







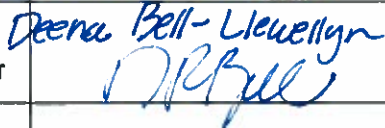




Development Review Committee Speakers Sign-In

DRC Meeting
September 28, 2018

#	Project Name	Speaker Name(s)	Speaker Firm Name	Speaker Telephone Number	Speaker Email Address
1	UM	Jeffrey Bass	Shubin & Bass	305 381-6060	Jbass02 @Shubinbass.com
2	6500 Red Road UM	Janet Gavarrete	UM	305 2846728	JanetGavarrete @miami.edu
3	6500 Red Road UM	Robert Vale	UM	305 284-2700	rvale@miami.edu @
4	Sunset Houses	Reinaldo Borges	Borges + Associates	305 374 9214	rborges @borgesarchitects.com
5		Jorge Navarro	GT Law		 @
6	SEDUCTION COSMETIC CENTER	JUAN RIESCO	JUAN RIESCO	786-200 9028	riescoarch @aol.com
7					 @
8					 @
9					 @

Development Review Committee Members Sign-In


DRC Meeting
September 28, 2018

#	City Department/ Division	Member Name	Member In Attendance (Signature)	Member Telephone Number	Member Email Address
1	Building	Manny Lopez		460-5242	mlopez@coralgables.com
2	Fire	T. DANIEL Troy Easley		460-5575	teasley@coralgables.com
3	Parking	Kevin Kinney		460-5541	kkinney@coralgables.com
4	Planning and Zoning	Carlos Mindreau		476-7215	cmindreau@coralgables.com
5	Planning and Zoning	Sebrina Brown		460-5236	sbrown@coralgables.com
6	Planning and Zoning	Ramon Trias		460-5211	rtrias@coralgables.com
7	Police	Brian Lawrence		442-1600	blawrence@coralgables.com
8	Hist. Res. & Cultural Arts	Dona Spain		460-5095	dspain@coralgables.com
9	Public Service	Brook Dannemiller		460-5434 5165	bdannemiller@coralgables.com 
10	Public Works	Lina Hickman		460-5048	lhickman@coralgables.com
11	Public Works	Mark Brown		460-5049	mbrown@coralgables.com
12	Public Works	Hermes Diaz		460-5037	hdiaz2@coralgables.com
13	Planning and Zoning	Jennifer Garcia		460-5214	kgarcia4@coralgables.com
14	Hist. Res. & Cultural Arts	Catherine Cathers		460-5094	ccathers@coralgables.com
15	Economic Development	Leonard Roberts		460-5314	lroberts@coralgables.com

CITY OF CORAL GABLES

- MEMORANDUM -

TO: Development Review Committee (DRC) **DATE:** September 28, 2018
meeting minutes and record

FROM: Ramon Trias, 
DRC Chairman **SUBJECT:** "Seduction Cosmetic Center"
Development Services
Department Comments

The Development Services Department has reviewed the "Seduction Cosmetic Center" application package submitted for DRC review at 4950 SW 8th Street. The applicant is requesting review of a proposed change of use to permit a medical clinic / health spa. The Development Services Department has the following comments:

1. Submit a revised Board of Architects application to be reviewed based on Staff's comments, including a master site plan and landscape plan. Staff will determine if conditional use process is required after review.
2. Conceal all utility and infrastructure elements from the public view, including the backflow preventer, transformers, dumpsters, etc.
3. Screen pipes, conduits, and mechanical systems attached to the garage ceiling to not be visible from any sidewalk. Update proposed facades appropriately.
4. Consider updating the front entry portion of the façade with vertically proportioned glazing to better relate to the windows.
5. Coordinate with Parking and Public Works for swale improvements on Granada Grove Court.

Once a revised Board of Architects Application has been submitted, it will be distributed to City Departments for additional review and comments. After all Staff's comments have been addressed, the applicant will be informed of required approval process.

