



City of Coral Gables Planning and Zoning Staff Report

Property:	<u>Ponce Park Residences</u> 3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga
Applicant:	RC Acquisitions, LLC and P&J Enterprise Holdings, LLC
Application:	Abandonment and Vacation of an Alley, Comprehensive Plan Map Amendment, Receipt of Transfer of Development Rights (TDRs), Conditional Use Review for Mixed-Use Site Plan, and Tentative Plat
Public Hearing:	Planning and Zoning Board / Local Planning Agency
Date & Time:	June 8, 2022; 6:00 – 9:00 p.m.
Location:	City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida 33134

1. APPLICATION REQUEST

Application request is for Abandonment and Vacation of an Alley, Comprehensive Plan Map Amendment, Receipt of Transfer of Development Rights (TDRs), Conditional Use review for a Mixed-Use Site Plan, and Tentative Plat for a mixed-use project referred to as “Ponce Park Residences.”

The requests require three public hearings, including review and recommendation by the Planning and Zoning Board, and 1st and 2nd Reading before the City Commission. The Ordinances and Resolutions under consideration include the following:

- 1. An Ordinance of the City Commission of Coral Gables, Florida, approving the vacation of a public alleyway pursuant to Zoning Code Article 14, “Process,” Section 14-211, “Abandonment and Vacations” and City Code Chapter 62, Article 8, “Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Process,” providing for the vacation of the twenty (20) foot wide alley which is approximately one hundred and fifty-five (155) feet in length lying between Lots 12 thru 18 and Lots 11 and 19 in Block 29, Crafts Section (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)*
- 2. An Ordinance of the City Commission of Coral Gables, Florida amending the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Zoning Code Article 14, “Process,” Section 14-213, “Comprehensive Plan Text and Map Amendments,” and Small Scale amendment procedures (ss. 163.3187, Florida Statutes), from “Commercial Low-Rise Intensity” to “Commercial High-Rise Intensity” for Lots 8 through 21, less the West ½ of lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29, (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) (LPA review)*

3. *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 "Ponce Park Residences" on the property legally described as Lots 8 through 21, less the West ½ of lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29; (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)*
4. *A Resolution of the City Commission of Coral Gables, Florida approving Mixed-Use Site Plan and Conditional Use review pursuant to Zoning Code Article 14, "Process" Section 14-203, "Conditional Uses," for a proposed Mixed-Use project referred to as "Ponce Park Residences" on the property legally described as Lots 8 through 21, less the West ½ of lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29; (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)*
5. *A Resolution of the City Commission of Coral Gables, Florida approving the Tentative Plat entitled "Ponce Park Residences" pursuant to Zoning Code Article 14, "Process," Section 14-210, "Platting/Subdivision," being a re-plat of 42,543 square feet (0.977 acres) into a single tract of land on the property legally described as Lots 8 through 21, less the West ½ of lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29, together with a 1,318 square feet portion of University Drive that runs north of the Malaga Avenue right-of-way and west of the Ponce de Leon Boulevard right-of-way and dedication of 1,725 square feet; (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)*

2. APPLICATION SUMMARY

The subject site is on the corner of University Drive and Ponce de Leon Boulevard, within walking distance of Ponce Circle Park. RC Acquisitions, LLC and P&J Enterprise Holdings, Inc. (referred to as "Applicants") submitted for the review of a proposed redevelopment with a mixed-use building to be located fronting Ponce de Leon Boulevard, Catalonia, University Drive, and Malaga.

On August 11, 2021, an application involving the same property was presented to the Planning & Zoning Board, at which time the Board recommended denial to the City Commission. The Applicants have since had additional meetings with the neighbors and substantially decreased the potential impact of the proposed redevelopment. The changes can be summarized as follows have:

- Withdrawal of proposed street vacation. The proposed project is no longer requesting vacation of University Drive, and therefore will not be utilizing any additional floor area ratio (FAR) from the right-of-way
- Reduction in density. The proposed unit count decreased from 161 to 80 units total
- Reduction in parking. The proposed parking was reduced from 276 to 173 spaces
- Reduction in height. The proposed height decreased from 179 to 149 feet.

	08 11 21 PZB Submittal	04 18 22 PZB Submittal
Building Site	39,948 sf (east and west parcels) 3,002 sf (alley) 13,145 sf (University Dr)	39,948 sf (east and west parcels) 3,002 sf (alley)
Total area	56,095 sf (1.29 ac)	42,950 sf (.99 ac)
Dedication (post-site plan approval)		407 sf (to change University Dr curve)
FAR	4.03 FAR (226,332 sf)	4.375 FAR (187,899 sf)
TDRs	40,000 sf	37,581 sf
Building Height / # of Stories	179' (16 stories)	149' (12 stories)
Density	125 u/a (161 units)	81 u/a (80 units)
Ground floor commercial	18,107 sf	15,671 sf
Parking	265 spaces	173 spaces
Open Space at ground level	18,468 sf (incl. ROW vacations)	26,404 sf (21,488 off-site)

The revised application is provided as Attachment A.

The mixed-use project referred to as Ponce Park Residences is located on the east-half of Block 29, in the Crafts Section approximately 42,950 square feet (0.99 acres) in size, including the public alley that the Applicants are proposing to vacate. The project now proposes 80 residential units, ground floor commercial uses of approximately 15,671 square feet, and a parking structure with 173 parking spaces. The proposed building height is 12-stories at 149 feet to the top of the habitable space.

Project Site is approximately 0.99 acres (42,950 square feet), including the alley

