

01 14 09 Verbatim Excerpts of PZB
Meeting Minutes

Exhibit C

17

1 THE CHAIRMAN: The next items on our agenda
2 are various Zoning Code text amendments,
3 Articles 4 and 5.

4 Should we go -- how do you want to take
5 this, Eric? Do you want to go through them one
6 by one?

7 MR. RIEL: Actually, 6 and 7, go through
8 separately, and then 8 through 13 are all
9 considered basically -- they're in one Staff
10 report, so we will discuss all those at one
11 time.

12 THE CHAIRMAN: Okay. Okay.

13 MS. SALAZAR-BLANCO: Good evening. Martha
14 Salazar-Blanco, Zoning Official for the City.

15 We have Items 6 through 13, text
16 amendments, and for Items 6 and 7, I have
17 Ricardo Herran to be presenting those two text
18 amendments, and from 8 through 13, I will have
19 Elizabeth Gonzalez presenting the text
20 amendments, and if you have any questions, I'll
21 be here to answer them, and they will also be
22 here.

23 MR. BEHAR: Thank you.

24 MR. HERRAN: Good evening. Ricardo Herran,
25 Zoning Technician, Building and Zoning

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1 Department.

2 The text amendment before you is to update
3 our triangle of visibility requirements, so
4 they're consistent with Dade County standards.

5 A little bit of background. These changes
6 are only for residential and special use
7 districts, and the idea behind the triangle of
8 visibility is to ensure the safety of
9 pedestrians on the sidewalk or on the swale
10 area.

11 If you turn to your text amendment requests
12 in your packets, I'll go over it with you.

13 Starting with letter B, Staff recommends
14 that we update our triangle of visibility so we
15 have a ten-by-ten-foot triangle, which is
16 consistent with Dade County standards, and I'll
17 pass by -- I'll pass out a diagram, so you can
18 get an idea of what we're talking about.

19 MR. AIZENSTAT: Did you say, letter E as in
20 Edward?

21 MR. FLANAGAN: B.

22 MR. HERRAN: Letter B.

23 MR. AIZENSTAT: B?

24 THE CHAIRMAN: Letter B.

25 MR. COE: B, boy.

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1 MR. AIZENSTAT: Because I was looking for
2 it, and I said, "I don't have any" -- I'm sorry.

3 MR. HERRAN: Actually, if I can get a copy
4 for myself, as well. Thank you.

5 So Staff is requesting that we update our
6 triangle to a ten-by-ten-foot triangle that you
7 have in front of you.

8 Right now our code has two triangles,
9 depending on whether or not the property has a
10 sidewalk or it does not have a sidewalk.

11 In cases where the property has a sidewalk,
12 we have a fifteen-by-fifteen-foot triangle, and
13 in cases where there's no sidewalk, we have a
14 twenty-by-twenty-foot triangle.

15 Staff is recommending that we are
16 consistent with Dade County standards and change
17 it to a ten-by-ten-foot triangle.

18 MR. BEHAR: And this is taken from the
19 property line?

20 MR. HERRAN: Correct. It's right -- it's
21 up to the edge of the property line, on private
22 property, correct.

23 MR. FLANAGAN: That includes all
24 landscaping, as well or --

25 MR. HERRAN: This -- yes. Basically the

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1 requirement is that there's a visual
2 clearance -- a visual clearance within that
3 triangle between a height, right now, of three
4 feet to eight feet.

5 MR. FLANAGAN: Three feet to eight feet?

6 MR. HERRAN: Right.

7 Now, the other change that we're
8 requesting, which is letter A, we're requesting
9 that that visual clearance be -- start at
10 two-and-a-half feet, which is consistent with
11 Dade County Standards, as well.

12 MR. AIZENSTAT: What was it before?

13 MR. HERRAN: Three feet. Right now it's
14 three feet to eight feet. We're requesting that
15 we're consistent with Dade County, which starts
16 at two-and-a-half feet.

17 MR. FLANAGAN: To eight feet?

18 MR. HERRAN: The current Miami-Dade code
19 says, "Two-and-a-half feet and above." That's
20 what it says. We would amend it to say,
21 "Two-and-a-half to eight feet."

22 MR. FLANAGAN: Okay. Have we had problems
23 with it being three feet in the past?

24 MR. HERRAN: We haven't had any problems.
25 We -- there are a lot of complaints from the

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1 residents saying that, you know, our triangles
 2 are a little bit too restrictive, and that's one
 3 of the reasons that we're here to talk about the
 4 triangle.

