



To: Rhonda A. Anderson; Jorge Navarro

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

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

RE: Legal Opinion Regarding 625 Almeria - Supplemental Authority

Date: September 29, 2016

The supplemental authority is a Third District Opinion, which would be binding authority on the City, but only to the extent it is applicable to this situation and not otherwise distinguishable. The letter did not contain new argument, it simply referenced the opinion. The opinion was issued by the Third District after the quasi-judicial hearing occurred. It was an appropriate submission of supplemental authority. The special master (and the City Attorney's Office as counsel) may consider case law, including this opinion, in issuing an order determining this matter. This opinion is issued on behalf of the City pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: 625 Almeria - Supplemental Authority
Date: Thursday, September 29, 2016 10:58:01 AM
Attachments: [image001.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



CORAL GABLES
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Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Wednesday, September 28, 2016 11:30 PM
To: 'randersonlaw@gmail.com'; navarrojo@gtlaw.com
Cc: Reinaldo Borges; Ramos, Miriam; Wu, Charles; Mindreau, Carlos A.; DoughertyL@gtlaw.com; Suarez, Cristina
Subject: RE: 625 Almeria - Supplemental Authority

Good evening. The supplemental authority is a Third District Opinion, which would be binding authority on the City, but only to the extent it is applicable to this situation and not otherwise distinguishable. The letter did not contain new argument, it simply referenced the opinion. The opinion was issued by the Third District after the quasi-judicial hearing occurred. It was an appropriate submission of supplemental authority. The special master (and the City Attorney's Office as counsel) may consider case law, including this opinion, in issuing an order determining this matter. This opinion is issued on behalf of the City pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code.

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From: Rhonda Anderson [mailto:randersonlaw@gmail.com]

Sent: Wednesday, September 28, 2016 3:14 PM

To: navarrojo@gtlaw.com

Cc: Leen, Craig; Reinaldo Borges; Ramos, Miriam; Wu, Charles; Mindreau, Carlos A.;
DoughertyL@gtlaw.com

Subject: Re: 625 Almeria - Supplemental Authority

Dear Mr. Leen,

In response to the Jorge Navarro's objection to the supplemental authority submitted, please note it is not evidence. It is recent case law issued after the hearing by the relevant Court of Appeals to assist in the analysis. Supplemental authority on a relevant matter from the Third District Court of Appeal issued after a hearing is always permissible for a tribunal's consideration. Here, the issue concerns statutory interpretation of the comprehensive plan as adopted by the City Commission.

Rhonda Anderson

Rhonda A. Anderson, P.A.

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On Wed, Sep 28, 2016 at 3:06 PM, <navarrojo@gtlaw.com> wrote:

Dear Craig,

I must respectfully object to the submittal of any additional information for the special master's consideration at this point of the process. The special master's hearing was a quasi judicial proceeding and the decision should be based on the record of the hearing and limited to the information that was presented on the record. In fact, any appeals of the special master's decision under Section 3-606 of the Zoning Code must be based on the record of the hearing and the full verbatim transcript of the proceedings. Accordingly, it is our position that no new additional evidence or testimony should be permitted.

As you are aware, we have been pursuing the approvals for this project and addressing the appeal of our BOA approval for over a year and a half, which has caused significantly delays and costs to the owner. We would appreciate a prompt resolution of this matter via the issuance of the special magistrate's decision.

Thank you,

Jorge Navarro
Greenberg Traurig

Sent from my iPhone

On Sep 28, 2016, at 2:18 PM, Rhonda Anderson
<randersonlaw@gmail.com<mailto:randersonlaw@gmail.com>> wrote:

Dear Mr. Leen,

Attached please find a letter enclosing supplemental authority for the Special Master's consideration regarding the pending matter on 625 Almeria.

Please advise if you have any difficulty opening the attached documents.

Rhonda Anderson

Rhonda A. Anderson, P.A.
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