

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA APPROVING AN ENCROACHMENT AGREEMENT AND MIXED-USE SITE PLAN PURSUANT TO ZONING CODE ARTICLE 4, "ZONING DISTRICTS," DIVISION 2, "OVERLAY AND SPECIAL PURPOSE DISTRICTS," SECTION 4-201, "MIXED USE DISTRICT (MXD)," FOR THE PROPOSED PROJECT REFERRED TO AS "100 MIRACLE MILE" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 19-29, BLOCK 3, CRAFTS SECTION (100 MIRACLE MILE, 115 ANDALUSIA AVENUE AND 2414 GALIANO STREET), 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 mixed use site plan review pursuant to Zoning Code Section 4-201 for the mixed-use project referred to as "100 Miracle Mile" on the property legally described as Lots 19-29, Block 3, Crafts Section (100 Miracle Mile, 115 Andalusia Avenue and 2414 Galiano Street), Coral Gables, Florida;

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 and Comprehensive Plan Mixed Use Overlay District (MXOD) provisions;

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand five hundred (1,500) feet from the subject property, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on December 12, 2018, at which hearing all interested persons were afforded the opportunity to be heard;

WHEREAS, at the Planning and Zoning Board's December 12, 2018 meeting, the Board recommended approval regarding the proposed mixed use site plan (vote: 5-1) subject to conditions of approval;

WHEREAS, the Application and proposed site plan have been revised to incorporate comments from the Planning and Zoning Board and neighboring property owners regarding building height;

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand five hundred (1,500) feet from the subject property, a public hearing was held before the City Commission of the City of Coral Gables on March 26, 2019, at which hearing all interested persons were afforded the opportunity to be heard;

WHEREAS, a public hearing was held before the City Commission on March 26, 2019, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard;

WHEREAS, the City Commission on March 26, 2019, (approved/denied) the requested mixed use project (vote: ___-___); 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; and,

WHEREAS, the City additionally and separately approved the Comprehensive Plan Map Amendment for the “100 Miracle Mile” project more particularly described above.

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 “100 Miracle Mile” for the property legally described as Lots 19-29, Block 3, Crafts Section (100 Miracle Mile, 115 Andalusia Avenue and 2414 Galiano Street), 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 dated March 8, 2019 prepared by Greenberg Traurig and Behar Font & Partners to include:
 - i. Maximum habitable building height shall not exceed 145’-8” at 14-stories
 - ii. 3.99 FAR (117,980 square feet) subject to TDR approval process
 - iii. Approximately 13,000 square feet of ground floor retail space
 - iv. Approximately 5,000 square feet office space located on the second floor
 - v. 130 residential units
 - vi. 187 parking spaces including mechanical parking lifts
 - b. Trip Generation Analysis, dated September 21, 2018, prepared by David Plummer & Associates.
 - c. 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 Building Permit application**, Applicant is required to obtain all Transfer of Development Rights (TDRs) and follow the process set forth in Section 3-1001 of the Zoning Code. Notwithstanding this provision, the Applicant shall complete the TDR process within 6 months of the date of the resolution.
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. **Off-site and Public Realm Improvements.** The Applicant shall submit improvement plans for both sides of Galiano Street between Miracle Mile and Andalusia Avenue to be approved the Directors of Public Works and Planning and Zoning.
 - c. **Emergency Vehicle Signal Preemption Technology.** The Applicant, property owner(s), their successors or assigns shall contribute to emergency vehicle technology improvements for traffic signal preemption to improve response times within the Gables Redevelopment Infill District (GRID) in an amount not to exceed \$50,000 as determined by the Public Works Director.
 - d. **Additional Reviews.**
 - i. **Board of Architects.** Final approval of the project by the Board of Architects is required prior to issuance of any building permit.
 - ii. **Zoning Review.** The Applicant shall provide measurable floor plans of the project to City Staff for verification of Zoning requirements such as floor area ratio, setbacks, height and parking.
 - iii. **Landscape Plan.** Final approval of the overall landscape plan by the Landscape Services Director is required prior to issuance of any building permit.
 - e. **Signage.** Provide Signage Plan indicating size and location of all proposed exterior signage, including tenant signs, directory signs, parking garage signs, etc.
 - f. **Parking Garage Design.** The parking garage shall be designed to optimize pedestrian safety on adjoining sidewalks and address the following items subject to the review and approval of the Planning and Zoning and Public Works Directors:
 - i. Sidewalks through flare curb cut shall match the width and cross slope of adjacent sidewalks to create a continuous, even pedestrian path.
 - ii. Provide direct pedestrian access from the parking garage to all adjacent streets and open spaces in the project.
 - iii. All parking garage openings shall be screened so that interior lights and car headlights are not visible from surrounding properties and rights-of-way.
 - g. **Ground Floor Design.** The ground floor of all buildings shall continue to be designed to optimize pedestrian activity and retail success. All Storefronts shall be transparent and will

incorporate the following subject to the review and approval of the Planning and Zoning and Public Works Directors.

