

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-26

AN ORDINANCE OF THE CITY COMMISSION GRANTING APPROVAL OF A PLANNED AREA DEVELOPMENT (PAD) PURSUANT TO ZONING CODE ARTICLE 14, "PROCESS," SECTION 14-206, "GENERAL PROCEDURES FOR PLANNED AREA DEVELOPMENT" FOR A MULTI-FAMILY PROJECT REFERRED TO AS "301-341 MADEIRA" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 4 THRU 24, BLOCK 1 OF REVISED PLAT OF CORAL GABLES SECTION K (341, 335, 331, 325, 321, 317, 301 MADEIRA AVENUE), 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 approval of a proposed Planned Area Development (PAD) pursuant to Zoning Code Article 14, "Process," Section 14-206, "General Procedures for Planned Area Development," for a proposed multi-family project with ground floor live/work units referred to as "301-341 Madeira" on the property legally described as Lots 4 through 24, Block 1, of Revised Plat of "Coral Gables Section K," Coral Gables, Florida; and

WHEREAS, the Application has been submitted concurrently with an application for a Conditional Use Site Plan Review; and

WHEREAS, Staff finds that the procedures for reviewing and recommending on proposed Planned Area Development are provided in Zoning Code Article 14, Section 14-206, "General Procedures for Planned Area Development," and that the proposed Planned Area Development Site Plan has met those criteria and standards; and

WHEREAS, in advance of public hearing consideration, the City's staff analysis and recommendation were expressly incorporated into the record of this proceeding and are available for inspection at City of Coral Gables Planning Division and City Clerk's office and available on the City's Web page at www.coralgables.com for easy retrieval; and

WHEREAS, after notice of public hearing duly published and courtesy notifications of all property owners of record within one thousand (1,000) feet, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on February 9, 2022 at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's February 9, 2022 meeting, the Board recommended approval of the proposed Planned Area Development application (vote: 4-0) subject to conditions of approval; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on March 29, 2022, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with the Planned Area Development, and after due consideration and discussion, approved the Planned Area Development on First Reading; and

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

WHEREAS, in accordance with Section 14-206, the Commission finds based upon the written evidence and testimony received into the record – including the design modifications during the Commission’s consideration of this matter – that the public realm improvements on and off-site, the design and construction of the substantial public open spaces, the design, construction, and solutions for pedestrian and vehicular access, ingress, egress, shared parking and circulation, as well as the design treatment of the project’s architecture, massing, setbacks, and stepbacks, although not literally in accord with these PAD regulations, satisfy public benefits to at least an equivalent degree and in fact exceed them;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That the Applicant’s request for approval of the proposed project referred to as “Gables Village” pursuant to Zoning Code Article 14, “Process,” Section 14-206, “Planned Area Development” is approved, subject to conditions, provided in Attachment “A”, attached, which must be satisfied by the Applicant or its successors or assigns.

SECTION 3. All Ordinances or parts of Ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. This development permit by the City of Coral Gables does not in any way create any right on the part of an applicant to obtain a permit from a county, state or federal agency. Likewise, this development permit does not create any liability on the part of the City of Coral Gables for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a county, state or federal agency, or if the applicant undertakes actions that result in a violation of county, state or federal law. In addition, as a condition of this approval, all county, state and federal permits must be obtained before commencement of the development.

SECTION 6. That this Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS THIRTY-FIRST DAY OF MAY, A.D., 2022.

(Moved: Mena / Seconded: Anderson)

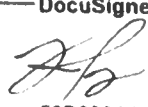
(Yeas: Mena, Menendez, Anderson, Lago)

(Abstentions: Fors, Jr.)


(Unanimous: 4-0 Vote)

(Agenda Item: F-3)

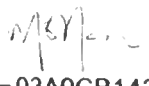
APPROVED:

DocuSigned by:

53B880AB93824A5
VINCE LAGO
MAYOR

ATTEST:

DocuSigned by:

358417D2FA884FF
BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

03A0CB1421E64AC...
MIRIAM SOLER RAMOS
CITY ATTORNEY

“Attachment A”

1. **Application/supporting documentation.** Construction of the proposed project shall be in substantial conformance with all of the following:
 - a. The Applicant’s submittal package dated 3/04/2022 prepared by Gunster, Yoakley & Stewart, P.A. and Behar Font to include:
 - i. Maximum building height shall not exceed 100’ at 9-stories
 - ii. 2.5 FAR (156,183 sq. ft.)
 - iii. 135 dwelling units
 - iv. 9 live/work units
 - v. Minimum of 17,416 sq. ft. (28%) landscape open space
 - vi. Approximately 5,270 sq. ft. community park to be open to the public
 - b. Streetscape improvements to both sides of Madeira in accordance with the North Ponce Streetscape Master Plan for the 300 block of Madeira, including the addition of a “right turn only” at Le Jeune Road and any median construction associated with a pedestrian crosswalk and signalization in the Le Jeune Road right-of-way, subject to Florida Department of Transportation (FDOT) and Miami-Dade County approvals.
 - c. Fund the creation of a Residential Parking Zone on both north and south sides of the 300 Block of Madeira Avenue, subject to City review, approval, and administration of the Zone.
 - d. Replacement of any tree(s) in poor condition on Salzedo in accordance with Article 6 of the Zoning Code, between Navarre Avenue and SW 8th Street.
 - e. Sidewalk extensions and crosswalk on west side of Majorca/Salzedo intersection.
 - f. All representations proffered by the Applicant’s representatives as a part of the review of the Application at public hearings.

