

01 14 09 Verbatim Excerpts of PZB  
Meeting Minutes

Exhibit H

1 MS. MENENDEZ: Jeff Flanagan?  
2 MR. FLANAGAN: Yes.  
3 MS. MENENDEZ: Pat Keon?  
4 MS. KEON: Yes.  
5 MS. MENENDEZ: Tom Korge?  
6 THE CHAIRMAN: Yes.  
7 MR. HERRAN: Thank you.  
8 MR. BEHAR: Congratulations.  
9 MR. SALMAN: Now and forever, the new  
10 Zoning Official.  
11 MS. GONZALEZ: Good evening, Elizabeth  
12 Gonzalez with the Building & Zoning Department,  
13 and I will be presenting Items 8 through 13,  
14 which deals, basically, with the screening of  
15 mechanical equipment, either on commercial  
16 buildings or residential properties in the City.  
17 Would you like to take them individually  
18 or --  
19 MR. BEHAR: Yes.  
20 MR. FLANAGAN: Yes.  
21 MS. GONZALEZ: Okay.  
22 MR. FLANAGAN: To the Chair.  
23 THE CHAIRMAN: Well, if the architects want  
24 to take them individually, I would certainly  
25 agree.

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1 MS. GONZALEZ: Okay. The Zoning Code  
2 requires mechanical equipment on rooftops of  
3 buildings to be screened with a wall.  
4 MR. COE: That's someone's telephone.  
5 MS. GONZALEZ: This is noted throughout  
6 the code, in several sections.  
7 One of the reasons we are proposing a  
8 change is because that -- we found that in older  
9 buildings that were undergoing extensive  
10 remodeling, they could support the wall, but  
11 when -- they could not retrofit to propose a  
12 masonry wall that is required by the Code in  
13 order to screen the equipment, by the additional  
14 loads imposed by the screened wall.  
15 So after reviewing this with Zoning, and  
16 Structural and the City Architect, we found that  
17 it was best that the screening, if necessary, be  
18 up to the purview and the discretion of the  
19 Board of Architects, as well as the material.  
20 THE CHAIRMAN: Is there a motion on this?  
21 MR. BEHAR: Let me ask a question.  
22 MR. FLANAGAN: I've got one.  
23 MR. BEHAR: Currently the screening has to  
24 cover up to the top of the equipment, correct?  
25 MS. GONZALEZ: That is correct.

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1 MR. BEHAR: If we're talking on a  
2 commercial building and we're building a  
3 ten-story building, would that be for -- the  
4 visibility that it -- creates, because to -- to  
5 screen a unit on the -- on the tenth floor, that  
6 is not visible from the street, is -- this will  
7 address that?  
8 MS. MENENDEZ: Yes.  
9 MR. BEHAR: Okay.  
10 MS. GONZALEZ: This is what -- this is  
11 why we want to leave this issue to the  
12 discretion of the Board of Architects,  
13 because in one section you'll note that it  
14 was noted at -- from the horizontal plane  
15 of view, which we found it -- was  
16 unnecessary, at -- at some point.  
17 Pardon me.  
18 MR. BEHAR: Okay. I'll make a motion to  
19 approve.  
20 THE CHAIRMAN: Is there a second?  
21 MR. COE: Second the motion.  
22 THE CHAIRMAN: There's a second.  
23 Is there any discussion on the motion? No  
24 discussion? Let's call the roll, please.  
25 MS. MENENDEZ: Javier Salman?

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1 MR. SALMAN: Yes.  
2 MS. MENENDEZ: Eibi Aizenstat?  
3 MR. AIZENSTAT: Yes.  
4 MS. MENENDEZ: Robert Behar?  
5 MR. BEHAR: Yes.  
6 MS. MENENDEZ: Jack Coe?  
7 MR. COE: Yes.  
8 MS. MENENDEZ: Jeff Flanagan?  
9 MR. FLANAGAN: Yes.  
10 MS. MENENDEZ: Pat Keon?  
11 MS. KEON: Yes.  
12 MS. MENENDEZ: Tom Korge?  
13 THE CHAIRMAN: Yes.  
14 MS. GONZALEZ: And under Item 9, this one  
15 deals with mainly a -- the residential areas  
16 where we want to delete the screening of the  
17 mechanical equipment with -- by meeting two, a  
18 wall and landscaping, and just requiring a  
19 wall -- I'm sorry, just landscaping.  
20 MR. COE: Where are we reading from?  
21 MS. GONZALEZ: We found that the  
22 landscaping was sufficient and it was less  
23 of a burden for the property owner when he  
24 was doing a change out of the mechanical  
25 equipment, such as a/c's or gas --

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1 MR. BEHAR: Number 9. Number 9.  
 2 THE CHAIRMAN: Which attachment -- excuse  
 3 me for interrupting, but which attachment are we  
 4 looking at here?  
 5 MR. AIZENSTAT: Article 4, Section 4-201.  
 6 MS. GONZALEZ: Number 9.  
 7 MR. RIEL: I think it's our Attachment C,  
 8 but it's not matching up.  
 9 Yeah, we're backwards.  
 10 THE CHAIRMAN: Oh, okay. I've got it -- my  
 11 next item on it was Attachment C.  
 12 MR. RIEL: Okay.  
 13 THE CHAIRMAN: Which attachment are we  
 14 looking at?  
 15 MS. GONZALEZ: We're looking at 5 --  
 16 Section 5-603.  
 17 MS. KEON: It should be Attachment E.  
 18 MR. RIEL: Yes.  
 19 THE CHAIRMAN: Okay.  
 20 MR. RIEL: Number 9 is Attachment E.  
 21 MS. KEON: I think it's E.  
 22 THE CHAIRMAN: Thank you. Thank you.  
 23 Go ahead. I apologize for interrupting.  
 24 MR. BEHAR: Are you proposing to do away  
 25 with the wall, just landscaping would be

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1 sufficient to --  
 2 MS. GONZALEZ: That's correct. We found  
 3 that it was more in keeping with the idea of the  
 4 open landscape that Coral Gables is known for,  
 5 the green areas, instead of providing with walls  
 6 that sometimes were not aesthetically pleasing  
 7 to the surrounding neighborhood.  
 8 MR. SALMAN: Why can't we just make it wall  
 9 or landscaping, may I ask?  
 10 MS. GONZALEZ: Well, that's why we're  
 11 leaving just landscaping, and we're leaving  
 12 the discretion up to the Board of  
 13 Architects. If they feel that a wall is  
 14 required or -- or it would enhance the  
 15 property or screen it better, they have  
 16 that discretion.  
 17 THE CHAIRMAN: I don't think -- that's not  
 18 the question.  
 19 MR. SALMAN: That's not my question. Wall  
 20 or landscaping.  
 21 THE CHAIRMAN: The question is, wall or  
 22 landscaping. If you just did wall, without the  
 23 landscaping, that would conform or if you did  
 24 the landscaping, without a wall, that would  
 25 conform?

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1 MR. SALMAN: And let the Board of  
 2 Architects decide which is the most proper.  
 3 MS. GONZALEZ: We could do that.  
 4 MR. AIZENSTAT: Okay. Can I ask you a  
 5 question?  
 6 MS. GONZALEZ: Yes.  
 7 MR. AIZENSTAT: Let me give you a  
 8 hypothetical example.  
 9 Most of these air conditioners are screened  
 10 by ficuses, that I've seen. There is a bug  
 11 going around right now that's attacking a lot of  
 12 ficuses. As a result, these ficuses are  
 13 becoming bald, losing all their leaves, and  
 14 they're dead, and now you'll be able to see all  
 15 the equipment that's back there.  
 16 If that happens, is there something in the  
 17 code that the City can go in and say, "You need  
 18 to replant this right away"?

19 MS. GONZALEZ: Yes. We have our Code  
 20 Enforcement Division that could cite the  
 21 property owners to make the -- the  
 22 screening better or enhanced or provide  
 23 some other form of plant material.  
 24 THE CHAIRMAN: Because when it's bare,  
 25 it's really not screened.

