

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-32

AN ORDINANCE OF THE CITY COMMISSION 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 "REGENCY TOWER" ON PROPERTY LEGALLY DESCRIBED AS LOTS 1-12 AND LOTS 35-46 INCLUDING THE PUBLIC ALLEYWAY LYING IN BETWEEN, BLOCK 10, AND LOTS 1-4, BLOCK 15, CORAL GABLES CRAFTS SECTION (290, 272, 250, 244 VALENCIA AVENUE, 247, 297 ALMERIA AVENUE, AND 2701 SALZEDO STREET) 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 "Regency Tower" on property legally described lots 1-12 and lots 35-46 including the public alleyway lying in between, Block 10, and lots 1-4, Block 15, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue, and 2701 Salzedo Street) Coral Gables, Florida; and

WHEREAS, companion applications for Regency Tower were filed requesting Alley Vacation, Zoning Code Text Amendment, Transfer of Development Rights (TDRs) as receiving site, Conditional Use for Mixed Use Site Plan; and

WHEREAS, pursuant to Zoning Code Article 14, "Process", Section 14-204.5, "Use of TDRs on receiver sites" the Application also includes a request for receiver site designation for the corner parcel outside of Central Business District (CBD) legally described as lots 1-4, Block 15, Coral Gables Craft Section (2701 Salzedo Street); 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, in advance of public hearing consideration, the City's staff analysis and recommendation were expressly incorporated into the record of this proceeding and are available for inspection at City of Coral Gables Planning Division and City Clerk's office and available on the City's Web page at www.coralgables.com for easy retrieval; and

WHEREAS, after notice of public hearing duly published and courtesy 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 March 9, 2022 at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's March 9, 2022 meeting, the Board recommended approval of the proposed Planned Area Development application (vote: 5-0) subject to conditions of approval; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on (month) (day) 2022, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with the Planned Area Development, and after due consideration and discussion, approved the Planned Area Development on First Reading, after considering the appropriateness of the paseo located at the east end of the project and requesting that the paseo be eliminated from the project; and

WHEREAS, Section 2-500(B)(3)(h)(iv) of the Zoning Code provides that "[w]here necessary and appropriate to enhance public pedestrian access, no block face shall have a length greater than two hundred and fifty (250) feet without a public pedestrian passageway or alley providing through access," and the City Commission finds that a public pedestrian passageway or alley providing through access is not necessary and appropriate for this project; and

WHEREAS, after notice duly published, a public hearing for Second Reading was held before the City Commission on June 28, 2022, at which hearing all interested parties were afforded the opportunity to be heard;

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 "Regency Tower" 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 passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-EIGHTH DAY OF JUNE, A.D., 2022.

(Moved: Menendez / Seconded: Anderson)

(Yeas: Mena, Menendez, Anderson, Fors, Jr., Lago)

(Unanimous: 5-0 Vote)

(Agenda Item: F-6)

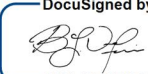
APPROVED:

DocuSigned by:

53B880AB93824A5...

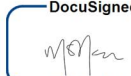
VINCE LAGO
MAYOR

ATTEST:

DocuSigned by:

358417D2FA884FF...

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

03A0CB1421E64AC...

MIRIAM SOLER RAMOS
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 Joe Jimenez, Esq./Codina Partners and Nichols Brosch Wurst Wolfe & Associates Inc. to include:
 - i. Building height 18 stories at 204’-8” to top of roof, 239’-8” to top of ornamental tower
 - ii. Maximum FAR of 4.375
 - iii. 174 multi-family units
 - iv. 4,500 sq. ft. restaurant
 - v. 389 parking spaces
 - vi. Minimum 8% commercial/retail use as required
 - vii. 10,000 sq. ft. public park developed and maintained by the applicant or their successor and shall be donated to the City.
 - b. Initial Application submittal as amended via the City review process and 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. 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. Alley Vacation. The Public Works Department requires the following in association with the alley vacation:
 - a. The applicant grants to the City by Deed of Dedication absolute rights of public ingress and egress and of all utilities whatever interests they need.
 - b. That the cost of removal and/or relocation of any and all utilities, including storm and sanitary sewers, installation of any required drainage facility, removal of curbs or abandoned concrete approaches and sidewalks and the paving and construction of the substitute easement shall be borne by the applicant whose actions necessitate such expense. Applicant’s maintenance responsibilities with respect to the sanitary sewer line to be constructed under loading area shall be set forth in agreement to be entered into between the City and the Applicant. More specifically, such agreement shall provide for annual cleaning of the sanitary sewer line with a required subsequent inspection by Public Works for approval of such annual cleaning.
 - c. That the substitute easement shall be constructed in accordance with the specifications of the Public Works Department of the City and the plans for such construction shall be submitted to and shall be subject to approval by the Public Works Department. The permits and inspections for such construction shall be handled in the same manner as the paving for streets and alleys.
 - d. That the City of Coral Gables shall have the right to exercise the same control over the substitute easement as if the same were a dedicated alley and the acceptance and approval of such easements shall in no way relieve the applicant from complying with any and all regulations pertaining to alleys including but not limited to the building, zoning and other applicable regulations.

- e. That the substitute easement shall at all times be kept free and clear of any and all encroachments and obstructions, including but not limited to, motor vehicles, trucks, trailers, debris, stoops, waste containers, and the like, and the City shall have the authority to monitor and enforce same.
 - f. That the use of the vacated property shall be limited to the same uses as to which the adjacent properties are zoned.
 - g. That the reversionary rights to the portion of the alley vacated shall revert to the owners abutting on each side of the vacated alley.
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. **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.
 - 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.
 - d. **Signage.** Provide a Master Signage Plan indicating code compliant size and location of all proposed exterior signage.
 - e. **Ground Floor Design.** The ground floor of all buildings shall continue to be designed to optimize pedestrian activity.
 - f. **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 sidewalks to remain open throughout construction.
 - g. **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 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.
 - h. **Encroachment Plan.** Obtain Commission approval by resolution of an Encroachment Plan addressing 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. The above encroachments must be approved by City resolution and a Hold Harmless agreement must be executed approving the encroachments.
 - i. **Encroachment Agreement and Covenant.** 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, including installation of sod and landscaping to City Code standards, and removal of all construction fencing.

- 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. **Sustainability Certification.** Prior to the Temporary Certificate of Occupancy, 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.
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 adjacent project boundary, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning.
 - b. **Utility Upgrades.** Water and Sewer system upgrades and all associated right-of-way improvements may be required at the Applicant's expense. A separate sewer improvement agreement will be required for any sewer improvements necessitated by the development.
 - c. **Art in Public Places.** The Applicant shall comply with all City requirements for Art in Public Places.
 - d. **Bicycle/Pedestrian Plan.** The bicycle and pedestrian paths shall comply with the City's Bicycle Pedestrian Master Plan along Salzedo Street, subject to review and approval by Public Works Department.
 - 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 10,000 square foot public park at the corner of Almeria Avenue and Salzedo Street (2701 Salzedo Street) The Easement Agreement shall include the following:
 - i. The open space shall be accessible to the public from dawn to dusk, daily. Any doors or gates that physically separate the open space from the public right-of-way shall be open and unlocked during these hours.
 - ii. The 10,000 sq. ft. public park 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.
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 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.