

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA APPROVING A MIXED-USE SITE PLAN AND ENCROACHMENTS PURSUANT TO ZONING CODE ARTICLE 14, “PROCESS” SECTION 14-203, “CONDITIONAL USES,” FOR A PROPOSED MIXED-USE PROJECT INCLUDING LIVE/WORK UNITS REFERRED TO AS “130 ALMERIA” ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 1 THROUGH 9, 17 THROUGH 21, AND 39 THROUGH 42, BLOCK 14, CORAL GABLES CRAFTS SECTION (130 ALMERIA AVENUE, 152 ALMERIA AVENUE, 160 ALMERIA AVENUE, 2701 PONCE DE LEON BOULEVARD, AND 103 SEVILLA AVENUE), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting mixed use site plan and encroachments review pursuant to Zoning Code Section 14-203 for a proposed mixed-use project including live/work units referred to as “130 Almeria” on the property legally described as Lots 1 through 9, 17 through 21, and 39 through 42, Block 14, Coral Gables Crafts Section (130 Almeria Avenue, 152 Almeria Avenue, 160 Almeria Avenue, 2701 Ponce de Leon Boulevard, and 103 Sevilla Avenue), Coral Gables, Florida;

WHEREAS, the proposed amendment to the Zoning Map is being submitted concurrently with a proposed Comprehensive Plan Land Use map amendment and Zoning Map amendment;

WHEREAS, the Application requires City of Coral Gables mixed use site plan and encroachment review and public hearing consideration pursuant to the Zoning Code Mixed Use District (MX) provisions;

WHEREAS, after notice of public hearing, a public hearing was held before the Board of Architects of the City of Coral Gables on April 27, 2023, at which meeting the Board granted Mediterranean Bonus Levels 1 & 2, and the Preliminary Design;

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/Local Planning Agency of the City of Coral Gables on February 20, 2024, at which meeting the Applicant deferred the item;

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/Local Planning Agency of the City of Coral Gables on March 13,

2024, at which hearing all interested persons were afforded the opportunity to be heard;

WHEREAS, at the March 13, 2024 Planning and Zoning Board meeting, the Planning and Zoning Board/Local Planning Agency recommended approval with conditions of the proposed mixed-use site plan (vote: 4 – 2);

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand five hundred (1,500) feet from the subject property, a public hearing was held before the City Commission of the City of Coral Gables on August 27, 2024, at which hearing all interested persons were afforded the opportunity to be heard;

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; and

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 including live/work units referred to as “130 Almeria” on the property legally described as Lots 1 through 9, 17 through 21, and 39 through 42, Block 14, Coral Gables Crafts Section (130 Almeria Avenue, 152 Almeria Avenue, 160 Almeria Avenue, 2701 Ponce de Leon Boulevard, and 103 Sevilla 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 Behar Font & Partners, P.A. to include:
 - i. Maximum building height shall not exceed 13 stories/141 ft.
 - ii. 3.5 FAR (124,133 sq. ft.)
 - iii. 122 residential units
 - iv. 4 live/work units
 - v. 185 parking spaces
 - vi. 15,016 sq. ft. (34.7%) open space, including the 12,500 sq. ft. park
 - b. 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 and the voluntarily proffered covenant to restrict the building height. 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. **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.**
 - i. **Miami-Dade County approval.** All traffic flow modifications, including the continuation of the bike lane on Galiano and other applicable street design changes, shall require a “Dry-Run” approval of Miami-Dade County and the City prior to the issuance of the first City permit for vertical construction.
 - ii. **Traffic Calming Improvements.** Prior to issuance of the first City permit for vertical construction, all proposed streetscape improvements, including landscaped bumpouts and shade trees on Almeria at the intersection with Ponce de Leon Blvd and intersection with Galiano; 2 mid-block landscaped bumpouts on the north side of Almeria Ave, and continuation of bike lanes on Galiano St from Sevilla Ave to Almeria Ave, shall require conceptual approval from the City. If any components of the proposed modifications are not approved, additional community involvement may be required.
- 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 9-103(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 spaces on Almeria as a result of the project. Payment for loss of on-street parking as a result of the proposed off-site intersection or mid-block bumpouts will not be required.
- e. **Signage.** Provide a Signage Master Plan indicating code compliant size and location of all proposed exterior signage.
- f. **Parking Garage Design.** The 4-level parking garage openings shall be screened so that interior lights and car headlights are not visible from surrounding properties and rights-of-way.
- g. **Ground Floor Design.** The ground floor of all sides of all buildings shall continue to be designed to optimize pedestrian activity and access with a continuous and leveled sidewalk through the proposed curbcuts and driveways.
- h. **Drainage.** All stormwater runoff must be retained on site, and drainage improvements within the right-of-way may be required at the Applicant’s expense.
- i. **Encroachment Agreement and Covenant.** All encroachments illustrated in the Applicant’s submittal package, including the southwest corner roof overhang, 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 are approved by the City Commission in in the Site Plan approval 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 under construction, 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. **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 all streets. No equipment, outriggers, tracks, tires, RTU or vehicles permitted within the sidewalk area at any time.
- n. **Underground overhead utilities.** Applicant shall provide all necessary plans and documents to underground all utilities along Galiano to the north side of Almeria, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning and utility providers.

4. Prior to issuance of the first 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 utilities.** Complete the undergrounding of all utilities along Galiano to the north side of Almeria and the entire, subject to review and approval by the Directors of Public Works, Landscape Services, and Planning and Zoning and utility providers.
- c. **Utility Upgrades.** The Applicant shall submit proposed sewer flows for modeling capacity. Required improvements may require a basin area subject to additional fees under the current sewer agreement for the Plaza at the Applicant's expense.
- d. **Art in Public Places.** The Applicant shall comply with all City requirements for Art in Public Places.
- e. **Bicycle/Pedestrian Plan.** The bicycle routes on Galiano, between Sevilla and Almeria, shall comply with the City's Bicycle Pedestrian Master Plan to be designed as a Bike Lane, to be reviewed and approved by the Public Works Director. All driveways shall be designed with a flare-style curb cut with a continuous and level sidewalk through each driveway to create a pedestrian-friendly environment.
- f. **Right-of-way and public realm improvements.** Install all right-of-way improvements subject to review and approval by Public Works Department and the Planning and Zoning Division. 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 via the permitting process shall be subject to review and approval by Directors of Public Works, Landscape Services, Planning and Zoning, and Parking. The construction of all Improvements shall be exclusively performed by the Applicant prior to temporary Certificate of Occupancy.

- g. **130 Almeria Park.** The Applicant proffers to convey the completed 12,500 square foot park at 103 Sevilla Avenue to the City of Coral Gables in fee simple prior to issuance of the first Temporary Certificate of Occupancy.
- h. **Conveyance of 130 Almeria Park.** The Applicant proffers to convey the completed 12,500 square foot public park at 103 Sevilla Avenue to the City of Coral Gables in fee simple.

5. 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.

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 an approved conditional use.”

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 _____ A.D., 2024.

APPROVED:

VINCE C. LAGO
MAYOR

ATTEST:

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRISTINA SUAREZ
CITY ATTORNEY