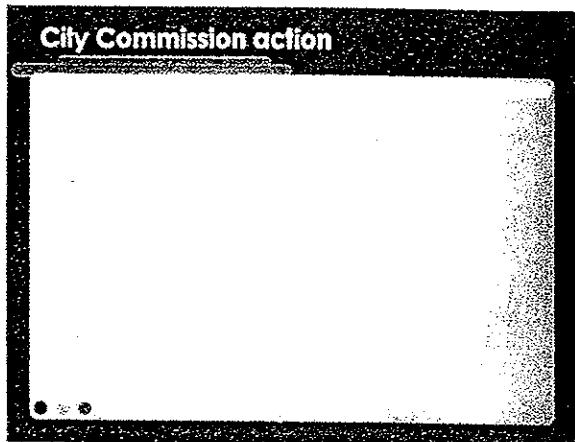
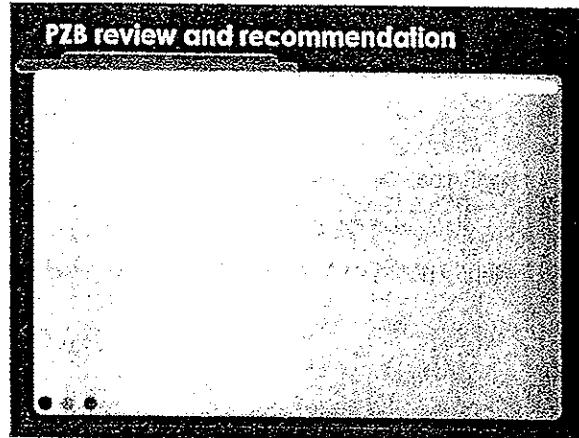
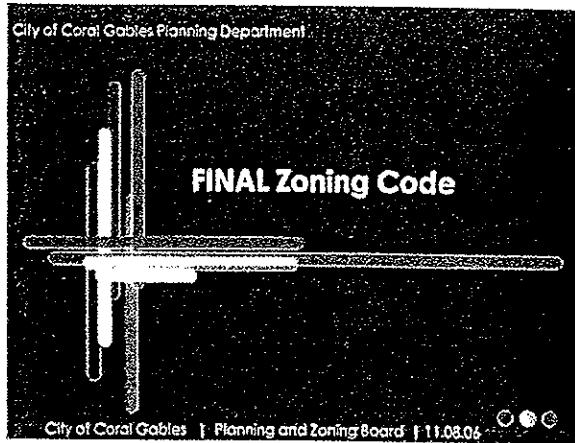
43 8. Height. The maximum permitted height of MFSA buildings is as follows:  
44

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

51 b. Parcels of land adjacent to SFR Districts. Forty-five (45) feet.  
52

53 b. Parcels of land which are contiguous or adjacent to MF1 Districts or land designated as public  
buildings and grounds. Forty-five (45) feet.





### Remaining issues, cont...

4-3 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...

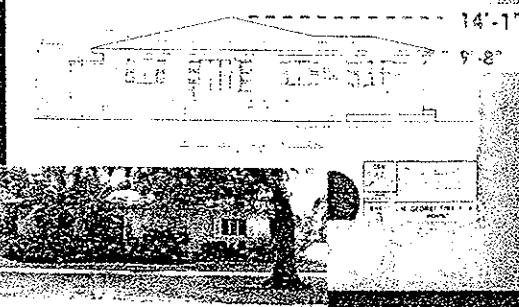
4-8 23 Carport canopies. Prohibit carport canopies constructed of canvas, cloth or other similar material on SFR properties.  
5-13 16  
8-5 38

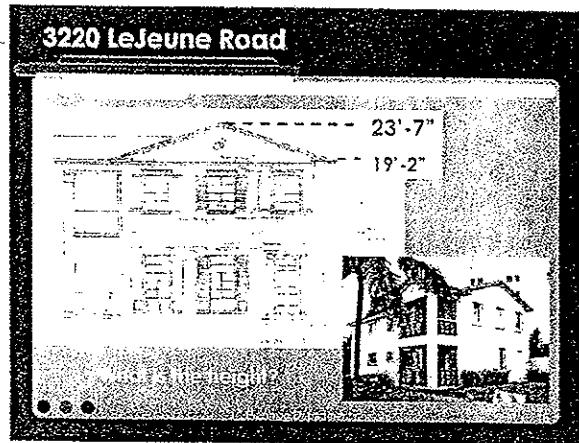
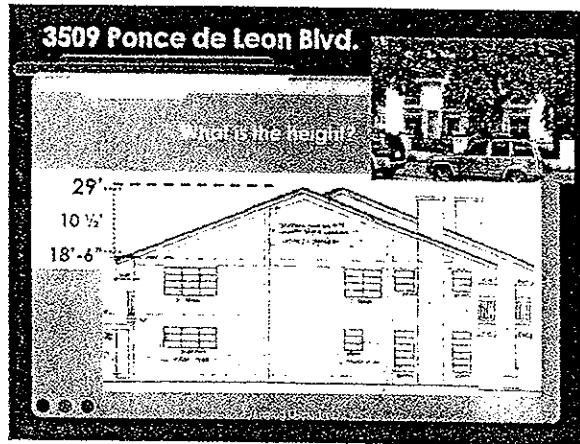
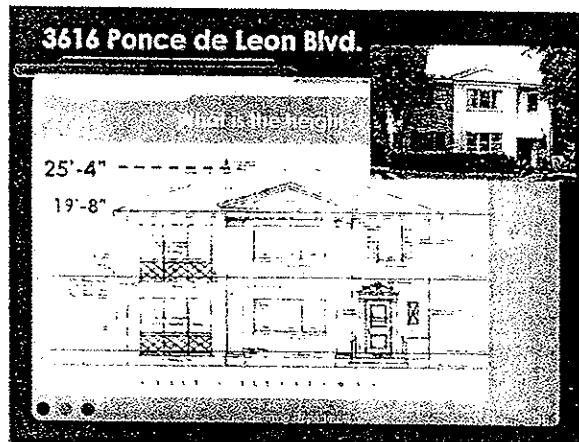
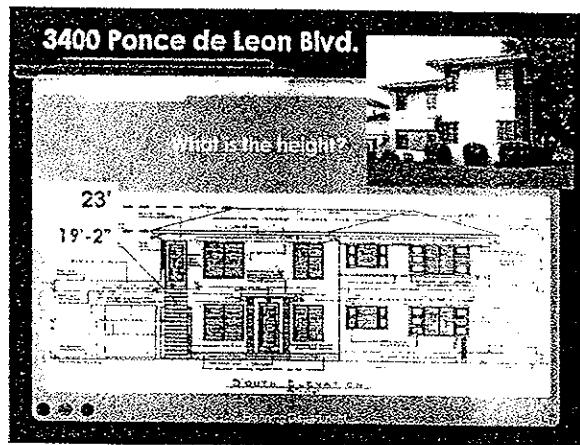
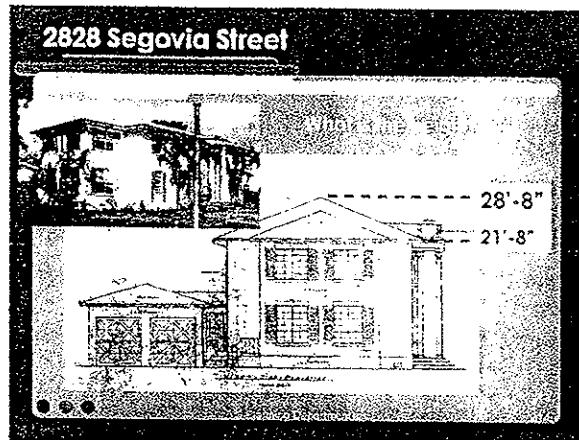
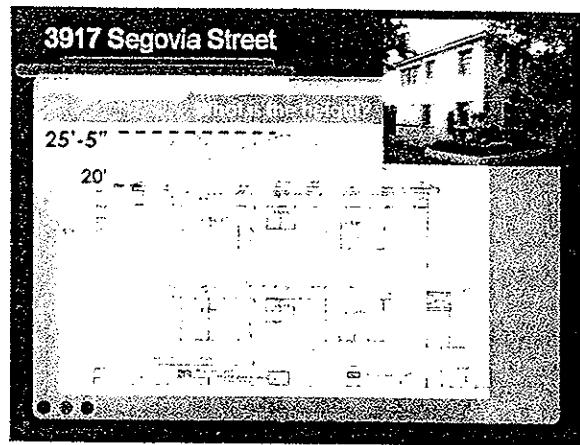
### Remaining issues, cont...

