

Sunkap Coral Gables, LLC
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December 26, 2008

Honorable Mayor and Commissioners
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134

Re: The Paladin
1505 Ponce de Leon Boulevard
Coral Gables, FL 33134
Subj: Encroachment into the Right-of-Ways

Dear Honorable Mayor and Commissioners:

On July 11, 2006, the City Commission ratified Ordinance 2006-13 (Amended), hereafter the "Ordinance," for the development of 1505 Ponce de Leon Boulevard.

The Ordinance requires the developer, Sunkap Coral Gables, LLC, to seek approval for all proposed encroachments into the right-of-way:

Description of the items encroaching into the right of way are as follows:

A. Landscaping (refer to attached landscaping drawings and written description).

B. Light Fixtures:

- Approximately 3'± into the ROW at ground floor colonnade; encroachment extends length of the Ponce de Leon ROW, and for approximately the first 80'± on the west side of Menores Avenue and Mendoza Avenue.

C. Misc. Architectural Moldings and Roof Overhang:

- Approximately 2'± into the ROW at fifth floor (biggest encroachment for moldings) and at roof (overhang); encroachment extends along the entire length of the Ponce de Leon ROW, and for approximately the first 80'± on the west side of Menores Avenue and Mendoza Avenue.

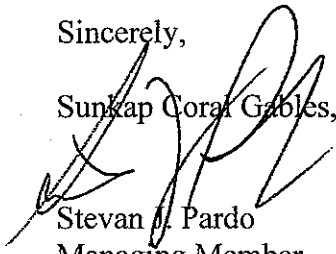
Application Information:

- a) Legal Description and street address of property adjacent to the encroachments:
- Street address: 1505 Ponce de Leon Boulevard
 - Legal Description: Lots 1 through 5, inclusive, and Lots 17 through 22, inclusive, Block 36 of REVISED PLAT OF CORAL GABLES DOUGLAS SECTION, according to the Plat thereof as recorded in Plat Book 25, Page 69 of the Public Records of Miami-Dade County, Florida.
- b) Owner of said Property:
Sunkap Coral Gables, LLC
- c) Name of Building:
The Paladin
- d) Description of all proposed encroachments:
Set forth above
- e) Architectural Board approval date:
Approved by the Board of Architects August 9, 2007.
- f) Historical Board approval date: (if applicable)
N/A
- g) Miami-Dade County approval date: (if applicable)
N/A
- h) Florida Department of Transportation approval: (if applicable)
N/A

In addition to the foregoing information, one set of drawings and check in the amount of Three Hundred Dollars (\$300.00) for the filing fee are submitted herewith. Please contact us if there is any additional information required to achieve this approval.

Sincerely,

Sunkap Coral Gables, LLC


Stevan M. Pardo
Managing Member

/enclosures

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2006-13 (Amended)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA AMENDING ORDINANCE NO. O-2004-07 APPROVING THE CHANGE OF ZONING FROM "XCB", COMMERCIAL AND "XA-13", APARTMENT TO "CB", COMMERCIAL; AND REVISED MIXED-USE SITE PLAN FOR THE PROPOSED PROJECT REFERRED TO AS "THE PLAZA AT CORAL GABLES", AND LEGALLY DESCRIBED AS LOTS 1-5 AND 17-22, BLOCK 36, DOUGLAS SECTION (1505 PONCE DE LEON BOULEVARD), CORAL GABLES, FLORIDA; CONSISTING OF A THIRTEEN (13) STORY BUILDING FACING ONTO PONCE DE LEON BOULEVARD AND EIGHT (8) STORY BUILDING FACING MENORES AND MENDOZA AVENUES CONTAINING GROUND FLOOR RETAIL, MULTI-FAMILY ADULT INDEPENDENT RESIDENTIAL UNITS AND PARKING GARAGE, AND INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Application No. 02-03-095-P was submitted for approval for a change of zoning from "XCB", Commercial and "XA-13", Apartment to "CB", Commercial and site plan review on Lots 1-5 and 17-22, Block 36, Douglas Section (1505 Ponce de Leon Boulevard), Coral Gables, Florida, to permit the construction of a commercial mixed-use project consisting primarily of multi-family residential units known as "The Plaza at Coral Gables";

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one thousand (1000) feet, public hearings were held before the Planning and Zoning Board of the City of Coral Gables on December 3, 2003, at which hearings all interested persons were afforded the opportunity to be heard;

WHEREAS, the Change of Zoning and Mixed Use Site Plan review are required to permit the construction of the mixed-use project;

WHEREAS, pursuant to the provisions of Chapter 163.3187 Florida Statutes, the City Commission held a public hearing on January 13, 2004 at which hearing all interested persons were afforded an opportunity to be heard and this application was approved on first reading and adopted on February 10, 2004 on second reading (Ordinance No. O-2004-07);

WHEREAS, revised plans were submitted specifying and proposing multi-family adult independent residential units within the approved mixed-use project, and the City Commission held a public hearing on May 9, 2006 at which all interested persons were

afforded an opportunity to be heard and recommended approval on first reading (5-0 vote).

