

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING A SITE PLAN REVIEW PURSUANT TO ZONING CODE ARTICLE 4, "ZONING DISTRICTS," DIVISION 2, "OVERLAY AND SPECIAL PURPOSE DISTRICTS," SECTION 4-203, "ZAIN/FRIEDMAN MIRACLE MILE DOWNTOWN OVERLAY (DO)," FOR THE PROPOSED PROJECT REFERRED TO AS "220 MIRACLE MILE" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 17-24, BLOCK 2, CRAFTS SECTION (220 MIRACLE MILE), 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 site plan review pursuant to Zoning Code Section 4-203 for the project referred to as "220 Miracle Mile" on the property legally described as Lots 17-24, Block 2, Crafts Section (220 Miracle Mile), Coral Gables, Florida; and

**WHEREAS**, the Application requires Site Plan review and public hearing consideration pursuant to the Zoning Code Article 4, "Zoning Districts," Division 2, "Overlay and Special Purpose Districts," Section 4-203, "Zain/Friedman Miracle Mile Downtown Overlay (DO) provisions; and

**WHEREAS**, the Application has been submitted concurrently requesting receipt of Transfer of Development Rights (TDRs) for use for the project referred to as "220 Miracle Mile"; and

**WHEREAS**, after notice of public hearing duly published and notifications of all property owners of record within one-thousand (1,000) feet from the subject property, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on September 11, 2019, at which hearing all interested persons were afforded the opportunity to be heard;

**WHEREAS**, at the Planning and Zoning Board's September 11, 2019, meeting, the Board recommended approval regarding the proposed mixed-use site plan (vote: 4-2) subject to conditions of approval;

**WHEREAS**, after notice of public hearing duly published and notifications of all property owners of record within one-thousand (1,000) feet from the subject property, a public hearing was held before the City Commission of the City of Coral Gables on \_\_\_\_\_, at which hearing all interested persons were afforded the opportunity to be heard;

**WHEREAS**, a public hearing was held before the City Commission on \_\_\_\_\_, 2019, at which hearing this item was presented and all interested persons were afforded the opportunity to be

heard;

**WHEREAS**, the City Commission on \_\_\_\_\_, 2019, (approved/denied) the proposed project (vote: \_\_-\_\_); 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; and,

**WHEREAS**, the City additionally and separately approved the use of Transfer of Development Rights (TDRs) for the “220 Miracle Mile” project more particularly described above.

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 site plan for the project referred to as “220 Miracle Mile” for the property legally described as Lots 17-24, Block 2, Crafts Section (220 Miracle Mile), Coral Gables, Florida, shall be and is hereby approved subject to all of the following conditions:

**1. Site Plan modifications.**

- a. Prior to submitting application for final approval of the project by the Board of Architects, the site plan design shall be updated to include the following:
  - i. Submit an updated parking study with current Zoning requirements;
  - ii. Submit an updated queuing analysis that corresponds to the parking study;
  - iii. Submit an application with required documentation for remote parking;
  - iv. Provide a parking, valet, and traffic operations analysis to be reviewed by the Public Works and Parking Departments

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

- a. The Applicant’s submittal package dated \_\_\_\_\_, 2019 prepared by Greenberg Traurig and Arquitectonica to include:
  - i. Maximum habitable building height shall not exceed 83’-6” at 7-stories
  - ii. 3.81 FAR (91,242 sq. ft.) with level 1 Mediterranean Bonus including the use of TDRs
  - iii. Approximately 16,000 square feet of ground floor retail space
  - iv. Approximately 8,000 square feet retail space located on the second floor
  - v. Approximately 3,500 square feet of restaurant located on roof
  - vi. 120 hotel rooms
  - vii. 120 parking spaces (provided off-site with remote parking agreement)
- b. All representations proffered by the Applicant’s representatives as a part of the review of the Application at public hearings.

**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. 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. 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. 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 as determined by the City's Parking Director.
- d. Signage.** Provide Signage Plan indicating size and location of all proposed exterior signage, including tenant signs, directory signs, etc.
- e. 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.
  - ii.** Pedestrian entrances into active spaces (lobbies, retail, etc.) shall be provided on all ground floor facades with an average spacing of 40 feet.
- f. 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.
- g. 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. Public art shall be reviewed by the Arts Advisory Panel and Cultural Development Board, and receive Board of Architects approval before being submitted to the City Commission. The Applicant's compliance with

all requirements of the Art in Public Places program shall be coordinated by the Director of Historical Resources and Cultural Arts.

- h. 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.
- i. 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.
- j. Right-of-way Encroachments Plan.** Obtain Commission approval of an Encroachment Plan addressing special treatment sidewalk, decorative pavers, landscaping, irrigation, street lighting, landscaping lighting and any other encroachments into, onto, under and over the right of way. The above encroachments must be approved by City resolution and a fully executed Hold Harmless agreement or restrictive covenant must be executed in a form acceptable to the City Attorney. 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. Traffic Improvements.** All proposed traffic flow modifications including conversion of alley segment (along the subject site) to one-way, street design, width, sight triangles, cross walks, bulb-outs, 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.
- l. Bicycle Amenities.**
  - i.** 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.
  - iii.** Applicant shall install bike racks within the proposed paseo to be reviewed and approved by Public Works Department.
- m. Construction Mitigation.**
  - a. Construction Mitigation Plan.** A construction mitigation plan shall be submitted no later than thirty (30) days prior to the commencement of any demolition or renovation work at the property that addresses the following:
    - i.** The mitigation of construction-related impacts (for example, construction-related dust, odor, noise, drainage and construction-related traffic) during construction (from initial demolition, renovation or ground disturbing activity or issuance of the first building permit for development at the Project, whichever is first, to the issuance of the final certificate of occupancy for the Project).

- b. **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 with all sidewalks to remain open throughout construction. No work or staging is permitted on Miracle Mile. Cuts for utilities, deliveries and cranes are prohibited along or from Miracle Mile.
    - c. **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 (CO) or Temporary Certificate of Occupancy (TCO), Applicant shall:**
- a. **Remote Parking.** A final application for remote parking shall be approved prior to TCO.
  - b. **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.
  - c. **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.
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 FGBS 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 and Valet Operations.** At the Applicant's expense, the City shall perform an annual review of traffic monitoring studies for three (3) years 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. Annual review shall certify that the use of valet service is reserved to only hotel guests.

**SECTION 4.** 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 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 Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2019.

APPROVED:

RAUL VALDES-FAULI  
MAYOR

ATTEST:

BILLY Y. URQUIA  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS  
CITY ATTORNEY