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1 MR. AIZENSTAT: Right.  
 2 MS. GONZALEZ: Pardon me?  
 3 THE CHAIRMAN: When it's -- the -- there's  
 4 no leaves on the plant, then it's really not  
 5 screening the equipment --  
 6 MS. GONZALEZ: Correct.  
 7 THE CHAIRMAN: -- as required by the Code.  
 8 MS. GONZALEZ: Exactly.  
 9 MR. CHAIRMAN: All right.  
 10 MR. BEHAR: And going back to Javier's  
 11 comment, if you left wall or landscaping, that  
 12 gives you the flexibility to just have  
 13 landscaping by itself or have a wall, if the --  
 14 if the owner -- property owner chooses to have a  
 15 wall.  
 16 MS. GONZALEZ: Yes.  
 17 THE CHAIRMAN: Because that -- that would  
 18 allow the homeowner to install a wall without  
 19 landscaping the wall.  
 20 MS. GONZALEZ: Right.  
 21 THE CHAIRMAN: I don't know if that's a  
 22 problem, but that --  
 23 MR. SALMAN: Well, it's a Board of  
 24 Architects issue.  
 25 MS. GONZALEZ: Right.

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1           MR. SALMAN: That's what I'm saying,  
2        just give me options.  
3           MR. FLANAGAN: You want and/or?  
4           MR. SALMAN: Yeah, and/or.  
5           (Simultaneous speaking.)  
6           MR. AIZENSTAT: But does it go back to the  
7        Board of Architects or does it go to the  
8        architect who is with the City?  
9           MR. SALMAN: No, the Board.  
10          MS. GONZALEZ: Sometimes it will go  
11        before the City Architect and sometimes it  
12        will be presented to the Board of  
13        Architects, if it's a major renovation or  
14        addition or a new residence.  
15          Sometimes the change out of a/c's -- well,  
16        the majority of change out, just the mechanical  
17        equipment, does not go to the City Architect or  
18        Board of Architects, it just comes through  
19        Zoning and different divisions, whether  
20        electrical --  
21          THE CHAIRMAN: Well, the way I read this,  
22        it doesn't -- I mean, maybe in the context of  
23        the entire code it becomes clear that the -- the  
24        City Architect or the Board of Architects could  
25        require, you know, something different, but the

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1           way I read it is, if you -- if we wrote it, for  
2        example, wall or landscaping, that if they put  
3        up the wall, they -- they conformed, and the --  
4        the City could not, you know, require them also  
5        to landscape. If it -- if it was the current  
6        language, the City would require both, a wall  
7        and landscaping in all instances.  
8           MS. GONZALEZ: That's correct, and that  
9        was --  
10          THE CHAIRMAN: I don't -- so you have to  
11        revise this. If you wanted this to be a  
12        decision by the Board of Architects, then you'd  
13        have to revise it to say that, because it  
14        doesn't say that.  
15          MR. BEHAR: Elizabeth, let me ask you a  
16        question.  
17          MS. GONZALEZ: Uh-huh.  
18          MR. BEHAR: Does it require now -- the City  
19        requires that you have a wall and landscaping or  
20        either or?  
21          MR. COE: Yes, both.  
22          MS. GONZALEZ: Yes, there's -- now it  
23        requires a wall and landscaping.  
24          MR. SALMAN: Both.  
25          MR. COE: And it should be, really, or.

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1           MR. BEHAR: Or. Yeah, I'm comfortable with  
2        or. If I get a wall, I'm comfortable. If I get  
3        the landscaping, I'm comfortable.  
4           MR. COE: It should be "or."  
5           MS. KEON: Can I ask a question?  
6          Is there ever an issue with -- I know this  
7        covers -- this covers visibility from the  
8        street. Is there ever an issue -- is there  
9        ever -- does it ever come up that someone's,  
10       air-conditioning or this equipment is maybe  
11       visible in an adjacent property and is  
12       particularly unattractive? Is that ever an  
13       issue?  
14          MS. GONZALEZ: That the equipment is  
15       unattractive?  
16          MS. KEON: I mean, that it may be in your  
17       neighbor's yard, and it's, you know, close to  
18       you and is like you're looking at it. It's --  
19       you know, is there ever -- I've -- I've heard  
20       people complain of that, I think. Is it ever an  
21       issue?  
22          I ask of the architect. Did you -- I  
23       mean --  
24          MR. SALMAN: I've heard about it --  
25       I've heard about it in a couple of different

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1           contexts in -- again, in Code Enforcement.  
2           MS. KEON: Yeah. Right.  
3           MR. SALMAN: One is noise. That's usually  
4        the first one. And then attached to it is a  
5        visibility issue.  
6           MS. KEON: Right. I mean, I know I've  
7        been in people's homes where if you're -- you  
8        may be in the yard or something and it's -- you  
9        know, on some of the smaller lots, where someone  
10       was putting in that equipment and it -- it  
11       really abuts someone else's -- it's screened  
12       from the home that -- where it's at, but it  
13       isn't from the adjacent property owner, and  
14       it -- it really is unsightly.  
15          Do we address that or do we deal with that  
16       at all?  
17          MS. GONZALEZ: Well, the Code only  
18       addresses it when it's visible to the  
19       street, water view or golf view, but I do  
20       understand your position, as far as from  
21       the adjacent neighbor, when it's close by  
22       and there isn't any landscaping. We do not  
23       have a provision for that, no.  
24          MS. KEON: Yeah. It would -- is there a  
25       need for one?

1 MR. FLANAGAN: Isn't that coming up in  
2 Attachment 10?  
3 MS. KEON: Let me see. I think I saw that.  
4 MS. GONZALEZ: No, we're only requiring  
5 either a wall or landscaping if it's visible to  
6 the street or water or golf view.  
7 MS. KEON: Yeah, it's only the street and  
8 it's only the public view, not from --  
9 MR. FLANAGAN: But I think Attachment K,  
10 later on, says, "Any a/c unit or equipment,  
11 except for window wall units, shall be screened  
12 from view with landscaping."  
13 MR. SALMAN: From view.  
14 MR. FLANAGAN: "Any a/c unit shall be  
15 screened from view.  
16 THE CHAIRMAN: So why don't we address that  
17 when we get -- your concern when we get to that  
18 area?  
19 MS. KEON: Okay. If that's what that  
20 intent was. You know, I think I just read it as  
21 view from the street, also. Okay.  
22 THE CHAIRMAN: Yeah. Well, is there -- is  
23 there any motion on --  
24 MR. SALMAN: I'll make a motion to accept  
25 the change, with the following amendment, to

1 change the words -- leave "a wall" and insert  
2 the word "or" instead of "and."  
3 MR. COE: Second as amended.  
4 THE CHAIRMAN: There's a second for that.  
5 Is there any discussion -- further discussion on  
6 this?  
7 No more discussion. We'll call the roll,  
8 please.  
9 MS. MENENDEZ: Bibi Aizenstat?  
10 MR. AIZENSTAT: Yes.  
11 MS. MENENDEZ: Robert Behar?  
12 MR. BEHAR: Yes.  
13 MS. MENENDEZ: Jack Coe?  
14 MR. COE: Yes.  
15 MS. MENENDEZ: Jeff Flanagan?  
16 MR. FLANAGAN: Yes.  
17 MS. MENENDEZ: Pat Keon?  
18 MS. KEON: Yes.  
19 MS. MENENDEZ: Javier Salman?  
20 MR. SALMAN: Yes.  
21 MS. MENENDEZ: Tom Korge?  
22 THE CHAIRMAN: Yes.  
23 MS. GONZALEZ: Item Number 10 is just an  
24 error in the number noted under "Division," that  
25 it should be Number 17.

