



To: Charles Wu, Acting Development Services Director and Miriam Ramos, Deputy City Attorney

From: Yaneris Figueroa, Assistant City Attorney for the City of Coral Gables

Approved: 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 name of the City Attorney.

RE: Legal Opinion Regarding Building Permit Fees

Date: October 21, 2015

There was an inadvertent omission in the City's Fee Resolution, which removed permit fees for garages and shell spaces for office buildings and store buildings. In reviewing the Ordinance from 2009, "Office buildings and store buildings (shell only), tenant improvements, interior alterations, parking garages, warehouses with minimum office space, swimming pools" was a building permit fee category for which the City charged \$0.48 per square foot of improvement. The current version, however, simply categorizes "tenant improvements, interior alterations, swimming pools," with no provisions for garages and shell spaces for office buildings and store buildings, at \$0.74 per square foot. The deletion appears to be inadvertent as the City requires building permits for construction related to garages and shell spaces for office buildings and store buildings. Indeed, currently, the City is using the "New commercial construction" category when granting permits for garages and shell spaces for office buildings and store buildings. Said category is calculated at a cost of \$2.50 per square foot. In one specific case presented by Development Services, this may result in a difference of over \$300,000.00 in permit costs.

In researching the issue, I was unable to establish a rational explanation for the deletion, especially considering the fact that the City continues granting the permits, thus there is a need for said categories. Accordingly, it is my opinion, that garages and shell spaces for office buildings and store buildings categories was inadvertently removed from the Fee Ordinance and should be restored under the same \$0.74 rate per square foot. This change should take effect from the date of this opinion.

This opinion is being issued under section 2-201(e)(1), (8), and (9) of the City Code.

From: [Figueroa, Yaneris](#)
To: [Paulk, Enga](#)
Subject: FW: Opinion Regarding Inadvertent Omission
Date: Wednesday, October 21, 2015 3:37:33 PM
Attachments: [image001.png](#)

Enga,

Can you prepare this to be published?

Thanks!

Yaneris Figueroa
Assistant City Attorney for the City of Coral Gables
405 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
Office: (305) 722-8625
Fax: (305) 476-7795



Celebrating 90 years of a dream realized.

From: Figueroa, Yaneris
Sent: Wednesday, October 21, 2015 3:37 PM
To: Leen, Craig; Wu, Charles
Cc: Ramos, Miriam
Subject: Opinion Regarding Inadvertent Omission

Good Afternoon Craig and Charles,

Pursuant to our meeting with Development Services, it appears that there was an inadvertent omission in the City's Fee Resolution, which removed permit fees for garages and shell spaces for office buildings and store buildings. In reviewing the Ordinance from 2009, "Office buildings and store buildings (shell only), tenant improvements, interior alterations, parking garages, warehouses with minimum office space, swimming pools" was a building permit fee category for which the City charged \$0.48 per square foot of improvement. The current version, however, simply categorizes "tenant improvements, interior alterations, swimming pools," with no provisions for garages and shell spaces for office buildings and store buildings, at \$0.74 per square foot. The deletion appears to be inadvertent as the City requires building permits for construction related to garages and shell spaces for office buildings and store buildings. Indeed, currently, the City is using the "New commercial construction" category when granting permits for garages and shell spaces for office buildings and store buildings. Said category is calculated at a cost of \$2.50 per square foot. In one specific case presented by Development Services, this may result in a difference of over \$300,000.00 in permit costs.

In researching the issue, I was unable to establish a rational explanation for the deletion, especially considering the fact that the City continues granting the permits, thus there is a need for said categories. Accordingly, it is my opinion, that garages and shell spaces for office buildings and store buildings categories was inadvertently removed from the Fee Ordinance and should be restored under the same \$0.74 rate per square foot. This change should take effect from the date of this opinion.

This opinion is being issued under section 2-201(e)(9) of the City Code.

Yaneri Figueroa

Assistant City Attorney for the City of Coral Gables

405 Biltmore Way, 2nd Floor

Coral Gables, FL 33134

Office: (305) 722-8625

Fax: (305) 476-7795



CORAL GABLES
THE CITY BEAUTIFUL

Celebrating 90 years of a dream realized.