



To: Laura Russo

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "CL", is written over the name "Craig E. Leen".

RE: Legal Opinion Regarding Site Specific Zoning Regulations and Mediterranean Bonus

Date: April 17, 2015

I have reviewed your email and consulted with Ramon Trias, who agrees with this opinion. Pursuant to section 2-201(e)(1) and (8) of the City Code, and section 2-702 of the Zoning Code, it is my opinion that your email below is correct. Section 5-604(A)(3) of the Zoning Code does expressly indicated that the Mediterranean Style Design Standards bonuses and/or incentives do apply to properties subject to Site Specific Zoning Regulations. The provision reads as follows:

“Site Specific Zoning Regulations and Mediterranean Bonus. Coral Gables Mediterranean Style Design Standards bonuses and/or incentives as provided for in this Section may be awarded as supplemental (additional) intensity/density or the reduction of existing limitations as assigned in ‘Appendix A - Site Specific Zoning Regulations.’ These supplemental (additional) bonuses and/or incentives shall be evaluated pursuant to the applicable development standards included in Tables 1, 2, and 3 of Section 5-604.”

Normally, a site specific provision takes precedence over more general provisions in the Zoning Code. Here, however, the provision at issue relating to the Mediterranean Style Design Standards bonus expressly states that it applies to the site specific provisions. Thus, both the plain language, as well as the obvious legislative intent, is that this provision does apply to properties governed by site specifics.

Herbello, Stephanie

From: Leen, Craig
Sent: Friday, April 17, 2015 6:21 PM
To: Herbello, Stephanie
Cc: Ramos, Miriam; Chen, Brigitte; Parramore, Carol
Subject: FW: Baptist Health - Coral Gables

Please place in the opinion folder.

Craig E. Leen, City Attorney
*Board Certified by the Florida Bar in
City, County and Local Government Law*
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com

From: Leen, Craig
Sent: Friday, April 17, 2015 6:19 PM
To: 'Russo Laura'
Cc: Trias, Ramon; McLaughlin, Megan; Behar Robert; Trias, Ramon
Subject: RE: Baptist Health - Coral Gables

Laura,

I have reviewed your email and consulted with Ramon Trias, who agrees with this opinion. Pursuant to section 2-201(e)(1) and (8) of the City Code, and section 2-702 of the Zoning Code, it is my opinion that your email below is correct. Section 5-604(A)(3) of the Zoning Code does expressly indicated that the Mediterranean Style Design Standards bonuses and/or incentives do apply to properties subject to Site Specific Zoning Regulations. The provision reads as follows:

“Site Specific Zoning Regulations and Mediterranean Bonus. Coral Gables Mediterranean Style Design Standards bonuses and/or incentives as provided for in this Section may be awarded as supplemental (additional) intensity/density or the reduction of existing limitations as assigned in ‘Appendix A - Site Specific Zoning Regulations.’ These supplemental (additional) bonuses and/or incentives shall be evaluated pursuant to the applicable development standards included in Tables 1, 2, and 3 of Section 5-604.”

Normally, a site specific provision takes precedence over more general provisions in the Zoning Code. Here, however, the provision at issue relating to the Mediterranean Style Design Standards bonus expressly states that it applies to the site specific provisions. Thus, both the plain language, as well as the obvious legislative intent, is that this provision does apply to properties governed by site specifics.

As for your question regarding whether the height would be governed by feet or stories, I will provide you my opinion on that next week.

Craig E. Leen, City Attorney
Board Certified by the Florida Bar in

City, County and Local Government Law

City of Coral Gables

405 Biltmore Way

Coral Gables, Florida 33134

Phone: (305) 460-5218

Fax: (305) 460-5264

Email: cleen@coralgables.com

From: Russo Laura [<mailto:laura@laurarussolaw.com>]

Sent: Wednesday, April 15, 2015 2:27 PM

To: Leen, Craig

Cc: Russo Laura Esq; Trias, Ramon; McLaughlin, Megan; Behar Robert

Subject: Baptist Health - Coral Gables

Good afternoon Craig,

This email is to request a zoning interpretation of Section 5-604 A. 3 of the Zoning Code. The title of the section is: Site Specific Zoning Regulations and Mediterranean Bonus.

Robert Behar and I are working with Baptist Health on a potential project in south Gables. Baptist Health is conducting due diligence on a parcel of land located on San Remo Avenue between two commercial buildings that it already owns. The intent is to construct parking garage that would service both Baptist Health buildings and be connected to the one to the west.

The property's land use designation is Commercial Low Rise Intensity and its Zoning category is Commercial. The property is also subject to a four story or 45 foot height restriction in Appendix A - Site Specific Regulations Section A-89 C.4

Robert and I met with Ramon Trias and Megan McLaughlin on April 6, 2015 to discuss the Baptist Health project and to share some preliminary drawings. Robert has sketched a preliminary design of an 8 level parking garage at 72 feet. Robert is assuming that the project will qualify for the additional height bonus of 13.5 feet in Table 1 and 13.5 feet in Table 2.

In our meeting with Ramon and Megan, both expressed uncertainty as to whether Mediterranean Style Design bonuses and incentives could be applied to site specific properties. Ramon asked that we confirm with you.

After the meeting, my research led me to Section 5-604 A.3 of the Zoning Code that states: Coral Gables Mediterranean Style Design Standards bonuses and/or incentives as provided for in this Section may be awarded as supplemental (additional) intensity/density or the reduction of existing limitations as assigned in "Appendix A- Site Specific Zoning Regulations." These supplemental (additional) bonuses and/or incentives shall be evaluated pursuant to the applicable development standards included in Tables 1,2, and 3 of Section 5-604.

We are requesting your confirmation that Section 5-604 A.3 allows properties subject to site specific zoning regulations to qualify for Mediterranean Style Design Standard bonuses and to confirm that height is now governed by feet and not by stories.

Should you need any additional information or wish to meet with us to discuss this further, please do not hesitate to call me.

Best regards,

Laura

Laura L. Russo
2655 LeJeune Road, PH 2-B
Coral Gables, Florida 33134
Tel: 305-476-8300
Fax: 305-476-8383
Cell: 305-801-9002
laura@laurarussolaw.com

NOTICE: This e-mail is from a law firm, Laura L. Russo, Esq., LLC, and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of Laura L. Russo, Esq., LLC, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to Laura L. Russo, Esq., LLC in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of Laura L. Russo, Esq., LLC, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.