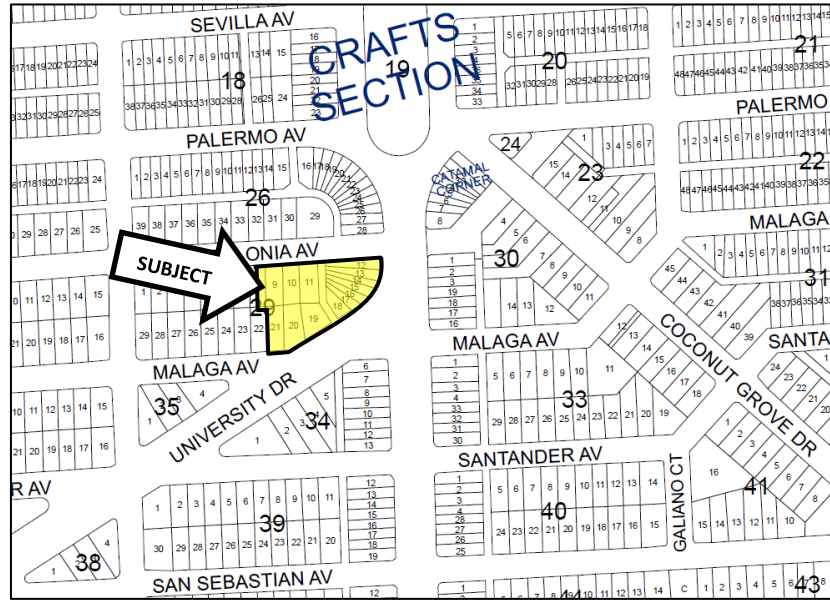
1. Building Height is 12-stories at 149' to the top of roof
2. Total proposed site FAR 4.375 (187,899 sf. including 37,581 sf. of TDRs)
3. 80 residential units
4. 15,671 square feet (8% of total square footage) of ground-floor commercial uses
5. 173 parking spaces
6. 26,404 square feet Open Space

The Applicants have submitted an application (referred to as the “Application”) for review of the following: Change of Land Use from Commercial Low-Rise Intensity to Commercial High-Rise Intensity; Transfer of Development Rights (TDRs) as a receiving site utilizing 37,581 sq. ft. of TDRs made available pursuant to a Dispute Resolution Agreement; Conditional Use Review; and Tentative Plat for a Mixed-Use project referred to as Ponce Park Residences.

Project Location

The subject property occupies the east-half of Block 29 within the Crafts Section and is bounded by Catalonia Avenue (north), Ponce de Leon Boulevard (east) and the intersection of University Drive and Malaga Avenue (south). The property is legally described as Lots 8 through 21, less the West ½ of lot 8, Block 29, “Coral Gables Crafts Section,” (3000 Ponce de Leon Blvd, 216 and 224 Catalonia Ave, 203 University Dr, and 225 Malaga Ave) together with that portion of University Drive that runs north of the Malaga Avenue right-of-way and west of the Ponce de Leon Boulevard right-of-way Coral Gables, Florida; as shown in the following location map and aerial:

Block, Lot and Section Location Map



Aerial



Site Data and Surrounding Uses

The following tables provide the subject property’s designations and surrounding land uses:

Existing Property Designations

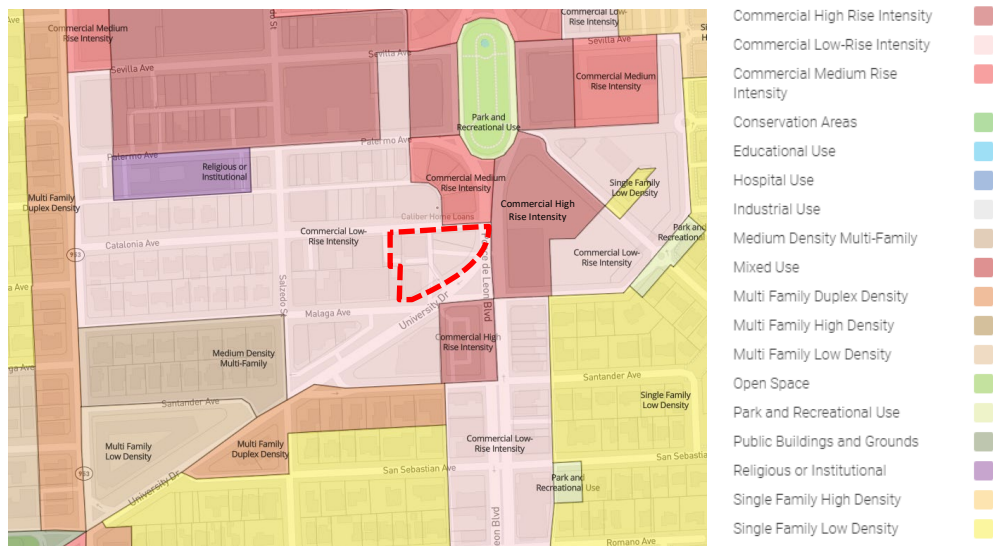
Comprehensive Plan Map designation	Commercial Low-Rise Intensity
Zoning Map designation	MX-1 (formerly Commercial)
Coral Gables Redevelopment Infill District	Yes

Surrounding Land Uses

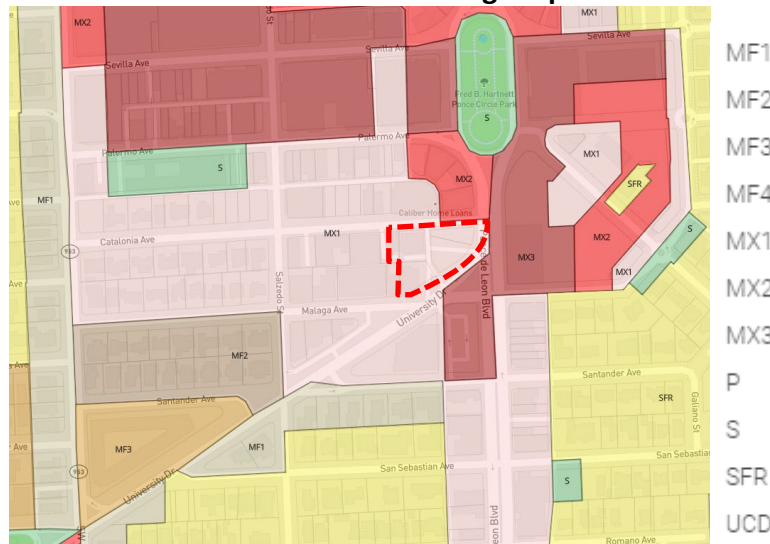
LOCATION	EXISTING LAND USES	CP DESIGNATIONS	ZONING DESIGNATIONS
North	Office building: 1 First Bank	Commercial Mid-Rise Intensity; Commercial Low-Rise Intensity	MX-2; MX-1
South	Coral Gables District Court	Commercial High-Rise Intensity; Commercial Low-Rise Intensity	MX-3; MX-1
East	The Plaza (under construction)	Commercial High-Rise Intensity	MX-3
West	Office Building	Commercial Low-Rise Intensity	MX-1

The property's existing land use and zoning designations, as illustrated in the following maps:

Future Land Use Map



Zoning Map



3. APPLICANTS' PROPOSAL

The Applicants are requesting multiple requests that require Planning & Zoning Board and Historic Preservation Board recommendations and City Commission approval.

