




To: Dona M. Spain, Historical Resources and Cultural Arts Director for the City of Coral Gables
Kara Kautz, Assistant Historic Preservation Officer for the City of Coral Gables

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

RE: Legal Opinion Regarding 1136 Alhambra Circle - COA (SP) 2016-014

Date: June 26, 2017

The additional FAR for the garage is permitted because this was a condition of approval imposed by the Historic Preservation Board as part of a quasi-judicial hearing. My office has previously opined on a number of occasions both verbally and in writing that the City's Zoning Code broadly authorizes reasonable conditions of approval as part of quasi-judicial reviews. *See, e.g.*, CAO 2016-031 and CAO 2014-36. As long as the condition of approval at issue is supported by competent, substantial evidence, serves a public purpose, and is consistent with the jurisdiction and purpose of the board imposing the requirement (ie, the garage was required to be designed that way for historic preservation or aesthetic reasons consistent with the purpose of the Historic Preservation Board), it is allowed.

This analysis is consistent with the analysis provided by the Third District Court of Appeal in *Miami-Dade County v. In re Florida Power & Light Co.*, 208 So. 3d 111, 119 (Fla. 3d DCA 2016) (determining that siting board had authority to require condition of approval where warranted based on statutory grant of authority to require conditions, even if the siting board would not otherwise have the power to do so).

This opinion and interpretation 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.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: 1136 Alhambra Circle - COA (SP) 2016-014
Date: Monday, June 26, 2017 6:32:05 PM
Attachments: [image004.png](#)
[image003.png](#)
[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
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com



Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Monday, June 26, 2017 6:32 PM
To: Spain, Dona <dspain@coralgables.com>; Kautz, Kara <kkautz@coralgables.com>
Cc: Ramos, Miriam <mramos@coralgables.com>; Suarez, Cristina <csuarez@coralgables.com>
Subject: RE: 1136 Alhambra Circle - COA (SP) 2016-014

[City Attorney Opinion](#)

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Fax: (305) 460-5264
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Celebrating 90 years of a dream realized.

From: Leen, Craig

Sent: Monday, June 26, 2017 1:55 PM

To: Spain, Dona <dspain@coralgables.com>; Kautz, Kara <kkautz@coralgables.com>; Ramos, Miriam <mramos@coralgables.com>

Subject: RE: 1136 Alhambra Circle - COA (SP) 2016-014

This is allowed. I will provide my opinion shortly.

Craig E. Leen, City Attorney

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Phone: (305) 460-5218
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CORAL GABLES
THE CITY BEAUTIFUL

Celebrating 90 years of a dream realized.

From: Spain, Dona

Sent: Monday, June 26, 2017 1:42 PM

To: Kautz, Kara <KKautz@coralgables.com>; Ramos, Miriam <mramos@coralgables.com>; Leen, Craig <cleen@coralgables.com>

Subject: RE: 1136 Alhambra Circle - COA (SP) 2016-014

Did we get an opinion on this?

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

From: Kautz, Kara

Sent: Thursday, June 01, 2017 2:51 PM

To: Ramos, Miriam; Leen, Craig

Cc: Spain, Dona

Subject: FW: 1136 Alhambra Circle - COA (SP) 2016-014

Craig and Miriam,

The item below pertains to a garage addition approved by the Historic Preservation Board at their September 2016 meeting. The garage was discussed at length and the final design approved by the Board put the property over their allowable FAR. The Board was aware of this (see excerpt from minutes below) and made the motion directing the architect to increase the size of the garage.

Please review and provide an opinion that allows the overage as imposed by the HPB.

Let me know if you need further information,
Kara

CASE FILE COA (SP) 2016-014 Continued:

An application for the issuance of a Special Certificate of Appropriateness for the property at 1136 Alhambra Circle, a contributing resource within the “Alhambra Circle Historic District,” legally described as Lot 3 and the west 35 FT of Lot 4, Block 15, Coral Gables Section “C,” according to the Plat thereof, as recorded in Plat Book 8, at Page 26 of the Public Records of Miami-Dade County, Florida. The application requested design approval for additions and alterations to the residence and sitework.

Ms. Kautz presented the application, displayed a site map and photographs, and explained that Board packets contained a new submittal and information as well as the previous drawings and comments for comparison. She advised that some staff comments were slightly different than previous submittals, and said she would clarify information as the presentation went forward.

Mr. Vitalini, project architect, displayed existing elevations and reviewed design modifications made to comply with previous Board requests. He pointed out that the garage door design was modified to sixteen feet with a carriage-style wood door with the middle column removed and lights placed on the sides. The air conditioning unit was moved to the rooftop and the parapet was raised, designed to minimize the visual equipment impact. The new proposal also changed the type of stucco to eliminate confusion between the existing structure and the addition.

Ms. Kautz advised that previous application comments primarily focused on the garage and asked the Board for a review and determination about two items: 1) the garbage enclosure (still situated at the front of the garage); 2) staff’s previous and still-current recommendation against raising the parapets. When asked for the staff-recommended height, Ms. Kautz said staff’s initial comment was that the air conditioning units should remain on the ground. She questioned whether or not the units were proposed for elimination from their current position for aesthetic purposes. Joining the conversation, Mr. Vitalini explained that the relocation of the units was at the owner’s request, and reiterated his hope for approval of the request. Board members, Mr. Vitalini and staff continued to discuss design modification, primarily focused on the position and size of the garage; the garage door; the air conditioned garage storage area; and increasing the garage width to have a functional two-car garage. The debate about garage size continued and alternate design solutions were considered. Mr. Vitalini said increasing the size of the garage would require additional FAR. Ms. Spain recalled that the City Attorney previously advised that if a Board-required condition triggered a variance, it would not be considered a variance. Discussion and additional garage design suggestions continued.

