



# City of Coral Gables Planning and Zoning Staff Report

**Property:** Merrick 250 - 250 Bird Road

**Applicant:** Alta Developers, LLC and Baptist Health of South Florida, Inc.

**Application:** Receipt of Transfer of Development Rights (TDRs), Planned Area Development (PAD), Conditional Use Review for Mixed-Use Site Plan, and Tentative Plat

**Public Hearing:** Planning and Zoning Board / Local Planning Agency

**Date & Time:** August 12, 2020; 4:00 – 9:00 p.m.

**Location:** Virtual Meeting on the ZOOM platform  
**Online:** Meeting ID: 917 8022 4102  
**Phone:** 305.460.5211

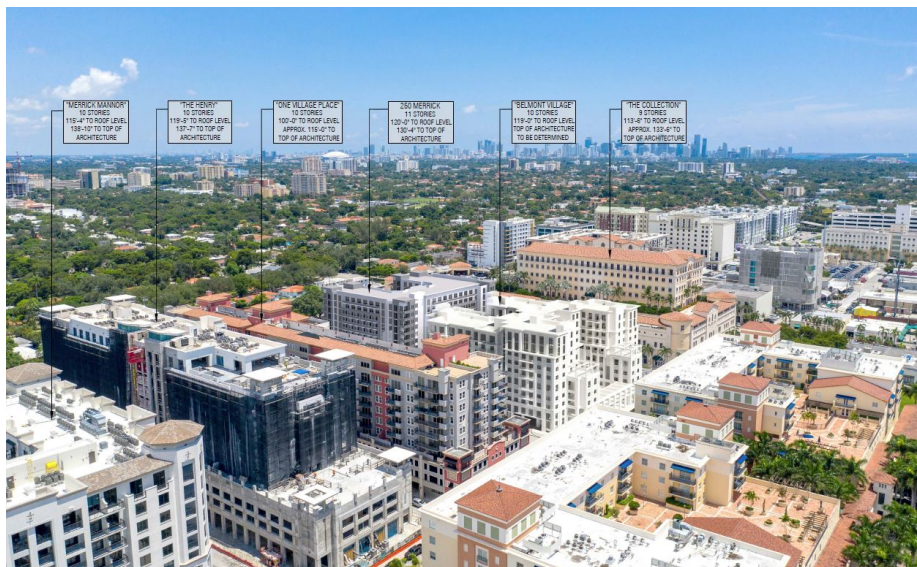
## 1. APPLICATION REQUEST

The request is for consideration of the following for the project known as “Merrick 250:”

1. Transfer of Development Rights (TDRs)
2. Planned Area Development (PAD)
3. Conditional Use Review for Mixed-Use Site Plan
4. Tentative Plat

## 2. APPLICATION SUMMARY

The subject site is in the North Industrial Mixed-Use District, within walking distance of the Shops at Merrick Park. In 2016, a mixed-use project referred to as “The Collection Residences” was approved by the City Commission by Resolution No. 2015-86. “The Collection Residences” to be located in the subject site, including the entire Block 3 from Bird Road to Altara Avenue was not built.



Existing condition with the proposed project

The current proposal is a mixed-use project referred to as Merrick 250, located on the north-half of Block 3, approximately 1.41 acres in size. The project includes 215 residential units, ground floor commercial uses of approximately 18,500 square feet, and a parking structure with 362 parking spaces. The proposed building height is 12-stories at 120 feet to the top of habitable space and 130'-4" to the top of architecture.

1. Project Site is approximately 1.41 acres (61,548 square feet)
2. Building Height is 12-stories at 120' to the top of roof; 130'-4" to top of architecture
3. FAR 3.58 (220,322 sq. ft. including 4,904 sq. ft. of TDRs)
4. 215 residential units
5. 18,650 square feet (8.46% of total square footage) of ground-floor commercial uses
6. 362 parking spaces including mechanical lifts
7. 12,931 square feet (21% of site area) of Landscape Open Space

Alta Developers, LLC and Baptist Health of South Florida, Inc. (referred to as "co-Applicants"), has submitted an application (referred to as the "Application") for review of the following: Transfer of Development Rights (TDRs) as a receiving site utilizing 4,904 sq. ft. of TDRs made available pursuant to a Dispute Resolution Agreement; Planned Area Development (PAD); and Conditional Use Review for a Mixed-Use Sita Plan for the project referred to as Merrick 250, and Tentative Plat. The Application package submitted by the Applicant is provided as Attachment A.

The request requires three public hearings, including review and recommendation by the Planning and Zoning Board, and 1st and 2nd Reading before the City Commission. The Ordinances and Resolution under consideration include the following:

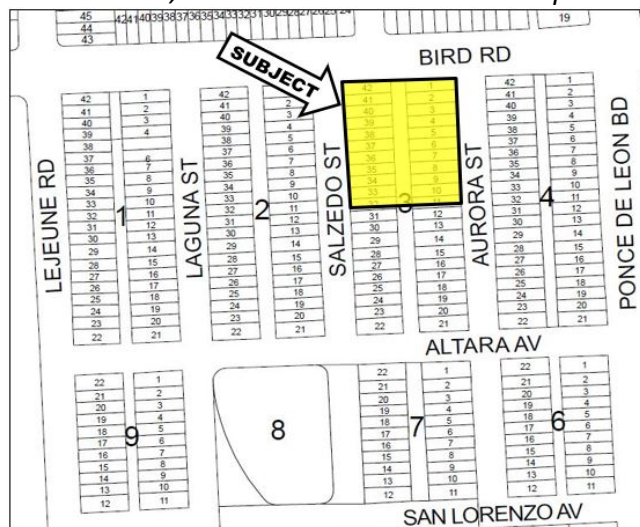
1. *An Ordinance of the City Commission of Coral Gables, Florida approving receipt of Transfer of Development Rights (TDRs) pursuant to Zoning Code Article 3, "Development Review", Division 10, "Transfer of Development Rights", Section 3-1006 "Review and approval of use of TDRs on receiver sites", for the receipt and use of TDRs for a Mixed-Use project referred to as "Merrick 250" on the property legally described as lots 1 through 11, inclusive, less the south 7.5 feet thereof, and lots 32 through 42, inclusive, less the south 7.5 feet thereof, Block 3, "Coral Gables Industrial Section," together with that portion of the 30 foot platted alley lying north of the north line of the south 7.5 feet of said lot 11 projected westerly and south of the north line of said block 3 (250 Bird Road) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)*
2. *An Ordinance of the City Commission of Coral Gables, Florida granting approval of a Planned Area Development (PAD) pursuant to Zoning Code Article 3, "Development Review," Division 5, "Planned Area Development (PAD)" for a proposed mixed-use project referred to as "Merrick 250" on the property legally described as lots 1 through 11, inclusive, less the south 7.5 feet thereof, and lots 32 through 42, inclusive, less the south 7.5 feet thereof, Block 3, "Coral Gables Industrial Section," together with that portion of the 30 foot platted alley lying north of the north line of the south 7.5 feet of said lot 11 projected westerly and south of the north line of said block 3 (250 Bird Road) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)*

3. A Resolution of the City Commission of Coral Gables, Florida approving Mixed-Use Site Plan and Conditional Use review pursuant to Zoning Code Article 4, "Zoning Districts" Division 2, "Overlay and Special Purpose Districts", Section 4-201, "Mixed-Use District (MXD)" for a proposed Mixed-Use project referred to as "Merrick 250" on the property legally described as lots 1 through 11, inclusive, less the south 7.5 feet thereof, and lots 32 through 42, inclusive, less the south 7.5 feet thereof, Block 3, "Coral Gables Industrial Section," together with that portion of the 30 foot platted alley lying north of the north line of the south 7.5 feet of said lot 11 projected westerly and south of the north line of said block 3 (250 Bird Road) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)
4. A Resolution of the City Commission of Coral Gables, Florida approving the Tentative Plat entitled "Alta Strategic Gables" pursuant to Zoning Code Article 3, Division 9, "Platting/Subdivision," being a re-plat of 61,548 square feet (1.41 acres) into two (2) tracts of land on the property legally described as lots 1 through 11, inclusive, less the south 7.5 feet thereof, and lots 32 through 42, inclusive, less the south 7.5 feet thereof, Block 3, "Coral Gables Industrial Section," together with that portion of the 30 foot platted alley lying north of the north line of the south 7.5 feet of said lot 11 projected westerly and south of the north line of said block 3 (250 Bird Road) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)