Attachments:

- A. Concurrency Administrator comments.

cc: (via email)

Suramy Cabrera, Development Services Director
Dona Spain, Historical Resources and Cultural Arts Director
Ed Santamaria, Public Works Director
Hermes Diaz, Deputy Public Works Director
Brook Dannemiller, Public Service Director
Kevin Kinney, Parking Director
Leonard Roberts, Assistant Economic Development Director
Brian Lawrence, Police Department
Troy Easley, Fire Department
Catherine Cathers, Arts & Culture Specialist
Manuel Lopez, Building Official
Carlos Mindreau, City Architect
Sebrina Brown, Concurrency Administrator

September 27, 2018

DRC CONCURRENCY REVIEW

DR-18-09-2449

PROJECT NAME: SEDUCTION COSMETIC CENTER

JOB ADDRESS: 4950 SW 8TH STREET

REVIEWER: SEBRINA BROWN

PHONE#: (305) 460-5236

COMMENTS:

- **PLANNING & ZONING AND CITY COMMISSION APPROVAL REQUIRED. REFER TO ARTICLE 4- SECTION 4-301 FOR PERMITTED USES.**
- **REFER TO BL-18-02-2855 IN EDEN FOR PREVIOUS COMMENTS.**

Sebrina Brown
Concurrency Administrator
City Of Coral Gables
PH: 305-460-5236
Fax: 305-460-5261
Sbrown@coralgables.com



Celebrating 90 years of a dream realized.

Date September 28, 2018

Development Review Committee

Department / Division Fire/Prevention **Project Name** Seduction Cosmetic

Name (Print) Terrance Daniel **Project Address** 4950 SW 8th Street

Comments: Maintain Clearance for Fire Department Connection (FDC/ Hydrants) NFPA 1: 13.1.3-13.1.4.1

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REVIEW COMMENTS



City of Coral Gables
2800 SW 72 Avenue
Miami, FL 33155

Submittal: DRC REVIEW-Rev.
Department: PUBLIC WORKS
DRC Review Date: 09/28/18

Project Name.: Seduction Cosmetic Center
Address: 4950 SW 8 Street
Coral Gables, FL 33134

Comment No.	Type	COMMENT
1	General	All existing damaged sidewalk flags abutting the property shall be replaced. Ensure that existing pedestrian ramps are ADA compliant. Replace as needed. Work adjacent to SW 8 Street requires approval by the Florida Department of Transportation (FDOT).
2	General	Reconstruct/ improve damaged parkway along Granada Groves Court. Make sure it properly sloped to drain with a minimum 0.25-percent slope as per Section 5-1504(M) of the Zoning Code. Take steps to prevent parking within 20-ft of the existing crosswalk abutting SW 8 Street in accordance with the Florida Greenbook.
3	Utilities	This property has an outside sanitary sewer agreement. Provide proposed sewer flows calculations to Jorge Acevedo (City of Coral Gables Public Works Department). He can be reached at 305.460.5006 and Jacevedo2@coralgables.com. Additional flows will require an addendum to the existing agreement. Commission approval might be required as well as additional sewer connection fees. The property's private sanitary sewer operating permit program (PSO) with Miami-Dade County DERM might need to be revised. Improvements to the sanitary sewer system might be required.
4	Sanitation	Consider the need for refuse recovery (recycling). Tenants should be able to dispose of recycling materials in the same manner as garbage. Ensure adequate space for recycling dumpsters. Recycling is required by Miami Dade Code Section 15-2.6 and should be incorporated into operations the same as trash/garbage.
5	Landscaping Services	Provide swale improvements along Alberca Street and replace damaged asphalt inlet aprons. Swales shall be de-compacted prior to any new planting.
6	Landscaping Services	Existing schefflera trees are invasive and shall be removed from property. Submit a tree removal permit with a tree disposition plan and new landscaping site plan for review and approval.
7	Traffic and Sustainability	A traffic impact study will be required if the proposed development will generate 100 or more added (new) peak direction trips to or from the site during the adjacent roadway's peak hours or the development's peak hours. If the development generates less than 100 new trips may require a limited traffic study to address special considerations. Please provide a trip generation letter (template attached). Please note that a new City Ordinance was passed, related to the traffic impact study process (attached).
8	Traffic and Sustainability	Consider electric vehicle charging stations
9	Traffic and Sustainability	Consider provisions for bike share location (docked or dockless).
10	Traffic and Sustainability	Install visible bike parking in the ROW. See http://c.ymcdn.com/sites/www.apbp.org/resource/resmgr/Bicycle_Parking/EssentialsofBikeParking_FINA.pdf as reference when selecting bike parking.
11	Traffic and Sustainability	All encroachments in excess of nine inches into the right of way will require commission approval (including tree grates, special treatments on sidewalk, decorative lighting etc.).
12	Utilities	Investigate and advise where the on-site drainage system is discharging to. Discharge into the public right-of-way will not be permitted.

