MIAMI BEACH
PLANNING DEPARTMENT

Staff Report & Recommendation — PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: January 30, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **PB23-0629. f.k.a PB22-0503. 1665-1667 Washington Avenue. Office Building.**

An application has been filed requesting modifications to a previously issued conditional use permit for the construction of a 6-story office development over 50,000 square feet, including the use of mechanical parking. Specifically, the applicant is requesting modifications to incorporate adjacent parcels to the project site, modification to the roof deck and interior renovations to expand the office square footage area, pursuant to Chapter 2, Article V, Section 2.5.2 , Chapter 5, Article II, Section 5.2.10, Chapter 7, Article II, Section 7.2.12. of the Miami Beach Resiliency Code.

RECOMMENDATION
Approval with conditions.

ZONING/SITE DATA

Legal Description:	See exhibit “A” at the end of this report
Zoning District:	CD-3 Commercial, High Intensity District
Future Land Use Designation:	Commercial High Intensity Category (CD-3)
Historic District:	Museum Historic District
Surrounding Uses:	See Zoning/Site Map at the end of this report.
North:	Hotel
South:	Alley/Commercial Buildings
West:	Soundscape Park
East:	Parking lot/Commercial Buildings

Lot Size (Unified Development Site):	34,500 SF
Lot Size (1665/1667 Washington Av):	12,000 SF
Maximum FAR:	2.75 (94,875 SF)
Proposed FAR (Unified Development Site):	93,269 SF
Proposed FAR (1665/1667 Washington Av):	50,957 SF

BACKGROUND
On May 4, 2022, the City Commission approved Ordinance No. 2022-4500, amending the CD-3

district, to authorize an increase in allowable building height for office buildings fronting Washington Avenue between Lincoln Road and 17th Street.

On September 20, 2022, The Planning Board granted a CUP for an office building exceeding 50,000 square feet, including the use of mechanical parking.

The item was scheduled to be considered at the December 19, 2023 Planning Board meeting. The December 19, 2024 meeting was cancelled due to a lack of quorum and the item was therefore continued to the January 30, 2024 meeting.

THE PROJECT

The applicant, KK 1665 Washington LLC, has submitted plans entitled "1665-1667 Washington Avenue," prepared by Kobi Karp Architecture and Interior Design, Inc., dated September 26, 2023. The proposal consists of modifications to the previously approved office building, as well as incorporating the abutting parcels to the north (1672 Washington Avenue) and east (1666 & 1670 James Avenue) within the project site. No changes are proposed for the additional parcels; they are being incorporated into the site to allow for the additional office square footage.

The proposal remains a six-story office development located at 1665-1667 Washington Avenue as previously approved. There are no significant exterior changes, except for minor modifications proposed on the roof deck. The interior changes relate to the expansion of the office square footage area, the introduction of additional mechanical parking lifts, and the elimination of the coffee shop that was located at the ground floor lobby.

The development site is now approximately 34,500 square feet in size. According to the submitted plans, the proposed building will have 50,957 square feet of floor area, with 37,424 square feet of office space. The project will be providing 38 parking spaces on the 2nd and 3rd floors. Vehicles will be taken to the parking spaces via two car elevators and all parking will only be via valet service.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

Conditional Uses may be approved in accordance with the procedures and standards set forth in the Miami Beach Resiliency Code Chapter 2, Article V, Section 2.5.2.2.a and Section 2.5.2.2.b.

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 Comprehensive Plan. The CD-3 future land use category allows for the proposed uses either as a main permitted use or a conditional use.

2. **The intended use or construction shall 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, as it is within the intensity limits provided for the CD-3 future land use category.

3. **Structures and uses associated with the request shall be consistent with these land**

development regulations.

Consistent – Structures exceeding 50,000 square feet in the CD-3 district are a conditional use. These and all zoning matters shall require final review and verification by the Planning Department prior to the issuance of a Building Permit and a Certificate of Use (CU).

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

Partially Consistent – As previously approved and presently configured, the proposed project would adversely affect the general welfare of nearby residents and businesses as the vehicular access and design have not been properly controlled. The approved board order contains conditions of approval to mitigate the potential negative impacts.

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

Partially Consistent – As previously approved and presently configured, the development is located in parking district no. 7, which does not require parking for office uses. However, the development is proposing 38 off-street vehicle parking spaces, consistent with the requirements of Parking Tier 1 and Parking Tier 2 Area c. Additionally, the project will be providing 10 long-term bicycle parking spaces. The applicant has represented that these parking spaces are needed to meet the demand for parking for the site.

