

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

PROPERTY: 7116-7140 Collins Avenue and 7117-7145 Harding Avenue.

FILE NO. PB18-0192 f.k.a. PB16-0062

IN RE: The applicants, Collins and 72nd Developers, LLC, Casa Grande Shopping Center, LLC, and AHM Advisors, LLC, requested modifications to a previously issued Conditional Use approval for the construction of a new 11-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. Specifically, the applicants requested to expand the size of the previously approved hotel/residential tower, and associated changes to the site plan and parking garage.

LEGAL DESCRIPTION: Lots 1, 2, 3, 4, 9, 10, 11 and 12 in Block 8 of Normandy Beach South, according to the Plat thereof, as recorded in Plat Book 21, Page 54, of the Public Records of Miami- Dade County, Florida.

MEETING DATE: December 20, 2016, May 22, 2018

MODIFIED CONDITIONAL USE PERMIT

The applicant, Collins and 72nd Developers, LLC, Casa Grande Shopping Center, LLC, and AHM Advisors, LLC, requested modifications to a previously issued Conditional Use approval for the construction of a new 11-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. Specifically, the applicants are requesting to expand the size of the previously approved hotel/residential tower, and associated changes to the site plan and parking garage. 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 TC-1 town center core district.

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

The intended uses 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;

MB

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. Underlining denotes new language and ~~strikethrough~~ denotes stricken language from the previous Order dated December 20, 2016.:

1. This Conditional Use Permit is issued to Collins and 72nd Developers, LLC, Casa Grande Shopping Center, LLC, and AHM Advisors, LLC, to construct ~~a ten (10) an~~ eleven (11) story mixed-use hotel project, with retail space on the first floor, parking on the 2nd floor, and food and beverage areas located on the roof of the second floor (3rd level) and on the 8th level. Any proposed change to the uses approved in this Conditional 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 business tax receipt (BTR) for the hotel. When BTR's are issued for at least 75% of the building area, but no later than one (1) year from the issuance of the BTR for the proposed hotel use, the applicant shall appear before the Planning Board for a progress report specific to traffic, including providing a full revised traffic study outlining the actual transportation operations on-site and in the surrounding initial study area, and including valet operations and loading/servicing of the building.

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, may 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. All existing overhead utilities, excluding the high voltage transmission line, 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 security personnel of at least one person, on-site, monitoring the garage during all hours of operation.
 - 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. The parking lift platforms must be fully load bearing, and must be sealed and of a sufficient width and length to prevent dripping liquids or debris onto the vehicle below.
 - e. All free-standing mechanical parking lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage.
 - f. All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift.
 - g. The ceiling heights of any parking level with parking lifts within the parking garage shall be a minimum of 11 feet by six inches.
 - h. 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.
 - i. All parking lifts shall be maintained and kept in good working order.
 - j. Parking operation shall be by valet attendants only. 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.
 - k. A permanent generator sufficient to power the vehicular elevators shall be required, in a manner to be reviewed and approved by staff.
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. As proposed by the applicant, the project authorized by this Conditional Use Permit includes the creation and operation of the proposed outdoor bar and pool areas located on the roof of the second floor (3rd level) with the criteria listed below:
 - i. The outdoor rooftop venues shall close by 10:00 pm Sunday through Thursday and 12:00 am Friday and Saturday nights. The outdoor bar counters shall close by 8:00pm daily.
 - ii. Ground floor restaurants and cafes shall close by 2:00 am daily.
- b. Shared Bicycle Management Plan: A shared bicycle parking management plan shall be provided, including the provision that the hotel shall provide a minimum of 200 bicycles for the free use of hotel guests and employees, subject to the review and approval of staff
- c. Delivery trucks shall only be permitted to make deliveries from the designated loading spaces contained within the property.
- d. Delivery trucks shall not be allowed to idle in the loading areas.
- e. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
- e. Deliveries and waste collections may occur daily between 7:00 AM and 4:00 PM.
- f. 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.
- g. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.
- h. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that more than one pick up of garbage per day will not be necessary. A high-level trash/garbage compacting device shall be located in an air-conditioned trash/garbage holding room within the facility.
- i. Garbage dumpster covers shall be closed at all times except when in active use.

- j. Restaurant personnel shall take measures to enforce the Patron Age Restriction of the City Code during the hours of operation of all alcoholic beverage establishments.
 - k. No patrons shall be allowed to queue on public rights-of-way, or anywhere on the exterior premises of the subject property.
 - l. The owner/operator shall be responsible for maintaining the areas adjacent to the facility, including the sidewalk, and all areas around the perimeter of the property. These areas shall be kept free of trash, debris and odor, and shall be swept and hosed down at the end of each business day
 - m. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
 - n. Special Events are limited to six (6), one day events per year on the premises, subject to City Ordinances, rules or regulations existing at the time, and may exceed the occupancy loads specified herein, if permitted by the Fire Marshal, subject to the review and approval of staff.
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. A bicycle parking plan shall be submitted for staff review and approval prior to the issuance of a Business Tax Receipt.
 - e. Valet or loading activities shall not block Harding Avenue at any time.
 - f. A Signal Warrant Analysis and an All-Way Stop Warrant Analysis for the intersection at Harding Avenue/72nd Street Shall be conducted by the applicant. The warrant analyses shall include pedestrian warrants. Based on the findings and recommendations of the warrant analyses, the recommended intersection control for this intersection shall be funded by the Developer for implementation by the City of Miami Beach or Miami-Dade County Department of Transportation and Public Works. If the warrant studies determine that neither of the two intersection controls is warranted, the developer shall, at a minimum, fund the

installation of an enhanced north-south crosswalk at this intersection to improve pedestrian safety and connectivity consistent with the goals and objectives of the City's Adopted Transportation Master Plan.

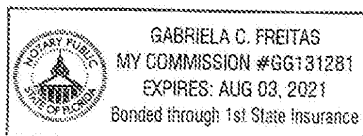
- g. A parking evaluation and occupancy study shall be performed three (3) months (but no later than six (6) months) after the issuance of a TCO for the hotel and at least 50% of the commercial uses are in operation. Based upon the evaluation, recommended measures identified in the parking evaluation shall be implemented. Such measures may include smart parking technologies, wayfinding to alternative parking locations, and incentives for retail patrons to utilize the valet services of the hotel, subject to the review and approval of the Transportation Department.
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.
16. 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.
17. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

Dated this 31st day of MAY, 2018.

MB

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDABY: Michael BelushMichael Belush, AICP
Chief of Planning and Zoning
For ChairmanSTATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 31st day of January, 2018, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

Notary: Gabriela C. FreitasPrint Name Gabriela C. Freitas

Notary Public, State of Florida

My Commission Expires: 8-3-21Commission Number: GG131281

{NOTARIAL SEAL}

Approved As To Form:
Legal Department [Signature] 12/29/18Filed with the Clerk of the Planning Board on Jessica G. [Signature] (5/31/18)

MB