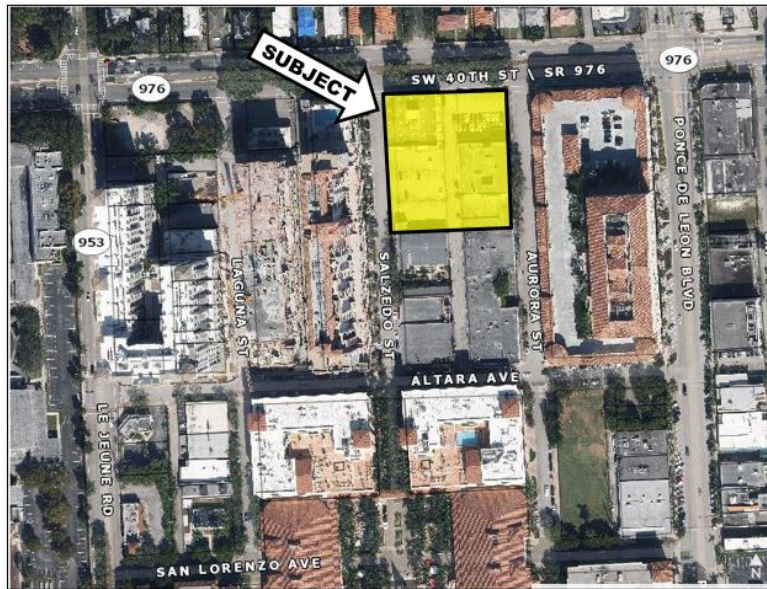
### Project Location

The subject property occupies the north half of Block 3 within the North Industrial Mixed-Use District and is bounded by Bird Road (north), Aurora Street (east) and Salzedo Street (west). The property is legally described as lots 1 through 11, inclusive, less the south 7.5 feet thereof, and lots 32 through 42, inclusive, less the south 7.5 feet thereof, Block 3, "Coral Gables Industrial Section," together with that portion of a previously vacated 30 foot platted alley lying north of the north line of the south 7.5 feet of said lot 11 projected westerly and south of the north line of said block 3 (250 Bird Road) Coral Gables, Florida; as shown in the following location map and aerial:

Block, Lot and Section Location Map



Aerial



**Site Data and Surrounding Uses**

The following tables provide the subject property’s designations and surrounding land uses:

*Existing Property Designations*

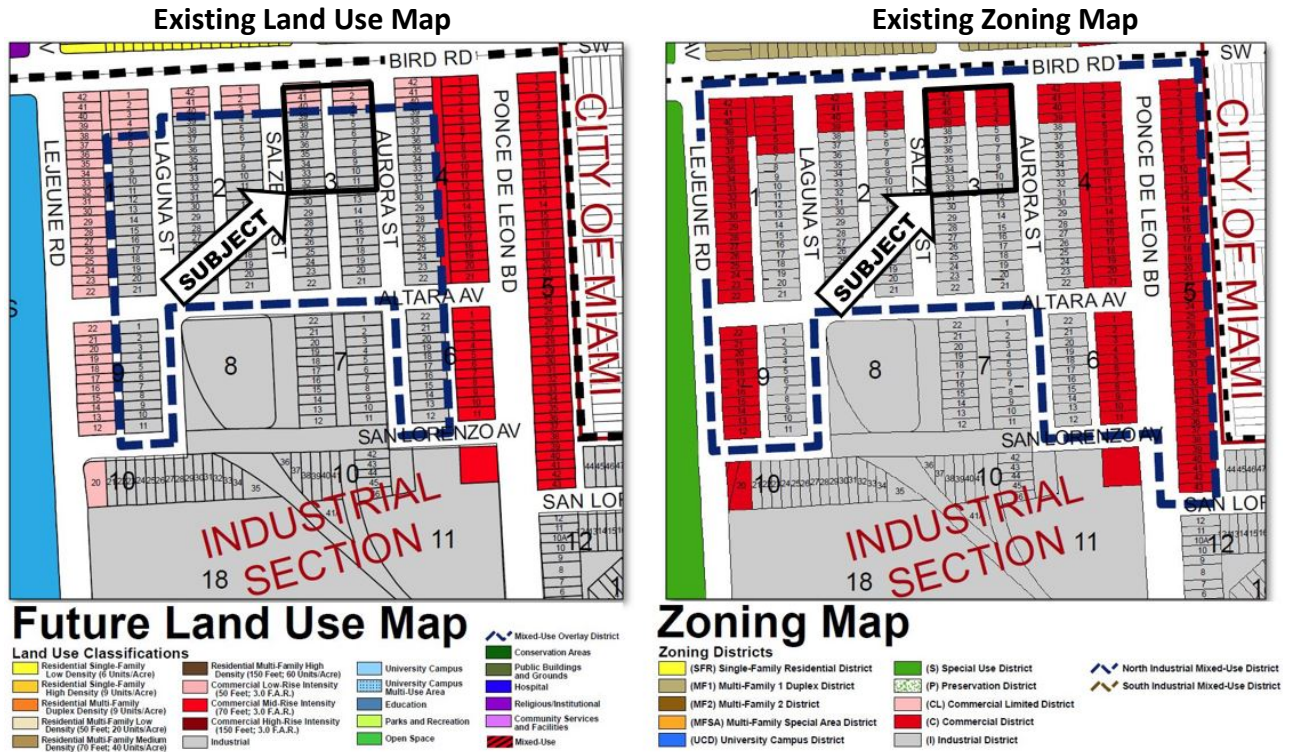
Comprehensive Plan Map designation	Commercial Use, Low-Rise Intensity; Industrial Use; Mixed-Use Overlay District (MXOD)
Zoning Map designation	Commercial District (C) and Industrial District (I)
Mixed Use Overlay District (MXOD)	Yes - North Industrial Mixed-Use District (MXD)
Mediterranean Architectural District	Yes - Mandatory Mediterranean Architecture Style
Coral Gables Redevelopment Infill District	Yes

*Surrounding Land Uses*

LOCATION	EXISTING LAND USES	CP DESIGNATIONS	ZONING DESIGNATIONS
North	Two-story duplexes	Residential Single-Family Low Density	Multi-Family 1 Duplex District (MF1)
South	Office/commercial buildings	Industrial; Mixed-Use Overlay District	Industrial (I); North Industrial Mixed-Use District (MXD)
East	The Collection commercial mid-rise building	Commercial Use, Low-Rise Intensity; Industrial; Mixed-Use Overlay District	Commercial (C); Industrial (I); North Industrial Mixed-Use District (MXD)
West	Village Place mid-rise Mixed use building	Commercial Use, Low-Rise Intensity; Industrial; Mixed-Use Overlay District	Commercial (C); Industrial (I); North Industrial Mixed-Use District (MXD)



The property's existing land use and zoning designations, as illustrated in the following maps:



### 3. APPLICANT'S PROPOSAL

#### TRANSFER OF DEVELOPMENT RIGHTS (TDRS)

The project is utilizing **4,904 sq. ft.** of TDRs made available pursuant to a Dispute Resolution Agreement between the City of Coral Gables and Mundomed S.A. and South High Cliff Corporation. These specific TDRs were created to preserve some environmentally sensitive lands which may be transferred and utilized not only within the boundaries of designated receiving areas (Central Business District and North Ponce Mixed-Use Corridor) but also in Commercial and Industrial zoned areas of the City, which do not abut and are not adjacent to either South Dixie Highway or properties zoned Single Family Residential subject to the approval of the City Commission. On October 8, 2019, by Resolution No. 2019-299, the City Commission approved Alta Developers, LLC. to file an application for receipt/use of 7,000 sq. ft. of TDRs for the proposed mixed-use development on the subject site.

