

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: September 24, 2024

FROM: Thomas R. Mooney, AICP
Planning Director



for TRM

SUBJECT: **PB24-0705, 1901 Collins Avenue.**

An application has been filed requesting conditional use approval for mechanical parking, pursuant to Chapter 2, Article V, Section 2.5.2; and Chapter 5, Article 2, Section 5.2.11.f of the Miami Beach Resiliency Code.

RECOMMENDATION

Approval with conditions.

BACKGROUND

On May 10, 2022, the Historic Preservation Board approved the partial demolition and renovation of two buildings on the site, the total demolition of two buildings, the construction of two new additions and landscape and hardscape modifications.

ZONING/SITE DATA

Legal Description:	See exhibit "A" at the end of this report
Zoning District:	RM-3 Residential Multi-Family, High Intensity District
Future Land Use Designation:	RM-3 High Density Multi-Family Residential
Surrounding Uses:	

North:	Mixed Use Development (Hotel/Commercial)
South:	Mixed Use Development (Hotel/Commercial)
West:	Hotel
East:	Ocean

Lot Size:	125,452.8 SF
Maximum FAR:	3.00 – 395,173 SF
Proposed FAR:	2.99 – 393,846 SF

THE PROJECT

The applicant, Shore Club Land Trust, Trustee: Shore Club Trustee LLC c/o The Witkoff Group LLC, has submitted plans entitled "The Shore Club," prepared by Kobi Karp, dated July 28th, 2024. The existing structures on the Property have been vacant since 2020. The property is currently undergoing construction, which includes demolishing an existing "Non-Contributing" building and preparing the site for a previously approved renovation project.

The applicant is requesting conditional use approval for a relatively small mechanical parking garage component. The property contains two contributing hotel structures and multiple later additions. The Historic Preservation Board approved a new residential tower addition at the center

of the site and the entirety of the 1949 south wing of the Shore Club Hotel and the 8-story 1955 Grossman addition are proposed to be retained and restored. Additionally, the residential tower addition has been reconfigured to maintain the Grossman addition including a reduction of the floor area and width and an increase in length.

The approved project includes up to 80 residential units and 110 hotel units, representing a substantial decrease in hotel density compared to the previous operator. Currently, the project is planned to include 49 residential units and 76 hotel units. The applicant plans to proceed with these numbers but retains the option to increase the unit counts to the maximum limits specified in the approved project.

Due to the risk of constructing a large subterranean parking level underneath the contributing structures, the applicant has significantly reduced the size of the basement. The applicant plans to provide 100 parking spaces at 237 20th Street/2000 Collins Avenue to partially meet the project's parking needs, in line with Section 5.2.8 of the Resiliency Code. Additionally, they will participate in the Fee in Lieu of Parking Program as outlined in Section 5.4.1 of the Resiliency Code. Within the revised subterranean level, the applicant proposes twelve parking spaces, including seven managed by a mechanical "puzzle" system, four tandem spaces, and one ADA-compliant space.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

Conditional Uses may be approved in accordance with the procedures and standards set forth in the Miami Beach Resiliency Code Chapter 2, Article V, Section 2.5.2.2.a, Section 2.5.2.2.b and Chapter 7, Article V, Section 7.5.5.4.

- 1. The use shall be 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. The RM-3 future land use category allows for the proposed uses either as a main permitted use or a conditional use.

- 2. The intended use or construction shall not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan.**

Consistent – The proposal should not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan, as it is within the intensity limits provided for the RM-3 future land use category.

- 3. Structures and uses associated with the request shall be consistent with these land development regulations.**

Consistent – This comment 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. The public health, safety, morals and general welfare shall not be adversely affected.**

Consistent – The proposed project may adversely affect the general welfare of nearby residents if impacts are not controlled. Staff has recommended conditions to ensure that the public's general welfare is not adversely affected. The facility would have to comply with all applicable laws and regulations for licensure.

