



To: Jane Tompkins

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

A handwritten signature in black ink, appearing to be "CL", is written over the name "Craig Leen".

RE: Legal Opinion Regarding Interpretation Of Section 5-119(A)(3) Of The Zoning Code

Date: December 7, 2013

It was good meeting with you yesterday. I am writing to confirm my interpretation of section 5-119(A)(3) of the Zoning Code. The provision addresses open-air dining areas, and states:

That the open-air dining area shall not occupy an area of more than thirty (30%) percent of the public indoor area of the primary restaurant operation."

In determining the meaning of "the public indoor area of the primary restaurant operation" for an operation such as Epicure, which includes multiple components relating to food items (i.e. part food preparation and table service, part grocery retail, etc.), it is my view that the phrase would refer to the public indoor area of the facility as a whole. In other words, the open-air dining area should not exceed an area of more than 30% of the public indoor area of the Epicure facility. This interpretation is limited to section 5-119(A)(3) of the Zoning Code and to materially similar factual situations.

Hernandez, Cristina

From: Leen, Craig
Sent: Saturday, December 07, 2013 2:17 PM
To: Hernandez, Cristina
Cc: Thornton Richard, Bridgette; Figueroa, Yaneris
Subject: FW: Interpretation of Section 5-119(A)(3) of the Zoning Code

Importance: High

Please include this interpretation in the opinion folder.

Craig E. Leen
City Attorney

From: Leen, Craig
Sent: Saturday, December 07, 2013 2:16 PM
To: Tompkins, Jane
Subject: Interpretation of Section 5-119(A)(3) of the Zoning Code

Jane,

It was good meeting with you yesterday. I am writing to confirm my interpretation of section 5-119(A)(3) of the Zoning Code. The provision addresses open-air dining areas, and states:

“That the open-air dining area shall not occupy an area of more than thirty (30%) percent of the public indoor area of the primary restaurant operation.”

In determining the meaning of “the public indoor area of the primary restaurant operation” for an operation such as Epicure, which includes multiple components relating to food items (i.e. part food preparation and table service, part grocery retail, etc.), it is my view that the phrase would refer to the public indoor area of the facility as a whole. In other words, the open-air dining area should not exceed an area of more than 30% of the public indoor area of the Epicure facility. This interpretation is limited to section 5-119(A)(3) of the Zoning Code and to materially similar factual situations.

Please let me know if you have any questions.

Craig E. Leen
City Attorney
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