

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Planning Board

TO: Chairperson and Members  
Planning Board

DATE: June 26, 2018

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB 18-0201 1685 Washington Avenue.**

The applicant, Sobe Center, LLC, is requesting Conditional Use approval for the construction of a new 8-story mixed-use development exceeding 50,000 square feet including a mechanical parking garage pursuant to Section 118, Article IV and Section 130, Article II of the City Code.

#### **RECOMMENDATION**

Approval with conditions

#### **ZONING / SITE DATA**

**Future Land Use:** CD-3 – Commercial, high intensity  
**Zoning:** CD-3 – Commercial, high intensity

**Legal Description:** Lots 14, 15, 16 and 17 in Block 31 of Fisher's 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.

**Land Uses:** See Zoning/Site map at the end of this report.  
North: Religious institution  
South: Hotel  
East: Hotel  
West: Park

**Lot Size:** 29,978 SF  
**Maximum FAR:** 2.75 = 82,439 SF  
**Proposed FAR:** 82,331 SF\*  
**Maximum Height:** 80'-0" / 7 stories  
**Proposed Height:** 83'-0" / 8 stories (variance required)  
**Proposed Uses:**  
    **Hotel:** 150 units  
    **Restaurant:** Two restaurants 145 and 150 seats  
    **Retail:** 6,052 SF, New Commercial area  
**Parking required:** 94 spaces  
**Parking provided:** 120 spaces  
**Loading spaces provided:** 5  
**Loading spaces required:** 5

\* As represented by the applicant.

## **THE PROJECT**

The applicant has submitted revised plans entitled “Symphony Park Hotel”, as prepared by MCG Architecture + Planning, Jennifer McConney as registered Architect, dated April 27, 2018. The proposal consists of a new 8-story, mixed-use building with 150 hotel units, two restaurants (145 and 150 seats), 6,052 SF of ground floor commercial space, and a parking garage.

The proposal is scheduled to be considered by the Historic Preservation Board on July 10, 2018 (File No. HPB18-0208.)

## **COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:**

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Art. 4, Sec. 118-191 and Sec. 118-192:

- 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, as the CD-3 Category permits the following:

*Uses which may be Permitted: Various types of commercial uses including **business and professional offices, retail sales and service establishments, eating and drinking establishments; apartment residential uses; apartment hotels; and hotels.***

- 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; however, a concurrency analysis will be performed at the time of building permit application. Kimley Horn & Associates was retained by the applicant to conduct a traffic study. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. See the Memorandum from the Transportation Department.

- 3. Structures and uses associated with the request are consistent with this Ordinance.**

**Partially Consistent** – The Historic Preservation Board application includes variances to reduce the required tower front setback for hotel uses, to exceed the maximum allowed projection into required yards, to exceed the maximum number of stories and maximum building height, to reduce the required width of a drive aisle and to eliminate the distance separation required from structural columns to a drive aisle.

These comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Planning Department prior to the issuance of a Building Permit.

- 4. Public health, safety, morals and general welfare will not be adversely affected.**

**Consistent** – The proposed project should not adversely affect the general welfare of nearby residents and businesses, provided protections are put in place to ensure that the proposed commercial uses do not have a negative impact on the adjacent areas.

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

**Consistent** – The proposed uses require 94 spaces. Per plans submitted by applicant the proposed project will provide 120 spaces, including the use of mechanical lifts.

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

**Consistent** - The proposed project is not expected to adversely affect surrounding values provided appropriate safeguards are put in place to mitigate any potential negative impacts.

**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.**

**Consistent** – The proposed uses for the project are permitted in the CD-3 zoning district. While there are other buildings over 50,000 SF, in the vicinity, adverse impacts are not expected from the geographic concentration of such uses if the impacts are properly controlled.

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

Pursuant to Section 118-192(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 it is located.**

**Consistent** – The applicant's operations plan provides characteristics of the proposed project. The project is generally compatible with the surrounding neighborhood, which consist primarily of hotel 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.**

**Partially Consistent**– The plans indicate that loading will take place from the required (5) five loading spaces contained within the building, and the operational plan includes hours of operation for deliveries. Plans will have to be revised to demonstrate compliance with the loading requirements prior to obtaining a building permit. Staff is recommending conditions relative to the servicing of the proposed uses. See delivery and Sanitation Analysis.

**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 and the CD-3 zoning district's allowable development. However the scale, massing, architecture and compatibility issues will be further discussed at Historic Preservation Board meeting.

Staff is recommending conditions to minimize potential adverse impacts.

