

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2018-148

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING MIXED USE SITE PLAN REVIEW PURSUANT TO ZONING CODE ARTICLE 4, "ZONING DISTRICTS", DIVISION 2, "OVERLAY AND SPECIAL PURPOSE DISTRICTS", SECTION 4-201, "MIXED USE DISTRICT (MXD)", FOR THE MIXED USE PROJECT REFERRED TO AS "VENERA" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 11 THRU 25, BLOCK 203, CORAL GABLES RIVIERA SECTION 14 (1500 VENERA AVENUE, 1515 SAN REMO AVENUE, AND 1537 SAN REMO AVENUE), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting mixed use site plan review pursuant to Zoning Code Section 4-201 for the mixed-use project referred to as "Venera" on the property legally described as Lots 11 thru 25, Block 203, Coral Gables Riviera Section 14 (1500 Venera Avenue, 1515 San Remo Avenue, and 1537 San Remo Avenue), Coral Gables, Florida; and

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

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand five hundred (1,500) feet, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on October 11, 2017, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's October 11, 2017 meeting, the Board recommended approval regarding the proposed mixed use site plan (vote: 5-0) subject to conditions of approval; and

WHEREAS, the Application and proposed site plan have been revised to incorporate comments that improve the livability of the neighborhood and existing context; and

WHEREAS, after notice of public hearing duly published, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on March 14, 2018, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's March 14, 2018 meeting, the Board recommended approval regarding the revised mixed use site plan (vote: 4-0) subject to conditions of approval; and

WHEREAS, a public hearing was held before the City Commission on April 24, 2018,

at which hearing the item was deferred for further discussion to the City Commission meeting of May 8, 2018, at which hearing the item was deferred for further discussion to the City Commission meeting of May 22, 2018, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard; and

WHEREAS, the City Commission on May 22, 2018, approved the requested mixed use project, subject to certain conditions (vote: 5-0); and

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;

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 referred to as “Venera” for the property legally described as Lots 11 thru 25, Block 203, Coral Gables Riviera Section 14 (1500 Venera Avenue, 1515 San Remo Avenue, and 1537 San Remo Avenue), Coral Gables, Florida, shall be and is hereby approved subject to all of the following conditions:

1. Site Plan modifications.

- a. The Venera and San Remo Avenues streetscape design shall be updated to include the following:
 - i. Streetscape improvements with street trees and additional landscape on both sides of Venera and San Remo Avenues, for the length of the project site, as well as the proposed intersection improvements described in sub-sections 1(a)(iv) and (v) below as depicted on the sheet entitled “Off Site Streetscape Improvements” included as part of the Approved Plans. Owners agree not to obtain a building permit until such time as the Planning and Zoning and Public Works Directors approve the plan for streetscape improvements, and shall not request the issuance of either a temporary certificate of occupancy or certificate of occupancy until such street scape improvement are completed and approved by the aforementioned Directors.
 - ii. Proposed bulb-outs across streets from project loading area and garage entrance shall be reviewed and approved by the Planning and Zoning and Public Works Directors.
 - iii. Mid-block crosswalks at project’s paseo entrances shall be reviewed and approved by the Planning and Zoning and Public Works Directors.
 - iv. Improved intersection and consolidation of excess pavement to create a small public space on Madruga and Red Road.
 - v. Curb extensions with shade trees at the intersections of San Remo/Red Road and Venera/Madruga.
 - vi. Restripe pedestrian crosswalks, rebuild pedestrian ramps, and install standard “Turning Vehicles Yield to Pedestrian” signs at Red Road and San Remo Avenue. Restripe pedestrian crosswalks, rebuild pedestrian ramps, install standard

“Turning Vehicles Yield to Pedestrian” signs, and install pedestrian countdown signals and push button detectors at Red Road and Sunset Drive.

- vii. Install standard pedestrian crossing signs at Yumuri Street and Venera Avenue and at Yumuri Street and San Remo Avenue.

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

- a. Applicant’s submittal package dated February 13, 2018, and updated package dated June 8, 2018, prepared by Bermello Ajamil & Partners, Inc., which includes the following density and bedroom counts:
 - i. Dwelling unit count of 147 dwelling units.
 - ii. Bedroom count of 345 bedrooms.
- b. Traffic Impact Study, dated March 2018, prepared by David Plummer & Associates.
- c. All representations proffered by the Applicant’s representatives as a part of the review of the Application at public hearings, including the requirement that all leases entered into between the Applicant or its successors or assigns and tenants of the proposed project provide for a minimum lease term of one (1) year and a prohibition on subleasing.

3. **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.

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

- a. **Neighborhood Master Planning Contribution.** The Applicant has voluntarily proffered and the City Commission accepts \$225,000 for a master planning process and public improvements to be proposed by City staff and approved by the City Commission. Specifics of the process and improvements to be determined by the City Commission and Staff, with consultation by the neighbors. Upon completion of the master planning process, the proffered funds may be spent on improvements in the neighborhood area such as improvements to William Kerdyk Jr. Park (for up to \$50,000) and the streetscape improvements identified above, as determined by the planning process.
- b. **Emergency Vehicle Signal Preemption Technology.** The Applicant, property owner(s), their successors or assigns shall contribute to emergency vehicle technology improvements for traffic signal preemption to improve response times within the Gables Redevelopment Infill District (GRID) in an amount not to exceed \$50,000 as determined by the Public Works Director.
- c. **Additional Reviews.**
 - i. Board of Architects. Final approval of the project by the Board of Architects is required prior to issuance of any building permit.

- ii. **Zoning Review.** The Applicant shall provide measurable floor plans of the project to City Staff for verification of Zoning requirements such as floor area ratio, setbacks, height and parking.
 - iii. **Landscape Plan.** Final approval of the overall landscape plan by the Landscape Services Director is required prior to issuance of any building permit.
- d. **Signage.** Provide Signage Plan indicating size and location of all proposed exterior signage, including tenant signs, directory signs, parking garage signs, etc.
- e. **Parking Garage Design.** The parking garage shall be designed to optimize pedestrian safety on adjoining sidewalks and address the following items subject to the review and approval of the Planning and Zoning and Public Works Directors:
 - i. Locate ramp at least twenty (20) feet from building exterior to slow vehicles before approaching the sidewalk to minimize conflicts with pedestrians.
 - ii. Sidewalks through flare curb cut shall match the width and cross slope of adjacent sidewalks to create a continuous, even pedestrian path.
 - iii. Provide direct pedestrian access from the parking garage to all adjacent streets and open spaces in the project.
 - iv. All parking garage openings shall be screened so that interior lights and car headlights are not visible from surrounding properties and rights-of-way.
 - v. Pedestrian safety devices, such as convex mirrors, electronic “Caution Car Coming” signs, wall mounted sign reading “Stop Watch for Ped Xing”, and overhead sign reading “Caution Pedestrian Crossing”, shall be incorporated in order to ensure pedestrian safety on adjacent sidewalks.
- f. **Ground Floor Design.** The ground floor of all buildings shall continue to be designed to optimize pedestrian activity and retail success. All Storefronts shall be transparent and will incorporate the following subject to the review and approval of the Planning and Zoning and Public Works Directors.
 - i. All storefronts shall be flush with the sidewalk grade subject to minimum finished floor elevation requirements with any deviation requiring the approval of the Planning and Zoning and Public Works Directors.
 - ii. Paseo shall not be interrupted by stairwells, elevators, or solid walls.
 - iii. Pedestrian entrances into active spaces (lobbies, retail, etc.) shall be provided on all ground floor facades with an average spacing of 40’.
 - iv. Landscaped buffer along west side of property shall have restricted access to ensure a safe and clean area.
- g. **Loading and Service.** Loading and Service shall be designed so as to minimize its effect on the pedestrian realm and address the following items subject to the review and approval of the Planning and Zoning and Public Works Directors:
 - i. Sidewalks through flare curb cut shall match the width and cross slope of adjacent sidewalks to create a continuous, even pedestrian path.
 - ii. Entrances shall be no greater than twenty-four (24) feet in width.
- h. **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 and vehicular access and circulation around William Kerdyk J. Park. All sidewalks shall remain open throughout construction.