Mr. Parsley made a motion to accept the design proposal for the plans for 1136 Alhambra Circle as shown with the following conditions: 1) For the proposed garage: add two feet to the garage width (towards the north) to allow for two 9’-0” garage doors with an 18” wide center column; 2)

Eliminate the protruding garbage enclosure. Instead, make it flush with the front (north) façade of the new garage. Ms. Rolando seconded the motion.

Roll Call: Ayes: Mr. Silva, Mr. Menendez, Mr. Parsley, Ms. Rolando, Mr. Torre. Nays: Ms. Thomson.

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.

From: Luigi Vitalini [<mailto:lvitalini@vcmiami.com>]
Sent: Wednesday, May 31, 2017 12:40 PM
To: Kautz, Kara
Cc: Spain, Dona; Guin, Elizabeth
Subject: RE: 1136 Alhambra Circle - COA (SP) 2016-014

Hello Kara

We are meeting tomorrow to review the FAR issue and we have resubmitted to the Bldg Dept with the change of paving- we removed brick pavers from the rear pool area to have enough landscape area..

I am getting a lot of pressure from the Owner regarding this permit. I know Historic Preservation reviews once every discipline has approved it,, but could you review concurrently in this case? The zoning comments have been addressed and should not require further adjustments to the plans.

Tx
Luigi

From: Kautz, Kara [<mailto:KKautz@coralgables.com>]
Sent: Tuesday, May 09, 2017 3:54 PM
To: Luigi Vitalini
Cc: Spain, Dona; Guin, Elizabeth
Subject: RE: 1136 Alhambra Circle - COA (SP) 2016-014

Oh, silly me about the dimension – I see it now! Sorry!! ☹

I think that perhaps the City Attorney's office should opine that the Board action constitutes approval. I believe he has done this in the past for other historic

properties. Dona, can you find out?

The change in paving material or reduction in amount of paving would not need to go back to the Board. We could do an administrative revision to the COA.

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

kkautz@coralgables.com
305-460-5090

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From: Luigi Vitalini [<mailto:lvitalini@vcmiami.com>]
Sent: Tuesday, May 09, 2017 3:34 PM
To: Kautz, Kara
Cc: Spain, Dona; Guin, Elizabeth
Subject: RE: 1136 Alhambra Circle - COA (SP) 2016-014

Thank you Kara.

We changed the overall garage width from 20'-4" to 22'-4" according to the HPB directions. The 19'-8" dimension you are referring to was a dimension minus the 8" of the existing wall thickness on the site plan.

In our final submittal we just took the overall.

This does not address the FAR overage which was discussed at the meeting. The zoning department is requesting this to be stated.

Regarding the driveway pavers :

The HPB set had a Old Chicago White pervious paver

Is it possible to change to a concrete paver with grass between ? This is allowed by Zoning as landscaping and would not change the driveway shape. Would this need to go back to HPB?

If we reduce the paving areas by 580 sq, could we maintain the existing Old Chicago brick with staff approval?

Tx again

Luigi

From: Kautz, Kara [<mailto:KKautz@coralgables.com>]
Sent: Tuesday, May 09, 2017 1:20 PM
To: 'Luigi Vitalini'
Cc: Spain, Dona; Guin, Elizabeth
Subject: RE: 1136 Alhambra Circle - COA (SP) 2016-014

The Board allowed for a two foot extension of the garage toward the north – the plans that went to HPB showed a 19'-8" width, the plan you sent with this email has a 22'-4" width. Why the change?

About the pavers, I assume this would have to go back to the Board for a variance unless the plan changes – the HPB didn't discuss pavers or a reduction in landscape requirement.

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

kkautz@coralgables.com
305-460-5090

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From: Luigi Vitalini [<mailto:lvitalini@vcmiami.com>]
Sent: Monday, May 08, 2017 4:52 PM
To: Kautz, Kara
Cc: Spain, Dona
Subject: RE: 1136 Alhambra Circle - COA (SP) 2016-014

Hello Kara

I hate to bother you but the Owner is putting pressure on me to obtain the permit. The issues I have remaining are the ones below and a couple of other Zoning items. Could you give me some direction in this?

Tx

Luigi

From: Kautz, Kara [<mailto:KKautz@coralgables.com>]
Sent: Thursday, April 27, 2017 9:02 PM
To: Luigi Vitalini
Cc: Spain, Dona
Subject: Re: 1136 Alhambra Circle - COA (SP) 2016-014

Hi, we're out at a workshop today and tomorrow. I'll look into it on Monday.
Kara

Sent from my iPhone

On Apr 27, 2017, at 7:03 PM, Luigi Vitalini <lvitalini@vcmiami.com> wrote:

Hello Kara

We are trying to finalize the permit and a couple of comments came up from Steven Rodriguez at Zoning.

We were allowed to go over the FAR by 67 sq ft because of the HP approval. He asks if this can be added to the condition. Otherwise how can we show him that it was allowed.

Secondly, recently the Zoning Dept stopped accepting "permeable " pavers as landscape.

Therefore we are 580 sq ft below the min landscape requirement.

He said that may be authorized by HP. We would be happy to leave what is currently there- Old Chicago bricks.

Please let us know.

Tx

Luigi

From: Kautz, Kara [<mailto:KKautz@coralgables.com>]

Sent: Tuesday, September 13, 2016 9:57 AM

To: Pablo Corazzini

Subject: 1136 Alhambra Circle - COA (SP) 2016-014

Please see attached results letter and Certificate of Appropriateness for the property at 1136 Alhambra Circle. Hard copies have been mailed to you as well.

Thank you,
Kara

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

kkautz@coralgables.com

305-460-5090

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<LFinal and Certificate.pdf>

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