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2018-09

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, REQUIRING TRAFFIC STUDIES FOR CERTAIN NEW DEVELOPMENTS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, ENFORCEABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission accepted the recommendation of the City's Transportation Advisory Board that the City review the traffic impact study procedure developed by the Board in Resolution 2017-213; and

WHEREAS, the City Commission wishes to require that a traffic impact study be conducted whenever a proposed development will generate fifty (50) or more added (new) peak hour two-way trips to or from the site during the adjacent roadway's peak hours or the development's peak hours; and

WHEREAS, the City Commission wishes that any major traffic generator (which may include approved or anticipated developments) must be considered as a potential candidate for traffic impact analysis. Examples include high-density residential areas, offices, retail/commercial hotels, business park, hospitals/medical offices, schools, industrial facilities and stadiums/coliseums; and

WHEREAS, developments generating less than fifty(50) new trips may require a limited traffic study to address special considerations; and

WHEREAS, the traffic-impact study conducted by an applicant provides useful information to determine the impact of the project on the traffic in the area, the City Commission feels that an independent traffic-impact study is preferable in that it provides a fully objective perspective; and

WHEREAS, in order to protect its residents, visitors and businesses, and to ensure the proper mitigation of traffic impacts created by certain new developments, the City Commission feels that the adoption of this ordinance is in the public interest;

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. Chapter 74, Article III, Division 7 of the Code of the City of Coral Gables, Florida, is hereby created to read as follows:

Chapter 74 – Traffic and Vehicles

* * *

Article III. – Stopping, Standing, and Parking

Division 7. – Independent Traffic-Impact Study for Private Developments

Sec. 74-208. – Study Criteria, Process, and Expenses. –

- (a) *Study Criteria.* An independent traffic-impact study shall be required whenever a proposed development will generate fifty (50) or more added (new) peak hour two-way trips to or from the site during the adjacent roadway's peak hours or the development's peak hours. A proposed development that is likely to be a major traffic generator shall be considered as a potential candidate for traffic impact analysis. A development that is likely to be a major traffic generator includes, but is not limited to, high-density residential areas, offices, retail/commercial hotels, business park, hospitals/medical offices, schools, industrial facilities and stadiums/coliseums. Developments generating less than fifty (50) added (new) two-way trips to or from the site may require a limited traffic study to address special considerations. The area for the study shall be determined by the Public Works Director or designee.
- (b) *Exemption.* This Division shall not apply where traffic studies/reports are required pursuant to a specific provision of the City's Zoning Code.
- (c) *Process.* The Public Works Director or designee shall establish a pool of providers. Each provider shall be qualified to conduct independent traffic-impact studies for new developments. The pool shall be established through a competitive process, which will include pricing, and shall be renewed every three (3) years. Once established, the providers shall be chosen on a rotating basis.
- (d) *Conflict of Interest.* Any provider that has materially participated in the development of the application or is currently working for the applicant on any application is prohibited from conducting the independent traffic study for that application.
- (e) *Expenses.*
 - 1. All reasonable expenses incurred in undertaking and conducting the independent traffic-impact study shall be paid by the applicant at the rates set out in the City's continuing contract.
 - 2. Before the study begins, the applicant shall pay an amount equal to fifty percent (50 %) of the expenses estimated by the provider set to perform the study, in accordance with subsection (b) above.
 - 3. After the study is completed, but before any permit may be issued, the applicant shall pay the difference between the amount paid and the actual expenses incurred for the study.
- (f) *Traffic-Impact Study Requirements.* The provider assigned to a particular proposed development shall be present at all public meetings relating to the development. The provider assigned shall follow the standard traffic study

