



City of Coral Gables Planning and Zoning Staff Report

Property: Regency Tower (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue, and 2701 Salzedo Street)

Applicant: C/Le Jeune, LLC

Application: Alley Vacation, Zoning Code Text Amendment, Planned Area Development (PAD), Receipt of Transfer of Development Rights (TDRs), and Conditional Use for Mixed-Use Site Plan

Public Hearing: Planning and Zoning Board / Local Planning Agency

Date & Time: March 9, 2022, 6:00 – 9:00 p.m.

Location: City Commission Chambers, City Hall,
405 Biltmore Way, Coral Gables, Florida, 33134

1. APPLICATION REQUEST

The request is for consideration of the following for a project known as “Regency Tower:”

1. Alley Vacation
2. Zoning Code Text Amendment
3. Planned Area Development (PAD)
4. Receipt of Transfer of Development Rights (TDRs)
5. Mixed-Use Site Plan (Conditional Use Review)



Proposed project and existing conditions

Regency Tower

The subject site consists multiple lots (lots 1-12 and lots 35-46, block 10), bifurcated by an east/west alley which is proposed to be vacated, and a small corner parcel lots 1-4, block 15, immediately across the street on the corner of Salzedo Street and Almeria Avenue. It is 75,979 square feet (1.74 acres), located in the Crafts Section, within the City’s Central Business District (CBD), except for the small corner parcel on Salzedo Street and Almeria Avenue.

Aerial Map



It is generally located east of Salzedo Street between Valencia Avenue to the north and Sevilla Avenue to the south. Currently an auto dealership (Mercedes Benz) occupies the site. The applicant seeks to redevelop this site and is proposing a mixed-use high-rise building referred to as “Regency Tower”. The project consists of 174 residential units on the upper levels, a 4,500 square foot restaurant on the ground level, and a parking structure with 389 parking spaces. The proposed building height is 18-stories at 204’-8” to the top of roof, 239’-8” to the top of ornamental tower. A 10,000 square foot public park will be provided on the small corner parcel located immediately south (2701 Salzedo Street).

The project includes:

1. Project site is 1.74 acres (76,000 sq. ft. which includes the 6,000 sq. ft. alley)
2. 18-stories at 204’-8” to the top of roof, 239’-8” to the top of ornamental tower
3. FAR – 4.45 (328,681 sq. ft.)
4. 174 residential units
5. 4,500 square feet restaurant
6. 389 parking spaces
7. 10,000 square foot public park

The request requires 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 Resolution under consideration include the following:

1. *An Ordinance of the City Commission of Coral Gables 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 east-west public alleyway lying between lots 1-12 and lots 35-46, Block 10, Coral Gables Crafts Section, according to the plat thereof recorded in Plat Book 10, Page 40 of the Public Records of Miami-Dade County, Florida; providing for substitute perpetual access and utility easement, setting forth terms and conditions; providing for an effective date. (LEGAL DESCRIPTION ON FILE)*
2. *An Ordinance of the City Commission of Coral Gables, Florida providing for a Text Amendment to the City of Coral Gables Official Zoning Code by amending Appendix A, "Site Specific Zoning Regulations," Section A-36, "Crafts Section," by removing the number of stories and height limitations for the property legally described as Lots 1-12 and lots 35-46, Block 10, Coral Gables Crafts Section, Coral Gables, Florida; providing for a repealer provision, severability clause, codification, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)*
3. *An Ordinance of the City Commission of Coral Gables, Florida 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 mixed-use project referred to as "Regency Tower" on property legally described as Lots 1-12 and lots 35-46 including the public alleyway lying in between, Block 10, and lots 1-4, Block 15, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue, and 2701 Salzedo Street) 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 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 the Mixed-Use project referred to as "Regency Tower", on property legally described as Lots 1-12 and lots 35-46 including the public alleyway lying in between, Block 10, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)*
5. *Resolution of the City Commission of Coral Gables, Florida granting approval for Conditional Use Mixed-Use Site Plan pursuant to Zoning Code Section 2-200 "Mixed Use Districts" for a mixed-use project referred to as "Regency Towers" on property legally described as Lots 1-12 and lots 35-46 including the public alleyway lying in between, Block 10, and lots 1-4, Block 15, Coral Gables Crafts Section (290, 272, 250, 244 Valencia Avenue, 247, 297 Almeria Avenue, and 2701 Salzedo Street) Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE)*

Site Data and Project Timeline.

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

Existing Property Designations

	Lots 1-9 & Lots 37-46	Lots 10-12 & Lots 35-36	Lots 1-4 2701 Salzedo
Comprehensive Plan Map designation	Commercial High-Rise	Commercial Mid-Rise	Commercial Mid-Rise
Zoning Map designation	MX3	MX2	MX2
Within Central Business District (CBD)	Yes	Yes	No
Within a Mixed-Use Overlay District (MXOD)	No	No	No
Mediterranean Architectural District (Citywide)	Yes	Yes	Yes
Within Coral Gables Redevelopment Infill District (GRID)	Yes	Yes	Yes

