

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2021-_____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AMENDING ORDINANCE NO. 2016-43 (AMENDED), WHICH APPROVED A PLANNED AREA DEVELOPMENT (PAD) FOR THE PROJECT KNOWN AS “GABLES STATION” PROVIDING FOR AMENDED CONDITIONS OF APPROVAL; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 2016-43 (Amended) approved a Planned Area Development (PAD), including required conditions of approval, for the “Gables Station” project on the property located at 211-237 South Dixie Highway, Coral Gables, Florida; and

WHEREAS, unforeseeable delays due to subsurface conditions, namely the discovery of environmental contamination in the Underline area adjacent to the Gables Station project, have prevented compliance with certain of the conditions of approval required pursuant to Ordinance No. 2016-43 (Amended); and

WHEREAS, other unforeseen delays and complications require that certain other conditions of approval be modified; and

WHEREAS, taking these unforeseeable delays into account, the City Commission desires to amend some of the conditions of approval of Ordinance No. 2016-43 (Amended) to provide for the orderly completion of the Project; and

WHEREAS, the City Commission finds that it is in the interest of public health, safety, order, convenience, comfort, prosperity, and general welfare to modify these conditions of approval;

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

SECTION 1. That 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 Exhibit “B” “Gables Station Site Plan Conditions of Approval” is hereby amended as follows:

4. Prior to issuance of first Building Permit, Applicant shall:

- f. ~~RESERVED US-1 Improvements. Subject to approval by the Florida Department of Transportation (FDOT) and Miami Dade County, the Applicant shall explore the feasibility of providing full four-way crosswalks at US-1 intersections: Grand Avenue and Ponce de Leon Boulevard, including pedestrian and bike crossings with countdown signalization and pedestrian priority. All crosswalks shall be located away from the intersection for safety and visibility in accordance with FDOT standards. Provide a minimum of 8' of landscape buffer along planters facing US-1, to be reviewed and approved by the Landscape Services Director.~~
- h. ~~RESERVED Bicycle / Pedestrian Plan. The bicycle and pedestrian paths shall comply with the City's Bicycle Pedestrian Master Plan.~~
- i. ~~RESERVED MacFarlane Linear Park. The Applicant shall provide landscape improvements for the linear parks on the south side of US-1, as per the conceptual plan provided, including the planting of shade trees and the placement of relocated specimen trees, to be reviewed and approved by the Landscape Services Director in coordination with the adjacent property owners.~~
- k. ~~RESERVED Underline Improvement Plan. Prior to issuance of the first building permit, the Applicant shall complete an Underline Improvement Plan for that area of the Metrorail right-of-way between Grand Avenue to the southwest and Ponce de Leon Boulevard to the northeast. The plan shall be approved by the City Commission as an amendment to the Mixed Use Site Plan and shall be consistent with and uphold the minimum standards set forth by The Underline Framework Plan and Demonstration Projects Masterplan by James Comer Field Operations dated December 18, 2015. The Underline Improvement Plan shall also be subject to written approval by the County and other permitting agencies, and subject to review by the Underline Design Advisory Committee, as part of The Underline implementation process.~~

~~The Underline Improvement Plan shall include the following by the Applicant:~~

- i. ~~Prior to issuance of the first building permit, the Applicant shall 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 Underline improvements, as provided for in the proposed budget for the approved Underline Improvement Plan, which have not already been paid for by the Applicant, as approved by the Public Works Director. The bond shall be utilized by the City to complete the proposed Underline Improvements in the event that the building permit has expired, twenty-four months have passed since expiration, and no new application for building permit has been submitted, or within five (5) years of the issuance of the first Certificate of Occupancy.~~

- ~~ii. Secure a County permit for the driveways that will be located within the Metrorail right-of-way.~~
- ~~iii. Coordinate design and location of the bicycle path and the pedestrian path with Miami Dade County and the Underline Design Advisory Committee. Ensure that all locations where the Underline bicycle path and pedestrian path intersect with driveways, sidewalks, or any other potential conflict point is designed for maximum safety of users.~~
- ~~iv. Reconfigure the current bicycle and pedestrian crossing at Grand Avenue and LeJeune Road to allow one crossing movement during a pedestrian/bike priority phase of the signals at this five-way intersection, subject to Miami Dade County and FDOT approval.~~
- ~~v. Underline Parking Lot. Consider developing a remote shared parking agreement in order to provide parking within the Gables Station and Gables Ponce parking garages so as to reduce the surface parking area within the Underline right of way. Consider landscape and material strategies that mitigate storm water runoff and negative visual impact of an uninterrupted surface lot.~~