5 The Commission requested that Staff
 6 research what is done in other municipalities,
 7 and we researched City of Miami, Dade County,
 8 Miami Beach, and we believe that Dade County
 9 standards are -- are what we should be
 10 consistent with.

11 MR. FLANAGAN: And are we taking it from --
 12 the language here says it's -- "leading to a
 13 public right-of-way." Are we going to the
 14 public right-of-way or are we going to the edge
 15 of pavement?

16 MR. HERRAN: It's going to -- edge of the
 17 property line.

18 MR. COE: Edge of the property line.

19 MR. FLANAGAN: No, from property line --
 20 bear with me.

21 MR. HERRAN: Sure.

22 MR. FLANAGAN: So, basically, everybody's
 23 driveway has to have a ten-foot triangle
 24 clearance, that's it, because everybody's
 25 driveway abuts a public right-of-way --

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1 MR. HERRAN: Correct.

2 MR. FLANAGAN: -- or just about, I would
 3 imagine.

4 MR. HERRAN: Right.

5 MR. BEHAR: But it goes further, it goes
 6 from the property line. This diagram may not be
 7 consistent throughout the whole City. If your
 8 right-of-way is a swale area --

9 MR. FLANAGAN: Right.

10 MR. BEHAR: -- it doesn't count. This is
 11 taken from your actual property line.

12 MR. HERRAN: Correct.

13 MR. BEHAR: So actually you're going to end
 14 up with a much larger --

15 MR. FLANAGAN: Well, what you end up
 16 with -- what you have right now all over the
 17 City is, you have paved roadway and then you
 18 have significant stretches of swale, which are
 19 actually right-of-way, and my understanding is
 20 that the way the City has been enforcing the
 21 provisions in the past is that the visibility
 22 triangle has actually been from edge of
 23 pavement, not from property line.

24 MR. BEHAR: Well --

25 MR. FLANAGAN: So if we change it to

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1 property line, and I've been through this with
 2 my neighbor several months ago, who got one of
 3 those relatively notorious tickets, I think,
 4 when this whole issue came about, she's cut
 5 there chopping down her -- her hedges, and I
 6 said, "What are you doing?"

7 You end up, I think, in a City, at this
 8 point, with, I'm going to venture, almost every
 9 homeowner having to lop off their hedges, their
 10 palm trees, their flower plants, whatever it may
 11 be, 'cause if you go down any street, almost
 12 everybody, and especially in -- in the districts
 13 of the fifty by a hundred foot lots and the
 14 smaller -- have hedges or rows of palm trees
 15 that act as a landscape divider between
 16 properties, that go right up to the property
 17 line, and many driveways are within five feet.

18 MR. BEHAR: To the driveway.

19 MR. FLANAGAN: So at this point,
 20 everybody's going to be lopping landscaping off
 21 like no tomorrow, and I have a hard time with
 22 that.

23 MR. HERRAN: Well, we already have that
 24 requirement in our code. We have a
 25 15-by-15-foot triangle in cases where there's a

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1 sidewalk. So --

2 MR. FLANAGAN: But my understanding is that
 3 the interpretation of the way the code had been
 4 drafted and the way it's been implemented or
 5 enforced is that -- it's the visibility triangle
 6 has been from edge of pavement --

7 MR. HERRAN: We have --

8 MR. FLANAGAN: -- not from edge of
 9 right-of-way.

10 MR. HERRAN: Well, the way that our Zoning
 11 Code reads is, we have two different scenarios.
 12 We have a case where there's no sidewalk, in
 13 which case you're right, the triangle goes to
 14 edge of pavement -- pavement, and we have a
 15 case -- case where we have a sidewalk, where the
 16 triangle goes to the edge -- the front edge of
 17 the sidewalk, closest to the property line.

18 MR. FLANAGAN: And -- and I think, from a
 19 rationality standpoint, that makes sense,
 20 because what you want is to make sure that
 21 somebody walking or driving down the street and
 22 pulling up, can see each other.

23 So if you have a sidewalk, that well could
 24 have a pedestrian on it, you need that.
 25 When you have pavement that stops and then

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1 you have 20 feet of swale area, before you hit
 2 somebody's property line, I really don't see the
 3 need for having an additional -- the site
 4 triangle, on top of that 20-feet, 'cause you
 5 have more than sufficient back out room or pull
 6 out room, once you get in front of your hedge,
 7 and you have 20 feet in front of you before you
 8 actually hit edge of pavement.