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

Consistent – The development is proposing 12 off-street vehicle parking spaces, in which 7 will be controlled by a mechanical parking system and four will be tandem spaces. The remaining 100 parking spaces will be located at 237 20th Street/2000 Collins Avenue and will participate in the Fee in Lieu of Parking Program.

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

Consistent – Staff is recommending conditions to mitigate any adverse impacts and other issues on the surrounding neighborhood.

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

Consistent – There are various mixed used developments in the area, and adverse impacts are not expected from the geographic concentration of such uses if properly controlled.

8. The structure and site comply with the sea level rise and resiliency review criteria in Chapter 7, Article I, as applicable.

Consistent – The proposed design complies with the sea level rise and resiliency criteria as detailed below.

9. Appropriate consideration is given to the safety of and friendliness to pedestrian traffic; passageways through alleys is encouraged where feasible and driveways shall be minimized to the extent possible.

Consistent – The Project ensures pedestrian safety and friendliness as the existing located on Collins Avenue as well as 20th Street and is of sufficient width.

CHAPTER 5, ARTICLE II SECTION 5.2.11.b.3.A – MECHANICAL AND ROBOTIC PARKING SYSTEMS

Projects proposing to use mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements shall prepare schematic floor plans prior to site plan review by the applicable land use board. Two sets of schematic floor plans shall be required:

- 1. One set of schematic plans sufficient to show the proposed development project with accessory off-street parking requirements satisfied by traditional, non-mechanical means, meeting all aspects of the design standards for parking spaces required in Article III of Chapter 5, and other provisions of these land development regulations,**

and requiring no variances from these provisions.

Consistent – Schematic drawings showing the parking in a traditional, non-mechanical means was submitted showing 75 parking spaces for the project on-site.

2. **A second set of schematic plans, sufficient to show the same proposed development project, utilizing mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory and main use off-street parking requirements.**

Consistent – A schematic drawing showing the parking for the project by mechanical means was submitted showing 12 spaces at the basement level including 7 mechanical parking. This is consistent with the City Resiliency Code.

CHAPTER 5, ARTICLE II SECTION 5.2.11.e – PLANNING BOARD MECHANICAL PARKING REVIEW CRITERIA

The Planning Board shall also 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.**

Consistent – The scale of the project is generally compatible with the surrounding area and issues of scale and compatibility have been addressed by the HPB.

2. **Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood and has demonstrated how the scale, mass, volume, and height of the building are reduced by the use of mechanical parking.**

Consistent – The mechanical parking system allows the project to provide the minimum required parking and provide operational parking needs in a more efficient manner, which will result in improved marketability for the existing contributing structure. This will create a much more context sensitive and harmonious relationship with the surrounding area.

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.**

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.

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

Consistent – The mechanical lifts are located on subterranean floor level and are not visible from the exterior.

5. **In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings; whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit owner.**

Consistent – If self-parking is proposed, the applicant will provide the required covenant.

6. **In cases where mechanical parking lifts are used for valet parking; whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues.**

Consistent – The proper restricted covenant shall be provided prior to the issuance of building permit.

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.**

Consistent – The applicant submitted a traffic study and recommendations from the Transportation Department have been incorporated into the conditions of approval

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

Partially Consistent – Per letter of intent attached, valet service will be required. The operational plan related to valet parking operations is insufficient; the number of employees, noise specifications, and emergency procedures is not indicated. Staff has recommendations for conditions to address this concern prior to the applicant obtaining a building permit.

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, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed.**

Not Applicable

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.**

Consistent – The proposed project appears to be compatible with the surrounding neighborhood and it appears that it would not create any significant adverse impacts to the surrounding uses.

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

Consistent – No negative impact is anticipated from the cumulative effect from the proposed facility and nearby structures.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Chapter 7, Article I, Section 7.1.2.4.a of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

A. A recycling or salvage plan for partial or total demolition shall be provided.

Partially Satisfied – The applicant has indicated that a recycling or salvage plan will be provided prior to the submittal of a building permit as may be necessary.

B. Windows that are proposed to be replaced shall be hurricane proof impact windows.

Satisfied – Windows will be hurricane proof impact windows.

C. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Satisfied – Operable windows will be provided where feasible and appropriate.

D. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided, in accordance with chapter 4 in Land Development Regulations.

Not Applicable

E. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of the surrounding properties.

Partially Satisfied – the development complies with the City's resiliency standards.

F. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land, and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to 3 additional feet in height.

Satisfied – The building has sufficient clearances where the ground floor and parking areas can be adapted if adjacent public rights-of-way are raised.

G. As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

Satisfied – All critical mechanical and electrical systems will be located above BFE.

H. Existing buildings shall, where reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Not Applicable – The existing buildings will be demolished.

- I. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 in General Ordinances.**

Not Applicable - The Project contains new construction above base floor elevation

- J. As applicable to all new construction, stormwater retention systems shall be provided.**

Partially Consistent – The applicant has indicated that water retention systems will be provided where feasible and appropriate.

- K. Cool pavement materials or porous pavement materials shall be utilized.**

Satisfied – The applicant indicated that cool or porous pavement materials shall be utilized.

- L. The design of each project shall minimize the potential for heat island effects on-site.**

Satisfied – The applicant will install landscaping and vegetation that will help reduce the urban heat island effect.

ANALYSIS

The applicant is proposing mechanical parking in the new loading / service building of the existing Shore Club property. Located on the south side of 20th Street and east of Collins Avenue, the property is an irregular shaped parcel that contains two contributing hotel structures and subsequent additions. Mechanical parking is proposed in the basement level of the new service building that fronts 20th Street. The applicant plans to provide twelve (12) parking spaces in total, including seven (7) spaces managed by a mechanical "puzzle" parking system, four (4) tandem spaces, and one (1) space that complies with the American Disabilities Act (ADA).

Traffic, Parking, and Access

The main entrance, fronting 20th Street, provides access to the residential parking and the loading bay is located internally on the first floor. Queuing of pedestrians in public rights of way is not expected. In particular, the approved HPB plans within existing contributing buildings are exempt from parking requirements as specified in Section 5.2.2 of the Resiliency Code. For the proposed new construction, the approved project had previously planned to meet most of its parking needs with a subterranean parking level accessed from 20th Street.

The site is a corner lot with one frontage on Collins Avenue, and vehicular access for parking and loading will be accommodated via a two-way drive aisle. The parking will consist of 7 mechanical lift spaces, one tandem spaces, and one accessible space, which is provided below the required loading spaces at the first-floor level, along with a lift, elevator, and emergency generator.

Per the operational plan, only valet operators will be able to operate the vehicle lifts and will include a staging area for two vehicles. The key access to operate the lifts will be restricted to

the valet operators only and a minimum of one valet operator will be located on-site. As an alternative, the residents will be able to self-park in the tandem and ADA parking spaces on their own; however, the valet will always be available to assist.

The applicant has provided plans to demonstrate how the required parking could be provided using conventional parking spaces. The mechanical lift option results in a more efficient design with more open space and less massing. The mechanical parking system is located inside the building and is not visible from the right of way and surrounding properties.

Deliveries and Sanitation

Pursuant to section 5.2.6 of the LDRs, the proposed use requires one (1) loading space, which is located at the first floor of the new loading service building. Staff is recommending that deliveries and trash pick shall only occur between 9:00 a.m. and 4:00 p.m. each day, consistent with the recommendations from the Transportation Department noted below.

Garbage trucks will either utilize the same loading bay or the alley shared with the adjacent Townhouse Hotel. On-site personnel will manage their use to avoid any adverse effects on the roadway or pedestrians.

SUMMARY

As the number of mechanical spaces is only seven, and restricted to the residential units, no negative impacts on the site or surrounding neighborhood are anticipated. The following recommendations from the Transportation Department have been incorporated into the draft CUP for the project:

A loading dockmaster shall be provided, to oversee movements into and out of the loading dock and to ensure vehicular conflicts along 20th Street are limited. The dockmaster shall also manage pedestrians crossing the loading driveway during loading operations, as needed, and work to minimize the daily impact of loading and trash removal and other required trips to fulfill the operational needs of the hotel and condominium. In addition to providing a loading dockmaster, as proposed by the applicant, loading and unloading operations shall be restricted to non-peak periods to limit vehicular conflicts along 20th Street.

