

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2019-79

A RESOLUTION OF THE CITY COMMISSION GRANTING CONDITIONAL USE APPROVAL PURSUANT TO ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW," DIVISION 4, "CONDITIONAL USES," FOR AN ASSISTED LIVING FACILITY (ALF) ON PROPERTY ZONED COMMERCIAL DISTRICT (SECTION 4-302 C.1.) FOR THE PROPERTY LEGALLY DESCRIBED AS THE LOTS 8 THRU 11, BLOCK 17, CORAL GABLES DOUGLAS SECTION (1000 PONCE DE LEON BOULEVARD), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application was submitted requesting conditional use approval to allow an assisted living facility (ALF) on property zoned Commercial District for the property legally described as lots 8 thru 11, Block 17, Douglas Section (1000 Ponce de Leon Boulevard), Coral Gables, Florida; and

WHEREAS, after notice of public hearing duly published and courtesy notification 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 February 13, 2019 at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's February 13, 2019 meeting, the Board recommended approval of the proposed conditional use (vote: 5-0) subject to conditions of approval; and

WHEREAS, after notice of public hearing duly published and courtesy notification of all property owners of record within one-thousand (1,000) feet, a public hearing was held before the City Commission on March 12, 2019, at which hearing this item was presented and all interested persons were afforded the opportunity to be heard; and

WHEREAS, the City Commission on March 12, 2019, (approved) the requested conditional use (vote: 5-0) with conditions; 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 to allow an assisted living facility (ALF) on property zoned Commercial District for the property legally described as lots 8 thru 11, Block 17, Douglas Section (1000 Ponce de Leon Boulevard), Coral Gables, Florida shall be and is hereby approved subject to all of the following conditions:

1. **Site Plan.** The Applicant shall continue to work with Staff in refining the proposal, including the following issues.
 - a. Coordinate with Public Works staff regarding streetscape improvements for Ponce de Leon Boulevard Phase III. Relocate fire hydrant on south corner as needed.
 - b. Coordinate with Fire Department staff to review and approve the proposed emergency pick-up/drop-off area.
 - c. Locate any visible mechanical equipment (backflow preventer, transformer, etc) in rear of property or appropriately screened from public view.
2. **Application/supporting documentation.** Construction of the proposed project shall be in substantial conformance with all of the following:
 - a. The Applicant shall continue to work with Staff in refining the application package dated February 13, 2019 prepared by Behar Font Partners and supporting documentation(s).
 - b. Trip Generation Study, dated January 8 2019, prepared by David Plummer & Associates.
 - c. All representations proffered by the Applicant’s representatives as a part of the review of the Application at public hearings.
3. **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.
4. **Prior to issuance of the first Building Permit, Applicant shall:**
 - 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.** 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).

- c. **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.
- d. **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.
- e. **Signage.** Provide Signage Plan indicating code compliant size and location of all proposed exterior signage.
- f. **Ground Floor Design.** The ground floor of the building shall continue to be designed to optimize pedestrian activity.
 - i. All arcades shall be flush with the sidewalk grade.
 - ii. Pedestrian entrances into active spaces (lobbies, retail, etc) shall be provided on all ground floor facades.
- g. **Loading and Service.** Loading and Service shall be designed so as to minimize its effect on the pedestrian realm and address the following items subject to the review and approval of the Planning and Zoning and Public Works Directors:
 - i. Sidewalks through flare curb cut shall match the width and cross slope of adjacent sidewalks to create a continuous, even pedestrian path.
- 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 Ponce de Leon Boulevard, with sidewalks to remain open throughout construction.
- i. **Bicycle Amenities.**
 - i. Provide long-term bicycle parking to accommodate one (1) bicycle space per five (5) employees during the work shift with the most employees each day for staff or visitor use on parking levels. All bicycle parking shall be in accordance with the Bicycle & Pedestrian Master Plan, Resolution No. 2014-123.
 - ii. Bike Sharing Facilities. The Applicant shall reserve space within the project for future bike sharing facilities. Final design shall require written conceptual approval of the Parking Director and Public Works Director prior to issuance of the first City permit.
- j. **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.
- k. **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.

- l. **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.
 - m. **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.
 - n. **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.
5. **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 abutting the project boundary, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning.
 - b. **Utility Upgrades.** Sewer improvements may be required, at the Applicants expense, based on the proposed connections.
 - 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.
6. **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. **Pick-up/Drop-off Monitoring.** After review and approval of the emergency pick-up/drop-off area by Fire Department staff, the City shall perform an annual study to monitor the pick-up/drop-off area(s) for three years beginning one year from the issuance of the first Temporary Certificate of Occupancy at the Applicant's expense. Locations shall be determined by the Public Works Director. If the Public Works Director determines that livability improvements are warranted, the Applicant shall construct or pay for any physical livability improvements or modify any vehicular operations 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. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWELFTH DAY OF MARCH, A.D., 2019.

(Moved: Keon / Seconded: Mena)

(Yeas: Mena, Quesada, Keon, Lago, Valdes-Fauli)

(Unanimous: 5-0 Vote)

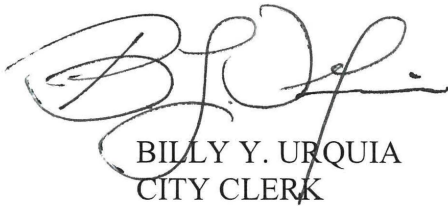
(Agenda Item: F-11)

APPROVED:

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by 'V-F' and a long vertical line extending downwards.

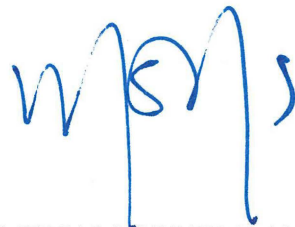
RAUL VALDES-FAULI
MAYOR

ATTEST:

A handwritten signature in black ink, featuring a large, stylized 'B' followed by 'Y' and 'U'.

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

A handwritten signature in blue ink, consisting of a stylized 'M' followed by 'S' and 'R'.

MIRIAM SOLER RAMOS
CITY ATTORNEY