

CITY OF CORAL GABLES, FLORIDA**ORDINANCE NO.**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA REQUESTING REVIEW OF A PLANNED AREA DEVELOPMENT (PAD) PURSUANT TO ZONING CODE ARTICLE 3, "DEVELOPMENT REVIEW," DIVISION 5, "PLANNED AREA DEVELOPMENT (PAD)," FOR THE PROPOSED PROJECT REFERRED TO AS "GABLES STATION" ON THE PROPERTY LEGALLY DESCRIBED AS TRACTS A AND B, BLOCK 5, AND TRACT 1, MACFARLANE HOMESTEAD AND ST. ALBANS PARK (215 AND 251 SOUTH DIXIE HIGHWAY), CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS; PROVIDING FOR A REPEALER PROVISION, PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE. (LEGAL DESCRIPTION ON FILE AT THE CITY)

WHEREAS, an Application was submitted requesting approval of a proposed Planned Area Development (PAD) pursuant to Zoning Code Article 3, "Development Review," Division 5, "Planned Area Development," for the construction of a mixed-use project referred to as "Gables Station" on the property generally bounded by US1 to the south, the Metrorail right-of-way to the north, Ponce de Leon Boulevard to the east, and Grand Avenue to the west, generally known as 215 and 251 South Dixie Highway, Coral Gables, Florida, as legally described on Exhibit "A;" (the "Subject Property") and,

WHEREAS, a project referred to as "Gables Station," consisting of a mix of uses including hotel, residential, retail, commercial, and restaurant, and an innovative site plan, including three buildings forming an interior courtyard that is open to the sky, a plaza, and multiple arcades and other public realm improvements, is proposed to be constructed on the subject property, and the project qualifies for consideration as a Planned Area Development; and,

WHEREAS, companion applications for Gables Station were filed seeking a Comprehensive Plan Map amendment from "Industrial" Land Use to "Mixed Use" Land Use and removal of the "Mixed Use Overlay District" Land Use, Zoning Map amendment from "Industrial" District to "Commercial" District and removal of the "South Industrial Mixed Use District," a text amendment to the City of Coral Gables Official Zoning Code by Amending Appendix A, "Site Specific Zoning Regulations," Section A-66, "MacFarlane Homestead," and a Mixed-Use Conditional Use site plan; and,

WHEREAS, Staff finds that the procedures for reviewing and recommending on proposed Planned Area Development are provided in Zoning Code Article 3, Division 5, "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 Department 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 South Industrial Mixed-Use District and within one-thousand (1,500) feet of the South Industrial Mixed-Use District, the application was presented to the Planning and Zoning Board of the City of Coral Gables on May 17, 2016; and,

WHEREAS, at the Planning and Zoning Board's May 17, 2016 meeting, a public hearing was held and at which hearing all interested persons were afforded the opportunity to be heard; and,

WHEREAS, at the Planning and Zoning Board's May 17, 2016 meeting, the Board provided no recommendation for the proposed Planned Area Development application (a vote to approve with conditions failed to pass 3 – 1; four affirmative votes are required for a recommendation); and,

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on June 14, 2016, 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, _____ the Planned Area Development on First Reading (vote: ____).

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

WHEREAS, the City Commission was presented with a Planned Area Development, and after due consideration and discussion, _____ the Planned Area Development on Second Reading (vote: ____).

WHEREAS, in accordance with Section 3-502(B)(2), 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.

WHEREAS, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request to change the Zoning pursuant to Florida Statutes, and including careful consideration of written and oral comments by members

of the public; and,

WHEREAS, the City additionally and separately approved the Comprehensive Plan Map amendment, Zoning Map amendment, Zoning Code text amendment, and the Mixed-Use Conditional Use site plan applications for the “Gables Station” project more particularly described above.

