



To: Ramon Trias, Carmen Olazabal, Cathy Swanson-Rivenbark

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

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

RE: Legal Opinion Regarding Property At 6001 Mall Street

Date: May 27, 2015

I have reviewed the matter. Based on the facts of this specific matter, it is my opinion that the City is estopped from requiring that the permitted overhang be removed at this point (*see Castro v. Miami-Dade County*). This does not mean the overhang is legalized, however. It is not even legally non-conforming. It is simply protected from enforcement by the City by the doctrine of estoppel. This may make it difficult for the property owner to sell the property in the future, and may expose the property owner to a civil action by the adjoining property owner for violation of the Zoning Code (the City would have sovereign immunity). If the property owner would like a settlement agreement legalizing the overhang, my office would require mitigation to address the concerns of the adjoining property owner in a manner acceptable to the City (i.e. large hedge, etc.).

Herbello, Stephanie

From: Leen, Craig
Sent: Wednesday, May 27, 2015 1:52 PM
To: Herbello, Stephanie
Cc: Ramos, Miriam; Figueroa, Yanneris; Chen, Brigitte
Subject: FW: Alicia Fernandez re property at 6001 Mall Street

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



Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Wednesday, May 27, 2015 11:48 AM
To: Trias, Ramon; Olazabal, Carmen; Swanson-Rivenbark, Cathy
Subject: RE: Alicia Fernandez re property at 6001 Mall Street

I have reviewed the matter. Based on the facts of this specific matter, it is my opinion that the City is estopped from requiring that the permitted overhang be removed at this point (*see Castro v. Miami-Dade County*). This does not mean the overhang is legalized, however. It is not even legally non-conforming. It is simply protected from enforcement by the City by the doctrine of estoppel. This may make it difficult for the property owner to sell the property in the future, and may expose the property owner to a civil action by the adjoining property owner for violation of the Zoning Code (the City would have sovereign immunity). If the property owner would like a settlement agreement legalizing the overhang, my office would require mitigation to address the concerns of the adjoining property owner in a manner acceptable to the City (i.e. large hedge, etc.).

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



CORAL GABLES
INCORPORATED

Celebrating 90 years of a dream realized.

From: Trias, Ramon
Sent: Wednesday, May 27, 2015 11:41 AM
To: Olazabal, Carmen; Swanson-Rivenbark, Cathy
Cc: Leen, Craig
Subject: RE: Alicia Fernandez re property at 6001 Mall Street

This was brought up to my attention a couple of weeks ago, and I need assistance from Carmen and Craig to find an effective solution.

Ramon

From: Olazabal, Carmen
Sent: Wednesday, May 27, 2015 11:39 AM
To: Swanson-Rivenbark, Cathy
Cc: Leen, Craig; Trias, Ramon
Subject: RE: Alicia Fernandez re property at 6001 Mall Street

I am now. I am working with Craig and Ramon on this.

Carmen Olazabal, P.E.

Assistant City Manager for Operations
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Office: (305) 460-5204
colazabal@coralgables.com



CORAL GABLES
INCORPORATED

Celebrating 90 years of a dream realized.

From: Swanson-Rivenbark, Cathy
Sent: Wednesday, May 27, 2015 9:53 AM
To: Olazabal, Carmen
Subject: Fwd: Alicia Fernandez re property at 6001 Mall Street

I am not familiar with this situation. Are you?

Sent from my iPhone

Begin forwarded message:

From: "Alicia A. Fernandez" <ali_amfernandez@bellsouth.net>
Date: May 27, 2015 at 9:45:27 AM EDT
To: "Trias, Ramon" <rtrias@coralgables.com>, "Wu, Charles" <cwu@coralgables.com>, "Miner, William" <wminer@coralgables.com>, James Cason <jimcason@coralgables.com>, "Frank C. Quesada" <frank@coralgables.com>, Jill Menendez <jimenendez@coralgables.com>
Cc: "cswanson@coralgables.com" <cswanson@coralgables.com>
Subject: Re: Alicia Fernandez re property at 6001 Mall Street
Reply-To: "Alicia A. Fernandez" <ali_amfernandez@bellsouth.net>

Good morning,

I hope everyone is doing well.

I am writing to follow-up on our meeting a week ago, May 18, 2015.