- 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 120 spaces satisfies the parking requirements for the proposed development. The first floor provides access to the hotel drop-off area, two loading spaces and trash pick-up location, the second level has three loading spaces, 12 standard parking spaces including one accessible space, 54 mechanical parking lifts for a total of 120 spaces. See Parking Analysis.

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

**Consistent** – The plans indicate that the Hotel lobby at the ground floor will have a pedestrian access from 17<sup>th</sup> street. The ground floor commercial spaces are located directly along the Washington Avenue and 17<sup>th</sup> street frontages. These spaces will be directly accessed from the sidewalk, and the proposed restaurant will also have an access from the hotel lobby. Access to the parking spaces on the second floor is by valet only with the exception of the twelve (12) traditional self-parking spaces for the bank patrons. The valet is located on the ground floor at the Hotel drop-off area on the east side of the project.

- 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 proposes to provide 24 hour security. There will be hotel staff or security personnel available and cameras will be provided throughout the hotel in order to assist with security.

- 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** – Kimley Horn & Associates was retained by the applicant to conduct a traffic study. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. See the Memorandum from the Transportation Department for additional information.

- 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.**

**Partially Consistent** – The parking garage on the second floor has minimal openings to the hotel building on the south, however staff is concerned that the proposed screen on the east side is too transparent and could potentially let the sound and light escape from the cars using the mechanical lifts, impacting the hotels located on the east side of the property. See sound analysis.

The applicant does not anticipate any significant noise from the operation from trash pick-up and loading location as these operations are located internally on the first floor. The trash room is enclosed and air-conditioned.

**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** – Trash pick-up is proposed to occur via the trash and loading area contained within the proposed building with access to 17<sup>th</sup> street. Sanitation is limited to morning hours per operational plan and trash room is enclosed and air-conditioned. See the Delivery and Sanitation analysis.

**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** – The project, as a 83-foot tall, eight (8) story building, with limited ground floor commercial uses, would serve as an appropriate transition from the open space park on the west side and the other hotel buildings that primarily surround this area.

There are no residential uses adjacent to the site; therefore adverse impacts are not expected from the proposed project due to proximity to similar structures.

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

**Consistent** – The CD-3 zoning district allows the scale of development proposed. While there are other buildings of this scale in the surrounding vicinity, negative impacts from a cumulative effect are not expected.

**SECTION 130-38–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 130, and other provisions of these land development regulations, and requiring no variances from these provisions.**

**Consistent** – A schematic drawing showing the required parking in a traditional, non-mechanical means was submitted showing 120 parking spaces for the project on-site.

**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 off-street parking requirements.**

**Consistent** – A schematic drawing showing the required parking for the project by traditional and mechanical means was submitted showing 120 spaces. The mechanical parking version does not increase the amount of spaces and is located on the 2nd level of the building.

The non-mechanical schematic drawings have been reviewed by Planning Department staff and they appear to meet the requirements of the design standards of the City Code. Subject to this data being provided, the project may proceed to site plan approval based on the set of plans using mechanical parking.

The Planning Board shall also consider the following review criteria when considering each application for the use of mechanical parking systems:

- (a) **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. The proposed height of approximately 83 feet will require a variance to exceed the maximum height by 3 feet. When the project is reviewed by the Historic Preservation Board the scale, massing, architecture and compatibility issues of the project will be further scrutinized.

- (b) **Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood.**

**Consistent** – The proposed hotel project is a major improvement over the existing one-story structure and parking lot that currently exists on the subject site. The proposed use of mechanical parking appears to be compatible with design characteristics and with the surrounding neighborhood allowing the building to have one story less of parking than what would otherwise be required without the use of mechanical parking. Subsequent to approval by the Planning Board, the project will be reviewed by the HPB, where this aspect of the project would be further scrutinized.

- (c) **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 use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.

- (d) **Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view.**

**Consistent** – The proposed lifts would be located on the second floor and are screened from view from the exterior by decorative screening. It will be important at the time of building permit to verify that the proposed garage screening fully screens all visibility of the lifts from any point and at any height along the exterior of the premises. See sound analysis.

- (e) **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.**

**Not Applicable** – No multifamily units are proposed.

- (f) **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 building permit.

- (g) **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.**

The proposed ingress and egress for all vehicles would be from 17<sup>th</sup> Street. The traffic study, prepared by Kimley Horn & Associates and FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. See the attached Memorandum from the Transportation Department.

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

**Partially Consistent** – The LOI indicates the schedule of all operations except specifications on the mechanical systems and emergency procedures i.e. generator location and operation.

