

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2023-196

A RESOLUTION OF THE CITY COMMISSION GRANTING REMOTE PARKING (SECTION 10-109) CONDITIONAL USE APPROVAL PURSUANT TO ARTICLE 14, "PROCESS", SECTION 14-203, "CONDITIONAL USES," FOR PROPOSED REMOTE PARKING ASSOCIATED WITH THE MIXED-USE PROJECT REFERRED TO AS "THE AVENUE" HOTEL AND RESIDENCES ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 8 THROUGH 11, BLOCK 9, REVISED PLAT OF CORAL GABLES INDUSTRIAL SECTION (351 SAN LORENZO AVENUE), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting conditional use with utilization of remote parking to allow a mixed-use project referred as "The Avenue" hotel and residences on property zoned as Mixed-Use 2 and legally described as Lots 8 through 11, Block 9, "Industrial Section" (351 San Lorenzo Avenue), Coral Gables, Florida to remote park; and

WHEREAS, the Application has been submitted concurrently with an application for the receipt and use of Transfer of Development Rights (TDRs); and

WHEREAS, the Application requires City of Coral Gables conditional use with remote parking review and public hearing consideration pursuant to the Zoning Code Article 14, "Process," Section 14-203, "Conditional Uses"; 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 June 6th, 2023, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's June 6th, 2023 meeting, the Board recommended approval regarding the proposed conditional use for remote parking (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 (1,000) feet, a public hearing was held before the City Commission on July 11th, 2023, 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 11, 2023 approved the requested conditional use for remote parking; 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 remote parking 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 remote parking review for a mixed-use project referred as “The Avenue” hotel and residences on property zoned as Mixed-Use 2 and legally described as Lots 8 through 11, Block 9, “Industrial Section” (351 San Lorenzo Avenue), 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 Bermello Ajamil & Partners to include:
 - i. Maximum building height shall not exceed 7 stories/84.5 feet
 - ii. 4.375 FAR (48,073 square feet)
 - iii. 70 remote parking spaces
- b. Revised site plan for a continuous and level sidewalk through the proposed curbcut and driveway.
- c. All representations preferred by the Applicant’s representatives as a part of the review of the Application at public hearings.

2. Prior to issuance of the first Building Permit, Applicant shall:

- a. **On-street parking.** Payment shall be provided by Applicant, its successors or assigns according to established City requirements for the loss of five (5) on-street parking spaces as a result of the project.
- b. **Remote Parking.** The one-time payment into the Parking Trust Fund for use of Remote Parking shall be paid for one hundred percent of the requested remote parking spaces and shall be collected prior to the issuance of a building permit in the amount established by the City Commission per Ordinance 2023-04.
- c. **Covenant.** Submit an appropriate covenant which shall run with the land and declaration of restrictions for the remote parking spaces in recordable form acceptable to the City Attorney and acceptable in substance to the Director of Development Services, including at least all of the following:
 - i. The owner of the remote parking spaces must confirm that the remote parking spaces are a surplus of the required parking spaces that serve an existing development. The City has the right to access and inspect remote parking spaces if the spaces are leased.
 - ii. An application must be submitted to amend the remote parking approval if the Applicant proposes to relocate remote parking spaces to a different location at

least 90 days before the termination of the remote parking agreement. The same application requirements apply.

- iii. The Applicant must report any unplanned changes in the application facts OR create a remote parking arrangement approved by the Director of Development Services within 5 business days of unplanned changes and submit a remedial plan consistent with the subsection 8 within 10 business days from the unplanned changes. The Director of Development Services is responsible for approving the remedial plan and setting the time of implementation.
 - iv. The City is authorized to inspect the remote parking spaces to determine the continuing adequacy of the remote parking arrangement during operation hours.
 - v. The Applicant must submit an affidavit annually to confirm the facts of initial approval.
 - vi. The Applicant must submit renewed documents and affidavits at the time of entering into a new lease or renewing a lease.
 - vii. If the Applicant fails to meet the requirements provided for herein, the Applicant will be subject to compliance with the parking requirements of the Zoning Code applicable to the property. The Director of Development Services determines the materiality of the failure to comply with the requirements provided for herein.
 - viii. The survey must show the exact location, traffic flow, and current physical layout of the proposed remote parking spaces.
- d. **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.
- e. **Construction staging.** Submit a construction staging plan to the Building Division. A checklist of requirements shall be provided upon request. Construction phasing/staging shall maintain pedestrian access and circulation along Laguna and San Lorenzo. No equipment, outriggers, tracks, tires, RTU or vehicles permitted within the sidewalk area at any time.
- f. **Underground overhead utilities.** Applicant shall provide all necessary plans and documents to underground all utilities along the entire alleyway, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning.

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

- a. **Underground utilities.** Complete the undergrounding of all new utilities along the entire alley, subject to review and approval by the Directors of Public Works, Landscape Services, and Planning and Zoning.
- b. **Public Realm improvements and Remote Parking accessibility.** Installation of all right-of-way improvements and all landscaping, public realm, and streetscape improvements identified on the Applicant's approved plans, including an improved pedestrian crossing and signage on both sides of San Lorenzo Avenue to access Remote Parking, subject to review and approval by the Directors of Public Works, Landscape

Services, and Planning and Zoning. Provided landscape shall exceed requirements provided in Article 6 of the Coral Gables Zoning Code. Minimum tree planting height in the right-of-way shall exceed sixteen (16) feet, three-and-a-half (3.5) inch caliper, and regularly spaced at 25 to 35 feet on-center. Tree species shall be consistent with the streetscape master plan or existing street species, as deemed appropriate by the Landscape Division. Silva cells under sidewalks near proposed trees shall be provided at 32” minimum in depth within the public right-of-way and subject property. 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, and Planning and Zoning.

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

- a. **Affidavit.** Prior to the annual renewal of the certificate(s) of use, submit an affidavit and any renewed documentation of the remote parking affirming that the matters originally approved remain in effect, which shall be reviewed by the Development Services Director per Section 10-109 of the Zoning Code. The certificate(s) of use shall not be issued unless the affidavit and documentation demonstrate that all the Remote Parking requirements of Section 10-109 continue to be met for the remote parking arrangement as it was approved.
- b. **Annual Renewal.** The Applicant shall, prior to the annual renewal of the certificate(s) of use, submit an affidavit and any renewed documentation of the remote parking affirming that the matters originally approved remain in effect, which shall be reviewed by the Development Services Director per Section 10-109 of the Zoning Code. The certificate(s) of use shall not be issued unless the affidavit and documentation demonstrate that all the Remote Parking requirements of Section 10-109 continue to be met for the remote parking arrangement as it was approved.
- c. **Remedial Plan.** If the remote parking agreement is terminated or otherwise no longer available, the Applicant shall comply with the Remedial Plan options of Section 10-109 of the Zoning Code.

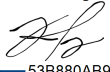
SECTION 3. That the applicant shall further be required to comply with all applicable zoning regulations and any changes to the application herein granted shall be in conformance with the requirements of Zoning Code Section 14-203.10, “Changes to conditional use approvals.”

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 ELEVENTH DAY OF JULY, A.D., 2023.
(Moved: Anderson / Seconded: Fernandez)
(Yeas: Fernandez, Menendez, Anderson, Castro, Lago)
(Unanimous: 5-0 Vote)
(Agenda Item: E-4)


APPROVED:

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VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

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BILLY Y. URQUIA
CITY CLERK

DocuSigned by:

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CRISTINA M. SUÁREZ
CITY ATTORNEY