A. Vacation of an Alley

The Applicants are proposing to vacate the existing alley that bisects the property.

City Code Chapter 62, Article VIII, "Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Process" requires that the Public Works Department shall review all applications for the vacation of a public right-of-way in accordance with criteria set forth in City Code Sections 62-259 and 62-262.

Zoning Code, Article 14, "Process", Section 14-211.3., "Standards for review" provides the standards for review for the proposed vacations, abandonment or closure of public streets and alleyways.

Findings of Fact – Alley Vacation

The standards provided in Zoning Code Section 14-211.3, "Standards for review" and the Applicants' response to each standard is as follows:

"The Zoning Code specifies that applications for the abandonment and vacation of city streets, alleys, special purpose easements and other non-fee interests which the City may have in real property may be approved provided that it is demonstrated that:

STANDARD FOR REVIEW	APPLICANTS' RESPONSE
The non-fee property interest sought to be abandoned does not provide a benefit to the public health, safety, welfare, or convenience, in that it is not being used by the City for any of its intended purposes.	The existing alley is not being used by the City for any of its intended purposes. The Applicants will work closely with its architect and City staff to ensure that all needs are met by the proposed driveway to the garage, loading area, and pedestrian paseo to replace the form and function of the existing alley.
The Comprehensive Plan, special purpose plan, or capital improvement program does not anticipate its use	There is no plan or program that anticipates the use of the alleyway.
Provides some benefit to the public health, safety, welfare, or convenience, but the overall benefit anticipated to result from the abandonment outweighs the specific benefit derived from the	The alley will be replaced with a mid-block paseo, which will improve pedestrian movement and safety. The trash, loading, and other aspects of the alley will be internalized within the confines of the building.

STANDARD FOR REVIEW	APPLICANTS' RESPONSE
<p>non-fee property interest, in that the vacation or abandonment will not frustrate any comprehensive plan, special purpose plan, or capital improvement program of the City.</p>	
<p>The vacation or abandonment will not interfere with any planning effort of the City that is underway at the time of the application but is not yet completed.</p>	<p>The vacation and abandonment of the alley will not interfere with any planning effort of the City that is presently underway but not yet completed.</p>
<p>The vacation or abandonment will provide a material public benefit in terms of promoting the desired development and improves the City's long-term fiscal condition and the Applicants provide beneficial mitigation in the form of a proffered mitigation plan which mitigates the loss of real property, the increase in the intensity of use and/or impacts on the public health, safety and welfare including increased parking and traffic."</p>	<p>The requested alley vacation will provide a material public benefit to the City by improving pedestrian safety. The alley will be replaced with a mid-block paseo, which will improve pedestrian movement and safety.</p>

Consistency Evaluation of the Comprehensive Plan (CP) Goals, Objectives and Policies

This section provides those CP Goals, Objectives and Policies applicable to the Application to vacate the alley and the determination of consistency:

REF. NO.	COMPREHENSIVE PLAN GOAL, OBJECTIVE AND POLICY	STAFF REVIEW
1.	<p>Objective FLU-1.1. Preserve Coral Gables as a “placemaker” where the balance of existing and future uses is maintained to achieve a high quality living environment by encouraging compatible land uses, restoring and protecting the natural environment, and providing facilities and services which meet or exceed the minimum Level of Service (LOS) standards and meet the social and economic needs of the community through the Comprehensive Plan and Future Land Use Classifications and Map (see FLU-1: Future Land Use Map).</p>	Complies
2.	<p>Objective FLU-1.2. Efforts shall continue to be made to control blighting influences, and redevelopment shall continue to be encouraged in areas experiencing deterioration.</p>	Complies
3.	<p>Objective DES-1.1. Preserve and promote high quality, creative design and site planning that is compatible with the City's architectural heritage, surrounding development, public spaces and open spaces.</p>	Complies

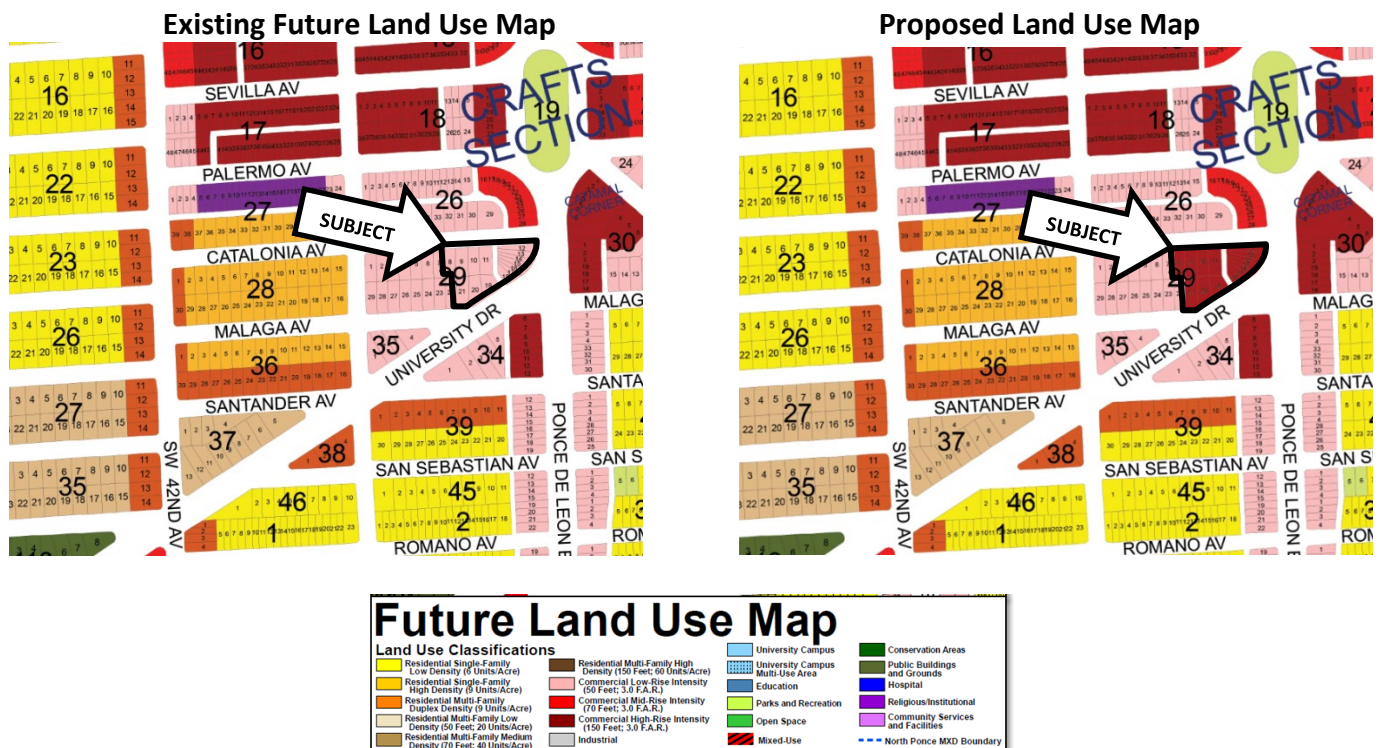
REF. NO.	COMPREHENSIVE PLAN GOAL, OBJECTIVE AND POLICY	STAFF REVIEW
4.	Objective MOB-1.1. Provide solutions to mitigate and reduce the impacts of vehicular traffic on the environment, and residential streets in particular with emphasis on alternatives to the automobile including walking, bicycling, public transit and vehicle pooling.	Complies
5.	Policy MOB-1.1.2. Encourage land use decisions that encourage infill, redevelopment and reuse of vacant or underutilized parcels that support walking, bicycling and public transit use.	Complies

