

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA APPROVING MIXED-USE SITE PLAN AND CONDITIONAL USE REVIEW PURSUANT TO ZONING CODE ARTICLE 14, "PROCESS" SECTION 14-203, "CONDITIONAL USES," FOR A PROPOSED MIXED-USE PROJECT REFERRED TO AS "33 ALHAMBRA" ON THE PROPERTY LEGALLY DESCRIBED AS ALL OF BLOCK 15, "CORAL GABLES SECTION L" (20 AND 42 NAVARRE AVENUE, 33, 43 AND 47 ALHAMBRA CIRCLE AND 2001 GALIANO STREET), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting Conditional Use Review for Mixed-Use Site Plan pursuant to Zoning Code Section 14-203 for a proposed mixed-use project referred to as "33 Alhambra" on the property legally described as all of Block 15, "Coral Gables Section L" (20 and 42 Navarre Avenue, 33, 43 and 47 Alhambra Circle and 2001 Galiano Street), Coral Gables, Florida;

WHEREAS, the Application requires City of Coral Gables mixed use site plan review and public hearing consideration pursuant to the Zoning Code Mixed Use District (MX) provisions;

WHEREAS, after notice of public hearing, a public hearing was held before the Board of Architects of the City of Coral Gables on August 1st, 2024, at which meeting the Board granted Mediterranean Bonus Levels 1 & 2, and the Preliminary Design;

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand (1,000) feet, a public hearing was held before the Planning and Zoning Board/Local Planning Agency of the City of Coral Gables on September 11, 2024, at which hearing all interested persons were afforded the opportunity to be heard;

WHEREAS, at the September 11, 2024 Planning and Zoning Board meeting, the Planning and Zoning Board/Local Planning Agency recommended approval with conditions of the proposed mixed-use site plan (vote: 6 – 0);

WHEREAS, after notice of public meeting, a public meeting was held before the School Community Relations Committee of the City of Coral Gables on September 20, 2024;

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand (1,000) feet, from the subject property, a public hearing was held before the City Commission of the City of Coral Gables on October 8, 2024, at which hearing all interested persons were afforded the opportunity to be heard;

WHEREAS, the City Commission on October 8, 2024, approved the requested conditional use with site plan; and,

WHEREAS, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request for mixed use site plan review as required by the Zoning Code, and including careful consideration of written and oral comments by members of the public; and

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

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Resolution upon adoption hereof.

SECTION 2. The proposed conditional use with site plan review for the mixed-use project referred to as “33 Alhambra” on the property legally described as all of Block 15, “Coral Gables Section L” (20 and 42 Navarre Avenue, 33, 43 and 47 Alhambra Circle and 2001 Galiano Street), Coral Gables, Florida shall be and is hereby approved subject to all of the following conditions:

- 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 to PZB prepared by Gunster and Bellin Pratt & Fuentes Architects to include:
 - i. Maximum building height shall not to exceed 97’-0” feet.
 - ii. 3.5 FAR (170,694 sq. ft.)
 - iii. 78 multi-family units
 - iv. 146 parking spaces
 - v. 11,351sq. ft. (23.27%) open space
 - b. All representations proffered by the Applicant’s representatives as a part of the review of the Application at public hearings.
- 2. Restrictive covenant.** After 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. It is recognized that the requirements contained in the restrictive covenant constitute regulatory conditions of approval and shall survive as regulatory conditions of approval even if the restrictive covenant is later found to be void or unenforceable.
- 3. Prior to applying for a Building Permit,** the Applicant shall provide the sewer flow calculations to the Public Works Department prior to applying for the Building Permit.
- 4. Prior to issuance of the first Building Permit,** Applicant shall:

- a. **Impact Fees.** The Applicant shall include the payment of all applicable City of Coral Gables impact fees, sewer capacity fees and service charges prior to the issuance of a building permit. No impact fee shall be waived.
- b. **Art in Public Places.** Applicant shall provide a complete and notarized copy of the Project Value Application to the City. Prior to the issuance of the first Building Permit, applicant must make the required contribution to the appropriate Art in Public Places fund or receive approval for a waiver in accordance with the requirements of Article 9-103(B).
- c. **On-Street Parking.** Payment shall be provided by Applicant, its successors or assigns according to established City requirements for the loss of any on-street parking space as a result of the project.
- d. **Signage.** Provide a Signage Master Plan indicating code compliant size and location of all proposed exterior signage.
- e. **Parking Garage Design.** All parking garage openings shall be screened so that interior lights and car headlights are not visible from surrounding properties and rights-of-way.
- f. **Ground Floor Design.** The ground floor of all sides of all buildings, including the Pedestrian paseo, shall continue to be designed to optimize pedestrian activity and access.
- g. **Construction Staging.** A construction staging plan shall be submitted to the Building Division. A checklist of requirements shall be provided upon request. Construction phasing/staging shall maintain pedestrian access and circulation along Alhambra Circle with sidewalks to remain open throughout construction. Construction staging shall also avoid any conflicts with Gables Prep pick-up and drop-off.
- h. **Traffic Calming Improvements.** Prior to issuance of the first City permit for vertical construction, all proposed traffic flow modifications including street design, asphalt reduction, landscape, mobility lanes, and crosswalk(s) on Blocks 15 and 21 facing Alhambra Circle, temporary pavement markings on remaining blocks facing Alhambra Circle, landscaped bumpouts on both sides of the three intersections of Navarre and Minorca, crosswalk across Alhambra Circle at Minorca, and raised crosswalk across Minorca shall require “dry-run” approval of Miami-Dade County and the City.
- i. **Encroachment Plan.** Obtain Commission approval by resolution of an Encroachment Plan addressing special treatment sidewalks, decorative pavers, landscaping, irrigation, street lighting, landscaping lighting and any other encroachments into, onto, under and over the right of way as shown in the site plan. The above encroachments must be approved by City resolution and a Hold Harmless agreement must be executed approving the encroachments.
- j. **Encroachment Agreement and Covenant.** Execute and record a restrictive covenant regarding encroachments and utilities in, below and above the public rights-of-way, in a form acceptable to the Public Works Director, the Risk Management Division, and the City Attorney, which shall include the precise locations and dimensions of the proposed areas of all encroachments. It is recognized that the requirements contained in the restrictive covenant constitute regulatory conditions of approval and shall survive as regulatory conditions of approval even if the restrictive covenant is later found to be void or unenforceable.
- k. **Bond to Restore Project Property.** Provide to the City a surety bond, or other form of security deemed acceptable by the City, covering the estimated maximum cost of the full restoration of the Property, including installation of sod and landscaping to City Code standards, and removal of all construction fencing.

- l. Bond for Offsite Improvements.** Provide to the City a surety bond, or other form of security deemed acceptable by the City, in the amount of 100% of the estimated total hard and soft cost of all Offsite Improvements as determined by the Public Works Director.
- m. Construction Notices.** Provide written notice to all properties within one thousand (1,000) feet of the project boundaries providing a specific liaison/contact person for the project 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.
- n. Construction Parking Plan.** Applicant shall submit a construction parking plan for review that provides off-street parking during construction activities. Construction-related parking within the rights-of-way is prohibited.
- o. Underground Utilities.** Applicant shall provide all necessary plans and documents to underground all utilities along all public rights-of-way surrounding and adjacent to project boundary, including overhead utilities on Galiano to the north side of Navarre, including existing adjacent lamp posts, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning, and subject to the approval of same by applicable utilities.
- p. Electric Vehicle Charging.** Applicant shall provide a minimum of five percent (5%) of the required off-street parking spaces to be equipped with an electric vehicle (EV) charging station. Additionally, fifteen percent (15%) of the required off-street parking spaces shall “EV-Ready,” and twenty percent (20%) shall be “EV-Capable.” The remaining parking spaces shall have sleeving to allow for future installation of EV charging infrastructure.
- q. Park/Plaza Design.** The design of the open space at the corner of Navarre and Galiano shall be consistent with the landscape provisions of the adjacent multi-family buildings within the North Ponce Neighborhood Conservation District. Any perimeter benches shall incorporate similar design elements/materials of the existing historic wall/fence.