Applicant shall submit a supplemental traffic memorandum, including an evaluation of the proposed valet operations, no later than six months from the date the Shore Club development is fully operational. A field queuing study of the valet operations shall include field data collection for one weekend day and one weekday including the identified peak periods. This field review should include review and observation of traffic circulation along 20th Street including interaction with nearby driveways at the Setai Ocean Suites and on-street parking. The supplemental traffic memorandum shall also establish new and site-specific valet/rideshare percentage at each valet/drop off pick-up area for the Shore Club. The additional field reviews shall verify the processing time assumptions used in the valet analysis for the on-site seven space puzzle parking system as provided by the vendor.

STAFF RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application be approved subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies in the aforementioned Conditional Use Review Criteria.

EXHIBIT "A"

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

ALL LOT 1 AND A PORTION OF LOTS 2 AND 3, BLOCK "B", OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, AT PAGE 7, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND ALL OF LOTS 5, 6, 8, 9 AND 10 AND A PORTION OF LOTS 4 AND 7, BLOCK 1, FISHER'S FIRST SUBDIVISION OF ALTON BEACH, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, AT PAGE 77, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND A PORTION OF LAND LYING EAST OF AND CONTIGUOUS TO THE EAST LINE OF SAID BLOCKS B AND I (ONE) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID BLOCK B, THENCE RUN SOUTH 70° 04'39" EAST, ALONG THE NORTH LINE OF SAID BLOCK B AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF 20TH STREET, FOR A DISTANCE OF 190.50 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE, SOUTH 70° 04'39" EAST, ALONG SAID NORTH LINE AND ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 450.09 FEET TO THE EROSION CONTROL LINE OF THE ATLANTIC OCEAN AS SHOWN ON THE PLAT THEREOF, RECORDED IN PLAT BOOK 105, AT PAGE 62, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN SOUTH 09° 26'43" WEST, ALONG SAID EROSION CONTROL LINE, FOR A DISTANCE OF 114.40 FEET TO A POINT ON A LINE 10.14 FEET SOUTHERLY, AS MEASURED ALONG A LINE PARALLEL WITH THE EASTERLY LINE OF SAID LOT 4 BLOCK 1, OF THE EASTERLY PROJECTION OF THE NORTH LINE OF SAID LOT 4, BLOCK 1; THENCE RUN SOUTH 87° 58'58" WEST, ALONG SAID LINE PARALLEL WITH SAID NORTH LINE OF LOT 4, FOR A DISTANCE OF 324.39 FEET; THENCE RUN NORTH 07° 36'11" EAST, PARALLEL WITH THE EAST LINE OF SAID LOTS 4 AND 5, BLOCK 1, FOR A DISTANCE OF 10.14 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 5; THENCE RUN SOUTH 87° 58'58" WEST, ALONG THE SOUTHERLY LINE OF SAID LOTS 5 AND 10, BLOCK 1, FOR A DISTANCE OF 325.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF COLLINS AVENUE; THENCE RUN NORTH 07° 36'11" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET; THENCE RUN SOUTH 70° 08'36" EAST FOR A DISTANCE OF 19.36 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOTS 2 AND 3, BLOCK B; THENCE RUN NORTH 87° 59'00" EAST, ALONG SAID SOUTHERLY LINE, FOR A DISTANCE OF 101.32 FEET TO A POINT ON A LINE 112.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID 20TH STREET; THENCE RUN SOUTH 70° 04'39" EAST, PARALLEL WITH SAID SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 56.16 FEET; THENCE RUN NORTH 19° 55'21" EAST, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, FOR A DISTANCE OF 2.00 FEET; THENCE RUN SOUTH 70° 04'39" EAST, ALONG A LINE 110.00 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH RIGHT-OF-WAY LINE AND AT RIGHT ANGLES TO THE PREVIOUS AND NEXT COURSES, FOR A DISTANCE OF 7.00 FEET; THENCE RUN NORTH 19° 55'21" EAST FOR A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING.