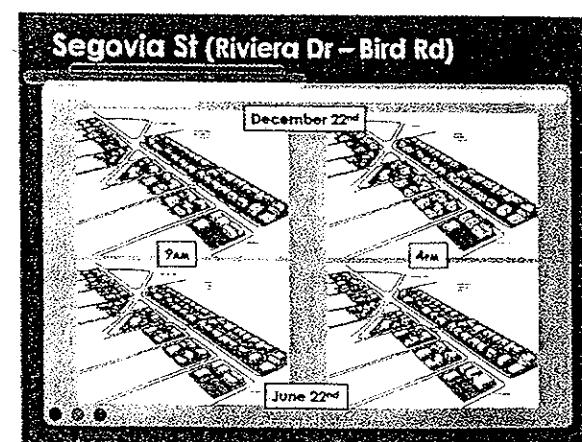
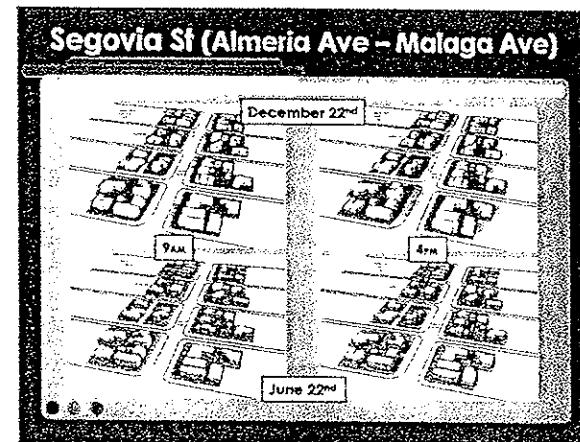
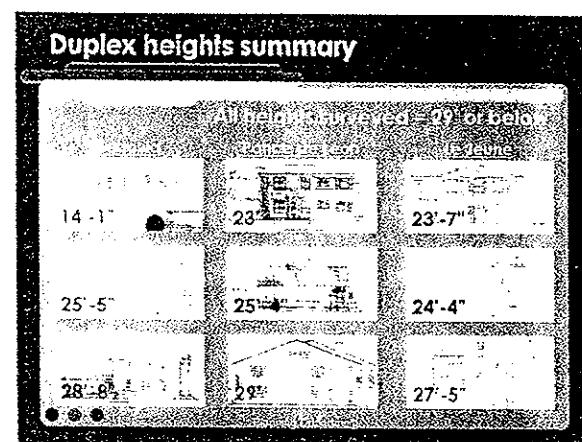
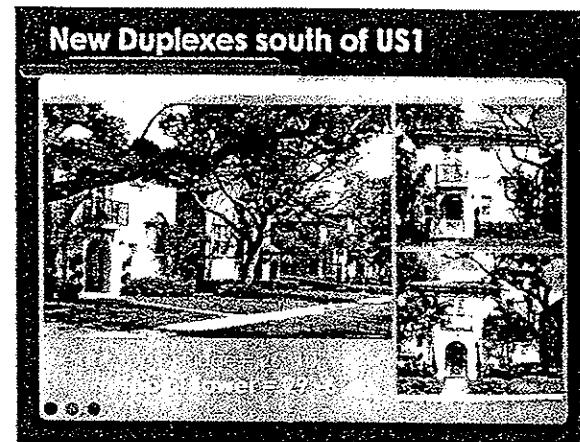
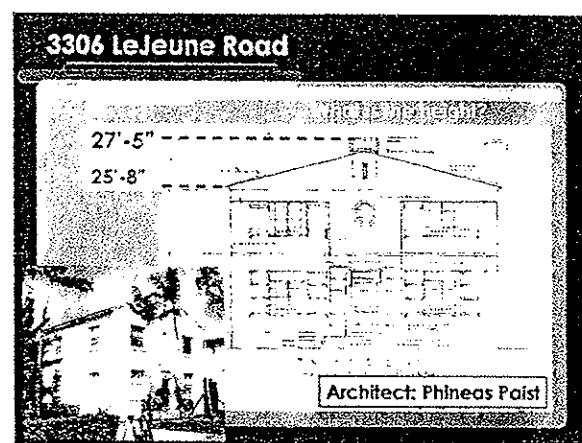
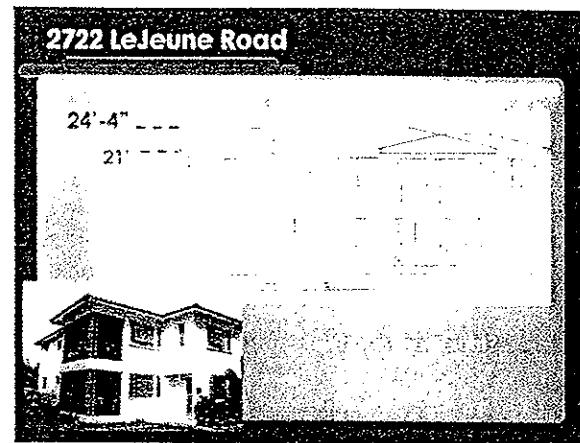
4-10 38 MF1 Duplex District height. Height of 29 feet versus 34 feet.