1 THE CHAIRMAN: Will you -- will you tell us  
2 what -- which section that is?  
3 MR. RIEL: Attachment C.  
4 THE CHAIRMAN: Attachment C?  
5 MR. RIEL: Yes.  
6 THE CHAIRMAN: Thank you.  
7 MS. GONZALEZ: Article 5, Section  
8 5-603-H-6.  
9 THE CHAIRMAN: Thank you.  
10 MR. COE: It's just a numerical mistake,  
11 right?  
12 MS. GONZALEZ: Pardon me?  
13 MR. FLANAGAN: A scrivner's error?  
14 MR. COE: Is that a scrivner's error?  
15 MS. GONZALEZ: Yes, Number 10 is a  
16 scrivner's error.  
17 MR. BEHAR: Okay. Motion to approve.  
18 MR. COE: Second.  
19 THE CHAIRMAN: A motion and a second.  
20 Any discussion? No discussion, we'll call  
21 the roll, please.  
22 MS. MENENDEZ: Jack Coe?  
23 MR. COE: Yes.  
24 MS. GONZALEZ: Jeff Flanagan?  
25 MR. FLANAGAN: Yes.

1 MS. MENENDEZ: Pat Keon?  
2 MS. KEON: Yes.  
3 MS. MENENDEZ: Javier Salman?  
4 MR. SALMAN: Yes.  
5 MS. MENENDEZ: Bibi Aizenstat?  
6 MR. AIZENSTAT: Yes.  
7 MS. MENENDEZ: Robert Behar?  
8 MR. BEHAR: Yes.  
9 MS. MENENDEZ: Tom Korge?  
10 MR. CHAIRMAN: Yes.  
11 MS. GONZALEZ: Item 11 is similar to Item  
12 8. It's in reference to mechanical equipment.  
13 This particular one specifies hot water storage  
14 tanks, and we were having the same situation,  
15 where screening it with a wall was becoming very  
16 difficult for some of these older buildings and  
17 therefore we -- we wanted to leave it up to the  
18 purview of the Board of Architects.  
19 MR. SALMAN: We have a situation where we  
20 have exterior mounted hot water tanks?  
21 MS. GONZALEZ: Not that I'm aware of,  
22 but it's in the code. I don't know if the  
23 City Architect knows of the (inaudible)  
24 modern storage tank on top.  
25 MR. SALMAN: Do you -- do you ever see

1 that?

2 THE CHAIRMAN: This isn't dealing with  
3 the -- the solar collectors, is it?

4 MR. SALMAN: No, this -- this is water  
5 storage for solar pressure

6 MR. COE: It says, "solar water" here.

7 (Simultaneous speaking)

8 MS. GONZALEZ: Solar panels.

9 MR. AIZENSTAT: Is this for solar panels or  
10 actual water heaters that are outside?

11 MR. MINDREAU: I think this is really  
12 intended to deal with the issue of solar water  
13 heaters -- I mean, water -- yeah, water heaters  
14 that are rooftop mounted.

15 In some cases, these have external tanks.  
16 They're not always -- they're not always  
17 concealed inside the -- the structure, and so I  
18 think that it's an attempt to deal with that.  
19 It's probably one of those old remnants that  
20 were in the code, and it's just been passed on.

21 And so I -- so I --

22 MR. BEHAR: You're proposing it to be at  
23 the discretion of the Board of Architects?

24 MR. MINDREAU: Right. And that's the  
25 reason that we're doing a lot of these things at

1 the discretion, because to -- to put a fast hard  
2 set rule, you know, you -- I can think right  
3 away of a hundred exceptions that should not  
4 happen, so we're leaving it at the discretion of  
5 the Board.

6 MR. BEHAR: Uh-huh. I don't have a problem  
7 with that one.

8 MR. FLANAGAN: If I may say something.

9 THE CHAIRMAN: Is there a motion to  
10 approve?

11 MR. BEHAR: Yeah, I'll make a motion.

12 MR. FLANAGAN: Wait. Do we need to take  
13 out the language that's been in there all along?

14 MR. MINDREAU: We should.

15 MR. FLANAGAN: If you strike out "or  
16 incorporating some other architectural feature,"  
17 I read it to be that now you can incorporate it.  
18 If we leave -- if you can incorporate it, then  
19 you should be, I think, allowed to incorporate  
20 it, and if you can't, and you want to screen it  
21 some other way, leave it up to the discretion of  
22 the Board of Architects, maybe. So that you've  
23 stricken through language that maybe it  
24 shouldn't be stricken through it, it should  
25 merely be an addition.

1 THE CHAIRMAN: We have a motion. Do you  
2 want to withdraw the motion or amend the motion?

3 Who made the motion?

4 MR. BEHAR: I made the motion, but I -- I  
5 feel comfortable with the Board of Architects  
6 making the decision of what it should be. I  
7 don't want -- I don't feel that we should, at  
8 this point, make -- you know, recommend any  
9 method of concealing that -- that equipment.

10 I rather have, on a case by case, the Board  
11 of Architects recommend for that particular  
12 situation the best, you know, mechanism.

13 MR. COE: I'll second the motion.

14 THE CHAIRMAN: I think what Joe -- Jeff is  
15 asking is whether the deletion of the language  
16 "or shall be incorporated in some architectural  
17 feature, such as cupolas, chimneys, et cetera,"  
18 would be interpreted or perhaps misinterpreted  
19 to preclude hiding or screening the -- the  
20 rooftop storage tanks by incorporating it into  
21 an architectural feature, such as a cupola or  
22 chimney? You -- you don't read it that way?

23 MR. BEHAR: No.

24 THE CHAIRMAN: Okay.

25 MS. KEON: If it -- if it was -- if it was

1 design and/or screening material, does that make  
2 -- does that, "by design," include all of these  
3 items that are down here, that you're striking?

4 THE CHAIRMAN: I don't know. I don't know.  
5 MR. COE: I think we've beaten this to  
6 death.

7 THE CHAIRMAN: I was comfortable with --  
8 with the amendment proposed, but if you think  
9 that is more restrictive in some way --

10 MR. BEHAR: I -- I think that you will  
11 restrict, and you will have forced them, you  
12 know, to -- to incorporate, One, a solution that  
13 may not be --

14 THE CHAIRMAN: May not be what's best.

15 MR. BEHAR: -- appropriate for that, and I  
16 think that the Board of Architects will have the  
17 discretion to approve and recommend a solution,  
18 an adequate solution, that will conceal the --  
19 you know, that equipment.

20 My personal feelings.

21 THE CHAIRMAN: Yeah. Yeah. I see. So you  
22 don't have that alternative, it will all -- the  
23 Board has final say?

24 MR. BEHAR: Right.

25 THE CHAIRMAN: Yeah.

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1           MR. FLANAGAN: They just want the power.  
 2           THE CHAIRMAN: Is there a second for the  
 3           motion?  
 4           MR. COE: I've already seconded the motion.  
 5           THE CHAIRMAN: I'm sorry, I didn't hear the  
 6           second.  
 7           There's a motion and a second. Any more  
 8           discussion on the motion?  
 9           No discussion, let's call the roll, please.  
 10          MS. MENENDEZ: Jeff Flanagan?  
 11          MR. FLANAGAN: Yes.  
 12          MS. MENENDEZ: Pat Keon?  
 13          MS. KEON: Yes.  
 14          MS. MENENDEZ: Javier Salman?  
 15          MR. SALMAN: Yes.  
 16          MS. MENENDEZ: Eibi Aizenstat?  
 17          MR. AIZENSTAT: Yes.  
 18          MS. MENENDEZ: Robert Behar?  
 19          MR. BEHAR: Yes.  
 20          MS. MENENDEZ: Jack Coe?  
 21          MR. COE: Yes.  
 22          MS. MENENDEZ: Tom Korge?  
 23          THE CHAIRMAN: Yes.  
 24          MR. COE: Now we're moving.  
 25          THE CHAIRMAN: Two to go.

