



To: Patrick G. Salerno, Walter Foeman, Carlos Mindreau

From: Bridgette N. Thornton Richard, Deputy City Attorney for the City of Coral Gables

Approved: 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 Postponement of An Appeal Of A Decision Of The Board Of Architects To The City Commission

Date: August 15, 2013

On August 14, 2013, First Church of Christ Scientist, Coral Gables (hereinafter "Appellant"), through its counsel, submitted a request to postpone its appeal of the August 8, 2013 Board of Architects ruling in item number AB-13-07-0637. The appeal in question is currently set to be heard before the City Commission on September 12, 2013; however, it is my opinion that Appellant's postponement request should be granted automatically in accordance with Article 3, § 3-608 of the City of Coral Gables Zoning Code. More specifically, Article 3, § 3-608(A)(1) of the City's Zoning Code states:

Requests for initial postponement must be requested in writing to the Office of the City Manager. A copy of the request shall be forwarded to the appropriate board secretary and the City Clerk. The request shall include a specific time frame for postponement No more than ninety (90) calendar days may be requested and will be automatically granted.

City of Coral Gables, Zoning Code Article 3, § 3-608(A)(1).

Here, Appellant submitted its initial postponement request, in writing, to the City Attorney's Office at the request of the City Manager. The request in question is in writing and contains a specific time frame for postponement - October 20, 2013 - which complies with the above ninety day restriction. See Attached August 14, 2013 Postponement Request. As such, Appellant's request for postponement of its appeal of the August 8, 2013 Board of Architects ruling in item number AB-13-07-0637 should be granted automatically, and, therefore, the appeal should be postponed to the **October 20, 2013** City Commission meeting. Please let me know if you have any questions and/or concerns regarding the placement of this appeal onto the October 20, 2013 City Commission Agenda.

CITY OF CORAL GABLES

OFFICE OF THE CITY ATTORNEY

- MEMORANDUM -

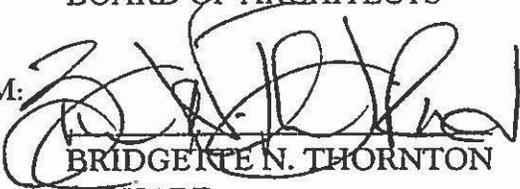
TO: PAT SALERNO
CITY MANAGER

DATE: AUGUST 15, 2013

WALTER FOEMAN
CITY CLERK

CARLOS MINDREU
SECRETARY TO THE
BOARD OF ARCHITECTS

FROM:


BRIDGETTE N. THORNTON
RICHARD
DEPUTY CITY ATTORNEY

SUBJECT:

FIRST CHURCH OF
CHRIST V. CORAL GABLES
MIRACLE MILE HOTEL
CASE NO.: AB-13-07-0637

Attached please find a legal opinion from the Deputy City Attorney regarding the postponement of an Appeal of a decision of the Board of Architects to the City Commission in the above matter.

Encls.

BNTR/ch

To: Patrick G. Salerno, City Manager, Walter Foeman, City Clerk & Carlos Mindreau,
Secretary to the Board of Architects

From: Bridgette N. Thornton Richard, Deputy City Attorney

RE: Postponement of an Appeal of a decision of the Board of Architects to the City
Commission

Date: August 15, 2013

On August 14, 2013, First Church of Christ Scientist, Coral Gables (hereinafter "Appellant"), through its counsel, submitted a request to postpone its appeal of the August 8, 2013 Board of Architects ruling in item number AB-13-07-0637. The appeal in question is currently set to be heard before the City Commission on September 12, 2013; however, it is my opinion that Appellant's postponement request should be granted automatically in accordance with Article 3, § 3-608 of the City of Coral Gables Zoning Code. More specifically, Article 3, § 3-608(A)(1) of the City's Zoning Code states:

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City of Coral Gables, Zoning Code Article 3, § 3-608(A)(1).

Here, Appellant submitted its initial postponement request, in writing, to the City Attorney's Office at the request of the City Manager. The request in question is in writing and contains a specific time frame for postponement — October 20, 2013 — which complies with the above ninety day restriction. *See* Attached August 14, 2013 Postponement Request. As such, Appellant's request for postponement of its appeal of the August 8, 2013 Board of Architects ruling in item number AB-13-07-0637 should be granted automatically, and, therefore, the appeal should be postponed to the *October 20, 2013* City Commission meeting. Please let me know if you have any questions and/or concerns regarding the placement of this appeal onto the October 20, 2013 City Commission Agenda.

THE CITY OF CORAL
GABLES
BOARD OF ARCHITECTS

Case No. AB-13-07-0637

FIRST CHURCH OF CHRIST, SCIENTIST,)
CORAL GABLES, FLORIDA, Appellant,)
v.) NOTICE OF APPEAL
CORAL GABLES MIRACLE MILE HOTEL,)
Appellee)

NOTICE IS GIVEN that, Appellant, First Church of Christ , Scientist, Coral Gables, Florida ["First Church"], appeals to The City of Coral Gables City Commission the decision of the Board of Architects["BOA"] rendered on August 8, 2013, to "approve with comments" the architectural Plans for the hotel that Coral Gables Miracle Mile Hotel, LLC ["Miracle Mile] intends to build. This appeal is filed pursuant to Sections 3-605 and 3-606 of the Coral Gables Building Code. First Church is "aggrieved" by said BOA's decision. First Church owns a Grant of Easement that requires Miracle Mile to build 18 parking spaces in the hotel for the exclusive use of First Church. Miracle Mile's Plans for the hotel that were approved by the BOA do not include First Church's 18 parking spaces as required by its Grant of Easement.

Respectfully submitted,

Talbot W. Trammell

TALBOT W. TRAMMELL

Attorney for Appellant

650 Coral Way [No.201]

Coral Gables, Florida 33134

Tel. No. 305-9786226

Fla. Bar No. 081942

THE CITY OF CORAL
GABLES
BOARD OF ARCHITECTS

Case No. AB-13-07-0637

FIRST CHURCH OF CHRIST, SCIENTIST,)
CORAL GABLES, FLORIDA, Appellant,)
v.)
CORAL GABLES MIRACLE MILE HOTEL,)
Appellee)

APPELLANT'S REQUEST FOR
POSTPONEMENT OF APPEAL TO THE CITY COMMISSION

TO: Hon. Patrick G. Salerno
Office of the City Manager

COMES NOW Appellant, First Church of Christ Scientist, Coral Gables, Florida ["First Church"], pursuant to Section 3-608 of the Coral Gables Zoning Code, and requests a postponement of its captioned appeal to the Coral Gables City Commission to October 20, 2013. Section 3-608 states in part, "No more than ninety [90] calendar days may be requested and will be automatically granted." Appellant's attorney will be out of the country on a trip scheduled months ago for the month of September and his work obligations make it necessary for him to request this postponement. A copy of Appellant's Notice of Appeal is attached hereto.

WHEREFORE, Appellant respectfully requests that this postponement be granted.

Respectfully submitted,

Talbot W. Trammell

TALBOT W. TRAMMELL
Attorney for Appellant
650 Coral Way [No.201]
Coral Gables, Florida 33134
Tel. No. 305-4410317
Fla. Bar No. 081942

CC: Secretary of the Board of Architects

Coral Gables City Clerk