

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. 2279 – 1718-1750 Alton Road - Hotel
CUP for a new hotel exceeding 50,000 square feet including a
mechanical parking garage and an accessory restaurant**

REQUEST

The applicant, Sobe Alton LLC, is requesting Conditional Use approval for the construction of a new hotel exceeding 50,000 square feet including a mechanical parking garage and an accessory restaurant, pursuant to Section 118, Article IV and Section 130, Article II.

RECOMMENDATION

Continue to January 26, 2016

ZONING / SITE DATA

Future Land Use: Medium Intensity Commercial Category (CD-2)

Zoning: CD-2 Commercial, Medium Intensity District

Legal Description: Lot 3 and 4, less the South 1 inch (0.08'), and all Lot 5, both in Block 17, FIRST ADDITION TO COMMERCIAL SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 6, Page 30, of the Public Records of Miami-Dade County, Florida.

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

North: Dade Canal/Commercial

South: Commercial

East: Commercial

West: Hotel (Under Construction)

Lot Size: 28,843 SF

Maximum FAR: 2.0 – 57,686 SF

Proposed FAR: 2.0 – 57,631 SF Total Area as represented by the applicant

Maximum Height: 50'-0"

Proposed Height: 53'-0" (Requires a Variance of 3')

Proposed Uses:

Hotel:	96 Units
Restaurant:	160 Seats
Parking:	59 Spaces

BACKGROUND

The proposal is scheduled to be presented to the Design Review Board for consideration on December 1, 2015 (DRB File No. 23213). The application includes a request for a Variance to exceed the maximum height limitation.

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 use is consistent with the City's Comprehensive Plan, as the CD-2 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 would not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan.**

Partially 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. TraffTech Engineering, Inc. 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.

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

Consistent – As currently proposed, the project is consistent with the applicable requirements of the Land Development Regulations of the City Code, with the exception of a Variance for an additional three (3) feet of height. The Variance will be considered by the Design Review Board. However, this shall not be considered final zoning review or approval. This and all zoning matters shall require final review and verification prior to the issuance of a Building Permit.

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

Consistent - The proposal is not expected to adversely affect the general welfare of nearby residents, since it is surrounding primarily by commercial uses. The proposal for mechanical lift parking will allow for parking of on-site parking of vehicles, as opposed to

relying on on-street or other nearby-by garage parking.

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

Consistent – The proposal would provide 59 parking spaces on site, which satisfies the minimum parking requirements for the proposed hotel and restaurant use pursuant to the regulations of Parking District 6. Pursuant to the requirements of Parking District 6, there are other public parking facilities located within 1,000 feet, which allows for a reduction in the minimum parking requirements for the proposed project because those facilities can serve patrons of the restaurant and hotel. However, in order to avail themselves of the reduction, the applicants must provide and maintain a shuttle service and an employee parking plan, which shall be subject to the review and approval of the Planning Department, prior to obtaining a building permit. See Parking and Access Analysis.

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

Consistent - The proposed project is not expected to adversely affect surrounding values; however, staff is recommending conditions to provide further safeguards.

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

Consistent – The proposed use is a typically permitted use in the CD-2 zoning district. The Conditional Use Permit is required because of the scale of building exceeds 50,000 square feet and as a result of the mechanical lift parking. Therefore, the proposed project is not expected to create any negative impact on the surrounding neighborhood due to a concentration of uses.

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 proposed uses are a 96-room hotel and 160-seat restaurant. The applicant's letter of intent indicates how the hotel and restaurant will operate. It indicates that operators have not yet been selected for the hotel and restaurant. However, it is expected that the hotel would be open 24-hours a day with three (3) shifts. The AM shift will be from 7:00 AM to 3:00 PM with approximately ten (10) employees, the PM shift will be from 3:00 PM to 11:00 PM with two (2) employees, and the Overnight shift will be from 11:00 PM to 7:00 AM with two (2) employees. It is expected that the restaurant

would be open during typical dining hours. The proposed uses are permissible in the CD-2 zoning district. The uses are compatible with the surrounding neighborhood. Significant negative impacts are not expected to the surrounding area since the proposed project is surrounded by commercial 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 show a trash collection area located off a central driveway contained within the building. In addition, the plans show two (2) loading spaces off the same driveway. The proposed project would require three (3) loading spaces. The letter of intent indicates that the applicant is working with the Parking Department to designate a street loading space for larger 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. There are several buildings, both built and under-construction, within the vicinity of a similar scale. 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.**

Partially Consistent – The proposed 59 spaces would satisfy required parking. In addition, the Traffic Study provides an analysis of valet parking operations.

- 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 there are entrances which should allow pedestrians entering the hotel to be able to access the lobby directly from the public sidewalk along Alton Road and from the vehicle drop-off area along Alton Court. Access to the restaurant will be directly from the sidewalk along Alton Road or from the Hotel Lobby. See Parking and Access Analysis.