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

Partially Consistent – The proposed design and vehicular access configuration still creates significant pedestrian conflicts and compromises safety. The approved plans provide larger driveways than necessary. The Planning Board previously approved conditions to minimize the impacts of the driveway. However, Staff still has concerns with the introduction of wide driveways on Washington Avenue.

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

Consistent – There are other office buildings over 50,000 gross square feet in the area, however, office uses tend to not generate significant negative impacts to neighborhoods, as such adverse impacts are not expected from the geographic concentration of such uses if properly controlled.

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

Consistent – The proposed design complies with the sea level rise and resiliency criteria as detailed below.

9. Appropriate consideration is given to the safety of and friendliness to pedestrian traffic; passageways through alleys is encouraged where feasible and driveways shall be minimized to the extent possible.

Partially Consistent – As previously approved and presently configured, the proposed design and vehicular access configuration creates significant pedestrian conflicts and compromises safety. The Planning Board previously approved conditions to minimize the impacts of the driveway. However, Staff still has concerns with the introduction of wide driveways on Washington Avenue.

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

Pursuant to Section 2.5.2.2.b., 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 the use is proposed to be located.

Partially Consistent – The applicant's letter of intent indicates that the tenants for the building have not been finalized; as a result, the operations plan provides minimal details as to the business operations, goals, and number of employees expected. However, the operations plan indicates that the how security, parking, loading/deliveries, and sanitation will be provided.

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 operations plan indicates that loading will take place via loading spaces on the ground floor. Two (2) spaces will be provided which complies with the loading requirements in section 5.2.6. The plan does not provide hours for deliveries, loading, and trash removal. The Planning Board previously approved that loading and trash pickups only occur during non-peak business hours, or 9:30 AM to 4 PM. Because the loading is internal to the property, significant adverse impacts are not expected if the hour are limited.

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.

Partially Consistent – The scale of the proposed project is compatible with most nearby buildings and the CD-3 zoning district's allowable development per the recently approved zoning amendment. The building is surrounded by hotel and commercial uses that would not be negatively impacted by the scale of the proposed building. However, the adjacent Greenview Hotel is of a lower height and might receive negative impacts from the proposal

if not properly designed. However, the scale, massing, architecture, and compatibility issues were approved at the HPB 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.

Partially Consistent – As previously approved and presently configured, the development is located in Parking Tier 2 area c, which does not require parking for office uses. However, the development is proposing 38 off-street vehicle parking spaces, consistent with the requirements of Parking Tier 1. And consistent with the Resiliency Code Parking Tier 2 area c. Additionally, the project will be providing 10 long-term bicycle parking spaces. The applicant has represented that these parking spaces are needed to meet the demand for parking for the site.

The proposed parking utilizes a mechanical elevator lift system, and all parking will be via valet service. The plans indicate that valet drop-off and pickup will be on the ground floor.

The site can also be accessed by alternative modes of transportation. The development will provide 10 long-term bicycle parking spaces. The site is also in close proximity to several bus routes and the Miami Beach Trolley.

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

Partially Consistent – As this is an office building there isn't a significant number of customers expected. Access is provided to the lobby for pedestrians via a walkway from Washington Avenue or from the valet drop-off area. However, the overall design and circulation elements at the first level are wholly inconsistent with scale, character and context of the immediate area. Staff is recommending conditions to address this shortcoming.

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 has indicated that there will a security system as well as security personnel on-site to monitor the facility. Video surveillance will be provided to monitor the office building and the remainder of the property. 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 – There was no need to submit a revised traffic impact analysis. During the application review the Transportation Department determined that: "According to the

attached Recorded Orders, this project was approved for a higher number of trips than are currently proposed to be generated by the development. Therefore, it has been approved by the Transportation Department."

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 – The applicant is not proposing entertainment uses or any uses that would create significant noise impacts. Additionally, the elevator system being utilized for the garage should not generate significant noise.

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.

Consistent – The project will have an enclosed air-conditioned trash room at the ground level near the loading areas. The Planning Board previously approved that garbage disposal and sanitation pickup would occur during non-peak business hours (9:30 AM to 4 PM).

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 – Proximity to similar sized structures is not expected to create adverse impacts. There are no residential buildings in the immediate vicinity of the building. However, staff is recommending conditions to mitigate any adverse impacts from noise and other issues on the surrounding neighbors.