#### Findings of Fact – Transfer of Development Rights (TDRs)

Sections 3-1005 and 3-1006 of the Zoning Code establishes the requirements for the use of TDRs on receiver sites. Those provisions state that the Planning and Zoning Board and City Commission may recommend conditions of approval that are necessary to ensure compliance with the criteria and standards as specified in the Zoning Code.

Below is the review and approval process of use of TDR's on receiver sites as set out in Zoning Code Section 3-1006, as follows:

- A. *"An application to transfer development rights to a receiver site shall be reviewed subject to all of the following":*
1. *"In conformance with any applicable conditions of approval pursuant to the Certificate of TDRs."*
  2. *"Board of Architects review and approval subject to Article 5, Division 6, Design Review Standards."*
  3. *"If the receiving site is within five hundred (500) feet of a local historic landmark, Historic Preservation Board review and approval is required to determine if the proposal shall not adversely affect the historic, architectural, or aesthetic character of the property".*
  4. *"Planning and Zoning Board review and recommendation and City Commission review to determine if the application satisfies all of the following":*
    - a. *"Applicable site plan review requirements per Article 3, Division 2, General Development Review Procedures and conditional use review requirements per Article 3, Division 4, Conditional Uses".*
    - b. *"The extent to which the application is consistent with the Zoning Code and City Code otherwise applicable to the subject property or properties, including but not limited to density, bulk, size, area and use, and the reasons why such departures are determined to be in the public interest".*
    - c. *"The physical design of the proposed site plan and the manner in which the design makes use of adequate provisions for public services, provides adequate control over vehicular traffic, provides for and protects designated common open areas, and furthers the amenities of light and air, recreation and visual enjoyment".*
    - d. *"The conformity of the proposal with the Goals, Objectives and Policies of the City's Comprehensive Plan".*

**Staff Comments:** The subject site does not abut and is not adjacent to either South Dixie Highway or properties zoned Single Family Residential; and is not located within five hundred (500) feet of a local historic landmark. The utilization of **4,904 sq. ft.** TDRs in this project will permit an increase in FAR from 3.5, as permitted in the underlying zoning district, to 3.58 an increase of 2.3% in FAR, which is within the 25% increase in FAR, when TDRs are utilized. The project was reviewed by the Board of Architects for preliminary design and Mediterranean Architecture on October 3, 2019. It meets the review criteria and approval process of use of TDRs on receiver site.

### **PLANNED AREA DEVELOPMENT (PAD)**

Planned Area Development (PAD) is a development option in the City of Coral Gables for the purpose of allowing creative and imaginative development while providing substantial additional public benefit. In addition, PAD provides some flexibility in terms of massing, design, location of paseos and open spaces,

etc. Typically PAD sites are contiguous unified parcel with a minimum lot width of two hundred (200) feet and minimum lot depth of one hundred (100) feet and a minimum site area of no less than an acre.

Development standards for PAD	Required	Provided
Minimum site area	One (1) acre	1.41 acres
Minimum lot width	200 feet	Approximately 225 ft.
Minimum lot depth	100 feet	Approximately 260 ft.
Landscape Open Space	20% of the site area	21.0% of the site area

**Public Benefits**

The proposed Merrick 250 project meets the purpose and objectives of the PAD regulations. Multiple public benefits are offered in connection with this project, including:

- Provides new high-quality retail space to enhance the City’s goal of having a “Design District” in this area.
- Provides a large office component so as to significantly increase the amount of new office space in the North Industrial Mixed-Use District.
- Helps to fulfill the Comprehensive Plan objective to create a “mixed use village” in this area.
- Will serve to further improve the value of a key City owned asset, the Shops at Merrick Park.
- Meets the growing demands for office space in the city.
- Provides public realm landscape and streetscape improvements.
- Replaces underutilized buildings.
- Will provide the City with \$100,000 in funding earmarked for public realm and public open space improvements in the Industrial District.

**Purpose and Objectives**

Section 3-501 of the Zoning Code states the purpose of the PAD is as follows:

1. *Allow opportunities for more creative and imaginative development than generally possible under the strict applications of these regulations so that new development may provide substantial additional public benefit.*
2. *Encourage enhancement and preservation of lands which are unique or of outstanding scenic, environmental, cultural and historical significance.*
3. *Provide an alternative for more efficient use and, safer networks of streets, promoting greater opportunities for public and private open space, and recreation areas and enforce and maintain neighborhood and community identity.*
4. *Encourage harmonious and coordinated development of the site, through the use of a variety of architectural solutions to promote Mediterranean architectural attributes, promoting variations in bulk and massing, preservation of natural features, scenic areas, community facilities, reduce land utilization for roads and separate pedestrian and vehicular circulation systems and promote urban design amenities.*
5. *Require the application of professional planning and design techniques to achieve overall coordinated development eliminating the negative impacts of unplanned and piecemeal developments likely to result from rigid adherence to the standards found elsewhere in these regulations.*

## Findings of Fact – Planned Area Development (PAD)

Section 3-503 of the Zoning Code states the required findings for a proposed PAD project is as follows:

A. *In what respects the proposed plan is or is not consistent with the stated purpose and intent of the PAD regulations.*

**Staff comments:** The proposed project is consistent with the stated purpose and intent of the PAD regulations, preserving and enhancing an existing building within a coordinated development on site while providing greater opportunities for a variety of uses with ground-level, publicly accessible open space in an urban environment.

B. *The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, size, area, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.*

**Staff comments:** The maximum building height permitted in this area, within the North Industrial Mixed-Use District is 100 feet. In addition, the City Commission may approve up to an additional twenty (20) feet of habitable building height upon finding that the proposed building complies with the following criteria:

- The building has no more than ten (10) stories.
- The additional building height is for the purpose of providing increased floor to ceiling height in residential units.
- The additional building height enhances the building's aesthetics and the aesthetics of the surrounding area.
- The additional building height does not result in increased density or floor area.

The project's proposed building height is 12-stories at 120 feet to the top of habitable space. Under the current proposal, the first and second conditions are not met. However, the project is over an acre and is also seeking approval as a Planned Area Development (PAD), which "*allow opportunities for more creative and imaginative development than generally possible under the strict applications of these regulations so that new development may provide substantial additional public benefit.*" The proposed project provides substantial public benefit, and a comprehensive design that coordinates ground level spaces and the overall massing of the project in ways that enhances the outcome of typical regulations. Therefore, the proposed twelve (12) stories are allowed only through a PAD, as stated by the City Attorney' opinion #CAO 2019-029 provided in attachment D.

C. *The extent to which the proposed plan meets the requirements and standards of the PAD regulations.*

**Staff comments:** The proposed plan meets the requirements and standards of the PAD regulations such as contiguous unified parcel with a minimum lot width of two hundred (200) ft. and minimum lot depth of one hundred (100) ft. and a minimum site area of no less than an acre. The project also provides at least 20% of landscape open space on site. The proposed twelve (12) stories are allowed only through a PAD, as stated by the City Attorney' opinion #CAO 2019-029 provided in attachment D.

D. *The physical design of the proposed PAD and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, provide for and*



*protect designated common open areas, and further the amenities of light and air, recreation and visual enjoyment.*

**Staff comments:** The physical design of the proposed PAD results in a publicly-accessible ground – floor open space, including arcades that are fronted by commercial uses. All vehicular parking for the project and service access is within the confines of the building. The proposed project is mixed-use, blending residential and commercial uses which creates an opportunity to reduce the traffic on the area by encouraging residents to work where they live, and walk, bike, or use mass transit.

E. *The compatibility of the proposed PAD with the adjacent properties and neighborhood as well as the current neighborhood context including current uses.*

**Staff comments:** The proposed PAD is compatible with the adjacent properties in North Industrial area with regards to height and uses. The existing Shops at Merrick Park mixed-use project is located south of this site, and The Collection and Village Place are located to the east and west respectively. The proposed project height is 120 feet and surrounded by existing buildings of approximately the same height, some under construction. An assisted living facility, Belmont Village located on the south half of the block, abutting the project site was approved earlier this year.

