



To: Ramon Trias, Development Services Assistant Director for the City of Coral Gables

From: Miriam Soler Ramos, City Attorney for the City of Coral Gables *MSR*

RE: Legal Opinion Regarding Miracle Mile - Height

Date: October 28, 2020

As discussed, in Oct. 2019, a project referred to as 220 Miracle Mile brought up several questions. One such question was whether the Level 1 Mediterranean bonus could be used for height, thereby allowing the project to go up to 83.5 feet (from the standard 70 feet). I made the observation then that the Miracle Mile Overlay Ordinance (adopted Sept. 2001) does not expressly allow or prohibit the use of Mediterranean bonuses for height, while that the Giralda Plaza Overlay Ordinance (adopted June 2018) does expressly prohibit the same. However, it is your belief that the Miracle Mile Overlay Ordinance was always understood to do the same, albeit with less specific language. In fact, you attempted to add more specific language to the Miracle Mile Overlay Ordinance, in 2017-18 while you were working on the Giralda Plaza Overlay Ordinance, but for unrelated reasons this never occurred.

In addition, the current conditions support this view. Since I made the observation in late 2019, you have confirmed that no project on Miracle Mile has used a Mediterranean bonus for height and that there, in fact, is no project on Miracle Mile that exceeds 70 feet. In addition, three facts further support this conclusion. One, the Miracle Mile Overlay Ordinance itself states the following under “legislative intent”:

Limit building height, bulk, mass, and intensity on Miracle Mile of large-scale developments to promote compatibility with the

Existing low-rise scale of development in Downtown Coral Gables as it presently exists.

Two, the Miracle Mile Overlay ordinance itself also states as follows with regard to height

The building height of the development of the properties **shall be limited to not more than six (6) stories or seventy (70) feet** of building height or, whichever is less, for properties from Miracle Mile to the centerline of the alley on the north or south of Miracle Mile.

Three, during the Commission meeting when the Ordinance was considered, the then Planning & Zoning Director stated, “this is the ordinance the provides the incentive to reduce the height along Miracle Mile and the **proposal in this draft here is seventy feet along Miracle Mile.**”

Based on the above, it is clear that the Commission intended to cap the height to 70 feet on Miracle Mile for any project being developed under the Miracle Mile Overlay Ordinance. Accordingly, Mediterranean bonuses may not be used on Miracle Mile for height. It is my understanding that staff has added language to make this reality clear in the Zoning Code rewrite.

This opinion is issued pursuant to section 2-252(e)(1) and (8) of the City Code and section 2-702 of the Zoning Code.

Paulk, Enga

From: Ramos, Miriam
Sent: Wednesday, October 28, 2020 8:13 AM
To: Paulk, Enga
Cc: Suarez, Cristina
Subject: FW: Miracle Mile - Height

Good morning Enga,

Please publish.

Thanks,

Miriam Soler Ramos, Esq., B.C.S.

City Attorney

Board Certified by the Florida Bar in City, County, and Local Government Law

City of Coral Gables
405 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
(305)460-5084 direct dial



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From: Ramos, Miriam
Sent: Tuesday, October 27, 2020 6:23 AM
To: Trias, Ramon <rtrias@coralgables.com>
Cc: Cejas, Devin <dcejas@coralgables.com>; Suarez, Cristina <csuarez@coralgables.com>
Subject: FW: Miracle Mile - Height

Ramon,

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for height, thereby allowing the project to go up to 83.5 feet (from the standard 70 feet). I made the observation then that the Miracle Mile Overlay Ordinance (adopted Sept. 2001) does not expressly allow or prohibit the use of Mediterranean bonuses for height, while that the Giralda Plaza Overlay Ordinance (adopted June 2018) does expressly prohibit the same. However, it is your belief that the Miracle Mile Overlay Ordinance was always understood to do the same, albeit with less specific language. In fact, you attempted to add more specific language to the Miracle Mile Overlay Ordinance, in 2017-18 while you were working on the Giralda Plaza Overlay Ordinance, but for unrelated reasons this never occurred.

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Miriam Soler Ramos, Esq., B.C.S.

City Attorney

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Coral Gables, FL 33134



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From: "Trias, Ramon" <rtrias@coralgables.com>
Date: October 7, 2020 at 12:01:41 PM EDT
To: "Cejas, Devin" <dcejas@coralgables.com>, "Ramos, Miriam" <mramos@coralgables.com>
Cc: "Craig Harry Collier" - Craig H. Collier, P.A. (craig.collier@coller-law.com) <craig.collier@coller-law.com>
Subject: RE: Miracle Mile

That is correct to the best of my knowledge. 10 Aragon is the only project that may relate to the question, and the Miracle Frontage portion is less than 70 feet in height.

From: Cejas, Devin <dcejas@coralgables.com>
Sent: Wednesday, October 7, 2020 11:29 AM
To: Ramos, Miriam <mramos@coralgables.com>; Trias, Ramon <rtrias@coralgables.com>
Cc: Craig Harry Collier - Craig H. Collier, P.A. (craig.collier@coller-law.com) <craig.collier@coller-law.com>
Subject: RE: Miracle Mile

I would say that is correct. Ramon, please verify

Devin

From: Ramos, Miriam <mramos@coralgables.com>
Sent: Wednesday, October 7, 2020 10:51 AM
To: Cejas, Devin <dcejas@coralgables.com>; Trias, Ramon <rtrias@coralgables.com>
Cc: Craig Harry Collier - Craig H. Collier, P.A. (craig.collier@coller-law.com) <craig.collier@coller-law.com>
Subject: Miracle Mile

Good morning Devin and Ramon,

In order to properly advise the Commission and those members that wish to clarify that the Miracle Mile overlay caps height at 70 feet and does not allow for the use of Med Bonuses, I need you to confirm the following:

1. Med Bonus has never been used on Miracle Mile
2. No building on Miracle Mile is currently over 70 feet

Thank you,

Miriam Soler Ramos, Esq., B.C.S.

City Attorney

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