methodology provided by the City which may be adjusted depending on project specifics.

Sec. 74-209. – Applicant’s Option on Delay and Mitigation

- (a) *Option on Delay.* If the traffic-impact study is not completed within fortyfive (45) days after the initial payment is made under Sec. 74-208(e)(2), the applicant may request that the Public Works Director or designee instead rely on the traffic-impact study conducted by the applicant. However, such traffic-impact study must comply in scope, form, and manner of study as determined by the the Public Works Director or designee. The Public Works Director or designee may do so at his or her discretion.
- (b) *Mitigation.* The Applicant shall be responsible for mitigating the adverse traffic impacts identified in the traffic-impact study. If the applicant disagrees with the amount of mitigation necessary, the applicant may appeal the amount to the Public Works Director or designee, City Manager and ultimately to the City Commission.

SECTION 3. The Public Works Director or designee may adopt rules and regulations to carry out the requirements of Division 7.

SECTION 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. 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 6. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City Code, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 7. If the City Code’s Tables of Contents, Supplemental History Table, or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 8. This ordinance shall become effective upon adoption but implementation of the program shall begin on or before November 27, 2018 in order to allow time to establish a pool of qualified consultants to perform the studies.

PASSED AND ADOPTED THIS WENTIETH DAY OF MARCH, A.D., 2018.

(Moved: Lago / Seconded: Quesada)

(Yeas: Lago, Mena, Quesada, Keon)

(Majority; (4-1) Vote)

(Nays: Valdes-Fauli)

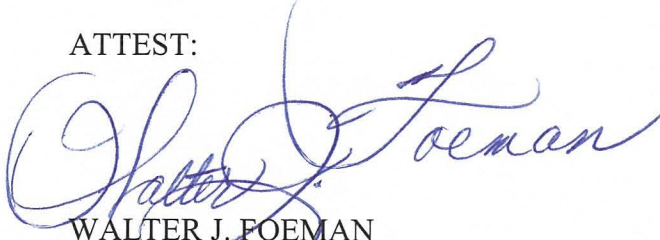
(Agenda Item: F-2)

APPROVED:

A handwritten signature in blue ink, consisting of a stylized 'R' inside a circle, followed by a long, sweeping vertical line that extends downwards.

RAUL VALDES-FAULI
MAYOR

ATTEST:

A handwritten signature in blue ink, written in a cursive style that reads 'Walter J. Foeman'.

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

A handwritten signature in blue ink, consisting of the letters 'M', 'S', and 'R' in a stylized, interconnected cursive font.


MIRIAM SOLER RAMOS
CITY ATTORNEY

CITY OF CORAL GABLES

- MEMORANDUM -

TO: RAMON TRIAS
PLANNING AND ZONING DIRECTOR
DEVELOPMENT REVIEW COMMITTEE
(DRC) CHAIRMAN

DATE: SEPTEMBER 28, 2018

FROM: CATHERINE J. CATHERS 
ARTS & CULTURE SPECIALIST
HISTORICAL RESOURCES AND
CULTURAL ARTS DEPARTMENT

SUBJECT: DEVELOPMENT REVIEW
COMMITTEE
ART IN PUBLIC PLACES REVIEW
CHANGE OF USE MED SPA/OFFICE
4950 SW 8TH STREET
DR-18-09-2449

The Historical Resources and Cultural Arts Department, Art in Public Places Program, has reviewed the "Change of Use to Med Spa/Office" DRC application and has the following comments:

The proposed use of the property/building and estimated cost of the proposed building/project may meet the requirement for the Developer to contribute one percent (1.0%) of the Aggregate Project Value to the Art Acquisition Fund. Developer is required to complete a Project Value Application (attached).