9 So I think this needs a lot further
 10 discussion and further --

11 MR. BEHAR: And you're right, a lot of
 12 the -- the existing conditions, you know, will
 13 be in -- in violation of that triangle.

14 MR. HERRAN: Well, the idea is for us to be
 15 consistent with Dade County. This is the way
 16 Dade County does it. They take their triangle
 17 to the edge of the property line, and in
 18 reality, our swale areas are already covered by
 19 our City Code.

20 Swale areas are supposed to be completely
 21 clear of any visual obstruction as is, unless
 22 they get some sort of landscape encroachment --

23 MR. COE: But don't they have trees --

24 MR. FLANAGAN: And most of the swales, I
 25 think, are clear. It's that when you have this

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1 10, 15, 20, 25-foot swale between edge of
 2 pavement and the property line, you have a clear
 3 site area, which is what the intent is. I
 4 mean --

5 MR. HERRAN: Uh-huh.

6 THE CHAIRMAN: And the -- the -- the
 7 existing codes refers to, in the case of -- of
 8 no sidewalk, to the edge of the pavement of the
 9 abutting street, which is what you were
 10 referring to.

11 So by changing that, even though the County
 12 may have different language, we're now placing a
 13 lot of people in a position where maybe, you
 14 know, the visibility isn't a problem, but
 15 they're going to have to comply.

16 That's -- I think that's what we're saying
 17 or what -- what Jeff is saying here.

18 MR. FLANAGAN: Right.

19 MR. HERRAN: The other idea is also to
 20 protect pedestrians walking in the swale area,
 21 which we don't have right now. That's the
 22 other thing.

23 MR. BEHAR: Well, then, let me ask a
 24 question. Is the City going to go and cut all
 25 the trees that are in that portion between the

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1 right-of-way and the property line?

2 MR. HERRAN: Well, trees and -- and tree
 3 trunks are allowed within that triangle. What
 4 is not allowed is a hedge, a wall, a fence,
 5 anything that is within that two-and-a-half to
 6 eight feet height.

7 THE CHAIRMAN: You're sure a tree trunk is
 8 allowed?

9 MR. COE: Yeah.

10 MR. HERRAN: Tree trunks are allowed.

11 THE CHAIRMAN: Okay. I didn't read it that
 12 way, but I -- I don't know.

13 MR. COE: It's designed to attack hedges.

14 When I sat on the Code Enforcement Board,
 15 this was the major problem, and the most fine's
 16 and the most complaints from residents, because
 17 they really had to severely restrict their --
 18 their hedges, and -- however, right before that
 19 became a controversy, there was a child in a
 20 tricycle that was killed, because of the -- the
 21 hedge wasn't cut down. So you -- you have a
 22 conflicting issue here.

23 THE CHAIRMAN: Well, I just wanted to
 24 emphasize that if there's a tree trunk where --
 25 where a hedge shouldn't be, that tree trunk also

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1 blocks visibility, just the same as the hedge
 2 would. So I'm not sure I agree that -- that
 3 this is not applicable to trees, as well.

4 I guess -- let me just go back to a more
 5 basic question, and -- what -- what is driving
 6 this decision to conform to the County?

7 Is it that we -- our visibility is not good
 8 enough, is our visibility too much or is it just
 9 complaints, we're trying to address complaints?

10 MR. HERRAN: I -- I think that the
 11 Commission asked Staff to -- to review what --
 12 some of the other municipalities, due to a lot
 13 of complaints that were generated by residents
 14 in the City saying that our standards are too
 15 strict.

16 So in this -- in this way, in this fashion,
 17 we'll be consistent with Dade County, which has
 18 less strict requirements.

19 MR. BEHAR: You know, I understand it, but
 20 I'm looking and I'm thinking, and you're
 21 absolutely right, the tree trunk -- I'm looking
 22 at conditions in my street. There are 36-inch
 23 wide, you know, trunks, that -- that becomes a
 24 barrier, a visibility problem.

25 MR. HERRAN: Within this text amendment, we

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1 also address issues where there's site
 2 conditions that doesn't allow the property owner
 3 to abide by these requirements, and in that
 4 case, we're recommending the Building & Zoning
 5 Director allow for the use of convex mirrors.

