MIAMI BEACH
PLANNING DEPARTMENT

Staff Report & Recommendation — PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: September 26, 2023

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **PB22-0562. 1656-1698 Alton Road, 1677-1683 West Avenue, and 1245 Lincoln Road – The Alton.**

An application has been filed requesting conditional use approval for a new 7-story mixed-use development exceeding 50,000 square feet, including a parking garage with mechanical parking, pursuant to Chapter 2, Article V, Section 2.5.2.2 and Chapter 5, Article II, Section 5.2.11 of the Miami Beach Resiliency Code.

RECOMMENDATION
Approval with conditions.

ZONING / SITE DATA

Legal Description: *See Exhibit "A"*

Zoning: CD-2, Commercial medium intensity

Future Land Use: CD-2, Commercial medium intensity

Lot Size: 120,000 SF

Proposed FAR: 239,243 S.F. / (Max FAR = 2.0 = 240,000 S.F.), as represented by the applicant

Proposed Height: 7-stories / 78 feet (3 FT DRB variance)

Proposed Use: Main Parcel:
Retail: 11,770 SF
Restaurant: 5,000 SF
Office: 89,610 SF
Residential: 11,826 SF

Surrounding Uses: See Zoning Site Map at the end of this report
North: Hotel
West: Commercial Building
South: Residential Building and commercial
East: Residential buildings

HISTORY

On July 28, 2021, the City Commission approved Ordinance No. 2021-4436, which created the Alton Road Office Development Overlay. This overlay provides building height incentives to encourage the development of office buildings on the west side of Alton Road, between 8th Street and 11th Street, and between 14th Street and 17th Street. On July 26, 3023, the City Commission approved Ordinance No. 2023-4565, which provides exceptions to the requirements of the Alton Road Office Height Overlay for the area between Lincoln Road and 17th Street.

On July 20, 2022, the City Commission approved Resolution No. 2022-32250, authorizing the vacation of portions of the Alton Court Right-Of-Way, generally located between Lincoln Road and 17th Street.

THE PROJECT

The applicant, "BH The Alton LLC", has submitted plans entitled "The Alton", prepared by Foster + Partners and Kobi Karp", dated July 31, 2023. The applicant is requesting conditional use approval for a new 7-story mixed-use building exceeding 50,000 SF, including mechanical parking.

The proposal involves several parcels containing existing buildings, a parking lot and portions of the recently vacated alley within the block on the west side of Alton Road between Lincoln Road and 17th Street (development site). The proposed building is located to the east of Alton Court and is proposed to replace a multiple existing buildings that front Alton Road. There is also one lot on the west side of the development site fronting West Avenue that currently has a parking lot, which will be converted to driveway access to the new building. The other buildings within the development site will remain with no modifications.

The proposal is expected to be considered by the Design Review Board (DRB) on October 11, 2023 (DRB22-0897). A 3-foot height variance and waivers have been requested.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

Pursuant to Code Section 2.5.2.2.a, an application for a conditional use may be approved if the Planning Board finds that it meets the below-listed general standards for approval. The Project complies with all nine (9) standards.

1. The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located

Consistent – The request is consistent with the permissible uses in the CD-2 category as designated on the Future Land Use Map within the Comprehensive Plan.

2. The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

Consistent – The proposal should not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan.

3. Structures and uses associated with the request are consistent with these land development regulations.

Consistent – developments exceeding 50,000 square feet, including a parking garage with mechanical parking are permitted as conditional uses in this zoning district. This comment shall not be considered final zoning review or approval. This and all zoning matters shall require final review and verification prior to the issuance of a Building Permit.

4. The public health, safety, morals, and general welfare will not be adversely affected.

Consistent – The proposed project may adversely affect the general welfare of nearby residents if impacts are not controlled. Staff has recommended conditions to ensure that the public health, safety, morals, and general welfare are not adversely affected. The facility would have to comply with all applicable laws and regulations for licensure.

