



To: Ramon Trias

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

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

RE: Legal Opinion Regarding 2020 Salzedo - Narrative of Changes

Date: May 27, 2015

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Pursuant to section 2-702 of the Zoning Code, authorizing the City Attorney to issue final zoning interpretations, and section 2-201(e)(1) and (8) of the City Code, authorizing the City Attorney to issue opinions and interpretations on behalf of the City, and following consultation with you, as well as the City Manager under section 2 -701 of the Zoning Code, I hereby issue the following determination:

The 2020 Salzedo site plan was approved by the City Commission following conditional use site plan review over one year ago on March 11, 2014. I have been asked to review the attached narrative of changes to the site plan and determine whether they can be approved administratively and, if so, whether I can issue a final opinion approving the changes pursuant to section 2-702 of the Zoning Code. I have reviewed the four changes included in the attached narrative, and also reviewed section 3-410 of the Zoning Code. I have also consulted with the Planning and Zoning Director, as well as the City Manager.

First, I would note that you indicated to me that the four changes were each approved by the Board of Architects. This is a significant point, as the Commission has always indicated that design review approval is a material issue, and the City Attorney's Office has opined that projects may have minor deviations from the Code in order to comply with a condition imposed by the Board of Architects.

Second, I would note that the project's approved use remains mixed use, and that the changes in use to (1) a specific room at the southeast corner from office maintenance to generator room, and (2) a specific space at the southwest corner from commercial to chiller room, are not material when compared to the entire project.

Third, as to the shorter portion of the building, the proposal to add one floor and a partial floor is not a major amendment where (1) the maximum height of the building is not increased, (2) there is no increase to the total FAR, and (3) the Board of Architects approved the change. I would specifically note that an increase in intensity of up to 10% is considered to be a minor revision under the Zoning Code, and this proposed change would not increase intensity of the project at all as measured by the total FAR. This change would also not increase the maximum height of the building (as the taller part of the building remains the same height).

Finally, the proposed changes to the openings on the north and south facade of the Parking Garage were approved by the Board of Architects and are clearly minor revisions.

I have consulted with you as to these changes, and you have indicated that you would approve them. I have also consulted with the City Manager, pursuant to her authority under section 2-701 of the Zoning Code, and she was in concurrence with my determination as long as the total FAR was not increased.

Accordingly, pursuant to my authority under section 2-702 of the Zoning Code, authorizing the City Attorney to issue final zoning interpretations, and section 2-201(e)(1) and (8) of the City Code, authorizing the City Attorney to issue opinions and interpretations on behalf of the City, and in consultation with you, as well as the City Manager under section 2 -701 of the Zoning Code, I hereby determine that the proposed changes are minor revisions that are hereby approved by the City. It is imperative that the total FAR is not increased through these changes from what was approved by the City Commission on March 11, 2014.

## **Herbello, Stephanie**

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**From:** Leen, Craig  
**Sent:** Thursday, May 28, 2015 11:09 AM  
**To:** Herbello, Stephanie  
**Cc:** Ramos, Miriam; Figueroa, Yaneris; Trias, Ramon  
**Subject:** RE: 2020 Salzedo - Narrative of Changes

Stephanie,

Please correct the formal opinion to cite section 2-201(e)(1) and (8) instead of section 2-201(e)(1) and (9) [there are two places in the opinion where the cite should be corrected]. 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

-----Original Message-----

**From:** Leen, Craig  
**Sent:** Wednesday, May 27, 2015 5:47 PM  
**To:** Herbello, Stephanie  
**Cc:** Ramos, Miriam; Figueroa, Yaneris  
**Subject:** FW: 2020 Salzedo - Narrative of Changes  
**Importance:** High

Please place in the opinion folder. Please expedite as I would like to issue the signed opinion.

Craig E. Leen, City Attorney  
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405 Biltmore Way  
Coral Gables, Florida 33134  
Phone: (305) 460-5218  
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Email: cleen@coralgables.com

-----Original Message-----

From: Leen, Craig  
Sent: Wednesday, May 27, 2015 5:45 PM  
To: Trias, Ramon  
Subject: RE: 2020 Salzedo - Narrative of Changes

Ramon,

Pursuant to section 2-702 of the Zoning Code, authorizing the City Attorney to issue final zoning interpretations, and section 2-201(e)(1) and (9) of the City Code, authorizing the City Attorney to issue opinions and interpretations on behalf of the City, and following consultation with you, as well as the City Manager under section 2 -701 of the Zoning Code, I hereby issue the following determination:

The 2020 Salzedo site plan was approved by the City Commission following conditional use site plan review over one year ago on March 11, 2014. I have been asked to review the attached narrative of changes to the site plan and determine whether they can be approved administratively and, if so, whether I can issue a final opinion approving the changes pursuant to section 2-702 of the Zoning Code. I have reviewed the four changes included in the attached narrative, and also reviewed section 3-410 of the Zoning Code. I have also consulted with the Planning and Zoning Director, as well as the City Manager.

First, I would note that you indicated to me that the four changes were each approved by the Board of Architects. This is a significant point, as the Commission has always indicated that design review approval is a material issue, and the City Attorney's Office has opined that projects may have minor deviations from the Code in order to comply with a condition imposed by the Board of Architects.

Second, I would note that the project's approved use remains mixed use, and that the changes in use to (1) a specific room at the southeast corner from office maintenance to generator room, and (2) a specific space at the southwest corner from commercial to chiller room, are not material when compared to the entire project.

Third, as to the shorter portion of the building, the proposal to add one floor and a partial floor is not a major amendment where (1) the maximum height of the building is not increased, (2) there is no increase to the total FAR, and (3) the Board of Architects approved the change. I would specifically note that an increase in intensity of up to 10% is considered to be a minor revision under the Zoning Code, and this proposed change would not increase intensity of the project at all as measured by the total FAR. This change would also not increase the maximum height of the building (as the taller part of the building remains the same height).

Finally, the proposed changes to the openings on the north and south facade of the Parking Garage were approved by the Board of Architects and are clearly minor revisions.

I have consulted with you as to these changes, and you have indicated that you would approve them. I have also consulted with the City Manager, pursuant to her authority under section 2-701 of the Zoning Code, and she was in concurrence with my determination as long as the total FAR was not increased.

Accordingly, pursuant to my authority under section 2-702 of the Zoning Code, authorizing the City Attorney to issue final zoning interpretations, and section 2-201(e)(1) and (9) of the City Code, authorizing the City Attorney to issue opinions and interpretations on behalf of the City, and in consultation with you, as well as the City Manager under section 2 -701 of the Zoning Code, I hereby determine that the proposed changes are minor revisions that are hereby approved by the City. It is imperative that the total FAR is not increased through these changes from what was approved by the City Commission on March 11, 2014.

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  
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-----Original Message-----

From: Trias, Ramon  
Sent: Friday, May 22, 2015 9:34 PM  
To: Leen, Craig  
Subject: Re: 2020 Salzedo - Narrative of Changes

Yes, that is correct.

Sent from my iPhone

> On May 22, 2015, at 6:58 PM, Leen, Craig <cleen@coralgables.com> wrote:

>

> Good evening, Ramon. I have reviewed the attached and consulted with the City Manager. I am prepared to issue an opinion approving the attached pursuant to my authority in section 2-702 of the Zoning Code. Before doing so, I would like confirmation that you agree that total FAR was not increased as indicated in the narrative of changes ("One floor and a partial floor were added to office building. This change was reviewed and approved by the Board of Architects, and total FAR was not increased.") (emphasis added). Thanks, 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<mailto:cleen@coralgables.com>

>

> [90th-anniversary-logo-color PNG Transparent for Email Signature]

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> From: Trias, Ramon  
> Sent: Friday, May 22, 2015 1:33 PM  
> To: Leen, Craig  
> Cc: Tompkins, Jane  
> Subject: FW: 2020 Salzedo - Narrative of Changes

>

> Craig:

>

> The attached documents from the project architect outline the changes to the approved mixed use site plan for 2020 Salzedo.

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> Please review and contact me if you need additional information.

>  
> Ramon  
>  
> From: Lazaro Alvarez [mailto:lavarez@bcarchitects.com]  
> Sent: Thursday, May 21, 2015 5:24 PM  
> To: Trias, Ramon  
> Cc: lcadavid@bcarchitects.com<mailto:lcadavid@bcarchitects.com>; 'Andrea Connor'; Andrew Frey; Andy Burnham;  
> 'Kris Copeland'  
> Subject: 2020 Salzedo - Narrative of Changes  
>  
> Ramon,  
>  
> As per your discussion with Lucas yesterday, enclosed please find the Ground Floor Plan and Elevations for 2020  
> Salzedo, highlighting the modifications. We have included the narrative for your reference.  
>  
> If you have any further questions or comments, please feel free to contact us.  
>  
> Thanks,  
>  
> Lazaro J. Alvarez, R.A.  
> Project Architect  
>  
> bc a r c h i t e c t s AIA, Inc.  
> Architecture Planning Construction Administration  
> 4942 S. LeJeune Road, Suite 200  
> Coral Gables, Florida 33146  
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> P please consider the environment before printing this email  
>  
> <2015\_0507-Plan Elevations.pdf>  
> <2015\_0506-Narrative of Changes.pdf>  
> <image001.png>