Surrounding Land Uses

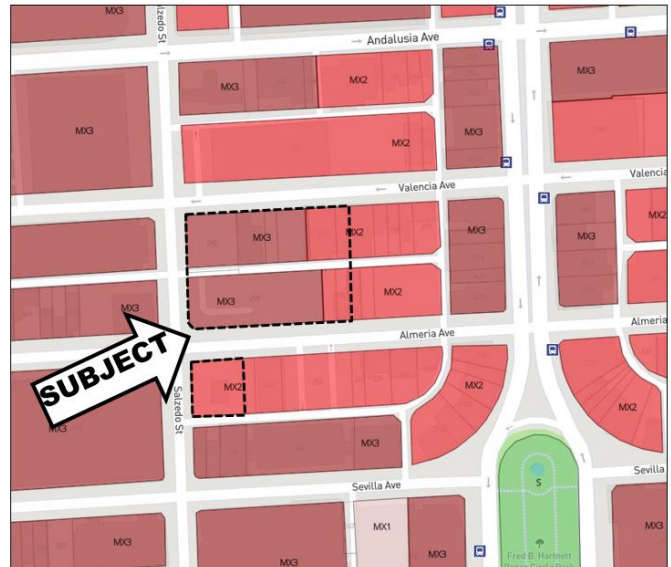
Location	Existing Land Uses	CP Designations	Zoning Designations
North	Commercial/office building (US Postal Service)	Commercial Mid-Rise	MX2
South	Commercial/office building	Commercial High-Rise	MX3
East	Commercial/office building	Commercial Mid-Rise	MX2
West	Commercial/office building	Commercial High-Rise	MX3

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

Existing Future Land Use Map



Existing Zoning Map



City Review Timeline

The proposal has undergone the following City reviews:

REVIEW COMMITTEES AND BOARDS	DATE
Development Review Committee	10.05.21
Board of Architects (Preliminary Design and Mediterranean Bonus)	11.18.21, 12.16.21, 01.27.22
Planning and Zoning Board	03.09.22
City Commission – 1 st Reading	TBD
City Commission – 2 nd Reading	TBD

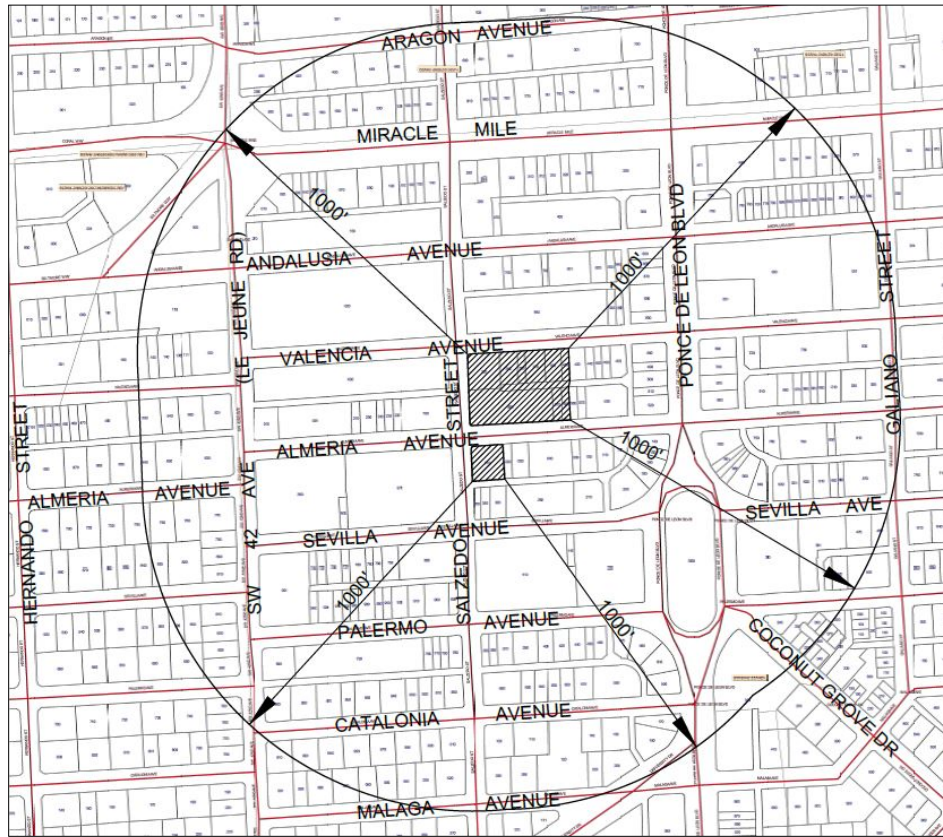
Department	DRC 10.05.21	Board of Architects 11.18.21, 12.16.21, 01.27.22	Comments Provided?
Historical Resources and Cultural Arts	X		Yes
Parking	X		Yes
Public Service	X		Yes
Concurrency	X		Yes
Police	X		Yes
Fire	X		Yes
Public Works	X		Yes
Zoning	X		Yes
Board of Architects	X	X	Yes
Planning	X	X	Yes
Building	X		Yes
Economic Development	X		Yes
Parks	X		Yes

Public Notification and Comments

The Applicant completed the mandatory neighborhood meeting on February 17, 2022 with notification to all property owners within 1,000 feet of the property boundary. A summary of the meeting is provided as Attachment C.

The Zoning Code requires that a notification be provided to surrounding property owners within 1,000 feet. 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. There were 426 notices mailed. A copy of the legal advertisement and courtesy notice are provided as Attachment E.

Courtesy Notification Radius Map



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

PUBLIC NOTICE	DATE
Applicant neighborhood meeting	02.17.22
Zoning Code notification-1,000 ft.	02.24.22
Sign posting of property	02.25.22
Legal advertisement	02.25.22
Posted agenda on City Hall	03.04.22
Posted Staff report on City web page	03.04.22

This property falls within the Gables Redevelopment Infill District (GRID), which is generally located along the Ponce de Leon Boulevard corridor and US1. 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 to complete a Traffic Impact Analysis report and provide appropriate traffic mitigation to help offset the impacts. A Traffic Impact Study was prepared by Richard Gracia and Associates, Inc. provided in Attachment A, it was reviewed by Public Works Department and memo is provided in attachment E.

