



CFN 2012R0522480  
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 HARVEY RUVIN, CLERK OF COURT  
 MIAMI-DADE COUNTY, FLORIDA

**PLANNING BOARD  
 CITY OF MIAMI BEACH, FLORIDA**

**PROPERTY:** 801-863 South Pointe Drive and 819-842 Commerce Street  
 Block 51 Project

**FILE NO.** 2067

**IN RE:** The Request by TRG, Alaska III, LLC for Conditional Use approval of a 320-space mechanical parking garage to satisfy the required parking for the residential tower and accessory uses within the structure, and other parking needs contractually required.

**LEGAL DESCRIPTION:** See Exhibit "A" attached.

**MEETING DATE:** May 22, 2012

**CONDITIONAL USE PERMIT**

The applicant, Seville Acquisition, LLC filed an application for Conditional Use approval under Sections 142-213 and 130-69.5 of the Land Development Regulations 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:

- That the property in question is located in the CPS-1 Commercial Performance Standard limited mixed use Zoning District;
- That the use is consistent with the Comprehensive Plan for the area in which the property is located;
- That 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;
- That structures and uses associated with the request are consistent with the Land Development Regulations;
- That the public health, safety, morals, and general welfare will not be adversely affected;
- That 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 staff recommendations, as modified by the Planning Board, that a Conditional Use Permit as requested and set forth above, be GRANTED subject to the following conditions to which the applicant has agreed:



1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. 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 TRG Alaska III, LLC as owner of the property. Any change of owner, or operator, or 50% (fifty percent) or more stock ownership change shall be required to appear before the Board to affirm their understanding of the conditions listed herein.
3. 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 of the modified plans.
4. 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.
5. Parking operation shall be by valet attendants only, except for residential unit owners who may park their vehicles on the ground level of the garage. Otherwise, no self parking shall be permitted.
6. The outdoor areas/rooftop shown on the plans shall be for the exclusive use of the residential unit residents and their guests and shall not be permitted to be used for commercial activity.
7. "Entertainment," as defined in the City Code shall be prohibited within the site, inclusive of the accessory use restaurant, rooftop and any outdoor area.
8. Loading zones shall be prohibited on South Pointe Drive. They shall be located on the alley side of the project.
9. There shall be staff person(s) monitoring the garage operation during hours of operation seven days a week. The structure, operation, procedures, maintenance, service response procedures, remote technical service team, local, on-site service team, and spare parts inventory shall be submitted to staff for review and approval before operations begin.
10. When construction has been completed, but before the commencement of the garage operations authorized by this Conditional Use Permit and before the issuance of a Business Tax Receipt, the garage operations shall be fully tested under the supervision of one of the noise consultants currently approved by the City to ensure that all aspects of the garage operation fully comply with applicable codes and this approval with respect to noise. The garage shall not begin operating until staff has received and approved in writing a final written report from the noise consultant stating that as tested, all aspects of the garage operation fully comply with the sound study dated March 19, 2012 prepared by Kinsella-Marsh Group, Inc. Thereafter, all aspects of the garage operation shall fully and continuously comply with the parameters of said testing.

11. For mechanical lifts, the parking lift platform must be sealed and of a sufficient width and length (minimum of eight feet by 16 feet) to completely cover the bottom of the vehicle on the platform to prevent dripping liquids or debris onto the vehicle below, where applicable.
12. All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift, where applicable.
13. All electrical components of the lifts shall be underwriters laboratories (UL) approved, where applicable.
14. All mechanical parking systems, including lifts, elevators and robotic systems, must be inspected and serviced at least once per year with an annual safety report signed by a licensed mechanical engineer.
15. All vehicle elevators shall be maintained and kept in good working order.
16. The backup generators shall be maintained in proper operating condition. The location of the generators shall be submitted for the review and approval by staff to ensure than any negative impacts associated with the operation or testing of the equipment are minimized. The generators shall be installed in accordance with Code requirements regarding minimum flood plain criteria.
17. A landscape plan for the entire site, prepared by a Professional Landscape Architect, inclusive of street trees as per the City of Miami Beach Master Street Tree Plan, shall be submitted to and approved by staff before a building permit is issued for construction.
18. The applicant shall submit an MOT (Method of Transportation) to Public Works 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.
19. Prior to the issuance of a building permit, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as may be determined as determined by the Concurrency Management Division.
20. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit.
21. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a building permit for the parking facility.
22. 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, Code of the City of Miami Beach, Florida.
23. 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.

