

**MIAMI BEACH  
PLANNING DEPARTMENT**

Staff Report & Recommendation

**PLANNING BOARD**

TO: Chairperson and Members  
Planning Board

DATE: December 15, 2015

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **File No. 2301. 2301 - 2395 Collins Avenue – 1 Hotel**

The applicant SB Hotel owner, L.P., a Delaware Limited Partnership is requesting a Conditional Use Permit pursuant to Chapter 130, Article II, and Chapter 118, Article IV, of the City Code, for a mechanical parking system within the existing parking garage.

**RECOMMENDATION**

Approval with Conditions

**ZONING / SITE DATA**

Legal Description: See "Exhibit A" included in the application

Zoning: RM-3 Residential Multifamily High Intensity Zoning District

Lot Size: 346,701 Square Feet net approximately

**LAND USES**

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

Subject Site: Hotel/Residential

East: The Ocean  
North: Riviera Condominium  
South: The W Hotel  
West: Hotel, Office

**BACKGROUND**

On October 29, 2013, the Planning Board approved a Conditional Use Permit (CUP) for a mechanical lift parking system for the subject property. The timeframe to acquire a building permit pursuant to the CUP lapsed prior to the applicant obtaining the permit. The applicant must therefore reapply for a CUP in order to be able to install the mechanical lifts as was previously authorized.

There is a separate request for the Planning Board to consider the modification of a Conditional Use Permit to change the name of the owner/operator (PB File No. 1840).

**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.

- 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 applicant is not proposing to add any extra parking spaces or increase the intensity of the uses on the property.

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

**Consistent** - The project has an existing Conditional Use Permit. No changes other than the replacement of some conventional parking spaces with mechanical lifts is being proposed.

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

**Consistent** - The proposal should not adversely affect the public health, safety, morals and general welfare.

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

**Consistent** – All required parking will continue to be provided on site.

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

**Consistent** – The existing CUP provides safeguards. No changes other than the replacement of some conventional parking spaces with mechanical lifts is being proposed.

- 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.**

**Partially Consistent** – There is an existing Conditional Use Permit for this property. The proposal does not change the uses already approved.

**CONDITIONAL USE APPROVAL / MECHANICAL PARKING REVIEW CRITERIA**

Pursuant to Section 130-38(4) of the City Code, the Planning Board shall consider the following review criteria when considering each application for the use of mechanical parking systems:

- 1. Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood;**

No changes in the scale, bulk or massing of the existing structure is being proposed.

**2. Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood;**

The proposed use of mechanical lifts would enable the applicant to make design changes on the east side of the structure that would enhance the appearance of the structure along the oceanfront elevation. The applicant obtained approval on February 12, 2013 from the Historic Preservation Board for the renovation of portions of the property.

**3. Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking;**

The proposed mechanical lifts do not result in an increase in density or intensity over the existing conventional parking.

**4. Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view;**

All the parking lifts would be entirely enclosed within the structure and would not be visible from the exterior.

**5. In cases where mechanical parking lifts are used for self-parking in multi-family residential buildings; whether the proper restrictive covenant limiting the use of each lift to the same unit owner has been provided;**

The parking lifts would be used by valet attendants only.

**6. In cases where mechanical parking lifts are used for valet parking; whether the proper restrictive covenant stipulating that a valet service or operator shall be provided for such parking for so long as the use continues has been provided;**

The entire property is currently serviced by one valet operator and would continue to be after the installation of the proposed mechanical lifts.

**7. Whether a traffic study has been provided that details the ingress, egress and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way;**

The applicant commissioned Kimley Horn to perform a traffic analysis of the mechanical lift system operation and its technical requirements as part of the prior Conditional Use Permit approval that took place on October 29, 2013.

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

The proposed mechanical lifts will be used by the valet operator only to meet the needs of the hotel operations during customary hotel operation hours, as well as residential and

other uses.

9. **In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, are planned to address 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.**

The proposed mechanical parking lifts would not affect the hotel/residential operational aspects, such as deliveries or waste removal, and would not constitute a change in scale or intensity of the uses.

10. **Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.**

No adverse impacts are anticipated as a result of the proposed mechanical lifts.

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

There should not be a cumulative effect as a result of the proposed mechanical lifts.

#### **STAFF ANALYSIS**

The applicant is before the Board to request Conditional Use approval to install mechanical parking lifts in connection with the renovation and reconfiguration of the amenity areas on the property. The Planning Board previously approved this request on October 29, 2013.

The proposed use of mechanical lifts would enable the applicant to make design changes on the east side of the structure that would enhance the appearance of the property along the oceanfront elevation.

The applicant obtained Historic Preservation Board approval on February 12, 2013 (HPB 7344 and 7345 orders included in the application) for the partial demolition and reconstruction of portions of the property, including but not limited to, the port-cochere, the colonnade, the relocation of the existing restaurant space, the pool deck, and existing stairways.

