

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2017-142**

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING MIXED USE SITE PLAN 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 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; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, an Application was submitted requesting mixed use site plan review pursuant to Zoning Code Section 4-201 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; and

**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 (MXD) provisions and Comprehensive Plan Mixed Use Overlay District (MXOD) provisions; and

**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 of the City of Coral Gables on October 19, 2016, at which hearing all interested persons were afforded the opportunity to be heard; and

**WHEREAS**, at the Planning and Zoning Board's October 19, 2016 meeting, the Board made no recommendation, as four (4) votes are necessary for an affirmative vote, regarding the proposed mixed use site plan (vote: 3-1) subject to conditions of approval; and

**WHEREAS**, a public hearing was held before the City Commission on May 30, 2017, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard; 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;

**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 mixed use site plan review for the mixed-use project referred to as “33 Alhambra” for 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. Applicant’s submittal package with plans dated 04.18.17 prepared by Bellin & Pratt Architects, LLC.
  - b. Traffic Impact Study, dated May 2016, prepared by Kimley-Horn.
  - c. All representations proffered by the Applicant’s representatives as a part of the review of the Application at public hearings.
  
- 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. The restrictive covenant shall include that no development can occur on the property except in compliance with the approved site plan and restrictive covenant and that if the site plan expires, any development would require renewal or amendment of the site plan with approval by the City Commission in a quasi-judicial hearing. 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 issuance of the first Building Permit,** Applicant shall:
  - a. **Emergency Vehicle Signal Preemption Technology.** The Applicant, property owner(s), their successors or assigns shall contribute to emergency vehicle technology improvements for traffic signal preemption to improve response times within the Gables Redevelopment Infill District (GRID).

**b. Additional Reviews.**

- i. Board of Architects. Final approval of the project by the Board of Architects is required prior to issuance of any building permit.
- ii. Zoning Review. The Applicant shall provide measurable floor plans of the project to City Staff for verification of Zoning requirements such as floor area ratio, setbacks, height and parking.

**c. Signage.** Provide Signage Plan indicating size and location of all proposed exterior signage, including tenant signs, directory signs, parking garage signs, etc.

**d. Parking Garage Design.** The parking garage shall be designed to address the following items:

- i. Provide direct pedestrian access from the parking garage to all adjacent streets and open spaces in the project.
- ii. All parking garage openings shall be screened so that interior lights and car headlights are not visible from surrounding properties and rights-of-way.

**e. Ground Floor Design.** The ground floor of all buildings shall continue to be designed to optimize pedestrian activity and retail success. All Storefronts shall be transparent.

- i. All arcades shall be flush with the sidewalk grade.
- ii. Arcades shall not be interrupted by stairwells, elevators, or solid walls.
- iii. Pedestrian entrances into active spaces (lobbies, retail, etc) shall be provided on all ground floor facades with an average spacing of 60’.

**f. Loading and Service.** Loading and Service shall be designed so as to minimize its effect on the pedestrian realm.

**g. Construction Staging.** A construction staging plan shall be submitted to the City. A checklist of requirements shall be provided upon request. Construction phasing/staging shall maintain pedestrian and vehicular access and circulation around Coral Gables Elementary School.

**h. Traffic Improvements.** All proposed traffic flow modifications including street design, width, sight triangles, cross walks, diverters, etc. shall require written conceptual approval of Miami-Dade County and the City Public Works Department prior to the issuance of the first City permit for vertical construction. If any components of the proposed modifications are not approved, the traffic study shall be revised and additional community involvement may be required.

**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.

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.

- j. 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.
  - k. 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.
  - l. 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.
  - m. Bicycle Amenities.**

    - i. Provide bicycle parking as required in the Zoning Code.
    - ii. Bike Sharing Facilities. The Applicant shall reserve space within the project for future bike sharing facilities. Final design shall require written conceptual approval of the Parking Director and Public Works Director prior to issuance of the first City permit.
  - n. Car Sharing Facilities.** To the same extent of other projects of similar size within the City, the Applicant shall reserve space within the project for future car sharing facilities in coordination with the City's Parking Director. Final design shall require written conceptual approval of the Parking Director prior to issuance of the first City permit. Required parking spaces may be utilized for car sharing.
  - o. Electric Car-Charging Stations.** The Applicant shall provide a minimum of one (1) electric car-charging station for every seventy-five (75) parking spaces. The electric car-charging station may be counted towards the project parking requirement.
- 4. Prior to issuance of the first Certificate of Occupancy or Temporary Certificate of Occupancy, Applicant shall:**
- a. Underground utilities.** Submit all necessary plans and documents, and complete the undergrounding of all new utilities along all public rights-of-way surrounding and abutting the project boundary, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning.

- b. **Utility Upgrades.** All sanitary sewer gravity lines serving the project shall be properly upgraded to handle all peak flows downstream from the points of connection through the serving pump station.
- c. **Art in Public Places.** Comply with all City requirements for Art in Public Places.
- d. **Traffic improvements and study.** Complete all traffic improvements recommended by the Traffic Study prepared by Kimley-Horn, and satisfactorily resolve any outstanding Traffic Study issues as identified by the Public Works Department and City's traffic consultant, subject to review and approval by the Director of Public Works.
- e. **Bicycle / Pedestrian Plan.** The bicycle and pedestrian paths shall comply with the City's Bicycle Pedestrian Master Plan.
- 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, 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 identified on the Applicant's approved plans and associated detail plans and specifications 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 Open Spaces Easement.** Execute and record a Publicly Accessible Open Spaces Easement Agreement between the City and the Owner for the garden park located at the corner of Galiano Street and Navarre Avenue, for the pedestrian pass-through portion of the paseo, and for the arcade. The Easement Agreement shall include the following:
  - a. These spaces shall be accessible to the public from dawn to dusk, daily. Any doors or gates, if proposed, that physically separate any of these spaces from the public rights-of-way shall be open and unlocked during these hours.
  - b. These spaces and any park furniture and amenities, if provided, 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.

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

- a. **LEED.** Within two years of the issuance of a Final Certificate of Occupancy for any individual building, such individual building must achieve LEED Silver or equivalent certification.
- b. **Traffic Calming.** At the Applicant's expense, the City shall perform traffic calming studies 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 traffic calming is warranted on any of these roadways, the Applicant shall construct or pay for any physical traffic calming improvements required by these studies within one year of the completion of these studies, as approved by the Public Works Director.

**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 3-410, "Changes to conditional use approvals."

**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, subject to Ordinance Nos. 2017-25 and 2017-26.

PASSED AND ADOPTED THIS THIRTIETH DAY OF MAY, A.D., 2017.

(Moved: Quesada / Seconded: Keon)

(Yeas: Quesada, Keon, Valdes-Fauli)

(Majority: (3-2) Vote)

(Nays: Mena, Lago)

(Agenda Item: F-15)

APPROVED:



RAUL VALDES-FAULI  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN  
CITY ATTORNEY