Developer may seek a waiver of the requirement as outlined in the Zoning Code, Section 3-2103, B. Art in Public Places Fund Requirements, Waivers, and Exemptions. If the Developer wishes to seek a waiver, they must set up a meeting with Historical Resources and Cultural Arts staff to discuss.

Section 3-2103, B.:

B. Waiver of the Art in Public Places Fee. A Developer of a Non-Municipal Construction Project that is not exempt as set forth in subsection C below may petition to waive the Art in Public Places Fee requirement by one or more of the following:

1. Acquiring or commissioning artwork, which has an appraised value equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required, with such artwork to be incorporated within the Developer's project; or
2. Donating and installing artwork to the City with an appraised value equal to or greater than the amount of the Art in Public Places Fee that

otherwise would be required, and providing for the perpetual maintenance of such artwork; or

3. Causing the purchase, designation, restoration, or perpetual maintenance of historically significant buildings in an amount equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required; or

4. Causing the purchase of parcels identified in the City's Parks and Open Space Inventory Analysis in an amount equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required and donating such parcels to the City.

**CITY OF CORAL GABLES
DEVELOPMENT SERVICES DIVISION,
ART IN PUBLIC PLACES AGGREGATE
PROJECT VALUE APPLICATION & INSTRUCTIONS**

OVERVIEW OF THE ART IN PUBLIC PLACES PROGRAM:

The legislative parameters for the City of Coral Gables' *Art In Public Places Program* is governed by Article 3, Division 21, Section 3-2101 *et. seq.* of the City of Coral Gables' Zoning Code. The administrative requirements for the Program are set forth in the *City of Coral Gables' Art In Public Places Program: Funding, Goals, & Implementation Guidelines* (the "Guidelines"), which serves as a companion document to the *Art In Public Places Master Art Plan* and the *Five-Year Work Plan*. "It is the intention of [the *Art In Public Places Program*] to preserve the City's artistic heritage, enhance its character and identity, contribute to economic development and tourism, add beauty and interest to spaces visible to the public and increase opportunities for the public to experience and participate in the arts through the acquisition and installation of world-class art in publicly accessible areas." *Id.* Moreover, pursuant to Article 3, Division 21, Section 2103(A) of the City's Zoning Code:

Two funds [were] established for the Art in Public Places Program . . . The first fund [is] entitled Historic Public Art Fund and [is] funded through payments from budgets of one percent (1%) of Municipal Construction Projects. The second fund [is] entitled Art Acquisition Fund and [is] funded through Art in Public Places Fees as well as one-half percent (½%) of Municipal Construction Projects. Each of these funds [are] interest bearing and revolving and may only be used for the purposes outlined in the Guidelines.

Art. 3, Div. 21, § 2103(A).

THE ART ACQUISITION FUND:

Article 3, Division 21, Section 3-2103(A)(2) of the City of Coral Gables' Zoning Code governs the Art Acquisition Fund and establishes that "[t]he Developer of any Non-Municipal Construction Project with an Aggregate Project Value of one million dollars (\$1,000,000.00) or more and not exempted as provided in subsection C below, shall contribute One percent (1.0%) of the Aggregate Project Value to the Art Acquisition Fund established by the City."¹ City of Coral Gables' Zoning Code, Art. 3, Div. 21, § 3-

¹ It should be noted that in accordance with Article 3, Division 21, Section 3-2103(B), a Developer may "petition to waive the Art in Public Places Fee requirement by one or more of the following: 1. Acquiring or commissioning artwork, which has an appraised value equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required, with such artwork to be incorporated within the Developer's project; or 2. Donating and installing artwork to the City with an appraised value equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required, and providing for the perpetual maintenance of such artwork; or 3. Causing the purchase, designation, restoration, or perpetual maintenance of historically significant buildings in an amount equal to or greater than the amount of the Art in