5. Adequate off-street parking facilities will be provided.

Consistent – The project will provide the required parking within the proposed garage. Valet parking will be provided for the mechanical parking spaces and self-parking will be permitted for the standard parking spaces. The applicant further anticipates that many patrons will arrive by foot, rideshare services, or taxi. A full zoning analysis will be performed as part of the building permit review.

6. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

Consistent – Staff is recommending conditions to mitigate any adverse impacts from noise, and other issues on the surrounding neighborhood.

7. The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

Partially Consistent – There are large developments within the vicinity, which is permitted in the CD-2 Zoning District. If not carefully controlled, such concentration could negatively impact the surrounding neighborhood.

8. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

Consistent – see below, sea level rise and resiliency review criteria provided in Code Section 7.1.2.4.

9. Cumulative effect of proposed establishment and adjacent pre-existing uses.

Consistent – The Project proposed will increase the intensity in the vicinity since the existing one and two-story buildings to be demolished are smaller in size and some of them have been empty for a while. If not carefully controlled, such cumulative effect could negatively impact the surrounding neighborhood and existing uses. Staff has recommended conditions to minimize impacts.

COMPLIANCE WITH REVIEW GUIDELINES CRITERIA FOR NEW STRUCTURES 50,000 SQUARE FEET AND OVER

Pursuant to Section 2.5.2.2 (b)(i)-(xi), in reviewing an application for conditional use for new structures 50,000 square feet and over, the Planning Board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines:

1. Whether the proposed business operations plan has been provided, including hours of operation, number of employees, goals of business, and other operational

characteristics pertinent to the application, and that such plan is compatible with the neighborhood in which it is located.

Partially Consistent – The applicant's operations plan provides characteristics of the proposed project. However, the applicant has not yet selected tenants and therefore an exact business operations plan has not been provided. The proposed mixed used building is compatible with the surrounding neighborhood, which consist primarily of commercial, hotels and residential uses.

2. Whether a plan for the mass delivery of merchandise has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan shall mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.

Consistent – The operational plan was submitted with the application including details on loading/deliveries, but it is silent on proposed hours. The project is proposing four internal loading spaces that have access from the alley.

3. Whether the scale of the proposed use is compatible with the urban character of the surrounding area and creates adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed.

Consistent – The scale of the proposed project is compatible with nearby buildings. Its scale is consistent with the surrounding buildings and recently approved office buildings along this corridor, as well as the intent of the recently approved Alton Road Office Height Incentives. However, the scale, massing, architecture and compatibility issues will be further discussed at the Design Review Board meeting.

4. Whether the proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking and operational needs of the structure and proposed uses.

Consistent – The proposed development requires 181 off-street parking spaces and 181 are being provided. The mechanical parking will be operated through valet service. The standard spaces located on level two will be self-parking. Access to the parking is proposed via ramps and a driveway adjacent to the alley.

5. Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.

Consistent – Pedestrians will be able to access the site directly from Alton Road and from West Avenue through the proposed walkway. Employees, residents or customers driving to the site will be able to access via the proposed driveway facing West Avenue or through the alley. The project is proposing a circular valet drop-off area on the ground floor. Pedestrian queuing on public rights of way are not anticipated from the proposed uses.

6. Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the business and its users and minimizes impacts on the neighborhood.

Consistent – The applicant's operating plan provides security details. The applicant has indicated that cameras and security personnel will be provided throughout the building. The

security plan will be modified and developed as the tenants and uses are identified so their requirements are addressed. Staff has recommendations to improve the security of the property.

7. Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.

Consistent – The applicant has provided a Traffic Study prepared by David Plumber and Associates; See attached Transportation Department's Memo.

8. Whether a noise attenuation plan has been provided that addresses how noise shall be controlled in the loading zone, parking structures and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.

Consistent – Parking Loading and deliveries are not expected to generate significant noise concerns and parking since they will be in enclosed structures. Staff has recommendations to further minimize potential sound impacts from the development.

9. Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.