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 may be other buildings over 50,000 gross square feet in the area, adverse impacts are not expected from the cumulative effect of concentration of such uses. However, staff is recommending conditions to mitigate any adverse impacts from noise and other issues on the surrounding neighbors.

CHAPTER 5, ARTICLE II SECTION 5.2.11.b.3.A – MECHANICAL AND ROBOTIC PARKING SYSTEMS

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:

1. 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 5, 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 was submitted showing 38 parking spaces for the project on-site. the project was previously approved in parking district no. 7, no parking is required for the office uses, therefore the accessory off-street parking requirement can be met through traditional, non-mechanical means. This is consistent with the Resiliency Code Parking Tier 2 area c.

2. **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 and main use off-street parking requirements.**

Consistent – A schematic drawing showing the parking for the project by mechanical means was submitted showing 38 spaces, complying with the requirements of parking district no.1, as is permitted in parking district no. 7 without counting against FAR limits. This is consistent with the Resiliency Code Parking Tier 2 area c.

CHAPTER 5, ARTICLE II SECTION 5.2.11.e – PLANNING BOARD MECHANICAL PARKING REVIEW CRITERIA

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.**

Partially Consistent – As previously approved and presently configured, the scale of the project is generally compatible with the surrounding area, however, issues of scale and compatibility where addressed by the HPB. Additionally, staff is recommending conditions to address serious shortcomings pertaining to the vehicular entrance portions of the project.

2. **Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood and has demonstrated how the scale, mass, volume, and height of the building are reduced by the use of mechanical parking.**

Consistent – The mechanical parking system allows the project to exceed the minimum required parking and provide operational parking needs in a more efficient manner, which will result in improved marketability for the Class A office building. This will create a much more context sensitive and harmonious relationship with the surrounding area.

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 elevators are enclosed within the structure. Within each parking level, vehicles will be driven out of the elevator to their parking spaces through a valet service.

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 owner.**

   Not applicable – As per the letter of intent, no residential uses are proposed, and the mechanical parking lifts will be managed by a valet parking operator.

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 restricted covenant shall be provided prior to the issuance of building permit.

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 – David Plummer and Associates, Inc. was retained by the applicant to do a traffic assessment, please see Transportation Department 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 letter of intent attached, valet service will be required at all times and the system will be available and staffed twenty-four hours per day. The proposed lifts generate minimal noise impacts and will be enclosed in the building. A narrative provides details on the lift system and how it is intended to operate. It does not contain emergency procedures.

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 – As per plans presented the proposed modification removed the previously approved accessory café located at the lobby area.

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 will be addressed.

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

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Chapter 7, Article I, Section 7.1.2.4.a of the Land Development 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:

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

Partially Satisfied – The applicant has indicated that a recycling or salvage plan will be provided prior to the submittal of a building permit as may be necessary.

B. Windows that are proposed to be replaced shall be hurricane proof impact windows.

Satisfied – Windows will be hurricane proof impact windows.

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

Satisfied – Operable windows will be provided where feasible and appropriate.

D. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided, in accordance with chapter 4 in Land Development Regulations.

Satisfied – Per letter of intent, all landscaping will consist of salt tolerant, highly water-absorbent, native, or Florida friendly plants.

E. The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of the surrounding properties.

Partially Satisfied – The applicant has indicated that projections will be taken into account; however, the development complies with the City's resiliency standards.

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

provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to 3 additional feet in height.

Satisfied – The building has sufficient clearances where the ground floor and parking areas can be adapted if adjacent public rights-of-way are raised.

G. As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

Satisfied – All critical mechanical and electrical systems will be located above BFE.

H. Existing buildings shall, where reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Not Applicable – The existing building will be demolished.

I. 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 in General Ordinances.

Partially Satisfied – Uses on the ground floor located below the base flood elevation plus City of Miami Beach Freeboard will be dry flood proofed in accordance with Chapter 54 of the City Code.

J. As applicable to all new construction, stormwater retention systems shall be provided.

Partially Consistent – The applicant has indicated that water retention systems will be provided where feasible and appropriate.

K. Cool pavement materials or porous pavement materials shall be utilized.

Satisfied – The applicant indicated that cool or porous pavement materials shall be utilized.

L. The design of each project shall minimize the potential for heat island effects on-site.

Satisfied – The applicant will install landscaping and vegetation on the rooftop and ground level that will help reduce the urban heat island effect.

