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CFN: 20230906215 BOOK 34014 PAGE 516
DATE:12/18/2023 07:52:02 PM
JUAN FERNANDEZ-BARQUIN
CLERK OF THE COURT & COMPTROLLER
MIAMI-DADE COUNTY, FL

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:

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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.

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CFN: 20230906215 BOOK 34014 PAGE 518

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, including offering transit passes and bikeshare memberships to office, retail, and restaurant tenants. The developer will provide a status report to the Transportation Department and Planning Department 90 days after obtaining a BTR. The report shall be shared with members of the Planning Board.

    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.

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CFN: 20230906215 BOOK 34014 PAGE 519

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.

r. There shall be a stop mechanism for cars existing on West Avenue, such as bollards or arms, in a manner to be reviewed and approved by staff.

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

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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.

20. There shall be a recorded covenant in lieu of a unity of title for all the properties prior to the applicant obtaining a building permit.

Dated 12/1/2023 | 5:56 PM EST

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

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

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STATE OF FLORIDA
)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 7 day of December, 2023 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.

[NOTARIAL SEAL]

MIRIAM TERESA HERRERA
Notary Public - State of Florida
Commission # GG 940469
My Comm. Expires Dec 16, 2023
Bonded through National Notary Assn.

Notary:
Print Name: Miriam Herrera
Notary Public, State of Florida
My Commission Expires: 12-16-23
Commission Number: GG940469

Approved As To Form:
Legal Department DocuSigned by: Nick Kallegg 8D8CB89CCAB8466... (12/1/2023 | 5:55 PM EST)

Filed with the Clerk of the Planning Board on DocuSigned by: Jessica Gonzalez 10FC3F3E9D654A5... (12/4/2023 | 8:12 AM EST)

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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: 02-3233-017-0060
LOT 15, BLOCK 40, OF THE ALTON BEACH REALTY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, 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

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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,

DS
RM