6 So that will cover any site situations,
 7 non-conforming usage --

8 MR. BEHAR: No, I don't want the trees to
 9 be cut down, on the contrary.

10 MR. FLANAGAN: Those look nice.

11 MR. COE: Is it easier to shape a hedge
 12 than cut down a tree?

13 MR. FLANAGAN: I have -- if this said if it
 14 was from edge of pavement or from edge of
 15 sidewalk, I think I can live with it better, but
 16 I think, as drafted, being from right-of-way,
 17 there's absolutely no way.

18 I mean, it's the City Beautiful. We pride
 19 ourselves in our landscaping. We don't live in
 20 the County for various reasons, and probably
 21 some obvious reasons. I don't think we need to
 22 necessarily comply with the County, and our
 23 landscaping is beautiful, and people put a lot
 24 of time, energy and money into it. I think to
 25 go start chopping down all these -- I don't know

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1 what kind of palm it is, those real thin palms
 2 that make a really good divider, and, you know,
 3 you just start knocking those down and all that
 4 -- it's not even the hedges in the front of the
 5 house. It's the hedges in between the property
 6 lines. I mean, those all have to start getting
 7 cut back.

8 THE CHAIRMAN: Yeah, I mean, I -- I kind of
 9 agree with you. If this was to address a
 10 visibility problem that we have, causing
 11 accidents and so forth, then maybe we need to --
 12 to -- to expand the visibility triangle, but if
 13 it's just to address the complaints of
 14 residents, that they're required, you know, to
 15 chop down hedges, this proposal, I think, may
 16 not solve that problem, it may even exacerbate
 17 that problem.

18 I think that's what Jeff's saying. I don't
 19 -- I, for one, am not comfortable that I
 20 understand how this would actually affect
 21 everybody, compared to what exists right now.
 22 That's -- that would be my concern.

23 Any other comments? Is there -- is there a
 24 motion to --

25 MR. COE: So if I understand the Chair, you

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1 want to have -- you want to keep in place the
 2 more restrictive ordinance that currently
 3 exists?

4 THE CHAIRMAN: I just --

5 MS. KEON: You mean, less restrictive? I
 6 mean, I think --

7 MR. COE: The -- the City is liberalizing
 8 the whole -- the whole issue. Do you want to
 9 keep it more restrictive? Is that -- is that
 10 the Chair's position?

11 THE CHAIRMAN: I'm telling you, I don't
 12 understand whether this -- this increases the
 13 visibility or decreases the visibility or leaves
 14 it unchanged.

15 MR. BEHAR: The current condition is not
 16 more restrictive, because the current condition
 17 goes from the edge of pavement.

18 MR. HERRAN: Yeah.

19 MR. FLANAGAN: Where there's no sidewalk,
 20 it goes from edge of payment.

21 MR. BEHAR: When there's no sidewalk.

22 MR. HERRAN: When there's no sidewalk, and
 23 you're -- you're right, in the cases where there
 24 is no sidewalk, this will be more restrictive.

25 MR. BEHAR: Right.

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1 MR. CHAIRMAN: So that's a good portion of
 2 the City.

3 MR. BEHAR: You're not correct in stating
 4 that we're making --

5 MR. COE: But when there's a sidewalk, it's
 6 less restrictive.

7 MR. BEHAR: Correct.

8 MR. FLANAGAN: Correct, and I said, if it
 9 went from it -- if this language said, "From
 10 edge of pavement or from edge of sidewalk, if it
 11 exists," I could live with that, definitely, but
 12 this says, "From edge of right-of-way," no
 13 matter what.

14 MR. BEHAR: Well, this -- this -- property
 15 line. Property line, which makes it more
 16 restrictive.

17 MR. AIZENSTAT: Property line.

18 MR. COE: Property line.

19 MR. FLANAGAN: Correct.

20 MR. COE: We're not talking about the
 21 swale. We're talking about property line.

22 MR. FLANAGAN: Well, the swale is
 23 right-of-way, and that's why to me --

24 MR. COE: It's property line.

25 MR. FLANAGAN: Property line goes up to the

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1 right-of-way.
 2 MS. KEON: Right. Is it going to be
 3 changed to be edge of pavement?
 4 MS. SALAZAR-BLANCO: Staff doesn't have a
 5 problem if we change it to edge of pavement. We
 6 just wanted to be consistent with the County,
 7 and if -- if the Board recommends to -- for it
 8 to go to the edge of pavement, we're okay with
 9 that. Staff is okay to do it at edge of
 10 pavement.
 11 It's a -- I understand where you're coming
 12 from, and it's -- it's a little bit less
 13 restrictive, but --
 14 MR. BEHAR: Well --
 15 MS. SALAZAR-BLANCO: -- we were just trying
 16 to be consistent with the County standards, but
 17 if the Board recommends for it to be at the edge
 18 of pavement, that's fine.
 19 THE CHAIRMAN: Well, would someone like to
 20 make a motion to modify it, and approve as
 21 modified, we could discuss that motion, too?
 22 MR. FLANAGAN: Okay. I'll make a motion to
 23 approve the request as modified, such that the
 24 site visibility triangle, with ten-foot legs, be
 25 from edge of sidewalk, if one exists, and where

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1 there is no sidewalk, from edge of pavement.
 2 MR. BEHAR: I'll second the motion.
 3 THE CHAIRMAN: The motion is seconded.
 4 MR. FLANAGAN: And I think that makes
 5 sense.
 6 THE CHAIRMAN: Is there any discussion on
 7 this or questions on this? No discussions or
 8 questions, we'll call the roll.
 9 MS. MENENDEZ: Jeff Flanagan?
 10 MR. FLANAGAN: Yes.
 11 MS. MENENDEZ: Pat Keon?
 12 MS. KEON: Yes.
 13 MS. MENENDEZ: Javier Salman?
 14 MS. SALMAN: Yes.
 15 MS. MENENDEZ: Eibi Aizenstat?
 16 MS. AIZENSTAT: Yes.
 17 MS. MENENDEZ: Robert Behar?
 18 MR. BEHAR: Yes.
 19 MS. MENENDEZ: Jack Coe?
 20 MR. COE: Yes.
 21 MS. MENENDEZ: Tom Korge?
 22 MR. CHAIRMAN: Yes.
 23 MR. HERRAN: There is one thing within the
 24 text amendment that I did not get to address,
 25 Item D.

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1 THE CHAIRMAN: Are we talking about the one
 2 we just voted on?
 3 MR. HERRAN: Yes.
 4 MR. COE: The one we just voted -- do you
 5 want us to rescind our vote?
 6 MR. HERRAN: It's just a minor amendment to
 7 Item D, just a change in the language.
 8 THE CHAIRMAN: Okay.
 9 MR. HERRAN: Item D, right now, in the
 10 second line, reads "Zoning Director may approve
 11 the use of convex mirrors."
 12 We would like to change that so it reads,
 13 "Zoning Director may approve and/or require the
 14 use of convex mirrors," and this is for cases
 15 where a Code Enforcement Officer cites a
 16 property that has no visibility or very poor
 17 visibility, and this would allow the Building &
 18 Zoning Director to require that property owner
 19 to install convex mirrors.
 20 MR. AIZENSTAT: Well, if -- if you cite a
 21 property that has no visibility, are you saying,
 22 "Put up a mirror and you're okay to leave it
 23 there?"
 24 MR. HERRAN: Well, there -- there are a lot
 25 of existing conditions, non-conforming

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1 structures, that there is no way for them to
 2 conform to these requirements, unless it was
 3 torn down.
 4 MR. AIZENSTAT: The structure itself,
 5 you're talking about?
 6 MR. HERRAN: The structure itself.
 7 MR. AIZENSTAT: So the actual house is
 8 built all the way up to the property line?
 9 MR. HERRAN: This is in cases for -- mostly
 10 for urban areas, in the commercial, commercial
 11 limited and industrial areas, where you have a
 12 lot of properties that go right to the edge of
 13 the property line.
 14 MR. AIZENSTAT: Can you give me an example
 15 where?
 16 MR. HERRAN: For example, right across the
 17 street, we -- we have an alley where the Keyes
 18 building is --
 19 MR. AIZENSTAT: Right.
 20 MR. HERRAN: -- and that alley -- both --
 21 both of those structures go to the property line
 22 and there's no visibility right there.
 23 MR. FLANAGAN: And then, Eibi, I think the
 24 Black's -- I think it's Black's Copy building
 25 now, on Ponce, comes right up to that -- right

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1 up the sidewalk and corner.
 2 MR. BEHAR: In the commercial situation, I
 3 don't have a problem. I -- I mean, that doesn't
 4 happen in the residential --
 5 MR. COE: No.
 6 MR. BEHAR: -- neighborhood, right?
 7 MR. HERRAN: I can't think of any cases.
 8 Well, actually that's not true. There are cases
 9 in residential properties where you have, for
 10 example, a driveway that abuts up against
 11 somebody else's property, where they have an
 12 existing four-foot wall or five-foot wall. So
 13 in that case, that would obstruct the required
 14 triangle.
 15 MR. AIZENSTAT: Yeah, but if that's the
 16 case, then that wall -- you're saying, you don't
 17 have to lower that wall, you can just put a
 18 mirror there?
 19 MR. HERRAN: This is a -- the adjacent
 20 property owner's wall.
 21 MR. AIZENSTAT: Right. But the adjacent
 22 property owner has a wall that's high, that
 23 obstructs the triangle, what you're saying is
 24 they can put up a mirror and not have to reduce
 25 that wall?

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1 MR. HERRAN: Well, the wall probably was
 2 permitted. So if it was permitted, it's a non
 3 -- it would be a non-conforming --
 4 MR. AIZENSTAT: But then wouldn't --
 5 wouldn't the wall have -- should not have been
 6 permitted, because of the visibility triangle --
 7 MR. HERRAN: It could have been that it was
 8 permitted when this requirement was different.
 9 MR. COE: It's grandfathered in.
 10 MR. HERRAN: Correct, grandfathered in.
 11 MR. AIZENSTAT: How old would that have to
 12 be, to be grandfathered?
 13 MR. BEHAR: It doesn't matter --
 14 MR. FLANAGAN: Existing non-conforming.
 15 MR. BEHAR: -- if you get approved.
 16 MR. HERRAN: Existing non-conforming.
 17 MR. AIZENSTAT: I mean, the reason I'm
 18 asking is, because if you've got people with
 19 hedges and you're making them cut it down, but
 20 you've got somebody that has a wall and they can
 21 put a mirror, so can the person that has a hedge
 22 not cut it down, and put a mirror, if that's
 23 what they want to do?
 24 I mean, I'm asking, because of that,
 25 because when you fall into that, what's --

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1 THE CHAIRMAN: Well, it's up -- that's up
 2 to the Zoning Director to decide.
 3 MS. SALAZAR-BLANCO: That's correct.
 4 MR. AIZENSTAT: Okay.
 5 MS. SALAZAR-BLANCO: That's up to the
 6 Building & Zoning Director.
 7 MR. COE: It's the tentative discussion --
 8 MS. SALAZAR-BLANCO: If the Building &
 9 Zoning Director sees that there's a legally
 10 non-conforming structure or if there's issues
 11 that for no reason, nothing can be done about
 12 the triangle of visibility, then, at that time,
 13 he may require or approve a mirror there.
 14 MR. BEHAR: I would hate to see mirrors
 15 all, you know, around.
 16 MR. AIZENSTAT: Yeah, me, too.
 17 Just I'd hate to see mirrors going around
 18 in the area. That's my only --
 19 MR. BEHAR: That's my problem, you know,
 20 those mirrors.
 21 MR. AIZENSTAT: I agree.
 22 MS. KEON: I agree.
 23 THE CHAIRMAN: Well, by inserting required
 24 or -- after --
 25 (Simultaneous speaking.)

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1 MR. BEHAR: Well, that -- come on, Jack,
 2 don't -- that's nonsense.
 3 THE CHAIRMAN: By inserting the words "or
 4 required" after "approve," we're giving the
 5 Zoning Director the authority to force the use
 6 of -- of the convex mirrors, then, even if the
 7 property owner does not want to use the convex
 8 mirror.
 9 The way it's written now, as I understand
 10 it, the Zoning Director could approve the use of
 11 it, but couldn't force them to use it if they
 12 didn't want to. So the only way they -- I
 13 guess, the Zoning Director would be able to
 14 force them otherwise, would be to tell them
 15 "Tear down the structure or the shrub" or
 16 whatever and if they then said, "We don't want
 17 to do that," well, your alternative is to -- to
 18 put the mirror, but now we can just go in and
 19 say, "In lieu of that requirement of tearing
 20 down the structure," you just go in and say,
 21 "I'm not going to require you to tear down the
 22 structure, I'm going to require you to put up
 23 the mirror."
 24 So it's a slight difference in the way that
 25 -- it gives a little bit more authority to the