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 Gables Station project on the Property pursuant to Zoning Code Article 3, “Development Review”, Division 5, “Planned Area Development” is approved, subject to conditions, provided in Exhibit “B”, 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. This Ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2016.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY

First Reading

Exhibit "A"

LEGAL DESCRIPTION:

TRACTS A AND B OF THE REPLAT OF BLOCK 5 OF THE COMBINED AND SUPPLEMENTAL MAP OF MACFARLANE HOMESTEAD PLAT AND ST. ALBAN'S PARK, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 44, PAGE 22, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THAT PORTION DEDICATED FOR STATE ROAD NO. 5 (U.S. NO. 1).

AND

BEGINNING AT A MONUMENT AT THE MOST WESTERLY CORNER OF TRACT 1, AS SHOWN ON REVISED PLAT OF PORTIONS OF COMBINED & SUPPLEMENTAL MAP OF MACFARLANE HOMESTEAD PLAT & ST. ALBAN'S PARK (P.B. 5-81) AND AMENDED PLAT OF COCONUT GROVE WAREHOUSE CENTER (P.B. 25-66), ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 42, PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY, A DISTANCE OF 158.95 FEET TO A PIPE; THENCE DEFLECTING TO THE RIGHT 87° 20' 30" AND IN A SOUTHEASTERLY DIRECTION, A DISTANCE OF 200.12 FEET TO A PIPE IN THE NORTHWESTERLY LINE OF SOUTH DIXIE HIGHWAY; THENCE DEFLECTING TO THE RIGHT 92° 39' 15" AND IN A SOUTHWESTERLY DIRECTION ALONG THE NORTHWESTERLY LINE OF THE AFORESAID SOUTH DIXIE HIGHWAY, A DISTANCE OF 168.28 FEET TO A PIPE AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF SOUTH DIXIE HIGHWAY AND THE NORTHEASTERLY LINE OF HARDING CROSSING; THENCE DEFLECTING TO THE RIGHT 90° 1' 9" AND IN A NORTHWESTERLY DIRECTION ALONG THE NORTHEASTERLY LINE OF HARDING CROSSING, A DISTANCE OF 199.92 FEET TO POINT OF BEGINNING; LESS AND EXCEPTING THEREFROM THE SOUTHEASTERLY 26 FEET THEREOF, ACQUIRED FOR WIDENING OF STATE ROAD NO. 5, ACCORDING TO RIGHT-OF-WAY MAP RECORDED IN PLAT BOOK 57, PAGE 65, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

THAT CERTAIN STREET DESIGNATED AS "HARDING CROSSING" DESCRIBED AS THAT STREET BOUNDED ON THE NORTHWEST BY THE SOUTHEASTERLY RIGHT-OF-WAY OF THE FORMER FLORIDA EAST COAST RAILWAY, ON THE SOUTHWEST BY SAID TRACT A, AND ON THE SOUTHEAST BY THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 5, AND ON THE NORTHEAST BY SAID TRACT 1.

AND

A PORTION OF TRACT 1 OF REVISED PLAT OF PORTIONS OF COMBINED & SUPPLEMENTAL MAP OF MACFARLANE HOMESTEAD PLAT & ST. ALBAN'S PARK (P.B. 5-81) AND AMENDED PLAT OF COCONUT GROVE WAREHOUSE CENTER (P.B. 25-66), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 42, AT PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; TOGETHER WITH A PORTION OF THAT STREET RIGHT-OF-WAY LYING NORTHEASTERLY OF AND ADJACENT TO SAID TRACT 1, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWESTERLY LINE OF SAID TRACT 1 EXTENDED FOR A DISTANCE OF 21.81 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED, SAID POINT BEING SITUATED ON THE ARC OF CIRCULAR CURVE CONCAVE TO THE NORTHEAST AND HAVING FOR ITS ELEMENTS A RADIUS OF 350.00 FEET AND A CENTRAL ANGLE OF 20° 16' 01"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 123.80 FEET TO A POINT OF TANGENCY ON THE NORTHEASTERLY LINE OF SAID TRACT 1; SAID POINT BEING 65.04 FEET NORTHWEST OF (AS MEASURED ALONG THE NORTHEASTERLY LINE OF SAID TRACT 1) THE MOST EASTERLY CORNER OF SAID TRACT 1; THENCE RUN SOUTH 50° 47' 44" EAST ALONG THE NORTHEASTERLY LINE OF SAID TRACT 1 FOR A DISTANCE OF 22.71 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE WEST AND HAVING FOR ITS ELEMENTS A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 95° 03' 47"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, FOR A DISTANCE OF 41.48 FEET TO A POINT OF COMPOUND CURVATURE WITH ANOTHER CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND HAVING FOR ITS ELEMENTS A RADIUS OF 1867.58 FEET AND A CENTRAL ANGLE OF 1° 31' 41"; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 49.81 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH 45° 47' 44" WEST FOR A DISTANCE OF 100.60 FEET TO A POINT; THENCE RUN NORTH 46° 50' 28" WEST FOR A DISTANCE OF 174.18 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID TRACT 1; THENCE RUN NORTH 45° 47' 44" EAST ALONG THE NORTHWESTERLY LINE OF SAID TRACT 1 FOR A DISTANCE OF 187.58 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND LYING AND BEING SITUATED IN THE CITY OF CORAL GABLES, MIAMI-DADE COUNTY, FLORIDA.