Staff Comments: Staff’s determination that this application is “consistent” with the CP Goals, Objectives and Policies that are identified is based upon compliance with conditions of approval recommended by Staff, and proffered by the Applicants.

B. Comprehensive Plan Map Amendment

The subject site is currently designated as Commercial Low-Rise Intensity on the Comprehensive Plan Future Land Use Map. The Applicants are proposing to change the land use to Commercial High-Rise Intensity, with an ability to secure an additional 3 stories and have a maximum height of 190.5 feet with Mediterranean Bonus Level 2.

A comparison of the property’s existing Future Land Use Map designations and the Applicants’ requested designation is shown on the following maps:



Findings of Fact- Land Use Map Amendment

Zoning Code Section 14-213.6 provides review standards for Comprehensive Plan amendments:

Standard	Staff Evaluation
1. Whether it specifically advances any objective or policy of the Comprehensive Land Use Plan.	The Comprehensive Plan map amendment from Commercial Low-Rise Intensity to Commercial High-Rise Intensity facilitates a taller building to advance the objectives and policies in multiple Comprehensive Plan elements that encourage mixed use development and urban housing options near downtown that reduce the need to drive.
2. Whether it is internally consistent with Comprehensive Land Use Plan.	The proposed mixed-use redevelopment is consistent with the Commercial High-Rise land use, as it allows for mixed-use development.
3. Its effect on the level of service of public infrastructure.	The proposed map amendment will support enhanced multi-modal activity along Ponce de Leon Boulevard if developed as a mixed-use building that would reduce traffic in the area by encouraging residents to work where they live, and walk, bike, or use transit.
4. Its effect on environmental resources.	The proposed amendment promotes urban infill redevelopment on a currently underutilized land with deteriorating buildings. No significant environmental resources will be impacted.
5. Its effect on the availability of housing that is affordable to people who live or work in the City of Coral Gables.	The proposed amendment will provide additional multi-family housing opportunities near downtown with access to frequent transit service, biking distance to multiple destination, and pedestrian access to dining, shopping, and employment opportunities. The project contributes to the provision of additional housing options for people who live, work, and study in the City.
6. Any other effect that the City determines is relevant to the City Commission’s decision on the application.	Related to this application, the Applicants are also requesting a vacation of the alley that bisects the property. If this vacation and the proposed map amendments are to approved, the proposed land use would also be applied to the vacated alley.

Staff comments:

The request to change the land use from Commercial Low-Rise to High-Rise is a significant increase of allowed height for the subject property. The existing maximum building height is 77 feet. The Applicants are proposing to change the land use for a maximum building height of 190.5 feet. However, the proposed site plan offers a mixed-use building with a height of 149 feet that would allow residents to live close to downtown. This proximity to work, restaurants, shopping, and entertainment would reduce traffic, as people will have the option to walk, bike, or use transit.

C. Transfer of Development Rights (TDRs)

The Applicants are requesting the receipt of 37,581 square feet of TDRs. Although not a receiver site, on

August 17, 2019, by Resolution No. 2019-252, the City Commission approved the Applicants to file an application, pursuant to a Dispute Resolution Agreement between the City and Mundomed S.A. and South High Cliff Corporation. As a result of this Dispute Resolution Agreement, specific TDRs were created to preserve some environmentally-sensitive lands which TDRs may be transferred and utilized not only within the boundaries of designated receiving areas (CBD and North Ponce Mixed-Use Corridor), but also in Commercial and Industrial zoned areas.

The City's Comprehensive Plan Table FLU-2. Commercial Land Uses states that "up to an additional 25% F.A.R. may be granted for properties qualifying as receiving sites for Transfer of Development Rights (TDRs)."

The Historic Preservation Board reviewed and approved the request to receive Transfer of Development Rights (TDRs) at their October 2021 meeting, as required by the Zoning Code because the subject site is within 500 feet of a local historic landmark.

Findings of Fact – Transfer of Development Rights (TDRs)

Sections 14-204.5 and 14-204.6 of the Zoning Code establish the requirements for the use of TDRs on receiver sites. Those provisions state that the Planning and Zoning Board and City Commission may recommend conditions of approval that are necessary to ensure compliance with the criteria and standards as specified in the Zoning Code.

