

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2018-271

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA GRANTING CONDITIONAL USE APPROVAL PURSUANT TO ZONING CODE ARTICLE 4, "ZONING DISTRICTS," DIVISION 2, "OVERLAY AND SPECIAL PURPOSE DISTRICTS," SECTION 4-208.A.3(A), "RESIDENTIAL INFILL REGULATIONS (RIR)," FOR A MULTI-FAMILY BUILDING ON PROPERTY ZONED MULTI-FAMILY 2 (MF2) LEGALLY DESCRIBED AS LOTS 1 THRU 7, BLOCK 43 OF DOUGLAS SECTION (24, 28, AND 44 ZAMORA AVENUE), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting conditional use with site plan review to allow additional density and Floor Area Ratio (FAR) for a residential multi-family project utilizing the recently adopted Residential Infill Regulations (RIR) on property zoned Multi-Family 2 (MF2) District legally described as lots 1 thru 7, Block 43 of Douglas Section (24, 28, and 44 Zamora Avenue), Coral Gables, Florida; and

WHEREAS, the Application requires City of Coral Gables conditional use with site plan review and public hearing consideration pursuant to the Zoning Code Article 4, "Zoning Districts," Division 2, "Overlay and Special Purpose Districts," Section 4-208.A.3(a), "Residential Infill Regulations (RIR);" 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 August 29, 2018, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's August 29, 2018 meeting, the Board recommended approval regarding the proposed conditional use site plan (vote: 5-0) subject to conditions of approval; and

WHEREAS, a public hearing was held before the City Commission on October 9, 2018, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard; and

WHEREAS, the City Commission on October 9, 2018, approved the requested conditional use with site plan (vote: 5-0 Vote); and

WHEREAS, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request for conditional use with 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 conditional use with site plan review to allow additional density and Floor Area Ratio (FAR) for a residential multi-family project utilizing the recently adopted Residential Infill Regulations (RIR) on property zoned Multi-Family 2 (MF2) District legally described as lots 1 thru 7, Block 43 of Douglas Section (24, 28, and 44 Zamora Avenue), Coral Gables, Florida, shall be and is hereby approved subject to all of the following conditions:

1. Site Plan modifications.

- a. The Applicant shall continue to work with Staff in refining the proposal, including the following issues:
 - i. Relocate the lobby waiting area closer to the elevators.
 - ii. Rotate door opening at fire stair #2 to not swing out into the drive aisle.
 - iii. The parking garage shall be designed to accommodate the inclusion of seventeen (17) mechanical parking lifts and additional lifts in the future, if required by future parking study results.
 - iv. Coordinate with Staff regarding streetscape improvements on Zamora Avenue and Galiano Street, with the idea of greenspace, prior to approval of master building permit.

2. Application/supporting documentation. Construction of the proposed project shall be in substantial conformance with all of the following:

- a. The Applicant shall continue to work with Staff in refining the application package dated June 14, 2018 prepared by Bellin Pratt & Fuentes Architects and supporting documentation(s).
- b. Traffic Impact Study, dated June 2018, prepared by Kimley-Horn and Associates.
- c. All representations proffered by the Applicant’s representatives as a part of the review of the Application at public hearings.

3. 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. 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.

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. **Off-site and Public Realm Improvements Contribution.** The Applicant shall either contribute toward, or, itself construct as evidenced by plan modifications the equivalent value of \$125,000 toward street improvements for this block of Zamora Avenue (from the west side of Douglas Road all the way to the east side of Galiano Street) subject to review and approval by Directors of Public Works, Landscape Services, and Planning and Zoning.
 - c. **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 3, Division 21, Section 3-2103(B).
 - d. **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 as determined by the City's Parking Director.
 - e. **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.
 - iii. **Landscape Plan.** Final approval of the overall landscape plan by the Landscape Services Director is required prior to issuance of any building permit.
 - f. **Signage.** Provide Signage Plan indicating code compliant size and location of all proposed exterior signage.
 - g. **Ground Floor Design.** The ground floor of all buildings shall continue to be designed to optimize pedestrian activity.
 - i. All arcades shall be flush with the sidewalk grade.
 - ii. Arcade shall not be interrupted by stairwells, elevators, or solid walls.
 - h. **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 Zamora Avenue and Galiano Street with sidewalks to remain open throughout construction.
 - i. **Traffic Improvements.** All proposed traffic flow modifications including street design, width, sight triangles, cross walks, diverters, etc., shall require written conceptual approval from Miami-Dade County and the City Public Works Department, (if required) 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.
 - j. **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.

- k. **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 for approval by the City Commission. 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.
 - l. **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 to be utilized in the event that the project is abandoned.
 - 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. **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.
5. **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.** Sewer improvements may be required, at the Applicants expense, based on the proposed connections.
 - c. **Art in Public Places.** The Applicant shall comply with all City requirements for Art in Public Places.
 - d. **Bicycle / Pedestrian Plan.** Comply with the City's Bicycle Pedestrian Master Plan and its guidelines for the design of offsite bicycle and pedestrian paths, subject to the review and approval of the Planning and Zoning and Public Works Directors.
 - e. **Right-of-way and public realm improvements.** Install all right-of-way improvements and all landscaping, public realm and streetscape improvements on areas abutting the subject site, including the east and west sides of Galiano Street between Zamora Avenue and Madeira Avenue, as 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.

f. Sustainability Certification. Prior to the issuance of 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.

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 FGBS 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 Applicant 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 due to the project's impact, the Applicant shall construct or pay for its pro rata share, based on the project's impacts, 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. Parking Monitoring. At the Applicant's expense, the Applicant shall perform an annual parking study for three years, beginning one year from the issuance of the first Temporary Certificate of Occupancy for the project. In the event that the City's Parking Director determines that additional parking capacity is necessary, consideration shall be given to utilizing additional parking lifts and/or a parking valet service.

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.

PASSED AND ADOPTED THIS DAY OF NINTH DAY OF OCTOBER, A.D., 2018.
(Moved: Keon / Seconded: Lago)
(Yeas: Quesada, Keon, Lago, Valdes-Fauli)
(Majority: (4-0) Vote)
(Absent: Mena)
(Agenda Item: F-10)

APPROVED:



RAUL VALDES-FAULI
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



MIRIAM SOLER RAMOS
CITY ATTORNEY