

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA GRANTING APPROVAL OF A PLANNED AREA DEVELOPMENT (PAD) PURSUANT TO ZONING CODE ARTICLE 14, "PROCESS," SECTION 14-206, "GENERAL PROCEDURES FOR PLANNED AREA DEVELOPMENT" FOR A MIXED-USE PROJECT REFERRED TO AS "760 PONCE" ON PROPERTIES LEGALLY DESCRIBED AS BLOCK 18, CORAL GABLES FLAGLER STREET SECTION (760 PONCE DE LEON BOULEVARD, 112 AND 120 AVILA COURT), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE. (LEGAL DESCRIPTION ON FILE)

WHEREAS, an Application was submitted requesting approval of a proposed Planned Area Development (PAD) pursuant to Zoning Code Article 14, "Process," Section 14-206, "General Procedures for Planned Area Development," for a mixed-use project referred to as "760 Ponce" on properties legally described as Block 18, Coral Gables Flagler Street Section (760 Ponce de Leon Boulevard, 112 and 120 Avila Court), Coral Gables, Florida; and

WHEREAS, the proposed request of Planned Area Development (PAD) is being submitted concurrently with a proposed Comprehensive Plan Land Use map amendment, Zoning Code Map Amendments, and Conditional Use; and

WHEREAS, Staff finds that the procedures for reviewing and recommending on proposed Planned Area Development are provided in Zoning Code Article 14, Section 14-206, "General Procedures for Planned Area Development," and that the proposed Planned Area Development Site Plan has met those criteria and standards; 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/Local Planning Agency of the City of Coral Gables on September 17, 2025, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the September 17, 2025 Planning and Zoning Board meeting, the Planning and Zoning Board/Local Planning Agency recommended approval of the proposed Planned Area Development (PAD) (vote: 5 – 0); 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, the City Commission held a public hearing on October 28, 2025, at which hearing all interested persons were afforded the opportunity to be heard and this application for Planned Area Development (PAD) was approved on first reading; 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, the City Commission held a public hearing, at which hearing all interested persons were afforded an opportunity to be heard and this application for change of land use was approved on second reading; and

WHEREAS, in accordance with Section 14-206, the Commission finds based upon the written evidence and testimony received into the record – including the design modifications during the Commission’s consideration of this matter – that the public realm improvements on and off-site, the design and construction of the substantial public open spaces, the design, construction, and solutions for pedestrian and vehicular access, ingress, egress, shared parking and circulation, as well as the design treatment of the project’s architecture, massing, setbacks, and stepbacks, although not literally in accord with these PAD regulations, satisfy public benefits to at least an equivalent degree.

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

SECTION 1. The foregoing “WHEREAS” clauses 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 Applicant’s request for approval of the proposed project referred to as “760 Ponce” pursuant to Zoning Code Article 14, “Process,” Section 14-206, “Planned Area Development” is approved, subject to conditions, provided in Attachment A, attached, which must be satisfied by the Applicant or its successors or assigns.

SECTION 3. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. 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 6. That this Ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS ____ DAY OF _____ A.D., 2025.

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRISTINA SUAREZ
CITY ATTORNEY

Attachment A

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 5 stories/61ft -8in.
 - ii. Total square footage 119,150 square feet
 - iii. 4 townhome units
 - iv. 545 parking spaces
 - v. 20,745 sq. ft. (23.2%) open space
- b. Off-site and public realm improvements to include:
 - i. Intersection improvements, including a 3-way stop and raised intersection on Boabadilla at Avila, a 3-way stop at Boabadilla/Cibao, and an intersection improvement and asphalt reduction at Ponce de Leon Boulevard/Oviedo/Veragua, subject to Miami-Dade County approval.
 - ii. Pedestrian crossings, including a crosswalk across Ponce de Leon Boulevard at the proposed building's entrance at Oviedo, and a crosswalk to access Rotary Park at Ponce de Leon Boulevard and Montilla/Cibao, subject to Miami-Dade County approval.
 - iii. Speed table or cushion on the 700 Block of Boabadilla.
 - iv. Streetscape beautification, including landscaped planting areas and bumpouts with shade trees on both sides of Boabadilla and Avila Court, and asphalt reduction and landscaped bumpouts at the intersection of Boabadilla and Ponce de Leon Boulevard.
- c. All representations preferred by the Applicant's representatives as a part of the review of the Application at public hearings.
- d. If any components of the proposed modifications are not approved, additional community involvement may be required.

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 improvements and landscape requirements.** Provide all necessary plans and documents for proposed off-site and public realm improvements, subject to Miami-Dade County approval. 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.

- 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 as a result of the project. Payment for loss of on-street parking as a result of the proposed off-site bumpouts across from the project will not be required.
- e. **Parking Garage Design.** The parking garage openings shall be screened so that interior lights and car headlights are not visible from surrounding properties and rights-of-way.
- f. **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.
- g. **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.
- h. **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 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.
- i. **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.
- j. **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.
- k. **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.
- l. **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 Ponce de Leon Boulevard. No equipment, outriggers, tracks, tires, RTU or vehicles permitted within the sidewalk area at any time.

- m. **Electric Vehicle Charging.** Applicant shall provide a minimum of five percent (5%) of the required off-street parking spaces to be equipped with an electric vehicle (EV) charging station. Additionally, fifteen percent (15%) of the required off-street parking spaces shall “EV-Ready,” and twenty percent (20%) shall be “EV-Capable.” The remaining parking spaces shall have sleeving to allow for future installation of EV charging infrastructure.
- n. **Underground overhead utilities.** Applicant shall provide all necessary plans and documents to underground all utilities abutting to the property, subject to review and approval by the 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. **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, subject to review and approval by the Directors of Public Works, Landscape Services, and Planning and Zoning.
- c. **Art in Public Places.** The Applicant shall comply with all City requirements for Art in Public Places.
- d. **Bicycle/Pedestrian Plan.** The bicycle routes on Ponce de Leon Boulevard 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. Proposed crosswalk(s) across Ponce de Leon Boulevard shall be installed to increase pedestrian safety.
- e. **Right-of-way and public realm improvements.** Install all right-of-way improvements, including the intersection improvements, pedestrian crossings, and streetscape beautification, subject to review and approval by Public Works Department and the Planning and Zoning Division. 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.
- f. **Publicly Accessible Open Spaces Easement.** Execute and record a Publicly Accessible Open Spaces Easement Agreement between the City and the Owner for the public plaza located at the south corner. The Easement Agreement shall include the following:
 - i. The Public Plaza shall be accessible to the public from dawn to dusk, daily.
 - ii. 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.
 - iii. Pets are permitted in designated areas only. Where allowed, pets must be kept on a hand-held leash no longer than 6 feet and be well behaved. Service animals are welcome in all areas of the park. Pet owners are responsible for any waste.
 - iv. Hammock use and any other associated lines are not permitted.

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.