Below is the review and approval process of use of TDR's on receiver sites as set out in Zoning Code Section 14-204.6, as follows:

- A. *"An application to transfer development rights to a receiver site shall be reviewed subject to all of the following":*
1. *"In conformance with any applicable conditions of approval pursuant to the Certificate of TDRs."*
 2. *"Board of Architects review and approval subject to Section 5-100, Design Review Standards."*
 3. *"If the receiving site is within five hundred (500) feet of a local historic landmark, Historic Preservation Board review and approval is required to determine if the proposal shall not adversely affect the historic, architectural, or aesthetic character of the property".*
 4. *"Planning and Zoning Board review and recommendation and City Commission review to determine if the application satisfies all of the following":*
 - a. *"Applicable site plan review requirements per Section 14-202, General Development Review Procedures and conditional use review requirements per Section 14-203, Conditional Uses".*
 - b. *"The extent to which the application is consistent with the Zoning Code and City Code otherwise applicable to the subject property or properties, including but not limited to density, bulk, size, area and use, and the reasons why such departures are determined to be in the public interest".*
 - c. *"The physical design of the proposed site plan and the manner in which the design makes use of adequate provisions for public services, provides adequate control over vehicular traffic, provides for and protects designated common open areas, and furthers the amenities of light and air, recreation and visual enjoyment".*
 - d. *"The conformity of the proposal with the Goals, Objectives and Policies of the City's Comprehensive Plan".*

5. Notice of hearings provided in accordance with the provisions of Article 15 of these regulations.

Staff Comments: The Applicants are requesting the utilization of **37,581 sq. ft.** of TDRs in this project, which meets the 25% maximum increase of floor area ratio (FAR). The proposed building density, bulk, size, area and use are all consistent with the allowed development of the property, upon approval of the requested change of land use to Commercial High-Rise Intensity. The proposed site plan includes improvements and possible expansion of pedestrian space at the northwest corner of University Drive and Ponce de Leon Boulevard. The vehicular entrances to the proposed building offer priority to pedestrian circulation and further protects designated common open areas within the public rights-of-way. The proposed uses of ground floor commercial and residential on the upper floors conforms to the goals, objectives, and policies of the Comprehensive Plan to encourage mixed use development and urban housing options near downtown that reduce the need to drive.

D. Mixed Use Site Plan

The Applicants are requesting Conditional Use Review for the proposed mixed-use site plan. The Applicants are authorized to use the Mixed-Use District (MXD) regulations of the former 2007 Zoning Code, as the building design already received Board of Architects approval prior to the adoption of the Zoning Code Update. The Zoning Code Update has updated standards, such as setbacks, mixes of uses, setbacks, and other regulations. The former MXD process that existed in the 2007 Zoning Code is voluntary and property owners who choose to develop under these regulations are required to undergo Site Plan review in accordance with the Conditional Use process pursuant to the requirements established in Zoning Code Article 14, Section 14-203, "Conditional Uses."

Site Plan Information:

Type	Allowed/Required	Proposed
Area existing lot	20,000 sq. ft.	39,948 sq. ft. (east and west parcels)
Proposed alley vacation		3,002 sq. ft.
Total area		42,950 sf (.99 ac)
FAR	3.0, or 3.5 with Med Bonus Level 2	196,333 sq. ft.
TDRs	25% maximum increase	30,000 square feet (13% increase) (21% increase on private parcels only)
Total FAR	4.375 (3.5 + TDRs)	4.375 FAR (187,899 sq. ft.)
Building height	Existing land use: Commercial Low-Rise Intensity 50 ft., 77 feet (Med Bonus Level 2) Proposed land use: Commercial High-Rise Intensity 150 ft., 190.5 feet (Med Bonus Level 2)	149 feet to top of habitable space
Number of stories	After change of land use to Commercial High-Rise Intensity: 16 floors/190.5 feet	12 stories
Proposed Uses:		

Type	Allowed/Required	Proposed
<i>Residential</i>	Density: 125 units/acre 126 units (incl. alley vacation)	Density: 81 units/acre 80 units
<i>Ground Floor Commercial</i>	15,671 sq. ft. (8%)	15,671 sq. ft. (8%)
Parking		
<i>Residential Units</i>		
<i>1BR, 23 units @1/unit</i>	23 spaces	
<i>2BR, 22 units @1.75/unit</i>	38 spaces	
<i>3BR, 35 units @2.25/unit</i>	78 spaces	
<i>Retail @ 1 space/300</i>	52 spaces (15,671 sq. ft./300)	
Total Parking	173 per shared parking analysis	173 spaces
Open Space at ground level	4,295 sq. ft. (10%) of the site area (incl. alley vacation)	7.5% on-site arcade 21,488 sf (off-site)

Setbacks*	Permitted/Required	Permitted/Required
<i>Primary street frontages Ponce de Leon Blvd</i>	10 ft.	0 feet (Building setback reductions per Mixed Use and Med Bonus)
<i>Side street (North) (Catalonia Avenue)</i>	15 ft.	0 feet (Building setback reductions per Mixed Use and Med Bonus)
<i>Side street (South) (Malaga Avenue)</i>	15 ft.	0 feet (Building setback reductions per Mixed Use and Med Bonus)
<i>Rear (Westside)</i>	10 ft.	0 feet (Building setback reductions per Mixed Use and Med Bonus)

* Setback reductions may be awarded for MXD projects subject to providing vertical building setbacks, a minimum of 10 ft. at maximum height of 45 ft. on all facades.

Findings of Fact – Mixed-Use Site Plan

Conditional Use Review Criteria

Planning Staff’s review of the criteria set out in Section 14-203.8, “Standards for Review” is as follows:

STANDARD	STAFF EVALUATION
1. The proposed conditional use is consistent with and furthers the goals, objectives and policies of the Comprehensive Land Use Plan and furthers the purposes of these regulations and other City ordinances and actions designed to implement the Plan.	Yes. The Application for Mixed Use Site Plan review is “consistent” with the CP’s Goals, Objectives and Policies with the recommended conditions of approval and site plan provisions incorporated by the Applicants which address the City objectives for encouraging mix of uses within the city’s urban areas bounded by Bird Road, LeJeune Road, U.S. 1 and Ponce de Leon Boulevard. The geographic area encompasses a large area that is served by numerous residential, commercial, retail and office uses. The area is served by the Coral Gables Trolley and regional Miami-Dade Metrorail at Douglas Station.
2. The available use to which the property may be put is	Yes. The subject property is located south of downtown with some existing and approved mixed-use buildings. Therefore,

