



To: Melissa Tapanes

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

RE: Legal Opinion Regarding Leon: 600 and 620 Arvida, Gables Estates

Date: August 15, 2015

Yes, this is correct, and is confirmed as the opinion and interpretation issued by me in consultation with the Planning and Zoning Director.

I would like to emphasize the point that the applicant would amend the plans so that there would only be one area that meets the Zoning Code's definition of a kitchen. Any other area for preparation of food could have no more than one appliance for cooking and/or heating of food. This one appliance is allowed to be a combination range and oven appliance.

This opinion and interpretation is issued pursuant to sections 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code.

Herbello, Stephanie

From: Leen, Craig
Sent: Saturday, August 15, 2015 12:16 AM
To: Herbello, Stephanie
Cc: Ramos, Miriam; Figueroa, Yaneris; Chen, Brigitte
Subject: Fwd: Leon: 600 and 620 Arvida, Gables Estates
Attachments: image008.png

Please publish.

Sent from my iPhone

Begin forwarded message:

From: "Leen, Craig" <cleen@coralgables.com>
Date: August 15, 2015 at 12:14:37 AM EDT
To: Melissa Tapanes <mtapanes@brzoninglaw.com>
Cc: "Trias, Ramon" <rtrias@coralgables.com>, Cesar Molina <cmolina@cmadsi.com>, "Michael Shealy (Michael.Shealy@LeonMedicalCenters.com)" <Michael.Shealy@LeonMedicalCenters.com>, "Tejera, Erick" <etejera@coralgables.com>
Subject: Re: Leon: 600 and 620 Arvida, Gables Estates

Yes, this is correct, and is confirmed as the opinion and interpretation issued by me in consultation with the Planning and Zoning Director.

I would like to emphasize the point that the applicant would amend the plans so that there would only be one area that meets the Zoning Code's definition of a kitchen. Any other area for preparation of food could have no more than one appliance for cooking and/or heating of food. This one appliance is allowed to be a combination range and oven appliance.

This opinion and interpretation is issued pursuant to sections 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code.

Craig E. Leen
City Attorney

Sent from my iPhone

On Aug 14, 2015, at 5:27 PM, Melissa Tapanes <mtapanes@brzoninglaw.com> wrote:

Good afternoon Craig,

Thank you and Ramon for meeting with Cesar Molina and me earlier this week in connection with Zoning's building permit review of a new dock for 600 and 620 Arvida, Gables Estates. The purpose of this correspondence is to memorialize how the City and the owner will proceed to address the issues raised below by Erick Tejera for both the dock permit and the two underlying building permits.

1. 600 and 620 Arvida is one building site pursuant to the approved and recorded Unity of Title. Accordingly, the dock encroaching upon the platted lot lines may be approved.
2. 600 and 620 Arvida will continue to be reviewed, inspected and approved as two separate building permits.
3. 600 and 620 Arvida will contain one kitchen. The plans will be amended so that the proposed second kitchen will contain only one appliance for cooking and/or heating of food, and thereby not satisfy the Code's definition of "kitchen". The one cooking/heating appliance may be a combination range and oven appliance. See Article 8.
4. The proposed plans provide one private garage attached to the main residence and one detached garage apartment on the same building site consistent with Section A-48-1(C) of the Code.

Kindly reply to this correspondence to confirm the foregoing. Should you have any questions or comments, please do not hesitate to phone me.

Thank you, as always, for your assistance.

Warm regards,
Melissa

Bio	Vcard
<p>MELISSA TAPANES LLAHUES, ESQ.</p> <p>Bercow Radell & Fernandez 200 South Biscayne Boulevard, Suite 850 Miami, FL 33131</p> <p>305.377.6227 Office 305.377.6222 Fax mtapanes@brzoninglaw.com</p>  <p>BERCOW RADELL & FERNANDEZ ZONING, LAND USE AND ENVIRONMENTAL LAW</p>	
<p>www.brzoninglaw.com</p>	

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Begin forwarded message:

From: "Tejera, Erick" <etejera@coralgables.com>
Date: July 20, 2015 at 11:01:41 AM EDT
To: 'Cesar Molina' <cmolina@cmadsi.com>
Cc: "Trias, Ramon" <rtrias@coralgables.com>
Subject: RE: Unity of Title

Good morning,

I just looked at the Site Specifics and noticed that in Gables Estates you are only allowed "one (1) private garage or garage apartment attached to the main residence and one (1) detached private garage or garage apartment" therefore one garage will need to be detached if the parcels are joined. As mentioned on the phone we will also have the two kitchens. Please look at Site Specifics attached for clarification, again the new proposed plans must comply with all Zoning and Building codes.