- 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.**

Partially Consistent – The letter of intent indicates that there will be on-site security. Staff is recommending conditions to ensure the security of patrons and surrounding areas.

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.**

TrafTech Engineering, Inc. was retained by the applicant to conduct a traffic study. The FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review.

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 letter of intent indicates that parking, trash facilities, and the majority of the loading spaces are located within the structure, so the applicant does not anticipate any significant noise from these operations. Notwithstanding, staff is recommending conditions to help reduce any potential impact from noise.

9. **Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.**

Consistent – The letter of intent indicates that the applicant would contract with a waste collection company. Trash pick-up would occur via the trash and loading area contained within the building. It is indicated that trash pickup would occur 6-days a week between the hours of 7:00 AM and 9:00 AM. See 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 proposed structure is primarily surrounding by commercial uses, however it could create some negative impacts on the multi-family residential uses to the south. Staff is recommending conditions to minimize that potential.

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-2 zoning district permits development such as that proposed. While there are other hotels and restaurants in the surrounding vicinity, no negative impacts from a cumulative effect are expected.

REVIEW CRITERIA PURSUANT TO SECTION 130-38 (3) OF THE CITY CODE WHEN CONSIDERING AN APPLICATION FOR THE USE OF MECHANICAL 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 that includes 65 spaces (27 parking spaces on the ground floor and 38 parking spaces on the second floor), exceeding the minimum parking requirement.

- 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 by mechanical means was submitted that includes 59 spaces (3 (three) parking spaces on the ground floor and 56 parking spaces on the second floor), complying with the minimum parking requirement. This represents fewer spaces than the traditional non-mechanical means drawing. The mechanical parking version does not intensify the use.

The non-mechanical schematic drawings have been reviewed by planning staff and it has been concluded that they meet the requirements of the design standards of the City Code. Henceforth, the project may proceed to site plan approval based on the second set of plans, using mechanical parking. The allowable hotel units and restaurant seats for the proposed project will not exceed that which would have been permitted using the number of parking spaces noted on the set of plans using traditional parking.

PLANNING BOARD MECHANICAL PARKING REVIEW CRITERIA

The Planning Board shall consider the following review criteria when considering each application for the use of mechanical parking devices, robotic parking systems and/or vehicle elevators:

- (a) Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood;**

Consistent – The mechanical parking system does not significantly alter the scale of the project compared to a traditional parking system. The scale of the project is compatible with the existing character of the surrounding neighborhood which contains other buildings of a similar or larger scale.

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

Consistent – The use of mechanical parking on the second level allows for improved pedestrian access to the site from the ground floor along Alton Road. In addition, it allows for additional active space along the Alton Road frontage. This will assist in activating Alton Road and create a much more context sensitive and harmonious relationship with the surrounding area.

- (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 garage does not result in an increase in density or intensity over that which is currently permitted with conventional parking as shown by the two submitted schematics provided by the applicant.

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

Consistent – The proposed parking lifts are entirely enclosed within the structure and will not be visible from the exterior.

- (e) **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;**

Not applicable – This is not a multi-family residential building.

- (f) **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;**

Partially Consistent – The applicant indicated that valet parking is being provided for hotel guests and that a restrictive covenant will be provided. Staff is recommending conditions to ensure that the service continues as long as the mechanical parking remains in place, and that appropriate operations plans be provided.

- (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;**

Partially Consistent – TrafTech Engineering, Inc. was retained by the applicant to conduct a traffic study that addresses the operations of the parking facility. The FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review.

- (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 letter of intent indicates that an operations plan will be provided. Staff is recommending conditions to ensure that the parking garage would be operational 24 hours a day, 7 days a week, that inspections and maintenance will occur at least twice per year, that building staff be trained in emergency procedures, and letter that generators be provided for emergency power outages.

- (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, 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.**

Consistent – The site plan indicates the location of loading and trash areas. The letter of intent indicates hours for refuse removal. The loading and trash areas are internal to the building so negative impacts to the surrounding area should be minimal.

(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 scale of the proposed building is similar to the scale of surrounding buildings. Adverse impacts are not expected as a result of the scale of the structure.

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

Consistent – There should not be a cumulative effect from the proposed facility.

ANALYSIS

The applicant is requesting a Conditional Use Permit for the construction of a new hotel exceeding 50,000 square feet including a mechanical parking garage and an accessory restaurant. The site formerly contained a Boston Market restaurant which will be demolished. The applicant is proposing to unify the site with the adjacent commercial site to the south in order to transfer floor area to this project. Presently there is a 5-story Marriot hotel under construction immediately to the west of the site.

