



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

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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

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**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  
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Email: [cleen@coralgables.com](mailto:cleen@coralgables.com)

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**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](mailto: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**

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**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](mailto: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

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**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](mailto: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**  
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**From:** Laura Russo [<mailto:laura@laurarussolaw.com>]  
**Sent:** Monday, January 05, 2015 10:50 AM  
**To:** Thomas Robertson; [StreeE@miamidade.gov](mailto:StreeE@miamidade.gov)  
**Cc:** Russo Laura; Leen, Craig; <[elizabeth.hernandez@akerman.com](mailto: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  
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Cell: 305-801-9002  
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