

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2022-185

A RESOLUTION OF THE CITY COMMISSION 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 "1505 PONCE" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 1 THROUGH 6 AND LOTS 17 THROUGH 22, BLOCK 36, "DOUGLAS SECTION" (1505 PONCE DE LEON BOULEVARD, 126 AND 122 MENORES AVENUE), 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 with site plan review to allow a mixed-use project on property zoned Mixed-Use 3 and Mixed-Use-2 Districts legally described as Lots 1 through 6 and Lots 17 through 22, Block 36, "Douglas Section," Coral Gables, Florida; and

WHEREAS, the Application has been submitted concurrently with an application for Comprehensive Plan Map Amendments, Zoning Map Amendments, Planned Area Development (PAD) designation, and receipt of Transfer of Development Rights (TDRs); 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 14, "Process," Section 14-203, and Article 2, "Zoning Districts," Section 2-201; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand and five hundred (1,500) feet, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on June 21, 2022, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's June 21, 2022 meeting, the Board recommended approval regarding the proposed conditional use site plan (vote: 5-0) subject to conditions of approval; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand and five hundred (1,500) feet, a public hearing was held before the City Commission on July 25, 2022, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard; and

WHEREAS, the City Commission on July 25, 2022, approved the requested conditional use with site plan (4-0) 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 for a mixed-use project on property zoned Mixed-Use 3 and Mixed-Use 2 Districts legally described as Lots 1 through 6 and Lots 17 through 22, Block 36, “Douglas Section,” 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 Hamed Rodriguez Architects to include:
 - i. Maximum building height shall not to exceed 190’-6” feet and 16 stories.
 - ii. 4.375 FAR (297,027 sq. ft.)
 - iii. 80 multi-family units
 - iv. 7 live/work units
 - v. 10,500 square feet of ground floor commercial
 - vi. 318 parking spaces
 - vii. 20,144 sq. ft. (29.6%) landscape open space
 - b. All representations proffered by the Applicant’s representatives as a part of the review of the Application at public hearings.
 - c. Sidewalk extensions and crosswalk on west side of the Galiano and Sidonia intersection.
 - d. Any proposed green island ficus shall be replaced with Liriope, Juniper, and/or Purple Queen.
 - e. Existing trolley bench shall be upgraded as a covered trolley stop at the Applicant’s expense.

- 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. 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 Building Permit application**, Applicant shall:
 - a. **Transfer of Development Rights (TDRs)**. Applicant is required to obtain all Transfer of Development Rights (TDRs) and follow the process set forth in Section 14-204 of the Zoning Code. Notwithstanding this provision, the Applicant shall complete the TDR process within 6 months of the date of the mixed-site plan approval.
 - b. **Mendoza / Menores Historic District Designation**. Applicant shall coordinate with Historical Resources and Planning staff to study the potential of designating the Mendoza / Menores Historic District to connect the cluster of 1920's buildings on Mendoza and Menores with the proposed pedestrian via and garden/dog park.

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 Plan indicating code compliant size and location of all proposed exterior signage.
 - e. **Ground Floor Design**. The ground floor of all sides of all buildings, including the Pedestrian Via, shall continue to be designed to optimize pedestrian activity and access.
 - f. **Development Phasing**. The stabilization of the local historic landmark at 122 Menores shall be Phase 1 and completed prior to the issuance of any building permit related to the high-rise development, Phase 2. Phase 3 shall include the public garden/dog park.
 - 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 Phone de Leon Boulevard with sidewalks to remain open throughout construction.
 - h. **Traffic Calming Improvements**. All proposed traffic flow modifications including street design, crosswalk across Ponce de Leon Boulevard at Menores Avenue, raised crosswalks at on Galiano at Mendoza and Menores intersections, and speed cushions or tables on the 0 and 200 blocks of Menores shall require written conceptual approval of Miami-Dade County and the City prior to the issuance of the first City permit for vertical construction. All traffic calming shall utilize the pavers and other high-quality features per City standards. If any components of the proposed modifications are not approved, the traffic study shall be revised.
 - 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. **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.
5. **Prior to issuance of the first Certificate of Occupancy or 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 overhead 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, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning. The City Manager or their designee may extend the completion of undergrounding power and communication overhead utilities on Ponce de Leon Boulevard to be prior to the issuance of final Certificate of Occupancy.
 - 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. **North Ponce Community Master Plan.** Remote residential parking shall be determined by the City Commission, consistent with the City's North Ponce Community Master Plan. Any remote off-street parking shall be provided by the Applicant, property owner, its successors or assigns, subject to review and approval by the Planning Division and managed by the Parking Department.
 - f. **Bicycle / Pedestrian Plan.** The pedestrian paths and crosswalks across Ponce de Leon Boulevard 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 across Ponce de Leon Boulevard and signalization shall

be studied and approved by Miami-Dade County to increase pedestrian safety with complete installation.

- g. **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 across Ponce de Leon Boulevard at Menores Avenue, raised crosswalk/intersections on Galiano at Mendoza and Menores intersections, and speed cushions or tables on the 0 and 200 blocks of Menores, subject to review and approval by the Directors of Public Works, Landscape Services, Planning and Zoning, and Parking. All landscape shall be of high-quality at a standard comparable to City parks and maintained by the applicant. 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.

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 and live/work units 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. **Linear Plaza, Pedestrian Via, and Garden/Dog Park.** Linear plaza on Ponce de Leon Boulevard and the Pedestrian Via shall be accessible at all times. Fencing or enclosures of any kind are prohibited on the linear plaza. The Garden/Dog Park shall be accessible to the public from dawn to dusk, daily. Any fencing or enclosures shall comply with Zoning Code requirements. All open spaces and any associated park 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.


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 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.

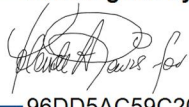
SECTION 5. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SECOND DAY OF JULY, A.D., 2022.
(Moved: Menendez / Seconded: Anderson)
(Yeas: Anderson, Fors, Jr., Mena, Menendez)
(Absent: Lago)
(Unanimous: 4-0 Vote)
(Agenda Item: F-15)

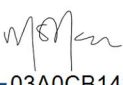
APPROVED:

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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