

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2020-44

A RESOLUTION OF THE CITY COMMISSION GRANTING CONDITIONAL USE APPROVAL PURSUANT TO ZONING CODE ARTICLE 4, "ZONING DISTRICTS," DIVISION 2, "OVERLAY AND SPECIAL PURPOSE DISTRICTS," SECTION 4-208.A.3(A), "RESIDENTIAL INFILL REGULATIONS (RIR)," FOR A MULTI-FAMILY BUILDING ON PROPERTY ZONED MULTI-FAMILY 2 (MF2) LEGALLY DESCRIBED AS LOTS 12, 13, 14, 15 AND 16 OF BLOCK 11 OF REVISED PLAT OF CORAL GABLES DOUGLAS SECTION (211 SANTILLANE AVENUE), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting conditional use with site plan review to allow additional density and Floor Area Ratio (FAR) for a residential multi-family project utilizing the recently adopted Residential Infill Regulations (RIR) on property zoned Multi-Family 2 (MF2) District legally described as lots 12, 13, 14, 15 and 16, Block 11 of Douglas Section (211 Santillane Avenue), Coral Gables, Florida; and

WHEREAS, the Application requires City of Coral Gables conditional use with site plan review and public hearing consideration pursuant to the Zoning Code Article 4, "Zoning Districts," Division 2, "Overlay and Special Purpose Districts," Section 4-208.A.3(a), "Residential Infill Regulations (RIR);" and

WHEREAS, after notice of public hearing duly published and 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 January 8, 2020, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's January 8, 2020 meeting, the Board recommended approval regarding the proposed conditional use site plan (vote: 6-0) subject to conditions of approval; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record within one-thousand (1,000) feet, a public hearing was held before the City Commission on February 11, 2020, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard; and

WHEREAS, the City Commission on February 11, 2020, approved the requested conditional use with site plan (vote: 5-0); and

WHEREAS, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request for conditional use with site plan review as required by the Zoning Code and including careful consideration of written and oral comments by members of the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CORAL GABLES THAT:

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

SECTION 2. The proposed conditional use with site plan review to allow additional density and Floor Area Ratio (FAR) for a residential multi-family project utilizing the adopted Residential Infill Regulations (RIR) on property zoned Multi-Family 2 (MF2) District legally legally described as lots 12, 13, 14, 15 and 16, Block 11 of Douglas Section (211 Santillane Avenue), 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.** Application package dated August 19, 2019 (City Commission submittal) prepared by Gunster, Yoakley & Stewart, P.A. and Bellin Pratt & Fuentes Architects to include:
 - i. Maximum building height shall not exceed 100 feet at 9 stories.
 - ii. 2.49 FAR (74,780 square feet).
 - iii. 69 residential units.
 - iv. 96 parking spaces.
 - v. Landscape Open Space on site 9,973 sq. ft. (33%).
 - b.** 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. Ground Floor Plan.** The windows of the two-level apartment units shall be designed to be pedestrian friendly and enhance the garden apartment character of North Ponce.
 - b. Open Space Area.** Open space area on the east side shall be accessible to the public from dawn to dusk.

- c. **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.
- d. **Off-site and Public Realm Improvements Contribution.** The Applicant shall contribute \$50,000 to the North Ponce Streetscape Program for street improvements for Santillane Avenue and surrounding streets in North Ponce.
- 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 3, Division 21, Section 3-2103(B).
- 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. **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.
- 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 along Santillane Avenue, with sidewalks to remain open throughout construction.
- i. **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.
- j. **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.
- k. **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.
- 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. 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. 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 (between south side of Santillane Avenue and the north side of Calabria Avenue), 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 along a significant length of Santillane Avenue, at the Applicant's expense.
- c. Art in Public Places.** The Applicant shall comply with all City requirements for Art in Public Places.
- d. 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. Public parkway shall be restored with new sod.
- e. 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. Following issuance of the first Certificate of Occupancy, Applicant shall:

- a. Sustainability Certification.** Within two years of the issuance of a Final Certificate of Occupancy, the building must achieve LEED Silver or equivalent certification. If the applicant chooses to pursue NGBS Silver Certification, an Energy Star Label will also be required within two years of the Final Certificate of Occupancy.
 - i.** The City will hold the Green Building Bond for the time necessary for the green certification, or equivalent, to be issued for twenty-four (24) months after issuance of the Certificate of Occupancy or Completion; whichever occurs first. Upon receiving final documentation of certification from the developer/owner/contractor, the City shall release the full amount of the bond within thirty (30) days.
 - ii.** If the developer/owner/contractor is unable to provide proof of green certification, or equivalent, within twenty-four (24) months after issuance of the Certificate of Occupancy or Completion, the full amount of the Green Building Bond shall be

forfeited to the City. Any proceeds from the forfeiture of the bond under this section shall be allocated toward funding Sustainability Master Plan initiatives.

- b. Traffic Monitoring.** At the Applicant's expense, the City shall perform an annual traffic monitoring study for three years beginning one year from the issuance of the first Temporary Certificate of Occupancy at locations to be determined by the Public Works Director. If the Public Works Director determines that livability improvements are warranted on any of these roadways, the Applicant shall construct or pay for any physical livability improvements required by these studies within one year of the completion of these studies, as approved by the Public Works Director.

SECTION 3. That the applicant shall further be required to comply with all applicable zoning regulations and any changes to the application herein granted shall be in conformance with the requirements of Zoning Code Section 3-410, "Changes to conditional use approvals."

SECTION 4. This development permit by the City of Coral Gables does not in any way create any right on the part of an applicant to obtain a permit from a county, state or federal agency. Likewise, this development permit does not create any liability on the part of the City of Coral Gables for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a county, state or federal agency, or if the applicant undertakes actions that result in a violation of county, state or federal law. In addition, as a condition of this approval, all county, state and federal permits must be obtained before commencement of the development.

SECTION 5. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS ELEVENTH DAY OF FEBRUARY, A.D., 2020.
(Moved: Keon / Seconded: Lago)
(Yeas: Mena, Fors, Jr., Keon, Lago, Valdes-Fauli)
(Unanimous 5-0 Vote)
(Agenda Item: F-6)

APPROVED:



RAUL VALDES-FAULI
MAYOR

ATTEST:



BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



MIRIAM SOLER RAMOS
CITY ATTORNEY