Section A-48-1 Gables Estates.

The following site specific regulations shall apply to the Gables Estates neighborhood.

A. Height of residences in flood hazard district. That portion of a single-family residence located above the garage in the coastal flood hazard district may in no case be more than one (1) story in height, and may be one (1) story in height, subject to the following conditions and restrictions:

1. That the residence shall not exceed two and one-half (2½) stories in height.
2. That the residence shall not exceed a height of forty-two (42) feet above established grade including ridgeline, domes, steeples, towers, cupolas, chimneys, decorative features, and other similar structures.
3. That the additional building height from thirty-nine (39) feet to forty-two (42) feet shall be limited to properties with a minimum required side setback of thirty (30) feet or greater.
4. That Lots 17 and 22 through 26, Block A and Lots 7, 16, 24 and 54, Block B shall be exempt from the thirty (30) foot side setback limitation required in item 3 of this subsection.

B. Determination of maximum square foot floor area. In addition to the general requirements for the determination of the maximum square foot floor area found in Section 4-101(D)10, the following shall not be computed in the determination of the maximum square foot floor area:

1. Floor space in carports and porte-cocheres.

C. Garage, private or garage apartment. A private garage, or garage apartment providing living quarters for the use only of members of the family living in the main residence building or servants employed on the premises, will be permitted as an auxiliary-use.

Occupancy of garage apartments shall be limited to members of the family living in the main residence or to servants employed on the premises. Only one (1) private garage or garage apartment attached to the main

residence and one (1) detached private garage or garage apartment shall be permitted upon the building site occupied or used by the main residence. No kitchen or cooking facilities shall be permitted in private garage or garage apartment. Garage doors shall not be permitted on the front elevation of a residence.

D. Davits – Number. Two (2) sets of davits shall be permitted, subject to complying with all other requirements of Section 5- 805 “Davits, Watercraft Lifts and Floating Watercraft Lifts.” The second set of davits shall only be permitted on properties with water frontage of one hundred (100) feet or more.

E. Cabana – Size. A Cabana may have a maximum area of three-hundred (300) square feet, subject to complying with all other requirements of Section 5-104 “Cabana.”

F. Tennis Courts – Setbacks. Subject to complying with all other requirements of Section 5-112 “Tennis Courts” the setbacks for illuminated tennis courts and non-illuminated tennis courts shall be as follows.

1. Illuminated tennis courts are restricted from front and side street yards, and shall be required to comply with the minimum setback requirements required for the principal building.

2. Non-illuminated tennis courts are restricted from front and side street yards. Non-illuminated tennis courts shall have a minimum side setback of ten (10) feet for each interior side, and shall comply with the rear setback requirements for the principal building. In those cases where the back nets of the tennis courts are retractable, a minimum setback of ten (10) feet, from the rear and waterway will be permitted. All retractable back nets shall be retracted when the tennis court is not in use.

G. Entry gates and columns – height. Entry gates and columns shall not exceed a height of eight (8) feet.

H. Mooring piles – height. Mooring piles shall not exceed a height of fourteen (14) feet over the mean water line, or as required by the Federal Emergency Management Agency (FEMA).

Section A-50 - Gables Estates No. 3.

A. Building sites. Lots 21 and 22, Block C, shall be considered as two (2) building sites as follows: (2861)

1. One (1) building site to consist of Lot 21.

2. One (1) building site to consist of Lot 22.

B. Setbacks-Minimum front.

1. All lots-Fifty (50) feet.

2. Parcel C to be established.

C. Setbacks-Minimum side.

1. All lots-Thirty (30) feet.

2. Parcel C to be established.

D. Setback from canal, waterway, lake or bay.

1. The minimum setback from waterway line, canal line or bay shore line, as platted, shall be fifty (50) feet.

Erick R Tejera

Zoning Plans Examiner

Planning & Zoning Division

Development Services

City of Coral Gables

427 Biltmore Way 2nd floor

Coral Gables, FL 33134
Direct (305) 460-5254
Fax (305) 460-5327
ETejera@coralGables.com

This email is a direct response to specific zoning questions and does not constitute a zoning review.

