



To: Ramon Trias

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 name "Craig E. Leen".

RE: Legal Opinion Regarding Board of Architects Quasi-Judicial Hearing before a Special Master

Date: April 5, 2016

The Zoning Code was just amended by the City Commission on March 29th to allow for an applicant or aggrieved party to request a quasi-judicial hearing before a special master following a decision from a panel of the Board of Architects (it also establishes a dispute resolution process that precedes the quasi-judicial hearing before the special master). The time to request this hearing is typically ten days from the date of the decision, although a formal notice of appeal has not been required, as long as an intent to challenge the decision is demonstrated in writing within the ten day period. See CAO 2015-098.

Here, two aggrieved parties each formally filed notices requesting the special master hearing eleven days after the decision, but only seven days after the Zoning Code was amended to allow for the hearing before a special master. In addition, you have informed me that one of the aggrieved parties had already lodged her concerns with you in writing prior to the expiration of the ten days.

This is a unique situation where a new procedural right (dispute resolution process and quasi-judicial hearing before a special master) was established in between the date of the BOA panel decision and the expiration of the tenth day. This altered the procedure for challenging a BOA panel decision while the time period to do so was still open. The City Commission also made clear in the ordinance, and earlier at first reading, that it prefers the special master to conduct the quasi-judicial hearing (as opposed to the prior procedure). In such circumstances, it is my opinion that the full procedural right to invoke the dispute resolution process and special master hearing must be provided. In other words, ten days should be provided from the date of passage of the new ordinance to ensure that full due process rights are provided. These notices were clearly filed within that ten day period. Thus, the notices are timely. The dispute resolution process would be the next step.

This opinion is issued pursuant to sections 2-201(e)(1) and (8) of the City Code, and 2-702 of the Zoning Code.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: 5911 Michelangelo St.
Date: Tuesday, April 05, 2016 7:33:16 PM
Attachments: [Sent from the Coral Gables City Attorney Office.msg](#)
[image002.png](#)
[image003.png](#)

Please publish.

Craig E. Leen, City Attorney

*Board Certified by the Florida Bar in
City, County and Local Government Law*
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com

From: Leen, Craig
Sent: Tuesday, April 05, 2016 7:31 PM
To: Trias, Ramon
Cc: Wu, Charles; Ramos, Miriam; Figueroa, Yaneris
Subject: RE: 5911 Michelangelo St.

Good evening, Ramon. As discussed, the Zoning Code was just amended by the City Commission on March 29th to allow for an applicant or aggrieved party to request a quasi-judicial hearing before a special master following a decision from a panel of the Board of Architects (it also establishes a dispute resolution process that precedes the quasi-judicial hearing before the special master). The time to request this hearing is typically ten days from the date of the decision, although a formal notice of appeal has not been required, as long as an intent to challenge the decision is demonstrated in writing within the ten day period. See CAO 2015-098.

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Craig E. Leen, City Attorney

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From: Trias, Ramon
Sent: Tuesday, April 05, 2016 1:05 PM
To: Leen, Craig
Cc: Wu, Charles
Subject: FW: 5911 Michelangelo St.

Craig:

Staff has received the attached appeal of a recent decision by the Board of Architects relating to a new house proposed for 5911 Michelangelo Street. Please advise on the proper procedure. Thank you.

Ramon

From: Chen, Brigette
Sent: Tuesday, April 05, 2016 12:46 PM
To: Leen, Craig; Trias, Ramon
Subject: 5911 Michelangelo St.

Regards,

Brigette M. Chen

Brigette M. Chen, Paralegal to

Craig Leen, City Attorney

City of Coral Gables

405 Biltmore Way

Coral Gables, Florida 33134

Phone: (305) 460-5219

Fax: (305) 460-5264

Email: bchen@coralgables.com



CORAL GABLES
THE CITY BEAUTIFUL

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Item: 5411 Michelangelo

Please be notified:

This is a request for a special Master Hearing in aid of an appeal of the Board of Architects decision ~~on~~ approving the site plan for the above styled property abutting my property.

We the undersigned

M. J. J. -
Michael Joyce
and

Ulises Fernandez

hand delivered this Notice to the staff of the Board of Architects of Las Vegas this 6th day of Apr. 2016.

M. J. J. -
Ulises Fernandez

April 5, 2016

Alicia Fernandez
6000 Granada Blvd.
Coral Gables, Florida 33146

I hereby request to the BOA decision of MARCH 24, 2016 approving the proposed residence at 5911 Michaelangelo St.

I request the Special Master's dispute resolution process was approved last Tuesday the City Comm. be instituted.

I emailed the City of my concerns and objections to the proposed plans.

Alicia Fernandez
ALICIA Fernandez