2103(A)(2). The term “Aggregate Project Value” is defined as “the total of all Construction Cost associated with a particular construction or renovation project regardless of the number of permits associated with the project, or whether it is a phased project.” *Id.* § 3-2106. Likewise, the term “Construction Cost” is defined under the Zoning Code as:

[T]he total cost of a construction or renovation project, as determined by the Building Official in issuing a building permit for construction or renovation plus soft costs of architectural and engineering fees. The Construction Cost includes all labor, structural materials, plumbing, electrical, mechanical, infrastructure, design, permitting, architecture, engineering, lighting, signage, and site work. All construction and renovation costs shall be calculated based on good faith projections for the whole project, and paid as of the date the building permit is issued. This definition is not intended to include the Florida Building Code definition for Construction Cost.

Id. Furthermore, in accordance with Division 21, § 3-2105(A) of the City of Coral Gables’ Zoning Code, “[t]he City shall not issue a building permit for a Municipal or Non-Municipal Construction Project where the Developer has chosen to pay the Art in Public Places Fee until the required contribution has been deposited in the appropriate Fund as described herein and in the Guidelines and Master Art Plan.” *Id.* at § 3-2105(A).

INSTRUCTIONS:

This Application must be completed and submitted to the City’s Development Services Division whenever a developer seeks to pay the Art In Public Places Acquisition Fund Fee or petitions¹ for a waiver in accordance with the requirements of Article 3, Division 21, Section 3-2103(B). To be complete, the *Art In Public Places Aggregate Project Value Application* must include an executed and properly notarized original of the: 1) ***Art In Public Places Aggregate Project Value Warranties, Covenants, Representations, & Conditions Agreement***; and 2) ***Art In Public Places Aggregate Project Value Affidavit***. Please note that the same individual must execute both documents. Additionally, completion of the documents in BLUE ink is preferred. Finally, as previously mentioned, once completed the Application should be submitted to the City’s Development Services Division.

Public Places Fee that otherwise would be required; or 4. Causing the purchase of parcels identified in the City’s Parks and Open Space Inventory Analysis in an amount equal to or greater than the amount of the Art in Public Places Fee that otherwise would be required and donating such parcels to the City.” City of Coral Gables’ Zoning Code, Art. 3, Div. 21, § 3-2103(B).

**CITY OF CORAL GABLES
DEVELOPMENT SERVICES DIVISION
ART IN PUBLIC PLACES AGGREGATE
PROJECT VALUE APPLICATION COVER PAGE¹**

PRINTED NAME: _____

TITLE: _____

YOUR COMPANY'S NAME: _____

YOUR COMPANY'S ADDRESS: _____

PROPOSED PROJECT'S ADDRESS: _____

PROPOSED PROJECT'S LEGAL DESCRIPTION: _____

PERMIT APPLICATION NUMBER: _____

AGGREGATE PROJECT VALUE²: \$ _____

APPLICATION SUBMITTED BY:

DEVELOPER'S SIGNATURE

DATE

¹ The individual who signs and submits the *Art In Public Places Aggregate Project Value Application Cover Page* must be the same individual who executes the *Art In Public Places Aggregate Project Value Representations & Conditions Agreement* and the *Art In Public Places Aggregate Project Value Affidavit*.

² Please note that in accordance with Division 21, Section 3-2106 of the City of Coral Gables' Zoning Code, the "aggregate project value" of a proposed development means the total of all construction costs associated with a particular site plan project regardless of the number of permits associated with the project or whether it is a phased project, and the construction costs for purposes of determining the aggregate project value of a proposed development means *the total cost of the construction or renovation work, as determined by the City of Coral Gables' Building Official in issuing a building permit for construction or renovation, and said construction costs includes all labor, structural materials, plumbing, electrical, mechanical, infrastructure, maintenance, insurance, lighting, signage site work, any other costs necessary to maintain the art as approved by the City as well as all soft construction costs (including, but not limited to, engineering and architectural costs).*

**CITY OF CORAL GABLES
DEVELOPMENT SERVICES DIVISION
ART IN PUBLIC PLACES AGGREGATE PROJECT VALUE
WARRANTIES, COVENANTS, REPRESENTATIONS & CONDITIONS AGREEMENT³**

I, _____, hereby represent, covenant, and warrant that I am the _____ *[insert title]* of _____ *[insert development company's name]*, and as such, I serve as the Developer for the property located at _____ and legally described as: _____

(the "Project").

I hereby represent, covenant, and warrant that I have legal authority and legal capacity to act on behalf of the above-described property with regard to the completion, submission, and execution of this Agreement as well as all other documents and/or instruments that must be submitted to the City of Coral Gables (the "City") for purposes of compliance with the City's *Art in Public Places Program*'s legislative and administrative requirements.

I additionally represent, covenant, and warrant that I intend to develop the above-described property in the manner described in Permit Application Number _____, submitted to the City's Development Services Division on _____, 20____.

I understand that Division 21, Section 3-2103(A) of the City of Coral Gables' Zoning Code requires developers to contribute one (1.0%) percent of the aggregate project value of non-Municipal projects of one million dollars (\$1,000,000.00) or more (excluding single family homes) to an account designated as the Art in Public Places Trust Fund established by the City. I further understand that this one (1.0%) percent fee fulfills the Art in Public Places fee requirement unless my company is otherwise petitioning for a waiver of said fee in accordance with the requirements of Article 3, Division 21, Section 3-2103(B).

³ The individual who signs the *Art In Public Places Aggregate Project Value Warranties, Covenants, Representations & Conditions Agreement* must be same individual who signs the *Art In Public Places Aggregate Project Value Application Cover Page* and the *Art In Public Places Aggregate Project Value Affidavit*.

Moreover, I understand, acknowledge, and agree that the City will not issue a building permit for a qualified Municipal or Non-Municipal Construction project — where the developer has chosen to pay the Art Acquisition Fund Fee or petitioned for a waiver as stated above — until the required contribution has been deposited in the appropriate fund as described in the City's Zoning Code and *The City of Coral Gables Art in Public Places Program: Funding, Goals, and Implementation Guidelines*, or the appropriate donation pursuant to the requirements of Article 3, Division 21, Section 3-2103(B) has been made,.

As the Developer, I understand, acknowledge, and agree that pursuant to Division 21, Section 3-2103(A)(2) of the City of Coral Gables' Zoning Code I must contribute one (1.0%) percent of the aggregate project value of non-Municipal projects of one million dollars (\$1,000,000.00) or more (excluding single family homes) to an account designated as the Art in Public Places Trust Fund established by the City. Moreover, in the case of a petitioned waiver, I understand, acknowledge, and agree that pursuant to Article 3, Division 21, Section 3-2103(B), I must comply with one (1) or more of the four (4) enumerated requirements thereof. Additionally, I understand that, in accordance with Division 21, Section 3-2106 of the City of Coral Gables' Zoning Code, the aggregate project value of a proposed development means the total of all construction costs associated with a particular site plan project regardless of the number of permits associated with the Project or whether it is a phased Project. I further understand and agree that construction costs for purposes of determining the aggregate project value of a proposed development means *the total cost of the construction or renovation work, as determined by the City of Coral Gables' Building Official in issuing a building permit for construction or renovation, and that construction costs includes all labor, structural materials, plumbing, electrical, mechanical, infrastructure, maintenance, insurance, lighting, signage site work, any other costs necessary to maintain the art as approved by the City as well as all soft construction costs (including, but not limited to, engineering and architectural costs).*

Based upon the above understandings, acknowledgements and agreements, I hereby represent, covenant, and warrant that the aggregate project value submitted in relation to Permit Application Number _____, for purposes of compliance with the City of Coral Gables' *Art in Public Places Program's* legislative and administrative requirements, includes and reflects the total of all construction costs, as outlined above, and such value

specifically includes the total cost of the construction or renovation work, as determined by the City of Coral Gables' Building Official in issuing a building permit for construction or renovation, all costs for and/or associated with: labor, structural materials, plumbing, electrical, mechanical, infrastructure, maintenance, insurance, lighting, signage site work, any other costs necessary to maintain the art as approved by the City as well as all soft construction costs such as engineering and architectural costs.

