

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-39

AN ORDINANCE OF THE CITY COMMISSION AMENDING ORDINANCE NO. 2017-04 WHICH APPROVED A PLANNED AREA DEVELOPMENT FOR THE PROPERTY LEGALLY DESCRIBED AS LOTS 24-38, BLOCK 7, BILTMORE SECTION AND LOCATED AT 501-525 VALENCIA AVENUE, TO ALLOW FOR THE COMPLETION OF CERTAIN OFF SITE IMPROVEMENTS AND DRAINAGE IMPROVEMENTS TO BE COMPLETED PRIOR TO THE ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY, INSTEAD OF PRIOR TO THE ISSUANCE OF THE TEMPORARY CERTIFICATE OF OCCUPANCY, PURSUANT TO THE TERMS AND CONDITIONS SET FORTH IN THE AGREEMENT FOR ISSUANCE OF TEMPORARY CERTIFICATE OF OCCUPANCY PRIOR TO FULL COMPLETION OF CERTAIN OFF SITE IMPROVEMENTS AND DRAINAGE IMPROVEMENTS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 515 Valencia SPE, LLC (“515 Valencia”) owns the real property located at 515 Valencia Avenue, Coral Gables, Florida, (the “Property”); and

WHEREAS, pursuant to Ordinance No. 2017-04, the City Commission approved a multifamily residential project at the Property; and

WHEREAS, Ordinance No. 2017-04 contains the following condition:

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

...

b. Traffic Study dated November 2016 prepared by David Plummer & Associates. (the “Traffic Study”); and

WHEREAS, while the Traffic Study concluded that the Project’s traffic impacts were *de minimis*, Section 4.8 of the Traffic Study lists several off site improvements which 515 Valencia’s predecessor in interest had proffered and which were accepted by the City, (the “Off Site Improvements”); and

WHEREAS, several, but not all of the Off Site Improvements have been completed; and

WHEREAS, the City has also identified certain improvements which may be required to repair and improve certain impacted drainage lines which serve the Property, (the “Drainage Improvements”); and

WHEREAS, Ordinance No. 2017-04 further provides:

4. Prior to the issuance of a Temporary Certificate of Occupancy (CO) for the project, the Applicant, property owner, its successors or assigns shall complete the following:

a. Right of way and public realm improvements. Installation of 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, Public Service and Planning and Zoning. 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 Parking; and

WHEREAS, 515 Valencia has requested that the City Commission amend Ordinance No. 2017-04 to allow for the Off-Site Improvements and the Drainage Improvements to be completed prior to the issuance of the final Certificate of Occupancy, instead of prior to the issuance of the Temporary Certificate of Occupancy (“TCO”), subject to the terms and conditions set forth in the Agreement for Issuance of Temporary Certificate of Occupancy Prior to Full Completion of Certain Off Site Improvements and Drainage Improvements (“Agreement for Issuance of TCO”), attached as **Exhibit A**; and

WHEREAS, 515 Valencia further requested that the City issue the TCO by June 9, 2022 to allow closings of individual units to occur and 515 Valencia deposited \$892,509 (the “Bond Amount”) in cash with the City and agreed to hold harmless and indemnify the City in connection with the Off Site Improvements and the Drainage Improvements; and

WHEREAS, the City issued the TCO, subject to the terms and conditions set forth in the Agreement for Issuance of TCO, which requires, among other things, Commission approval of this Ordinance amending Ordinance No. 2017-04;

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

SECTION 1. That the foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That the City Commission ratifies and approves the Agreement for Issuance of TCO attached as **Exhibit A**.

SECTION 3. That Ordinance No. 2017-04 is amended to allow for the Off Site Improvements and Drainage Improvements further described on Exhibit A of the Agreement for Issuance of TCO to be completed prior to the issuance of the final Certificate of Occupancy such that the following section 6 shall be added:

6. Prior to the issuance of a final Certificate of Occupancy for the project, the Applicant, property owner, its successors or assigns shall complete the following: Installation of all Off Site Improvements and Drainage Improvements identified on Exhibit A to the Agreement for Issuance of TCO, subject to review and approval by the Directors of Public Works, Greenspace Management, and Planning and Zoning within 180 days from the date of approval of plans and permits for the improvements, unless additional time is granted by the City Manager.

All other provisions of Ordinance No. 2017-04 remain unchanged and in full force and effect.

SECTION 4. That the City Commission authorizes the City Manager and the City Attorney to approve an amended restrictive covenant consistent with the amended conditions approved in this Ordinance, if necessary.

SECTION 5. SEVERABILITY

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 6. REPEALER.


All Ordinances or parts of Ordinances in conflict herewith, are hereby repealed.

SECTION 7. EFFECTIVE DATE.

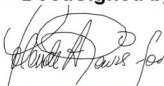
This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-FIFTH DAY OF JULY, A.D., 2022.
(Moved: Anderson / Seconded: Menendez)
(Yeas: Fors, Jr., Mena, Menendez, Anderson)
(Abstentions: Lago)
(Unanimous; 4-0 Vote)
(Agenda Item: F-4)


APPROVED:

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VINCE LAGO
MAYOR

ATTEST:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

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MIRIAM SOLER RAMOS
CITY ATTORNEY