Gables Redevelopment Infill District (GRID)

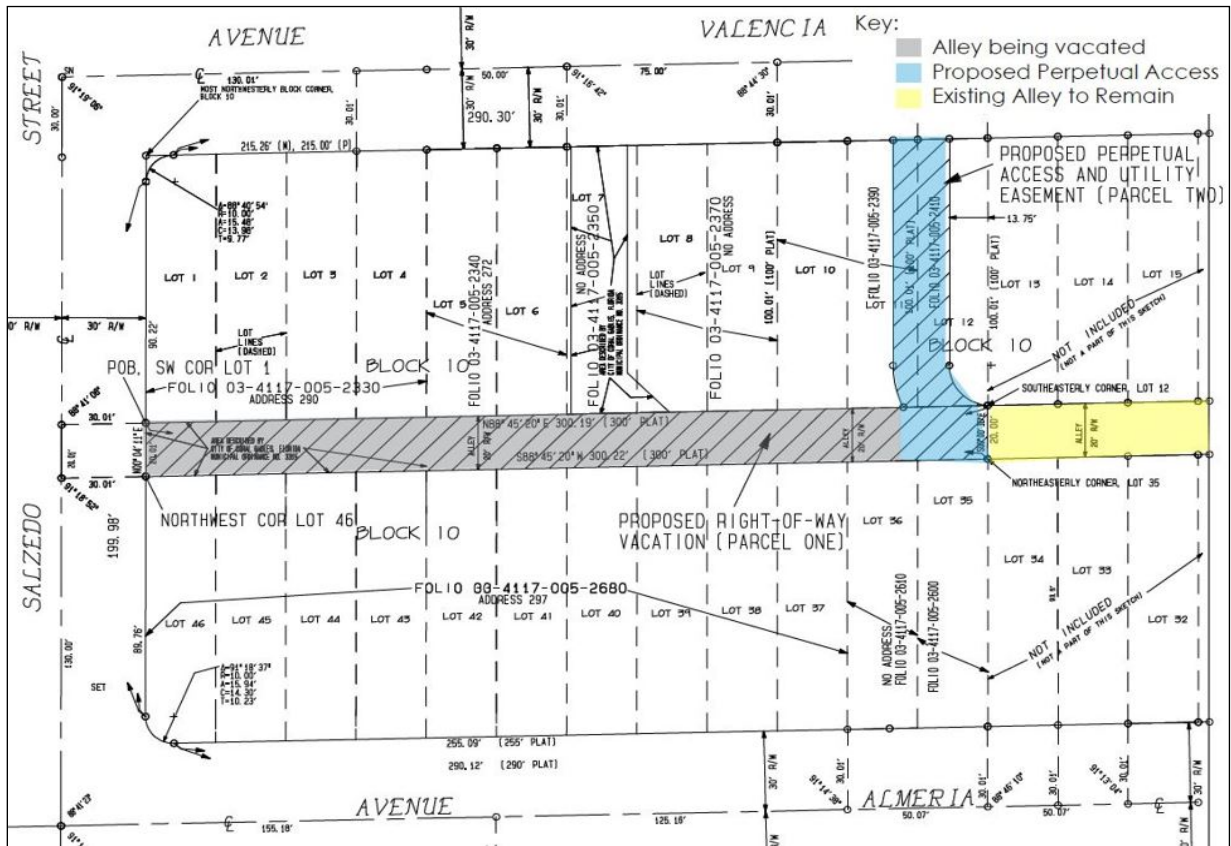


Application Requests

1. Alley Vacation

One of the requests associated with this project is to vacate, abandon, and close approximately 300 feet long of a 20-foot wide public alleyway running east-west between lots 1-12 and lots 35-46 of Block 10, Coral Gables Crafts Section, containing approximately 6,000 square feet. In conjunction with the vacation, the Applicant proposes the dedication of a substitute access and utility easement that connects the existing alley to Valencia Avenue.

The parcels abutting the alley proposed to be vacated are underutilized as it contains one-story office building with car display and at-grade parking areas. The applicant is proposing to vacate this alley and incorporate this area into the proposed mixed-use high-rise development. Services for which the alley is currently being used will be internalized by the project.



Findings of Fact- Alley Vacation

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.

“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	STAFF EVALUATION
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 parcels abutting the alley proposed to be vacated are underutilized. The applicant is proposing to vacate this alley and incorporate this area into the proposed mixed-use high-rise development. Services for which the alley is currently being used will be internalized by the project.
The Comprehensive Plan, special purpose plan, or capital improvement program does not anticipate its use.	The City does not have any planning effort underway that identifies this alleyway for future use.
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 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.	The alley being vacated will be internalized in the new project, and existing services and utilities located in the existing alley will be relocated to the substitute perpetual access and utility easement proffered by the Applicant.
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.	The proposed vacation and abandonment will not interfere with any planning effort of the City that is presently underway but not yet completed.
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 applicant provides 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.”	The parcels abutting the alley proposed to be vacated are underutilized as it contains one-story office building with car display and at-grade parking areas. The applicant is proposing to vacate this alley and incorporate this area in the anticipated new mixed-use project. Utilities presently located under and over the alley will be upgraded, relocated, and installed underground in the substitute perpetual access and utility easement proffered by the Applicant.

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 Applicant. Memo from Public Works Department in provided in attachment E.

2. Zoning Code Text Amendment

Building height is controlled by applicable Zoning Code provisions. In this case the subject property has Site Specific Zoning Regulations, which govern over more general regulations. Particularly, Section A-36 Crafts Section determines the permissible height on the property, which provides that the maximum height allowed for apartment buildings, commercial buildings and/or structures shall not exceed thirteen (13) stories or one-hundred-fifty (150) feet in height, whichever is less. Additional floors and height may be secured through the Coral Gables Mediterranean Style Design bonuses.