- (i) **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.**

**Consistent** – The primary uses of the project is a hotel, and ground floor retail. The accessory uses for the hotel such as bar lounge, and meeting rooms are in proportion to the scale of the hotel. The deliveries and trash removal for all the components of the project will be handled internally.

- (j) **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 residential uses. Notwithstanding, staff is recommending conditions to minimize any potential negative impacts.

- (k) **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.

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(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:

- (1) **A recycling or salvage plan for partial or total demolition shall be provided.**  
**Consistent.** A recycling plan will be provided as part of the submittal for a demolition permit to the building department.
- (2) **Windows that are proposed to be replaced shall be hurricane proof impact windows.**  
**Consistent.**
- (3) **Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**  
**Not Consistent.** Information was not provided regarding passive cooling systems.
- (4) **Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**  
**Consistent.** All new landscaping will consist of Florida friendly plants.
- (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.**  
**Consistent.** Per LOI, The applicant and its design team have discussed with staff and further considered sea level rise projections and modified elevations in response to the same. The proposed floor to floor dimension for the ground floor level is 18'-4", which will allow future flexibility in elevating the first floor slab to accommodate the future raising of streets and sidewalks.
- (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.**  
**Consistent.** The configuration of the driveways and ramps with the streets allows for the raising of the streets if necessary.
- (7) **Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**  
**Consistent.** All critical mechanical and electrical systems will be located above base flood elevation and on roofs when available.
- (8) **Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**  
**Not applicable.**
- (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.**  
**Consistent.** Dry flood proofing will be required for the ground floor as required by the City Code.
- (10) **Where feasible and appropriate, water retention systems shall be provided.**  
**Not Consistent.** The applicant did not provide information concerning water retention.



## **ANALYSIS**

The proposal consists of the demolition of the existing one-story structure (Citi Bank), drive-through and existing parking lot, and the construction of a new 8-story, mixed-use building with 150 hotel units, two restaurants (145 and 150 seats), a reception bar/lounge, 6,052 SF of commercial ground floor space including a new space for Citi Bank at the northwest corner of the site, a mechanical parking garage on the second level, an open courtyard on level 4 which contains an atrium garden, seating area and a water feature. At the roof top the applicant is proposing a restaurant with outdoor dining and a swimming pool and pool deck area.

Entertainment is not being proposed and the applicant submitted a revised Letter of Intent stating that the project requires a neighborhood impact establishment approval for the combined occupancy load of the two restaurants that exceeds an occupancy of 299. This application was not advertised for an NIE and staff has concluded that as proposed, an NIE is not required as the two restaurants are separate with independent access points, separate kitchens and are located on different levels. Should the operational layout of these establishments change in the future, in a manner exceeding NIE thresholds, an NIE application would be required at that time.

The square footage of the proposed project is approximately 156,494 SF as represented by the applicant. The proposed uses are permissible in the CD-3 zoning district and are compatible with the surrounding neighborhood. No outdoor entertainment establishment as defined by the City Code is part of this application. Staff concerns regarding the proposed landscaping will be incorporated in the staff recommendation for the Historic Preservation Board.

### **Traffic, Parking and Access**

The proposed ingress for all vehicles would be from 17<sup>th</sup> Street and egress from Washington avenue, including the valet station, passenger drop-off/pick up areas, two loading spaces, and a ramp which provides access to the second floor where conventional self-parking spaces for the walk-in bank, valeted mechanical lifts spaces, three loading spaces and one accessible parking are located. The proposed project will provide 120 spaces, which is consistent with the minimum parking requirements.

Based upon the revised traffic study submitted, the proposed project will create an additional 54 peak hour vehicle trips. The traffic study indicates that the average weighted time to retrieve each vehicle is about 4.2 minutes, and 9 valet attendants would be able to handle the peak hour trips.

For further information on the traffic study, please refer to the memo provide by the Transportation Department (attached).

### **Delivery and Sanitation**

The proposed project requires five (5) loading spaces pursuant to the Land Development Regulations. The plans depict two loading spaces on the ground floor and three loading spaces on the second floor, and the trash area that is fully contained inside of the building is located at the ground level on the west side of the property with access from 17<sup>th</sup> Street. Deliveries are proposed to be from 6:30 am to 8:00 am and waste collection between morning hours. Revised hours of operations for waste collection have been incorporated into the draft final order.

### **Sound**

The parking garage on the second floor has minimal openings to the hotel building on the south, however staff is concerned that the proposed screen on the second level along the east façade is too open and potentially this will allow sound and light transmission from the cars using the mechanical lifts, negatively affecting the hotels located on the east side of the property. Staff is recommending that a floor to ceiling wall shall be incorporated behind the proposed screen on the

east side, where the mechanical lifts spaces are proposed.