24. Within a reasonable time after applicant's receipt of this Modified Conditional Use Permit as signed and issued by the Planning Director, the applicant shall record it in the Public Records of Miami-Dade County at applicant's expense and then return the recorded instrument to the Planning Department. No certificate of use, certificate of occupancy, certificate of completion or Business Tax Receipt shall be issued until this requirement has been satisfied.
25. 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.
26. 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

Dated this 2nd day of July, 2012

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]

Richard G. Lorber, AICP, LEED AP  
Acting Planning Director  
For Chairman

STATE OF FLORIDA        )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 2nd day of July, 2012, by Richard G. Lorber, Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



TERESA MARIA  
MY COMMISSION # DD 928148  
EXPIRES: December 2, 2013  
Bonded Thru Budget Notary Services

[Signature]

Notary:  
Print Name: Teresa Maria  
Notary Public, State of Florida  
My Commission Expires: 12-2-13  
Commission Number: DD 928148

[NOTARIAL SEAL(STAMP)]

Approved As To Form:  
Legal Department (9/25/12)

[Handwritten mark]

**Block 51 Legal Description**

**owned by TRG-Alaska III, LLC, a Florida limited liability company ("Alaska III"):**

Lots 4, 5, 6, 7, 8, 9, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28, Block 51, of OCEAN BEACH, FLA. ADDITION NO. 3, according to the plat thereof as recorded in Plat Book 2, Page 81 of the Public Records of Miami - Dade County, Florida; together with a 10.00 foot strip of land shown on the referenced Plat as a 10.00 foot walk; adjacent to, Lots 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28, Block 51, and bounded on the North by the Southerly line of referenced lots; bounded on the West by the Westerly line of Lot 19, extended Southerly; bounded on the East by the Easterly line of Lot 28 extended Southerly; said walk being vacated pursuant to Official Records Book 13887, Page 1812, of the Public Records of Miami - Dade County, Florida.

***Parcel 1:***

A portion of Lot 18 and the 10 foot walk adjacent thereto, Block 51 of the plat of OCEAN BEACH FLA. ADDITION NO. 3 as recorded in Plat Book 2, Page 81, of the Public Records of Miami - Dade County, Florida, more particularly described as follows:

That portion of said Lot 18 and the 10 foot walk adjacent thereto lying Easterly and Northerly of the following described line; begin at a point on the Northerly line of said Lot 18, said point being 0.39 feet Easterly of the Northwesterly corner of said Lot 18; thence South 12 degrees 46'09" East, parallel with and 0.39 feet Easterly of the Westerly line at said Lot 18 for 74.85 feet to a point of non-tangential curve leading to the left and concave to the Northeast, having a radius of 47.50 feet and whose radius point bears North 68 degrees 24'46" East; thence Southerly and Easterly through a central angle of 37 degrees 27'59" for an arc distance of 31.06 feet to a point on the Southerly line of said Lot 18 and on the Northerly line of a 10 foot walkway as shown on said plat of OCEAN BEACH FLA. ADDITION NO. 3, said point being also a point of compound curve having a radius of 45.00 feet; thence Southerly and Easterly through a central angle of 23 degrees 25'51" for an arc distance of 18.40 feet to a point on the Southerly extension of the Easterly line of said Lot 18, said point being 9.78 feet Southerly of the Southeasterly corner of said Lot 18 and the TERMINAL POINT of the herein described line.

All of the above lying and being in Section 3, Township 54 South, Range 42 East, City of Miami Beach, Dade County, Florida.

TOGETHER WITH:

***Parcel 2:***

A portion of Lots 29 and 30 and the 10 foot walk adjacent thereto, Block 51 of the plat of OCEAN BEACH ADDITION NO. 3 as recorded in Plat Book 2, Page 81, of the Public Records of Miami - Dade County, Florida, more particularly described as follows:

Begin at the Northwesterly corner of said Lot 29; thence North 77 degrees 13'28" East along the Northerly line of said Lots 29 and 30 a distance of 55.15 feet to a point; thence South 00 degrees 37'13" West for a distance of 112.35 feet to a point on the Southerly line of a 10 foot walk shown on the said plat of OCEAN BEACH ADDITION NO. 3; thence South 76 degrees 52'58" West along the Southerly line of said 10 foot walk a distance of 31.51 feet to its intersection with the Southerly extension of the Westerly line of said Lot 29; thence North 12 degrees 46'09" West along the said Southerly extension and along the Westerly line of said Lot 29 a distance of 110.02 feet to the Point of Beginning.

All of the above lying and being in Section 3, Township 54 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida.

STATE OF FLORIDA, COUNTY OF DADE  
I HEREBY CERTIFY that this is a true copy of the  
original filed in this office on JUL 25 2012 day of \_\_\_\_\_, A.D. 20\_\_\_\_  
WITNESS my hand and Official Seal.  
HARVEY RUVIN, CLERK, of Circuit and County Courts  
By [Signature] D.C.



TANASHIA ARNOLD 1144

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