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1           MS. GONZALEZ: Item 12 is very similar,  
 2           again, to Items 8 and the one we just reviewed.  
 3           Section S-1802 is also referring to  
 4           screening of rooftop equipment. We deleted the  
 5           wording of "parapet or some other type of  
 6           masonry wall or screening," so it could be up to  
 7           the discretion of the Board of Architects,  
 8           again, for the design and the material.  
 9           And we also took out what Mr. Behar was  
 10          referring to originally, of "on a horizontal  
 11          plane of observation."  
 12          MR. BEHAR: I'll make a motion to approve.  
 13          MR. COE: Second it.  
 14          THE CHAIRMAN: There's a motion, and a  
 15          second.  
 16          Let me just ask a quick question. Does any  
 17          of this deal with solar collectors or portable  
 18          towers -- photovoltaic cells that, you know --  
 19          MR. SALMAN: Apparatus. Apparatus  
 20          installed on the roof.  
 21          MR. COE: That's the next one, is  
 22          apparatus.  
 23          THE CHAIRMAN: Are we -- are we addressing  
 24          -- are we giving the Board of Directors -- the  
 25          Board of Architects a decision on how those

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1           items can be installed or are we placing  
 2           restrictions on the installation of solar cells,  
 3           for example?  
 4           MR. MINDREAU: That's the -- like the  
 5           \$64,000 question. They're just now coming into  
 6           the scene heavily and we're getting into having  
 7           to address that.  
 8           By Federal -- I mean, by State statute, we  
 9           have to -- we cannot deny them. Now, we can  
 10          require them to install them in a manner that is  
 11          compatible with the requirements of the City  
 12          aesthetically, and that's where we are right  
 13          now, and I don't think that you can, you know,  
 14          simply amend or pass legislation without  
 15          seriously studying this. So I think that it's  
 16          best to leave it up to the Board of Architects.  
 17          You know, we are -- we are taking the  
 18          position of being very careful, to make sure  
 19          that we prevent the City from becoming an  
 20          industrial community, in the -- in the sense of  
 21          those elements.  
 22          So when they are not visible from the  
 23          street, there's very little problem in approving  
 24          almost any of them, as long as they're  
 25          installed -- architecturally well installed,

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1           and -- from a technical aspect.  
 2           When they face the street, it's a whole  
 3           different scenario. There are some of the  
 4           historic homes that are either on -- on  
 5           Greenway -- North and South Greenway, that have  
 6           the original solar collectors, and, you know,  
 7           quite honestly, when they're installed well,  
 8           they're not that objectionable, when they're in  
 9           view, and so, you know, it's -- it's a technical  
 10          element and well-installed, it works well.  
 11          When you have to be careful is when you  
 12          begin to look like you just strapped them up  
 13          there with Scotch tape and -- and bolted them.  
 14          THE CHAIRMAN: So this will give the Board  
 15          of Architects the authority to decide how --  
 16          MR. MINDREAU: Right.  
 17          THE CHAIRMAN: -- and to what extent they  
 18          can be installed, and, then, if later you want  
 19          to set more specific standards, you're going to  
 20          bring it back to us?  
 21          MR. SALMAN: To the Chair, we keep saying  
 22          that the Board of Architects is going to design  
 23          it. They don't design it. All they do is  
 24          approve the design that is submittal --  
 25          submitted by the owner's architect.

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1 THE CHAIRMAN: Correct.  
 2 MR. COE: Right.  
 3 MR. SALMAN: And -- and the way it reads  
 4 right now, it says, "Subject to the discretion  
 5 and approval from the Board of Architects for  
 6 design and screening material," that's the  
 7 intent. At least that's how I read it. Am I  
 8 correct, because we keep talking about them  
 9 designing it, and I have a problem with that?  
 10 MR. COE: Well, they're approving it.  
 11 MR. SALMAN: But they're approving it.  
 12 They're approving the design that's submitted.  
 13 MR. MINDREAU: No, we -- right. The  
 14 architect involved with the application would be  
 15 the designing architect. The Board of  
 16 Architects can recommend a direction. We -- we  
 17 really make it clear that we are not designing  
 18 for the clients.  
 19 (Simultaneous speaking.)  
 20 MR. BEHAR: Well, this is -- in some cases,  
 21 they've even set up guidelines for the architect  
 22 to follow.  
 23 MR. MINDREAU: That's right. Computer  
 24 guidelines -- you know, if I -- if I come up  
 25 with specifications that I can -- you know, hard

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1 copies that I can -- that I can give them, I  
 2 will certainly guide them in that direction.  
 3 "Look at this particular website."  
 4 THE CHAIRMAN: Well, I mean, this raises a  
 5 real question in my mind about whether we could  
 6 even install solar panels that are on the roof,  
 7 because how are you going to screen them from  
 8 view?  
 9 MR. MINDREAU: That was a problem, that  
 10 they couldn't. You know, the technicians that  
 11 were reviewing were -- some -- if you take a  
 12 literal approach, you know, you -- you kill  
 13 yourself. You have to have the flexibility of  
 14 balancing the issue aesthetically and the  
 15 technical aspects of it.  
 16 MR. SALMAN: Well, it's the same way you  
 17 would hide a -- a solar water heater collector.  
 18 If it's on the north side of the building, and  
 19 your building faces -- on the south side of the  
 20 building, if your building faces north, you put  
 21 it on the south eave, you can't see it from the  
 22 street, you're done.  
 23 MR. MINDREAU: Right. Right.  
 24 MR. SALMAN: Okay. Where it's the  
 25 opposite, you put it on a flat foot, with a

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1 parapet around it, and you don't see it.  
 2 THE CHAIRMAN: What if it's not a flat  
 3 roof?  
 4 MR. MINDREAU: In a flat roof, sure.  
 5 MR. FLANAGAN: Well, then -- then you've  
 6 got to be creative.  
 7 THE CHAIRMAN: No, I'm not asking how to do  
 8 it, I'm really asking whether under this  
 9 language it -- it would flatly prohibit the  
 10 Board of Architects even from approving it,  
 11 because it can't really be screened.  
 12 In other words, is it -- are we saying that  
 13 under no circumstances can you see at all the --  
 14 you know, within reason, of course, the -- the  
 15 solar panel or is it, you know, we just want it  
 16 to look nice? Because it doesn't say we want it  
 17 to look nice, it says you can't see it.  
 18 MR. MINDREAU: No, it has to -- it has to  
 19 be -- it has to look well. That's why I believe  
 20 that at the discretion of the Board, we can make  
 21 that decision, hopefully between -- there are  
 22 enough professionals on the Board, that that  
 23 decision can be made relatively -- I mean,  
 24 within reason, very appropriately.  
 25 The problem is that you -- I don't think

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1 you can -- you can't screen them. There are  
 2 certain circumstances that are very readily  
 3 available to us, you know, when you're -- when  
 4 you're facing -- when your house faces to the  
 5 south, that's where the collector has to be and  
 6 if you don't have a flat roof, there you are.  
 7 You're exactly in this scenario.  
 8 So what you have to do then is you have to  
 9 install it very well, making sure to take the  
 10 precautions that the -- that the straps or the  
 11 anchors are not too -- too mechanical, that  
 12 they're concealed well.  
 13 If you have a -- a tile roof, then you --  
 14 then you flash out and install it prior to the  
 15 tile --  
 16 THE CHAIRMAN: Right  
 17 MR. MINDREAU: -- and that you bring the  
 18 tile up to the sides, so that the application  
 19 doesn't look like -- you know, like -- I use the  
 20 term orthopedic shoes, just because -- not  
 21 because they're undesirable, because they --  
 22 THE CHAIRMAN: I don't have a problem with  
 23 that, but I guess what I'm asking is, does this  
 24 language allow the Board of Architects to make  
 25 that decision, because it talks about being

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1 screened from view and not really, you know,  
 2 attractive if -- if viewed? Do you see the --  
 3 the difference in what I'm saying?

4 MR. MINDREAU: I see your point.

5 THE CHAIRMAN: And I'm -- you know, five  
 6 years from now, people reading this, or even a  
 7 year from now, aren't going to remember our  
 8 discussion.

9 So I don't know if this language is  
 10 adequate for that particular purpose, and I  
 11 think this is going to become more and more  
 12 common practice, to incorporate photo -- you  
 13 know, the solar cells into the roofs.