ANALYSIS

The Proposal

As currently approved, the proposed building contains 68,794 square feet of gross floor area, which required Conditional Use approval (CUP), since it exceeds 50,000 square feet in the CD-3 district. Pursuant to section 2.5.2.6, the increase in floor area proposed is considered a substantial amendment that requires the approval of the Planning Board.

The proposed project is located in parking Tier 2 area c, which does not require parking for office uses. However, the applicant has proposed providing 38 off-street vehicle parking spaces, consistent with the requirements of Parking Tier 1. Additionally, the project will be providing 10 long-term bicycle parking spaces. The applicant believes that the proposed parking spaces are needed to meet the anticipated demand for parking on the site.

The parking spaces are proposed to be provided on the 2nd and 3rd floors, with access via two car elevators. All parking will be handled by valet attendants, and vehicular access to the valet drop-off/pick-up area is proposed to be via a 22-foot-wide, two-way driveway from Washington Avenue.

Rooftop Operations and Proposed Modifications
The plans indicate that the rooftop will be used as an amenity area for the building and other commercial uses, including entertainment, have not been proposed. Staff does not anticipate negative impacts from the proposed operations; however, conditions have been incorporated into the draft order to ensure that the rooftop operates as expected.

The proposed modifications on the rooftop include the addition of larger mechanical spaces. There are now three large mechanical areas proposed with no details on the proposed equipment. During the initial review of this modification, one of these spaces depicted what appears to be bathrooms, which is not permitted as an allowable height exception. As result, staff is recommending the following condition in the draft order:

- All enclosed areas above the main roof shall be limited to mechanical and related equipment. Bathrooms, kitchens, counters, bars and any similar elements shall be prohibited above the main roof.

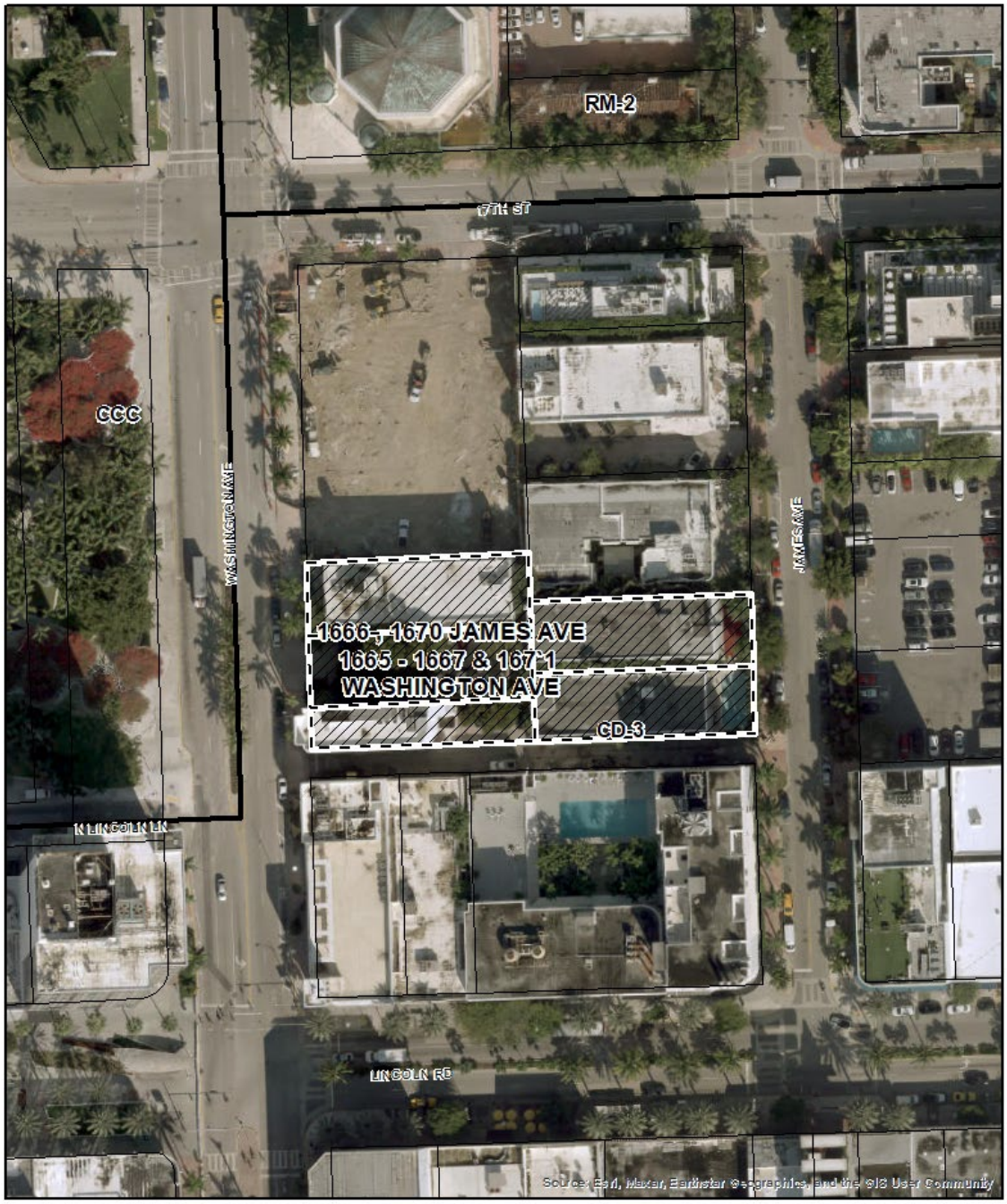
Deliveries and Sanitation
The project proposes two (2) loading spaces, which complies with the minimum loading requirements set forth in section 5.2.6 of the City Resiliency Code. The trash room is now located on the south side of the office building with doors facing the alley, and it is smaller than the previously approved trash room. Staff is concerned with the new location and size of the trash room, and has incorporated the following suggested modification to condition 5.b:

- All trash rooms shall <u>have adequate space, as determined by the Public Works Director or designee and shall</u> 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. <u>At no time shall trash containers be left on the alley.</u>

Conclusion
The proposed modifications to the project are consistent with the City's goal of diversifying the economy from an overreliance on tourism by developing Class A office space. Additionally, the building program, design and massing are consistent with the recently approved building height incentives intended for this purpose.

<u>STAFF RECOMMENDATION</u>
In view of the foregoing analysis, staff recommends that the application 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 20 40 80 120 160 200 Feet

EXHIBIT "A"

LOT 7 AND THE SOUTH 20 FEET OF LOT 8, BLOCK 31, OF FIRST SUBDIVISION OF ALTON BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI–DADE COUNTY, FLORIDA; AND,

THE NORTH 30 FEET OF LOT 8 AND THE SOUTH 20 FEET OF LOT 9, BLOCK 31, OF FIRST SUBDIVISION OF ALTON BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI–DADE COUNTY, FLORIDA; AND,

LOTS 19 AND 20, BLOCK 31, OF ALTON BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI–DADE COUNTY, FLORIDA; AND,

LOT 18, BLOCK 31, OF FIRST SUBDIVISION OF ALTON BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI–DADE COUNTY, FLORIDA.

PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 1665-1667 Washington Avenue

FILE NO. PB23-0629 f.k.a. PB22-0503

IN RE: An application has been filed requesting modifications to a previously issued conditional use permit for the construction of a 6-story office development over 50,000 square feet, including the use of mechanical parking. Specifically, the applicant is requesting modifications to incorporate adjacent parcels to the project site, modification to the roof deck and interior renovations to expand the office square footage area, pursuant to Chapter 2, Article V, Section 2.5.2 , Chapter 5, Article II, Section 5.2.10, Chapter 7, Article II, Section 7.2.12. of the Miami Beach Resiliency Code.

LEGAL DESCRIPTION: Lots 19 and 20, Block 31, ALTON BEACH, according to the Plat thereof, as recorded in Plat Book 2, page 77, of the Public Records of Miami-Dade County, Florida.

MEETING DATE: September 20, 2022 and January 30, 2024

CONDITIONAL USE PERMIT

The applicant, KK 1665 Washington LLC ~~and BSD Raleigh Trustee LLC, a Delaware limited liability company as the trustee of the Raleigh Land Trust~~, requested a Conditional Use approval for the construction of a new 6-story office development exceeding 50,000 square feet, including the use of a mechanical parking, pursuant to ~~Chapter 118, Article IV, and Chapter 130, Article II of the City Code~~ Chapter 2, Article IV, and Chapter 7, Article II of the Miami Beach Resiliency 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-3 Commercial, High 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)~~ Chapter 2, Article V, Section 2.5.2.5 of the Miami Beach Resiliency Code.

