

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2011-36**

RESOLUTION APPROVING ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY FOR A PROPOSED NEW BUILDING TO BE LOCATED AT 2990 PONCE DE LEON BOULEVARD (THE PONCE CAT BUILDING) SUBJECT TO THE REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT AND ALL APPLICABLE CODE REQUIREMENTS.

**WHEREAS**, Ponce Cat, LLC, the owner of the property located at 2990 Ponce de Leon Boulevard is requesting approval of certain encroachments for a new building at that location for various architectural features, including structural elements and decorative features on the exterior of the building, encroaching from 2'-6" up to a maximum of 20'-0" over the abutting rights-of-way; and

**WHEREAS**, other encroachments include a new streetscape with pedestrian-friendly features, decorative pavers, lighting, irrigation, shade trees and other landscape items adjacent to The Ponce Cat Building;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:**

**SECTION 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and are hereby made a specific part of this Resolution upon adoption herein.

**SECTION 2.** The request by Ponce Cat, LLC, for the following encroachments, consisting of various architectural features at the proposed new building to be located at 2990 Ponce de Leon Boulevard, including structural elements and decorative features on the exterior of the building, encroaching from 2'-6" up to a maximum of 20'-0" over abutting rights-of-way and new streetscape with pedestrian friendly features, including decorative pavers, lighting, irrigation, shade trees and other landscape features adjacent to The Ponce Cat Building are hereby approved:

**Exhibit A-1.** Non-standard surface treatment and pavers for the full width of the north/south alley between Catalonia Avenue and a point where the alley begins its curvature in a westerly direction;

**Exhibit A-2.** Non-standard surface treatment and pavers for the full width of the east/west alley between the point where the alley begins its curvature in a westerly direction north of Catalonia Avenue to the westernmost property line of the project site;

**Exhibit A-3.** A 50'-8" long aerial projection of the third through the sixth floors, including roof structures, across the north/south 20-foot wide alley connecting the office complex with the parking garage and with a vertical clearance of 19'-6" above grade;

**Exhibit A-4.** Non-standard surface treatment and pavers for the full length of the sidewalks on Catalonia Avenue and Ponce de Leon Boulevard adjacent to the property;

**Exhibit A-5.** A 6'-4" aerial projection of the second, third and fourth floor levels of the parking garage on to Catalonia Avenue with an above grade clearance of 12'-0";

**Exhibit A-6.** A 2'-6" water feature projection beyond the corner radius property line at the southeast corner of the property with a maximum height of 1'-6" above grade;

**Exhibit A-7.** A 5'-0" eyebrow projection for shade purposes at the sixth floor level roof adjacent to both Catalonia Avenue and Ponce de Leon Boulevard; and

**Exhibit A-8.** Shade trees, irrigation and low voltage lighting systems in the street planters on Catalonia Avenue and Ponce de Leon Boulevard adjacent to the property.

**SECTION 3.** Approval for the stated encroachments in the preceding Section shall be subject to the following conditions:

- a. The proposed encroachments shall conform to the requirements of the Public Works Department, the Florida Building Code and all other pertinent Codes;
- b. The color and texture of the sidewalk material at the Auto Plaza/Garage Entry Court area shall be approved by the Public Works Director;
- c. The coefficient of friction for the proposed sidewalk shall be equal to or greater than the City's standard sidewalk under all weather conditions;
- d. The final landscaping plans shall be approved by the Public Service Department or the City's Landscape Encroachment Review Committee;
- e. The final construction plans, including sidewalk, irrigation, lighting, paving and drainage, shall be approved by the Public Works Department;
- f. An 8-foot minimum clear zone of sidewalk width shall be provided within the public right-of-way throughout the perimeter of the property;
- g. The City of Coral Gables reserves the right to remove, add, maintain, or have the Applicant remove any of the improvements within the right-of-way at Applicant's expense;
- h. To ensure that the free flow of traffic into the parking garage does not back up into the public alley, no features to impede traffic within the parking garage shall be located closer to the garage entrance from the alley than the second floor level;
- i. The Applicant shall maintain the existing encroachments in good condition at all times and at Applicant's expense;
- j. The Applicant shall meet with the City Attorney for the purpose of providing all the information necessary for that Office to prepare a Restrictive Covenant which shall run with the title of the property and which shall be executed by the Applicant, and which states, in addition to the above mentioned requirements, that the Applicant will provide Public Liability Insurance coverage for the encroachment in the minimum limits required by the City, and naming the City as an additional insured under the policy;

- k. The copies of the Restrictive Covenant, when fully executed and filed, together with certification of required insurance, shall be presented to the Building and Zoning Department and to the Public Works Department and permits thereafter be obtained for the work from both of these Departments;
- l. The Applicant shall replace, at the Applicant's expense, any portion of the encroachment affected, in the event the Public Works Department must issue a permit for a utility cut in the future within the area in which the encroachment(s) are approved.

**SECTION 4.** That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SECOND DAY OF FEBRUARY, A.D., 2011.

(Moved: Anderson / Seconded: Cabrera)  
(Yea: Cabrera, Withers, Anderson, Slesnick)  
(Majority: (4-1) Vote)  
(Nays: Kerdyk)  
(Agenda Item: H-1)

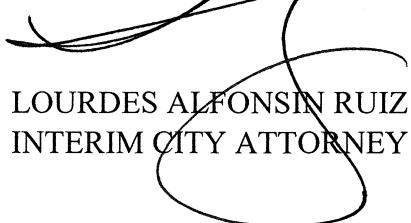
APPROVED:



DONALD D. SLESNICK II  
MAYOR

ATTEST:  
  
WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



LOURDES ALFONSIN RUIZ  
INTERIM CITY ATTORNEY