The applicant is not proposing to increase the number of parking spaces or the density or intensity of the uses; and the bulk and massing of the structure would not be impacted by the proposed lifts. Of the 1,196 parking spaces in the garage only 212 spaces would use mechanical lifts. The mechanical lifts would be valet operated only. The applicant would continue to use one valet operator for all the valet needs on the property. The applicant has indicated that the mechanical lifts would be used mostly for the long-term storage of vehicles, such as those of unit owners who do not reside there year-round. As per the information provided by the traffic engineering consultant, it is not expected that traffic volumes generated by this proposed development will change as a result of the parking garage reconfiguration.

#### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that this application be approved, subject to the following conditions, which address any inconsistencies with the aforementioned Review Guidelines:

1. This Conditional Use Permit is issued to SB Hotel owner, L.P., as owner of the property. Any change of owner or operator or 50% (fifty percent) or more stock ownership 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 to affirm their understanding of the conditions listed herein.
2. Prior to the issuance of a building permit for the project, the applicant shall submit an operational plan and narrative for the parking and valet drop-off portions of the project, in a manner to be reviewed and approved by staff consistent with the instructions from the Planning Board and the Conditional Use criteria. At a minimum, such operational plan and narrative shall include the following:
  - a. The garage shall be in operation 24 hours per day, seven days a week, as proposed by the applicant. There shall be security personnel of at least one person on-site monitoring the garage operation 24 hours a day, seven days a week.
  - b. The structure, operation, procedures, maintenance, service response procedures, remote technical service team, local, on-site service team, and spare parts inventory shall be in accordance with manufacturer's specifications, and as detailed in the operations plan, as proposed by the applicant.
  - c. The mechanical lifts shall be maintained in accordance with the manufacturer's requirements. A designated person will be on the property to monitor the operation of the mechanical lifts.
  - d. An emergency procedure that includes a quick-response service contract with the mechanical lifts and manual operations service provider.
  - e. Generators shall be provided to assist with the operation of the mechanical lifts in the event of a power outage.
  - f. Repair personnel for the mechanical lifts shall be on call 24 hours per day seven days per week.
  - g. Warning signs prohibiting horn honking or car alarm sounding shall be posted prominently by the applicant or valet operator, and valet attendants shall be instructed to observe them strictly.
  - h. Valet storage of vehicles in the mechanical parking garage shall be exclusively for the hotel, residential and accessory uses.
  - i. A delivery and refuse plan, including all delivery access points and routes, as well as the location of all trash and refuse areas, shall be provided in a manner to be reviewed and approved by staff.
  - j. All valet drop-off and pick-up shall occur, as depicted in the submitted plans, as proposed by the applicant.
  - k. The number of valet attendants may vary from depending on demand, as determined by the valet operator.

3. As part of the Building Permit plans for the project, the applicant shall submit revised architectural drawings, in a manner to be reviewed and approved by staff consistent with the instructions from the Planning Board and the Conditional Use criteria; at a minimum, such plans shall satisfy the following:
  - a. The final details and plans for the proposed mechanical parking system shall be made part of the building permit plans for the project. Such plans shall comply with all applicable regulations and requirements of the City Code.
  - b. The applicant shall install any sound attenuating fixtures and/or devices that may be required, throughout the building and property, in order to minimize any spillover of sound to adjacent properties, which may be generated by the mechanical parking system, in a manner consistent with the requirements of the City Code and in a manner to be reviewed and approved by staff.
4. Pursuant to Section 130-251 of the City Code, a declaration of restrictive covenants, running with the land, and stipulating that a valet operator shall be provided for such parking for so long as the use continues, shall be provided by the applicant in a form acceptable to the City Attorney and the Planning Director, and recorded in the official records of Miami Dade County. Such covenant shall be fully executed and recorded prior to the issuance of a building permit.
5. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. 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).
6. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application for Conditional Use permit.
7. Any 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 of the modified plans.
8. The applicant shall address the following Concurrency and Parking requirements:
  - a. The applicant shall submit an MOT (Management of Traffic) 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 shall be paid prior to the project receiving any Building Permit.
  - d. A final determination for the required parking shall be conducted prior to the issuance of a Certificate of Occupancy or Business Tax Receipt, whichever comes first.
9. The applicant shall obtain a full building permit within 18 months from the date of the meeting at which the original CUP was issued, 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, in accordance with the requirements and procedures in the land Development Regulations.
  10. The applicant shall resolve all outstanding violations and fines on the property, if any, prior to the issuance of a building permit for the project.
  11. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, of the City Code.
  12. 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.
  13. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
  14. 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 City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the Code and such other enforcement procedures as are permitted by law. 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.
  15. 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.

TRM/MAB/RAM

**ZONING/SITE**



City of Miami Beach Planning Board  
 File No. 2215  
 1901 Alton Road

 The applicants, Talmudic College 4000 Alton Road, Inc. and M-4000 Alton Owner, LLC are requesting an amendment to the Land Development Regulations of the Code of the City of Miami Beach, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," SUBDIVISION IV, "RM-2 - RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY" SECTION 142-217, "AREA REQUIREMENTS," TO MODIFY AND INCREASE THE MAXIMUM BUILDING HEIGHT

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