

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2023-315

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 "4241 AURORA" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 12 THROUGH 22, BLOCK 6, CORAL GABLES INDUSTRIAL SECTION (4241 AURORA ST), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting mixed use site plan review pursuant to Zoning Code Section 4-201 for the mixed-use project referred to as "4241 Aurora" on property legally described Lots 12 through 22, Block 6, Industrial Section (4241 Aurora St) Coral Gables, Florida; and

WHEREAS, the Application requires City of Coral Gables mixed use site plan review and public hearing consideration pursuant to the Zoning Code Mixed Use District (MXD) provisions (Section 2-200); and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand (1,000) feet from the subject property, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on September 21st, 2023, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's September 21st, 2023 meeting, the Board recommended approval regarding the proposed mixed use site plan (vote: 7-0) subject to conditions of approval; and

WHEREAS, the Application and proposed site plan have been revised to incorporate comments that improve the livability of the neighborhood and existing context; 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 on October 24, 2023, at which hearing this item was presented and 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 mixed use site plan review as required by the Zoning Code, and including careful consideration of written and oral comments by members of the public;

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 mixed use site plan review for the mixed-use project referred to as “4241 Aurora” on property legally described Lots 12 through 22, Block 6, Industrial Section (4241 Aurora St) 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 Arquitectonica to include:
 - i. Maximum building height shall not exceed 12 stories/137.5 ft.
 - ii. 4.375 FAR (total floor area: 129,062 square feet)
 - iii. 7,681 sq. ft. (26%) open space, including 4,922 sq. ft. public park
 - b. Revised site plan for a continuous and level sidewalk through the proposed curbcut and driveway.
 - c. Conveyance of the public park to the City of Coral Gables.
 - d. Removal of any proposed and future outdoor seating for open-air dining within the public park.
 - e. The Applicant shall work collaboratively with the City and engage the public to finalize the proposed park design. The final park design shall be subject to approval by the City.
 - f. 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 Building Permit application.

- a. The Applicant shall complete the Transfer of Development Rights (TDRs) prior to Building Permit issuance.
- b. The Applicant shall collaborate with City Staff on the final design of the public park, which shall be constructed at Applicant's sole expense.
- c. The Applicant shall collaborate with City Staff on the final design of the building illumination through a photometric plan.

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 9-103(B).
- 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 Signage Master Plan indicating code compliant size and location of all proposed exterior signage.
- e. **Parking Garage Design.** Any gates that separate parking spaces or privatize parking spaces are prohibited to ensure the sharing of parking between building uses. All parking garage openings shall be screened so that interior lights and car headlights are not visible from surrounding properties and rights-of-way.
- f. **Ground Floor Design.** The ground floor of all sides of all buildings shall continue to be designed to optimize pedestrian activity and access.
- g. **Public Realm Improvements.** Prior to issuance of the first City permit for vertical construction, all proposed traffic flow modifications including street design, valley gutters on San Lorenzo and Aurora, crosswalk(s) on Altara and pedestrian signal at Ponce de Leon Boulevard and Altara Avenue, landscaped bumpouts, and shade trees on opposite sides of the streets shall require approval of Miami-Dade County and the City. 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. **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.
- l. **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.
- m. **Construction staging.** Submit a construction staging plan to the Building Division. A checklist of requirements shall be provided upon request. Construction phasing/staging shall maintain pedestrian access and circulation along Altara and San Lorenzo. No equipment, outriggers, tracks, tires, RTU or vehicles permitted within the sidewalk area at any time.
- n. **Underground overhead utilities.** Applicant shall provide all necessary plans and documents to underground all utilities along the entire alleyway, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning.

5. Prior to issuance of the first Certificate of Occupancy or Temporary Certificate of Occupancy, Applicant 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.** Complete the undergrounding of all new utilities along the entire alley, 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 at the Applicant's expense.
- d. **Maneuverability Upgrade.** The Applicant shall modify the existing alley to operate as one-way southbound, which may require Miami-Dade County review and approval.
- e. **Art in Public Places.** The Applicant shall comply with all City requirements for Art in Public Places.
- f. **Public Realm improvements.** Installation of all right-of-way improvements and all landscaping, public realm, and streetscape improvements identified on the Applicant's approved plans, including crosswalks on Altara Ave and pedestrian signal at Ponce de Leon Boulevard and Altara Avenue, subject to review and approval by the Directors of Public Works, Landscape Services, and Planning and Zoning. 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, three-and-a-half (3.5) inch caliper, and regularly spaced at 25 to 35 feet on-center. 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 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, and Planning and Zoning.

- g. **Valet Parking.** The Applicant shall provide valet parking services during peak demand times. The A.M. peak period is 7:00 A.M. to 9:00 A.M. and the P.M. peak period is between 4:00 P.M. and 6:00 P.M.
- h. **Trip Reduction.** The Applicant shall require businesses to implement commuter trip reduction programs for their employees. The Applicant shall inform residents, employees, and visitors about transit, ridesharing, and bicycle facility options.
- i. **Conveyance of Public Park.** After completion of the Public Park located at the corner of San Lorenzo and Aurora, the Applicant shall convey the park to the City of Coral Gables in fee simple. The park will be maintained by the City of Coral Gables.

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.

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 3-410, “Changes to conditional use approvals.”

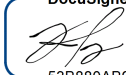
SECTION 4. This development permit by the City of Coral Gables does not in any way create any right on the part of an applicant to obtain a permit from a county, state or federal agency. Likewise, this development permit does not create any liability on the part of the City of Coral Gables for issuance 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 TWENTY-FOURTH DAY OF OCTOBER, A.D.,
2023.

(Moved: Anderson / Seconded: Menendez)
(Yeas: Anderson, Castro, Fernandez, Menendez, Lago)
(Unanimous: 5-0 Vote)
(Agenda Item: E-5)

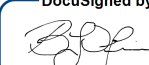
APPROVED:

DocuSigned by:

53B880AB93824A5...

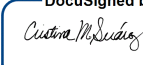
VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

358417D2FA884FF...

BILLY Y. URQUIA
CITY CLERK

DocuSigned by:

9A595ED64D304E8...

CRISTINA M. SUÁREZ
CITY ATTORNEY