### Study of proposed MF1 Duplex height

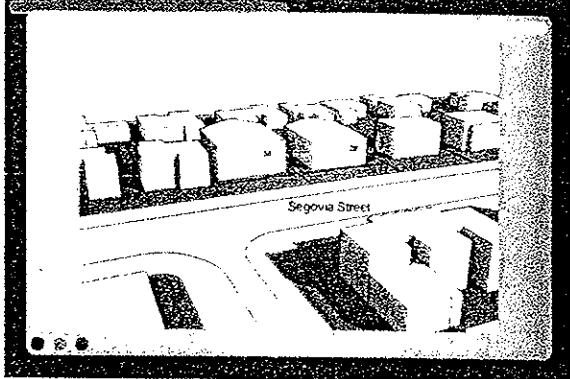
### 3123-25 Segovia Street



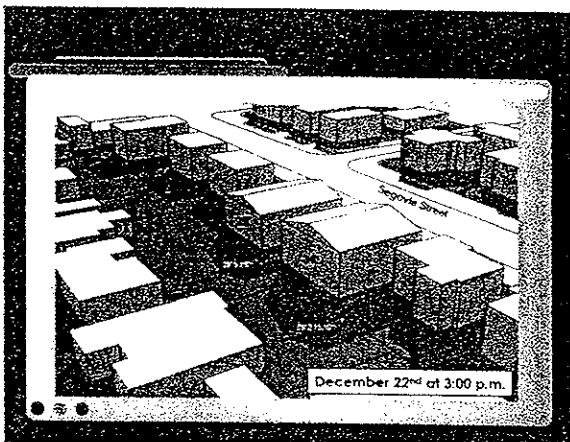
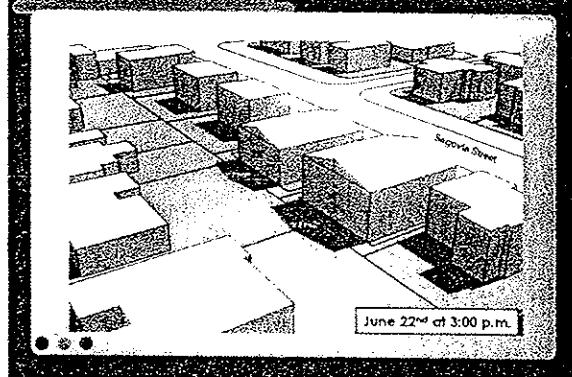




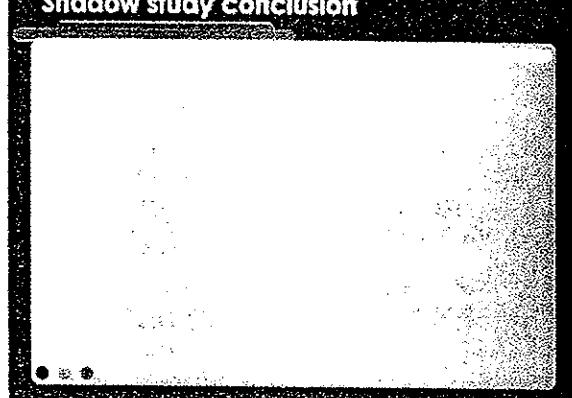
### Height comparison of 29' vs 34' shadow study



### Height comparison of 29' vs 34' shadow study



### Shadow study conclusion



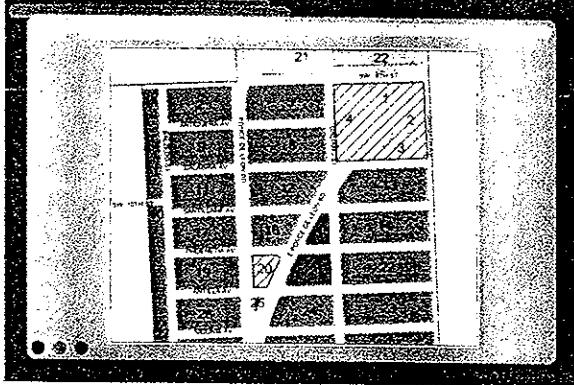
### MF1 Duplex height recommendation



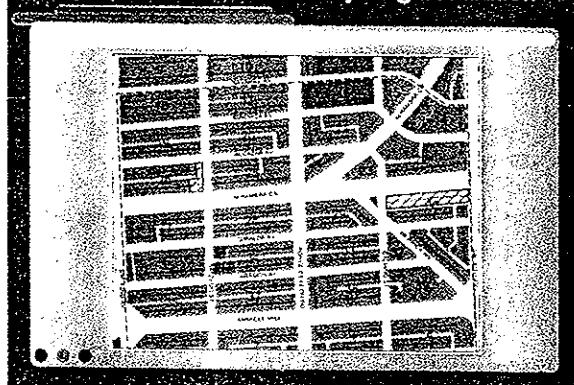
### Remaining issues, cont...

4-15	1 (MF1)	Limitation of height of MF2, MFSA, CL
4-18	18	
4-53	(MFSA)	
4-57	24 (CL)	
	13 (C)	

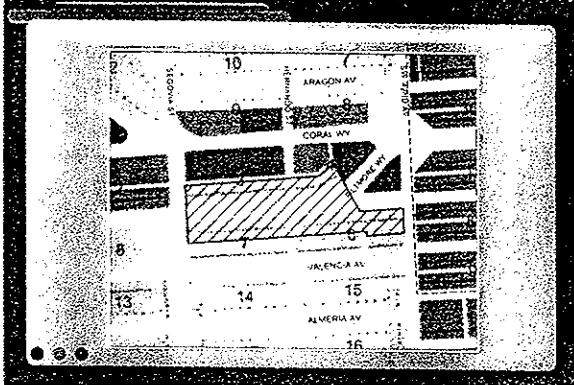
CL properties not affected by height limitation



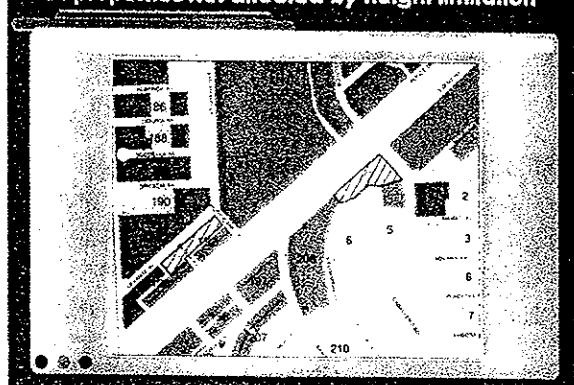
CL properties not affected by height limitation



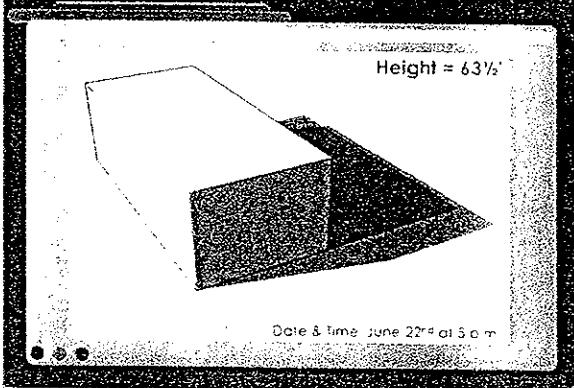
CL properties not affected by height limitation



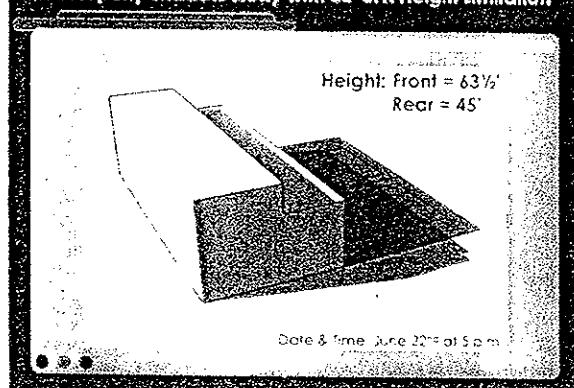
CL properties not affected by height limitation

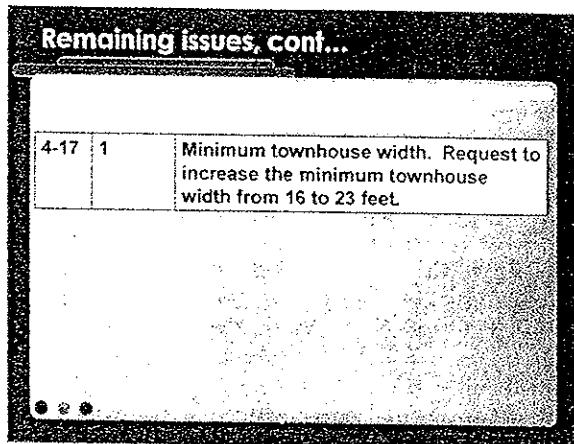
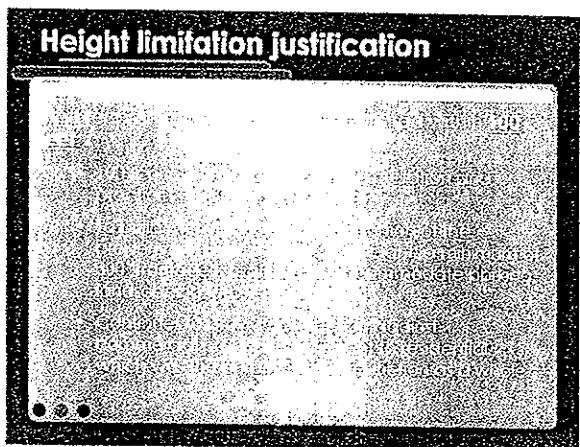
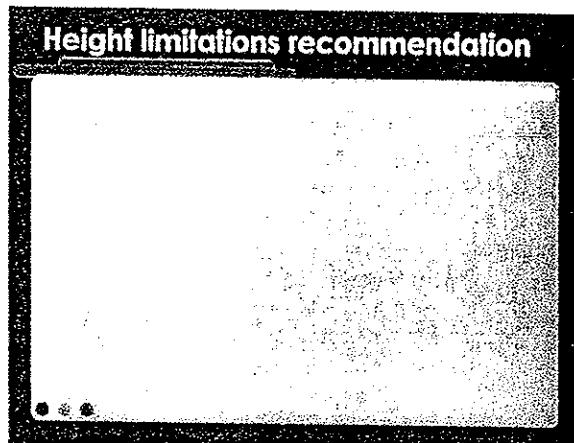
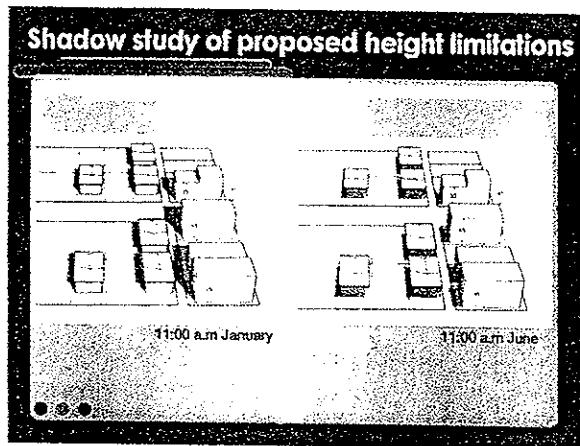
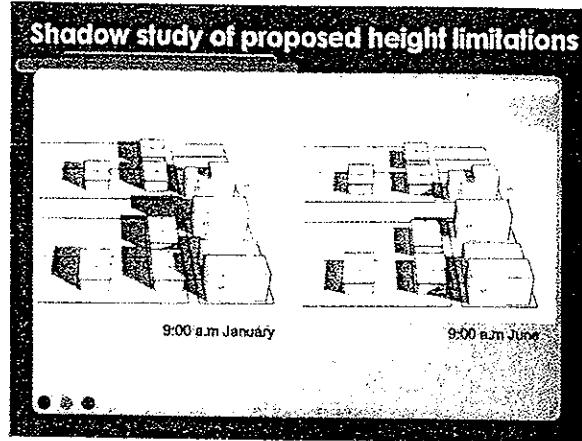
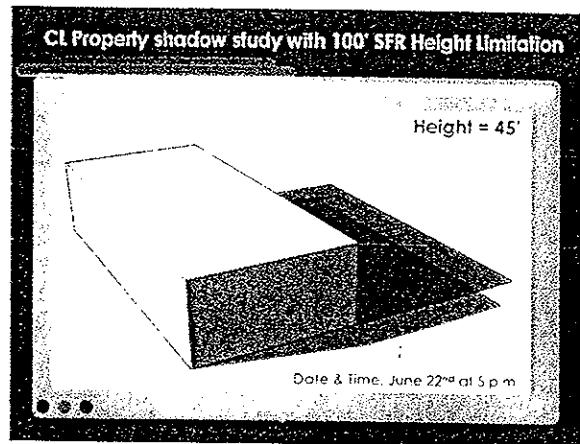


CL Property shadow study without SFR Height Limitation



CL Property shadow study with 50' SFR Height Limitation





### Remaining issues, cont...

4-22	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.
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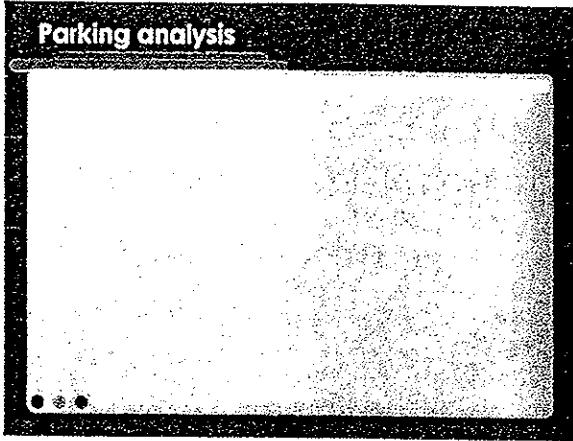
### Remaining issues, cont...

