

THE CITY OF CORAL GABLES

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA APPROVING RECEIPT OF TRANSFER OF DEVELOPMENT RIGHTS (TDRS) PURSUANT TO ZONING CODE ARTICLE 14, "PROCESS," SECTION 14-204.6, "REVIEW AND APPROVAL OF USE OF TDRS ON RECEIVER SITES," FOR THE RECEIPT AND USE OF TDRS FOR A MIXED-USE PROJECT REFERRED TO AS "299 MINORCA" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 45 THROUGH 48, LESS THAN NORTH 12 FEET THEREOF, BLOCK 17, SECTION "K", 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 Transfer of Development Rights (TDRs) for receipt and use for the mixed use project referred to as "299 Minorca" on property legally described as Lots 45 through 48, less than North 12 feet thereof, Block 17, Section "K (299 Minorca Avenue) Coral Gables, Florida; and

WHEREAS, the Application has been submitted concurrently with an application for conditional use review for remote parking; and

WHEREAS, the receipt and use of TDRs shall comply with the public hearing review requirements established in the Zoning Code, Article 14, "Process", Section 14-204.6, "Review and approval of use of TDRs on receiver sites"; and

WHEREAS, the Applicant is utilizing 9,049 square feet unused development rights from historically designated properties; and

WHEREAS, the Receiving Site is proposed to be developed as a mixed-use project referred to as "299 Minorca" which consists of 45 residential condo/hotel units on the upper levels and commercial space on the ground floor; and

WHEREAS, after notice of public hearing, a public hearing was held before the Board of Architects of the City of Coral Gables on September 12, 2024, at which meeting the Board granted Mediterranean Bonus Levels 1 & 2, and the Preliminary Design, (vote: 5-0); and

WHEREAS, at the October 16, 2024, Historic Preservation Board meeting, the Board approved (vote: 8-0) the application as a receiving site, as it is within five (500) hundred feet of a local historic landmark; and

WHEREAS, the utilization of 9,049 square feet of TDRs in this project will permit a 25% increase in Floor Area Ratio (FAR) from 3.5, as permitted in the underlying zoning district, to 4.375, which is within the 25% increase in FAR permitted when TDRs are utilized; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one thousand (1,000) feet, a public hearing was held before the Planning and Zoning Board/Local Planning Agency of the City of Coral Gables on December 17th, 2024, at which hearing all interested persons were afforded the opportunity to be heard;

WHEREAS, at the December 17th, 2024 Planning and Zoning Board meeting, the Board recommended deferral to improve the design of loading area, service circulation and sidewalk; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one thousand (1,000) feet, a public hearing was held before the Planning and Zoning Board/Local Planning Agency of the City of Coral Gables on January 15th, 2025, at which hearing all interested persons were afforded the opportunity to be heard;

WHEREAS, at the January 15th, 2025 Planning and Zoning Board meeting, the Board recommended approval (vote: 7-0) of the receipt of Transfer of Development Rights (TDRs) for the mixed use project referred to as “299 Minorca” on property legally described as Lots 45 through 48, less than North 12 feet thereof, Block 17, Section “K (299 Minorca Avenue), Coral Gables, Florida; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one thousand (1,000) feet, the City Commission held a public hearing on February 11th, 2025, at which hearing all interested persons were afforded an opportunity to be heard.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, 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 this Resolution upon adoption hereof.

SECTION 2. The Applicant’s request for requesting receipt of Transfer of Development Rights (TDRs) pursuant to Zoning Code Article 14, “Process”, Section 14-204, “Transfer of Development Rights” and Section 14-204.6, “Review and approval of use of TDRs on receiver sites”, for the receipt and use of TDRs for the mixed use project referred to as “299 Minorca” on property legally described as Lots 45 through 48, less than North 12 feet thereof, Block 17, Section “K (299 Minorca Avenue), Coral Gables, Florida; is 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 HamedRodriguez Architects to include:
 - i. Maximum building height shall not to exceed 97'-0" feet.
 - ii. Maximum FAR of 4.375 (45,244 sq. ft.), including 9,049 sq. ft. of TDRs
 - iii. 45 residential units
 - iv. 56 remote parking spaces at 255 Alhambra Circle
 - v. 1,197sq. ft. (11%) open space
- b. All representations proffered by the Applicant's representatives as a part of the review of the Application at public hearings.

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

- a. **Ground Floor Design.** The ground floor of all sides of all buildings, including the Pedestrian paseo, shall continue to be designed to optimize pedestrian activity and access.
- b. **Sidewalk Improvement.** The sidewalk along Salzedo Street shall maintain a consistent width of 10 feet to enhance pedestrian-friendliness. Bump-outs must be designed to maximize landscape area while maintaining the 10-foot sidewalk width.
- c. **Service Circulation.** The design of the ground floor shall include a two-lane driveway to accommodate additional ingress and egress traffic for service circulation and loading.
- d. **Remote Parking.** The one-time payment into the Parking Trust Fund for use of Remote Parking shall be paid for one hundred percent of the requested remote parking spaces and shall be collected prior to the issuance of a building permit in the amount established by the City Commission per Ordinance 2023-04.
- e. **Covenant.** Submit an appropriate covenant which shall run with the land and declaration of restrictions for the remote parking spaces in recordable form acceptable to the City Attorney and acceptable in substance to the Director of Development Services, including at least all of the following:
 - i. The owner of the remote parking spaces must confirm that the remote parking spaces are a surplus of the required parking spaces that serve an existing development. The City has the right to access and inspect remote parking spaces if the spaces are leased.
 - ii. An application must be submitted to amend the remote parking approval if the Applicant proposes to relocate remote parking spaces to a different location at least 90 days before the termination of the remote parking agreement. The same application requirements apply.
 - iii. The Applicant must report any unplanned changes in the application facts OR create a remote parking arrangement approved by the Director of Development Services within 5 business days of unplanned changes, AND submit a remedial plan consistent with the subsection 8 within 10 business days from the unplanned changes. The Director of Development Services is responsible for approving the remedial plan and setting the time of implementation.