LESS AND EXCEPT THE PROPERTY CONVEYED TO FDOT FOR RIGHT TURN LANE IN DEED RECORDED IN OFFICIAL RECORDS BOOK 28719, PAGE 4921, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

(Exhibit "A" of Commitment for Title Insurance prepared by First American Title Insurance Company, Order No. NCS-734437-CAST, with an effective date of June 22, 2015 at 8:00 A.M.).

Containing 191,249 Square Feet or 4.39 Acres (Net Area) and 328,559 Square Feet or 7.54 Acres (Gross Area), more or less, by calculations.

Exhibit "B"

Gables Station Planned Area Development Conditions of Approval

1. General Conditions of Approval:

- a. Parking for small businesses on the north side of Ponce de Leon Boulevard shall be provided within the project's parking garage.
- b. Traffic calming studies should be performed within a larger area around the project.
- c. Design, funding and construction of the Underline should also include the following intersections: Grand Avenue, LeJeune Road, Riviera Drive, and Granada Boulevard.
- d. The vehicular access drive that cuts across the Underline from Ponce de Leon Boulevard should be eliminated if possible.
- e. Consider underground parking in order to reduce the height and bulk of the buildings.
- f. Work with residents of the McFarlane Homestead Historic District and the Golden Gate subdivisions to incorporate features in the ground level of the project and the Underline public space that recognize the contribution of Bahamian families to the history of Miami and Coral Gables.
- g. Efforts shall be made to provide job opportunities within the project for residents of adjacent neighborhoods.
- h. Work with the Underline Design Advisory Committee to design the internal driveway as a low-speed, pedestrian-oriented "woonerf."

2. To be completed prior to City Commission 1st Reading:

- a. Building Height. Revise the project to have a maximum habitable building height of 120 feet. *(Note: The applicant has not implemented this condition at this time.)*
- b. Public Works Review. Public Works shall review and approve the Traffic Impact Study and the Civil Engineering Plans, as well as the site plan for transportation issues. The Civil Engineering plans and the Traffic Impact Study plans should be updated to reflect the proposed site plan. Other appropriate State and County agency review of plans shall be completed as required. *(Note: Public Works review of the Traffic Impact Study and Site Plan are on-going as of Commission 1st Reading.)*
- c. Landscape Plans. Complete Landscape and Tree Mitigation Plans shall be provided for staff review and approval.
- d. Architectural Plans – Dimensions. Provide dimensions and property lines on all floor plans, sections and elevations, in particular indicating building setbacks, arcade and public open space dimensions, driveway widths, etc.
- e. Architectural Plans – Elevations. Provide the south elevation of Building C and the north elevation of Building B.

3. **Application/supporting documentation.** Construction of the proposed project shall be in substantial conformance with all of the following:
 - a. Applicant's submittal package dated 05.12.2016 prepared by Gensler.
 - b. Traffic Impact Study, dated April 2016, 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.