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

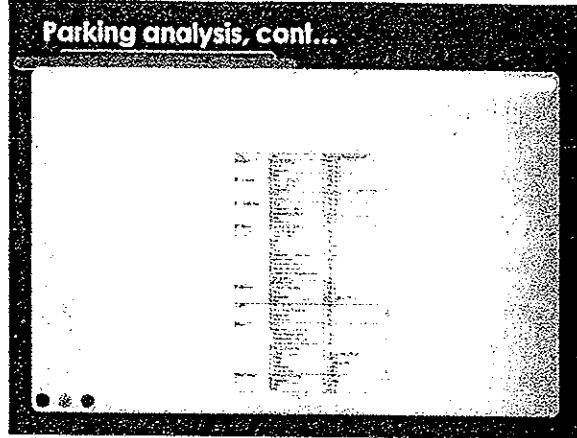
### Remaining issues, cont...

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

## Parking analysis



### **Parking analysis, cont...**



### **Remaining issues, cont...**

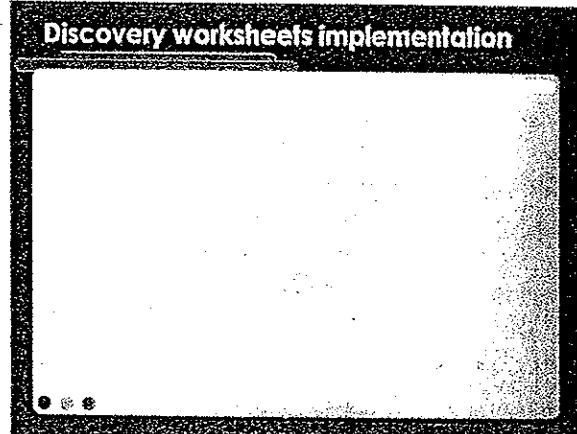
8-2	1	Aggrieved party definition. Public request to allow all citizens of the City to be an aggrieved party.
-----	---	--

### **Remaining issues, cont...**

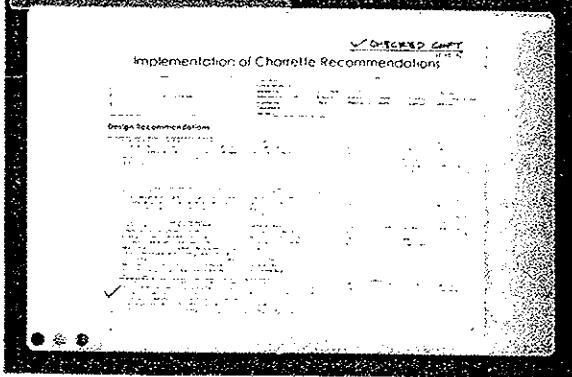
Throughout Code Utilize the term "Market value" versus "assessed value" as the values to determine when codes are "triggered" or "applicable."

## Discovery worksheets implementation

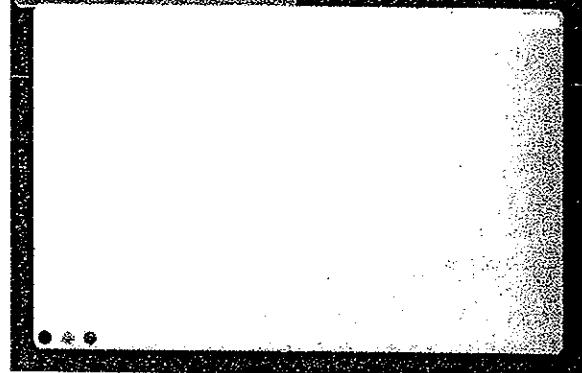
## Discovery worksheets implementation



## Charrette recommendations



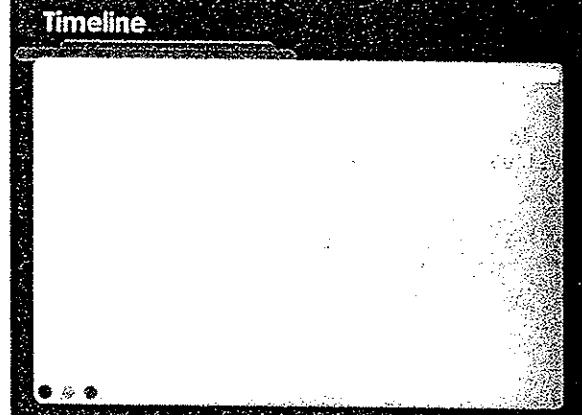
## Charrette recommendations



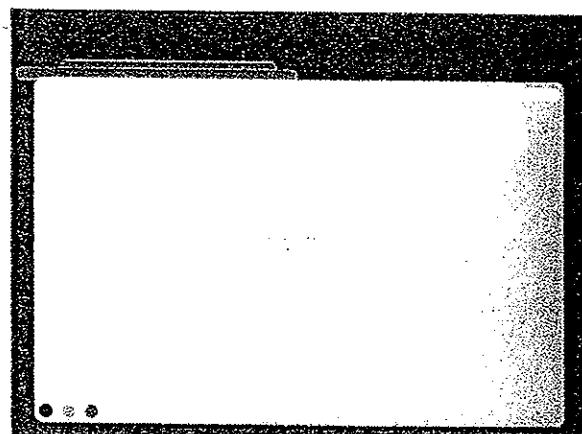
## Charrette recommendations, cont...