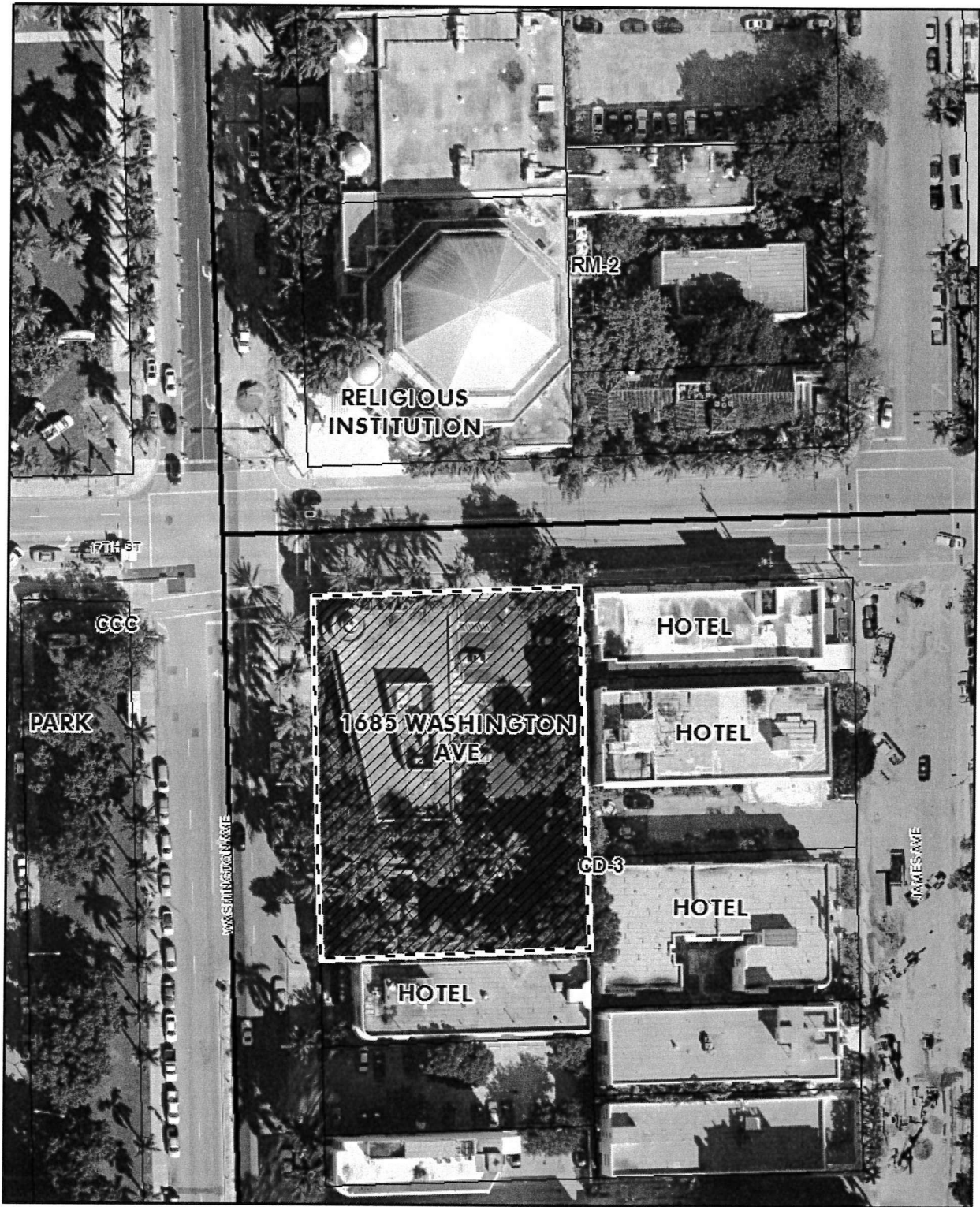
**RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the application for the Conditional Use Permit be approved, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Conditional Use Review Criteria.

TRM/MAB/AG

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**ZONING/SITE MAP**



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

**PROPERTY:** 1685 Washington Avenue

**FILE NO.** PB 18-0201

**IN RE:** The applicant, Sobe Center, LLC, requested Conditional Use approval for the construction of a new 8-story mixed-use development exceeding 50,000 square feet including a mechanical parking garage pursuant to Section 118, Article IV and Section 130, Article II of the City Code.