Mr. Trias was going to look into the whole situation about the so called "Bay WINDOW", which is actually a huge wall, alternatives, consult with City Attorney, architect, and get back to me.

Did any of you go out to the property in question to see the home being built?

Time is passing, and property is still being worked on. I have NOT heard from Mr. Trias or anyone at the meeting on this matter.

Another question that has come up by some of the immediate neighbors and myself, is the lighting on the outside of the property, if they will disturb at night.

I had a survey done on my property yesterday, surveyor could not locate the markers in back of my property, had to install new ones. Everything was recorded by the surveyor and pictures taken. I will submit copy for you to see once completed.

I hope we can meet again soon to discuss what is going to be done, or not done as discussed in the meeting of May 18, 2015.

Best regards,

Alicia Amaya-Fernandez
6000 Granada Blvd.
Coral Gables, Florida 33146

305 606-3036 cell
305 661-60030 home

On Tuesday, May 12, 2015 11:09 AM, "Trias, Ramon" <rtrias@coralgables.com> wrote:

Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

Dear Jill, 11:00am with perfect with me.

Thank you very much.

Blessings to you,
Alicia

On Tuesday, May 12, 2015 10:54 AM, "Menendez, Jill" <jmenendez@coralgables.com> wrote:

Morning Ms. Fernandez:

If you would like to have Mr. Wu, Mr. Miner and Mr. Trias meet with you on Monday, May 18th, the meeting will need to take place at 11 a.m.

Sorry but I thought your request to meet was only with Mr. Trias. All three are also available at 1 p.m. or 2 p.m.

Please advise as soon as possible.

Thank you.

*Jill Menendez
Administrative Assistant
Planning & Zoning Division
Development Services
City of Coral Gables
427 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
Direct (305) 460-5211
Fax (305) 460-5327
planning@coralgables.com*



From: Alicia A. Fernandez [mailto:ali_amfernandez@bellsouth.net]
Sent: Tuesday, May 12, 2015 10:48 AM
To: Menendez, Jill
Cc: Trias, Ramon; Wu, Charles; Miner, William; Quesada, Frank; Cason, Jim
Subject: Re: Alicia Amaya re: property 6001 Mall St.

Dear Jill,

I am sorry for delay in response to meeting.

I spoke with my neighbor, she said is very discouraged with the City, and going to meeting will be useless.

She will be contacting you directly, I have sent her Mr. Trias email.

AS per my conversation with Mr. Trias yesterday when he called me, I mentioned to him I would like for him to come out and see my property and the property in question.

I will go and meet with him at his office on Monday, the 18th at 9:00AM. Would like for Mr. Wu and Mr. Miner to be there if possible.

I will take my property survey with me, and please ask Mr. Trias to have plans and survey there for property in question available.

I plan on going with someone.

I mentioned to him, I was very concerned with the huge window in the back of the property overlooking my property, he said the architect told him, that was a "Bay Window".

This so called Bay Window spreads ACROSS 2 bedrooms and one bathroom, and within the bay window area, as I saw in City plans copy,

there is a door and a bathroom sink, a partition dividing bathroom from one of the bedrooms.

Seems to me difficult to accept that the city considered this to be a BAY WINDOW, instead of an extension to the second floor living area which is encroaching into the rear setback.

Mr. Trias mentioned, maybe we can discuss and solve issues over the phone. I would rather go and meet at the City.

I am not happy with the solution he suggested of just planting big trees as a barrier.

Something somewhere along the way got out of line with the strict rules the City has with this property. Small irregular lot, 9,000 some plus square feet, with a home with square footage seemingly outside of property guidelines.

Thank you.

Alicia Amaya-Fernandez
6000 Granada Blvd.
305 606-3036

On Monday, May 11, 2015 1:34 PM, "Menendez, Jill" <jmenendez@coralgables.com> wrote:

Ms. Fernandez:

No worries, we will accommodate you...actually Mr. Trias has an opening tomorrow, May 12th at 4 p.m.

Or Monday, May 18th at 9 a.m./10 a.m. or 11 a.m. as well as anytime in the afternoon.

Please advise.

