

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: November 27, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 18-0221. 2318-2340 Collins Avenue.**

The applicant, North Bay Owner, LLC, is requesting Conditional Use approval for a commercial structure over 50,000 SF, and Conditional Use approval to include mechanical parking lifts in the project, pursuant to Chapter 118, Article IV, Chapter 130, Article II and Chapter 142, 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: See "Exhibit A"

Land Uses: See Zoning/Site map at the end of this report.

North: Hotel uses
South: Commercial uses
East: Residential and hotel uses
West: Industrial and commercial uses

Lot Size: 52,725 S.F. (Max FAR = 2.75)
Existing FAR: Not provided
Proposed FAR: 144,430 S.F. / 2.74 FAR, as represented by the applicant
Existing Height: ~16'-0" / 1-stories
Proposed Height: 78'-0" / 6-stories
Existing Use: Car rental/commercial parking lot
Proposed Use: Mixed-use office and commercial

Parking required: 304 spaces
Parking provided: 305 spaces
Loading spaces provided: 4
Loading spaces required: 4

THE PROJECT

The applicant has submitted revised plans entitled "2340 Collins Avenue", as prepared by Gensler, dated September 28, 2018.

The proposal consists of a new 6-story, mixed-use building with approximately 135,000 SF of office, 8,088 sq. ft. of ground floor commercial space, and a 305 space parking garage.

The proposal is scheduled to be considered by the Historic Preservation Board on December 11, 2018 (File No. HPB18-0239.)

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 exceed the maximum building height and to eliminate the commercial use required facing Liberty Avenue.

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 304 parking spaces. Per the plans submitted by applicant, the proposed project will provide 305 spaces, including mechanical lifts in 104 parking spaces which produces 208 of the total parking spaces (because each of the spaces hold two cars with one car lift.)

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 property, persons, and 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.**

Partially Consistent – The applicant's operations plan provides a broad outline of the operations of the proposed project. The LOI indicates "normal business hours" for the office and retail portions and proffered a 2:00 AM closing for any restaurant uses. There is also a proffer of not having any entertainment on the rooftop.

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 four (4) loading spaces contained within the building, and the operational plan includes hours of operation for deliveries. 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 305 parking spaces satisfies the parking requirements for the proposed development. The applicant proposes a 100% valet parking garage with the valet pick-up and drop-off contained on the 2nd Floor of the garage. The first floor provides some traditional parking spaces, four loading spaces, and a trash pick-up location. Additionally, a ride share drop off point has been proposed for the Liberty Avenue side of the building. A valet operations plan was prepared by Kimley Horn & Associates who was retained by the applicant. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. See the Memorandum from the Transportation Department and the Parking Analysis.

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

Partially Consistent – The plans indicate that the main lobby at the ground floor will open onto a pedestrian pass-through access that runs east and west from Collins Avenue to Liberty Avenue. The ground floor commercial spaces are located directly adjacent to an exterior breezeway that connects to the east west pedestrian walkway. Patrons arriving by car who expect to park have access to valet parking from the second floor from an elevator office or stairs. Staff has some concerns about pedestrian circulation along Liberty Avenue.

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.**

Not Consistent – The applicant states in the letter of intent (LOI) that the building owner will develop a security plan for the building and the garage at a future date, but did not proffer any tangible measures at this time.

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.**

Consistent – The parking garage has a landscaped decorative wall facing the hotel building on the north, staff is satisfied that the proposed screening could potentially prohibit sound and light escaping from the cars using the mechanical lifts, and impacting the hotel located on the north side of the property, as long as the landscaping is maintained. 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.

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 from Liberty Avenue. Sanitation is limited to the hours proffered in the 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's height and scale, with limited ground floor commercial uses, would serve as an appropriate transition from Collins Avenue on the east side and the other commercial buildings that primarily surround the building on the west.

As a main use office building, 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 304 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 304 parking spaces. The mechanical parking version does not increase the density or intensity.

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. 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 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 two stories 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 third and fourth parking floors and are screened from view from the exterior by a landscaped decorative screen. 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.

- (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 – Multifamily units are not 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.**

Consistent – The proposed ingress and egress for all vehicles would be from Liberty Avenue. The traffic study, prepared by Kimley Horn & Associates and a peer review by FTE, Inc. who was selected by the City and paid by the applicant. 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 does not indicate operational plans for the mechanical parking specifically, nor are there any noise specifications and emergency procedures i.e. generator location and operation. The applicant did provide the valet processing time associated with the retrieval of cars that are stored on the top part of the lift which is attached to the valet operations analysis.

- (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 an office building, and ground floor commercial. 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 – Negative impacts are not 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.
Not Satisfied

The applicant will be required to submit a plan for recycling prior to the approval of a building permit for the demolition of the structure.

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Satisfied
- (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.
Satisfied
- (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.
Satisfied
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Satisfied
- (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.
Satisfied
- (10) Where feasible and appropriate, water retention systems shall be provided.
Satisfied
To be determined at time of building permit.

ANALYSIS

The proposal consists of the demolition of an existing one-story structure (Avis Rent-a-Car) and parking lot, and the construction of a new 6-story, commercial building with offices on the upper floors and commercial uses on the ground floor including a new space for Avis Rent a Car at the northeast corner of the building. Additionally, the project includes a mechanical parking garage on the third and fourth parking 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 passive roof deck with greenspace and a trellis for shade. The applicant states in the operational plan that the roof will only be open to office tenants as a place to relax. Entertainment is not being proposed on the roof and any speakers will be

limited to ambient background music only.