Moreover, I understand, acknowledge, and agree that should the City determine that any of the representations, covenants, or warranties contained herein or otherwise submitted in relation to Permit Application Number _____ are false, misleading, or inaccurate, then the Building Permit issued based upon such representations, covenants, and/or warranties may be revoked, voided, and nullified. Additionally, I understand, acknowledge, agree, and accept that if said false, misleading, and/or inaccurate representations, covenants, or warranties result in an undervaluation of the aggregate project value, as outlined herein, then I will be required to contribute sufficient funds to an account designated as the Art in Public Places Trust Fund, as referenced above, to mitigate said undervaluation, and the City shall have the sole authority to determine the amount necessary for said mitigation. I also understand, acknowledge, agree, and accept that I may be held personally liable for any costs the City may incur, directly or indirectly, for acting in reliance upon any false, misleading, or inaccurate representations, covenants, or warranties related hereto.

Executed on this ____ day of _____, 20 ____.

Developer's Signature

Developer's Printed Name

Developer's Title

NOTARIZATION

STATE OF FLORIDA)
COUNTY OF MIAMI DADE)

The foregoing instrument was acknowledged before me this day of _____, in the
year 20 , by _____ who is personally known to me or has
produced _____ as identification.

My Commission Expires:

Notary Public

CITY OF CORAL GABLES
DEVELOPMENT SERVICES DIVISION
ART IN PUBLIC PLACES AGGREGATE PROJECT VALUE AFFIDAVIT⁴

I, _____, having been duly sworn hereby declare and certify under penalty of perjury that I have personal knowledge of the facts outlined below and state as follows:

1. I am the Developer for the project described in Permit Application Number: _____, involving the development of the property legally described as:

_____.
2. I have legal authority and legal capacity to act on behalf of the above-described property with regard to the completion, submission, and execution of this Declaration as well as all other documents and/or instruments that must be submitted to the City of Coral Gables for purposes of compliance with the City of Coral Gables' Art in Public Places legislative and administrative requirements.
3. The aggregate project value for the development project described in Permit Application Number _____ for purposes of compliance with the City of Coral Gables' Art in Public Places legislative and administrative requirements is: \$ _____.
4. The above aggregate project value accounts for, reflects, and includes: the total of all construction costs and, as such, includes the total cost of the construction or renovation work, as determined by the City of Coral Gables' Building Official in issuing a building permit for construction or renovation, as well as all costs for and/or associated with: labor, structural materials, plumbing, electrical, mechanical, infrastructure, maintenance, insurance, lighting, signage site work, any other costs necessary to maintain the art as approved by the City, and all soft construction costs such as engineering and architectural costs.

⁴ The individual who signs the *Art In Public Places Aggregate Project Value Affidavit* must be the same individual who executes the *Art In Public Places Aggregate Project Value Warranties, Covenants, Representations & Conditions Agreement* and the *Art In Public Places Aggregate Project Value Application Cover Page*.

I understand that I am swearing or affirming under oath as to the truthfulness of the claims and assertions made in this Affidavit and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Executed on this day of _____, 20 _.

Developer's Signature

Developer's Printed Name & Title

**NOTARIZATION FOR ART IN PUBLIC
PLACES AGGREGATE PROJECT VALUE AFFIDAVIT**

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Sworn to and subscribed before me this _____ day of _____, in the year 20____, by
_____ who has taken an oath and is personally known
to me or has produced _____ as identification.

My Commission Expires:

Notary Public