The Applicant proposes to change the Site Specific Zoning Regulations for the subject property by removing the number of stories and height limitations for the property particularly lots 1-12 and lots 35-46, Block 10, Coral Gables Crafts Section. The proposed changes are shown below in ~~strike through/~~underline format.

Section A-36 Crafts Section.

B. Height of buildings.

3. No apartment buildings and/or structures shall be erected or altered on the following described property to exceed thirteen (13) stories or one-hundred-fifty (150) feet in height, whichever is less:
 - a. All lots in Blocks 1, 2, 3, 4, 5, 6, 7, ~~10~~, 11, 12, 15 and 18.
 - b. Tracts A and B of Pages Replat of Block 4.
 - c. Lots 1 through 44, inclusive, Block 8.
 - d. Lots 5 through 44, inclusive, in Blocks 9, 16 and 17.
 - e. Lots 13 through 19, inclusive, in Block 10.
 - f. Lots 28 through 34, inclusive, in Block 10.
4. No commercial buildings and/or structures shall be erected or altered on the following described property to exceed thirteen (13) stories or one-hundred-fifty (150) feet in height, whichever is less:
 - a. Lots 1 through 44, inclusive, Block 8.
 - b. Lots 5 through 44, inclusive, in Blocks 9, 16 and 17.
 - c. All lots in Blocks 1, 2, 3, 4, 5, 6, 7, ~~10~~, 11, 12, 15 and 18.
 - d. Tracts A and B of Pages Replat of Block 4.
 - e. Lots 13 through 19, inclusive, in Block 10.
 - f. Lots 28 through 34, inclusive, in Block 10.

Findings of Fact- Zoning Code Text Amendment

Zoning Code Section 14-212.5 provides review standards for Zoning Code text amendments:

- i. Promotes the public health, safety, and welfare.
- ii. Does not permit uses the Comprehensive Plan prohibits in the area affected by the district boundary change or text amendment.

- iii. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property.
- iv. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less the minimum requirements of the Comprehensive Plan.
- v. Does not directly conflict with an objective or policy of the Comprehensive Plan.

Staff comments:

The existing Site Specific Zoning Regulations for the subject site includes a height limit of thirteen (13) stories or one-hundred-fifty (150) in height whichever is less. In addition to what the Site Specific Zoning Regulations allows, the Applicant has the option to secure Mediterranean Style Design Standards bonuses and/or incentives with regard to additional floors and height, summarized in the table below:

Standards	FAR	Maximum height
Site Specific	3.0	13 stories or 150 feet
Level 1	0.2	+1 floor/13.5 feet = 14-stories/163.5 feet
Level 2	0.3	+1 or 2 floors/27 feet = 16-stories/190.5 feet

Currently, at the request of the City Commission there are text amendments being proposed to the Comprehensive Plan and the Zoning Code to allow an additional height bonus of a maximum of 205.5 feet for qualifying Planned Area Developments (PAD) within the Central Business District (CBD) provided the density is limited to 100 units per acre and removing the limitations on the number of stories.

The Applicant is proposing a building height of 18 stories at 204'-8" to the top of roof, 239'-8" to the top of ornamental tower. The property is located within the CBD and is proposing a maximum density of 100 units per acre, therefore making the project a qualifying PAD within the CBD. The text amendment to the Site Specific Regulations will be consistent with the City Commission's proposed amendment.

3. Planned Area Development (PAD)

Planned Area Development (PAD) is a development option in the City of Coral Gables for the purpose of allowing creative and imaginative development while providing substantial additional public benefit. In addition, PAD provides some flexibility in terms of massing, design, location of paseos and open spaces, etc. Typically PAD sites are contiguous unified parcel with a minimum lot width of two hundred (200) feet and minimum lot depth of one hundred (100) feet and a minimum site area of no less than an acre, which provides a minimum of twenty percent (20%) landscape open space.

Purpose and Objectives

Section 2-500 of the Zoning Code states the purpose of the PAD is as follows:

- a. Allow opportunities for more creative and imaginative development than generally possible under the strict applications of these regulations so that new development may provide substantial additional public benefit.
- b. Encourage enhancement and preservation of lands which are unique or of outstanding scenic,

environmental, cultural and historical significance.

- c. Provide an alternative for more efficient use and, safer networks of streets, promoting greater opportunities for public and private open space, and recreation areas and enforce and maintain neighborhood and community identity.*
- d. Encourage harmonious and coordinated development of the site, through the use of a variety of architectural solutions to promote Mediterranean architectural attributes, promoting variations in bulk and massing, preservation of natural features, scenic areas, community facilities, reduce land utilization for roads and separate pedestrian and vehicular circulation systems and promote urban design amenities.*
- e. Require the application of professional planning and design techniques to achieve overall coordinated development eliminating the negative impacts of unplanned and piecemeal developments likely to result from rigid adherence to the standards found elsewhere in these regulations.*

Findings of Fact-Planned Area Development (PAD)

Section 14-206 of the Zoning Code states the required findings for a proposed PAD project is as follows:

- A. *In what respects the proposed plan is or is not consistent with the stated purpose and intent of the PAD regulations.*

Staff comments: The proposed project is consistent with the stated purpose and intent of the PAD regulations to provide high quality development and mix of uses and densities through flexible guidelines. It provides greater opportunities for a variety of uses with ground-level, publicly accessible open space including a 10,000 square foot public park in an urban environment.