F. *The desirability of the proposed PAD to physical development of the entire community.*

**Staff comments:** The redevelopment of this property fulfills the objective of the City to attract mix of uses with public open spaces in an urban environment.

G. *The conformity of the proposed PAD with the goals and objectives and Future Land Use Maps of the City of Coral Gables Comprehensive Plan.*

**Staff comments:** The proposed PAD is “consistent” with the CP’s Goals, Objectives and Policies with the recommended conditions of approval and site plan provisions which address the City’s objectives for encouraging redevelopment with mixed of uses in the North Industrial District.

## MIXED USE SITE PLAN

### Mixed Use District (MXD) Purpose and Objective

The Mixed-Use Districts were created to encourage mixed-use development that specifically provides for residential development that support a pedestrian-friendly environment within the urban areas of Coral Gables. The Applicant benefits from the option to construct residential development in urban areas, while the City benefits from mandatory architectural features that enhance the beauty and the walkability of those urban areas.

The applicant seeks to redevelop the subject site of approximately 61,500 square feet, located within the North Industrial Mixed-Use District. The current proposal is a mixed-use project referred to as Merrick 250. The project includes 215 residential units, ground floor commercial uses of approximately 18,500 square feet, and a parking structure with 362 parking spaces. The proposed building height is 12-stories at 120 feet to the top of habitable space and 130’-4” to the top or architecture.

**Site Plan Information:**

Type	Permitted/Required in North Industrial District (MXD)	Proposed Planned Area Development (PAD)
Total site area	Minimum 10,000 sq. ft. for MXD Minimum one (1) acre for PAD	61,548 sq. ft. (1.41 acres)
FAR (3.5 x total site area) <i>Med Design is Mandatory</i>	215,418 sq. ft.	215,418 sq. ft.
TDRs (25%)		4,904 sq. ft.
Total FAR	4.375 (3.5 + TDRs)	3.58 (220,322 sq. ft.)
Building height	Up to 100' or 120' with Commission Approval	120' to top of habitable space 130'-4" to the top of architecture
Number of stories	Up to 10 stories plus decorative elements	12 stories (allowed only as PAD)
<b>Proposed Uses:</b>		
<i>Residential</i>	No density limitation	215 units (152 units/acre)
<i>Office/Retail</i>	17,700 sq. ft. (8% of total sq. ft.) to be located on the ground floor	33,486 sq. ft., incl. 18,650 sq. ft. (8.46%) located on the ground floor
<b>Parking</b>		
<i>Residential Units</i>		
<i>Studio, 27 units @1/unit</i>	27 spaces	
<i>1BR, 121 units @1/units</i>	121 spaces	
<i>2BR, 67 units @1.75/unit</i>	117 spaces	
<i>Office/Retail @ 1 space/300</i>	112 spaces (33,486 sq. ft./300)	
<b>Total Parking</b>	346 per shared parking analysis	362 spaces including lifts
Landscape Open Space at ground level	12,309 sq. ft. (20%) of the site area	12,931 sq. ft. (21%) of the site area

Setbacks*	Permitted/Required in MXD	Proposed Planned Area Development (PAD)	
		Existing Building	New Building
<i>Front (Bird Road) Adjacent to MF1 District</i>	10 ft. Above 45': 100 ft.	3 ft. encroaches into the right-of-way	up to 45': 12 ft. above 45': 100 ft.
<i>Side Street (Salzedo Street)</i>	15 ft.	3 ft. encroaches into the right-of-way	up to 45': 1 ft. above 45': 10 ft.
<i>Side Street (Aurora Street)</i>	15 ft.	n/a	10 ft.
<i>Rear (South)</i>	10 ft.	n/a	up to 45': 4'-4" above 45': 10 ft.

\* Setback reductions may be awarded for MXD projects subject to providing vertical building setbacks, a minimum of 10 ft. at maximum height of 45 ft. on all facades.

**Findings of Fact – Mixed-Use Site Plan**

The regulations are voluntary and property owners who choose to develop under these regulations are required to undergo Site Plan review in accordance with the Conditional Use process pursuant to the requirements established in Zoning Code Article 3, "Development Review," Division 4, "Conditional Uses."

### Conditional Use Review Criteria

Planning Staff’s review of the criteria set out in Section 3-408, “Standards for Review” is as follows:

STANDARD	STAFF EVALUATION
<p>1. The proposed conditional use is consistent with and furthers the goals, objectives and policies of the Comprehensive Land Use Plan and furthers the purposes of these regulations and other City ordinances and actions designed to implement the Plan.</p>	<p><b>Yes.</b> The Application is “consistent” with the CP’s Goals, Objectives and Policies with the recommended conditions of approval and site plan provisions incorporated by the Applicant which address the City objectives for encouraging mix of uses within the area bounded by Bird Road, LeJeune Road, U.S. 1 and Ponce de Leon Boulevard. The geographic area encompasses a large area that is served by numerous residential, commercial, retail and office uses. The area is served by the Coral Gables Trolley and regional Miami-Dade Metrorail at Douglas Station.</p>
<p>2. The available use to which the property may be put is appropriate to the property that is subject to the proposed conditional use and compatible with existing and planned uses in the area.</p>	<p><b>Yes.</b> The subject property is located within the MXOD North Industrial District which allows for the voluntary development of this property as a mixed-use project with predominantly residential units. The project is compatible with the surrounding mixed-use, commercial uses in the area, as well as the planned uses being developed within the North &amp; South Industrial Districts.</p>
<p>3. The proposed conditional use does not conflict with the needs and character of the neighborhood and the City</p>	<p><b>Yes.</b> The subject property is surrounded on three sides by properties with commercial and industrial land use designations and is surrounded by existing commercial and mixed-use developments including The Collection (east), Village of Merrick Park and a proposed ALF, Belmont Village to the south and Village Place (west). Bird Road serves as an arterial transportation corridor and northern boundary for the Industrial District. The redevelopment of this property as a mixed-use project fulfills the objectives of the City to attract mixed-use developments to the area and the creation of a pedestrian oriented urban environment.</p>
<p>4. The proposed conditional use will not adversely or unreasonably affect the use of other property in the area.</p>	<p><b>Yes.</b> The existing Shops at Merrick Park mixed-use project is located south of this site, and The Collection and Village Place projects are located to the east and west respectively. The Shops at Merrick Park and Village Place developments are mixed-use projects that include residential, retail and office uses. The Applicant’s proposal is consistent with the underlying land use designation as it will not adversely or unreasonably affect the use of other adjoining, adjacent and contiguous properties in the area. Conditions of approval are recommended that mitigate potential negative impacts created during construction and after the project has been built, including the provision of public realm/landscaping improvements, streetscape improvements and other off-site improvements that would otherwise not have been realized.</p>

STANDARD	STAFF EVALUATION
5. The proposed use is compatible with the nature, condition and development of adjacent uses, buildings and structures and will not adversely affect the adjacent uses, buildings or structures	<b>Yes.</b> The planned redevelopment of this property as a mixed-use project is compatible with the nature, condition and development of adjacent uses. The existing Shops at Merrick Park, a mixed-use project is located south of this site, The Collection and Village Place are located to the east and west respectively. The proposed project height is 120 feet and surrounded by existing buildings of approximately the same height, some under construction. Additionally, a proposed Assisted Living Facility with ground floor commercial uses located on the south half of the block on the ground floor currently under the approval process review on the north half of the block, abutting the project site.
6. The parcel proposed for development is adequate in size and shape to accommodate all development features.	<b>Yes.</b> The subject property is larger than the minimum 10,000 square foot size for a mixed-use project within an approved MXD and MXOD in the North Industrial Mixed-Use District and more than one (1) acre for Planned Area Development (PAD).
7. The nature of the proposed development is not detrimental to the health, safety and general welfare of the community.	<b>Yes.</b> Commercial and Industrial zoned properties surround the project site, and the height of the project along Bird Road satisfies the property's underlying Commercial Low-Rise land use designation, and as required for commercial development adjacent to (across the street from) existing duplex properties. The proposed project is consistent with the stated goals and objectives for mixed use redevelopment in the area. The redevelopment of this property as a mixed use project fulfills the objective of the City to attract retail, office, and residential developments to the area and to create a pedestrian oriented urban environment.
8. The design of the proposed driveways, circulation patterns and parking is well defined to promote vehicular and pedestrian circulation.	<b>Yes.</b> All vehicular parking for the project is located within the confines of the building and service access and areas are enclosed. Arcades and pedestrian paseo are provided to encourage and facilitate pedestrian circulation through and around the project site and surrounding district. The alley that bisects the project site was previously vacated to which the Applicant proposes an alternative public easement to provide for continued service and pedestrian circulation.
9. The proposed conditional use satisfies the concurrency standards of Article 3, Division 13 and will not adversely burden public facilities, including the traffic-carrying capacities of streets, in an unreasonable or disproportionate manner.	<b>Yes.</b> The proposed project was reviewed by the Zoning Division for concurrency, while the Concurrency Management Report lists Neighborhood Parks as not meeting concurrency, the City has since acquired and developed numerous neighborhood parks which were not accounted in the concurrency management system. A copy of the CIS and a memorandum from the City's Zoning Administrator is provided in Attachment B, stating park concurrency has been met.  A Traffic Impact Study was done by A&P Consulting Transportation Engineers. A memo from Public Works

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STANDARD	STAFF EVALUATION
	Department is attached.
	Additionally, certain conditions of approval are recommended to ensure the project meets required infrastructure.

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*Traffic Study*

The subject site is within the Gables Redevelopment Infill District (GRID). The City’s GRID allows development within its boundaries to move forward regardless of a roadway’s level of service (LOS). The City does, however, require all developments within the GRID that increase intensity/density to complete a Traffic Impact Study dated February 27, 2020 prepared by A&P Consulting Transportation Engineers provided in Attachment A.

*Concurrency Management*

This project has been reviewed for compliance with the City’s Concurrency Management program. While the Concurrency Management Report lists Neighborhood Parks as not meeting concurrency, the City has since acquired and developed numerous neighborhood parks including but not limited to, Venetia Park (0.19 A), Majorca Park (0.33 A), Sarto Green 0.11 A), Catalonia Park (0.31 A), Marlin Park (0.43 A), Betsy Adams Park (0.48 A), and Lisbon Park (0.12 A), totaling at least 1.97 acres. These recent acquisitions were not accounted in the concurrency management system. A copy of the CIS and a memorandum from the City’s Zoning Administrator is provided in Attachment B, stating park concurrency has been met.

*Public School Concurrency Review*

Pursuant to the Educational Element of the City’s Comprehensive Plan, Article 3, Division 13 of the Zoning Code, and State of Florida growth management statute requirements, public school concurrency review is required prior to final Board of Architects review for all applications for development approval in order to identify and address the impacts of new residential development on the levels of service for public school facilities. Adequate school capacity must be available. If capacity is not available, the developer, school district and affected local government must work together to find a way to provide capacity before the development can proceed. A letter issued by the Miami-Dade County Public School Board dated October 3, 2019 states the proposed project had been reviewed and that the required Level of Service (LOS) standard had been met. A copy of that letter is provided as part of Attachment A.

*Art in Public Places Program*

The Applicant is required to satisfy the City’s Art in Public Places program by either providing public art on site or providing a contribution to the Art in Public Places Fund. The Applicant proposes to provide contribution to the Art in Public Places Fund in compliance with Zoning Code regulations.

*Off-site improvements and Undergrounding of Overhead Utilities.*

The provisions in Zoning Code Section 4-201, Mixed-Use District require that all utilities shall be installed underground pursuant to the direction of the Public Works Department. In accordance with that requirement, all utilities within the public right-of-way adjoining the project site will be installed underground. To assist in a cohesive undergrounding of all utilities, in furtherance of satisfying Zoning Code Article 3, more specifically, Division 2, “Overlay and Special Purpose Districts,” Section 4-201, “Mixed



Use District (MXD),” and Article 4, “Zoning Districts,” Division 4, “Conditional Uses,” Section 3-408, “Standards for review,” the Applicant is required to underground all existing overhead utilities.

## **TENTATIVE PLAT**

The request is to re-plat the existing parcel consisting of twenty (22) platted lots, less the south 7.5 feet of lots 11 and 32, Block 3, together with that portion of a previously vacated 30 foot platted alley lying north of the north line of the south 7.5 feet of said lot 11 projected westerly and south of the north line of said block 3 (250 Bird Road) Coral Gables, Florida. It occupies the north half of Block 3 within the North Industrial Mixed-Use District and is bounded by Bird Road (north), Aurora Street (east) and Salzedo Street (west). There is another project, an Assisted Living Facility (ALF) proposed on the south half of the block and both involves separate ownership.

## **Findings of Fact - Tentative Plat Review**

The procedure for reviewing and recommending a tentative plat is contained in Sections 3-901 through 3-904 of the Zoning Code. The Planning and Zoning Board provides a recommendation on tentative plats to the City Commission. The final plat is prepared from the tentative plat, with a final review and approval in resolution form by the City Commission. Administrative review and approval of the final plat is required by the Miami-Dade County Subdivision Department prior to the City Commission hearing. The tentative plat is provided in the submitted Application (see Attachment A).

### *Proposed Zoning Plan*

The tentative plat entitled “Alta Strategic Gables” proposes re-platting of the north half block of Block 3 into two tracks. Track A consists of lots 1-4 and lots 39-42 including that portion of a previously vacated alley, totaling approximately 23,000 square feet, currently zoned Commercial District. Track B consists of lots 5-11 and lots 32 to 38, less the south 7.5 of lots 11 and 32 including that portion of a previously vacated alley, totaling approximately 38,500 square feet, currently zoned Industrial District. The purpose of the two tracks is to align with the existing zoning designations. The property’s zoning designation would not change as a result of this re-plat. The proposed mixed-use project would be required to meet all requirements and provisions specified in the Zoning.

### *City Staff Review*

This tentative plat was submitted for review to the Development Review Committee (DRC) and distributed to City Departments as required in Zoning Code Section 3-902. The Zoning Code requires review and comments be provided by the Public Works Department with Staff’s report and recommendation. In a memorandum dated March 4, 2020, the Public Works Department stated the Department does not object to the proposed tentative plat and provides comments stating required letters have been received from utility companies and that review is required by the Public Works Department and Miami-Dade County prior to final plat consideration by the City Commission (see Attachment C).

### Consistency Evaluation of the Comprehensive Plan (CP) Goals, Objectives and Policies

This section provides those Comprehensive Plan Goals, Objectives and Policies applicable to the Application and the determination of consistency:

REF. NO.	COMPREHENSIVE PLAN GOAL, OBJECTIVE AND POLICY	STAFF REVIEW
1.	<b>Goal FLU-1.</b> Protect, strengthen, and enhance the City of Coral Gables as a vibrant community ensuring that its neighborhoods, business opportunities, shopping, employment centers, cultural activities, historic value, desirable housing, open spaces, and natural resources make the City a very desirable place to work, live and play.	Complies
2.	<b>Objective FLU-1.1.</b> Preserve Coral Gables as a “placemaker” where the balance of existing and future uses is maintained to achieve a high quality living environment by encouraging compatible land uses, restoring and protecting the natural environment, and providing facilities and services which meet or exceed the minimum Level of Service (LOS) standards and meet the social and economic needs of the community through the Comprehensive Plan and Future Land Use Classifications and Map (see FLU-1: Future Land Use Map).	Complies
3.	<b>Objective FLU-1.2.</b> Efforts shall continue to be made to control blighting influences, and redevelopment shall continue to be encouraged in areas experiencing deterioration.	Complies
4.	<b>Policy FLU-1.1.5.</b> Mixed-Use land use classifications (Land use descriptions provided herein are general descriptions, refer to underlying/assigned Zoning Classification for the list of permitted uses) as presented in Table FLU-4., entitled “Mixed-Use land use”.	Complies
5.	<b>Policy FLU-1.7.1.</b> Encourage effective and proper high quality development of the Central Business District, the Industrial District and the University of Miami employment centers which offer potential for local employment in proximity to protected residential neighborhoods.	Complies
6.	<b>Policy FLU-1.7.2.</b> The City shall continue to enforce the Mediterranean architectural provisions for providing incentives for infill and redevelopment that address, at a minimum, the impact on the following issues: <ul style="list-style-type: none"> <li>• Surrounding land use compatibility.</li> <li>• Historic resources.</li> <li>• Neighborhood Identity.</li> <li>• Public Facilities including roadways.</li> <li>• Intensity/Density of the use.</li> <li>• Access and parking.</li> <li>• Landscaping and buffering.</li> </ul>	Complies
7.	<b>Policy FLU-1.9.1.</b> Encourage balanced mixed use development in the central business district and adjoining commercial areas to promote pedestrian activity and provide for specific commitments to design excellence and long term economic and cultural vitality.	Complies
8.	<b>Policy FLU-1.11.1.</b> Maintain and enforce effective development and maintenance	Complies

REF. NO.	COMPREHENSIVE PLAN GOAL, OBJECTIVE AND POLICY	STAFF REVIEW
	regulations through site plan review, code enforcement, and design review boards and committees.	
9.	<b>Goal DES-1.</b> Maintain the City as a livable city, attractive in its setting and dynamic in its urban character.	Complies
10.	<b>Objective DES-1.1.</b> Preserve and promote high quality, creative design and site planning that is compatible with the City’s architectural heritage, surrounding development, public spaces and open spaces.	Complies
11.	<b>Policy DES-1.1.5.</b> Promote the development of property that achieves unified civic design and proper relationship between the uses of land both within zoning districts and surrounding districts, by regulating, limiting and determining the location, height, density, bulk and massing, access to light and air, area of yards, open space, vegetation and use of buildings, signs and other structures.	Complies
12.	<b>Policy DES-1.1.6.</b> Maintain the character of the residential and nonresidential districts, and their peculiar suitability for particular uses.	Complies
13.	<b>Policy DES-1.2.1.</b> Continue the award of development bonuses and/or other incentives to promote Coral Gables Mediterranean design character providing for but not limited to the following: creative use of architecture to promote public realm improvements and pedestrian amenities; provide a visual linkage between contemporary architecture and the existing and new architectural fabric; encourage landmark opportunities; and creation of public open spaces.	Complies
14.	<b>Policy DES-1.2.2.</b> Require that private development and public projects are designed consistent with the City’s unique and historical Mediterranean appearance in balance with contemporary architecture.	Complies
15.	<b>Objective HOU-1.5.</b> Support the infill of housing in association with mixed use development.	Complies
16.	<b>Policy HOU-1.5.2.</b> Encourage residential mixed use as a means of increasing housing supply within the Downtown/Central Business District/Mixed Use Development Overlay Area, thereby promoting increase in commercial and retail activity, increased use of transit, reduction of auto dependency, in association with minimizing visual and physical impacts of nearby lower density areas.	Complies
17.	<b>Objective MOB-1.1.</b> Provide solutions to mitigate and reduce the impacts of vehicular traffic on the environment, and residential streets in particular with emphasis on alternatives to the automobile including walking, bicycling, public transit and vehicle pooling.	Complies
18.	<b>Policy MOB-1.1.1.</b> Promote mixed use development to provide housing and commercial services near employment centers, thereby reducing the need to drive.	Complies
19.	<b>Policy MOB-1.1.2.</b> Encourage land use decisions that encourage infill, redevelopment and reuse of vacant or underutilized parcels that support walking, bicycling and public transit use.	Complies
20.	<b>Policy MOB-1.1.3.</b> Locate higher density development along transit corridors and near multimodal stations.	Complies
21.	<b>Policy MOB-1.1.5.</b> Improve amenities within public spaces, streets, alleys and parks	Complies

REF. NO.	COMPREHENSIVE PLAN GOAL, OBJECTIVE AND POLICY	STAFF REVIEW
	to include the following improvements: seating; art; architectural elements (at street level); lighting; bicycle parking; street trees; improved pedestrian crossing with bulb-outs, small curb radii, on-street parking along sidewalks, pedestrian paths and bicycle paths to encourage walking and cycling with the intent of enhancing the feeling of safety.	
22.	<b>Policy MOB-1.1.8.</b> Protect residential areas from parking impacts of nearby nonresidential uses and businesses and discourage parking facilities that intrude, impact and increase traffic into adjacent residential areas.	Complies
23.	<b>Policy MOB-2.7.1.</b> The City shall, via the review of development projects and city transportation improvement projects, conserve and protect the character and livability of all residential neighborhoods by preventing the intrusion of through vehicles on local and collector streets. The City shall discourage through traffic in neighborhoods and may incorporate traffic management and calming measures including, but not limited to, signage, landscape design, traffic calming devices and roadway design.	Complies
24.	<b>Policy MOB-2.8.1.</b> The City shall continue implementation and further strengthen the City’s existing land development regulations requiring the placement of landscaping within rights-of-way to complete the following: <ul style="list-style-type: none"> <li>•Promote expansion of the City’s existing tree canopy.</li> <li>•Provide screening of potentially objectionable uses.</li> <li>•Serve as visual and sound buffers.</li> <li>•Provide a comfortable environment for pedestrian walking (walkability) and other activities.</li> <li>•Improve the visual attractiveness of the urban and residential areas (neighborhoods).</li> </ul>	Complies

*Staff Comments:* Staff’s determination that this application is consistent with the CP Goals, Objectives and Policies that are identified is based upon compliance with conditions of approval recommended by Staff. It meets the policies of the City’s Comprehensive Plan by encouraging greater housing opportunities within close proximity to transit, employment centers, parks and schools. The Industrial District encompasses a large area that is served by numerous residential, commercial, retail and office use. The area is served by the Coral Gables Trolley and regional Miami-Dade Metrorail.

**4. REVIEW TIMELINE AND PUBLIC NOTIFICATION AND COMMENTS**

**City Review Timeline**

The submitted applications have undergone the following City reviews:

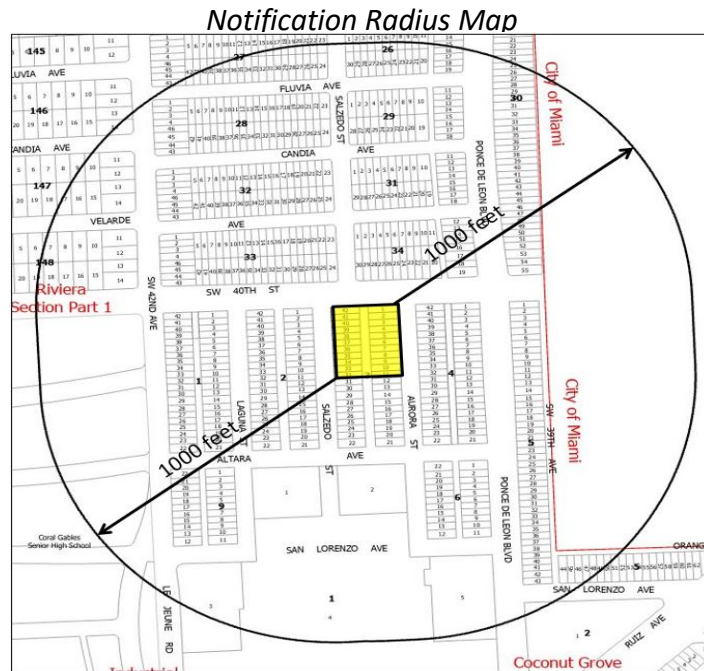
TYPE OF REVIEW	DATE
Development Review Committee	8.30.19
Board of Architects (Preliminary Design and Mediterranean Architecture)	10.03.19

TYPE OF REVIEW	DATE
Planning and Zoning Board	08.12.20
City Commission (1 <sup>st</sup> reading and 2 <sup>nd</sup> reading)	TBD

**Public Notification and Comments**

The Applicant held the mandatory neighborhood meeting on October 28, 2019 with notification to all property owners within 1,000 of the property. A summary of the meeting and attendance list is provided in the Applicant’s Submittal Package attached as Attachment A.