## Timeline



## Planning Department recommendation



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 Sketches A1  
to Planning and Zoning Board  
The Planning and Zoning Board  
ON 12/10/08 JM INSTITUTE S  
DATE SIGNER

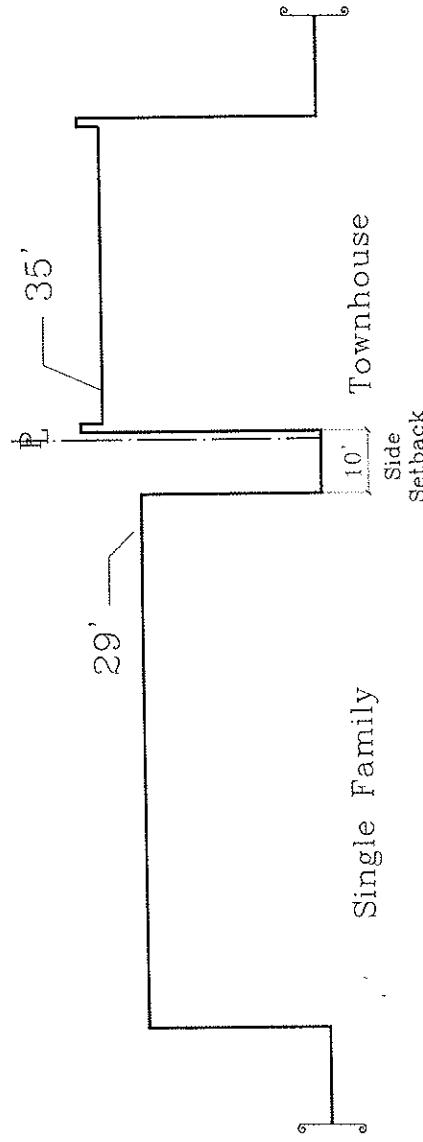


de la Guardia Victoria Architects & Urbanists, Inc.  
224 Valencia Avenue, Coral Gables, FL 33134 tel:305-444-6363 fax:305-444-8614 AA2600737

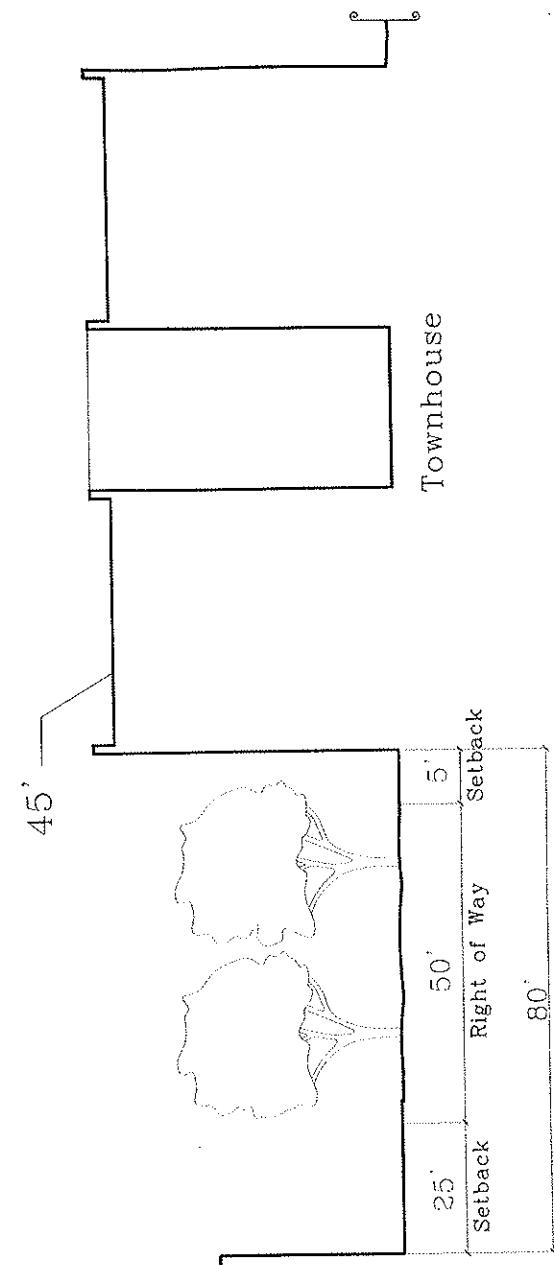


## Exhibit A

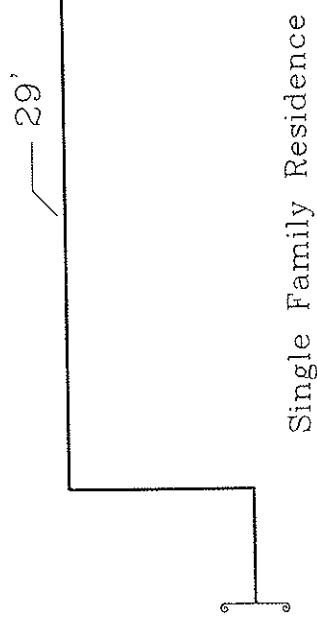
### CONTIGUOUS



### CONTIGUOUS



### ADJACENT



Townhouse

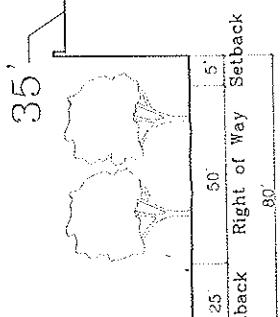
Single Family Residence

25' Setback 50' Right of Way 5' Setback 80'

# Exhibit B.1

106'

106'



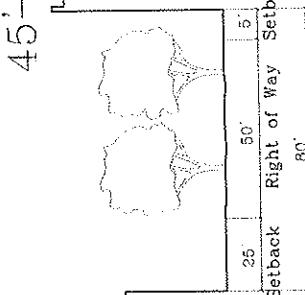
Valencia Royal

Alley

Townhouse

106'

106'