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1 Zoning Director to decide how to solve the
2 problem.
3 MR. COE: Is that a good idea, so much
4 discretion?
5 THE CHAIRMAN: I don't know, that it's that
6 bad an idea. I'm just pointing out the --
7 MR. COE: I'm just saying, is that a good
8 idea, to give the Zoning Director that much
9 discretion?
10 THE CHAIRMAN: I don't know that it's a lot
11 more discretion, to be candid with you.
12 MS. SALAZAR-BLANCO: Well, if the Building
13 & Zoning Director decides that it's required,
14 and they don't feel that it's required, they can
15 always appeal that to the Board of Adjustment --
16 appeal that decision to the Board of Adjustment
17 MR. FLANAGAN: But in the case of a wall or
18 a building -- I mean, if it's there, and it was
19 permitted, then it's a legal non-conforming use
20 and you can't make them chop it down. And so --
21 and we all -- I don't think we like the idea of
22 the mirrors.
23 MS. SALAZAR-BLANCO: This is really more
24 for legal non-conforming structures than
25 anything, any existing buildings or anything

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1 like that.
2 THE CHAIRMAN: Right. So then -- then it
3 does become -- it becomes material, the change
4 in the discretion, because the Zoning Director
5 could then force something that otherwise the
6 Zoning Director couldn't -- couldn't force, and
7 that's basically it.
8 MR. COE: Uh-huh. Uh-huh. Uh-huh.
9 THE CHAIRMAN: So, I mean, really it's a
10 question of whether we think the Zoning Director
11 should have that power and it's a -- really, a
12 life safety issue. That's the reason that he
13 would do that.
14 Any thoughts?
15 MR. BEHAR: I don't have a problem with
16 the -- you know, the Building Director having
17 that authority to do that, absolutely.
18 THE CHAIRMAN: Is there a motion to amend
19 that Paragraph D?
20 MR. SALMAN: So moved.
21 MS. KEON: I'll second.
22 THE CHAIRMAN: There's a motion and a
23 second. Is there any further discussion on
24 that?
25 Let's call the roll on that motion, please.

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1 MR. FLANAGAN: What was the motion on that
2 Paragraph D?
3 THE CHAIRMAN: The motion on Paragraph D
4 would be to insert, also, after "approve," the
5 words "or require," so that it would read,
6 "The -- the Zoning Director may approve or
7 require the use of convex mirrors."
8 MR. COE: Are we calling the roll?
9 THE CHAIRMAN: Would you call the roll,
10 please?
11 MS. MENENDEZ: Pat Keon?
12 MS. KEON: Yes. Yes.
13 MS. MENENDEZ: Javier Salman?
14 MR. SALMAN: Yes.
15 MS. MENENDEZ: Eibi Aizenstat?
16 MR. AIZENSTAT: Yes.
17 MS. MENENDEZ: Robert Behar?
18 MR. BEHAR: Yeah.
19 MS. MENENDEZ: Jack Coe?
20 MR. COE: Yes.
21 MS. MENENDEZ: Jeff Flanagan?
22 MR. FLANAGAN: Yes.
23 MS. MENENDEZ: Tom Korge?
24 THE CHAIRMAN: Yes.
25 MR. COE: Are there any more paragraphs

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1 that we have to discuss?
2 MR. HERRAN: We're done. Thank you.
3 The next amendment is to update the title
4 of Zoning Administrator to its current title,
5 which is Zoning Official, and that's consistent
6 with other titles in the Building & Zoning
7 Department, such as Building Official.
8 THE CHAIRMAN: Any discussion or questions
9 or motions for this?
10 MR. AIZENSTAT: Does that include a pay
11 raise?
12 MR. FLANAGAN: So moved.
13 MR. BEHAR: Second.
14 MR. COE: Second.
15 THE CHAIRMAN: There's a motion, and a
16 second. Any discussion on this? Let's call the
17 roll, please.
18 MS. MENENDEZ: Javier Salman?
19 MR. SALMAN: Yes.
20 MS. MENENDEZ: Eibi Aizenstat?
21 MR. AIZENSTAT: Yes.
22 MS. MENENDEZ: Robert Behar?
23 MR. BEHAR: Yes.
24 MS. MENENDEZ: Jack Coe?
25 MR. COE: Yes.

B.

Street