The building is proposed to be 5-stories with a rooftop pool deck. The proposed hotel would contain 96 units. The proposed restaurant would be located primarily on the ground floor, with a small dining and bar area on the second floor. The restaurant would contain 160 seats, of which 44 are located on the exterior facing the Dade Canal. The parking for the building is located primarily on the second floor.

Traffic and Circulation

The applicant's traffic engineer submitted a Memorandum to the City's peer review on December 1, 2015. The review of the latest memorandum is incomplete.

Parking and Access

The proposed project is located in Parking District 6, which contains several reductions for required parking in order to encourage alternative modes of transportation. The proposed garage contains 59 parking spaces, which complies with the minimum parking requirements. Reductions are being provided for providing two carpool spaces on the ground floor, for being located within 1,000 feet of a central public parking facility, and for providing bicycle facilities [10 long-term bike racks, 20 short-term bike racks, and two (2) shower facilities]. According to the requirements of Parking District 6, in order to take advantage of the reduction due to being located in proximity to a central public parking facility, an employee parking plan must be provided, and a shuttle service must be maintained.

The plans provided by the applicant indicate that there are two (2) carpool spaces and one ADA accessible space on the ground floor adjacent to a one-way access corridor from Alton Road towards Alton Court. This corridor leads to a drop-off area. Access to the upper level from the garage is through a ramp that is accessed from Alton Court. The upper level of the garage contains 28 spaces with mechanical lifts for a total of 56 spaces.

Delivery and Sanitation

The plans show a trash collection area located off a central driveway contained within the building. In addition, the plans show two (2) loading spaces off the same driveway. The proposed project would require three (3) loading spaces. The letter of intent indicates that the applicant is working with the Parking Department to designate a street loading space for larger deliveries. Staff is recommending conditions relative to the servicing of the proposed uses.

Trash pick-up would occur via the trash and loading area contained within the building. It is indicated that trash pickup would occur 6-days a week between the hours of 7:00 AM and 9:00 AM. Staff is recommending conditions to ensure that sanitation issues do not affect surrounding areas.

Noise

Since the proposed parking lifts would be located completely within the interior of the structure, a sound study was not deemed necessary. Nevertheless, staff is recommending conditions to mitigate any potential impact on the neighbors.

The plans indicate the project will have outdoor seating areas in the rear of the property along the Dade Canal for the restaurant. The plans also indicate that there is a rooftop pool deck. Staff is recommending conditions to ensure that excessive noise does not emanate from those areas.

CONCLUSION

Staff is generally supportive of the application as it complies with one of the original intentions of the mechanical parking Ordinance. Staff believes the overall project will enhance the quality and character of the surrounding area. Staff has noted a few minor concerns in the recommendation, which can be addressed.

Notwithstanding general, overall support for the larger project, staff does have a concern with the completeness of the Traffic Study. In this regard, as of this writing, a review of the most recent traffic information submitted by the applicant to the City's Peer Reviewer has not yet been completed. As such, staff is not comfortable recommending a full approval at this time, and would suggest that the application, or the traffic study portion, be continued to January 26, 2016. If the Planning Board determines that the traffic information is sufficiently addressed based on the testimony provided at the hearing, and approves the application, staff recommends that any such approval include the conditions below.

STAFF RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application be continued to a date certain of January 26, 2016. However, should the Planning Board approve the application, staff recommends that it be approved subject to the following conditions:

1. This Conditional Use Permit is issued to Sobe Alton LLC, as the applicant and owner of the property. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest, or the 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 to affirm their understanding of the conditions listed herein. This shall not apply to owners of individual residential condominium units.

2. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
3. The subject parking garage shall consist of the necessary parking as required by the Land Development Regulations. Prior to the issuance of a building permit for the project, the applicant shall submit an operational plan and narrative for the operation of the mechanical parking system and the parking garage area as a whole. This operational plan and narrative shall be subject to the review and approval of staff and, at a minimum, shall satisfy the following:
 - a) That the garage shall be in operation 24 hours per day, seven days a week, as proposed by the applicant.
 - b) There shall be security personnel of at least one person, on-site, monitoring the garage during all hours of operation.
 - c) The structure, operation, procedures, maintenance, service response procedures, emergency response procedures, remote technical service team, on-site service team, and spare parts inventory shall be in accordance with manufacturer's specifications, and as detailed in the operations plan.
 - d) The facility shall maintain adequate backup generators sufficient to power the vehicle lifts. The generators shall be maintained in proper operating condition. The location of the generators shall be as indicated in the submitted site plan. The generators shall be installed in accordance with Code requirements regarding minimum flood plain criteria.
 - e) Warning signs prohibiting horn honking or car alarm sounding shall be posted prominently in a location, subject to the review and approval of staff.
 - f) Parking in the second level of the garage shall only be permitted exclusively through valet service as long as the mechanical parking is in place.
 - g) The applicant shall provide a restrictive covenant, form approved by the City Attorney, indicating that valet parking service shall be provided as long as the mechanical parking is in place.
 - h) The facility shall maintain sufficient valet runners to ensure that there is no queuing of vehicles on the public right of way.
 - i) An employee parking plan shall be provided prior to obtaining a Building Permit, in a manner to be reviewed and approved by staff.
 - j) A shuttle service shall be provided and maintained as long as the hotel use and restaurant uses exist.
 - k) Two carpool parking spaces shall be provided as indicated in the plans submitted by the applicant.

