



To: Thomas Robertson; Laura Russo; Eric Streett

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

RE: Legal Opinion Regarding Gables Harbour Condominium

Date: January 5, 2015

Any County requirements would still need to be followed by the owners, which is my view as well, and I am making that clear again in this email. As discussed, the City's Zoning Code allows the City Attorney to grant final zoning decisions as to legal issues that arise relating to interpretation or implementation of the Zoning Code (section 2-702). These decisions are only appealable to the Circuit Court under the Rules of Appellate Procedure. Here, I issued a decision allowing repairs under certain conditions for purposes of the Zoning Code (including an agreement that specifies rights and obligations), since it would take some time for a site specific zoning amendment to go through our entire process. It is my opinion that I have authority to issue such a decision under section 2-702 to resolve a legal issue arising under the Zoning Code (as the owners are claiming legally non-conforming rights under Article 6 of the Zoning Code). Of course, my authority does not extend to any necessary County approvals, which must still be obtained. I would respectfully request that the County recognize the temporary approval granted by my office, and grant any necessary subsequent approvals so that the owners can proceed with the repairs under the conditions approved by the City (of course, subject to any further County requirements).

Herbello, Stephanie

From: Leen, Craig
Sent: Monday, January 05, 2015 5:53 PM
To: Herbello, Stephanie
Cc: Thornton, Bridgette; Figueroa, Yanneris; Chen, Bridgette; Parramore, Carol
Subject: FW: Gables Harbour Condominium

Please place in the opinion folder. Thanks.

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: Monday, January 05, 2015 3:27 PM
To: 'Robertson, Thomas (CAO)'; 'Laura Russo'; Strett, Eric (RER)
Cc: <elizabeth.hernandez@akerman.com>; Trias, Ramon; David Frazier Jr.; Nigel B. Patterson; Thornton, Bridgette; Figueroa, Yanneris
Subject: RE: Gables Harbour Condominium

Good afternoon, Tom. It was nice speaking with you. Of course, any County requirements would still need to be followed by the owners, which is my view as well, and I am making that clear again in this email. As discussed, the City's Zoning Code allows the City Attorney to grant final zoning decisions as to legal issues that arise relating to interpretation or implementation of the Zoning Code (section 2-702). These decisions are only appealable to the Circuit Court under the Rules of Appellate Procedure. Here, I issued a decision allowing repairs under certain conditions for purposes of the Zoning Code (including an agreement that specifies rights and obligations), since it would take some time for a site specific zoning amendment to go through our entire process. It is my opinion that I have authority to issue such a decision under section 2-702 to resolve a legal issue arising under the Zoning Code (as the owners are claiming legally non-conforming rights under Article 6 of the Zoning Code). Of course, my authority does not extend to any necessary County approvals, which must still be obtained. I would respectfully request that the County recognize the temporary approval granted by my office, and grant any necessary subsequent approvals so that the owners can proceed with the repairs under the conditions approved by the City (of course, subject to any further County requirements).

Please let me know if you need anything further from me.

Best regards,
Craig

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: Robertson, Thomas (CAO) [<mailto:ROBERT@miamidade.gov>]
Sent: Monday, January 05, 2015 1:00 PM
To: Leen, Craig; 'Laura Russo'; Streett, Eric (RER)
Cc: <elizabeth.hernandez@akerman.com>; Trias, Ramon; David Frazier Jr.; Nigel B. Patterson
Subject: RE: Gables Harbour Condominium

Please keep in mind that any work on a dock requires a Class I permit from the County and that permit can only be obtained with appropriate zoning. Any person doing work on a dock without a permit is potentially subject to enforcement by the County.

Tom Robertson
Asst. County Atty.
(305) 375-1669

From: Leen, Craig [<mailto:cleen@coralgables.com>]
Sent: Monday, January 05, 2015 12:25 PM
To: 'Laura Russo'; Robertson, Thomas (CAO); Streett, Eric (RER)
Cc: <elizabeth.hernandez@akerman.com>; Trias, Ramon; David Frazier Jr.; Nigel B. Patterson
Subject: RE: Gables Harbour Condominium

Good afternoon. I am confirming the information in the email below. My office has just approved the form of a site specific zoning code amendment that would presently be scheduled for the February Planning & Zoning board agenda. During this process, the City has recently also been allowing certain repairs through a hold harmless agreement with the owners. Please let me know if you have any questions.

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: Laura Russo [<mailto:laura@laurarussolaw.com>]
Sent: Monday, January 05, 2015 10:50 AM
To: Thomas Robertson; StreeE@miamidade.gov
Cc: Russo Laura; Leen, Craig; <elizabeth.hernandez@akerman.com>; Trias, Ramon; David Frazier Jr.; Nigel B. Patterson
Subject: Gables Harbour Condominium

Good morning Mr. Robertson and Mr. Streett,

I am representing Gables Harbour Condominium in the City of Coral Gables to formalize the existing docks and boat slips. I was hired at the end of September. A lot of progress has been made since then. The dock facilities will be recognized via a proposed site-specific text amendment that will be heard by the Planning and Zoning Board at its February meeting. This item is being placed on the agenda by the City Attorney, Craig Leen. We

anticipate that the City Commission will hear the item at its last meeting in February and then again at its first meeting in March.

During this process, the City Attorney is allowing owners to repair the docks, piers and pilings.

Should you have any questions or need further information, please do not hesitate to contact me.

Thank you,

Laura L. Russo
2655 LeJeune Road, PH 2-B
Coral Gables, Florida 33134
Tel: 305-476-8300 ext. 12
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.

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.