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The proposed change of zoning from "XCB", Commercial and "XA-13", Apartment to "CB", Commercial, and site plan for "The Plaza at Coral Gables" submitted in accordance with the requirements of Article 25, "Planning and Zoning Board" of the Zoning Code shall be and are hereby approved with the following conditions:

1. Development of the property shall be in conformance with the following documents as modified subject to the recommendations and conditions contained herein:
 - a) Site plan, building elevations and building program prepared by Wolfberg Alvarez, Architects, dated November 6, 2003, and revised site plans dated March 11, 2005.
 - b) Landscape plan prepared by Fuster Design Associates, P.A. and dated November 6, 2003.
 - c) Traffic Impact study prepared by David Plummer and Associates, Inc. and dated January, 2003.
 - d) All representations and exhibits prepared and provided to the Planning Department as a part of the application package submitted on February 27, 2003.
2. Prior to the issuance of a building permit, all conditions of approval recommended by the City Commission shall be included within a Restrictive Covenant prepared by the applicant subject to final review and approval by the City Attorney.
3. Prior to the issuance of a building permit, the applicant, its successors or assigns, shall complete the following:
 - a) Submission and approval from the Building and Zoning Department of a construction parking and traffic management plan.
 - b) As proffered by the applicant, a total of \$75,000 for the cost of landscaping, irrigation and other associated improvements for the proposed Ponce median improvements.
 - c) As proffered by the applicant, provide landscaping, irrigation and other associated improvements for both the east and west sides of Ponce de Leon Boulevard between Mendoza and Menores Avenues and along the north side of Mendoza Avenue and south side of Menores Avenue adjacent to the project, to be reviewed by the Landscape Beautification Advisory Board and approved by the Directors of Public Works, Public Service and Planning.
 - d) All ground floor openings along building's east property line (parking garage) be screened using louvers or other similar architectural screening material to deflect vehicle noise and headlights. Review and approval of proposed screening shall be required by the Board of Architects.
 - e) Approval of proposed encroachments into public rights-of-way by the City Commission.

4. The deficiency in available infrastructure necessary to provide required water flow identified by the Concurrency Impact Statement shall be satisfactorily resolved prior to the issuance of a building permit for the principal structure.
5. The subject property (1.4 acres) legally described as Lots 1-5 and 7-22, Block 36, Douglas Section (1505 Ponce de Leon Boulevard), Coral Gables, Florida, shall remain as a mixed-use development containing residential use pursuant to the site plan. If anytime in the future the building is demolished, or the use modified, the property described herein shall remain as a primarily residential mixed-use development.
6. Prior to issuance of a building permit, the applicant, successors or assigns shall satisfy applicable concurrency requirements as it relates to parks and recreation requirements.
7. Prior to issuance of a building permit, the applicant, successors or assigns shall contribute proportionately to traffic calming improvements in the area of this project, as determined by the City's Public Works Director.
8. Prior to issuance of a building permit, the applicant, successors or assigns shall clarify the ownership of the subject property, to be reviewed and approved by the City Attorney.
9. Application shall be required to be submitted by the applicant, successors or assigns for site plan review at public hearings for any change of use from the approved Adult Congregate Living (ALF) use of this facility.

SECTION 3. All rights, actions, proceedings and Contracts of the City, including the City Commissioners, the City Manager, or any of its departments, boards or officers undertaken pursuant to the existing code provisions, shall be enforced, continued, or completed, in all respects, as though begun or executed hereunder.

SECTION 4. All ordinance or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 5. If any section, part of session, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 6. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of the City of Coral Gables, Florida, as amended, which provisions may be renumbered or relettered and that the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

SECTION 7. This ordinance shall become effective within ten days of its adoption herein.

PASSED AND ADOPTED THIS ELEVENTH DAY OF JULY, A.D., 2006.

(Moved: Anderson / Seconded: Withers)

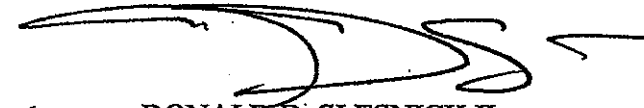
(Yeas: Cabrera, Kerdyk, Withers, Slesnick)

(Absent: Kerdyk)

(Unanimous/ 4-0)

(Agenda Item E-2)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST



WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



ELIZABETH HERNANDEZ
CITY ATTORNEY