



To: Ramon Trias

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

A handwritten signature in blue ink, appearing to be "C. Leen", is written over the name of the City Attorney.

RE: University of Miami - Request for Administrative Modifications to Adopted Campus Master Plan (September 4, 2015)

Date: March 18, 2016

I reviewed the letter and believe the legal analysis is sound. Charlie Siemon also informed me last week that he agrees with the core/periphery distinction, and that matters in the core would generally be reviewed administratively. Here, as the proposed modifications are in the core, and as the applicant provides assurance there will not be a new use or increase in intensity (see page three of the letter), it is my legal opinion that you have authority to determine administratively, and that the intent of the Development Agreement would be for the City to determine this matter administratively. I am copying the City Manager, as she has “ultimate authority” over implementation of the Zoning Code under section 2-701, with the City Attorney having “final authority” as to interpretation of the Zoning Code under section 2-702.

This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code. I am providing a copy to the University of Miami as well on behalf of the City.

VIA ELECTRONIC MAIL

March 18, 2016

Mr. Ramon Trias
Planning & Zoning Director
City of Coral Gables
405 Biltmore Way
Coral Gables, FL 33134
rtrias@coralgables.com

**Re: Request for Administrative Modifications to Adopted
Campus Master Plan (September 4, 2015)**

Dear Mr. Trias:

Thank you for your correspondence to the University of Miami (“University”) dated February 19, 2016. We ask that the City please consider this correspondence as the University’s response to that letter and clarification of the proposed modifications.

I. The Proposed Modifications are Within the “Core”

With the adoption of the University Campus District (“UCD”) land development regulations, the City ushered in a new regulatory regime that organized the Coral Gables (“Campus”) into three zones: (1) the Campus Core Area; (2) the Campus Transition Area; and (3) the Campus Buffer Area. The intent of this organizational structure was to maximize the University’s flexibility with respect to development within the Campus Core in exchange for highly regulated development in the Campus Buffer that interface with the surrounding community. Consistent with these organizing principles, the UCD served to sunset the prior UMCAD regime because UMCAD was exceptionally cumbersome to administer. As a material part of the regulatory transition from UMCAD to UCD, the City approved an adopted Campus Master Plan. It is that approved Campus Master Plan – as previously amended – that is the predicate for our proposed modifications.

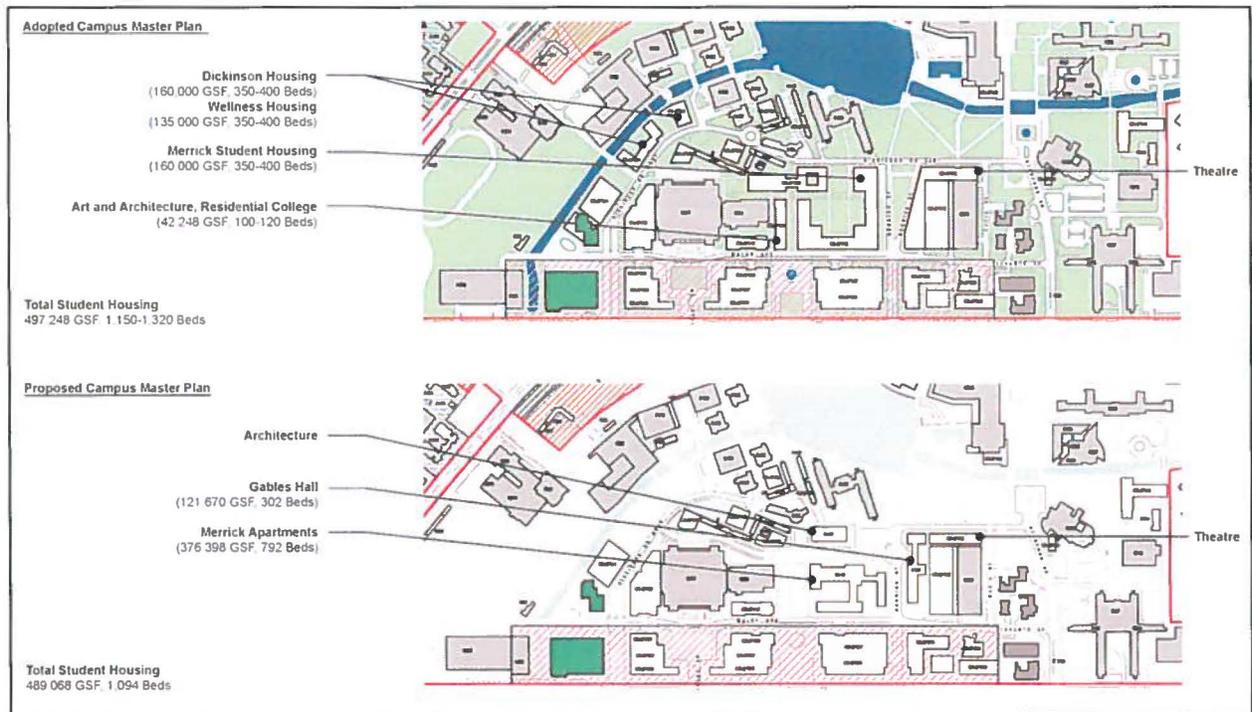
With this background in mind, we wish to clarify that the proposed modifications are limited strictly and solely to previously approved building footprints within the Campus Core at a location completely occluded from the public right-of-way by the intervening Multi-Use Zone along Ponce de Leon Boulevard. The proposed modifications seek

adjustments to the previously approved development program and do not alter in any substantial or material way the combined permitted square footage, density, uses or heights and setbacks authorized by the UCD within the Core. More specifically, the proposed modifications are contained within a 13.5 acre portion of the Campus Core.