Partially Consistent – Per applicant's letter of intent (LOI) the project will fully comply with a sanitation plan prior building permit. The location of the enclosed trash room is not clear on the submitted plans. Staff has incorporated recommendations regarding sanitation operations, including a limit on hours for pickups in the attached draft order.

10. Whether the proximity of the proposed structure to similar size structures and to residential uses create adverse impacts and how such impacts are mitigated.

Consistent – There are other large structures along the Alton Road corridor however, proximity to these structures is not expected to create any adverse impacts, as this corridor is an appropriate location for such structures. The proposed project contains residential use; therefore, it is not expected to create a negative impact to the existing residential uses along West Avenue.

11. Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect shall be addressed.

Consistent – While there are other buildings over 50,000 gross square feet in the area, adverse impacts are not expected from the geographic concentration of such uses if the impacts are properly controlled. Staff is recommending conditions to mitigate any adverse impacts from noise and other issues on the surrounding neighbors.

SECTION 5.2.11–MECHANICAL AND ROBOTIC PARKING SYSTEMS

Pursuant to Section (5.2.11.b.iii.1.a - b), projects proposing to use mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements shall prepare schematic floor plans prior to site plan review by the applicable land use board. Two sets of schematic floor plans shall be required:

a. One set of schematic plans sufficient to show the proposed development project with accessory off-street parking requirements satisfied by traditional, non-mechanical means, meeting all aspects of the design standards for parking spaces required in Article III of Chapter 130, and other provisions of these land development regulations, and requiring no variances from these provisions.

Consistent – Schematic drawings showing the parking in a traditional, non-mechanical means were submitted showing the required 181 parking spaces.

b. A second set of schematic plans, sufficient to show the same proposed development project, utilizing mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements.

Consistent – 181 parking spaces are required, a schematic drawing showing the parking for the project by mechanical means were submitted showing 181 spaces.

PLANNING BOARD MECHANICAL PARKING REVIEW CRITERIA

Pursuant to Section (5.2.11.e. i. to xi), The Planning Board shall also consider the following review criteria when considering each application for the use of mechanical parking systems:

1. Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood.

Consistent – The scale of the project is compatible with the surrounding area. However, the project is expected to be considered by the DRB on October 11, 2023. The DRB will consider the compatibility of the structure with the existing character of the surrounding neighborhood.

2. Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood.

Consistent – Mechanical parking results in a more efficient design with a 3rd level with residential uses rather than the entire floor for parking. This allows for a reduction in the size of floor slabs and massing on levels 2 and 3 that provide for pocket gardens that break and harmonize the façade on Alton Road.

3. Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.

Consistent – The proposed garage does not result in an increase in density or intensity over that which is currently permitted with conventional parking as shown by the two submitted schematics.

4. Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view.

Consistent – The proposed parking lifts are within enclosed structures.

5. In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings; whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit applicant.

Consistent – mechanical parking lifts will be dedicated for the office use and operated by valet only.

6. **In cases where mechanical parking lifts are used for valet parking; whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues.**

   Consistent – The proper restrictive covenant shall be provided prior to the issuance of a certificate of use.

7. **Whether a traffic study has been provided that details the ingress, egress and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way.**

   Consistent – The applicant has a Traffic Study prepared by David Plumber and Associates, See attached Transportation Department's Memo.

8. **Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided.**

   Partially Consistent – Per the Operating Plan, the mechanical lifts will be operated at all times by valet service. The plan does not indicate, hours of operation, emergency procedures and maintenance requirements. Staff has recommendations for conditions to address these concerns prior to the applicant obtaining a building permit.

9. **In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed.**

   Not applicable.

10. **Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.**

    Consistent – The proposed project appears to be compatible with the surrounding neighborhood and it appears that it would not create any significant adverse impacts to the surrounding uses.

11. **Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect shall be addressed.**

    Consistent – No negative impact is anticipated from the cumulative effect from the proposed facility and nearby structures.

