

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 GRAEF to include:
 - i. Maximum building height shall not exceed 67 feet, including architectural features.
 - ii. 3.0 FAR (Publix floor area: approximately 60,373 sq. ft. and Liquor floor area: approximately 2,668 sq. ft.)
 - iii. 40,726 sq. ft. (30%) of total onsite open space
 - iv. 279 parking spaces at the second and third level
 - v. Updated plans, elevations, and renderings prepared by Fisher Architects dated -----
 - b. Traffic Impact Study, dated October 6, 2023, prepared by CHA.
 - c. The site plan shall be updated to include the following:
 - i. Coordination with the Public Works Greenspace Management and revision of the Salzedo public park and Le Jeune Road plaza designs, including replacing proposed palms with Oak trees and removal of raised planters.
 - d. The public rights-of-way shall be updated to include the following subject to Florida Department of Transportation (FDOT), Miami-Dade County, and City of Coral Gables approval with the understanding that issuance of building permits and TCO will not be conditioned upon approval of these agencies:
 - i. Two-way cycle tracks on the south side of Andalusia and the west side of Salzedo, between Miracle Mile and Almeria or as approved by City of Coral Gables and Miami-Dade County. Final approval of location, design, and width of lanes will be subject to both Miami-Dade County and the City of Coral Gables.
 - ii. Use of Coral Gables Beige concrete on the public sidewalks on Andalusia and Valencia. Revised paver design may be required within the private property.
 - iii. Removal of sidewalk ramps and replacement of continuous and level sidewalk through all three proposed curbcuts/driveways to prioritize pedestrian movements.
 - iv. Pedestrian crossing on the south leg of the intersection of Le Jeune Road at Valencia. Final approval and installation will be subject to Miami-Dade County and Florida Department of Transportation (FDOT).
 - v. Reduction of travel lanes on Valencia, dedicated northbound left turn lane on Salzedo at Valencia, and "Do Not Block the Box" markings on Le Jeune Road at Valencia and Andalusia intersections, all subject to City, Miami-Dade County, and Florida Department of Transportation (FDOT) review and approvals.
 - e. 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:

- 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.** The 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 9-103(B).
- c. **Ground Floor Design.** The ground floor of all sides of all buildings, including the loading and service areas shall continue to be designed to optimize pedestrian activity and access.
- d. **Encroachment Agreement and Covenant.** All encroachments illustrated in the Applicant's submittal package, including special treatment sidewalks, 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, are approved by the City Commission in the Site Plan approval and a Hold Harmless agreement must be executed approving the encroachments. 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
- e. **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.
- f. **Bond for Offsite Improvements.** 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 Offsite Improvements that have been approved by all applicable agencies at the time master permit is otherwise ready for issuance as determined by the Public Works Director.
- g. **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.

- h. **Construction staging.** Submit a construction staging plan to the Building Division. A checklist of requirements shall be provided upon request. Construction phasing/staging shall maintain pedestrian access and circulation along Le Jeune Rd, Valencia Avenue, Andalusia Avenue, and Salzedo Street. No equipment, outriggers, tracks, tires, RTU or vehicles permitted within the City's ROW/sidewalk area at any time.
- i. **Loss of On-street parking.** Payment shall be provided by Applicant, its successors or assigns according to established City requirements for the loss of on-street parking spaces on Valencia as a result of the project. Payment for loss of on-street parking as a result of the proposed cycle tracks on Andalusia and Salzedo will not be required.
- j. **Underground overhead utilities.** Applicant shall provide a plan indicating a location and easements for underground utilities along Salzedo Street from the alley north of Andalusia to the alley south of Valencia and along Andalusia Avenue on the project site.

4. Prior to issuance of the first Temporary Certificate of Occupancy:

- a. **Sustainability Certification.** 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.
- b. **Utility Upgrades.** Water and Sewer system upgrades, fees, 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. **Public Realm improvements.**
 - i. **Public Maintenance.** The Applicant or property owner and its successors shall submit a Public Maintenance Agreement for City Attorney review and approval, which provides for the Applicant's payment of the costs of maintaining all public realm improvements surrounding the building and within the City's right-of-way. The agreement shall also state that should the property owner, its successors or assigns fail to meet the terms of the agreement, the City shall complete necessary maintenance and/or access improvements, which costs shall be reimbursed to the City by the property owner. The agreement shall be recorded in the public records for Miami-Dade County, Florida, in the form of a restrictive covenant.
 - ii. The Applicant shall coordinate with FDOT, Public Works, and Miami-Dade County on the final street design of Andalusia Avenue with current visioning project that implements a bike route on Andalusia Avenue between Biltmore Way and the future Mobility Hub, and Salzedo cycle track.

- e. **Bond for Offsite Improvements.** 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 Offsite Improvements except those Offsite Improvements for which a City-approved application has been rejected by Miami-Dade County or FDOT, as applicable, at the time the Temporary Certificate of Occupancy is otherwise ready for issuance as determined by the Public Works Director.

5. Prior to issuance of the final Certificate of Occupancy:

- a. **Conveyance of Salzedo Park.** The Applicant shall convey the completed 20,000 square foot park on Salzedo Street to the City of Coral Gables in fee simple, subject to a separate agreement to be approved by the City Commission. The separate agreement shall provide for the conveyance to the City of 35,000 square feet of development rights attributable to the parkland which the City may transfer to other eligible receiving sites. The proceeds of any sale of these development rights shall be utilized to fund historic preservation projects. Applicant retains rights to the remaining balance of development rights on the park land which may be utilized as allowed by the Code.

6. Following issuance of the final Certificate of Occupancy:

- a. **Sustainability Certification.** Within two years of the issuance of a Final Certificate of Occupancy, the building must achieve LEED Silver, 3 Green Globes certification level, 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. **Public Realm Improvements.** Within one (1) year from the issuance of the final Certificate of Occupancy, install all proposed traffic flow modifications, including street design, crosswalk on south leg of Andalusia Avenue and Le Jeune Road, bicycle infrastructure on both Andalusia and Salzedo, reduction of travel lanes on Valencia, dedicated northbound left turn lane on Salzedo at Valencia, audible pedestrian countdown signals, “Do Not Block the Box” signage and markings on Le Jeune Road at Valencia and Andalusia, crosswalk on south side of Valencia at Le Jeune Road, and

any required signal adjustment on Salzedo at Miracle Mile for southbound lane repurposing which have been approved by FDOT, the City of Coral Gables, and Miami-Dade County. Address all issues highlighted in the Traffic Impact Study, including repair non-functioning pedestrian signal (WALK display) on the south-east corner of Miracle Mile and Salzedo; restripe existing crosswalks on Le Jeune Road and Valencia; and install missing piece of the existing portion of curb ramp on north-east corner. 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, and Planning and Zoning, and Florida Department of Transportation (FDOT) and Miami-Dade County, as applicable.

- c. **Underground overhead utilities.** Applicant shall cause FPL to provide all necessary plans and documents to underground all utilities along Salzedo Street from the alley north of Andalusia to the alley south of Valencia and along Andalusia Avenue on the project site, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning, and the applicable utility companies. Applicant shall complete the undergrounding of all utilities along Salzedo Street from the alley north of Andalusia to the alley south of Valencia, and along Andalusia Avenue on the project site, subject to review and approval by the Directors of Public Works, Landscape Services, and Planning and Zoning.