- i.** All storefronts shall be flush with the sidewalk grade.
 - ii.** Pedestrian entrances into active spaces (lobbies, retail, etc.) shall be provided on all ground floor facades with an average spacing of 40 feet.
- 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 circulation. All sidewalks shall remain open throughout construction.
- i. Traffic Improvements.** All proposed traffic flow modifications including street design, width, sight triangles, cross walks, bulb-outs, etc. shall require written conceptual approval of Miami-Dade County and the City Public Works Department prior to the issuance of the first City permit for vertical construction. If any components of the proposed modifications are not approved, the traffic study shall be revised and additional community involvement may be required.
- j. 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 as determined by the City's Parking Director.
- k. Art in Public Places.** Prior to the issuance of a building permit for the project, the Applicant shall comply with all City requirements for Art in Public Places.
- l. 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.
- m. 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.
- 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.
- o. Bicycle Amenities.**
 - i.** Bicycle parking should be located on all parking levels. All bicycle parking shall be in accordance with the Bicycle & Pedestrian Master Plan, Resolution No. 2014-123.
 - ii.** Bike Sharing Facilities. The Applicant shall reserve space within the project for future bike sharing facilities. Final design shall require written conceptual approval of the Parking Director and Public Works Director prior to issuance of the first City permit.

iii. Applicant shall install an on-street bike corral within the proposed bulb-out on Galiano Street near Andalusia to be reviewed and approved by Public Works Department.

p. **Car Sharing Facilities.** To the same extent of other projects of similar size within the City, the Applicant shall reserve space within the project for future car sharing facilities in coordination with the City's Parking Director. Final design shall require written conceptual approval of the Parking Director prior to issuance of the first City permit. Required parking spaces may be utilized for car sharing.

5. **Prior to issuance of the first Certificate of Occupancy or Temporary Certificate of Occupancy,** Applicant shall:

a. **Underground utilities.** Submit all necessary plans and documents, and complete the undergrounding of all new utilities along all public rights-of-way surrounding and abutting the project boundary, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning.

b. **Utility Upgrades.** All sanitary sewer gravity lines serving the project shall be properly upgraded to handle all peak flows downstream from the points of connection through the serving pump station.

c. **Right-of-way and public realm improvements.** Install all right-of-way improvements and all landscaping, public realm and streetscape improvements on areas abutting the subject site, including the east and west sides of Galiano Street between Miracle Mile and Andalusia Avenue, subject to review and approval by the Directors of Public Works, Landscape Services, Planning and Zoning, and Parking. Any changes to and departures from the right-of-way and public realm improvements 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, Planning and Zoning, and Parking.

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 FGBS 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.

- iii. Study the feasibility of incorporating solar panels on the residential roof deck.
- iv. Provide recycling receptacles for the residential building.

b. Traffic Monitoring. At the Applicant's expense, the City shall perform traffic monitoring studies 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.

7. Right of Way Encroachment Approvals. The public realm improvements which encroach into the City rights of way, such as bike racks, pavers, landscape planters, landscape areas, tree grates, irrigation lines, and light fixtures, indicated in the Applicant's submittal package are hereby approved. A Hold Harmless agreement and restrictive covenant must be executed by Applicant and the City 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.

SECTION 3. The applicant is required to obtain all Transfer Developments Rights (TDRs) necessitated by the approval of this site plan. Failure to obtain such TDRs and follow the process set forth in Section 3-1001 et seq. of the City of Coral Gables Zoning Code within six (6) months from the date of this resolution's approval shall render this resolution null and void. It is provided, however, that the City Commission may extend the time provided herein where the applicant demonstrates good cause.

SECTION 4. 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 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 Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS ____ DAY OF _____ A.D., 2019.

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY

DRAFT