5. Prior to issuance of the first Temporary Certificate of Occupancy, Applicant shall:

- a. Sustainability Certification.** 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.
- b. Underground Utilities.** Submit all necessary plans and documents and complete the undergrounding of all utilities along all public rights-of-way surrounding and adjacent project boundary, including overhead utilities on Galiano to the north side of Navarre, including existing adjacent lamp posts, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning, and subject to the approval of same by applicable utilities.
- c. Utility Upgrades.** Water and Sewer system upgrades and all associated right-of-way improvements may be required at the Applicant’s expense.
- d. Art in Public Places.** The Applicant shall comply with all City requirements for Art in Public Places.
- e. Bicycle / Pedestrian Plan.** The pedestrian paths and crosswalks shall comply with the City’s Bicycle Pedestrian Master Plan, to be reviewed and approved by the Public Works and Planning Directors. All driveways shall be designed with a flare-style curb cut with a continuous and level sidewalk through each driveway. Proposed crosswalk(s) across Alhambra Circle at Minorca and across Minorca at Galiano shall be studied and approved by Miami-Dade County to increase pedestrian safety with complete installation.

- f. Right-Of-Way And Public Realm Improvements.** Install all right-of-way improvements and all landscaping, public realm and streetscape improvements identified on the Applicant's approved plans, including the crosswalk(s) across and the mobility lanes on Alhambra Circle, landscaped bumpouts on both sides of the three intersections of Navarre and Minorca, and raised crosswalk across Minorca, subject to review and approval by the Directors of Public Works, Landscape Services, Planning and Zoning, and Parking. Any changes to and departures from the right-of-way and public realm improvements via the permitting process shall be subject to review and approval by Directors of Public Works, Landscape Services, Planning and Zoning, and Parking.
- g. Publicly Accessible Easement.** Execute and record a Publicly Accessible Easement Agreement between the City and the Owner for the pedestrian pass-through portion of the paseo and for the arcades. The Easement Agreement shall include the following:
 - i. Paseos and arcades shall be accessible at all times. Fencing or enclosures of any kind are prohibited on the paseos.
 - ii. All open spaces and any associated furniture and amenities shall be maintained by the applicant or their successor in perpetuity, at a standard comparable to City parks such as Ingraham Park or Merrick Park.

6. Following issuance of the first Certificate of Occupancy, Applicant shall:

- a. 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.
- b. Traffic Monitoring.** At the Applicant's expense, the City shall perform an annual traffic monitoring study for three years beginning one year 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.
- c. Nighttime Uses.** Loading area shall comply with Section 3-415 of the Zoning Code, including no patron or customer access between the hours of 8:00 PM and 6:00 AM; no deliveries between the hours of 8:00 PM and 6:00 AM; and signage shall not be illuminated between the hours of 10:00 PM and 6:00 AM.
- d. Pickleball Court Operation.** The pickleball court shall only be used from dawn to dusk, to lessen the noise impact of adjacent neighbors.

- e. **Ground Floor Retail.** The Applicant shall use good faith, commercially reasonable efforts to cause at least 75% of the gross leasable area of the ground floor retail/commercial space to be leased to tenants under executed leases within one (1) year after issuance of the last temporary certificate of occupancy or certificate of completion.

SECTION 3. That the applicant shall further be required to comply with all applicable zoning regulations and any changes to the application herein granted shall be in conformance with the requirements of Zoning Code Section 14-203.10, “Changes to an approved conditional use.”

SECTION 4. This development permit by the City of Coral Gables does not in any way create any right on the part of an applicant to obtain a permit from a county, state or federal agency. Likewise, this development permit does not create any liability on the part of the City of Coral Gables for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a county, state or federal agency, or if the applicant undertakes actions that result in a violation of county, state or federal law. In addition, as a condition of this approval, all county, state and federal permits must be obtained before commencement of the development.

SECTION 5. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS ____ DAY OF _____ A.D., 2024.

APPROVED:

VINCE C. LAGO
MAYOR

ATTEST:

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRISTINA SUAREZ
CITY ATTORNEY