14 MR. MINDREAU: The photovoltaic tank  
 15 systems are even more expensive than --

16 THE CHAIRMAN: Yeah.

17 MR. MINDREAU: -- the hot water collectors.  
 18 I mean, you have a much larger --

19 THE CHAIRMAN: And I think they could be  
 20 installed so that they're not unattractive --

21 MR. MINDREAU: Sure.

22 THE CHAIRMAN: -- but this doesn't really  
 23 address -- this is really dealing with different  
 24 issues, and now we're talking about these cells.  
 25 They're going to be popular very soon. So we

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1 need to address them in some way. I don't know  
 2 if this the time or place.

3 MR. COE: That -- that would be a separate  
 4 ordinance, I would think.

5 THE CHAIRMAN: But right now this would  
 6 seem to cover it.

7 MR. SALMAN: Well, and at that point, if  
 8 we're going to have solar collective roofing  
 9 materials, that's going to have to be a material  
 10 that's going to have to be approved, and there's  
 11 mechanisms and processes for that.

12 I can -- I can foresee a time when the --  
 13 when the actual tiles that we use to protect us  
 14 from the rain might actually -- might actually  
 15 also collect electricity for us --

16 THE CHAIRMAN: Yeah,

17 MR. SALMAN: And at that point, it becomes  
 18 an aesthetic question.

19 Right now, the state of technology is such  
 20 that these panels, the only way they work, and  
 21 they're not very efficient, by the way, is that  
 22 they're assembled in groups and they're big  
 23 panels, like a solar water heater collector.  
 24 They look almost exactly the same. It's kind of  
 25 -- except they're much bigger, to get any kind

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1 of real voltage out of them, and they're pretty  
 2 much a contraption.

3 I can't see how you're going to be able to  
 4 get it tastefully incorporated into a roof that  
 5 you can see from the street right now, and I  
 6 don't have a problem.

7 THE CHAIRMAN: I've seen pictures -- I've  
 8 seen pictures of them where they're actually --  
 9 as you've described, they're -- they're  
 10 installed on the roof, before any tiles are  
 11 installed, and the tiles are installed around  
 12 it, so that it appears to fit within -- it's not  
 13 just a big box sitting on top of your roof.

14 Having said all that --

15 MR. FLANAGAN: Still, but even with tile  
 16 around it, you've got this big black thing  
 17 sitting on the middle of your roof, visible from  
 18 the street.

19 MR. BEHAR: But by the same token, under  
 20 the State law, you cannot prohibit a person from  
 21 installing it.

22 MR. MINDREAU: Right.

23 MR. SALMAN: But we're not prohibiting,  
 24 we're just limiting the visibility of it.

25 MR. BEHAR: Well, but with this -- what I

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1 take from this is that the Board of Architects  
 2 will find a -- a method that will conceal it to  
 3 the best possible way.

4 MR. SALMAN: They're responsible for it.  
 5 That's why I don't have an objection to the --  
 6 to the statement the way it is.

7 MR. AIZENSTAT: Isn't that why we have the  
 8 Board of Architects?

9 MR. SALMAN: Yes.

10 THE CHAIRMAN: Yes, and this doesn't say  
 11 that -- it does say that. It says that it has  
 12 to be concealed --

13 MR. SALMAN: Uh-huh.

14 THE CHAIRMAN: -- and what I'm telling you  
 15 is that -- that if you've got a sloped roof,  
 16 then you're not going to be able to conceal it.  
 17 That's a fact. I mean --

18 MR. MINDREAU: Perhaps the change should be  
 19 from -- from concealed to installed -- installed  
 20 appropriately or, you know, installed in  
 21 accordance with --

22 MR. SALMAN: No.

23 MR. CHAIRMAN: I don't know what the  
 24 language should be. I'm just suggesting that in  
 25 dealing with this particular type of equipment,

1 if you will, the solar cells, that this -- I  
2 don't think this is thought through from that  
3 perspective.

4 It covers everything else, I think, great.  
5 I mean, I don't have a problem with that. I  
6 don't know whether, you know, maybe we just pass  
7 this and then maybe you all come back later with  
8 some suggestions on how to deal with solar  
9 cells, and even the hot water solar panels.

10 MR. SALMAN: Yeah, Tom, I think that --  
11 honestly, if you have -- if you -- let's say you  
12 have a south facing house, okay, where you have  
13 to have the stuff -- whether the water heater or  
14 the electrical collector, facing south, to get  
15 the sun. You're not going to make it face  
16 north, it ain't going to work. You put it on  
17 the back side of the roof.

18 MR. BEHAR: Put it on the back side, up.

19 MR. SALMAN: And have it face north -- face  
20 south, but below the eave -- the ridge line.

21 MR. BEHAR: Ridge line.

22 MR. SALMAN: And you won't even see it. All  
23 I'm saying is, we don't have to necessarily see  
24 it. There's lots of ways to do it. Let the  
25 Board of Architects work it out.

1 MS. SALAZAR-BLANCO: Mr. Chair, let me  
2 clarify your concerns. First of all, these --  
3 this text amendment that Elizabeth was  
4 presenting was not including the solar water  
5 panels that -- that you are discussing.

6 There is a separate section in the Zoning  
7 Code for that.

8 THE CHAIRMAN: Okay. Then I don't need to  
9 bother you anymore. I thought this would cover  
10 it.

11 MS. SALAZAR-BLANCO: And -- so it is -- it  
12 says, "Solar water heaters and equipment," and  
13 it is under a separate section, and it has its  
14 -- its requirements, the size of the locations,  
15 the way its attached. So this is not included  
16 as part of this text amendment.

17 THE CHAIRMAN: Then can I ask you a real  
18 quick question?

19 Does that other provision deal with the  
20 solar cells, the photovoltaic cells, as well?

21 MS. SALAZAR-BLANCO: "Rooftop water storage  
22 tank (inaudible) shall be screened from view or  
23 shall be incorporated in some architectural  
24 feature, such as cupolas, chimneys, et cetera."

25 So it does say it -- it does say that for

1 the solar water heaters and equipment.

2 MS. KEON: Is your concern, Tom, that  
3 requiring them to be screened, that eventually  
4 you could prohibit them from -- from being  
5 installed?

6 THE CHAIRMAN: Yeah, and I don't want to  
7 make a big deal out of it now. I don't want to  
8 hold this up anymore.

9 MS. KEON: Correct. Yeah.

10 MR. CHAIRMAN: What I'm trying to suggest  
11 is that you all should look at that separately,  
12 and, then, if you think we need --

13 MS. SALAZAR-BLANCO: Yes.

14 THE CHAIRMAN: I don't know. I don't want  
15 to beat a dead horse here.

16 MS. SALAZAR-BLANCO: It would be. It would  
17 be. It would be a separate text amendment, a  
18 separate ordinance, that we can come back with  
19 that, if you wish, later on.

20 THE CHAIRMAN: Okay. Because right now,  
21 the way I read this, it could -- it could create  
22 -- it could be read to create a problem with  
23 that. Okay.

24 MS. SALAZAR-BLANCO: I understand.

25 THE CHAIRMAN: All right. We have a motion

1 and a second?

2 MR. COE: I think we already did that.

3 THE CHAIRMAN: Yes. And any further  
4 discussion than mine?

5 Let's call the roll, please.

6 MS. MENENDEZ: Pat Keon?

7 MS. KEON: Yes.

8 MS. MENENDEZ: Javier Salman?

9 MR. SALMAN: Yes.

10 MS. MENENDEZ: Eibi Aizenstat?

11 MR. AIZENSTAT: Yes.

12 MS. MENENDEZ: Robert Behar?

13 MR. BEHAR: Yes.

14 MS. MENENDEZ: Jack Coe?

15 MR. COE: Yes.

16 MS. MENENDEZ: Jeff Flanagan?

17 MR. FLANAGAN: Yes.

18 MS. MENENDEZ: Tom Korze?

19 THE CHAIRMAN: Yes.

20 MS. GONZALEZ: The final item, 13, is

21 Section 5-1804, and also in keeping with  
22 the rest of the text amendments. We wanted  
23 to make this section applicable to all  
24 sections within the City, and we also  
25 wanted to -- to delete the specific feet

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1 that was being required, and we wanted to  
 2 delete Section B, which refers to  
 3 generators, because generators have a  
 4 section of their own within the Zoning  
 5 Code, with different criteria.