- ~~vii. Design, funding and construction of the Underline shall include safety improvements for bicycle and pedestrian crossings at the following intersections: Grand Avenue, LeJeune Road, Riviera Drive, and Granada Boulevard, subject to approval by Miami Dade Transit, the Underline Design Advisory Committee, and other permitting agencies.~~
- ~~viii. Provide a pedestrian crosswalk across Ponce de Leon Boulevard, between the Underline and the northwest side of the street, that will continue across the Underline, and across the internal drive, to connect to the courtyard. The location, design, lighting and signage for this crosswalk shall be subject to approval by the Public Works Director and the Development Review Official, as well as Miami Dade County.~~
- ~~ix. Maximize the number of parallel parking spaces on Ponce de Leon Boulevard and the internal driveway.~~

- ~~1. **Signage.** No signs shall be placed more than 45' above the sidewalk elevation. Signs shall comply with the sign plan submitted to the Planning Department on September 22, 2020 and shall comply with the applicable regulations of the City's Sign Ordinance.~~

- o. **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.

- iv. Arcades shall have an 18' minimum vertical clearance, measured from the sidewalk grade to the lowest point of the beam above. The Planning Director may approve minor modifications of this vertical clearance requirement.

- r. ~~RESERVED Bicycle Station. Per the City's Bicycle Pedestrian Master Plan, provide a bicycle station within the Underline area, to be maintained and operated by a public entity, non-profit entity, or another entity contracted by either, that offers a wide variety of services, such as secure and attended parking facilities; bicycle rentals; showers, lockers and charging facilities; repair services or facilities; and café/social space.~~

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

- f. ~~RESERVED LEED Certification. Prior to the issuance of the Temporary Certificate of Occupancy for any individual building, such individual building must achieve LEED Silver or equivalent certification, or if not achieved, Owner shall post such surety as required by the Zoning Code Section 5-1302.~~

- l. Underline Improvements. Pay to the City the impact fees in the amount of \$2,179,090.42 which were previously waived and which will be utilized for construction of the Underline pursuant to the Memorandum of Understanding entered into between the City and Miami-Dade County dated _____.

- m. City Parking Spaces in Parking Garage. The Applicant shall, subject to approval by the City Parking Director, revise its Parking Management Plan so that a minimum of forty (40) parking spaces within the Project's parking garage will be provided for the use of the City at the City's exclusive and absolute discretion.

6. Following issuance of the first Temporary Certificate of Occupancy, Applicant shall:

- e. MacFarlane Linear Park. The Applicant shall, in conjunction with the City and the owner/developer of the property located at 218-220 Florida Avenue, provide for a revised and updated landscape improvement plan for MacFarlane Linear Park. The scope of the type of improvements and the value of the improvements to which Applicant is obligated to provide or contribute shall remain equivalent to the scope and value provided for in the MacFarlane Linear Park conceptual plan approved by Ordinance No. 2016-43 (Amended). The updated MacFarlane Linear Park

improvement plan shall be reviewed and approved by the Landscape Services Director.

- f. LEED. Withing one (1) year of issuance of the Temporary Certificate of Occupancy, for any individual building, such individual building must achieve LEED or equivalent certification or either (i) provide the City with a performance bond, cash, or irrevocable letter of credit payment in the amount of 3% of the master building permit construction cost value at any point in time within one (1) year of issuance of the Temporary Certificate of Occupancy, such bond being subject to Section 5-1302.C.2-3 of the Zoning Code, or (ii) vacate the building within sixty (60) days from the one (1) year anniversary date of the issuance of the Temporary Certificate of Occupancy, at which time the Temporary Certificate of Occupancy shall be revoked. Applicant understands that the issuance of a Certificate of Occupancy will require Application to have obtained final LEED or equivalent certification.
- g. Ponce de Leon Boulevard Crosswalk. Provide a pedestrian crosswalk across Ponce de Leon Boulevard, between the Underline and the northwest side of the street, that will continue across the Underline, and across the internal drive, to connect to the courtyard. The location, design, lighting and signage for this crosswalk shall be subject to approval by the Public Works Director and the Development Review Official, as well as Miami-Dade County.
- h. AIPP. The on-site public art approved through the Art in Public Places process pursuant to Zoning Code Section 3-2103 through 2105 shall be fully installed at the earliest of either (1) issuance of final Certificate of Occupancy, or (2) within 45 days of approval to travel from abroad for the artist and his team to perform the installation. Until the art is installed, a sign approved by the City, shall be installed explaining that the public art installation is forthcoming at that location and explaining the name of the artwork and a short description.

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 approval 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 approval does not create any liability on the part of the City of Coral Gables for issuance of any building 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. This Ordinance shall become effective upon the date of its adoption.

Passed and Adopted this ____ day of March, A.D. 2021.

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY