

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

**PROPERTY:** 1718-1750 Alton Road

**FILE NO.** 2279

**IN RE:** The applicant, Sobe Alton LLC, requested 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.

**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.

**MEETING DATE:** December 15, 2015

**CONDITIONAL USE PERMIT**

The applicant, Sobe Alton LLC, filed an application with the Planning Director pursuant to Chapter 130, Article III 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-2 Commercial, Medium Intensity District.

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That the intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

That structures and uses associated with the request are consistent with the Land Development Regulations;

That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

**IT IS THEREFORE ORDERED**, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendations, that the Conditional Use Permit be GRANTED, as provided below:

1. This Conditional Use Permit is issued to Sobe 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, unless a variance is granted by the Design Review Board regarding the number of loading spaces.
  - 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 and their invitees.
  - i) The pool deck shall be closed to between the hours of midnight 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
  - m) No portion of Alton Road shall be closed or blocked for construction at any time.
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 17<sup>th</sup> 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.

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- 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.
- Approximately 6 months after the issuance of a BTR for the hotel, the applicant shall appear before the Planning Board for a progress report specific to traffic, including providing a full revised traffic study outlining the actual transportation operations on-site and in the surrounding initial study area, and including valet operations and loading/servicing of the building.
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.

Dated this 11<sup>th</sup> day of AUGUST, 2016.

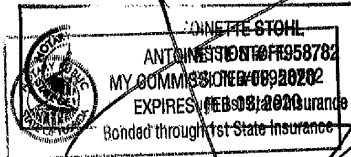
PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush  
Michael Belush, Planning and Zoning Manager  
For Chairman

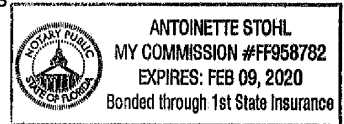
STATE OF FLORIDA       )  
COUNTY OF MIAMI-DADE )

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The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of AUGUST, 2016, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



Notary: Antoinette Stohl  
Print Name ANTOINETTE STOHL  
Notary Public, State of Florida  
My Commission Expires:  
Commission Number:



{NOTARIAL SEAL}

Approved As To Form:  
Legal Department

Filed with the Clerk of the Planning Board on AUGUST 11, 2016

**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: March 1, 2016

FILE NO: 23213

PROPERTY: 1750 Alton Road

APPLICANT: SOBE Alton LLC

LEGAL: Lots 3 and 4, less the South one inch (0.08') and all of Lot 5 of Block 17 of the "First Addition to Commercial Subdivision", according to Plat thereof as recorded in Plat Book 6, Page 115, of the Public Records of Miami-Dade County,.

IN RE: The Application for Design Review Board approval for the construction of a new five-story hotel including variances to exceed the maximum building height, a variance to reduce the number of required loading spaces, a variance to eliminate the residential or commercial use requirement for all floors of a building containing parking spaces at the ground level along every facade facing a street, and to reduce the required tower rear setback for residential uses.

**ORDER**

The City of Miami Beach Design Review Board 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 record for this matter:

**I. Design Review**

A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not a individually designated historic site.

B. Based on the plans and documents submitted with the application, testimony and



information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 1-10, 13, and 17 contained in Section 118-251 of the Miami Beach Code.

C. The project would be consistent with the criteria and requirements contained in section 118-251 if the following conditions are met:

1. Revised elevation, site plan and floor plan drawings for the proposed commercial building at 1750 Alton Road shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. The first level facing Alton Road shall be modified in a manner that incorporates a more architecturally distinguished vehicular entrance further differentiated from the rest of the façade along the entire East elevation.
  - b. The north setback shall be increased to 13'-0" for that portion of the building presented as the hotel lobby when measured from the north property line and increased to 15'-0" from the north property line eastward of the lobby for the restaurant portion of the site plan in order to provide a more uniform Canal Walk, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. The lobby area shall not be increased in frontage or area along the Canal.
  - c. Projections into the north setback shall be reduced to be no greater than 25% of setback provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - d. The ground floor shall be raised and the entrance shall be redesigned in a manner that allows for the changes in elevation along the north property line, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - e. All window frames shall be composed of brushed anodized aluminum frames. All windows shall consist of clear glass and incorporate the minimum tint required by the energy code, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - f. Final details of all exterior surface finishes and materials shall be required, including the aluminum cladding on the architectural frame, Prodema wood cladding and architectural ceramic tile wall finishes, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - g. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, if parallel to the exterior wall, shall be setback a minimum of ten (10') feet from the exterior walls of the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. This shall not prohibit

substantially transparent fixtures for display purposes; however, shelving, partitions, and checkout counters, or similar objects, shall not be permitted to be flush to the exterior walls of the building facing Alton Road and the Canal Walk.

- h. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding area. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights of way or adjacent properties shall be permitted.
- i. Any future kitchen ventilation shall be chased through the interior of the building to the roof. No exhaust ducts or vents shall be permitted on any building elevations.
- j. All internal garage lighting shall be shielded to buffer views of all direct light sources from outside of the structure, as well as on the roof deck, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- k. All rooftop lighting shall consist of a lighting fixture that is affixed to, and no higher than, the rooftop parapet wall. All roof-top lighting fixtures shall be designed to preclude light from spilling over to adjacent properties, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- l. All exterior handrails and support posts shall incorporate a flat profile. The final design details, dimensions material and color of all exterior handrails shall be made part of the building permit plans and shall be subject to the review and approval of staff.
- m. The interior walls of the first level of the parking garage entrance, ramps and loading areas, shall be fully detailed on revised plans. Such interior areas shall consist of high quality, non-stucco surface materials which have a well finished appearance commensurate with the primary façade of the building, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- n. All building signage shall require a separate permit. A uniform sign plan for the new building shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- o. Final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.

- p. A fully enclosed, air-conditioned trash room shall be provided, which is sufficient to handle the maximum uses intended for the proposed structure. External dumpsters shall not be permitted.
  - q. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
  - r. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
  - b. The proposed "Gumbo Limbo" trees along the Collins Canal Walk shall be replaced by "Green Buttonwood" trees to provide a continuous and consistent tree canopy along this stretch of the Canal, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - c. All proposed planters shall be built-in planters with irrigation systems in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - d. Pavers and concrete banding shall be utilized for the entire entry drive and loading zone area, including alternate colors of concrete banding in place of painted striping, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - e. The applicant shall install an additional six (6) bicycle racks to be distributed along Alton Road subject to review and approval of FDOT and the Public Works and Planning Department, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - f. The applicant shall install an additional six bicycle racks on the ground floor at the northeast portion of the site, proximate to the entry vestibule and northernmost elevator, in a manner to be reviewed and approved by staff



consistent with the Design Review Criteria and/or the directions from the Board.

- g. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- h. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- i. Silva Cells, if technically feasible, shall be used along Alton Road and the Canal Walk for all plantings and clearly delineated on a revised landscape plan.
- j. The applicant shall install street trees on all sides of the project consistent with the City's Street Tree Master Plan, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board, and root barriers shall be installed along the sidewalk in conjunction with structural soils.
- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- l. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- m. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

## II. Variance(s)

A. The applicant filed an application with the Planning Department for the following variance(s):

1. ~~A variance to exceed by 3'-0" the maximum permitted height of 50'-0" as measured from the finish floor in order to construct a new five-story hotel to measure up to 53'-0" in height when measured from the finish floor (7.25' NGVD).~~
2. A variance to reduce by 7'-6" the minimum required rear tower setback of 22'-6" in order to construct a five-story residential building at 15'-0" from the rear (west) property line.
3. A variance to eliminate the residential or commercial use requirement for all floors of a building containing parking spaces at every level along every facade facing a street.
4. A variance to reduce by one (1) the minimum required off-street loading spaces of three (3), in order to construct a new 5-story mixed-use building with two (2) loading spaces on the premises.

B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

C. The Board hereby grants the requested variance and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. 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, even if the modifications do not affect variances approved by the Board.
2. Revised plans shall be submitted to clearly indicate the area counted in the required parking calculations.
3. If the street loading space cannot be approved due to conflict with Fire the application will be required to come back to the Board for a modification of the variance request and/or provide the loading on site.

**The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.**

**III. General Terms and Conditions applying to both 'I. Design Review Approval' and 'II. Variances' noted above.**

- A. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- B. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
- C. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff based upon the design review or appropriateness criteria, and/or directions received from the Board.
- D. Vacant or unoccupied structures shall provide recent photographic evidence that the site and structure are secured and maintained. The applicant shall obtain and post a No Trespassing Sign obtained from the City's Police Department.
- E. 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.

- F. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- I. The Final 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.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. 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.

IT IS HEREBY 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 are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the **application** is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "1750 Alton Hotel", as prepared by **Kobi Karp Architecture**, signed, sealed and dated January 06, 2016, and as approved by the Design Review Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting



date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this Order shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this 3<sup>rd</sup> day of March, 2016.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: 

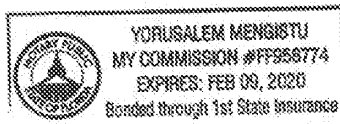
DEBORAH J. TACKETT  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

STATE OF FLORIDA )

)SS

COUNTY OF MIAMI-DADE )

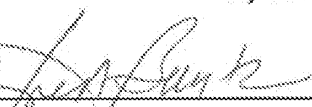
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



  
NOTARY PUBLIC

Miami-Dade County, Florida

My commission expires: 2-9-20

Approved As To Form: 

City Attorney's Office: (3/2/2016)

Filed with the Clerk of the Design Review Board on  (3-3-16)

