



To: Kara Kautz

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 printed name of the City Attorney.

RE: Legal Opinion Regarding 1401 Pizarro Street - City Code section 2-201(e)(1), (6), and (8)

Date: July 8, 2016

I have reviewed the matter and spoken with the Planning and Zoning Director and Historic Preservation Officer. Pursuant to section 2-201(e)(1), (6), and (8) of the City Code, as well as section 2-702 of the Zoning Code, it is my opinion and interpretation under the specific circumstances presented that the 15' setback should be applied to this historic landmark, and the matter should proceed to the Historic Preservation Board for a quasi-judicial hearing on the special certificate of appropriateness. It is also my understanding from the Historic Preservation Officer that application of a 25' side setback in these specific circumstances would not be warranted as the historic structure itself would be well within such a setback and would frustrate application of the Coral Gables Cottage Ordinance, which is intended to facilitate these types of additions. Ultimately, as this matter would be reviewed by the Historic Preservation Board in a quasi-judicial hearing, it is my opinion that it should be allowed to proceed with the 15' side setback and application of the Coral Gables Cottage Ordinance. The final decision as to whether to approve the addition would be made by the Historic Preservation Board or, if administratively appealed, the City Commission. As mentioned, this opinion is based on the specific set of circumstances presented.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: 1401 Pizarro Street
Date: Friday, July 08, 2016 12:14:19 PM
Attachments: [image001.png](#)

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

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CORAL GABLES
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Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Friday, July 08, 2016 12:13 PM
To: Kautz, Kara
Cc: Spain, Dona; Ramos, Miriam; Guin, Elizabeth; Trias, Ramon
Subject: RE: 1401 Pizarro Street

City Attorney Opinion

I have reviewed the matter and spoken with the Planning and Zoning Director and Historic Preservation Officer. Pursuant to section 2-201(e)(1), (6), and (8) of the City Code, as well as section 2-702 of the Zoning Code, it is my opinion and interpretation under the specific circumstances presented that the 15' setback should be applied to this historic landmark, and the matter should proceed to the Historic Preservation Board for a quasi-judicial hearing on the special certificate of appropriateness. It is also my understanding from the Historic Preservation Officer that application of a 25' side setback in these specific circumstances would not be warranted as the historic structure itself would be well within such a setback and would frustrate application of the Coral Gables Cottage Ordinance, which is intended to facilitate these types of additions. Ultimately, as this

matter would be reviewed by the Historic Preservation Board in a quasi-judicial hearing, it is my opinion that it should be allowed to proceed with the 15' side setback and application of the Coral Gables Cottage Ordinance. The final decision as to whether to approve the addition would be made by the Historic Preservation Board or, if administratively appealed, the City Commission. As mentioned, this opinion is based on the specific set of circumstances presented.

Craig E. Leen, City Attorney

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Celebrating 90 years of a dream realized.

From: Kautz, Kara
Sent: Thursday, July 07, 2016 8:59 PM
To: Leen, Craig
Cc: Spain, Dona; Ramos, Miriam; Guin, Elizabeth
Subject: Re: 1401 Pizarro Street

Yes

Sent from my iPhone

On Jul 7, 2016, at 7:50 PM, Leen, Craig <cleen@coralgables.com> wrote:

Yes, I will issue my opinion on Friday. By the way, is it going before the HPB for a quasi-judicial hearing for a special certificate of appropriateness?

Sent from my iPhone

On Jul 7, 2016, at 4:15 PM, Spain, Dona <dspain@coralgables.com> wrote:

Craig – could you look at this as soon as possible? We want to get this project on the upcoming HPB agenda. This is an impossible situation.

Thanks.

Dona M. Spain
Historical Resources and Cultural Arts Director
City of Coral Gables, Florida
(305) 460-5095

From: Kautz, Kara
Sent: Wednesday, July 06, 2016 11:09 AM
To: Leen, Craig
Cc: Spain, Dona; Guin, Elizabeth; Ramos, Miriam
Subject: 1401 Pizarro Street

Good Morning Craig,

We have a situation that we need an opinion on. An addition to the property at 1401 Pizarro has been to our Board a number of times. The owner switched architects who has now produced a much better plan (attached) so we sent the new version back to Zoning for another preliminary review. One of Elizabeth Gonzalez's comments was the following:

**HI-16-02-2980
1401 PIZARRO STREET
ZONING COMMENTS**

- 1) PROPOSED SETBACK AT GARAGE ADDITION NOT ALLOWED ON SIDE STREET OF 11'3". REQUIRED SIDE STREET SETBACK IS 25 FEET; NOT 15 FEET AS PER ZONING CODE SECTION 4-101 (D) (4) (b) DUE TO HOUSES ON SIDE STREET WHICH FACE ORTEGA AVENUE AND MAINTAIN A 25 FEET FRONT SETBACK. ADDITION MAY MATCH EXISTING SETBACK DISTANCE OF RESIDENCE WHICH IS 15.4 FEET IN ACCORDANCE WITH SECTION 5-503 (A) (1)**

This was not brought up in the previous zoning review which had the garage in essentially the same place. The assumption was that the side setback is 15'-0". What Elizabeth is now saying is that because other properties on the side street (Ortega Avenue) face onto Ortega, the side setback of 1401 Pizarro has to comply with the 25' front setback requirement of the neighboring properties. The 1401 Pizarro property is only 50' wide – this seems like inordinate request.

We can maintain the existing 15.4' setback, but then the new garage can not utilize the cottage designation relaxation of the setback be/c the verbiage for the cottage ordinance reads: **Where existing setbacks meet current standards, a reduction in the setback requirement of up to twenty five (25%) percent shall be permitted.**

Can you please opine that a normal side setback of 15'-0" on a property abutting a side street is appropriate in this situation b/c there is no way a 25' setback can be achieved, ever?

Dona or ElizaBeth, anything to add?"

Thanks,
Kara

Kara Kautz
City of Coral Gables
Historical Resources and Cultural Arts Department

kkautz@coralgables.com
305-460-5090

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.

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

From: hi-adm@coralgables.com [<mailto:hi-adm@coralgables.com>]
Sent: Wednesday, July 06, 2016 10:28 AM
To: Kautz, Kara; Guin, Elizabeth
Subject: Sent from the Coral Gables Historical Department

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Printer.

Multifunction Printer Location: MUSHI2FL-7970A

<Sent from the Coral Gables Historical Department.pdf>
<1401 PIZARRO ST 2ND REVIEW.DOCX>