



To: Ramon Trias

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

RE: Legal Opinion Regarding Coral Gables Mediterranean Style Design Standards

Date: February 11, 2016

You asked me to determine the purpose of the commonly referred to Mediterranean Bonus or the "Coral Gables Mediterranean Style Design Standards," as established by the Coral Gables Zoning Code. In analyzing the Zoning Code, it is my legal opinion that the purpose and legislative intent of the Mediterranean Bonus is to promote and enhance the Coral Gables Mediterranean style of architecture, and the Mediterranean Bonus program must be interpreted and applied consistently with that purpose and legislative intent. See Diamond Aircraft Indus., Inc. v. Horowitch, 107 So. 3d 362, 367 (Fla. 2013) ("Legislative intent is the polestar that guides our analysis regarding the construction and application of the statute.").

The Mediterranean Bonus, governed by Section 5-604, is clearly intended to promote the Coral Gables Mediterranean style of architecture. This purpose and intent is taken from the express and plain wording of the Zoning Code. To begin, the title of the section is "Coral Gables Mediterranean Style Design Standards," which expressly references the "Mediterranean Style." Moreover, section 5-604(A)(1), entitled "Purpose," indicates that the purpose of the two level bonus program is to provide "amenities and features typically provided in Mediterranean Style buildings." (emphasis added). The Purpose section further references "Coral Gables Mediterranean Architecture" and in the same subsection indicates that the additional bonuses provided in the program "support George Merrick's vision consistent with the established historic building fabric of the City." Zoning Code, § 5-604(A)(1)(c) (emphasis added). Likewise, the next subsection provides an additional purpose, which is to "[e]nhance the image of the City by providing a visual linkage between contemporary development and the City's unique historic thematic appearance." *Id.*, § 5-604(A)(1)(d) (emphasis added). This provision is very important because it recognizes that the City will have development that is in the present day, but that in order to obtain the bonus, the development must have a "visual linkage" to "the City's unique historic thematic appearance." In other words, a present day development must link visually to the historic Coral Gables Mediterranean style of architecture in order to meet the Coral Gables Mediterranean Style Design Standards and be eligible for the bonus program.

Finally, I would note that guidance regarding this “visual linkage” is provided directly in the Zoning Code, which identifies eight buildings in Coral Gables representative of the Coral Gables Mediterranean style of architecture: H. George Fink offices, The Colonnade Building, Douglas Entrance, Coral Gables Elementary School, Granada Shops/Charade Restaurant, San Sebastian Apartments, Coral Gables City Hall, and the Biltmore Hotel. Zoning Code, §§ 5-605(A)(1)(a-h). To satisfy the Level 1 Bonus, in addition to other requirements, it is my opinion that the development must have a “visual linkage” with the style of architecture demonstrated by these buildings, and “support George Merrick’s vision consistent with the established historic building fabric of the City.” Zoning Code, §§ 5-604(A)(1)(c) and (d). To satisfy the Level 2 Bonus, in addition to other requirements (along with visual linkage to these eight buildings and consistency with the established historic building fabric), it is my opinion that the development must also actually “include design elements and architectural styles” of the specific buildings listed (Zoning Code, § 5-605(A)), and that such inclusion should be substantial in order to meet the purpose of the program described above.

This City Attorney 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. I have also conferred with you regarding this topic, and I would note that you concur with this City Attorney Opinion.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: Section 5-604 Coral Gables Mediterranean Style Design Standards
Date: Thursday, February 11, 2016 5:01:18 PM
Attachments: [image001.png](#)
[image002.png](#)

Please publish.

Craig E. Leen, City Attorney

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Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Thursday, February 11, 2016 5:01 PM
To: Trias, Ramon
Cc: Wu, Charles; Ramos, Miriam; Figueroa, Yaneris
Subject: RE: Section 5-604 Coral Gables Mediterranean Style Design Standards

Ramon,

You asked me to determine the purpose of the commonly referred to Mediterranean Bonus or the "Coral Gables Mediterranean Style Design Standards," as established by the Coral Gables Zoning Code. In analyzing the Zoning Code, it is my legal opinion that the purpose and legislative intent of the Mediterranean Bonus is to promote and enhance the Coral Gables Mediterranean style of architecture, and the Mediterranean Bonus program must be interpreted and applied consistently with that purpose and legislative intent. See *Diamond Aircraft Indus., Inc. v. Horowitch*, 107 So. 3d 362, 367 (Fla. 2013) ("Legislative intent is the polestar that guides our analysis regarding the construction and application of the statute.").

The Mediterranean Bonus, governed by Section 5-604, is clearly intended to promote the Coral Gables Mediterranean style of architecture. This purpose and intent is taken from the express and plain wording of the Zoning Code. To begin, the title of the section is “Coral Gables Mediterranean Style Design Standards,” which expressly references the “Mediterranean Style.” Moreover, section 5-604(A)(1), entitled “Purpose,” indicates that the purpose of the two level bonus program is to provide “amenities and features typically provided in Mediterranean Style buildings.” (emphasis added). The Purpose section further references “Coral Gables Mediterranean Architecture” and in the same subsection indicates that the additional bonuses provided in the program “support George Merrick’s vision consistent with the established historic building fabric of the City.” Zoning Code, § 5-604(A)(1)(c) (emphasis added). Likewise, the next subsection provides an additional purpose, which is to “[e]nhance the image of the City by providing a visual linkage between contemporary development and the City’s unique historic thematic appearance.” *Id.*, § 5-604(A)(1)(d) (emphasis added). This provision is very important because it recognizes that the City will have development that is in the present day, but that in order to obtain the bonus, the development must have a “visual linkage” to “the City’s unique historic thematic appearance.” In other words, a present day development must link visually to the historic Coral Gables Mediterranean style of architecture in order to meet the Coral Gables Mediterranean Style Design Standards and be eligible for the bonus program.

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Craig E. Leen, City Attorney

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Celebrating 90 years of a dream realized.

From: Trias, Ramon

Sent: Wednesday, January 06, 2016 4:43 PM

To: Leen, Craig

Subject: Section 5-604 Coral Gables Mediterranean Style Design Standards

Craig:

Please review Section 5-604 of the Zoning Code and provide a legal opinion on the correct application and use of Mediterranean design provisions to Table 1 and Table 2 of said section.

This is an important interpretation, as it would apply in various ways to many projects within the city. An incorrect application of this section would be detrimental to the aesthetic quality of the City.

Ramon



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