Pursuant to Section (5.2.11.f. i. to vii.), Mechanical parking devices, robotic parking systems, and/or vehicle elevators must also satisfy the following conditions:

i. **The noise or vibration from the operation of mechanical parking lifts, car elevators, or**

robotic parking systems shall not be plainly audible to or felt by any individual standing outside an apartment or hotel unit at any adjacent or nearby property. In addition, noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions outside of the parking garage;

Consistent – The mechanical parking lifts are limited to the third floor of the building and are fully internalized and screened from external view. Therefore, any noise or vibration impacts resulting from this equipment should be minimal.

ii. **For mechanical lifts, the parking lift platform must be fully load-bearing, and must be sealed and of a sufficient width and length to prevent dripping liquids or debris onto the vehicle below;**

Consistent – Per the LOI, the mechanical parking will comply with these requirements.

iii. **All freestanding mechanical parking lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage; robotic garages and vehicle elevators must have backup generators sufficient to power the system;**

Partially Consistent – Per the LOI, the project will be complying with this requirement.

iv. **All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift;**

Consistent – Per the LOI, the mechanical parking lifts have an automatic hydraulic safety valve to prevent the accidental lowering of the platform while accessing the platform.

v. **The ceiling heights of any parking level with parking lifts within the parking garage shall be a minimum of 11 feet by six inches;**

Consistent – Level 3 where the lifts are proposed, has a floor to ceiling height of 13'- 4".

vi. **All mechanical parking systems, including lifts, elevators and robotic systems, must be inspected and certified as safe and in good working order by a licensed engineer or the elevator authority having jurisdiction at least once per year and the findings of the inspection shall be summarized in a report signed by the same licensed engineer or firm, or the elevator authority having jurisdiction. Such report shall be furnished to the planning director and the building official; and**

Consistent – Per the LOI, the applicant intends to coordinate with a licensed engineer or elevator authority to inspect the mechanical parking lifts and vehicle elevators and provide a report to the Planning Director and Building Official.

vii. **All parking lifts shall be maintained and kept in good working order.**

Consistent – Per the LOI, applicant intends to implement a comprehensive maintenance plan to address this issue.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

(1) A recycling or salvage plan for partial or total demolition shall be provided.

Satisfied – The applicant will provide a recycling or salvage plan during the permitting phase of the project.

(2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

Satisfied – The applicant has indicated that all windows will be hurricane proof impact windows.

(3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Satisfied – Passive cooling systems, such as operable windows, may be installed as appropriate.

(4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

Satisfied – Landscaping with Chapter 4 of the resiliency code.

(5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.

Satisfied – The project has been designed to accommodate rising sea levels and the future raising of roads.

(6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.

Satisfied – The ground floor will be located at 10 feet NGVD and the first floor will have sufficient elevation to be able to accommodate future increases.

(7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

Satisfied – All critical mechanical and electrical systems will be located above base flood elevation (BFE).

(8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

Partially Consistent. The existing buildings to remain that exist on the other parcels are not going to be altered.

(9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Satisfied – Habitable spaces located below BFE will be flood proofed.

(10) Where feasible and appropriate, water retention systems shall be provided.

Partially Consistent – Applicant will work with staff on appropriate water retention systems as applicable and appropriate for the Project.

(11) Cool pavement materials or porous pavement materials shall be utilized.

Satisfied – Cool paving materials will be utilized.

(12) The design of each project shall minimize the potential for heat island effects on-site

Satisfied. – The substantial vegetation and green areas serve a natural cooling agent that will help reduce the urban heat island effect by shading the building surface.

ANALYSIS

The proposal is for a new 7-story mixed use building fronting Alton Road. The ground floor will consist of commercial uses and five residential units will be provided on the third floor. The upper levels will consist of office uses and the rooftop will be an amenity deck for residents and office tenants. Parking will be located on the second and third floors.

The development site consists of several parcels that contain existing commercial buildings, a parking lot, and portions of the recently vacated alley. The new building will be located on the "main parcel" and will replace existing one and two story retail buildings that front Alton Road.