6 MR. COE: Move to approve it, Mr. Chairman.  
 7 MR. BEHAR: Second.

8 THE CHAIRMAN: A motion and a second. Any  
 9 discussion, questions?

10 MS. KEON: Can I ask a question? This is  
 11 where -- this isn't just visible from the  
 12 street, this is required, regardless of where  
 13 it's placed in someone's yard or whatever, it  
 14 has to be screened?

15 MS. GONZALEZ: No. This is -- it is always  
 16 been the procedure that it's either visible from  
 17 the street, the water or the golf -- or the  
 18 golf -- golf.

19 MS. KEON: Okay. Because it doesn't say  
 20 that. It says, "Shall be visually screened from  
 21 view." That view is not -- there's lots of  
 22 different views.

23 MS. GONZALEZ: And -- and it also goes  
 24 on to say, "In addition to the requirements  
 25 of Article 5, Division 6, Section" -- which

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1 is the one that we did a little while ago,  
 2 which talks about being screened from the  
 3 street, waterway, bay or golf course.

4 MS. KEON: Okay. So that would -- I -- I  
 5 really think that we should look at sort of the  
 6 protection -- I mean, I don't know whether it's  
 7 an issue or not.

8 MR. SALMAN: There's nothing to stop you,  
 9 the property owner, from putting a hedge on your  
 10 side to block your neighbor's view -- your view  
 11 of the neighbor's equipment.

12 MR. FLANAGAN: But I think this requires  
 13 the homeowner to -- I read it, I think, the way  
 14 Pat read it. Subparagraph D says, "Any air  
 15 conditioning unit, except for window wall units,  
 16 shall be visually screened from view," period.

17 MS. KEON: But they're saying view only  
 18 from the street, golf course or waterway.

19 MR. FLANAGAN: Because it says -- but, see,  
 20 this says, "It shall be screened from view,"  
 21 which is in addition to the requirements of --

22 THE CHAIRMAN: That would be your  
 23 neighbor's view, on the side yard.

24 MR. FLANAGAN: Correct.

25 MS. KEON: That's -- that's -- I would read

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1 that to be your neighbor's view --

2 MR. FLANAGAN: From the side or the back.

3 MS. KEON: -- in addition to, you know, the  
 4 street or whatever, whatever, that would also  
 5 be from your neighbor's view.

6 MR. FLANAGAN: And for those people that  
 7 live on larger lots, whatever it may be -- I  
 8 mean, if you've got your a/c unit in the back of  
 9 your house, in the middle of your yard, and now  
 10 you're forced -- you've being told what to do, I  
 11 mean, to screen your a/c unit, when nobody --  
 12 when nobody's around for however many hundreds  
 13 of feet --

14 THE CHAIRMAN: Well, that's -- that's a  
 15 current requirement, except that it's changed --  
 16 they deleted the -- they've changed the -- the  
 17 requirements from the setback and it allowed  
 18 the -- the change that I was going to ask about  
 19 was the deletion of the 15 feet of any street or  
 20 waterway property line.

21 So that, I guess, is going to create some  
 22 non-conforming uses now?

23 MR. SALMAN: Well, actually, it resolves a  
 24 lot of the problems.

25 (Simultaneous speaking.)

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1 MS. SALAZAR-BLANCO: No. It's actually  
 2 unclear, because of the side street setbacks.  
 3 Some setbacks are at 15, some were at 25 feet  
 4 and it was not clear, so people were taking it  
 5 as, "Well, the Code says 15, and my -- my set --  
 6 front setback is 25, so I can go up to 15."

7 THE CHAIRMAN: That's what it does say.

8 MR. FLANAGAN: Sure.

9 THE CHAIRMAN: That's why I'm asking.

10 MS. SALAZAR-BLANCO: Right, and that's --  
 11 and -- and then --

12 THE CHAIRMAN: But you never interpreted it  
 13 that way?

14 MS. SALAZAR-BLANCO: No.

15 THE CHAIRMAN: Okay. So you're -- this is  
 16 clarifying language, it's not really a  
 17 substantive change?

18 MS. SALAZAR-BLANCO: That is clarifying.  
 19 That's correct. That's correct.

20 MR. CHAIRMAN: Okay.

21 MS. KEON: Does the Code require that --  
 22 that pool pumps and all of that be housed?

23 MS. SALAZAR-BLANCO: Not housed, but  
 24 that -- screened.

25 MR. SALMAN: Separated.

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1           THE CHAIRMAN: Screened.  
 2           MR. SALMAN: Screened.  
 3           MS. KEON: Be screened.  
 4           So I mean, I think that's the same thing.  
 5           To me, that's the same issue. If you're going  
 6           to require pool pumps and mechanical equipment  
 7           in somebody's yard, associated with a pool, to  
 8           be screened, I would think it would be for the  
 9           same reason you would screen air conditioning  
 10           and other equipment.

11           I think it's noise and visibility, and I  
 12           don't think we should force if somebody puts it  
 13           there, out near the -- I think they should also  
 14           be required to deal with the issues that it  
 15           creates for their neighbor, not the neighbor  
 16           having to then build walls or whatever to  
 17           maintain, you know, their quality of living.

18           MR. FLANAGAN: But I go back, if it's -- at  
 19           this point, no matter where it is on your  
 20           property, it has to be screened.

21           MS. KEON: Well, they're saying, "No."  
 22           Their interpretation is that that's not the  
 23           case. Their interpretation is that it's from --

24           MS. SALAZAR-BLANCO: We were just focusing  
 25           on street view, golf course and waterway.

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1           However, if the Board feels that it -- that it  
 2           should be screened from the neighbor's view,  
 3           such as side property lines, that's okay. I  
 4           don't think it's necessary, but --

5           MR. FLANAGAN: That's not where I was  
 6           going.

7           No, and that's not -- I'm sorry, that's not  
 8           where I was going. I mean, if -- if you want to  
 9           screen it from your neighbors, then I would  
 10           leave where -- when it's closer than 15 feet --  
 11           I would leave the 15 or 25 feet requirements in  
 12           there, because then you're getting awfully close  
 13           to your neighbor's property and maybe it is  
 14           appropriate to screen it, as I read it as  
 15           drafted.

16           MS. SALAZAR-BLANCO: Well, the -- the  
 17           a/c units, they're never going to be any  
 18           closer than five feet, and normally even at  
 19           five feet, they normally do put screening  
 20           anyway, landscape. They don't like to have  
 21           it right there so close to the property  
 22           line -- side property line.

23           MS. KEON: I just think they --

24           MR. FLANAGAN: Now, Martha, help me  
 25           understand as is -- I'm sorry -- as is drafted.

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1           I think I read it the way, Pat, you read it.  
 2           MS. KEON: Right.  
 3           MR. FLANAGAN: That you have to -- that no  
 4           matter where it is, it now needs to be screened.  
 5           MS. KEON: Right. I would have thought  
 6           that it would be consistent with pool equipment  
 7           and all of that. I would think that you would  
 8           see -- you should see consistency in your Code  
 9           of screening from mechanical equipment, such as  
 10           you now have for pools.

11           I don't know why you wouldn't. You know,  
 12           you're going to require people to screen the  
 13           mechanical equipment for pools, why wouldn't you  
 14           require them to screen the mechanical equipment  
 15           associated with other stuff?

16           MR. FLANAGAN: Well, let's take out the  
 17           requirement for pools, I mean, rather than  
 18           continue to impose more requirements.

19           MS. KEON: Yeah. One or the other. I  
 20           mean, I think it should be -- there should be  
 21           consistency between -- with mechanical  
 22           equipment.