- iv. The City is authorized to inspect the remote parking spaces to determine the continuing adequacy of the remote parking arrangement during operation hours.
- v. The Applicant must submit an affidavit annually to confirm the facts of initial approval.
- vi. The Applicant must submit renewed documents and affidavits at the time of entering into a new lease or renewing a lease.
- vii. If the Applicant fails to meet the requirements provided for herein, the Applicant will be subject to compliance with the parking requirements of the Zoning Code applicable to the property. The Director of Development Services determines the materiality of the failure to comply with the requirements provided for herein.
- viii. The survey must show the exact location, traffic flow, and current physical layout of the proposed remote parking spaces.
- f. **Parking Lease Agreement.** The Parking Lease Agreement shall be prepared and reviewed by Directors of Planning and Zoning, and Parking.
- g. **Underground overhead utilities.** Applicant shall coordinate with the Public Works Department and the applicable utility providers to develop and submit to the City all necessary plans, drawings, and documents to underground all utilities along alley adjacent to the project. Applicant shall obtain approval from the applicable utility providers and the City (including the Directors of Public Works, Greenspace Management, and Planning and Zoning).
- h. **Sewer Improvements.** The applicant shall be responsible for all necessary sewer improvements, as follows:
 - i. Applicant shall provide the City with sewer load calculations. Based on these calculations and the capacity of the existing sewer system, applicant may be required to implement necessary sewer system improvements to accommodate the projected loads.
 - ii. In accordance with Section 78-103(b) of the Code, the applicant will be required to reimburse the Regency Parc development for sewer improvements funded downstream of the project location. Details regarding this reimbursement shall refer to the Regency Parc Sewer Improvement Agreement.
- i. **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 provide protected access to all neighboring businesses at 273-277 Minorca, and maintain pedestrian access and circulation along Minorca with sidewalks to remain open throughout construction. Existing alley shall remain open during construction, or alternate egress provided.
- j. **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.

- k. **Construction dust protection.** All demolition and construction dust shall be minimized to protect the neighboring properties.

3. Prior to issuance of the first Certificate of Occupancy of Temporary Certificate of Occupancy, Applicant shall:

- a. **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, including the 4-way stop and crosswalk across Salzedo Street and landscaped bumpouts, 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 via the permitting process shall be subject to review and approval by Directors of Public Works, Landscape Services, Planning and Zoning, and Parking.
- b. **Underground utilities.** Complete the undergrounding of all overhead utilities along alley as indicated in the approved undergrounding permit plans.
- c. **Alley improvements.** The Applicant shall install the appropriate signage along the alley to ensure that all deliveries, loading, unloading, and similar activities are prohibited in the alley.
- d. **Lease of Remote Parking.** The Applicant shall submit a copy of the executed lease for the off-site parking spaces of 56 spaces with the existing parking garage at 255 Alhambra Circle. The Applicant shall use commercially reasonable efforts to obtain a lease with an initial term of three (3) years with a minimum six (6) month written notice of termination for the remote parking location.

4. Prior to issuance of the first Certificate of Occupancy of Temporary Certificate of Occupancy, Applicant shall:

- a. **Annual Renewal.** The Applicant shall, prior to the annual renewal of the certificate(s) of use, submit an affidavit and any renewed documentation of the remote parking affirming that the matters originally approved remain in effect, which shall be reviewed by the Development Services Director per Section 10-109 of the Zoning Code. The certificate(s) of use shall not be issued unless the affidavit and documentation demonstrate that all the Remote Parking requirements of Section 10-109 continue to be met for the remote parking arrangement as it was approved.
- b. **Remedial Plan.** If the remote parking agreement is terminated or otherwise no longer available, the Applicant shall comply with the Remedial Plan options of Section 10-109 of the Zoning Code.
- c. **Alley Clearance:** All deliveries, loading, pick-ups, drop-offs, and similar activities shall occur exclusively within the designated areas on private property and maintain alley clearance at all times. Obstruction of the alley is strictly prohibited.
- d. **Public Security.** As voluntarily proffered by the Applicant, the rooftop area shall be fully accessible to the Coral Gables Police Department to address potential public safety concerns for the deployment of any necessary equipment at the City's cost and shall be executed with the necessary legal documents.

SECTION 3. 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 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., 2025.

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

BILLY URQUIA

CRISTINA SUAREZ

CITY CLERK

CITY ATTORNEY

DRAFT