The new building will be utilizing the available floor area from the parcels fronting West Avenue and the recently vacated alley that are part of the development site. The site containing a parking lot fronting West Avenue will be turned into a driveway to access drop off areas and the upper-level parking. The existing building fronting 17th Street, which contains the Trader Joe's grocery store, is being incorporated into the development site in order to minimize the need to develop residential units in the new building while complying with the requirements for the 0.5 mixed use floor area ratio (FAR) bonus.

The project takes advantage of the Alton Road Office Development Overlay (CD-2) with a maximum building height of 75 feet for development permitted under this voluntary office height incentive program. The applicant will also be requesting a 3 foot height variance from the DRB.

As presented, the new mixed-use building will contain 11,770 SF of retail, 5,000 SF of restaurant space, 89,610 SF of office use, and 11,826 SF of residential use. Given the scale of the development, the proposed uses are not expected to have any significant quality of life impacts on nearby residential properties.

Traffic, Parking, and Access

The ground floor level fronting Alton Road will be raised to the future crown of road elevation and a covered colonnade is proposed for the ground-floor commercial bays. Pedestrian access to the upper floors will be from a wide covered plaza that will be accessible from the front and rear of the building. This area features a central landscape planter that serves as an architectural focal point.

Queuing of pedestrians in public rights of way is not expected, given the clear pedestrian paths that will be provided.

The project will be taking advantage of a 20% reduction for office uses without reserved parking and an additional 20% for proximity to centralized parking. As a result, a total of 181 spaces are required. 85 standard parking spaces will be provided on level 2 (including 48 mechanical lifts) and 96 spaces will be provided on level 3.

The applicant has provided plans to demonstrate how the required parking could be provided using traditional means. The mechanical lifts option results in a more efficient design with more open space and less massing. The mechanical parking system will be screened with architectural elements and will not be visible from surrounding properties.

The applicant has provided a Traffic Impact Analysis prepared by David Plumber and Associates. Access to parking will be from the proposed driveway fronting West Avenue, as well as the adjacent alley. There is a proposed drop-off area and ramps leading to the upper-level parking spaces in the rear of the ground floor. The mechanical parking will be operated through valet service while the standard spaces will be self-parking. Additionally, the project will be providing space for alternative modes of travel, such as bicycle parking.