23           MS. SALAZAR-BLANCO: Let me -- let me ask  
 24           you, you're asking -- are you trying to clarify  
 25           or would like for us to clarify as far as pool

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1           pumps and things like that, that they should  
 2           also be screened from view? Is that --  
 3           MS. KEON: I'm asking you if they are  
 4           currently.

5           MS. SALAZAR-BLANCO: Yes, and where we get  
 6           that from is where it says, "And any other types  
 7           of mechanical equipment or apparatus," and with  
 8           the word apparatus, that's where we get the  
 9           screening for that.

10           MS. KEON: Right. And so when you talk  
 11           about -- in -- in -- with regard to pool pumps,  
 12           their screening from view, is that also only  
 13           from the street, waterway, golf courses,  
 14           whatever, or is it that they have to be screened?

15           MS. SALAZAR-BLANCO: Only -- right now it's  
 16           only from street, waterway or golf course.

17           MR. FLANAGAN: From the right-of-way.

18           MS. KEON: Is that right?

19           MR. FLANAGAN: Yes.

20           MS. KEON: Oh, I thought you were required  
 21           now --

22           MR. FLANAGAN: No, the way it reads is, it  
 23           looks like it's in conflict with your  
 24           interpretation.

25           MS. KEON: Yeah, that's all.

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1           THE CHAIRMAN: Well, I'm just having  
 2           problems with the 15 feet, because are you  
 3           saying that it's never going to be allowed  
 4           within fifteen feet of any street or waterway,  
 5           property line, going forward?

6           MS. SALAZAR-BLANCO: That's correct.

7           THE CHAIRMAN: And so that language  
 8           should've never been in there and you've  
 9           never -- and you interpreted it as never having  
 10           been in there?

11           MS. SALAZAR-BLANCO: That's right. That's  
 12           correct.

13           THE CHAIRMAN: How can you interpret that  
 14           as not having been in there? I don't understand  
 15           that.

16           MS. SALAZAR-BLANCO: Well, there was  
 17           discrepancies or there was -- actually, when  
 18           this was written, there was -- since it was not  
 19           clear, there was an interpretation in the  
 20           Department that it would be allowed to have air  
 21           -- a/c condensing units in the 15-foot setback.  
 22           So we might see one or two out there. When they  
 23           realized that we were -- that that was being  
 24           allowed, then it was interpreted that, no, they  
 25           must meet the -- they must meet the setbacks for

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1           25 feet.

2           So that was not --

3           THE CHAIRMAN: Because if -- if --  
 4           MS. SALAZAR-BLANCO: -- that was not  
 5           written actually correct, so there was an  
 6           interpretation that it needed to meet the  
 7           25-foot setback, and all we're trying to do is  
 8           clarify it and just put it that -- first of all,  
 9           the a/c units can never be closer than 25 feet,  
 10           because the setbacks for that house or whatever  
 11           they are, it's -- that's what they need to meet,  
 12           no matter what structure it is, whether it's an  
 13           a/c, whether it's the house, whatever it is,  
 14           they need to meet the setback. So we don't --

15           THE CHAIRMAN: So if -- if the --

16           MS. SALAZAR-BLANCO: -- we do not need to  
 17           put 25 feet or 15 feet.

18           THE CHAIRMAN: Well, let's continue with  
 19           that for a second, because it -- it's a 25-foot  
 20           setback for the house, let's say, a side setback  
 21           is 25 feet --

22           MS. SALAZAR-BLANCO: Uh-huh.

23           THE CHAIRMAN: -- then you're saying that  
 24           the house can't be built up to the setback,  
 25           because the house has to be set back from the

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1           setback, in order to fit the mechanical  
 2           equipment? Is that what we're saying?

3           MS. SALAZAR-BLANCO: Correct.

4           THE CHAIRMAN: Is that the way -- is that  
 5           the practice? Javier, is that the way --

6           MR. SALMAN: No. That's not the way it's  
 7           been interpreted.

8           MS. GONZALEZ: No, not necessarily.  
 9           The house does not have to be set back in  
 10           order to accommodate the a/c. It could be,  
 11           if designed to be set back off the setback  
 12           line to accommodate the equipment, but  
 13           the -- if you are proposing a residence or  
 14           a building built to the setback line, and  
 15           the alternative were to be -- is to find  
 16           another location for the a/c, but we are  
 17           not requiring that you build the building  
 18           set back off the property line to  
 19           accommodate the mechanical equipment.

20           THE CHAIRMAN: Yeah, but most -- most  
 21           houses, I'm not really an expert on  
 22           architecture, but I think most houses prefer to  
 23           have the air -- the a/c on -- on the side, not  
 24           in the back, because then it intrudes into the  
 25           backyard. Nobody really uses their side yard,

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1           so, you know, neighbor-to-neighbor, you've got  
 2           air conditioning units facing each other, and  
 3           nobody really cares.

4           So I'm -- what I'm concerned about is, this  
 5           is going to move structures and effectively  
 6           change the -- the -- the setback for the  
 7           structure, because now you've got to move the  
 8           structure and I -- the way I read this, again --

9           MS. SALAZAR-BLANCO: We're not asking for  
 10           them to move the structure. It's more of a  
 11           design issue, when they're going to -- if it's a  
 12           new house, of course.

13           MR. BEHAR: Well, you know, that's --  
 14           that's been the case, because in my  
 15           particular house, I had to say, in order --  
 16           because I'm very tight to the side, I moved  
 17           part of the structure of the house, to  
 18           accommodate the air conditioning unit to be  
 19           within the setback. So, yeah, I mean,  
 20           it -- it happens. It's not new. It's  
 21           always been there.

22           MR. SALMAN: Yeah.

23           MS. SALAZAR-BLANCO: It doesn't happen  
 24           very often, but it does happen sometimes.

25           MR. BEHAR: It happens.

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1           THE CHAIRMAN: The flip -- okay. I just --  
 2           okay. Well, I'm just -- I'm surprised that --  
 3           MR. BEHAR: You're right --  
 4           THE CHAIRMAN: -- that nobody reads 15 feet  
 5           to mean 15 feet, except me. I mean, it says it  
 6           right there. It wasn't like it just came up all  
 7           of a sudden. How can you interpret it not to  
 8           mean what it says? I don't understand that.  
 9           Was it just, somebody put it in  
 10           inadvertently and they didn't want to change it,  
 11           and that's why we're here now, many years later?  
 12           Well, it's surprising. Well, anyway, I  
 13           have nothing else to add. Any --  
 14           MR. FLANAGAN: Yeah. Can I make -- can I  
 15           make -- go ahead.  
 16           MS. KEON: Yeah, I --  
 17           THE CHAIRMAN: Go ahead.  
 18           MR. FLANAGAN: I want to ask if I can make  
 19           an amendment. I think we have a motion and a  
 20           second out there.  
 21           MR. BEHAR: I'll accept a friendly  
 22           amendment.  
 23           MR. FLANAGAN: I would just suggest that  
 24           Subparagraph 2 read, "Any a/c unit or equipment,  
 25           except for window wall units, shall be visually

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1           screened from view from the street, waterway,  
 2           bay or golf course with landscaping," which  
 3           shall be in addition to, and it mirrors the  
 4           language from the last one that we did.  
 5           If that's still -- if that was the  
 6           interpretation that I heard, from my  
 7           understanding, and correct me, and that's the  
 8           way it is interpreted.  
 9           MS. SALAZAR-BLANCO: With wall and  
 10           landscaping or just landscaping?  
 11           MR. FLANAGAN: Shall be screened from view  
 12           from --  
 13           MS. SALAZAR-BLANCO: We changed the other  
 14           one to wall or landscaping.  
 15           MR. FLANAGAN: I'd say, wall or  
 16           landscaping, yeah.  
 17           MR. BEHAR: I will go with that.  
 18           MR. FLANAGAN: Thank you.  
 19           MR. BEHAR: I'll accept your amendment.  
 20           MR. FLANAGAN: Thank you, Mr. Behar.  
 21           THE CHAIRMAN: Did the movant accept the  
 22           amendment, too?  
 23           MR. COE: Yes. Yes.  
 24           THE CHAIRMAN: One more quick question. We  
 25           deleted Subparagraph B of that section, which

