



To: Luis M. Garcia

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 name "Craig E. Leen".

RE: Legal Opinion Regarding Response to Notice of Violation - Coral Gables Preparatory Academy

Date: May 29, 2015

I have reviewed your letter and am providing the City's response. The Coral Gables Elementary School Building is already a local, as well as national, historic landmark. Because it is a locally designated landmark, the building is expressly subject to the City's Historic Preservation Ordinance. MDPS has never sought to have this designation removed, and has clearly accepted and benefited from the designation. Moreover, MDPS's course of performance has been to comply with the City's Historic Preservation Ordinance in the past. Accordingly, pursuant to section 2-201(e)(1) and (8) of the City Code, and section 2-702 of the Zoning Code, it is my opinion that the City may enforce the ordinance under the facts presented here both as to MDPS and any contractor that violates the red tag, and the City intends to do so.

The underlying issue is that MDPS should have followed its past course of performance, and come to the City in advance of approving this project. The City, however, was not even informed of the project. It is clear to me that this was likely a mistake, as our government entities have worked well together, and will continue to work well together in the future. Nevertheless, this mistake should not now be compounded by violating the City's red tag order and installing windows that historic preservation officers from the City, County, and State have emphasized would harm the historical integrity of a structure that was commissioned by George Merrick himself. Instead, the City's historic preservation officer and representatives of MDPS should meet and come to an agreement as to how best to proceed.

Herbello, Stephanie

From: Leen, Craig
Sent: Friday, May 29, 2015 6:24 PM
To: Herbello, Stephanie
Cc: Ramos, Miriam; Figueroa, Yaneris; Chen, Brigitte
Subject: Fwd: Response to Notice of Violation - Coral Gables Preparatory Academy

Please publish as a City Attorney Opinion on an expedited basis.

Sent from my iPhone

Begin forwarded message:

From: "Leen, Craig" <cleen@coralgables.com>
Date: May 29, 2015 at 3:21:16 PM EDT
To: "'Garcia, Luis M.'" <LMGarcia2@dadeschools.net>
Cc: "Harvey, Walter J." <Walter.Harvey@dadeschools.net>
Subject: RE: Response to Notice of Violation - Coral Gables Preparatory Academy

Luis,

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Please call me to further discuss.

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: Garcia, Luis M. [<mailto:LMGarcia2@dadeschools.net>]

Sent: Friday, May 29, 2015 1:09 PM

To: Leen, Craig

Cc: Torrens, Jaime G.; Rijo-conde, Ana F.; Mendez-cartaya, Iraida R.; Alonso, Victor; Perez, Raul F.; Harvey, Walter J.; Craft, Ana R.

Subject: Response to Notice of Violation - Coral Gables Preparatory Academy

Craig,

Attached is the District's response with respect to the "red tag" posted at CG Preparatory Academy. Give me a call at your convenience.

Luis

LUIS M. GARCIA, ESQUIRE

Deputy Assistant School Board Attorney

School Board Attorney's Office

1450 N.E. Second Avenue, Suite 400

Miami, Florida 33132

Telephone: 305-995-1304

Facsimile: 305-995-1412

e-mail: lmgarcia2@dadeschools.net

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Herbello, Stephanie

From: Leen, Craig
Sent: Friday, May 29, 2015 6:26 PM
To: Herbello, Stephanie
Cc: Ramos, Miriam; Figueroa, Yanneris; Chen, Brigitte
Subject: Fwd: Response to Notice of Violation - Coral Gables Preparatory Academy
Attachments: Letter to Craig Leen-CGEElementary-Historic Windows - Final.pdf; ATT00001.htm

Please attach the letter below to the City Attorney Opinion I just requested be published (it shows what I am responding to).

Sent from my iPhone

Begin forwarded message:

From: "Garcia, Luis M." <LMGarcia2@dadeschools.net>
Date: May 29, 2015 at 1:09:25 PM EDT
To: "Leen, Craig" <cleen@coralgables.com>
Cc: "Torrens, Jaime G." <JTorrens@dadeschools.net>, "Rijo-conde, Ana F." <ARijo@dadeschools.net>, "Mendez-cartaya, Iraida R." <IMendez@dadeschools.net>, "Alonso, Victor" <valonso2@dadeschools.net>, "Perez, Raul F." <RPerez6@dadeschools.net>, "Harvey, Walter J." <Walter.Harvey@dadeschools.net>, "Craft, Ana R." <ACraft@dadeschools.net>
Subject: Response to Notice of Violation - Coral Gables Preparatory Academy

Craig,

Attached is the District's response with respect to the "red tag" posted at CG Preparatory Academy. Give me a call at your convenience.

Luis

LUIS M. GARCIA, ESQUIRE
Deputy Assistant School Board Attorney
School Board Attorney's Office
1450 N.E. Second Avenue, Suite 400
Miami, Florida 33132
Telephone: 305-995-1304
Facsimile: 305-995-1412
e-mail: lmgarcia2@dadeschools.net

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Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

May 29, 2015

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Dr. Lawrence S. Feldman, Vice Chair
Dr. Dorothy Bendross-Mindingall
Susie V. Castillo
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Dr. Martin Karp
Lubby Navarro
Dr. Marta Pérez
Raquel Regalado

School Board Attorney
Walter J. Harvey

Craig E. Leen, Esquire
City Attorney's Office
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134

RE: Coral Gables Preparatory Academy

Dear Craig,

Thank you for your recent communication concerning the on-going project at Coral Gables Preparatory Academy ("School"), located at 105 Minorca Avenue, in Coral Gables, Florida, and for advising us of the notice of violation ("Red Tag") issued by the City of Coral Gables with respect thereto.

Please note that while we endeavor to work cooperatively with all our municipal partners in a meaningful way, it is the school district's sole responsibility to ensure that educational facilities are improved in a way that is both sustainable, long-term, and fully code compliant. The proposed improvements at the School, specifically the new windows, replicate-to the extent possible-the original windows' design, were manufactured to meet all the applicable current building codes, and were duly permitted. It was neither practical nor financially feasible to restore the existing windows.

School Board Policy 7340, *Historical Preservation of Facilities*, recognizes that: "School Board facilities that have historical and/or architectural significance to the public should be maintained in their original condition to the extent feasible." Said policy further provides that "the Board is exempt (under State law) from, and elects not to be bound by the various preservation ordinances. The Board will not accept or agree to formal designation of any facilities, nor will it agree to be bound by any ordinance or specific provision of an ordinance pertaining to historical designation/preservation."

Consequently, the City's Red Tag is neither valid, nor enforceable, and has no effect on the District's ability to continue with its window replacement project. As such, the window replacement project will proceed as planned in order to timely meet the established schedule without delay.

Again, thank you for reaching out to us. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Luis M. Garcia". The signature is fluid and cursive, with a large initial "L" and "G".

Luis M. Garcia
Deputy School Board Attorney

cc: Alberto M. Carvalho, Superintendent of Schools
Iraida Mendez-Cartaya, Associate Superintendent, Office of Intergovernmental
Affairs, Grants Administration and Community Engagement
Jaime Torrens, Chief Facilities Officer
Ana Rijo-Conde, Deputy Chief Facilities and Eco-Sustainability Office
Victor Alonso, Administrative Director, Design and Sustainability
Raul Perez, Administrative Director, Design and Sustainability
Walter J. Harvey, School Board Attorney

LMG/cn