2. **Restrictive covenant.** Within thirty (30) days of City Commission approval of the Application, the Applicant, property owner(s), its successors or assigns shall submit a restrictive covenant for City Attorney review and approval outlining all conditions of approval as approved by the City Commission. Failure to submit the draft restrictive covenant within the specified time frame shall render the approval void unless said time frame for submittal of the draft restrictive covenant is extended by the City Attorney after good cause as to why the time frame should be extended. It is recognized that the requirements contained in the restrictive covenant constitute regulatory conditions of approval and shall survive as regulatory conditions of approval even if the restrictive covenant is later found to be void or unenforceable.

3. **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. **Off-site and Public Realm Improvements Contribution.** Prior to the issuance of the first Building Permit, the Applicant shall monetarily contribute to the North Ponce Streetscape Program for street improvements of \$125,000 for long-term improvements to Salzedo, adjacent streets and the public realm. The contribution shall be utilized by the City beyond and in addition to the Applicant’s responsibility for street improvements on the 300 block of Madeira, complete installation of Le Jeune Road crosswalk and signalization, and traffic calming improvements to the Madeira and Salzedo intersection.

- c. **Public Park.** The Applicant shall propose design for public park to maximize landscape and terminate the deflected vista on Salzedo. Such design shall be reviewed and approved by the Planning Division and Public Works Department.
- d. **Landscape.** Applicant shall provide an ISA certified arborist's report for explaining the conditions of all trees onsite and in the right-of-way, with the tree disposition and protection plan for Staff review and approval. All underground utilities must be shown on the tree planting plans to ensure there are no tree planting conflicts. Silva cells will be required below pavements in the drip line of large tree species. Structural soil may be used adjacent to medium and small trees in lieu of silva cells.
- e. **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.
- f. **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.
- g. **Signage.** Provide Signage Plan indicating code compliant size and location of all proposed exterior signage.
- h. **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 Salzedo Street with all sidewalks on Salzedo and Madeira to remain open throughout construction.
- i. **Traffic Calming Improvements.** All traffic flow and calming modifications including street design, width, sight triangles, cross walks, diverters, median, traffic circles, traffic tables, etc. in accordance with the North Ponce Streetscape Master Plan shall require written conceptual approval of Miami-Dade County, Florida Department of Transportation (FDOT), 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.
- j. **Traffic Calming Contribution:** Prior to the issuance of a building permit, the Applicant shall pay to the City \$100,000.00 for the planning, permitting, and installation of speed cushions in the area bounded by Ponce de Leon Boulevard on the East, Mendoza Avenue on the North, Majorca Avenue on the South and Hernando Street on the West with priority to be given to the 300 block of Madeira Avenue.
- k. **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.
- l. **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.

- m. **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.
 - n. **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, 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.** 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 (on Salzedo between north side of Navarre Avenue and the north side of subject site, measuring approximately 650 linear feet), subject to review and approval by the Directors of Public Works, Greenspace Management and Planning and Zoning. All underground utilities shall be shown on the tree planting plans to ensure there are no tree planting conflicts.
 - c. **Utility Upgrades.** Water and Sewer system upgrades and all associated right-of-way improvements may be required to be completed on Madeira and Salzedo, at the Applicant's expense.
 - d. **Art in Public Places.** The Applicant shall comply with all City requirements for Art in Public Places.
 - e. **Bicycle/Pedestrian Plan.** The bicycle and pedestrian paths on Madeira and Salzedo shall comply with the City's Bicycle Pedestrian Master Plan to be designed as Bike Boulevards with a traffic circle or table at the Madeira and Salzedo intersection and mid-block speed cushion, 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. Proposed median, crosswalk, and signalization on Le Jeune Road shall be studied and approved by the Florida Department of Transportation (FDOT) and Miami-Dade County, to increase pedestrian safety with complete installation of high emphasis crosswalk, rectangular rapid-flashing beacon (RRFB), or high-intensity activated crosswalk (HAWK) signalization.
 - f. **Right-of-way and public realm improvements.** In addition to the North Ponce Streetscape Master Plan contribution, install all landscaping, public realm and streetscape improvements for both sides of the 300 block of Madeira, traffic circle or table at Madeira and Salzedo intersection, sidewalk extensions at Majorca, additional tree(s) on Salzedo, and median/pedestrian crossing at LeJeune Road, in accordance with the North Ponce Streetscape Master Plan, subject to review and approval by Florida Department of Transportation (FDOT), Miami-Dade County, the Directors of Public Works, Greenspace Management, Planning and Zoning, and Parking. Any changes to

the North Ponce Streetscape Master Plan, subject to review and approval by Florida Department of Transportation (FDOT), Miami-Dade County, the Directors of Public Works, Greenspace Management, Planning and Zoning, and Parking. 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, Greenspace Management, Planning and Zoning, and Parking.

- g. **Visitor Parking.** Applicant shall designate a minimum of 10 parking spaces on the ground floor for use by building visitors only.
- h. **Residential Parking Zone.** Applicant shall fund the creation of a Residential Parking Zone on both the North and South sides of the 300 block of Madeira Avenue, subject to City review, approval, and administration of the Zone.
- i. **Traffic Calming and Pedestrian Safety.** Within one (1) year of the issuance of a temporary certificate of occupancy, Applicant shall, in consultation with the City's Public Works Department, prepare a study which recommends right of way improvements to provide traffic calming and pedestrian safety in the immediate vicinity of the project. Said traffic calming and pedestrian safety improvements shall be completed prior to issuance of a final certificate of occupancy and be subject to review of the City's Public Works Director.
- j. **Electric Vehicle Infrastructure Readiness.** One hundred percent (100%) of the off-street parking spaces shall have structural penetrations and sleeving from the electrical vault room to each parking space to allow for future conduit runs for EV chargers.

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.
- 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 traffic calming and pedestrian safety improvements required by these studies within one year of the completion of these studies, as approved by the Public Works Director.