**LEGAL DESCRIPTION:** Lots 14, 15, 16 and 17 in Block 31 of Fisher's 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.

**MEETING DATE:** June 26, 2018

**MODIFIED CONDITIONAL USE PERMIT**

The applicant, Sobe Center, LLC, requested Conditional Use approval for the construction of a new 8-story mixed-use building exceeding 50,000 square feet, including a mechanical parking garage, pursuant to Chapter 118, Article IV, Chapter 142, Article II and Chapter 130, Article II 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 CD-3 – Commercial, High Intensity 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 the staff recommendations, that the Conditional Use Permit be GRANTED, as provided below:

1. This Conditional Use Permit is issued to Sobe, LLC, to construct a 8-story mixed-use building with commercial spaces on the ground floor including a parking garage. Any proposed change of use shall require the review and approval of the Planning Board.
2. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 180 days from the issuance of the BTR. The progress report shall include, but not be limited to, updated information on traffic conditions surrounding the site. 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).
3. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property applicants, operators, and all successors in interest and assigns. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest or equivalent, shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board, in advance, to affirm their understanding of the conditions listed herein.
4. The Planning Board shall retain the right to call the owner or operator back before them and make modifications to this Conditional Use Permit should there be valid complaints 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.
5. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, shall require the applicant to return to the Board for approval.
6. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
7. As part of the building permit plans for the project, the applicant shall submit revised architectural drawings, which shall be subject to the review and approval of staff; at a minimum, such plans shall satisfy the following:
  - a. At the second level on the east side, a floor to ceiling wall shall be incorporated behind the proposed screen where the mechanical lifts spaces are proposed, subject to the review and approval of staff.
  - b. The floor of the garage shall be designed and constructed to minimize tire noise, in a manner to be approved and certified by a qualified acoustic engineer, subject to the review and approval of staff.
  - c. A permanent generator sufficient to power the mechanical lifts or other means to allow mechanical lifts to be lowered and cars removed manually without the use of power shall be required, in a manner to be reviewed and approved by staff.
  - d. All existing overhead utilities abutting the subject site shall be placed underground at the sole expense of the applicant.

8. The following shall apply to the operation of the proposed parking garage:
  - a. There shall be 24-hour video surveillance of all portions of the parking garage.
  - b. Signs prohibiting tire-screeching and unnecessary horn-honking shall be posted at the garage entrance.
  - c. Signs to minimize vehicle conflict in the driveways in and out of the property shall be posted in appropriate locations.
  - d. All mechanical parking lifts must be inspected and certified as safe and in good working order by a licensed mechanical engineer at least once per year and the findings of the inspection shall be summarized in a report signed by the same licensed mechanical engineer or firm. Such report shall be furnished to the Planning Director and the Building Official.
  - e. All parking lifts shall be maintained and kept in good working order.
  - f. Parking operation shall be by valet attendants only, except the parking spaces for the bank. A contract with a valet operator shall be submitted to staff for review and approval prior to a final Certificate of Occupancy or Business Tax Receipt, whichever occurs first.
  - g. Any off-site valet operation use shall require the review and approval of the Planning Board as a modification to this Conditional Use Permit.
  
9. The Applicant agrees to the following operational conditions for all permitted and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment:
  - a. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
  - b. Adequate air-conditioned and noise baffled trash room space shall be provided, in a manner to be approved by the Planning staff. Doors shall remain closed and secured when not in active use.
  - c. Trash dumpster covers shall be closed at all times except when in active use.
  - d. Delivery trucks shall not be allowed to idle in the loading areas.
  - e. Delivery and trash trucks shall only be permitted to park in the designated loading bays.
  - f. Deliveries and trash pick-ups only may only take place between 6:30 AM and 12:00 PM on weekdays and no earlier than 8:00 AM on weekends.

- g. Outdoor entertainment as defined by the City Code shall not be permitted, unless approved by the Planning Board.
10. The applicant shall address the following Concurrency and Traffic requirements, as applicable:
  - a. A Method of Transportation (MOT) shall be submitted 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.
  - b. 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.
  - c. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs, if required, shall be paid prior to the issuance of any Building Permit.
  - d. The applicant shall coordinate with the Miami-Dade County Traffic Engineering Department and the City of Miami Beach to develop a strategy in order to provide modified and acceptable signal timing plans for the intersections at Pine Tree Drive and Arthur Godfrey Road within 90 days from the issuance of a BTR (Business Tax Receipt).
11. All new construction over 7,000 square feet or ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
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 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.
14. 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.
15. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