Valencia Royal

Alley

Townhouse

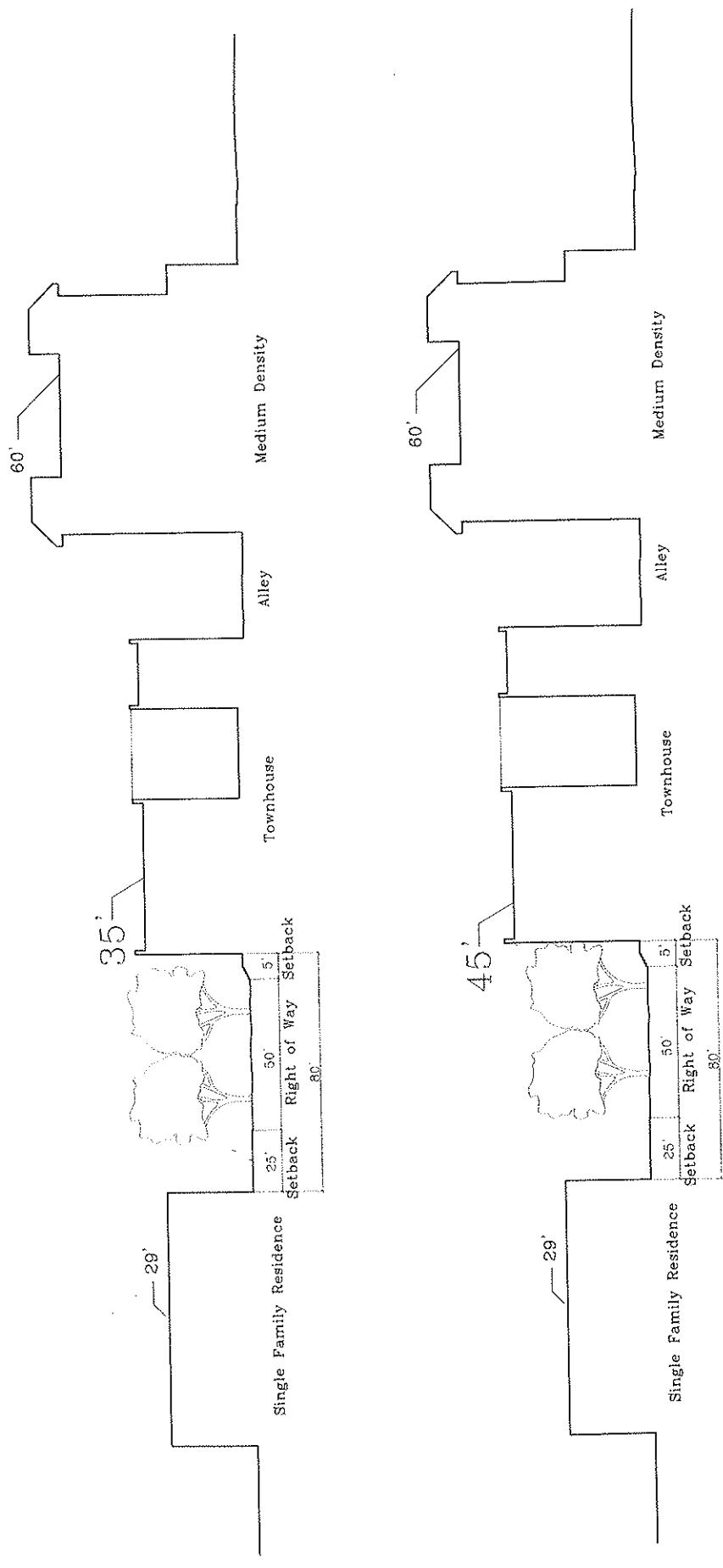
25' 50' 5'

Setback Right of Way Setback

80' 50'

