



To: Ramon Trias, Planning and Zoning Director for the City of Coral Gables  
Peter Iglesias, Assistant City Manager for the City of Coral Gables

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

A handwritten signature in black ink, appearing to be "C. Leen", is written over the name of the City Attorney.

RE: Legal Opinion Regarding 701 Valencia Avenue

Date: April 11, 2017

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With regard to 701 Valencia Avenue, pursuant to the attached letter, and consistent with CAO 2013-033 (<http://www.coralgables.com/modules/showdocument.aspx?documentid=15114>) related to another property in the MFSA, it is my opinion that the site specific as to height (150 ft.) governs the development rights as to the property at 701 Valencia Avenue. This opinion was initially provided in late 2014 and continues to apply (it is also consistent with the 2013 opinion that was referenced).

I would note that this opinion, along with CAO 2013-033, is focused on the MFSA district. The MFSA zoning provisions expressly state under section 4-104(D), "Performance Standards," that "[t]he following performance standards shall govern the general development of structures in this District. Where there are specific standards for properties that are specifically set forth in the Site Specific Zoning Regulations, the regulations in the Site Specific Regulations shall apply (Appendix A)." (emphasis added).

The underlined statement states unequivocally that the site specifics govern. In interpreting Code provisions, the plain language of the provision applies, which indicates the Commission's intent. Thus, the site specific governs and the maximum height is 150 feet.

Please note, this opinion would not necessarily apply in other zoning districts, as that would depend on the specific wording of the Zoning Code for that zoning district and how that language interacts with other sections in the Code relating to site specifics. For example, the Zain/Friedman Miracle Mile Downtown Overlay District contains many very specific provisions directly applicable to the Miracle Mile area and does not contain the same language as the MFSA district indicating that site specifics control. Thus, any attempt to develop properties in this

Overlay District would have to be analyzed in the situation presented, which my office would do in consultation with you based on the facts presented at that time.

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

# THE CITY OF CORAL GABLES



*The City Beautiful*

OFFICE OF  
THE CITY ATTORNEY

CITY HALL 405 BILTMORE WAY  
CORAL GABLES, FLORIDA 33134

August 25, 2015

Henry Paper, Esq.  
340 Minorca Avenue, Suite 9  
Coral Gables, FL 33134

**RE: 701 Valencia Avenue - Zoning**

Dear Mr. Paper,

This letter serves to memorialize the legal opinion previously issued by the City Attorney with regard to 701 Valencia Avenue. It also serves to confirm subsequent e-mail conversations (during December 2014) between you and the City Attorney as follows:

From you to Mr. Leen: "Craig...Do I understand correctly that, in your opinion as City Attorney, the permissible height for a structure on 701 Valencia is 150 ft.?"

From Mr. Leen to you: "Yes, that is the permissible height along [sic] as it is consistent with the site specifications and the comprehensive plan..."

Finally, it memorializes Mr. Leen's email of August 18, 2015, where he states, "I continue to stand by my opinion, as I have not been made aware of any material change in factual or legal circumstances that would cause me to reconsider my opinion, which was issued on behalf of the City pursuant to sections 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code."

Sincerely,

  
Miriam S. Ramos  
City of Coral Gables Deputy City Attorney

CC: Craig Leen, City Attorney  
Ramon Trias, Planning & Zoning Director

**From:** [Leen, Craig](#)  
**To:** [Paulk, Enga](#)  
**Subject:** FW: 701 Valencia  
**Date:** Tuesday, April 11, 2017 5:36:47 PM  
**Attachments:** [Zoning Letter.pdf](#)  
[image002.png](#)  
[image001.png](#)

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Please publish.

**Craig E. Leen, City Attorney**

*Board Certified by the Florida Bar in  
City, County and Local Government Law*  
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*Celebrating 90 years of a dream realized.*

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**From:** Leen, Craig  
**Sent:** Tuesday, April 11, 2017 5:36 PM  
**To:** Trias, Ramon <[rtrias@coralgables.com](mailto:rtrias@coralgables.com)>  
**Cc:** Iglesias, Peter <[piglesias@coralgables.com](mailto:piglesias@coralgables.com)>; 'Henry Paper' <[henry.paper@yahoo.com](mailto:henry.paper@yahoo.com)>; Ramos, Miriam <[mramos@coralgables.com](mailto:mramos@coralgables.com)>  
**Subject:** 701 Valencia

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**Craig E. Leen, City Attorney**

*Board Certified by the Florida Bar in  
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