The square footage of the proposed project is approximately 145,000 SF as represented by the applicant. The proposed uses are permissible in the CD-3 zoning district and are compatible with the surrounding neighborhood. Staff concerns regarding the proposed landscaping will be incorporated in the staff recommendation for the Historic Preservation Board.

Parking

The proposed 305 parking spaces satisfy the parking requirements for the proposed development. The applicant proposes a 100% valet parking garage with the valet pick-up and drop-off contained on the 2nd Floor of the garage. The first floor provides some traditional parking spaces and four loading spaces. On the third and fourth floor, the parking spaces include mechanical lifts in 104 of parking spaces which produces 208 of the total parking spaces (because each of the spaces hold two cars with one car lift.)

Access

The proposed ingress and egress for all vehicles would be from Liberty Avenue, which is a dead end street. While the valet station is located on the second floor and is completely contained within the building, a ride share drop off point has been proposed for the Liberty Avenue side of the building. The passenger drop-off/pick up area is proposed in an on-street area on Liberty Avenue, and it appears from the site plan submitted to be eliminating a portion of the existing sidewalk. The sidewalk on Liberty Avenue provides access to the hotel on the north side of the project and connects to the pedestrian bridge over the Dade Canal that connects the Collins Waterfront Local Historic District with the rest of South Beach.

The plans indicate that the main lobby at the ground floor will open onto a pedestrian pass-through access that runs east-west from Collins Avenue to Liberty Avenue. The ground floor commercial spaces are located directly adjacent to an exterior breezeway that connects to the east west pedestrian walkway. While staff is supportive of this new pedestrian connectivity from Collins Avenue to Liberty Avenue, we still have some concerns with the pedestrian circulation along Liberty Avenue. Any ride-share drop off and pick-up along Liberty Avenue, if approved by the Parking and Public Works Departments, should only occur within existing on-street parking areas; staff strongly recommends against any reduction of the sidewalk and expansion of the paved vehicular areas as indicated on the proposed site plan.

Staff has concerns with the lack of internal drop-off and pick-up. In this regard it is further recommended that the proposed locations of the parking stacks, as well as the loading spaces, be studied so as to allow for internal drop-off and pick-up. This may result in a reduction of the width of the east-west promenade, but will greatly improve circulation along Liberty Avenue.

Traffic

A valet operations plan was prepared by Kimley Horn & Associates who was retained by the applicant. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. 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 four (4) loading spaces pursuant to the Land Development Regulations (LDR'S.) The access to the four (4) loading spaces, from the site plan submitted, seems to maneuver over the city sidewalk. The conditions of the sidewalk and curb cuts on Liberty Ave will need to be studied further and coordinated with the Parking Department, Public Works, and the Planning Department. Deliveries and waste pick up are proposed to be from 7:00 AM to

7:00 PM, seven (7) days per week.

It should also be noted that staff has serious concerns with the proposal to line Liberty Avenue with back of house uses. In this regard, if the requested variances for eliminating required activation are not granted, the loading area will need to be re-studied.

Sound

The applicant has proffered to prohibit entertainment on the roof area. Recorded music, not exceeding ambient levels and not played by a DJ, musician, or any performer, is allowed. The applicant has further proffered to restrict the output of outdoor speakers with a private settlement agreement with the Roney Palace Condominium Association, which is mentioned in the operations agreement

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/TUI

ZONING/SITE MAP



0 35 70 140 210 280 350
Feet



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

PROPERTY: 2318-2340 Collins Avenue

FILE NO. PB 18-0221

IN RE: The applicant, North Bay Owner, LLC, requested Conditional Use approval for a commercial structure over 50,000 SF, and Conditional Use approval to include mechanical parking lifts in the project, pursuant to Chapter 118, Article IV, Chapter 130, Article II and Chapter 142, Article II of the City Code.

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

MEETING DATE: November 27, 2018

CONDITIONAL USE PERMIT

The applicant, North Bay Owner, LLC, requested Conditional Use approval for the construction of a 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 North Bay Owner, LLC, to construct a mixed-use office building with commercial spaces on the ground floor including a mechanical 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 the new owners or operators to submit an affidavit, approved by City, to the City of Miami Beach Planning Department transferring approval to the new owners and/or operators and acknowledging acceptance of all conditions established herein, prior to the issuance of a new Business Tax Receipt.
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. 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.
 - b. 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.
 - c. All existing overhead utilities abutting the subject site shall be placed underground at the sole expense of the applicant.

- d. Internal drop-off and pick-up areas shall be provided, subject to the review and approval of staff.
 - e. The widths of all public sidewalks along the perimeter of the site shall be maintained or widened.
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. 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 passenger drop-off/pick up proposed in an off-street area on Liberty Avenue shall not result in a reduction in width of the current sidewalk, and any new curb cuts and/or passenger drop-off/pick up areas on Liberty Ave shall be coordinated and approved by the Parking Department, Public Works, and the Planning Department.
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 7:00 AM and 7:00 AM, seven (7) days per week.
 - g. As proffered by the applicant, entertainment as defined by the City Code shall not be permitted anywhere on the property.
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.
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.

