

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2024-154

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA APPROVING CONDITIONAL USE REVIEW OF A SITE PLAN PURSUANT TO ZONING CODE ARTICLE 14, “PROCESS” SECTION 14-203, “CONDITIONAL USES,” FOR A PROPOSED TOWNHOUSE DEVELOPMENT REFERRED TO AS “THE GEORGE” ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 29 THROUGH 41, BLOCK 10, CORAL GABLES BILTMORE SECTION (717, 729, 737 AND 741 VALENCIA AVENUE), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting site plan review pursuant to Zoning Code Section 14-203 for a proposed townhouse project including 13 units referred to as “The George” on the property legally described as Lots 29 through 41, Block 10, Coral Gables Biltmore Section (717, 729, 737 and 741 Valencia Avenue), Coral Gables, Florida; and

WHEREAS, the Application requires site plan review and public hearing consideration pursuant to the Zoning Code Multi-Family 4 District (MF4) provisions; and

WHEREAS, after notice of public hearing was duly noticed, a public hearing was held before the Board of Architects of the City of Coral Gables on April 4, 2024, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the April 4, 2024 Board of Architects meeting, the Board of Architects approved the Coral Gables Mediterranean style design and approved the preliminary design (vote: 7 – 0); 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 June 12, 2024, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the June 12, 2024 Planning and Zoning Board meeting, the Planning and Zoning Board/Local Planning Agency recommended approval of the proposed site plan (vote: 6 – 0); 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 City Commission of the City of Coral Gables on July 9, 2024, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request for 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 use site plan review for the townhouse project including live/work units referred to as “The George” on the property legally described as Lots 29 through 41, Block 10, Coral Gables Biltmore Section (717, 729, 737 and 741 Valencia Avenue), Coral Gables, Florida shall be and is hereby 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 de la Guardia Victoria Architects and Urbanists to include:
 - i. Maximum building height shall not exceed 43’-6” / 3 stories.
 - ii. 1.51 FAR (55,206 sq. ft.).
 - iii. 13 residential units.
 - iv. Approximately 9,665 square feet of total open space.
 - b. All representations preferred 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. 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. **On-street parking.** The design of on-street parking shall be consistent with the current on-street parking design on the south side of Valencia Avenue. Payment shall be provided by the Applicant, its successors or assigns according to the established City requirements for the loss of on-street parking spaces on Valencia beyond the ten (10) required on-street parking spaces.
 - c. **On-site Trees.** The Applicant shall coordinate with Public Works on the feasibility of the relocation of the 6 mature oak trees and 2 additional mature trees. The Applicant shall

prepare a tree relocation plan or, in the event that one or more trees cannot be relocated, mitigation measures shall be proposed which improve tree canopy in the neighborhood surrounding the project site. The Tree Relocation / Mitigation Plan shall be reviewed and approved by the City Commission prior to permit issuance for vertical construction. The Applicant shall also be responsible for canopy mitigation payments for any loss of tree canopy. All collected tree canopy mitigation funds shall be allocated toward providing new shade trees on Valencia, Biltmore Court, Cardena, and Biltmore Way.

- d. **Off-site improvements.** Prior to issuance of the first City permit for vertical construction, all proposed streetscape improvements, including landscaped bumpouts and shade trees on Valencia, shall require conceptual approval from the City. 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, and three-and-a-half (3.5) inch caliper. 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. 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.
- e. **Bicycle/Pedestrian Plan.** The bicycle route on Valencia shall comply with the City’s Bicycle Pedestrian Master Plan, to be reviewed and approved by the Public Works Director. Alley shall be designed with a flare-style curb cut with a continuous and level sidewalk through the alley to create a pedestrian-friendly environment.
- f. **Art in Public Places.** The 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, the 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.
- g. **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 vehicle circulation along all streets.
- h. **Construction dust protection.** All demolition and construction dust shall be minimized to protect the neighboring properties.
- 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, 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.

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

- a. **Underground utilities.** Submit all necessary plans and documents and complete the undergrounding of all existing and new utilities along all public rights-of-way abutting and adjacent project boundary, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning.
- b. **Off-site improvements.** Install all right-of-way improvements subject to review and approval by Public Works Department and the Planning and Zoning Division.
- c. **Art in Public Places.** The Applicant shall comply with all City requirements for Art in Public Places.

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.

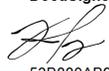
SECTION 3. That the applicant shall further be required to comply with all applicable zoning regulations and any changes to the application herein granted shall be in conformance with the requirements of Zoning Code Section 14-203.10, "Changes to an approved conditional use."

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 NINTH DAY OF JULY, A.D., 2024.
(Moved: Anderson / Seconded: Menendez)
(Yeas: Menendez, Anderson, Castro, Fernandez, Lago)
(Unanimous: 5-0 Vote)
(Agenda Item: E-8)

APPROVED:

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VINCE LAGO
MAYOR

ATTEST:

DocuSigned by:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

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CRISTINA M. SUÀREZ
CITY ATTORNEY