STANDARD	STAFF EVALUATION
appropriate to the property that is subject to the proposed conditional use and compatible with existing and planned uses in the area.	the proposed residential uses on the formerly commercial site is compatible with other properties in the area.
3. The proposed conditional use does not conflict with the needs and character of the neighborhood and the City.	The subject property is requesting to construct a building of similar scale to the surrounding neighborhood of The Plaza, the Zubi building, and Regions Bank. The proposed commercial and residential uses do not conflict with the needs and character of the mixed use, residential, and commercial neighborhood.
4. The proposed conditional use will not adversely or unreasonably affect the use of other property in the area.	The proposed mixed-use building continues the mixed-use policy within the downtown area together with other mixed-use properties in the area and will not unreasonably affect the use of their properties.
5. The proposed use is compatible with the nature, condition and development of adjacent uses, buildings and structures and will not adversely affect the adjacent uses, buildings or structures	Yes. The request to construct a mixed-use building is compatible with the allowed development of adjacent buildings and structures. The addition of residential uses to the commercial property will complement the existing commercial uses in the downtown area and along Ponce de Leon Boulevard and not adversely affect the adjacent uses or buildings.
6. The parcel proposed for development is adequate in size and shape to accommodate all development features.	Yes. The subject property is larger than the minimum 20,000 square foot size for a mixed-use project within an approved MXD and MXOD.
7. The nature of the proposed development is not detrimental to the health, safety and general welfare of the community.	Yes. Commercial and mixed-use properties surround the project site, and the proposed project is consistent with the stated goals and objectives for mixed use redevelopment. The redevelopment of this property as a mixed use project fulfills the objective of the City to attract residential developments to downtown and to create an urban environment designed for people.
8. The design of the proposed driveways, circulation patterns and parking is well defined to promote vehicular and pedestrian circulation.	Yes. All vehicular parking for the project is located within the confines of the building to be accessed from Catalonia, and service access and areas are enclosed to be accessed from Malaga. Arcades and a pedestrian paseo are provided to encourage and facilitate pedestrian circulation through and around the project site and surrounding district. Staff's recommended conditions of approval include the requirement for a level and continuous sidewalk through these driveways to prioritize pedestrian circulation.
9. The proposed conditional use satisfies the concurrency standards of Section 14-218 and will not adversely burden public facilities, including the traffic-	Yes. The proposed project was reviewed by the Zoning Division and meets concurrency and does not adversely burden public facilities. Furthermore, a Traffic Impact Study was done by Kimley Horn & Associates with the Public Works Department and is

STANDARD	STAFF EVALUATION
carrying capacities of streets, in an unreasonable or disproportionate manner.	attached. Additionally, certain conditions of approval are recommended to ensure the project meets required infrastructure.

Traffic Study

The subject site is within the Gables Redevelopment Infill District (GRID). The City’s GRID allows development within its boundaries to move forward regardless of a roadway’s level of service (LOS). The City does, however, require all developments within the GRID that increase intensity/density beyond a 50 additional trips threshold to complete a Traffic Impact Study (TIS). The TIS was completed in November 2020 prepared by Kimley Horn & Associates for the Public Works Department when the project had substantially more residential units, commercial, and general impact on the area’s streets. The study demonstrated that there were no significant impacts to the surrounding roadways with the prior proposed development. Since the project has decreased the proposed number of units and overall impact, the trip generation analysis was updated and was determined that a TIS is no longer required by Public Works.

Concurrency Management

This project has been reviewed for compliance with the City’s Concurrency Management program. The Concurrency Impact Statement (CIS) for the project indicates that there is adequate infrastructure available to support the project.

Public School Concurrency Review

Pursuant to the Educational Element of the City’s Comprehensive Plan, Section 14-218.4 of the Zoning Code, and State of Florida growth management statute requirements, public school concurrency review is required prior to final Board of Architects review for all applications for development approval in order to identify and address the impacts of new residential development on the levels of service for public school facilities. Adequate school capacity must be available. If capacity is not available, the developer, school district and affected local government must work together to find a way to provide capacity before the development can proceed. A letter issued by the Miami-Dade County Public School Board dated September 3, 2020 states the proposed project had been reviewed and that the required Level of Service (LOS) standard had been met. A copy of that letter is provided as part of Attachment A.

Art in Public Places Program

The Applicants are required to satisfy the City’s Art in Public Places program by either providing public art on site or providing a contribution to the Art in Public Places Fund. The Applicants propose to provide contribution to the Art in Public Places Fund in compliance with Zoning Code regulations. A portion of the contribution will be used by the City to provide art at Ponce Circle Park.

Off-site improvements and Undergrounding of Overhead Utilities.

The Applicants proffered at least one million dollars (\$1,000,000) of in-kind improvements, inclusive of both hard and soft costs, to improve the University Drive right-of-way and park area abutting the property, in conjunction with its development of the Project, and in accordance with a design to be designated by the City and in compliance with all applicable laws and other legal requirements. The City shall provide final design, which shall be reviewed and approved administratively by the Planning Director, no later than

sixty (60) business days after approval of the Project by the City Commission. The construction of all Improvements shall be exclusively performed by the Applicants. Upon completion, the Applicants shall thereafter maintain the park area at its sole cost and expense. A Restrictive Covenant will be executed to capture this contribution prior to consideration by the City Commission.

The provisions in Zoning Code for Mixed-Use Districts require that all utilities shall be installed underground pursuant to the direction of the Public Works Department. In accordance with that requirement, all utilities within the public right-of-way adjoining the project site will be installed underground. To assist in a cohesive undergrounding of all utilities, in furtherance of satisfying Zoning Code Article 2 "Zoning Districts," and Article 14, "Conditional Uses," Section 14-203, "Standards for review," the Applicants are required to underground all existing overhead utilities.

E. Tentative Plat

Related to the alley vacation request, the Applicants are proposing a re-plat of the private property to reflect the vacated alley and donation of private property that slightly alters the curve of University Drive at Ponce de Leon Boulevard. The proposed tentative plat contains a single track, Tract "A," that will become the building site for the Project.

The proposed vacation of the alley and the alteration of the curve on University Drive requires two amendments to the historic City Plan, as the City Plan includes both the street grid and the alleys of the city. The Historic Preservation Board (HPB) reviews all amendments to the historic City Plan and provides recommendations to the City Commission. In October 2021, the HPB recommended denial of both the amendments of the City Plan for the vacation of the alley and the vacation of University Drive (because the request was vacating the entire portion of University Drive). The Applicant wishes to proceed to the City Commission after the Planning & Zoning Board with these recommendations from HPB.

Findings of Fact - Tentative Plat Review

The procedure for reviewing and recommending a tentative plat is contained in Sections 14-210.1 through 14-210.4 of the Zoning Code. The Planning and Zoning Board provides a recommendation on tentative plats to the City Commission. The final plat is prepared from the tentative plat, with a final review and approval in resolution form by the City Commission. Administrative review and approval of the final plat by the Miami-Dade County Subdivision Department is required prior to the City Commission hearing. The tentative plat is provided in the submitted Application (see Attachment A).

