



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" in the "From:" line.

RE: Legal Opinion Regarding Mediterranean Style Design

Date: May 6, 2015

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In order to effectuate the purpose of the comprehensive plan amendments that you discuss, as well as the Mediterranean Style Design Bonus regulations, which do apply to Site Specifics as previously opined, it is my opinion that your analysis is correct. This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code and section 2-702 of the Zoning Code.

## Herbello, Stephanie

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**From:** Leen, Craig  
**Sent:** Thursday, May 07, 2015 12:57 AM  
**To:** Herbello, Stephanie  
**Cc:** Ramos, Miriam; Figueroa, Yanneris; Chen, Brigette  
**Subject:** FW: Baptist Health - Coral Gables Site

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](mailto:cleen@coralgables.com)



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**From:** Leen, Craig  
**Sent:** Wednesday, May 06, 2015 6:00 PM  
**To:** Russo Laura  
**Cc:** Trias, Ramon; Behar Robert  
**Subject:** Re: Baptist Health - Coral Gables Site

This opinion is issued pursuant to section 2-702 of the Zoning Code as well.

Sent from my iPhone

On May 6, 2015, at 5:19 PM, Leen, Craig <[cleen@coralgables.com](mailto:cleen@coralgables.com)> wrote:

Laura,

Ramon and I have reviewed your email and agree with your analysis. In order to effectuate the purpose of the comprehensive plan amendments that you discuss, as well as the Mediterranean Style Design Bonus regulations, which do apply to Site Specifics as previously opined, it is my opinion that your analysis is correct. This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code.

Craig E. Leen

City Attorney

Sent from my iPhone

On Apr 28, 2015, at 11:04 PM, Russo Laura <[laura@laurarussolaw.com](mailto:laura@laurarussolaw.com)> wrote:

Dear Craig,

This email is a follow up to my email of April 15th requesting confirmation that the Mediterranean Style Design bonuses and incentives could be applied to property subject to site specific regulations. You confirmed in your email of April 17th that Section 5-604(A) (3) of the Zoning Code expressly indicated that the Mediterranean Style Design Standards bonuses and/or incentives apply to properties subject to Site Specific Zoning Regulations.

With respect to my request for confirmation that height is now governed by feet and not be stories - you requested additional information.

The Comprehensive Plan and Future Land Use Designations were amended to eliminate references to stories and height and to replace with references to height only. I think this amendment took place in 2010. Prior to the amendment height and stories were included in the Land Use designation. For example, the Future Land Use Designation for Commercial Low Rise was 4 stories or 45 feet; Commercial Mid Rise was 70 feet and 6 stories and the Commercial High Rise was 150 feet and 13 stories. Now the Future Land Use Designation for the Commercial categories refers to feet only - 50 feet - low rise, 70 feet - mid rise, 150 feet - high rise - the reference to stories was removed.

The purpose of the amendment was to encourage vertical mixed uses in a building where parking levels, retail spaces, office use and residential units differed in heights needed to compete in the market place. Staff had been interpreting that parking levels were not equal to stories because the height needed for a parking level - usually 8.5 feet was far less than the height needed or desired for a luxury residential unit - 10 to 12 feet or for Class A office space. In order to encourage viable and desirable vertical mixed use building development that incorporates parking, retail, office and residential uses, staff's policy interpretations were codified in 2010.

When the 2007 Zoning Code was passed, the City acknowledged that there were hundreds of properties subject to Site Specific Zoning Regulations that were possibly at odds with the new Code. It seems only logical that if the Mediterranean bonuses and incentives can increase the height of a site specific height regulated property, then it should follow that the height should be allowed to accommodate as many or as few levels and stories as needed by the particular uses being proposed.

Please let me know if you need any additional information.

As always, thank you for your consideration of this request.

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](mailto:laura@laurarussolaw.com)

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