Jill Menendez
Administrative Assistant
Planning & Zoning Division
Development Services
City of Coral Gables
427 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
Direct (305) 460-5211
Fax (305) 460-5327
planning@coralgables.com



From: Alicia A. Fernandez [mailto:ali_amfernandez@bellsouth.net]
Sent: Monday, May 11, 2015 1:27 PM
To: Menendez, Jill
Cc: Trias, Ramon; Wu, Charles; Miner, William; Quesada, Frank; Cason, Jim
Subject: Re: Alicia Amaya re: property 6001 Mall St.

Dear Jill,
Thank you for your response.
I can only go this week on May 12, 2015, any time.
I have a disabled daughter, and alone with my daughter (widow).
It is very hard for me to make any type of arrangements, on the days Mr. Trias has availability.
I have nursing coverage for my daughter all of next week. I am available from the 18th through the 29.
(she is on 24/7 nursing care)

Will wait for your answer. Thank you
Alicia Amaya
6000 Granada Blvd.
Coral Gables, Florida 33146
phone: 305 606-3036

On Monday, May 11, 2015 12:57 PM, "Menendez, Jill" <jmenendez@coralgables.com> wrote:

Ms. Fernandez:

Below are some dates/times Mr. Trias is available to meet on the above subject matter:

May 13th at 2 p.m.

May 14th at 2 p.m.

May 15th at 11a.m./2 p.m. or 3 p.m.

Please advise as soon as possible; his calendar fills up quickly.

Thank you.

*Jill Menendez
Administrative Assistant
Planning & Zoning Division
Development Services
City of Coral Gables
427 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
Direct (305) 460-5211
Fax (305) 460-5327
planning@coralgables.com*



From: Trias, Ramon
Sent: Monday, May 11, 2015 9:47 AM
To: Menendez, Jill
Subject: FW: Alicia Amaya re: property 6001 Mall St.

Jill:

Please schedule. Thanks.

Ramon

From: Alicia A. Fernandez [mailto:ali_amfernandez@bellsouth.net]
Sent: Monday, May 11, 2015 9:43 AM
To: Trias, Ramon
Cc: Cason, Jim; Quesada, Frank; Wu, Charles
Subject: Alicia Amaya re: property 6001 Mall St.

Dear Mr. Trias,

I have been told that you are now handling the situation with the property directly behind my home.

Property in question: 6001 Mall Street.

I am requesting a meeting with you about said property along with 3 other immediate neighbors to the property.

I understand that the 2nd floor back side of property, directly behind me exceeds the 10 feet setback, allowed by the City of Coral Gables. Setbacks are far less than City's standards.

The property is way out of proportion with the rest of the homes in the neighborhood.

It is affecting my property, my residence aesthetically and physically.

Mr. Wu and another employee of the city came out to see the property in question last week, they personally inspected construction site at 6001 Mall Street and realized what I have been telling and complaining to the City for the past year is true.

I realize all plans and permits have been approved. I do not understand with such strict codes, how the City Building and Planning approved said plans.

I have many picture, some of which have been sent to Mr. Wu, who has been very helpful.

I expect to be contacted at all phases from here on

Regards,

Alicia Amaya Fernandez
6000 Granada Blvd.
Coral Gables, Florida 33146
305 606-3036

Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

On Tuesday, May 12, 2015 10:48 AM, Alicia A. Fernandez <ali_amfernandez@bellsouth.net> wrote:

Dear Jill,

I am sorry for delay in response to meeting.

I spoke with my neighbor, she said is very discouraged with the City, and going to meeting will be useless.

She will be contacting you directly, I have sent her Mr. Trias email.

AS per my conversation with Mr. Trias yesterday when he called me, I mentioned to him I would like for him to come out and see my property and the property in question.

I will go and meet with him at his office on Monday, the 18th at 9:00AM. Would like for Mr. Wu and Mr. Miner to be there if possible.

I will take my property survey with me, and please ask Mr. Trias to have plans and survey there for property in question available.

I plan on going with someone.

I mentioned to him, I was very concerned with the huge window in the back of the property overlooking my property, he said the architect told him, that was a "Bay Window".

This so called Bay Window spreads ACROSS 2 bedrooms and one bathroom, and within the bay window area, as I saw in City plans copy, there is a door and a bathroom sink, a partition dividing bathroom from one of the bedrooms.