City Staff Review

This tentative plat was submitted for review to the Development Review Committee (DRC) and distributed to City Departments as required in Zoning Code Section 14-210.2. The Zoning Code requires review and comments be provided by the Public Works Department, which have been sent to the Applicants. Further review is required by the Public Works Department and Miami-Dade County prior to final plat consideration by the City Commission.

Consistency Evaluation of the Comprehensive Plan (CP) Goals, Objectives and Policies

This section provides those Comprehensive Plan Goals, Objectives and Policies applicable to the proposed re-plat and the determination of consistency:

REF. NO.	COMPREHENSIVE PLAN GOAL, OBJECTIVE AND POLICY	STAFF REVIEW
1.	Policy FLU-1.11.1. Maintain and enforce effective development and maintenance regulations through site plan review, code enforcement, and design review boards and committees.	Complies
2.	Goal DES-1. Maintain the City as a livable city, attractive in its setting and dynamic in its urban character.	Complies
3.	Objective DES-1.1. Preserve and promote high quality, creative design and site planning that is compatible with the City’s architectural heritage, surrounding development, public spaces and open spaces.	Complies
4.	Objective HOU-1.5. Support the infill of housing in association with mixed use development.	Complies
5.	Policy MOB-1.1.1. Promote mixed use development to provide housing and commercial services near employment centers, thereby reducing the need to drive.	Complies

Staff Comments: Staff’s determination that the re-plat as proposed is consistent with the CP Goals, Objectives and Policies. The single tract slightly alters the curve of University Drive with the dedication and vacation of segments along the University Drive frontage. While slightly altering the curve, the proposed curve maintains the historic intent of the original plat and urban character of the Crafts Section. The re-plat is consistent with the many goals of the Comprehensive Plan to promote development that achieves proper relationship between the uses of land and surrounding areas. The alteration of the curve and re-platting of the existing alley supports redevelopment of the property to accommodate mixed-use development with the associated residential units. The proposed project complies with zoning regulations and has been reviewed by multiple design review boards.

4. REVIEW TIMELINE AND PUBLIC NOTIFICATION AND COMMENTS

City Review Timeline

The submitted applications have undergone the following City reviews:

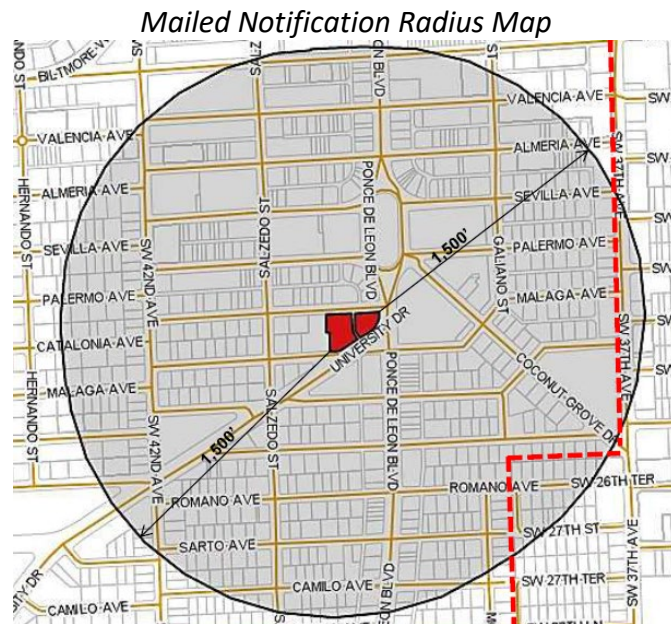
TYPE OF REVIEW	DATE
Development Review Committee	07.31.20
Board of Architects (Preliminary Design and Mediterranean Architecture)	11.19.20
Planning and Zoning Board	02.10.21
Historic Preservation Board	02.17.21
Planning and Zoning Board	08.11.21
Historic Preservation	10.20.22
Board of Architects	04.07.22

TYPE OF REVIEW	DATE
Planning & Zoning Board	06.08.22
City Commission (1 st reading)	TBD
City Commission (2 nd reading)	TBD

Public Notification and Comments

The Applicants held the mandatory neighborhood meeting on November 24, 2020 with notification to all property owners within 1,500 of the property.

The Zoning Code requires that a mailed notification be provided to all property owners within 1,500 feet of the property. The notification was sent on May 25, 2022. The notice indicates the following: applications filed; public hearing dates/time/location; where the application files can be reviewed and provides for an opportunity to submit comments. Approximately 835 notices were mailed. A copy of the legal advertisement and courtesy notice are provided as Attachment E. A map of the notice radius is provided below.



The following has been completed to solicit input and provide notice of the Application:

Public Notice

TYPE	DATE
Applicants neighborhood meeting	11.24.20
Courtesy notification for February PZB	01.28.21
Sign posting of property for February PZB	01.29.21
Legal advertisement for February PZB	01.29.21
Posted Staff report on City web page for February PZB	02.05.21
Mailed notification for August PZB	07.28.21

TYPE	DATE
Sign posting of property for August PZB	07.30.21
Legal advertisement for August PZB	07.30.21
Posted Staff report on City web page for August PZB	08.06.21
Mailed notification for May PZB	04.28.22
Sign posting of property for May PZB	04.29.22
Legal advertisement for May PZB	04.29.22
Mailed notification for June PZB	05.25.22
Sign posting of property for June PZB	05.27.22
Legal advertisement for June PZB	05.27.22
Posted Staff report on City web page for June PZB	06.03.22

5. Staff Recommendation.

The Planning Division based upon the complete Findings of Fact contained within this Report recommends the following:

1. *An Ordinance of the City Commission of Coral Gables, Florida, approving the vacation of a public alleyway pursuant to Zoning Code Article 14, "Process," Section 14-211, "Abandonment and Vacations" and City Code Chapter 62, Article 8, "Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Process," providing for the vacation of the twenty (20) foot wide alley which is approximately one hundred and fifty-five (155) feet in length lying between Lots 12 thru 18 and Lots 11 and 19 in Block 29, Crafts Section (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)*

Staff recommends **Approval**.

2. *An Ordinance of the City Commission of Coral Gables, Florida amending the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Zoning Code Article 14, "Process," Section 14-213, "Comprehensive Plan Text and Map Amendments," and Small Scale amendment procedures (ss. 163.3187, Florida Statutes), from "Commercial Low-Rise Intensity" to "Commercial High-Rise Intensity" for Lots 8 through 21, less the West ½ of lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29 (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE) (LPA review)*

Staff recommends **Approval**.

3. *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 "Ponce Park Residences" on the property legally described as Lots 8 through 21, less the*

West ½ of lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29; (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)

Staff recommends **Approval**.

4. *A Resolution of the City Commission of Coral Gables, Florida approving Mixed-Use Site Plan and Conditional Use review pursuant to Zoning Code Article 14, "Process" Section 14-203, "Conditional Uses," for a proposed Mixed-Use project referred to as "Ponce Park Residences" on the property legally described as Lots 8 through 21, less the West ½ of lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29; (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)*

Staff recommends **Approval, with conditions**.

5. *A Resolution of the City Commission of Coral Gables, Florida approving the Tentative Plat entitled "Ponce Park Residences" pursuant to Zoning Code Article 14, "Process," Section 14-210, "Platting/Subdivision," being a re-plat of 42,543 square feet (0.977 acres) into a single tract of land on the property legally described as Lots 8 through 21, less the West ½ of lot 8, Block 29, Crafts Section, together with that portion of the 20-foot platted alley lying east of Lots 11 and 19, of said Block 29, together with a 1,318 square feet portion of University Drive that runs north of the Malaga Avenue right-of-way and west of the Ponce de Leon Boulevard right-of-way and dedication of 1,725 square feet; (3000 Ponce de Leon Blvd, 216 & 224 Catalonia, 203 University Dr, and 225 Malaga), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)*

Staff recommends **Approval**.

Conditions of Approval

In furtherance of the Comprehensive Plan's Goals, Objectives and Policies, and all other applicable Zoning Code and City Code provisions, the recommendation for approval of the proposed project is subject to all of the following conditions of approval. The proposed conditions address many of the deficiencies noted in Staff's findings above and are meant to lessen the potential impact of the proposed development and allow the development to integrate and blend in with the existing context. Additional conditions of approval may be added to this list prior to Commission review.

1. **Application/supporting documentation.** Construction of the proposed project shall be in substantial conformance with all of the following:
 - a. The Applicants' submittal package dated 4/13/2022 prepared by Oppenheim Architecture to include:
 - i. Maximum building height shall not exceed 149'-10"

- ii. 4.375 FAR (187,899 sq. ft.)
 - iii. 80 dwelling units
 - iv. 15,671 square feet of commercial space
 - v. Minimum of 26,404 sq. ft. landscape open space, including the right-of-way
 - b. All representations proffered by the Applicants' 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 Applicants, 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, Applicants shall:**
 - a. **Impact Fees.** The Applicants 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. **Off-site and Public Realm Improvements and Contribution.**
 - i. **Improvements.** The Applicants shall be responsible to make one-million dollars (\$1,000,000) of in-kind improvements, inclusive of both hard and soft costs, to improve the University Drive right-of-way and the abutting "Park Area," in conjunction with its development of the Project, and in accordance with a design to be designated by the City and in compliance with all applicable laws and other legal requirements. The City shall be provided with a final design, which shall be reviewed and approved administratively by the Public Works Department and the Planning Division, no later than sixty (60) business days after approval of the Project by the City Commission. The construction of all Improvements shall be exclusively performed by the Applicants prior to Temporary Certificate of Occupancy or within a year of approval, whichever occurs first. Upon completion, the Applicants shall thereafter maintain the Park Area at its sole cost and expense.
 - ii. **Maintenance and Expense.** The Applicants, at its sole cost and expense, shall maintain the Park Area and the Improvements thereon in good order, condition, and repair and in a safe, clean, fully functional and attractive manner.
 - iii. **Insurance.** The Applicants, at its sole cost and expense, shall procure and maintain at all times, a comprehensive commercial general liability insurance policy written on an occurrence basis, issued by a good and solvent insurance company authorized and licensed to do business under the laws of the State of Florida.

- c. **Art in Public Places.** The Applicants 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 Applicants 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.
 - d. **On-street parking.** Payment shall be provided by the Applicants, its successors or assigns according to established City requirements for the loss of any on-street parking space as a result of the project.
 - e. **Signage.** Provide Signage Plan indicating code compliant size and location of all proposed exterior signage.
 - 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 vehicle circulation along Ponce de Leon Boulevard with all sidewalks on Ponce de Leon Boulevard 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 proposed plans shall be revised in coordination with Public Works and Planning Staff.
 - 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.
4. **Prior to issuance of the first Certificate of Occupancy or Temporary Certificate of Occupancy,** Applicants shall:

- a. **Sustainability Certification.** 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.
- 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 adjacent project boundary, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning.
- c. **Utility Upgrades.** Water and Sewer system upgrades and all associated right-of-way improvements may be required to be completed, at the Applicants' expense.
- d. **Art in Public Places.** The Applicants shall comply with all City requirements for Art in Public Places.
- e. **Bicycle/Pedestrian Plan.** The bicycle and pedestrian paths on University Drive/Malaga shall comply with the City's Bicycle Pedestrian Master Plan to be designed as Bike Lanes, to be reviewed and approved by the Public Works Director. All driveways shall be designed with a flare-style curb cut with a continuous and level sidewalk through each driveway to create a pedestrian-friendly environment.
- f. **Right-of-way and public realm improvements.** Install all one-million dollars (\$1,000,000) of in-kind right-of-way improvements and the abutting park area, subject to review and approval by Public Works Department and the Planning and Zoning Division. 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. The construction of all Improvements shall be exclusively performed by the Applicants prior to temporary Certificate of Occupancy or within one (1) year after Commission approval, whichever occurs first. Upon completion, the Applicants shall thereafter maintain the Park Area at its sole cost and expense.

5. Following issuance of the first Certificate of Occupancy, Applicants 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 applicants choose 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 Applicants' 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 Applicants 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.

ATTACHMENTS

- A. Applicants' Amended submittal package.
- B. Updated Trip Generation Analysis.
- C. Notice mailed to all property owners within 1,500 feet and legal ad.
- D. PowerPoint Presentation.

Please visit the City's webpage at www.coralgables.com to view all Application materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134.

Respectfully submitted,



Suramy Cabrera, PE
Director of Development Services
City of Coral Gables, Florida