<image007.png>

From: Cesar Molina [<mailto:cmolina@cmadsi.com>]
Sent: Monday, July 20, 2015 10:47 AM
To: Tejera, Erick
Subject: RE: Unity of Title

Thank you

I will follow up if I should have any further questions.

Regards

Cesar A. Molina
Principal

CMA Design Studio Inc.
232 Andalusia Avenue
Suite 101
Coral Gables, FL 33134
O: 305-448-4200
F: 305-448-4215
M: 305-632-5699
E: cmolina@CMADSI.com
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AA26000730

P Please consider the environment before printing this email.

From: Tejera, Erick [<mailto:etejera@coralgables.com>]
Sent: Monday, July 20, 2015 10:40 AM
To: Cesar Molina
Cc: Trias, Ramon
Subject: FW: Unity of Title

Good morning Cesar,

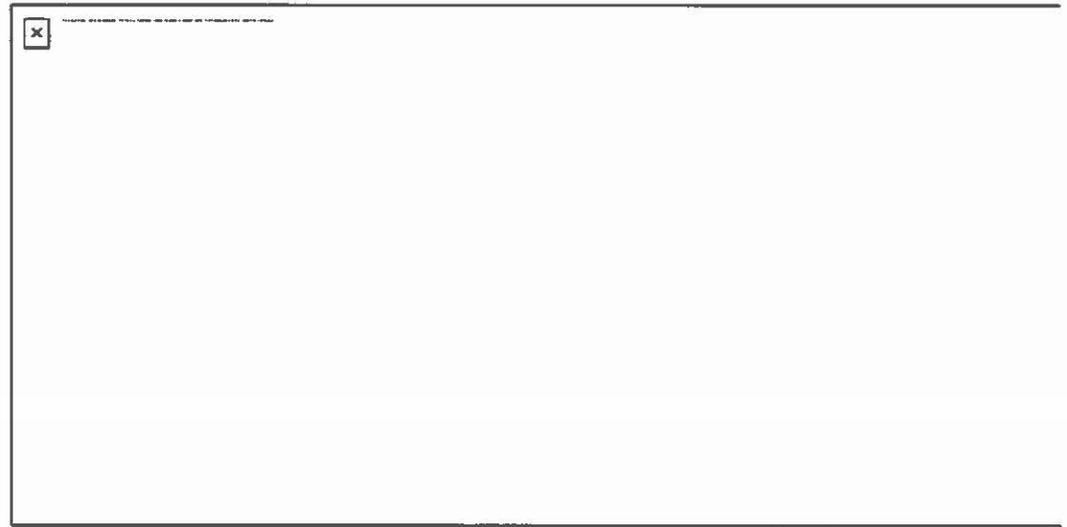
As per our conversation this morning I am sending you the email from Craig Lien. I just spoke to Dayron Garcia (305-460-5383) in the Building Department and advised him of the project. The new plans will be logged in as "600 Arvida" this will replace the two separate sets therefore will need a complete set of plans showing the

two lots as one parcel. Please make sure the new design complies with all Building and Zoning codes.

Erick R Tejera

Zoning Plans Examiner
Planning & Zoning Division
Development Services
City of Coral Gables
427 Biltmore Way 2nd floor
Coral Gables, FL 33134
Direct (305) 460-5254
Fax (305) 460-5327
E.Tejera@coralGables.com

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From: Leen, Craig
Sent: Monday, July 20, 2015 9:25 AM
To: Trias, Ramon; Tejera, Erick
Subject: Unity of Title

Ramon and Erick,

This email confirms my opinion and interpretation that filing a unity of title alone does not convey any additional zoning rights to a party who owns two neighboring properties with single family residences already on them. Those properties would still need to be developed in conformance with the Zoning Code for either two structures or one structure, depending on whether there was an application to combine them.

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
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<image009.png>

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.

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