

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2019-338

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) REFERRED TO AS "ZOM CORAL GABLES" ON PROPERTY ZONED INDUSTRIAL DISTRICT (SECTION 4-303 C.2.), LEGALLY DESCRIBED AS TRACT A-C, BLOCK 16, INDUSTRIAL SECTION, (363 GRANELLO AVENUE & 300 GRECO AVENUE) CORAL GABLES, FLORIDA; INCLUDING REQUIRED CONDITIONS, VACATING RESOLUTION 2016-09, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting Conditional Use approval to allow an Assisted Living Facility (ALF) referred to as "ZOM Coral Gables" on property zoned Industrial District, legally described as Tracts A-C, Block 16, Industrial Section (363 Granello Avenue & 300 Greco Avenue), Coral Gables, Florida; and

WHEREAS, after notice of public hearing duly published and courtesy notifications of all property owners of record within one-thousand (1,000) feet, a public hearing was held before the Planning and Zoning Board of the City of Coral Gables on September 11, 2019 at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, at the Planning and Zoning Board's September 11, 2019 meeting, the Board recommended approval of the proposed Conditional Use for Assisted Living Facility (vote: 6-0) subject to conditions of approval; and

WHEREAS, a public hearing was held before the City Commission on November 11, 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 November 12, 2019 approved the requested Conditional Use for Assisted Living Facility (vote: 5-0); and

WHEREAS, public hearings have been completed as indicated herein by the Coral Gables City Commission in consideration of a request for a Conditional Use Assisted Living Facility 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 review for the Assisted Living Facility referred to as “ZOM Coral Gables” on Tracts A-C, Block 16, Industrial Section (363 Granello Avenue & 300 Greco Avenue), Coral Gables, Florida shall be and is hereby approved subject to all of the following conditions:

1. **Application/supporting documentation.** Construction of the proposed project shall be in substantial conformance with all of the following:
 - a. Applicant’s Planning and Zoning Board submittal package dated 08.23.19, prepared by MSA Architects, to include:
 - i. 257,114 square feet, 3.5 FAR;
 - ii. 63 ALF units, 30 Memory Care units, and 104 Independent Living units
 - iii. Approximately 10,000 square feet of ground floor retail & restaurant use;
 - iv. Approximately 9,000 square feet of landscape open space area; and,
 - v. 158 parking spaces (on-site)
 - b. Ensure compliance with ADA requirements
 - c. Coordinate with Public Works and Fire Department if LeJeune Road warrants a traffic signalization (between Granello Avenue and Greco Avenue).
 - d. The Applicant shall comply with all fire safety requirements and incorporate any life safety enhancements as required by the Fire Department.
 - 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. **Bond.** Within 90 days of approval, the Applicant, property owner(s), its successors or assigns shall post a bond in favor of the City in an amount determined by the Public Works Director to cover the costs of restoring the property to a clean, safe, and attractive condition in the event that the project is not completed in a timely manner, consistent with the Site Plan approval and applicable conditions.
4. **Sustainable design.** Project shall meet the minimum standards to be Leadership in Energy and Environmental Design (LEED) Silver Certified as specified by the U.S. Green Building Council, or similar rating agency.
5. **Building façade.** No illuminated signage shall be permitted above the building’s second floor facing west.

6. **Prior to the issuance of a City Building Permit** for the project, the Applicant, property owner(s), its successors or assigns, shall satisfy the following conditions:
- a. On-street parking. Payment shall be provided by Applicant, its successors or assigns according to established City requirements for the loss of ten (10) on-street parking spaces as a result of the project.
 - b. All outstanding landscaping and public plaza issues as identified by the Public Service Department and Planning and Zoning Division shall be satisfactorily resolved, subject to review and approval by the Directors of Public Service and Planning and Zoning.
 - c. Ground floor publicly accessible open space (i.e. arcades, paseos, plazas, widened sidewalks, etc.) shall be flush with the public sidewalk, to the extent permitted by all applicable codes and subject to final approval by the Public Works Director and the Planning and Zoning Director.
 - d. The Applicant shall provide funding for public space improvements in an amount of \$50,000 so as to enhance and improve the public spaces located along the nearby Metrorail right-of-way between Le Jeune Road and the City limits to northeast. This funding may be utilized for the proposed Underline public space project currently underway or for other public access/open space improvements in the area of the Metrorail right-of-way between Le Jeune Road and the City limits to northeast. The Applicant shall obtain consent of the City to the proposed use of this funding, which consent shall not be unreasonable withheld.
 - e. Proposed passive park shall be publicly accessible from sunrise to sunset on Monday through Sunday.
 - f. Street light fixtures shall be LED.
 - g. Clearly marked recycling receptacles shall be included along with trash receptacles.
 - h. Construction information/contact. Provide written notice to all properties within five-hundred (500) feet of the "ZOM Coral Gables" project (363 Granello Ave & 300 Greco Avenue), 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.
 - i. Encroachments Plan. Prior to the City's issuance of a Foundation Permit or any other major Building Permit for the project, Commission approval is required for a special treatment sidewalk, decorative pavers, landscaping, irrigation, street lighting, landscaping lighting and any other encroachments into, onto, under and over the right of way. The above encroachments must be approved by City resolution and a fully executed Hold Harmless agreement or restrictive covenant must be executed in a form acceptable to the City Attorney. 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.
 - j. Comply with all City requirements for Art in Public Places. Public art shall be reviewed by the Arts Advisory Panel and Cultural Development Board and receive Board of Architects approval before being submitted to the City Commission. The Applicant's compliance with all requirements of the Art in Public Places program shall be coordinated by the Director of Historical Resources and Cultural Arts.
 - k. All parking garage openings shall be screened to ensure that no internal lights within the garage, including car headlights, are visible from the exterior.
 - l. Utility Upgrades. Prior to the issuance of a building permit the Applicant, property owner(s), their successors or assigns shall prepare and submit an infrastructure

improvement plan for the coordination and construction of utilities and facilities to the Public Works Department for review and approval. The Public Works Director shall determine if additional improvements are required upon review of the above plan. The Applicant shall be responsible for the funding of all recommended improvements, subject to and memorialized in a service agreement with the City which will incorporate a provision providing for proportionate reimbursements by subsequent projects, prior to issuance of the first major building permit.

7. **Written notice.** Provide a minimum of seventy-two (72) hour written notice to all properties within five hundred (500) feet of the “ZOM Coral Gables” (363 Granello Avenue & 300 Greco Avenue) project boundaries of any proposed partial street closures as a result of the project’s construction activity. Complete street closure shall be prohibited.
8. **Prior to the issuance of a Temporary Certificate of Occupancy (CO)** for the project, the Applicant, property owner, its successors or assigns shall complete the following:
 - a. Right-of-way and public realm improvements. Installation of 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, Public Service and Planning and Zoning. 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, Public Service, Planning and Zoning.
 - b. Underground of overhead 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, including the alley, subject to review and approval by the Directors of Public Works, Landscape Services and Planning and Zoning.
9. **Design District Implementation.** The ground floor shall be designed to optimize pedestrian activity.
 - a. All storefronts shall be flush with the sidewalk grade.
 - b. Storefronts shall remain transparent and allow visibility into the interior of the ground-level space from the public right of way and pedestrian areas of the project. Tinting, curtains, blinds, paper, or other materials that obstruct visibility into the interior of the ground level space shall not be permitted except as required by the City during construction.
 - c. Pedestrian entrances into active spaces (lobbies, retail, etc.) shall be provided on all ground floor facades with an average spacing of 40 feet.
 - d. Applicant shall work collaboratively with Staff in refining the application package to maximize the vertical clearance of the ground level provided such changes do not require the building to comply with the requirements for a high-rise building type under Chapter 2 and 4 of the Florida Building Code.
 - e. Paseo shall not be interrupted by stairwells, elevators, or solid walls.
10. **Following issuance of the first Certificate of Occupancy,** the Applicant, property owner, its successors or assigns shall complete the following:
 - a. **Sustainability Certification.** Within two years of the issuance of a Final Certificate of Occupancy, the building must achieve LEED Silver or equivalent certification. If the applicant chooses to pursue NGBS Silver Certification, an Energy Star Label will also be required within two years of the Final Certificate of Occupancy.

- i. The City will hold the Green Building Bond for the time necessary for the green certification, or equivalent, to be issued for twenty-four (24) months after issuance of the Certificate of Occupancy or Completion; whichever occurs first. Upon receiving final documentation of certification from the developer/owner/contractor, the City shall release the full amount of the bond within thirty (30) days.
 - ii. If the developer/owner/contractor is unable to provide proof of green certification, or equivalent, within twenty-four (24) months after issuance of the Certificate of Occupancy or Completion, the full amount of the Green Building Bond shall be forfeited to the City. Any proceeds from the forfeiture of the bond under this section shall be allocated toward funding Sustainability Master Plan initiatives.
- b. **Traffic Monitoring.** At the Applicant's expense, the City shall perform an annual review of traffic monitoring studies for three (3) years from the issuance of the first Temporary Certificate of Occupancy at locations to be determined by the Public Works Director. If the Public Works Director determines that livability improvements are warranted on any of these roadways, the Applicant shall construct or pay for any physical livability improvements required by these studies within one year of the completion of these studies, as approved by the Public Works Director.

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 NOVEMBER, A.D., 2019.

(Moved: Keon / Seconded: Lago)

(Yeas: Keon, Lago, Mena, Fors, Jr., Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: F-5)

APPROVED:


RAUL VALDES-FAULI
MAYOR

ATTEST:


BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


MIRIAM SOLER RAMOS
CITY ATTORNEY