

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2021-40

AN ORDINANCE OF THE CITY COMMISSION GRANTING APPROVAL OF A PLANNED AREA DEVELOPMENT (PAD) PURSUANT TO ZONING CODE ARTICLE 14, "PROCESS," SECTION 14-206, "GENERAL PROCEDURES FOR PLANNED AREA DEVELOPMENT" FOR A PROPOSED MULTI-FAMILY PROJECT REFERRED TO AS "GABLES VILLAGE" ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 1 THROUGH 22, BLOCK 28, "CORAL GABLES BILTMORE SECTION" (504, 516, 522, 530, AND 536 MALAGA; 503, 511, 515, 535, 529, 525, AND 521 SANTANDER; AND 3109 SEGOVIA), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting approval of a proposed Planned Area Development (PAD) pursuant to Zoning Code Article 14, "Process," Section 14-206, "General Procedures for Planned Area Development," for a proposed multi-family project referred to as "Gables Village" on the property legally described as lots 1 through 22, Block 28, "Coral Gables Biltmore Section," Coral Gables, Florida; and

WHEREAS, the Application has been submitted concurrently with an application for a Tentative Plat; and

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

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

WHEREAS, after notice of public hearing duly published and courtesy notifications of all property owners of record within one thousand (1,000) feet, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on October 13, 2021 at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's October 13, 2021 meeting, the Board recommended approval of the proposed Planned Area Development application (vote: 5-0) subject to conditions of approval; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on November 9, 2021, at which hearing all interested parties were afforded the opportunity to be heard; and

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

WHEREAS, after notice duly published, a public hearing for Second Reading was held before the City Commission on December 7, 2021, at which hearing all interested parties were afforded the opportunity to be heard; and

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

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

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

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

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

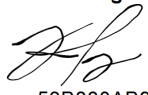
SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

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

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

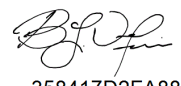
PASSED AND ADOPTED THIS SEVENTH DAY OF DECEMBER, A.D., 2021.
(Moved: Mena / Seconded: Menendez)
(Yeas: Mena, Menendez, Anderson, Fors, Jr., Lago)
(Unanimous: 5-0 Vote)
(Agenda Item: F-1)

APPROVED:

DocuSigned by:

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VINCE LAGO
MAYOR

ATTEST:

DocuSigned by:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

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MIRIAM SOLER RAMOS
CITY ATTORNEY

“Attachment A”

1. **Application/supporting documentation.** Construction of the proposed project shall be in substantial conformance with all of the following:
 - a. The Applicant’s Planning and Zoning Board submittal package dated 09.20.21, prepared by de la Guardia Victoria Architects to include:
 - i. 48 Residential units
 - ii. 92 parking spaces on site (including lifts)
 - iii. 42,662 sq. ft. (37.7%) landscape open space on-site
 - b. Trip Generation Analysis dated April 22, 2021 prepared by Kimley Horn and Associates, Inc.
 - c. All representations proffered by the Applicant’s representatives in their Application and as a part of the review of the Application at public hearings, including pavers within the on-street parking areas and driveway approaches; extensions of crosswalks on opposite corners of abutting streets; undergrounding of all overhead utilities in the right-of-way surrounding the project on Hernando Street; and replacement of existing cobra lighting with pedestrian-scaled lighting on Santander, Malaga, and Hernando.
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. **Bond.** Within 90 days of approval, the Applicant, property owner(s), its successors or assigns shall post a bond in favor of the City in an amount determined by the Public Works Director to cover the costs of restoring the property to a clean, safe, and attractive condition in the event that the project is not completed in a timely manner, consistent with the Site Plan approval and applicable conditions.
4. **Final Plat.** Prior to the issuance of any Building Permit for vertical construction, the Applicant is required to obtain City Commission approval of the Final Plat, per Section 14-210.3 of the Zoning Code. The Final Plat shall incorporate all changes and modifications as approved by the Planning and Zoning Board. Notwithstanding this provision, the Applicant shall obtain Miami-Dade County Plat Committee approval of the tentative plat within 3 months of the date of this Ordinance and shall proceed to process the final plat for approval by the City Commission and recording in the Public Records of Miami-Dade County. The City Manager may provide an extension of time for these timeframes based on good cause.
5. **Construction information/contact person.** Prior to the issuance of a City Building Permit for the project, the Applicant, property owner(s), its successors or assigns, shall provide a written notice to all properties within five hundred (500) feet of the Gables Village project

boundaries, providing a specific liaison/contact person 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.

6. **Encroachments Plan.** Prior to the City's issuance of a Foundation Permit or any other major Building Permit for the project, Commission approval is required for a special treatment sidewalk, decorative pavers, landscaping, irrigation, street lighting, landscaping lighting and any other encroachments into, onto, under and over the right of way. The above encroachments must be approved by City resolution and a Hold Harmless agreement must be executed.
7. **Art in Public Places.** Prior to the issuance of a City Building Permit for the project, the Applicant, property owner(s), its successors or assigns, shall Comply with all City requirements for Art in Public Places, which will include either a contribution to the Art in Public Places Fund, or having the proposed artist and public art concept be reviewed by the Arts Advisory Panel and Cultural Development Board, and Board of Architects approval before being submitted to the City Commission. The Applicant's compliance with all requirements of the Art in Public Places program shall be coordinated by the Department of Historical Resources and Cultural Arts.
8. **Undergrounding of overhead utilities.** Prior to the issuance of the first Temporary Certificate of Occupancy (CO) for the project, the Applicant, property owner, its successors or assigns shall submit all necessary plans and documents to complete, at its expense, the undergrounding of all overhead utilities along all public rights-of-way surrounding and abutting the project boundary on Hernando Street between the north side of Malaga and the south side of Santander, subject to review and approval by the Directors of Public Works, Public Service and Planning and Zoning.
9. **Right-of-way and public realm improvements.** Prior to the issuance of the first Temporary Certificate of Occupancy (CO) for the project, the Applicant, property owner, its successors or assigns shall install all right-of-way improvements and all landscaping, public realm and streetscape improvements, including sidewalk extensions on adjacent corners, replacement of lighting to be pedestrian-scaled light posts adjacent to project, and installation of pavers for on-street parking areas and driveways, subject to review and approval by the Directors of Public Works, Public Service and Planning and Zoning. Any deviation from the approved site plan will be reviewed in accordance with the PAD amendment process outlined in Section 14-206 of the Zoning Code.
10. **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.
11. Following issuance of the first Certificate of Occupancy, the Applicant, property owner, its successors or assigns shall complete the following:
 - 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 review of traffic monitoring studies for three (3) years 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.