A comparative analysis between the Approved Master Plan and the proposed modifications confirms their inconsequential nature. Here’s how the Approved program compares to the proposed development program in the location at issue:

- The Approved Master Plan Shows
 - 497,248 gsf
 - 1,150-1,320 beds
- The Proposed Modifications Shows
 - 489,068 gsf
 - 1094 beds

For ease of reference, below we illustrate diagrammatically the proposed modifications and the existing approved development plan:



As illustrated on the diagram, the proposed modifications maintain buildings in the same general location in the area between the Fieldhouse and the Merrick Garage as the

adopted plan. As it relates to the alignment of the Architecture Studio (0462), a new proposed modification to the master plan will be submitted to address this specific issue.

Lastly, we wish to further clarify and emphasize that the proposed modifications are solely at the master plan level and do not involve the review and approval of the actual buildings, their design, architecture, materials, signs, landscaping, pedestrian amenities, refuse and service area design. The building footprints shown are shown as graphic representations of proposed facilities/sites and are subject to change when final designs are completed.

Nonetheless, we wish to clarify that both the Ibis Village and the Merrick Apartments incorporate a well-defined set of courtyard plazas, streets and other opens spaces appropriate for student campus housing in a harmonious relation to the existing Campus conditions. While the proposed modifications maintain a comparable level of pedestrian circulation spaces, quadrangles, and courtyards suitable for student campus housing, we wish to clarify that review for that level of design detail will occur when the actual buildings themselves are presented to the City for review as part of a specific project that the University seeks to construct. Lastly, it merits brief mention that the Design Manual referenced by the City in its correspondence to us was not adopted by the City.

In sum, we respectfully request that the City administratively approve the proposed modifications because they: (1) are located within the Campus Core; (2) do not introduce a new use; and (3) do not result in an increase in the intensity of the adopted Campus Master Plan. The City's administrative approval of the proposed modifications is consistent with the City's review and administrative approval of prior proposed modifications within the Campus Core. It is also consistent with the spirit, intent, and letter of the UCD district regulations as well as the vitally important Development Agreement.

We thank you for your consideration of these clarifications. As always, please do not hesitate to contact me if you have any questions concerning this correspondence.

Sincerely,



for Jeffrey S. Bass
For the Firm

Cc: Mr. Craig E. Leen, Esq (cleen@coralgables.com)
Ms. Aileen M. Ugalde, Esq. (augalde@miami.edu)
Mr. Joseph T. Natoli (jnatoli@miami.edu)
Mr. Charles Wu (cwu@coralgables.com)
Ms. Megan McLaughlin (mmclaughlin@coralgables.com)
Mr. Marc Weinroth (mweinroth@miami.edu)
Ms. Janet Gavarrete (jgavarrete@miami.edu)
Ms. Alicia Corral (acorral@miami.edu)

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: University of Miami - Request for Administrative Modifications to Adopted Campus Master Plan (Sept 4, 2015)
Date: Friday, March 18, 2016 4:17:06 PM
Attachments: [Ltr to R Trias 03-18-16.pdf](#)
[Ltr to R Trias 03-18-16.pdf](#)
[image002.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
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Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Friday, March 18, 2016 4:11 PM
To: Trias, Ramon
Cc: Swanson-Rivenbark, Cathy; Wu, Charles
Subject: FW: University of Miami - Request for Administrative Modifications to Adopted Campus Master Plan (Sept 4, 2015)

Ramon,

I reviewed the letter and believe the legal analysis is sound. Charlie Siemon also informed me last week that he agrees with the core/periphery distinction, and that matters in the core would generally be reviewed administratively. Here, as the proposed modifications are in the core, and as the applicant provides assurance there will not be a new use or increase in intensity (see page three of the letter), it is my legal opinion that you have authority to determine administratively, and that the intent of the Development Agreement would be for the City to determine this matter administratively. I am copying the City Manager, as she has "ultimate authority" over

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Craig E. Leen, City Attorney

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CORAL GABLES
THE CITY BEAUTIFUL

Celebrating 90 years of a dream realized.

From: Emily Vaughan [mailto:evaughan@shubinbass.com]

Sent: Friday, March 18, 2016 10:50 AM

To: Trias, Ramon

Cc: Jeff Bass; Gavarrete, Janet L.; Leen, Craig; augalde@miami.edu; Joseph Natoli; Wu, Charles; McLaughlin, Megan; 'Weinroth, Marc A (mweinroth@miami.edu)'; Corral, Alicia M

Subject: University of Miami - Request for Administrative Modifications to Adopted Campus Master Plan (Sept 4, 2015)

Dear Mr. Trias,

Please see attached correspondence responding to your February 19, 2016 letter regarding the University's request for administrative modification to the adopted Campus Master Plan (Sept 4, 2015). Please do not hesitate to contact us if you have any questions concerning this correspondence.

Sincerely,



Emily E. Vaughan

Shubin & Bass, P.A.

46 S.W. 1st Street, Third Floor

Miami, FL 33130

Phone: (305) 381-6060

Fax: (305) 381-9457

evaughan@shubinbass.com

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