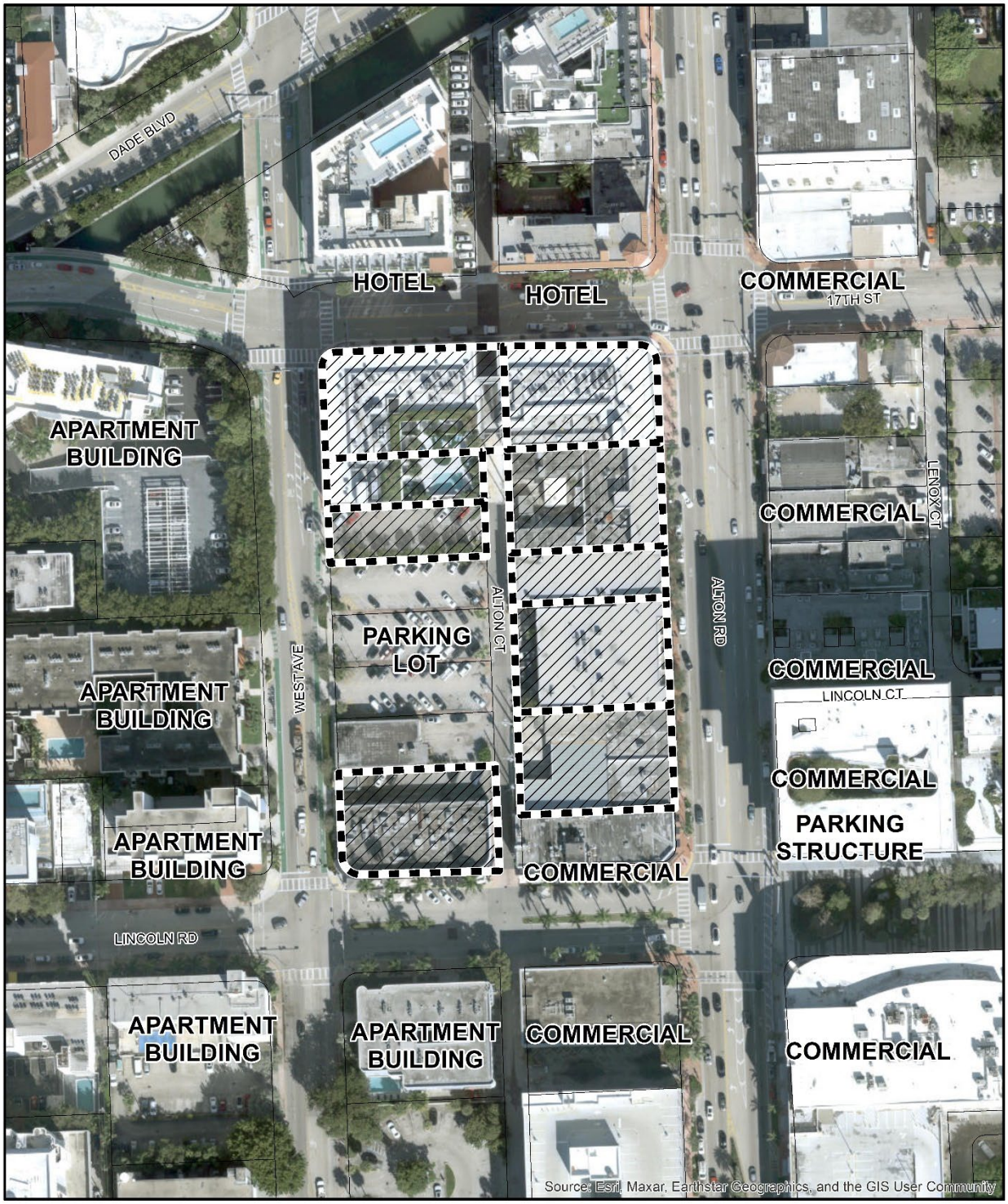
Noise and visibility
Given the proposed office and residential uses, significant noise is not expected to be generated from the project. Regarding potential noise form the mechanical parking lifts, the proposed lifts are are to be located within an enclosed structure with architectural screening. As such they will not be visible from adjacent buildings and no mechanical noises are expected to be heard from outside of the buildings.

Delivery and Sanitation
Pursuant to section 5.2.6 of the LDRs, the proposed use requires four (4) loading spaces. The proposed loading area is located within at the rear of the building facing the alley. The operations plan is silent on delivery hours. Staff has recommended conditions to limit loading to off-peak daytime hours in order to minimize traffic disruptions and minimize noise impacts on surrounding properties.

The provided plans do not clearly indicate the location of the enclosed trash room. As a result, staff is recommending a condition that the project have an enclosed air-conditioned trash room near the loading area. Additionally, staff has recommended hours for trash pickups consistent with loading hours.

RECOMMENDATION
In view of the foregoing analysis, staff recommends the Conditional Use Permit be approved, subject to the conditions enumerated in the attached Draft Order.

ZONING/SITE MAP



MIAMIBEACH
PLANNING DEPARTMENT
1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 P 305.673.7550 www.miamibeachfl.gov

0 25 50 100 150 200 250 Feet

EXHIBIT "A"

Legal Description per Survey

Main Parcel

FOLIO: 02-3234-017-0160
LOTS 2 AND 3, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0170
LOTS 4 AND 5, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0180
LOT 6, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3233-017-0050
LOT 15, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0190
LOTS 7 AND 8, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