4. **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.

5. **Easements.** Ordinance 2274 shall be maintained for the reservation and maintenance of an unobstructed utility and sanitary sewer easement and an ingress and egress easement for city maintenance vehicles maintaining the sewer lines unless alternative easements are provided to and accepted by the City and applicable utilities.

6. **Prior to issuance of the first Building Permit:**
 - a. **Mobility Contribution.** The applicant shall provide a one-time lump sum contribution of \$2,400,000 towards capital and operational costs of an extension (or enhancement) of the Coral Gables trolley service to the University of Miami campus or other appropriate location, and shall provide for trolley stops adjacent to the project to support transit ridership in the vicinity. The proposed trolley stops shall include shelters that are subject to approval by the Board of Architects. The route, headways, hours of operation, and transit stop locations of the trolley service enhancement or extension shall be determined and approved by the City's Parking Director and the Development Review Official.

 - b. **US1 Pedestrian Mobility Improvements.** Subject to approval by the Florida Department of Transportation (FDOT), provide full four-way crosswalks at US1 intersections: Grand Avenue and Ponce de Leon Boulevard. Provide pedestrian and bike crossings with countdown signalization and pedestrian priority. Design to meet

Universal Design Standards. All crosswalks should be pulled back away from the intersection for safety and visibility in accordance with FDOT standards. Provide a minimum of 8' of landscape buffer along US1, to be reviewed and approved by the Landscape Services Director. Provide landscape improvements for the linear parks on the south side of US1, to be reviewed and approved by the Landscape Services Director in coordination with the adjacent property owners.

- c. Emergency Vehicle Signal Preemption Technology.** The Applicant, property owner(s), their successors or assigns shall contribute \$64,000 to emergency vehicle technology improvements for traffic signal preemption to improve response times within the Gables Redevelopment Infill District (GRID).
- d. Underline Design.** The applicant shall design and fund all proposed improvements to the Underline between Grand Avenue to the southwest and Ponce de Leon Boulevard to the northeast. The public realm design shall be subject to written approval by the City and County, as part of The Underline implementation process that coordinates the construction of each phase of the Underline to ensure a coordinated and cohesive design.

 - i.** Prior to issuance of the first building permit, the Applicant shall 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 Underline improvements as determined by the Public Works Director.
 - ii.** Secure a County permit for the driveways that will be located within the Metrorail right-of-way.
 - iii.** Consider, subject to approval by Miami-Dade County, relocating the previously-permitted driveway across the Underline to a location that is optimized for pedestrian, bike, and vehicular circulation around the site.
 - iv.** Coordinate design and location of the bicycle path and the pedestrian path with Miami-Dade County and the Underline Steering Committee. Ensure that all locations where the Underline bicycle path and pedestrian path intersect with driveways, sidewalks, or any other potential conflict point, that the intersection is designed for maximum safety for users.
 - v.** Reconfigure the current bicycle and pedestrian crossing at Grand Avenue and LeJeune Road to allow one crossing movement during a pedestrian/bike priority phase of the signals at this five-way intersection.
 - vi.** Underline Parking Lot. Consider developing a remote shared parking agreement to provide parking within the Gables Station and Gables Ponce parking garages rather than surface parking within the Underline right-of-way.
 - vii.** Internal Driveway. Consider a more pedestrian-oriented design with less pavement markings / signage as well as the possibility of a one way / one lane

driveway. Control vehicular speed and volume through design: narrow lanes, parallel parking on both sides of the drive, 10' maximum width travel lanes, no 6" double solid yellow marking down the middle, two lanes at the Ponce de Leon Boulevard entrance instead of four (left turn only southbound / right turn only north bound), include pedestrian crosswalk leading into the courtyard and crossing Ponce de Leon Boulevard, indicate the design, signalization and signage that will be used to mark the crosswalk across Ponce.

- viii. Provide a signalized Pedestrian crosswalk across Ponce de Leon Boulevard between the Underline and the northwest side of the street.

The Applicant shall be responsible for construction and completion of the Underline improvements prior to issuance of a Final Certificate of Occupancy.

- e. **On Street Parking.** Provide parallel parking on both sides of the internal drive; maximize the number of parallel parking spaces on Ponce de Leon Boulevard, and reconfigure proposed parking lot to have parallel parking along a one-way, one-lane drive, to allow space for a landscape strip with shade trees along Ponce de Leon Boulevard.
- f. **Additional Reviews.**
 - i. Board of Architects. Additional review of each individual building shall be conducted by the Board of Architects, at which time staff comments and BOA comments on the function and aesthetics of each building shall be addressed. Final approval of the project by the Board of Architects is required prior to issuance of any building permit.
 - ii. Public Works. The Public Works Department shall review and approve all transportation design aspects of the project.
 - iii. 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.
- g. **Peer Reviews and Inspections.** The Applicant is required to employ the services of an independent Structural Peer Reviewer. As an alternative, a Private Provider for all trades may be used to expedite the permit process.
- h. **Landscape Plan.** Subject to approval by FDOT, provide landscape buffer/ swale and trees along US1. Integrate landscape into the site plan to reduce noise echo from US1 and Metrorail. Coordinate tree removals and relocations with Public Service Director.

- i. Signage.** Provide Signage Plan indicating size and location of all proposed exterior signage, including tenant signs, directory signs, parking garage signs, etc.
- j. Building Height.** The maximum building height – as defined by the Zoning Code - shall be as approved by the City Commission.
- k. Parking Garage Design.** The parking garage shall be designed to address the following items:
 - i.** Provide direct pedestrian access from the parking garage to all adjacent streets, the Underline, and the plazas and open spaces in the project.
 - ii.** All parking garage openings shall be screened so that interior lights and car headlights are not visible from surrounding properties and rights-of-way.
- l. Ground Floor Design.** The ground floor of all buildings shall continue to be designed to optimize pedestrian activity and retail success. All Storefronts shall be transparent.
 - i.** All arcades shall be flush with the sidewalk grade.
 - ii.** Arcades shall not be interrupted by stairwells, elevators, or solid walls.
 - iii.** Pedestrian entrances into active spaces (lobbies, retail, etc) shall be provided on all ground floor facades with an average spacing of 60’ except in cases when a single tenant space requires less entrances for functional purposes such as store security, if approved by the Development Review Official.
- m. Loading and Service.** Loading and Service shall be designed so as to minimize its effect on the pedestrian realm.
- n. Parking Garage Pedestrian Access.** Provide direct pedestrian access from the parking garage to all adjacent streets, retail spaces, the Underline, and the plazas and open spaces in the project.
- o. Paseos.** A minimum width of 25’ of pedestrian area should be provided in the pass-through area on the east end of the project.
- p. Pedestrian Circulation.** Provide a complete pedestrian circulation plan.
- q. 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 adjacent to property, particularly along US1.
- r. 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.

- s. **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.
- t. **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.
- u. **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.
- v. **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 as determined by the Public Works Director.
- w. **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.
- x. **Bicycle Amenities.**
 - i. **Bicycle Station.** Per the City's Bicycle Pedestrian Master Plan, provide a bicycle station that offers a wide variety of services, such as secure and attended parking facilities; bicycle rentals; showers, lockers and changing facilities; repair services or facilities; and cafe/social space. Consider partnering with a non-profit organization, such as Friends of the Underline, Bike Coral Gables, or the Green Mobility Network, in the provision of these services.
 - ii. **Bicycle Parking.** Provide one Bicycle Parking space for every vehicular parking space on site.

- iii. **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.
- y. **Car Sharing Facilities.** To the same extent of other projects of similar size within the City, the Applicant shall reserve space within the project for future car sharing facilities in coordination with the City's Parking Director. Final design shall require written conceptual approval of the Parking Director prior to issuance of the first City permit. Required parking spaces may be utilized for car sharing.
- z. **Electric Car-Charging Stations.** The Applicant shall provide a minimum of one (1) electric car-charging station for every seventy-five (75) parking spaces. The electric car-charging station may be counted towards the project parking requirement.
- aa. **Gateway Landmarks.** The project shall provide gateway landmarks on-site at U.S. 1 and Grand Avenue; and at U.S. 1. Ponce de Leon Blvd.

7. Prior to issuance of the first Certificate of Occupancy, Applicant shall:

- a. **Underground utilities.** All new utilities shall be installed underground as part of this project.
- b. **Art in Public Places.** Prior to the issuance of a Temporary Certificate of Occupancy (TCO) for the project, the Applicant shall comply with all City requirements for Art in Public Places.
- c. **Conceptual Employee Parking Plan.** Submit and obtain the approval by the City Parking Director, of an employee parking management plan to limit spillover parking impacts.
- d. **Traffic improvements and study.** Complete all traffic improvements recommended by the Traffic Study prepared by David Plummer and Associates, and satisfactorily resolve any outstanding Traffic Study issues as identified by the Public Works Department and City's traffic consultant, subject to review and approval by the Director of Public Works.
- e. **Bicycle / Pedestrian Plan.** The bicycle and pedestrian paths shall comply with the City's Bicycle Pedestrian Master Plan. Through the Metrorail right-of-way, it shall also comply with The Underline Master Plan, and shall be subject to approval by Miami-Dade Transit and Miami-Dade Parks Department.
- f. **Valet Operations Plan.** A valet operations plan shall be submitted to and approved by the Parking Director. The plan shall ensure that queuing of vehicles for valet during large events or peak traffic hours will not block the flow of traffic.

- g. Taxi Management Plan.** The applicant shall submit and obtain the approval of the Parking Director, for final plans for loading, unloading and queuing of taxis for the hotel.
- h. Traffic Flow Modifications.** All traffic flow modifications including street design, width, sight triangles, cross walks, and diverters shall require the written approval of Miami-Dade County in addition to the City. Prior to issuance of the first Temporary Certificate of Occupancy for the project, the Applicant shall construct all of the traffic improvements outlined in the Traffic Impact Analysis.
- i. 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.
- j. Undergrounding of overhead utilities.** Submit all necessary plans and documents, and shall 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.
- k. Utility Upgrades.** All sanitary sewer gravity lines serving the project shall be properly upgraded to handle all peak flows downstream from the points of connection through the serving pump station.
- l. Publicly Accessible Open Spaces Easement.** Execute and record a Publicly Accessible Open Spaces Easement Agreement between the City and the Owner.
- m. LEED.** Within two years of the issuance of a Final Certificate of Occupancy for any individual building, such individual building must achieve LEED Silver or equivalent certification.

8. Following issuance of the first Certificate of Occupancy, Applicant shall:

- a. Traffic Calming.** At the Applicant's expense, the City shall perform traffic calming studies one year from the issuance of the first Temporary Certificate of Occupancy at locations to be determined by the Public Works Director within the area bounded by Bird Road, on the North, Ponce de Leon Boulevard on the East, Le Jeune Road, on the West, and US-1, on the South. If the Public Works Director determines that traffic calming is warranted on any of these roadways,

the Applicant shall construct or pay for any physical traffic calming improvements required by these studies within one year of the completion of these studies, as approved by the Public Works Director.

- b. Traffic Monitoring.** At the Applicant's expense, the City shall perform annual traffic monitoring for a period of five years commencing six months from the issuance of the first certificate of occupancy. The traffic monitoring shall include a study of the number of external vehicular trips generated by the project during the morning and afternoon peak periods. Should the actual number of external vehicular trips during either of these periods result in a 10% increase in the number of external vehicular trips generated by the development above that which was projected during the original traffic impact analysis, the City will conduct traffic impact studies, at the Applicant's expenses, to determine appropriate mitigation. The Applicant shall construct or pay for any improvements in the traffic impact studies within one year of completion of these studies.
- c. Modifications to US1.** Obtain FDOT approval and, if approval is obtained, install curb cut, landscaping and any other modifications to State of Florida right-of-way.