



To: Laura Russo

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

A handwritten signature in black ink, appearing to be "CL", is written over the end of the "From:" line.

RE: Legal Opinion Regarding Privately Owned Parking Lot

Date: February 6, 2014

This email confirms my interpretation that the term "parking lot," as found in the list of permissible uses contained in section 4-302 Commercial District (C), would include the term "parking lot commercial," as found in the definitions section. The term "parking lot commercial" is not otherwise used in the Zoning Code, so any other interpretation would essentially read the term out of the Zoning Code, which is obviously not the intent (since it is expressly mentioned in the Definitions section). It is also logical that a commercial parking lot would be in a commercial district. Please note, this interpretation is limited to concluding that a commercial parking lot is a permitted use in a commercial district. I have not addressed any broader question at this time.

Hernandez, Cristina

From: Leen, Craig
Sent: Thursday, February 06, 2014 10:12 PM
To: Hernandez, Cristina
Cc: Thornton, Bridgette; Figueroa, Yaneris
Subject: FW: Privately owned parking lot on Aragon Avenue

Importance: High

Please place in the opinion folder.

Craig E. Leen
City Attorney

From: Leen, Craig
Sent: Thursday, February 06, 2014 10:12 PM
To: 'Laura Russo'
Cc: Trias, Ramon; Brown, Sebrina; Pineda Jael; Kattou, Michael; Thornton, Bridgette
Subject: RE: Privately owned parking lot on Aragon Avenue
Importance: High

Laura,

This email confirms my interpretation that the term "parking lot," as found in the list of permissible uses contained in section 4-302 Commercial District (C), would include the term "parking lot commercial," as found in the definitions section. The term "parking lot commercial" is not otherwise used in the Zoning Code, so any other interpretation would essentially read the term out of the Zoning Code, which is obviously not the intent (since it is expressly mentioned in the Definitions section). It is also logical that a commercial parking lot would be in a commercial district. Please note, this interpretation is limited to concluding that a commercial parking lot is a permitted use in a commercial district. I have not addressed any broader question at this time.

Craig E. Leen
City Attorney

From: Laura Russo [<mailto:laura@laurarussolaw.com>]
Sent: Wednesday, February 05, 2014 6:32 PM
To: Leen, Craig
Cc: Russo Laura; Trias, Ramon; Brown, Sebrina; Pineda Jael; Kattou, Michael
Subject: Privately owned parking lot on Aragon Avenue

Dear Craig:

Thank you for your time this afternoon. As I stated to you I represent the entity, Gables Projects, Inc. that owns the privately run parking lot located between the City's two surface parking lots. The owner has leased the property to Asta Parking.

It has come to our attention that the Asta Parking has not obtained a certificate of use for the parking lot. Code Enforcement received an anonymous complaint on the parking lot. As registered agent for the owner, the Code Enforcement Officer contacted me.

I contacted Sebrina Brown and we discussed whether a commercial parking lot was allowed under the Zoning Code. I have forwarded to you a copy of Table No. 1 in Article 4 that shows that parking lots are a permitted use in C zoning districts. I also sent you a copy of Article 8-21 wherein Parking lot and parking lot commercial are defined. Section 4-302 Commercial District (C) Section B. Permitted Uses - lists parking lots under #23. There isn't a separate category for parking lot commercial. Sebrina requested that I speak with you for your opinion that a commercial parking lot which is defined in the Zoning Code but not listed or used as a separate use is included within the category of "parking lots."

I downloaded the Zoning Code in searchable format and searched for Parking lot commercial and commercial parking lot. The term shows up only one other time in Section 5-1409 Miscellaneous Parking Standards, Subsection E - Calculation of compliance with parking requirement 1.a. - which excludes off-street parking spaces that are operated as a "commercial parking lot" from being counted in determining the amount of parking provided.

Please confirm this to Sebrina Brown. I will be working with Ramon Trias on submittal of the tenant's plans to the Board of Architects and then submittal of an application to get a certificate of use.

If either Sebrina or Ramon have an issue with the foregoing, please let me and Craig Leen know as soon as possible.

I thank you all as always for your assistance and cooperation in resolving matters.

Laura

Laura L. Russo
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