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1           deals with the -- the permanent generators?  
 2           MS. SALAZAR-BLANCO: That's correct.  
 3           There's a separate section for generators.  
 4           THE CHAIRMAN: Okay. So this is conforming  
 5           to that?  
 6           MS. SALAZAR-BLANCO: That's right.  
 7           THE CHAIRMAN: Okay. Thank you.  
 8           Any other questions or discussion?  
 9           MR. AIZENSTAT: Javier.  
 10           MR. SALMAN: I had -- I had just a  
 11           recollection, when we had this discussion during  
 12           the -- the zoning re-write, the original  
 13           requirement was that all mechanical equipment  
 14           had to be set back the 25 feet, same as the  
 15           building, and on really narrow lots, when you  
 16           have, you know, your 50 by 100-foot lots or 50  
 17           by 125, that can be a hardship, because your  
 18           side setbacks are so restrictive, and -- and we  
 19           looked at that as -- if I recall correctly, as a  
 20           possible solution to let them -- avoid Robert's  
 21           problem, and let them put the a/c within an  
 22           enclosure within -- in the front, that it would  
 23           be screened. That was the intent.  
 24           Do you recall that?  
 25           MS. KEON: Yeah, it went in the side yard

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1           and they allowed them to -- to build a wall  
 2           around it or somehow incorporated --  
 3           MR. SALMAN: Exactly.  
 4           MS. KEON: -- into the design of the house  
 5           so it could be --  
 6           THE CHAIRMAN: And that's what this  
 7           currently says, but now we're changing that and  
 8           taking that out.  
 9           MR. SALMAN: Well, that's -- I haven't  
 10           voted on it yet --  
 11           THE CHAIRMAN: Well, I'm just saying --  
 12           MR. SALMAN: -- I'm just letting you know.  
 13           THE CHAIRMAN: That's what it says, and I  
 14           -- I'm at a loss to understand why, but anyway,  
 15           any further discussion?  
 16           MR. BEHAR: No, I do have a question,  
 17           generators. The -- that particular section  
 18           would allow a generator to be within the  
 19           setback; is that correct or --  
 20           MR. COE: No, it's a separate, generators.  
 21           MR. BEHAR: Yeah, but --  
 22           MS. SALAZAR-BLANCO: It's the same setback  
 23           as required for the residence.  
 24           THE CHAIRMAN: So you can't screen it  
 25           anymore?

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1 MS. SALAZAR-BLANCO: And it says it does  
 2 not need to be screened, either --  
 3 THE CHAIRMAN: We're rewriting all of this.  
 4 MS. SALAZAR-BLANCO: -- for generators.  
 5 Generators has a totally different type of  
 6 requirements from this.  
 7 THE CHAIRMAN: Okay.  
 8 MS. SALAZAR-BLANCO: Where generators  
 9 cannot be put at the front yard whatsoever. It  
 10 has to be at the rear. It needs to be at the  
 11 side. So it does have different --  
 12 MR. BEHAR: Okay. Let -- let me ask you a  
 13 question, because I'm -- I'm -- I'm using a  
 14 house that is on the street in the front, but  
 15 you have, let's say, the golf course or the  
 16 water behind, and the -- the house is from --  
 17 you know, from the sides, it's on the setback.  
 18 So that particular, you know, house cannot  
 19 incorporate a generator, because that -- if the  
 20 -- the front is the street, the back is the golf  
 21 course or a waterway, and then on both sides is  
 22 to be -- built to the setback, you cannot  
 23 incorporate a generator, correct?  
 24 MS. SALAZAR-BLANCO: Well --  
 25 MR. FLANAGAN: You can do it on the roof,

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1 as long as you can't see it.  
 2 MR. COE: Put it on the roof. Hide it in  
 3 the structure.  
 4 MR. BEHAR: Hide it with a chimney.  
 5 MR. AIZENSTAT: Or in the copula.  
 6 MR. BEHAR: I -- I thought that the  
 7 generator would have a different requirement for  
 8 side setback.  
 9 MS. SALAZAR-BLANCO: They do. They do.  
 10 MR. BEHAR: Okay.  
 11 MR. COE: Separate.  
 12 MR. FLANAGAN: Taking out of this  
 13 section --  
 14 MR. BEHAR: I know, I understand. I'm just  
 15 -- you know, that brought up another question  
 16 that I had.  
 17 MR. COE: Call the question, Mr. Chairman.  
 18 THE CHAIRMAN: We cannot -- well, I want to  
 19 see if I understand this, one more time. We  
 20 cannot move -- we cannot place an air  
 21 conditioning unit within 15 feet of the rear or  
 22 side property line or closer than 25 feet to any  
 23 street or waterway property line with the visual  
 24 screening and so forth? From now on, the visual  
 25 screening would be required for everything, but

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1 they all have to be within the setback?  
 2 MR. AIZENSTAT: And the visual screening  
 3 can either be landscaping or --  
 4 MS. SALAZAR-BLANCO: That's correct.  
 5 MR. FLANAGAN: Landscaping or a wall.  
 6 THE CHAIRMAN: Right. Right.  
 7 MR. FLANAGAN: Okay. That pretty much  
 8 covers all the amendments we just discussed.  
 9 THE CHAIRMAN: Right. I think this is  
 10 going to change -- it's got -- a lot of people  
 11 are going to be affected by this. Now, I think  
 12 there are a lot of people who've put them more  
 13 than 25 feet from the --  
 14 MR. SALMAN: I think it's -- it's overly  
 15 restrictive. I think that we need to be able to  
 16 let them use some of that setback area, in the  
 17 case of adjacancy to a right-of-way, because  
 18 otherwise you're limiting the use of the  
 19 building land within the setback, and you're  
 20 further restricting their ability to build. So  
 21 I'm probably going to vote against.  
 22 THE CHAIRMAN: Any -- any more discussion?  
 23 Then let's call the roll, please.  
 24 MS. MENENDEZ: Bibi Aizenstat?  
 25 MR. AIZENSTAT: Yes.

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1 MS. MENENDEZ: Robert Behar?  
 2 MR. BEHAR: Yes.  
 3 MS. MENENDEZ: Jack Coe?  
 4 MR. COE: Yes.  
 5 MS. MENENDEZ: Jeff Flanagan?  
 6 MR. FLANAGAN: Yes.  
 7 MS. MENENDEZ: Pat Keon?  
 8 MS. KEON: No.  
 9 MS. MENENDEZ: Javier Salman?  
 10 MR. SALMAN: No.  
 11 MS. MENENDEZ: Tom Korge?  
 12 THE CHAIRMAN: No. The motion passes.  
 13 MR. AIZENSTAT: Yes.  
 14 THE CHAIRMAN: Nothing else on the agenda?  
 15 MR. RIEL: No. I've said enough for  
 16 tonight.  
 17 MR. COE: Move adjournment, Mr. Chairman.  
 18 THE CHAIRMAN: Adjourned.  
 19 MR. SALMAN: Second.  
 20 (Thereupon, the meeting was concluded at  
 21 7:30 p.m.)  
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 24  
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## 1 C E R T I F I C A T E

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3 STATE OF FLORIDA:

4 SS.

5 COUNTY OF MIAMI-DADE:

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9 I, NIEVES SANCHEZ, Court Reporter, and a  
10 Notary Public for the State of Florida at Large, do  
11 hereby certify that I was authorized to and did  
12 stenographically report the foregoing proceedings  
13 and that the transcript is a true and complete  
14 record of my stenographic notes.

15

16 DATED this 21st day of January, 2009.

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21 NIEVES SANCHEZ

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CITY OF CORAL GABLES  
PLANNING & ZONING BOARD MEETING  
WEDNESDAY, JANUARY 14, 2009