2. This Conditional Use Permit is issued to KK 1665 Washington LLC ~~and BSD Raleigh Trustee LLC, a Delaware limited liability company as the trustee of the Raleigh Land Trust~~ (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. This Conditional Use Permit shall consist of the following uses for the building located 1665-1667 Washington Avenue:

   a. First Floor: Lobby/Commercial uses
   b. Second to Sixth Floors: Office uses and Vehicle Parking
   c. Rooftop: Amenity Deck for Office Tenants

   Any change to the uses noted above shall require the approval of the Planning Board, as a modification to this CUP.

4. The driveway and vehicular circulation components of the project shall not be permitted as proposed; the first level of the project shall be revised as follows:

   a. The revised driveway shall utilize a mountable curb, with applicable signage, to maximize pedestrian safety, in a manner to be approved by staff.

5. 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. All trash rooms shall have adequate space, as determined by the Public Works Director or designee and 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. At no time shall trash containers be left on the alley.

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, except for a distributed sound system, which may not be played louder than at an ambient volume level (i.e. at a volume that does not interfere with normal conversation), subject to the review and approval of staff.

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 and shall not be permitted to have outdoor speakers.

i. Commercial uses on the rooftop are prohibited.

j. Entertainment is prohibited on the rooftop.

k. Use of the rooftop shall be limited to building tenants and their invited guests.

l. <u>All enclosed areas above the main roof shall be limited to mechanical and related equipment. Bathrooms, kitchens, counters, bars and any similar elements shall be prohibited above the main roof.</u>

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

7. 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.

8. 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.

9. 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.

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

    a. All parking provided within the proposed building shall be for the sole use of the building tenants. Such parking shall not be utilized as shared parking, underutilized parking or for any other use not located on the subject property.

    b. 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.

    c. 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.

    d. 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.

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

    f. The applicant shall provide on-site bicycle parking facilities to accommodate a minimum of ten (10) bicycle parking spaces.

    g. That the garage shall be in operation 24 hours per day, seven days a week, as proposed by the applicant.

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

    i. A sufficient number of valet attendants shall be provided on site to ensure that queuing onto Washington Avenue, including public sidewalks, does not occur at any time.

    j. 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.

    k. Backing into or out of the site shall not be permitted, with the exception of accessing the proposed loading spaces.

    l. 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.

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

n. Scheduled trash pick-up and commercial deliveries shall only be permitted between 9:30 AM and 4:00 PM.

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

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

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

r. Both car elevators shall be able to accommodate the standard AASTHO passenger vehicle size requirements.

s. A signage and marking plan shall be submitted during the plans review cycle for Transportation and Mobility Department staff. Signage shall take into account traffic calming and pedestrian safety.

t. Bicycle parking locations will be identified at the time of building permit issuance.

u. The applicant shall coordinate with the Transportation & Mobility Department to develop an acceptable Transportation Demand Management (TDM) Implementation Plan per the standard City of Miami Beach TDM strategies prior to the issuance of a building permit.

v. The applicant is required to submit a supplemental traffic memorandum including an evaluation of the proposed mechanical parking and valet operations by no later than six months from the date the Soundscape Park redevelopment is fully operational. The field queuing study should include field data collection for two days including one weekend day during the identified peak periods.

w. The applicant should provide driveway design modifications to the Washington Avenue ingress/egress driveway connection that ensures that there are low travel speeds in and out of this site access driveway due to the high levels of pedestrian activity at the Washington Avenue building frontage. This shall include a retractable bollard to ensure that each vehicle stops before exiting the site.

x. The applicant shall provide maneuverability exhibits that depict the required vehicle turning movement for ingress and egress and loading for the various design vehicles.

y. The driveway design modifications should be submitted, reviewed, and approved by the City of Miami Beach Transportation & Mobility Department prior to the issuance of a building permit.

11. The development shall comply with the "Green Buildings" requirements in ~~Chapter 133, Article I of the City Code~~ Chapter 7, Article I, Section 1.2.1 of the Miami Beach Resiliency Code.

12. 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.

13. 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.

14. 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.

15. 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~~ Chapter 2, Article V, Section 2.5.2.5 of the Miami Beach Resiliency Code.

16. 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.

17. 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.

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

19. 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.

20. 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.

21. 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 and 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 and Resiliency Officer for Chairman of 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 _____ ( )