North Parcel

FOLIO: 02-3233-017-0040
LOT 14, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3233-017-0030
LOTS 12 AND 13, AND THE 20 FEET OF ALLEY LYG. & E ADJ. CLOSED PER RES #2016-26489, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0200
LOTS 9 AND 10, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

South Parcel

FOLIO: 02-3233-017-0100
LOTS 20 AND 21, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA

PROPERTY:	1656-1698 Alton Road, 1677-1683 West Avenue, and 1245 Lincoln Road – The Alton.
FILE NO.	PB22-0562
IN RE:	An application has been filed requesting conditional use approval for a new 7-story mixed-use development exceeding 50,000 square feet, including a parking garage with mechanical parking, pursuant to Chapter 2, Article V, Section 2.5.2.2 and Chapter 5, Article II, Section 5.2.11 of the Miami Beach Resiliency Code.
LEGAL DESCRIPTION:	See Exhibit "A"
MEETING DATE:	September 26, 2023

CONDITIONAL USE PERMIT

The applicant, BH The Alton LLC, requested a Conditional Use approval for the construction of a new 5-story development exceeding 50,000 square feet, including the use of a mechanical parking, pursuant to Chapter 2, Article V, Section 2.5.2.2 and Chapter 5, Article II, Section 5.2.11 of the City Code. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the of the record for this matter:

The property in question is located in the CD-2, Commercial medium intensity District;

The use is consistent with the Comprehensive Plan for the area in which the property is located;

The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

The structures and uses associated with the request are consistent with the Land Development Regulations;

The public health, safety, morals, and general welfare will not be adversely affected;

Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendations, that the Conditional Use Permit be GRANTED, as provided below:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).

2. This Conditional Use Permit is issued to BH The Alton LLC, (the applicant) and owner of the property. Any changes in ownership or 50% (fifty percent) or more stock ownership, or the equivalent, shall require the new owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Certificate of Use/Business Tax Receipt.

3. The following shall apply to the operation of the entire project:

    a. All trash containers shall utilize rubber wheels, as well as a path consisting of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.

    b. A trash room or trash rooms shall be provided at the ground level adjacent to the loading area. The trash room shall be large enough to accommodate sufficient trash capacity in order to minimize refuse pickups to a maximum of one pick up per day. All trash rooms shall be air conditioned and sound-proofed in a manner to be approved by staff. The doors to the trash rooms shall remain closed and secured when not in use and all trash dumpsters shall be closed at all times except when in use.

    c. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff.

    d. The property and adjacent rights-of-way be maintained clean and free from debris

    e. Except as may be required for Fire, Building, or Life Safety Code purposes, no speakers or televisions of any kind shall be affixed to, installed, or otherwise located on the exterior of the premises within the boundaries of the project.

    f. No patrons shall be allowed to queue on public rights-of-way.

    g. No exterior bars or accessory outdoor bar counters shall be permitted anywhere on the premises.

    h. Establishments with outdoor cafes or sidewalk café permits shall only serve alcoholic beverages at sidewalk cafes during hours when food is served in the restaurant.

    i. Commercial uses on the rooftop are prohibited.

    j. Use of the rooftop shall be limited to residents and office building tenants and their guests.

4. A progress report shall be scheduled before the Planning Board 90 days after obtaining a business tax receipt (BTR).

5. The Planning Board shall retain the right to call the owner or operator back before the Board and make modifications to this Conditional Use Permit should there be valid complaints, as determined by Code Compliance, about loud, excessive, unnecessary, or unusual noise. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.

6. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.

7. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval.