- i. **Traffic Improvements.** All proposed traffic flow modifications including street design, width, sight triangles, cross walks, diverters, etc. shall require written conceptual approval of Miami-Dade County and the City Public Works Department prior to the issuance of the first City permit for vertical construction. If any components of the proposed modifications are not approved, the traffic study shall be revised and additional community involvement may be required.
 - j. **Art in Public Places.** Prior to the issuance of a building permit for the project, the Applicant shall comply with all City requirements for Art in Public Places.
 - 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. **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.
 - m. **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.
 - n. **Bicycle Amenities.**
 - i. Provide bicycle parking to accommodate one (1) bicycle space per two (2) units for residents use on all parking levels. All bicycle parking shall be in accordance with the Bicycle & Pedestrian Master Plan, Resolution No. 2014-123.
 - ii. Bike Sharing Facilities. The Applicant shall reserve space within the project for future bike sharing facilities. Final design shall require written conceptual approval of the Parking Director and Public Works Director prior to issuance of the first City permit.
 - o. **Car Sharing Facilities.** To the same extent of other projects of similar size within the City, the Applicant shall reserve space within the project for future car sharing facilities in coordination with the City's Parking Director. Final design shall require written conceptual approval of the Parking Director prior to issuance of the first City permit. Required parking spaces may be utilized for car sharing.
 - p. **Electric Car-Charging Stations.** The Applicant shall provide a minimum of one (1) electric car-charging station for every fifty (50) parking spaces with their precise location subject to the review and approval of the Parking Director. The electric car-charging station may be counted towards the project parking requirement.
5. **Prior to issuance of the first Certificate of Occupancy or Temporary Certificate of Occupancy, Applicant shall:**

- a. **Underground utilities.** Submit all necessary plans and documents, and complete the undergrounding of all new utilities along all public rights-of-way surrounding and abutting the project boundary, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning.
- b. **Utility Upgrades.** All sanitary sewer gravity lines serving the project shall be properly upgraded to handle all peak flows downstream from the points of connection through the serving pump station.
- c. **Conceptual Employee Transportation Plan.** Submit and obtain the approval by the City Parking Director a conceptual employee transportation management plan to limit spillover parking impacts on residential streets and encourage employee use of public transit.
- d. **Traffic improvements and study.** Complete all traffic improvements recommended by the Traffic Study prepared by David Plummer & Associates, and satisfactorily resolve any outstanding Traffic Study issues as identified by the Public Works Department and City's traffic consultant, subject to review and approval by the Director of Public Works.
- e. **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, subject to review and approval by the Directors of Public Works, Landscape Services, Planning and Zoning, and Parking. 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.
- f. **Publicly Accessible Open Spaces Easement.** Execute and record a Publicly Accessible Open Spaces Easement Agreement between the City and the Owner for the plaza located along Yumuri Street and for the pedestrian pass-through portion of the paseo.

6. **Following issuance of the first Certificate of Occupancy, Applicant shall:**

- a. **LEED.** Within two years of the issuance of a Final Certificate of Occupancy for any individual building, such individual building must achieve LEED Silver or equivalent certification.
- b. **Traffic Monitoring.** At the Applicant's expense, the City shall perform traffic monitoring studies for a three year period utilizing, as a comparison, the traffic study referenced in Section 2.b. above as follows: one year from the issuance of the first Temporary Certificate of Occupancy, one year after completion of the first traffic monitoring study, and one year after completion of the second traffic monitoring study at locations to be determined by the Public Works Director. If the Public Works Director determines that livability improvements in addition to those already required or proffered are warranted due to the Project's impacts on any of these roadways, the Applicant shall construct or pay for any physical livability improvements, without limit, required by these studies within one year of the completion of these studies, as approved by the Public Works Director.

7. **Right of Way Encroachment Approvals.** The public realm improvements which encroach into the City rights of way, such as bike racks, pavers, landscape planters, landscape areas, tree grates, irrigation lines, and light fixtures, indicated in the Applicant's submittal package are hereby approved. A Hold Harmless agreement and restrictive covenant must be executed by Applicant and the City 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.

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 3-410, "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, subject to Ordinance Nos. 2018-18 and 2018-19.

PASSED AND ADOPTED THIS TWENTY-SECOND DAY OF MAY, A.D., 2018.

(Moved: Keon / Seconded: Lago)

(Yeas: Keon, Lago, Mena, Quesada, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: f-4)

APPROVED:



RAUL VALDES-FAULI
MAYOR

ATTEST:



for WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



MIRIAM SOLER RAMOS
CITY ATTORNEY