- B. *The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, size, area, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.*

Staff comments: The Applicant is proposing a PAD designation to allow flexibility in the requirements of the underlying zoning district of Mixed Use (MX2, MX3):

- Rear Setback: Reduce the rear setback from the required 10 feet to zero;
- Stepbacks: Reduce stepbacks (above 45 feet) on all sides from the required 10 feet to zero;
- Encroachments: Right-of-way encroachments on Valencia and Almeria Avenue for awnings, canopies, decorative moldings, which projections vary from 8 inches to maximum of 6 feet; and
- Building height: Increase building height to 18 stories at 204'-8" to the top of the roof and 239'-8" to the top of architectural tower.

- C. *The extent to which the proposed plan meets the requirements and standards of the PAD regulations.*

Staff comments: The proposed plan meets the requirements and standards of the PAD regulations such as contiguous unified parcel with a minimum lot width of two hundred (200) ft. and minimum lot depth of one hundred (100) ft. and a minimum site area of no less than an acre. It is located within the CBD, maximum density of 100 units per acre, obtained Coral Gables Mediterranean bonus and provides a 10,000 sq. ft. public park.

- D. *The physical design of the proposed PAD and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, provide for and*

protect designated common open areas, and further the amenities of light and air, recreation and visual enjoyment.

Staff comments: The physical design of the proposed PAD results in a publicly-accessible ground-floor open space, including courtyards and arcades that are fronted by commercial uses. All vehicular parking for the project and service access is within the confines of the building. The project will be required to underground all overhead utilities. In addition, the proposal includes a public park of approximately 10,000 square feet.

E. *The compatibility of the proposed PAD with the adjacent properties and neighborhood as well as the current neighborhood context including current uses.*

Staff comments: The project is located within the Central Business District (CBD). The proposed mixed-use project is compatible with adjacent uses and complies with the intent of the Zoning Code Mixed Use and PAD requirements and performance standards.

F. *The desirability of the proposed PAD to physical development of the entire community.*

Staff comments: The subject property is underutilized as it contains one-story office building with car sales and at-grade parking areas. The redevelopment of this property fulfills the objective of the City to attract mix of uses with public open spaces in an urban environment.

G. *The conformity of the proposed PAD with the goals and objectives and Future Land Use Maps of the City of Coral Gables Comprehensive Plan.*

Staff comments: The proposed PAD is “consistent” with the CP’s Goals, Objectives and Policies that address the City’s objectives for encouraging high quality, creative design and site planning that is compatible with the City’s architectural heritage, surrounding development, public spaces, and open spaces.

4. Receipt of 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.

The subject site is located within 500 feet of a local historic landmark, as required by the Zoning Code, the Historic Preservation Board reviewed the request as a receiver site at their February 16, 2022 meeting.

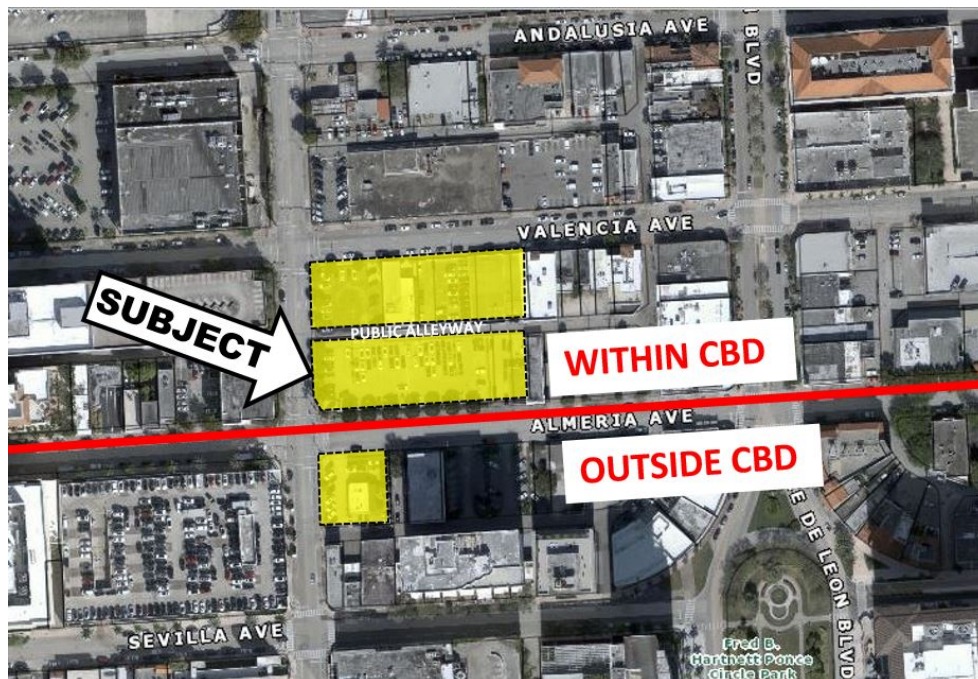
Below is the review and approval process of use of TDR’s on receiver sites as set out in Zoning Code Section 14-204.6, as follows:

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 project intends to utilize Transfer of Development Rights (TDRs) as a receiver site in order to secure an additional twenty-five percent (25%) Floor Area Ratio (FAR). The Zoning Code requires that receiving sites shall be located within the boundaries of the CBD.



The proposed building area is 328,681 sq. ft. exceeds the maximum allowed of 323,750 sq. ft.

	Allowed	Proposed
Site Area w/in CBD 66,000 sq. ft. (including alley)		
FAR 3.0	198,000 sq. ft.	
FAR with Med Bonus I & II 3.5	231,000 sq. ft.	
FAR with TDR 4.375 Maximum TDRs allowed 57,750 sq. ft. (25%)	288,750 sq. ft. (4.375)	
Site Area outside CBD (2701 Salzedo) 10,000 sq. ft.		
FAR 3.0	30,000 sq. ft.	
FAR Med Bonus I & II 3.5	35,000 sq. ft. (3.5)	
No TDRs allowed outside of CBD	0	
TOTAL	323,750 sq. ft.	328,681 sq. ft.

5. Conditional Use for Mixed Use Site Plan

Mixed Use District (MXD) Purpose and Objectives

The purpose of the Mixed Use District is to encourage the construction of mixed-use projects that support a pedestrian-friendly environment within urban areas of Coral Gables. The Applicant benefits from the option to construct residential development in urban areas, while the City benefits from mandatory architectural features that enhance the beauty and the walkability of those urban areas.

To provide an overview of the purpose and intent of the Conditional Use provisions, Zoning Code Section 14-203, "Purpose and Applicability" provides for the following:

"The purpose of providing for conditional uses within each zoning district is to recognize that there are uses which may have beneficial effects and serve important public interests, but which may, but not necessarily, have adverse effects on the environment, particularly residential areas, overburden public services, or change the desired character of an area. Individualized review of these uses is necessary due to the potential individual or cumulative impacts that they may have on the surrounding area or neighborhood. The review process allows the imposition of conditions to mitigate identified concerns or to deny the use if concerns cannot be resolved."

Mediterranean Architectural Style

The proposed project received preliminary approval of Mediterranean architectural bonuses, Level 2 from the Board of Architects on January 27, 2022.

Site plan information:

Standard	Required/Permitted		Proposed/Provided
Building Site Note: This application also incl. alley vacation approx. 6,000 sq. ft.	20,000 sq. ft.		70,000 sq. ft. + 6,000 sq. ft. alley TOTAL = 76,000 sq. ft.
	1 acre for PAD which shall be contiguous and unified parcel		1.74 acres including alley
	Land Use	Zoning	
Parcel 1-4 (lots 1-9)	Commercial High-Rise	MX-3	
Parcel 9 (lots 37-46)	Commercial High-Rise	MX-3	
Parcel 5-8 (lots 10-12, lots 35-36)	Commercial Mid-Rise	MX-2	
Parcel 10 (2701 Salzedo)	Commercial Mid-Rise	MX-2	
Landscaped Open Space (ground-level outdoor area, which is open to the sky)	Required for a qualifying PAD shall be not less than (25%) of the PAD site. 76,000 sq. ft. x 25% = 19,000 sq. ft.		32,494 sq. ft. (43%) at ground level
Density	100 units per acre with height bonus for qualifying PAD within CBD		174 units (100 units per acre)
Site Area w/in CBD 66,000 sq. ft. including alley			
FAR 3.0	198,000 sq. ft.		
FAR with Med Bonus I & II 3.5	231,000 sq. ft.		
FAR with TDRs 4.375 Maximum TDRs 57,750 sq. ft. (25%)	288,750 sq. ft.		
Site Area outside CBD (2701 Salzedo) 10,000 sq. ft.			
FAR 3.0	30,000 sq. ft.		
FAR Med Bonus I & II 3.5	35,000 sq. ft.		
TOTAL	323,750 sq. ft.		328,681 sq. ft.
Setback			
Principal front (Salzedo)	0		7'-6" up to 148'
Side street (north/Valencia)	0		0
Side street (south/Almeria)	0		0
Rear no alley	10		0
Stepback above 45 feet			
Principal front (Salzedo)	10		12'-9" above 148'
Side street (north/Valencia)	10		0
Side street (south/Almeria)	10		0
Rear no alley	10		0
Building Height	MX2	MX3	
Principal Building	70 ft.	150 ft.	
Med Bonus I	7 stories/83.5 ft.	14 stories/163.5 ft.	
Med Bonus II	8 stories/97 ft.	16 stories/190.5 ft.	18 stories/204'-8" top of roof 239'-8" top of tower

Site Plan Review Criteria

Section 3-406 of the Zoning Code states that the Planning and Zoning Board shall review applications for conditional use (site plan review) and provide a recommendation to the City Commission whether they should grant approval, grant approval subject to specific conditions or deny the application. The Planning and Zoning Division, Planning and Zoning Board and City Commission may recommend such conditions to an approval that are necessary to ensure compliance with the standards set forth in Section 3-408.

Findings of Fact- Conditional Use Mixed Use Site Plan

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

A. *"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."*

Staff comments: The proposed mixed use project in context meets with the CP's Goals, Objectives and Policies by encouraging mixed use development in major corridors. However, the project is not consistent with the Comprehensive Plan with the following requirements:

- Proportionate mix of uses: retail/commercial minimum required 8%, provided is only 6%
- FAR: Maximum FAR allowed with TDRs is 4.375 or 323,750 sq. ft., proposed is 328,681 sq. ft. Building area should be reduced to comply with the maximum FAR allowed
- Height and number of stories: building height proposed is 204'-8" at 18 stories. However, the City Commission is considering text amendments to the Comprehensive Plan and the Zoning Code to allow an additional height bonus of a maximum of 205.5 feet for qualifying Planned Area Developments (PAD) within the Central Business District (CBD) provided the density is limited to 100 units per acre which once approved would be applicable to this project.

B. *"The available use to which the property may be put is appropriate to the property that is subject to the proposed conditional use and compatible with existing and planned uses in the area"*

Staff comments: The subject property is located within proximity to major employment and commercial centers, within the Central Business District. Therefore, a mix use project is appropriate in this location as it compliments other uses in the surrounding area.

