



To: Dona Spain, Historical Resources and Cultural Arts Director

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

RE: Legal Opinion Regarding Starbucks Construction Project on Miracle Mile

Date: March 19, 2018

It is my opinion that the remodel/buildout of Starbucks, while in a city-owned building, does not qualify as a "municipal construction project." The section you quote below clearly states that a "municipal construction project" is: "a project to the extent paid for wholly or in part by the City or other governmental entity...for any public buildings, public decorative structures, public parking facilities and parks or that portion of a Public-Private Joint Venture Project determined by the City to be a public portion of the project." As far as I know, the Starbucks remodel/buildout is being paid wholly by Starbucks and it is not a Public-Private Joint Venture. Additionally, the remodel/buildout is for use by a for-profit corporation, Starbucks; the fact that the building is owned by a government entity does not automatically deem it a municipal construction project, as its use will not be that of a public government building.

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

From: [Ramos, Miriam](#)
To: [Paulk, Enga](#)
Subject: FW: Starbucks construction project on Miracle Mile in a city owned building - question
Date: Monday, March 19, 2018 6:33:09 AM
Attachments: [image001.png](#)

Please publish.

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, 3rd Floor
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From: Ramos, Miriam
Sent: Monday, March 19, 2018 6:31 AM
To: Spain, Dona <dspain@coralgables.com>; Suarez, Cristina <csuarez@coralgables.com>; Throckmorton, Stephanie <sthrockmorton@coralgables.com>; Ceballos, Gustavo <gceballos@coralgables.com>
Cc: 'remsanchez@brvconstruction.com' <remsanchez@brvconstruction.com>; Roberts, Leonard <lroberts@coralgables.com>
Subject: RE: Starbucks construction project on Miracle Mile in a city owned building - question

Dona,

It is my opinion that the remodel/buildout of Starbucks, while in a city-owned building, does not qualify as a "municipal construction project." The section you quote below clearly states that a "municipal construction project" is: "a project to the extent paid for wholly or in part by the City or other governmental entity...for any public buildings, public decorative structures, public parking facilities and parks or that portion of a Public-Private Joint Venture Project determined by the City to be a public portion of the project." As far as I know, the Starbucks remodel/buildout is being paid wholly by Starbucks and it is not a Public-Private Joint Venture. Additionally, the remodel/buildout is for use by a for-profit corporation, Starbucks; the fact that the building is owned by a government entity does not automatically deem it a municipal construction project, as its use will not be that of a public government building.

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

Sincerely,

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

City Attorney

Board Certified by the Florida Bar in

City, County and Local Government Law

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From: Spain, Dona

Sent: Friday, March 16, 2018 3:29 PM

To: Ramos, Miriam <mramos@coralgables.com>; Suarez, Cristina <csuarez@coralgables.com>; Throckmorton, Stephanie <sthrockmorton@coralgables.com>; Ceballos, Gustavo <gceballos@coralgables.com>

Cc: 'remsanchez@brvconstruction.com' <remsanchez@brvconstruction.com>; Roberts, Leonard <LRoberts@coralgables.com>

Subject: Starbucks construction project on Miracle Mile in a city owned building - question

Rem Sanchez called about his construction project on Miracle Mile. He's working on the build out for Starbucks. That is in a city owned building. He is asking whether he needs to pay into the Historic Public Art Fund and the Art Acquisition Fund. The project is less than a million dollars.

Section 3-2103 of the Zoning Code states that for municipal construction projects 1% goes into the Historic Public Art Fund and ½% goes into the Art Acquisition fund.

A municipal construction project is define as any remodel project over \$100,000 or new construction project to the extent paid for wholly or in part by the City or other governmental entity, regardless of the source of the monies, for any public buildings, public decorative structures, public parking facilities and parks or that portion of a Public-Private Joint Venture Project determined by the City to be a public portion of the project. Notwithstanding the foregoing, "Municipal Construction Projects" do not include projects to the extend funded from the Historic Public Art Fund or historic related grant funding or projects that sole consist of historic restoration, utility, drainage or roadway work.

My question is - is that a municipal construction project? If it isn't then it would be a non-municipal construction project and needs to be one million dollars or more to qualify.

I think perhaps he doesn't have to pay into either fund, but let me know. I'm copying him and Leonard on this email.

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