



To: Mario Garcia-Serra

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

A handwritten signature in blue ink, appearing to be "CL", is written over the name "Craig E. Leen".

RE: Legal Opinion Regarding 1002 Douglas Road - Confirmation of Permitted Density

Date: June 27, 2016

I have reviewed the analysis in your letter, which is consistent with what was discussed at the meeting you held with the Planning & Zoning Director and me. Pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code, it is my opinion and interpretation that the density applicable to the MF2 District and 1002 Douglas Road (which is within the MF2 District) is provided in sections A-40(A)(2) and 4-103(D)(3) of the Zoning Code, as well as the Comprehensive Plan, and not section A-40(B).

The analysis is clear and straightforward. The MF2 District generally establishes in section 4-103(D)(3) that the density is governed by the Comprehensive Plan. Consistent with section 4-103(D), this provision would govern unless the Site Specific Zoning Regulations state otherwise. Here, although an older provision in the Site Specifics (section A-40(b)) establishes a lower density than what would be provided in the Comprehensive Plan, this provision has been superseded by the more recent enactment of section A-40(A)(2), which establishes the density for the Douglas Section Site Specific as being set in section 4-103 (which once again is the density established in the Comprehensive Plan). Accordingly, applying sections A-40(A)(2) and 4-103(D)(3) of the Zoning Code, along with the Comprehensive Plan, the maximum density allowed at 1002 Douglas Road is 40 units per acre, or 50 units per acre with Mediterranean Bonus architectural incentives. Further, I would note that a previously approved project at this site was at 50 units per acre with Mediterranean Bonus architectural incentives, so this opinion is consistent with the City's prior position as to this site.

In addition, pursuant to section 2-201(e)(9) of the City Code (authorizing the City Attorney to remove superseded provisions from the Zoning Code), as well as section 2-702 of the Zoning Code, I am directing that section A-40(B) be removed from the Zoning Code, as it has been completely superseded by the more recent enactment of section A-40(A)(2). This will ensure that there is no confusion in the future in the application of this section.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: 1002 Douglas Road / Confirmation of Permitted Density
Date: Monday, June 27, 2016 3:17:10 PM
Attachments: [Letter to Craig Leen - Confirmation of Permitted Density - 1002 Douglas Road.pdf](#)
[image002.png](#)
[image003.png](#)

Please publish.

Craig E. Leen, City Attorney

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City, County and Local Government Law*
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CORAL GABLES
THE CITY BEAUTIFUL

Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Monday, June 27, 2016 3:16 PM
To: 'Garcia-Serra, Mario'
Cc: Trias, Ramon; Ramos, Miriam
Subject: RE: 1002 Douglas Road / Confirmation of Permitted Density

Mario,

I have reviewed the analysis in your letter, which is consistent with what was discussed at the meeting you held with the Planning & Zoning Director and me. Pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code, it is my opinion and interpretation that the density applicable to the MF2 District and 1002 Douglas Road (which is within the MF2 District) is provided in sections A-40(A)(2) and 4-103(D)(3) of the Zoning Code, as well as the Comprehensive Plan, and not section A-40(B).

The analysis is clear and straightforward. The MF2 District generally establishes in section 4-103(D)

(3) that the density is governed by the Comprehensive Plan. Consistent with section 4-103(D), this provision would govern unless the Site Specific Zoning Regulations state otherwise. Here, although an older provision in the Site Specifics (section A-40(b)) establishes a lower density than what would be provided in the Comprehensive Plan, **this provision has been superseded by the more recent enactment of section A-40(A)(2), which establishes the density for the Douglas Section Site Specific as being set in section 4-103** (which once again is the density established in the Comprehensive Plan). Accordingly, applying sections A-40(A)(2) and 4-103(D)(3) of the Zoning Code, along with the Comprehensive Plan, the maximum density allowed at 1002 Douglas Road is 40 units per acre, or 50 units per acre with Mediterranean Bonus architectural incentives. Further, I would note that a previously approved project at this site was at 50 units per acre with Mediterranean Bonus architectural incentives, so this opinion is consistent with the City's prior position as to this site.

In addition, pursuant to section 2-201(e)(9) of the City Code (authorizing the City Attorney to remove superseded provisions from the Zoning Code), as well as section 2-702 of the Zoning Code, I am directing that section A-40(B) be removed from the Zoning Code, as it has been completely superseded by the more recent enactment of section A-40(A)(2). This will ensure that there is no confusion in the future in the application of this section.

Craig E. Leen, City Attorney

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CORAL GABLES
THE CITY BEAUTIFUL

Celebrating 90 years of a dream realized.

From: Garcia-Serra, Mario [mailto:MGarcia-Serra@gunster.com]

Sent: Friday, June 03, 2016 12:34 PM

To: Leen, Craig

Cc: Trias, Ramon

Subject: 1002 Douglas Road / Confirmation of Permitted Density

Dear Craig,

Hope that your return from vacation has been a smooth one. As previously discussed at our meeting of May 19th, attached is a letter summarizing our discussion regarding the permitted density for the property at 1002 Douglas Road and our conclusion that the density permitted by the Comprehensive Plans and MF2 zoning regulations govern the permitted density of this property and not the Site Specific Zoning regulations, the relevant portion of which were superseded by a later enacted Ordinance. Please review and confirm that you are in agreement with my summary. Thanks.

Best regards,

Mario



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