C. *"The proposed conditional use does not conflict with the needs and character of the neighborhood and the City"*

Staff comments: The redevelopment of this property as a mixed use project fulfills the objective of the City to attract mixed use developments to downtown and the creation of a pedestrian oriented urban environment. The proposed ground floor commercial uses, and residential units will provide the economic support for the surrounding commercial and retail uses in downtown.

D. *"The proposed conditional use will not adversely or unreasonably affect the use of other property in the area."*

Staff comments: The proposed mixed use project is similar and consistent with the development pattern in the area. Adding high-density multi-family use and commercial spaces into the area will provide additional economic support for the surrounding commercial and retail uses in the Downtown.

- E. *“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”.*
Staff comments: The planned redevelopment of this property as a mixed use project is compatible with adjacent uses and complies with the intent of the Zoning Code.

- F. *“The parcel proposed for development is adequate in size and shape to accommodate all development features.”*
Staff comments: The subject property is larger than the minimum 20,000 square foot size required for an individual mixed use project. The project intends to utilize Transfer of Development Rights (TDRs) as a receiver site in order to secure an additional twenty-five percent (25%) Floor Area Ratio (FAR) a maximum of 4.375. The Zoning Code requires that receiving sites shall be located within the boundaries of the CBD but subject site is not entirely located within the CBD.

- G. *“The nature of the proposed development is not detrimental to the health, safety and general welfare of the community.”*
Staff comments: The project site is surrounded and in proximity to properties with either commercial, multi-family uses or mixed-use, all of which allow for mid-rise development or high-rise development with Mediterranean bonuses. The project’s ground floor pedestrian amenities enhance the existing and future uses surrounding the property and within the downtown.

- H. *“The design of the proposed driveways, circulation patterns and parking is well defined to promote vehicular and pedestrian circulation.”*
Staff comments: All vehicular parking for the project and service access is within the confines of the building. The project’s ground floor pedestrian amenities enhance the redevelopment of the area. The project will be required to underground all overhead utilities.

- I. *“The proposed conditional use satisfies the concurrency standards of Section 14-218 and will not adversely burden public facilities, including the traffic-carrying capacities of streets, in an unreasonable or disproportionate manner”.*
Staff comments: A Traffic Impact Study was prepared by Richard Gracia and Associates, Inc. provided in Attachment A, it was reviewed by Public Works Department with comments provided in attachment E. The applicant is also working with Public Works regarding sewer capacity on site. All overhead utilities will be required to be installed underground.

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

This section provides a detailed analysis of the CP providing a basis of consistency, and finds the following CP Goals, Objectives and Policies are consistent:

REF. NO.	COMPREHENSIVE PLAN GOAL, OBJECTIVE AND POLICY	STAFF REVIEW
1	Goal FLU-1. Protect, strengthen, and enhance the City of Coral Gables as a vibrant community ensuring that its neighborhoods, business opportunities, shopping, employment centers, cultural activities, historic value, desirable housing, open spaces, and natural resources make the City a very desirable place to work, live and play.	Complies
2	Objective FLU-1.1. Preserve Coral Gables as a “placemaker” where the balance of existing and	Complies

REF. NO.	COMPREHENSIVE PLAN GOAL, OBJECTIVE AND POLICY	STAFF REVIEW
	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).	
3	<p>Policy FLU-1.7.2. The City shall continue to enforce the Mediterranean architectural provisions for providing incentives for infill and redevelopment that address, at a minimum, the impact on the following issues:</p> <ul style="list-style-type: none"> • Surrounding land use compatibility. • Historic resources. • Neighborhood Identity. • Public Facilities including roadways. • Intensity/Density of the use. • Access and parking. • Landscaping and buffering. 	Complies
4	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
5	Goal DES-1. Maintain the City as a livable city, attractive in its setting and dynamic in its urban character.	Complies
6	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
7	Policy DES-1.1.5. Promote the development of property that achieves unified civic design and proper relationship between the uses of land both within zoning districts and surrounding districts, by regulating, limiting and determining the location, height, density, bulk and massing, access to light and air, area of yards, open space, vegetation and use of buildings, signs and other structures.	Complies
8	Policy DES-1.1.6. Maintain the character of the residential and nonresidential districts, and their suitability for particular uses.	Complies
9	Policy DES-1.2.1. Continue the award of development bonuses and/or other incentives to promote Coral Gables Mediterranean design character providing for but not limited to the following: creative use of architecture to promote public realm improvements and pedestrian amenities; provide a visual linkage between contemporary architecture and the existing and new architectural fabric; encourage landmark opportunities; and creation of public open spaces.	Complies
10	Policy DES-1.2.2. Require that private development and public projects are designed consistent with the City’s unique and historical Mediterranean appearance in balance with contemporary architecture.	Complies
11	Policy DES-1.1.5. Promote the development of property that achieves unified civic design and proper relationship between the uses of land both within zoning districts and surrounding districts, by regulating, limiting and determining the location, height, density, bulk and massing, access to light and air, area of yards, open space, vegetation and use of buildings, signs and other structures.	Complies
12	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
13	Policy MOB-1.1.5. Improve amenities within public spaces, streets, alleys and parks to include	Complies

REF. NO.	COMPREHENSIVE PLAN GOAL, OBJECTIVE AND POLICY	STAFF REVIEW
	the following improvements: seating; art; architectural elements (at street level); lighting; bicycle parking; street trees; improved pedestrian crossing with bulb-outs, small curb radii, on-street parking along sidewalks, pedestrian paths and bicycle paths to encourage walking and cycling with the intent of enhancing the feeling of safety.	
14	Policy MOB-2.7.1. The City shall, via the review of development projects and city transportation improvement projects, conserve and protect the character and livability of all residential neighborhoods by preventing the intrusion of through vehicles on local and collector streets. The City shall discourage through traffic in neighborhoods and may incorporate traffic management and calming measures including, but not limited to, signage, landscape design, traffic calming devices and roadway design.	Complies

Staff Recommendation

The overall concept of the project meets the intent of Comprehensive Plan and the objectives of the Central Business District (CBD) which is to promote and encourage pedestrian activities in Downtown Coral Gables by promoting the concepts of mixed-use development and pedestrian friendly alternatives.