The Zoning Code requires that a notification be provided to all property owners within 1,000 feet of the property. The notification was sent on July 30, 2020. The notice indicates the following: applications filed; public hearing dates/time/location; where the application files can be reviewed and provides for an opportunity to submit comments. Approximately 483 notices were mailed. A copy of the legal advertisement and notice are provided as Attachment . A map of the notice radius is provided below.



The following has been completed to solicit input and provide notice of the Application:

**Public Notice**

TYPE	DATE
Applicant neighborhood meeting	10.28.19
Notification	TBD
Sign posting of property	TBD
Legal advertisement	TBD
Posted Staff report on City web page	TBD



## **Staff Recommendation and Conditions of Approval.**

The Planning Division based upon the complete Findings of Fact contained within this Report recommends **approval, with conditions** of the following subject to all of the conditions of approval as specified herein:

- 1. An Ordinance of the City Commission of Coral Gables, Florida approving receipt of Transfer of Development Rights (TDRs) pursuant to Zoning Code Article 3, "Development Review", Division 10, "Transfer of Development Rights", Section 3-1006 "Review and approval of use of TDRs on receiver sites", for the receipt and use of TDRs for a Mixed-Use project referred to as "Merrick 250" on the property legally described as lots 1 through 11, inclusive, less the south 7.5 feet thereof, and lots 32 through 42, inclusive, less the south 7.5 feet thereof, Block 3, "Coral Gables Industrial Section," together with that portion of the 30 foot platted alley lying north of the north line of the south 7.5 feet of said lot 11 projected westerly and south of the north line of said block 3 (250 Bird Road) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)*
- 2. An Ordinance of the City Commission of Coral Gables, Florida granting approval of a Planned Area Development (PAD) pursuant to Zoning Code Article 3, "Development Review," Division 5, "Planned Area Development (PAD)" for a proposed mixed-use project referred to as "Merrick 250" on the property legally described as lots 1 through 11, inclusive, less the south 7.5 feet thereof, and lots 32 through 42, inclusive, less the south 7.5 feet thereof, Block 3, "Coral Gables Industrial Section," together with that portion of the 30 foot platted alley lying north of the north line of the south 7.5 feet of said lot 11 projected westerly and south of the north line of said block 3 (250 Bird Road) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)*
- 3. A Resolution of the City Commission of Coral Gables, Florida approving Mixed-Use Site Plan and Conditional Use review pursuant to Zoning Code Article 4, "Zoning Districts" Division 2, "Overlay and Special Purpose Districts", Section 4-201, "Mixed-Use District (MXD)" for a proposed Mixed-Use project referred to as "Merrick 250" on the property legally described as lots 1 through 11, inclusive, less the south 7.5 feet thereof, and lots 32 through 42, inclusive, less the south 7.5 feet thereof, Block 3, "Coral Gables Industrial Section," together with that portion of the 30 foot platted alley lying north of the north line of the south 7.5 feet of said lot 11 projected westerly and south of the north line of said block 3 (250 Bird Road) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)*
- 4. A Resolution of the City Commission of Coral Gables, Florida approving the Tentative Plat entitled "Alta Strategic Gables" pursuant to Zoning Code Article 3, Division 9, "Platting/Subdivision," being a re-plat of 61,548 square feet (1.41 acres) into two (2) tracts of land on the property legally described as lots 1 through 11, inclusive, less the south 7.5 feet thereof, and lots 32 through 42, inclusive, less the south 7.5 feet thereof, Block 3, "Coral Gables Industrial Section," together with that portion of the 30 foot platted alley lying north of the north line of the south 7.5 feet of said lot 11 projected westerly and south of the north line of said block 3 (250 Bird Road) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)*

## Summary of the Basis for Approval

Staff's support and recommendation of approval of the Transfer of Development Rights, Planned Area Development, Mixed-Use Site Plan, and Tentative Plat is subject to all recommended conditions of approval. As enumerated in the Findings of Fact contained herein, Planning Staff finds the Application is in compliance with the CP Goals, Objectives and Policies, Zoning Code and the City Codes subject to all of the following listed conditions of approval.

## Conditions of Approval

In furtherance of the Comprehensive Plan's Goals, Objectives and Policies, Zoning Code Article 4, "Zoning Districts," Section 4-201, "Mixed Use District (MXD)" and Article 3, "Development Review," Division 4, "Conditional Uses," and all other applicable Zoning Code and City Code provisions, the recommendation for approval of the Application is subject to all of the following conditions of approval:

1. **Application/supporting documentation.** Construction of the proposed project shall be in substantial conformance with all of the following:
  - a. The Applicant's submittal package dated 04/15/2020 prepared by Gunster, Yoakley & Stewart, P.A. and Behar Font & Partners, P.A. to include:
    - i. Maximum building height of 120' to the top of roof; 130'-4" to top of architecture
    - ii. 3.58 FAR (220,322 sq. ft. including 4,904 sq. ft. of TDRs)
    - iii. 215 Residential Units
    - iv. 18,650 sq. ft. (8.46%) of ground floor commercial uses
    - v. 362 parking spaces including lifts
    - vi. 12,931 sq. ft. (21%) landscape open space on site
  - b. Traffic Impact Study dated February 27, 2020 prepared by A&P Consulting Transportation Engineers.
  - c. All representations proffered by the Applicant's representatives in their Application and as a part of the review of the Application at public hearings. Including, that the Applicant shall, prior to the issuance of a building permit for the project, provide a \$100,000 contribution to the City for public realm and public open space improvements in the vicinity of the project. These public realm and public open space improvements shall be undertaken by the City subject to the review and approval of the Planning Director and Public Works Director.
2. **Restrictive covenant.** Within thirty (30) days of City Commission approval of the Application, the Applicant, property owner(s), its successors or assigns shall submit a restrictive covenant for City Attorney review and approval outlining all conditions of approval as approved by the City Commission. Failure to submit the draft restrictive covenant within the specified time frame shall render the approval void unless said time frame for submittal of the draft restrictive covenant is extended by the City Attorney after good cause as to why the time frame should be extended.
3. **Bond.** Within 90 days of approval, the property owner, its successors or assigns shall post a bond in favor of the City in an amount determined by the Public Works Director to cover the costs of restoring the property to a clean, safe, and attractive condition in the event that the project is not completed in a timely manner, consistent with the Development Agreement, Site Plan approval, and applicable

conditions.

4. **Construction information/contact person.** Prior to the issuance of a City Building Permit for the project, the Applicant, property owner(s), its successors or assigns, shall provide a written notice to all properties within five hundred (500) feet of the Merrick 250 project boundaries, providing a specific liaison/contact person including the contact name, contact telephone number and email, to allow communication between adjacent neighbors or interested parties of construction activities, project status, potential concerns, etc.
5. **Vertical clearance.** Prior to the issuance of a City Building Permit for the project, the Applicant, property owner(s), its successors or assigns, shall provide a minimum vertical clearance of thirteen feet (13') along the full length and width of the public easement.
6. **Utility relocation.** Prior to the issuance of a City Building Permit for the project, the Applicant, property owner(s), its successors or assigns, shall secure all required approvals and be responsible for the relocation of existing utilities located in the alley in accordance with all applicable City, County, State or outside agency, and or utility company requirements.
7. **Encroachments Plan.** Prior to the City's issuance of a Foundation Permit or any other major Building Permit for the project, Commission approval is required for a special treatment sidewalk, decorative pavers, landscaping, irrigation, street lighting, landscaping lighting and any other encroachments into, onto, under and over the right of way. The above encroachments must be approved by City resolution and a Hold Harmless agreement must be executed.
8. **Art in Public Places.** Prior to the issuance of a City Building Permit for the project, the Applicant, property owner(s), its successors or assigns, shall Comply with all City requirements for Art in Public Places, which will include either a contribution to the Art in Public Places Fund, or having the proposed artist and public art concept be reviewed by the Arts Advisory Panel and Cultural Development Board, and Board of Architects approval before being submitted to the City Commission. The Applicant's compliance with all requirements of the Art in Public Places program shall be coordinated by the Department of Historical Resources and Cultural Arts.
9. **Written notice.** Provide a minimum of seventy-two (72) hour written notice to all properties within five hundred (500) feet of the Merrick 250 project boundaries of any proposed partial street closure as a result of the project's construction activity. Complete street closure shall be prohibited.
10. **Replacement parking spaces.** Replacement or payment in lieu of seven (7) on-street parking spaces lost as a result of this project shall be provided by the Applicant, property owner, its successors or assigns according to established City requirements subject to review and approval by the Parking Director.
11. **Tandem parking spaces.** Each set of tandem parking spaces within the building shall be assigned to an individual residential unit or leased commercial space within the building, and, shall not be designated or used for public parking or parking for retail customers.