4. The following shall apply to the operation of the entire facility:
- 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) Prior to obtaining a building permit, the plans shall be revised in order to comply with the minimum loading requirements pursuant to the Land Development Regulations.
 - e) Delivery trucks shall not be allowed to idle in the loading areas.
 - f) Delivery trucks shall only be permitted to park in the designated loading bays or in designated as indicated in the plans provided by the applicant, or in designated on-street loading areas as approved by the Parking Department.
 - g) Trash pick-ups only shall take place between 7:00 AM and 9:00 AM.
 - h) Use of the rooftop pool deck shall be limited to the exclusive use of hotel guests.
 - i) The pool deck shall be closed to hotel guests between the hours of 10:00 PM and 7:00 AM.
 - j) Except as may be required for security, fire or building code/Life Safety Code purposes, no speakers shall be affixed to or otherwise located on the exterior of the building shall be played volume at a volume that is plainly audible from other properties and which interferes with normal conversation.
 - k) Except as may be required for security, fire or building code/Life Safety Code purposes, no speakers affixed to or otherwise located on the exterior of the building above the ground floor may be played between the hours of 8:00 PM and 9:00 AM
 - l) Except as may be required for security, fire or building code/Life Safety Code purposes, no speakers affixed to or otherwise located on the exterior of the building on the ground floor may be played between the hours of 11:00 PM and 9:00 AM
5. Prior to the issuance of any Building Permit for the project, the applicant shall address the following Concurrency, Traffic and Parking requirements:

- a) Prior to obtaining a building permit, the applicant shall submit a revised traffic report that addresses the deficiencies the project will create by exceeding the existing storage at all applicable turn lanes.
- b) The applicant shall coordinate with the Miami-Dade County Traffic Engineering Department and the City of Miami Beach to develop a strategy to provide modified and acceptable signal timing plans for the intersections of Alton Road with Dade Boulevard and 17th Street within 90 days from the issuance of a BTR (Business Tax Receipt).
- c) The applicant shall provide additional background traffic information prior to obtaining a building permit as may be required by the City's Peer Review (FTE, Inc.). This may include, but shall not be limited to, information used and provided for adjacent developments, as well as other developments in the area that were not included within the analysis.
- d) In order to encourage non-automobile modes of transportation, the hotel shall provide information relative to public transportation and bike share options in an informational kiosk in the hotel lobby that is visible to guests.
- e) A mountable curb shall be utilized for vehicles to enter the building to improve pedestrian flow along Alton Road, in a manner to be reviewed and approved by staff.
- f) The plans shall be revised to indicate that the access proposed at the shared driveway coincides with the approval for the adjacent development.
- g) A Method of Transportation (MOT), as applicable, 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.
- h) If applicable, 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.
- i) 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.
- j) Prior to the issuance of a Building Permit, calculations for required parking for the project shall be determined by the Planning Department. 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. If required, a one-time fee in lieu of providing the required parking on site or in combination with an annual fee, as determined by staff, shall be paid prior to the issuance of the Certificate of Occupancy.

- k) The applicant shall coordinate with Parking Department to designate an on-street loading area prior to obtaining a BTR.
6. 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 final details and plans for the proposed mechanical parking system shall be made part of the building permit plans for the project and shall be subject to the review and approval of staff. Such plans shall comply with all applicable regulations and requirements of the City Code.
 - b) The applicant shall install any sound attenuating design devices that may be required, throughout the 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 subject to the review and approval of staff.
7. The Planning Board shall retain the right to call the owner or operator, both now and in the future, back before the Board and modify this Conditional Use should there be valid complaints or violations (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise, as related to the Mechanical Parking System, as well as the entire parking operation as a whole.
8. The applicant, operator and/or owner, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Order.
9. 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 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).
10. 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. Any substantial modifications to the plans submitted and approved as part of this application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans.
11. 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.
12. 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.

13. 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.
14. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
15. 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.
16. 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

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ZONING SITE MAP



City of Miami Beach Planning Board
 File No. 2279
 1750 Alton Road



The applicant, Sobe Alton LLO, is requesting Conditional Use approval for the construction of a new hotel exceeding 50,000 square feet including a mechanical parking garage and an accessory restaurant, pursuant to Section 118, Article IV and Section 130, Article II.

MIAMI BEACH
 PLANNING DEPARTMENT

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