8. The applicant shall address the following Transportation, Mobility, Concurrency, Delivery, and Parking requirements:

    a. The applicant shall pay all impact, mobility, and concurrency fees due prior to obtaining a Building Permit, Certificate of Occupancy, or Business Tax Receipt, whichever may occur first, and any other fair share cost that may be due and owing.

    b. Property managers and business operators for all residential and commercial uses shall ensure that deliveries are made as approved in this Conditional Use Permit. At no time shall delivery trucks block traffic flow on the public right-of-way.

    c. The applicant shall submit an MOT (Maintenance of Traffic) plan to Public Works Department and Transportation Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.

    d. The developer shall coordinate with the Transportation Department to develop an acceptable Transportation Demand Management Plan, prior to the issuance of a building permit.

    e. The applicant shall provide on-site bicycle parking facilities to accommodate a minimum of 36 short-term bicycle parking spaces and 21 long-term bicycle parking spaces.

    f. The garage shall be in operation 24 hours per day, seven days a week.

    g. Parking for spaces with mechanical lifts shall be shall only be operated through valet parking. Valet parking shall be provided 24 hours per day, seven days a week.

    h. A sufficient number of valet attendants shall be provided on site to ensure that queuing onto Alton Court or West Avenue does not occur at any time.

    i. The facility shall maintain adequate backup generators sufficient to power the vehicle lifts. The generators shall be maintained in proper operating condition. The generators shall

be installed in accordance with Code requirements regarding minimum flood plain criteria.

j. Backing into or out of the site from West Avenue, 17th Street or Lincoln Road shall not be permitted.

k. A delivery and refuse plan, including all delivery access points and routes, as well as the location of all trash and refuse areas, shall be provided and shall be subject to the review and approval of staff.

l. Commercial deliveries and trash collection shall take place only at the designated area proposed by the applicant as shown in the plans.

m. Scheduled trash pick-up and commercial deliveries shall only be permitted on-property between 9:30 AM and 4:00 PM. Commercial deliveries outside those hours shall only be permitted in designated loading zones, as per the hours specified for the loading zone.

n. There shall be no queuing of delivery, garbage, or moving trucks in the public right of way.

o. Delivery trucks shall not be allowed to idle in loading areas or driveways.

p. Warning signs prohibiting horn honking, tire-screeching, or car alarm sounding shall be posted prominently by the applicant in the parking area.

q. A signage and marking plan shall be reviewed and approved by the Transportation and Mobility Department prior to the issuance of a Building Permit.

9. The development shall comply with the "Green Building" requirements in section 7.1.3.2 of the Resiliency Code.

10. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Building permit.

11. The applicant, operator and/or owner, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Order.

12. The applicant shall resolve all outstanding violations and fines on the property, if any, prior to the issuance of a building permit for the project.

13. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, of the City Code

14. The applicant shall obtain a full building permit within 18 months from the date of approval of this Conditional Use Permit, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.

15. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

16. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

17. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.

18. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

19. The applicant agrees and shall be required to provide access to areas subject to this Conditional Use Permit for inspection by the City (i.e. Planning Department, Code Compliance Department, Building Department, and Fire Department staff), to ensure compliance with the terms and conditions of this Conditional Use Permit. Failure to provide access may result in revocation of the Conditional Use Permit.

Dated _____

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Rogelio A. Madan, AICP
Development & Resiliency Officer
for Chairman

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Rogelio A. Madan, Development & Resiliency Officer for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

_____
Notary:
Print Name:
Notary Public, State of Florida
My Commission Expires:
Commission Number:

[NOTARIAL SEAL]

Approved As To Form:
Legal Department _____ ( )

Filed with the Clerk of the Planning Board on _____ ( )

EXHIBIT "A"

Legal Description per Survey

Main Parcel

FOLIO: 02-3234-017-0160
LOTS 2 AND 3, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0170
LOTS 4 AND 5, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0180
LOT 6, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3233-017-0050
LOT 15, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0190
LOTS 7 AND 8, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

North Parcel

FOLIO: 02-3233-017-0040
LOT 14, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3233-017-0030
LOTS 12 AND 13, AND THE 20 FEET OF ALLEY LYG. & E ADJ. CLOSED PER RES #2016-26489, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

FOLIO: 02-3234-017-0200
LOTS 9 AND 10, BLOCK 40, OF FIRST ADDITION TO COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 30, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,

South Parcel

FOLIO: 02-3233-017-0100
LOTS 20 AND 21, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 165, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND,