



To: Dona Spain, Historical Resources and Cultural Arts Director

From: Cristina M. Suárez, Assistant City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "CS", is written over the name Cristina M. Suárez.

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

RE: Legal Opinion Regarding TDR Transfer/Laguna House

Date: August 4, 2017

---

Consistent with our discussion, you have asked me to formalize an opinion as to whether the Dispute Resolution Agreement between the City and Mundomed S.A. and South High Cliff Corp. (fully executed version attached) would permit that TDRs be transferred to the Laguna House project located at 351 San Lorenzo. Section 4 of the Dispute Resolution Agreement, approved and ratified by the City Commission pursuant to Article 3, Division 17 of the Zoning Code, provides:

The City hereby agrees, pursuant to Section 3-1703(A)(2) of the Zoning Code, that Owners are entitled to 50,000 square feet of transferable development rights ("TDRs"), which may be transferred to and utilized in either the Central Business District or the North Ponce Mixed Use Corridor pursuant to and subject to the TDR process and approval criteria provided for in Division 10 of Article 3 of the Zoning Code. The TDRs may also be utilized in other Commercial and Industrial Zoned areas of the City, which do not abut and are not adjacent to either (i) South Dixie Highway or (ii) properties zoned SFR (Single Family Residential), with the filing of the TDR application being subject to the absolute discretion of the City Commission. Upon the approval of the filing of such TDR application, the City Commission shall utilize utilizing the process and criteria set forth in Division 10 of Article 3 of the Zoning Code. Alternatively and subject to the TDR process and approval criteria provided for in Division 10 of Article 3 of the Zoning Code, the TDRs may be used to transfer density units at a ratio of 1,000 square feet being equivalent to 1 density unit. Any floor area utilized to transfer density units shall be deducted from the 50,000 square feet of TDRs.

Counsel for the owner of the Laguna House site has explained that the property is located in an Industrial Zoned area of the City and does not abut and is not adjacent to either (i) South Dixie Highway or (ii) properties zoned Single Family Residential. Thus, the Laguna House site may be a receiving site for the TDRs granted pursuant to the Dispute Resolution Agreement between the City and Mundomed & South High Cliff Corp., with the filing of the TDR application being subject to the absolute discretion of the City Commission and subject to the TDR process and approval criteria set forth in Division 10 of Article 3 of the Zoning Code. In order to initiate the process, there should be an item on the Commission agenda whereby the Commission would review the application to determine whether the matter should proceed. The City Commission's initial approval of the filing of the TDR application does not limit the Commission's discretion to ultimately determine whether to approve, approve with conditions, or deny the TDR application.

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

**From:** [Leen, Craig](#)  
**To:** [Paulk, Enga](#)  
**Subject:** FW: TDR Transfer / Laguna House  
**Date:** Friday, August 04, 2017 5:29:37 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

Enga, please publish.

**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)



*Celebrating 90 years of a dream realized.*

---

**From:** [navarrojo@gtlaw.com](mailto:navarrojo@gtlaw.com) [<mailto:navarrojo@gtlaw.com>]  
**Sent:** Friday, August 04, 2017 5:27 PM  
**To:** Leen, Craig <[cleen@coralgables.com](mailto:cleen@coralgables.com)>  
**Subject:** RE: TDR Transfer / Laguna House

Thank you Craig. Have a nice weekend.

Jorge L. Navarro  
Associate  
Greenberg Traurig, P.A. | 333 S.E. 2nd Avenue | Miami, FL 33131  
Tel 305.579.0821 | Fax 305-961-5310  
[navarrojo@gtlaw.com](mailto:navarrojo@gtlaw.com) | [www.gtlaw.com](http://www.gtlaw.com)

---

**From:** Leen, Craig [<mailto:cleen@coralgables.com>]  
**Sent:** Friday, August 04, 2017 5:10 PM  
**To:** Suarez, Cristina  
**Cc:** Spain, Dona; Navarro, Jorge L. (Assoc-Mia-LDZ-RE); Paulk, Enga  
**Subject:** RE: TDR Transfer / Laguna House

Thank you, Cristina. I agree with your opinion and adopt it as a City Attorney Opinion pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code.

Enga, please publish.

**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)



*Celebrating 90 years of a dream realized.*

---

**From:** Suarez, Cristina  
**Sent:** Friday, August 04, 2017 5:06 PM  
**To:** Leen, Craig <[cleen@coralgables.com](mailto:cleen@coralgables.com)>  
**Cc:** Spain, Dona <[dspain@coralgables.com](mailto:dspain@coralgables.com)>; [navarrojo@gtlaw.com](mailto:navarrojo@gtlaw.com)  
**Subject:** RE: TDR Transfer / Laguna House

Craig,

Consistent with our discussion, you have asked me to formalize an opinion as to whether the Dispute Resolution Agreement between the City and Mundomed S.A. and South High Cliff Corp. (fully executed version attached) would permit that TDRs be transferred to the Laguna House project located at 351 San Lorenzo. Section 4 of the Dispute Resolution Agreement, approved and ratified

by the City Commission pursuant to Article 3, Division 17 of the Zoning Code, provides:

The City hereby agrees, pursuant to Section 3-1703(A)(2) of the Zoning Code, that Owners are entitled to 50,000 square feet of transferable development rights (“TDRs”), which may be transferred to and utilized in either the Central Business District or the North Ponce Mixed Use Corridor pursuant to and subject to the TDR process and approval criteria provided for in Division 10 of Article 3 of the Zoning Code. The TDRs may also be utilized in other Commercial and Industrial Zoned areas of the City, which do not abut and are not adjacent to either (i) South Dixie Highway or (ii) properties zoned SFR (Single Family Residential), with the filing of the TDR application being subject to the absolute discretion of the City Commission. Upon the approval of the filing of such TDR application, the City Commission shall utilize utilizing the process and criteria set forth in Division 10 of Article 3 of the Zoning Code. Alternatively and subject to the TDR process and approval criteria provided for in Division 10 of Article 3 of the Zoning Code, the TDRs may be used to transfer density units at a ratio of 1,000 square feet being equivalent to 1 density unit. Any floor area utilized to transfer density units shall be deducted from the 50,000 square feet of TDRs.

Counsel for the owner of the Laguna House site has explained that the property is located in an Industrial Zoned area of the City and does not abut and is not adjacent to either (i) South Dixie Highway or (ii) properties zoned Single Family Residential. Thus, the Laguna House site may be a receiving site for the TDRs granted pursuant to the Dispute Resolution Agreement between the City and Mundomed & South High Cliff Corp., with the filing of the TDR application being subject to the absolute discretion of the City Commission and subject to the TDR process and approval criteria set forth in Division 10 of Article 3 of the Zoning Code. In order to initiate the process, there should be an item on the Commission agenda whereby the Commission would review the application to determine whether the matter should proceed. The City Commission’s initial approval of the filing of the TDR application does not limit the Commission’s discretion to ultimately determine whether to approve, approve with conditions, or deny the TDR application.

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

**Cristina M. Suárez**

**Assistant City Attorney**

City of Coral Gables

405 Biltmore Way, 3rd Floor

Coral Gables, Florida 33134

Main Phone: (305) 460-5218

**Direct Dial: (305) 476-7231**

Email: [csuarez@coralgables.com](mailto:csuarez@coralgables.com)



*Celebrating 90 years of a dream realized.*

**Public Records:** This e-mail is from the City of Coral Gables – City Attorney’s Office and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this email in error, please notify the sender immediately, delete the e-mail from your computer, and do not copy or disclose it to anyone else. The State of Florida has a broad public records law. Most written communications to or from State and Local Officials regarding State or Local business are public record available to the public upon request.

**Confidentiality:** The information contained in this transmission may be legally privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited.

---

**From:** Leen, Craig  
**Sent:** Monday, July 31, 2017 9:46 PM  
**To:** [navarrojo@gtlaw.com](mailto:navarrojo@gtlaw.com)  
**Cc:** Spain, Dona; Suarez, Cristina  
**Subject:** Re: TDR Transfer / Laguna House

Good evening. Yes, the Dispute Resolution Agreement you referenced, adopted pursuant to Article 3, Division 17 of the Zoning Code, would permit TDRs to be transferred to a project in the Industrial Zone (not adjacent to South Dixie Highway) consistent with applicable regulations and subject to the Commission's ultimate discretion/approval. I am asking Cristina to issue a City Attorney Opinion with my office's full analysis.

Craig E. Leen  
Coral Gables City Attorney

Sent from my iPhone

On Jul 31, 2017, at 3:55 PM, "[navarrojo@gtlaw.com](mailto:navarrojo@gtlaw.com)" <[navarrojo@gtlaw.com](mailto:navarrojo@gtlaw.com)> wrote:

Dear Craig,

Thank you again for taking the time to meet with us last week regarding the proposed revisions to the Laguna House project located at 351 San Lorenzo Avenue. As we discussed, the owner is seeking to modify the project in order to permit the construction of approx. 9500 sq. ft. of FAR in excess of the 3.5 FAR currently permitted under the property’s existing MXD/Industrial zoning designation. Specifically, the Owner seeks to transfer this additional square footage through the use of Transfer of Development Rights (“TDRs”) under the existing Dispute Resolution that was approved by the City Commission for Mundomed S.A. and South High Cliff Corp., a copy of which

is attached hereto (the "Agreement"). As reflected in Paragraph 4, the Agreement permits the parties to transfer up to 50,000 SF of TDRs to Commercial and Industrial Zoned areas of the City, which do not abut and are not adjacent to either (i) South Dixie Highway or (ii) properties zoned SFR subject to approval by the City Commission. This paragraph appears to permit the Transfer of TDRs to the Laguna House site as it is zoned Industrial and does not abut either US-1 or SFR zoning.

We are writing to confirm your initial determination that we may transfer TDRs to the project as discussed herein via the Agreement subject to approval of same by the City Commission. We are currently working with the parties of the Agreement to enter into an arrangement for the transfer of TDRs to the Project but would like to confirm with your office prior to moving forward.

We appreciate your help. Should you have any questions, please do let me know.

Best Regards,

**Jorge L. Navarro**  
Associate  
Greenberg Traurig, P.A. | 333 S.E. 2nd Avenue | Miami, FL 33131  
Tel 305.579.0821 | Fax 305-961-5310  
[navarrojo@gtlaw.com](mailto:navarrojo@gtlaw.com) | [www.gtlaw.com](http://www.gtlaw.com)

<image001.png>

---

If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at [postmaster@gtlaw.com](mailto:postmaster@gtlaw.com), and do not use or disseminate such information.

<Dispute Resolution Agreement-Mundomed and South High Cliff.pdf>

Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.