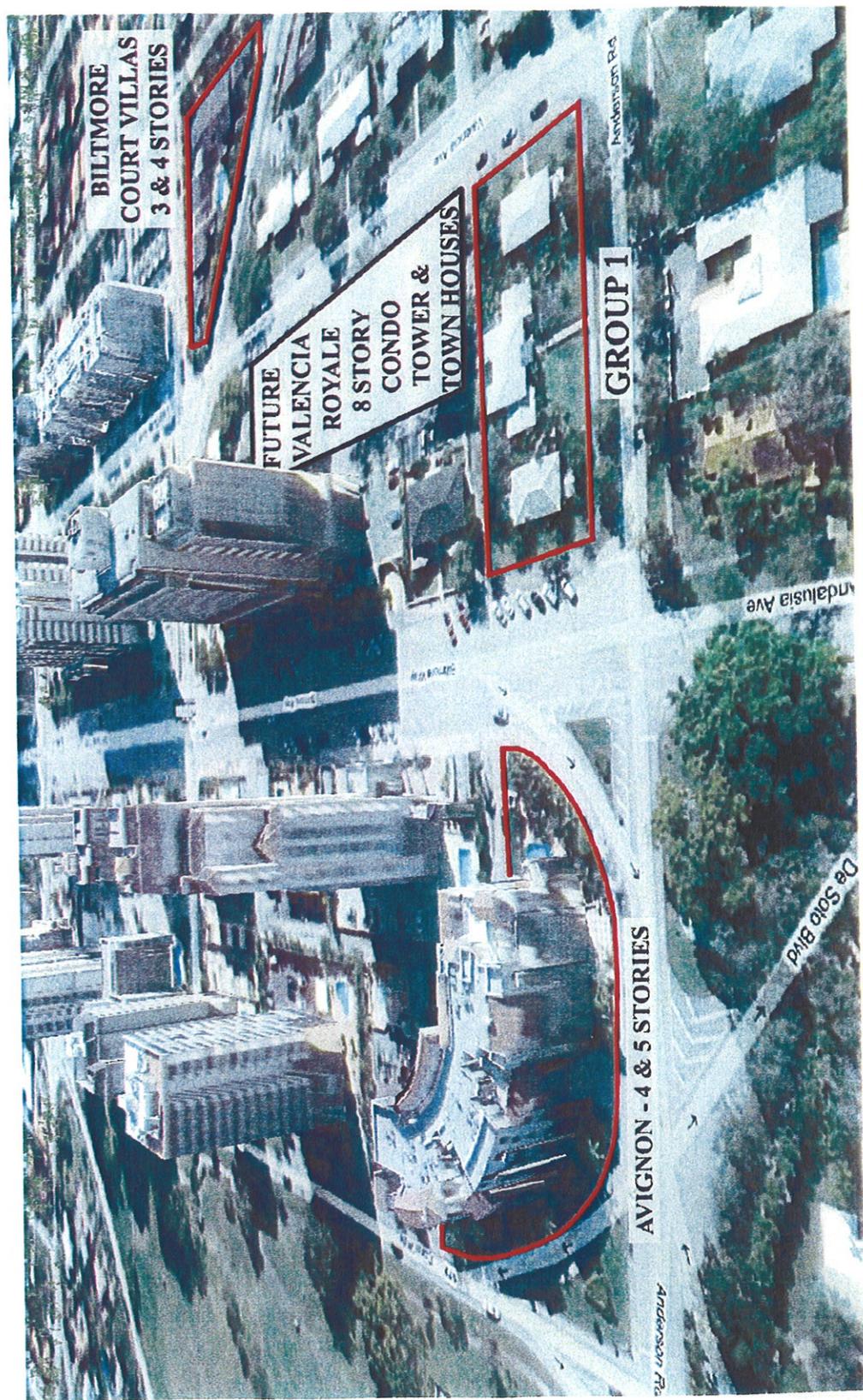
Group I

## Exhibit B.2



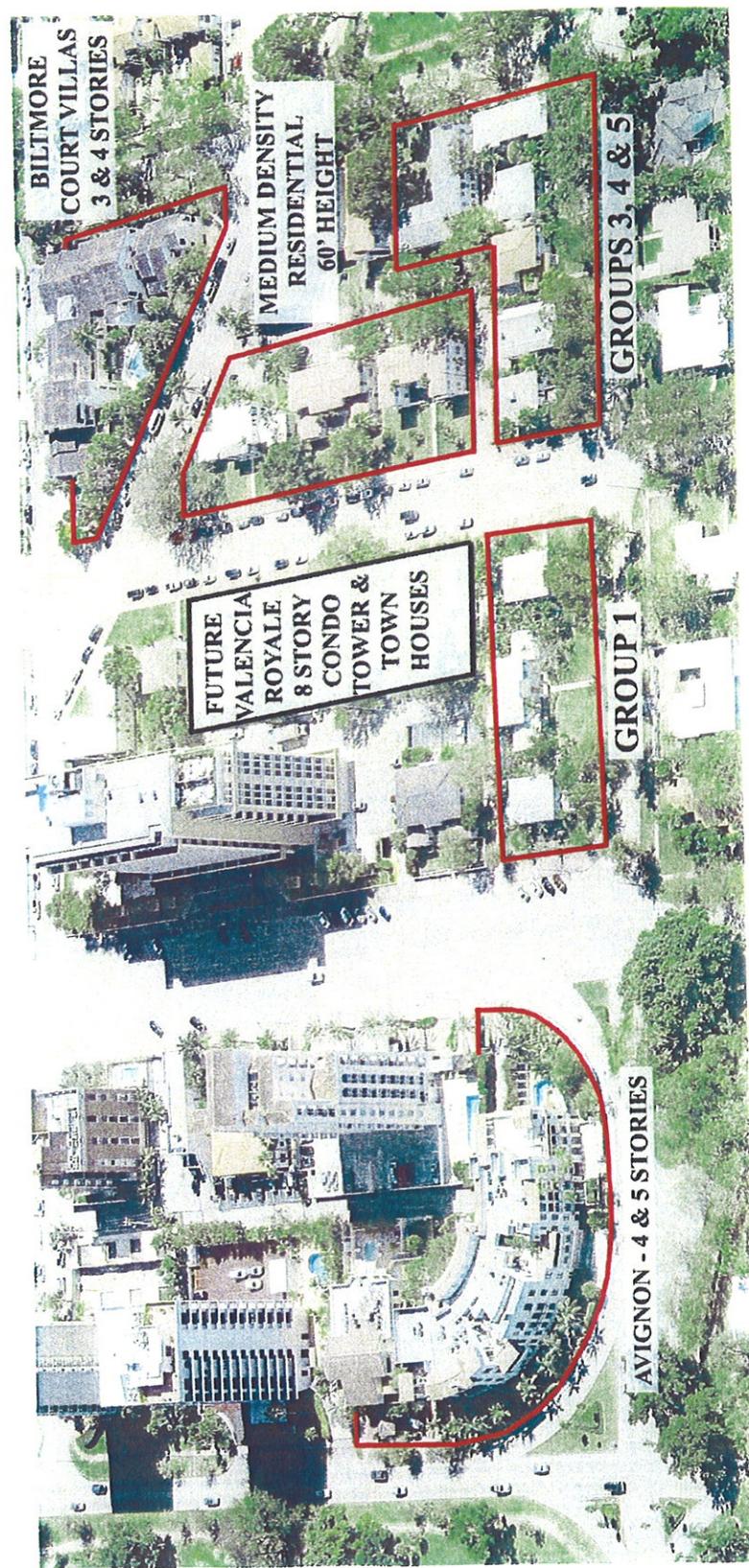
Groups II, III, IV, V

Exhibit C



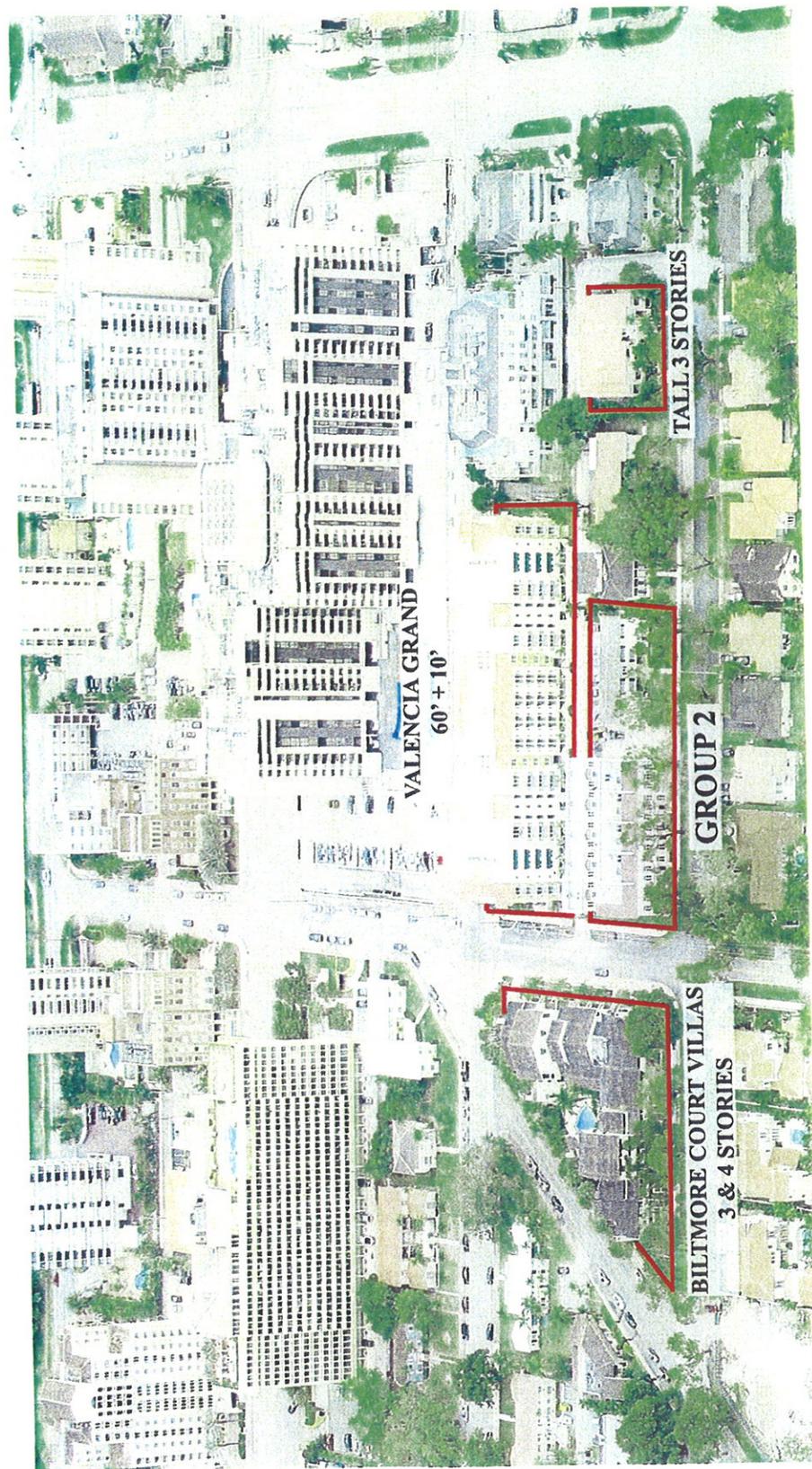
Group I Looking East

Exhibit D



Groups I, III, IV, V Looking East

Exhibit E



Group II Looking North