



To: Dana Spain

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

RE: Legal Opinion Regarding 927 Valencia

Date: June 16, 2015

I have reviewed the question and would provide the following opinion under section 2-210(e)(1) and (8) of the City Code, and section 2-702 of the Zoning Code. Your decision regarding significance is preliminary in nature. As you have indicated, there will be a hearing before the Historic Preservation Board at the next available meeting (which would be the July 16 meeting because of the time needed to provide notice). At that meeting, the Board will review and hear evidence as to whether to designate the property. The property owner and other interested parties may appear and participate in the hearing (the City applies the procedures of a quasi-judicial hearing). This is not considered an appeal. As you know, until the Board can hear and decide the matter, the status quo as to the property must be maintained (ie, no construction or demolition may occur; see 3-1104(A)(3) and 3-1104(C)(5)). Following the decision, an aggrieved party would have 10 days in which to appeal to the City Commission under section 3-1104(C)(7).

Herbello, Stephanie

From: Leen, Craig
Sent: Tuesday, June 16, 2015 6:15 PM
To: Herbello, Stephanie
Subject: FW: 927 Valencia

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
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Fax: (305) 460-5264
Email: cleen@coralgables.com



Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Tuesday, June 16, 2015 6:15 PM
To: Spain, Dona; 'tjforeman@aol.com'
Cc: Kautz, Kara
Subject: RE: 927 Valencia

Dona,

I have reviewed the question and would provide the following opinion under section 2-210(e)(1) and (8) of the City Code, and section 2-702 of the Zoning Code. Your decision regarding significance is preliminary in nature. As you have indicated, there will be a hearing before the Historic Preservation Board at the next available meeting (which would be the July 16 meeting because of the time needed to provide notice). At that meeting, the Board will review and hear evidence as to whether to designate the property. The property owner and other interested parties may appear and participate in the hearing (the City applies the procedures of a quasi-judicial hearing). This is not considered an appeal. As you know, until the Board can hear and decide the matter, the status quo as to the property must be maintained (ie, no construction or demolition may occur; see 3-1104(A)(3) and 3-1104(C)(5)). Following the decision, an aggrieved party would have 10 days in which to appeal to the City Commission under section 3-1104(C)(7).

Please let me know if you have any further questions.

Craig E. Leen, City Attorney
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Celebrating 90 years of a dream realized.

From: Spain, Dona
Sent: Tuesday, June 16, 2015 4:37 PM
To: 'tjforeman@aol.com'
Cc: Kautz, Kara; Leen, Craig
Subject: RE: 927 Valencia

I actually think that the significance determination is preliminary in nature and the final determination (historic designation) is by the Historic Preservation Board, so it's really not an appeal.

Dona M. Spain
Historic Preservation Officer
City of Coral Gables, Florida
(305)460-5095



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From: tjforeman@aol.com [<mailto:tjforeman@aol.com>]
Sent: Tuesday, June 16, 2015 4:08 PM
To: Spain, Dona
Subject: Re: 927 Valencia

Dona, Is there an appeal process available prior to the July 16 designation?

-----Original Message-----

From: Spain, Dona <dspace@coralgables.com>
To: 'tjforeman@aol.com' <tjforeman@aol.com>
Cc: Kautz, Kara <KKautz@coralgables.com>
Sent: Tue, Jun 16, 2015 3:51 pm
Subject: RE: 927 Valencia

I just reviewed the file. My determination is that it is historically significant. I'll send out the letter today. The Zoning Code requires that we take it to the Historic Preservation Board on the next available meeting for a presentation of a designation report to be listed as a Local Historic Landmark. The next available meeting is Thursday, July 16. The meeting starts at 4:00 pm. We will send you the designation report and an agenda as soon as they are available.

Dona M. Spain
Historic Preservation Officer
City of Coral Gables, Florida
(305)460-5095



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Celebrating 90 years of a dream realized.

From: tjforeman@aol.com [mailto:tjforeman@aol.com]

Sent: Tuesday, June 16, 2015 3:13 PM

To: Spain, Dona

Subject: 927 Valencia

Dona, Thanks for your call today. Please update me later today with the progress. George Prendes or Drew Kern may also be calling as we met today and they are concerned there has been no determination, I look forward to hearing from you this afternoon. Thanks

Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.