Seems to me difficult to accept that the city considered this to be a BAY WINDOW, instead of an extension to the second floor living area which is encroaching into the rear setback.

Mr. Trias mentioned, maybe we can discuss and solve issues over the phone. I would rather go and meet at the City.

I am not happy with the solution he suggested of just planting big trees as a barrier.

Something somewhere along the way got out of line with the strict rules the City has with this property.

Small irregular lot, 9,000 some plus square feet, with a home with square footage seemingly outside of property guidelines.

Thank you.

Alicia Amaya-Fernandez
6000 Granada Blvd.
305 606-3036

On Monday, May 11, 2015 1:34 PM, "Menendez, Jill" <jmenendez@coralgables.com> wrote:

Ms. Fernandez:

No worries, we will accommodate you...actually Mr. Trias has an opening tomorrow, May 12th at 4 p.m.

Or Monday, May 18th at 9 a.m./10 a.m. or 11 a.m. as well as anytime in the afternoon.

Please advise.

*Jill Menendez
Administrative Assistant
Planning & Zoning Division*

Development Services
City of Coral Gables
427 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
Direct (305) 460-5211
Fax (305) 460-5327
planning@coralgables.com



From: Alicia A. Fernandez [mailto:ali_amfernandez@bellsouth.net]
Sent: Monday, May 11, 2015 1:27 PM
To: Menendez, Jill
Cc: Trias, Ramon; Wu, Charles; Miner, William; Quesada, Frank; Cason, Jim
Subject: Re: Alicia Amaya re: property 6001 Mall St.

Dear Jill,
Thank you for your response.
I can only go this week on May 12, 2015, any time.
I have a disabled daughter, and alone with my daughter (widow).
It is very hard for me to make any type of arrangements, on the days Mr. Trias has availability.
I have nursing coverage for my daughter all of next week. I am available from the 18th through the 29.
(she is on 24/7 nursing care)

Will wait for your answer. Thank you
Alicia Amaya
6000 Granada Blvd.
Coral Gables, Florida 33146
phone: 305 606-3036

On Monday, May 11, 2015 12:57 PM, "Menendez, Jill" <jmenendez@coralgables.com> wrote:

Ms. Fernandez:

Below are some dates/times Mr. Trias is available to meet on the above subject matter:

May 13th at 2 p.m.
May 14th at 2 p.m.
May 15th at 11a.m./2 p.m. or 3 p.m.

Please advise as soon as possible; his calendar fills up quickly.

Thank you.

*Jill Menendez
Administrative Assistant
Planning & Zoning Division
Development Services
City of Coral Gables
427 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
Direct (305) 460-5211
Fax (305) 460-5327
planning@coralgables.com*



From: Trias, Ramon
Sent: Monday, May 11, 2015 9:47 AM
To: Menendez, Jill
Subject: FW: Alicia Amaya re: property 6001 Mall St.

Jill:

Please schedule. Thanks.

Ramon

From: Alicia A. Fernandez [mailto:ali_amfernandez@bellsouth.net]
Sent: Monday, May 11, 2015 9:43 AM
To: Trias, Ramon
Cc: Cason, Jim; Quesada, Frank; Wu, Charles
Subject: Alicia Amaya re: property 6001 Mall St.

Dear Mr. Trias,

I have been told that you are now handling the situation with the property directly behind my home.
Property in question: 6001 Mall Street.

I am requesting a meeting with you about said property along with 3 other immediate neighbors to the property.

I understand that the 2nd floor back side of property, directly behind me exceeds the 10 feet setback, allowed by the City of Coral Gables. Setbacks are far less than City's standards.

The property is way out of proportion with the rest of the homes in the neighborhood.

It is affecting my property, my residence aesthetically and physically.

Mr. Wu and another employee of the city came out to see the property in question last week, they personally inspected construction site at 6001 Mall Street and realized what I have been telling and complaining to the City for the past year is true.

I realize all plans and permits have been approved. I do not understand with such strict codes, how the City Building and Planning approved said plans.

I have many picture, some of which have been sent to Mr. Wu, who has been very helpful.

I expect to be contacted at all phases from here on

Regards,

Alicia Amaya Fernandez
6000 Granada Blvd.
Coral Gables, Florida 33146
305 606-3036

Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