12. **Bird Road.** Applicant must seek approval and permit from Florida Department of Transportation for proposed improvements on Bird Road.
13. **Encroachments.** Applicant must seek Commission approval and provide fully executed hold harmless agreement or restrictive covenant for all proposed encroachments into, onto, under and over the City's rights-of-way.
14. **Design District Implementation.** The ground floor shall be designed to optimize pedestrian activity.
  - i. All storefronts shall be flush with the sidewalk grade.
  - ii. Storefronts shall remain transparent and allow visibility into the interior of the ground-level space from the public right of way and pedestrian areas of the project. Tinting, curtains, blinds, paper, or other materials that obstruct visibility into the interior of the ground level space shall not be permitted except as required by the City during construction.
  - iii. Pedestrian entrances into active spaces (lobbies, retail, etc.) shall be provided on all ground floor facades with an average spacing of 40 feet.
  - iv. Paseo shall not be interrupted by stairwells, elevators, or solid walls.
15. **Alley Vacation Ordinance No. 2015-08 as amended.** The Public Works Department requires the following in association with the amended alley vacation:
  - a. The applicant grants to the City by Deed of Dedication absolute rights of public ingress and egress and of all utilities whatever interests they need.
  - b. That a minimum width of twenty feet (10') and a minimum vertical clearance of thirteen feet (13') extending the full length and width of the easement shall be provided above the substitute easement.
  - c. That the cost of removal and/or relocation of any and all utilities, including storm and sanitary sewers, installation of any required drainage facility, removal of curbs or abandoned concrete approaches and sidewalks and the paving and construction of the substitute easement shall be borne by the applicant whose actions necessitate such expense.
  - d. That the substitute easement shall be constructed in accordance with the specifications of the Public Works Department of the City and the plans for such construction shall be submitted to and shall be subject to approval by the Public Works Department. The permits and inspections for such construction shall be handled in the same manner as the paving for streets and alleys.
  - e. That the City of Coral Gables shall have the right to exercise the same control over the substitute easement as if the same were a dedicated alley and the acceptance and approval of such easements shall in no way relieve the applicant from complying with any and all regulations pertaining to alleys including but not limited to the building, zoning and other applicable regulations.
  - f. That the substitute easement shall at all times be kept free and clear of any and all encroachments and obstructions, including but not limited to, motor vehicles, trucks, trailers, debris, stoops, waste containers, and the like, and the City shall have the authority to monitor and enforce same.
  - g. That the use of the vacated property shall be limited to the same uses as to which the adjacent properties are zoned.

- h. That the reversionary rights to the portion of the alley vacated shall revert to the owners abutting on each side of the vacated alley.
  - i. Utility easements by deed reservation along the side and rear lines of platted lots (a.k.a. Merrick Easements) are to be vacated via Resolution by the City Commission or Coral Gables.
- 16. **Improvements to existing building.** Prior to the issuance of the first Temporary Certificate of Occupancy (CO) for the new building, all renovations and improvements to the existing building shall be completed as part of the overall project.
- 17. **Right-of-way and public realm improvements.** Prior to the issuance of the first Temporary Certificate of Occupancy (CO) for the project, the Applicant, property owner, its successors or assigns shall install all right-of-way improvements and all landscaping, public realm and streetscape improvements, subject to review and approval by the Directors of Public Works, Public Service and Planning and Zoning. Any deviation from the approved site plan will be reviewed in accordance with the PAD amendment process outlines in Section 3-507 of the Zoning Code.
- 18. **Undergrounding of overhead utilities.** Prior to the issuance of the first Temporary Certificate of Occupancy (CO) for the project, the Applicant, property owner, its successors or assigns shall, in accordance with Zoning Code Article 4, "Zoning Districts," more specifically, Section 4-201, "Mixed use District (MXD)," Table 1, sub-section L, "Utilities," submit all necessary plans and documents, and shall complete, at its expense, the undergrounding of all overhead utilities along all public rights-of-way surrounding and abutting the project boundary, subject to review and approval by the Directors of Public Works, Public Service and Planning and Zoning.
- 19. **Public Easement Maintenance and Access Agreement.** Prior to the issuance of the first Temporary Certificate of Occupancy (CO) for the project, the Applicant, property owner, its successors or assigns shall submit a Public Easement Maintenance and Access Agreement for City Attorney review and approval, which provides for the Applicant's payment of the costs of maintaining the public vehicular easement (the relocated public alleyway) and the provision of clear and unrestricted public access along and through this easement at all times. The agreement shall also state that should the property owner, its successors or assigns fail to meet the terms of the agreement, the City shall complete necessary maintenance and/or access improvements, which costs shall be reimbursed to the City by the property owner. The agreement shall be recorded in the public records for Miami-Dade County, Florida, in the form of a restrictive covenant.
- 20. **Sustainability Certification.** Prior to the Temporary Certificate of Occupancy, the developer/owner/contractor shall provide the City with a performance bond, cash or irrevocable letter of credit payment (Green Building Bond) in the amount of three (3%) percent of the master building permit construction cost value.
- 21. Following issuance of the first Certificate of Occupancy, the Applicant, property owner, its successors or assigns shall complete the following:
  - a. All site work and public realm improvements for the entire development shall be completed.



- b. **Sustainability Certification.** Within two years of the issuance of a Final Certificate of Occupancy, the building must achieve LEED Silver or equivalent certification. If the applicant chooses to pursue NGBS Silver Certification, an Energy Star Label will also be required within two years of the Final Certificate of Occupancy.
- i. The City will hold the Green Building Bond for the time necessary for the green certification, or equivalent, to be issued for twenty-four (24) months after issuance of the Certificate of Occupancy or Completion; whichever occurs first. Upon receiving final documentation of certification from the developer/owner/contractor, the City shall release the full amount of the bond within thirty (30) days.
  - ii. If the developer/owner/contractor is unable to provide proof of green certification, or equivalent, within twenty-four (24) months after issuance of the Certificate of Occupancy or Completion, the full amount of the Green Building Bond shall be forfeited to the City. Any proceeds from the forfeiture of the bond under this section shall be allocated toward funding Sustainability Master Plan initiatives.
- c. **Traffic Monitoring.** At the Applicant's expense, the City shall perform an annual review of traffic monitoring studies for three (3) years from the issuance of the first Temporary Certificate of Occupancy at locations to be determined by the Public Works Director. If the Public Works Director determines that livability improvements are warranted on any of these roadways, the Applicant shall construct or pay for any physical livability improvements required by these studies within one year of the completion of these studies, as approved by the Public Works Director.

#### ATTACHMENTS

- A. Applicant's submittal package
- B. Memo from Zoning Administrator regarding concurrency requirements
- C. Public Works Tentative Plat Recommendation
- D. City Attorney's Legal Opinion regarding story limitation
- E. Neighborhood Meeting invitation and summary.
- F. Notice mailed to all property owners within 1,000 feet and legal ad
- G. Powerpoint Presentation

Please visit the City's webpage at [www.coralgables.com](http://www.coralgables.com) to view all Application materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134.

Respectfully submitted,



Ramon Trias, Ph.D., AIA, AICP, LEED AP  
Assistant Director of Development Services  
for Planning and Zoning  
City of Coral Gables, Florida