The Applicant has made specific requests, as stated in the Statement of Use in Attachment A. Staff’s review and analysis is based on the Applicant’s specific request. Based upon the complete Findings of Fact contained within this report, staff recommends the following:

1. Alley Vacation – APPROVAL
2. Zoning Code Text Amendment - APPROVAL
3. Planned Area Development (PAD) – APPROVAL
4. Receipt of Transfer of Development Rights (TDRs) - APPROVAL
5. Mixed-Use Site Plan (Conditional Use Review) – 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. Additional conditions of approval may be added to this list prior to Commission review.

Prior to City Commission First Reading, the Applicant shall revise the plans to comply with the underlying zoning as follows:

- Building area should be reduced to comply with the maximum FAR allowed.
- Project shall comply with proportionate mix of uses.
- Landscape open space need to be revised and updated.

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 Joe Jimenez, Esq./Codina Partners and Nichols Brosch Wurst Wolfe & Associates Inc. to include:
 - i. Building height 18 stories at 204'-8" to top of roof, 239'-8" to top of ornamental tower
 - ii. Maximum FAR of 4.375 for site within CBD, maximum 323,750 sq. ft. for overall site
 - iii. 174 multi-family units
 - iv. 4,500 sq. ft. restaurant
 - v. 389 parking spaces
 - vi. The shall provide a minimum of 8% commercial/retail use as required
 - vii. 10,000 sq. ft. public park developed and maintained by the applicant or their successor
 - b. Initial Application submittal as amended via the City review process and 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. **Alley Vacation.** The Public Works Department requires the following in association with the alley vacation:
 - a. The applicant grants to the City by Deed of Dedication absolute rights of public ingress and egress and of all utilities whatever interests they need.
 - b. That the cost of removal and/or relocation of any and all utilities, including storm and sanitary sewers, installation of any required drainage facility, removal of curbs or abandoned concrete approaches and sidewalks and the paving and construction of the substitute easement shall be borne by the applicant whose actions necessitate such expense.
 - c. That the substitute easement shall be constructed in accordance with the specifications of the Public Works Department of the City and the plans for such construction shall be submitted to and shall be subject to approval by the Public Works Department. The permits and inspections for such construction shall be handled in the same manner as the paving for streets and alleys.
 - d. That the City of Coral Gables shall have the right to exercise the same control over the substitute easement as if the same were a dedicated alley and the acceptance and approval of such easements shall in no way relieve the applicant from complying with any and all regulations pertaining to alleys including but not limited to the building, zoning and other applicable regulations.
 - e. That the substitute easement shall at all times be kept free and clear of any and all encroachments and obstructions, including but not limited to, motor vehicles, trucks, trailers, debris, stoops, waste containers, and the like, and the City shall have the authority to monitor and enforce same.

- f. That the use of the vacated property shall be limited to the same uses as to which the adjacent properties are zoned.
- g. That the reversionary rights to the portion of the alley vacated shall revert to the owners abutting on each side of the vacated alley.

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.
- 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 Master Signage Plan indicating code compliant size and location of all proposed exterior signage.
- e. **Ground Floor Design.** The ground floor of all buildings shall continue to be designed to optimize pedestrian activity.
- 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 circulation with sidewalks 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 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. **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.
 - l. **Sustainability Certification.** Prior to the Temporary Certificate of Occupancy, 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.
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 adjacent project boundary, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning.
 - b. **Utility Upgrades.** Water and Sewer system upgrades and all associated right-of-way improvements may be required at the Applicant's expense.
 - c. **Art in Public Places.** The Applicant shall comply with all City requirements for Art in Public Places.
 - d. **Bicycle/Pedestrian Plan.** The bicycle and pedestrian paths shall comply with the City's Bicycle Pedestrian Master Plan along Salzedo Street, subject to review and approval by Public Works Department.
 - e. **Right-of-way and public realm improvements.** Install all right-of-way improvements and all landscaping, public realm and streetscape improvements identified on the Applicant's approved plans, 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.
 - f. **Publicly Accessible Open Spaces Easement.** Execute and record a Publicly Accessible Open Spaces Easement Agreement between the City and the Owner for the 10,000 square foot public park at the corner of Almeria Avenue and Salzedo Street (2701 Salzedo Street) The Easement Agreement shall include the following:
 - i. The open space shall be accessible to the public from dawn to dusk, daily. Any doors or gates that physically separate the open space from the public right-of-way shall be open and unlocked during these hours.
 - ii. The open space shall be maintained by the applicant or their successor in perpetuity, at a standard comparable to City parks such as Ingraham Park or Merrick Park.
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.

A t t a c h m e n t s

- A. Applicant's Submittal Package.
- B. Site Specific – Section A-36
- C. Neighborhood Meeting invitation and summary.
- D. Courtesy notice mailed to all property owners and legal ad
- E. Memo from Public Works
- F. Powerpoint Presentation

Please visit the City's webpage at www.coralgables.com to view all Application plans and 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 Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134.

Respectfully submitted,



Ramon Trias, PhD, AIA, AICP, LEED AP
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City of Coral Gables, Florida