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September 24, 2024

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TOGETHER WITH ANY/OR ALL RIPARIAN RIGHTS THAT MAY BE APPURTENANT TO SAID LANDS THAT MAY BE VESTED IN THE OWNER OF THE FEE TITLE TOGETHER WITH EASEMENT IN COMMON WITH PERSONS FOR THE LIKE RIGHT TO USE AS SET FORTH IN DEED RECORDED IN DEED BOOK 2482, PAGE 526, OF THE PUBLIC RECORDS OF MIAMI- DADE COUNTY, FLORIDA, IN AND OVER THE FOLLOWING DESCRIBED PROPERTY:

BEGIN AT A POINT LOCATED ON THE NORTHERLY LINE OF LOT 2, BLOCK B OF THE AMENDED MAP OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, AT PAGES 7 AND 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; SAID POINT BEING 190.50 FEET DISTANT FROM THE NORTHWEST CORNER OF LOT 3, BLOCK B, OF SAID PLAT; THENCE SOUTHERLY AT RIGHT ANGLES TO THE NORTHERLY LINE OF SAID LOT 2, BLOCK B A DISTANCE OF 110.00 FEET TO A POINT; THENCE WESTERLY PARALLEL TO THE NORTHERLY LINE OF SAID LOT 2, BLOCK B A DISTANCE OF 7.00 FEET TO A POINT; THENCE SOUTHERLY AT RIGHT ANGLES TO THE LAST MENTIONED COURSE, A DISTANCE OF 2.00 FEET TO A POINT THENCE WESTERLY PARALLEL TO THE NORTHERLY LINE OF SAID LOT 2, BLOCK B A DISTANCE OF 10.00 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLE TO THE LAST MENTIONED COURSE A DISTANCE OF 112.00 FEET TO A POINT LOCATED ON THE NORTHERLY LINE OF SAID LOT 2, BLOCK B; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 2, BLOCK B, A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING.

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

PROPERTY: 1901 Collins Ave

FILE NO. PB24-0705

IN RE: An application for conditional use approval for mechanical parking, pursuant to Chapter 2, Article V, Section 2.5.2; and Chapter 5, Article 2, Section 5.2.11.f of the Miami Beach Resiliency Code.

LEGAL DESCRIPTION: See exhibit "A"

MEETING DATE: September 24, 2024

CONDITIONAL USE PERMIT

The applicant, Shore Club Land Trust, Trustee: Shore Club Trustee LLC c/o The Witkoff Group LLC, requested a Conditional Use approval of a mechanical parking, pursuant to Chapter 2, Article V, Section 2.5.2; and Chapter 5, Article 2, Section 5.2.11.f of the Miami Beach Resiliency 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:

The property in question is located in the RM-3 Residential Multi-family, High Intensity District.

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

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;

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

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

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. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. 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 Chapter 2, Article V, Section 2.5.2.5.

2. This Conditional Use Permit is issued to Shore Club Land Trust, Trustee: Shore Club Trustee LLC c/o The Witkoff Group LLC, (the applicant/owner) of the property. Any changes in ownership or 50% (fifty percent) or more stock ownership, or the equivalent, shall require the new owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Certificate of Use/Business Tax Receipt.
3. The Applicant agrees to the following operational conditions for all permitted and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment:
 - A. Deliveries and waste collections may only occur between 9:00 AM and 4:00 PM each day.
 - B. All trash rooms shall be large enough to accommodate sufficient trash capacity in order to minimize refuse pickups to a maximum of one pick up per day. All trash rooms shall be air conditioned and sound-proofed in a manner to be approved by staff. The doors to the trash rooms shall remain closed and secured when not in use and all trash dumpsters shall be closed at all times except when in use.
 - C. All trash containers shall utilize rubber wheels, as well as a path consisting of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
 - D. The property and adjacent rights-of-way be maintained clean and free from debris
4. A progress report shall be scheduled before the Planning Board within six (6) months after obtaining a Certificate of Occupancy (CO) for the building.
5. 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.
6. As part of the Building Permit plans for the project, the applicant shall submit mechanical lifts specifications and power emergency procedures.
7. The Planning Board shall retain the right to call the owner or operator back before the Board and make modifications to this Conditional Use Permit should there be valid complaints, as determined by Code Compliance, about loud, excessive, unnecessary, or unusual noise.

Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.

8. 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.
9. 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.
10. The applicant shall address the following Transportation, Mobility, Concurrency, Delivery, and Parking requirements:
 - a. All parking provided within the proposed building shall be for the sole use of the building tenants. Such parking shall not be utilized as shared parking, underutilized parking or for any other use not located on the subject property.
 - b. The applicant shall maintain one (1) dedicated parking space on the parking floor level of the project as permanently open and unoccupied, to function as temporary storage and staging for valet operations, and to prevent vehicles from entering City right-of-way to accommodate on-site maneuverability restrictions.
 - c. A loading dockmaster shall be provided, to oversee movements into and out of the loading dock and to ensure vehicular conflicts along 20th Street are limited. The dockmaster shall also manage pedestrians crossing the loading driveway during loading operations, as needed, and work to minimize the daily impact of loading and trash removal and other required trips to fulfill the operational needs of the hotel and condominium. In addition to providing a loading dockmaster, as proposed by the applicant, loading and unloading operations shall be restricted to non-peak periods to limit vehicular conflicts along 20th Street.
 - d. Applicant shall submit a supplemental traffic memorandum, including an evaluation of the proposed valet operations, no later than six months from the date the Shore Club development is fully operational. A field queuing study of the valet operations shall include field data collection for one weekend day and one weekday including the identified peak periods. This field review should include review and observation of traffic circulation along 20th Street including interaction with nearby driveways at the Setai Ocean Suites and on-street parking. The supplemental traffic memorandum shall also establish new and site-specific valet/rideshare percentage at each valet/drop off pick-up area for the Shore Club. The additional field reviews shall verify the processing time assumptions used in the valet analysis for the on-site seven space puzzle parking system as provided by the vendor. This supplemental memorandum shall be submitted for review by the Board as part of the six (6) months progress report, required in Condition No. 4. Above.
11. The development shall comply with the "Green Buildings" requirements in 7.1.3.2 of the Resiliency Code.

12. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Building permit.
13. The applicant, 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.
14. 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.
15. 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 Chapter 2, Article V, Section 2.5.2.5 of the Miami Beach Resiliency Code.
16. The applicant shall obtain a full building permit within 18 months from the date of approval of this Conditional Use Permit, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.
17. 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.
18. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
19. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 1.3.7 of the Land Development Regulations (LDR's), entitled "ENFORCEMENT", and such enforcement procedures as are otherwise available. Any failure by the owner, applicant or operators 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 permit.
20. 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.
21. The applicant agrees and shall be required to provide access to areas subject to this Conditional Use Permit for inspection by the City (i.e. Planning Department, Code Compliance Department, Building Department, and Fire Department staff), to ensure compliance with the terms and conditions of this Conditional Use Permit. Failure to provide access may result in revocation of the Conditional Use Permit.

Dated _____

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP
Planning and Design Officer
for the Chair

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Michael Belush, Planning and Design Officer for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]

Notary:
Print Name:
Notary Public, State of Florida
My Commission Expires:
Commission Number:

Approved As To Form:
Legal Department _____ ()

Filed with the Clerk of the
Planning Board on _____ ()

**Exhibit A "Legal Description"
1901 Collins Ave**

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

ALL LOT 1 AND A PORTION OF LOTS 2 AND 3, BLOCK "B", OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, AT PAGE 7, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND ALL OF LOTS 5, 6, 8, 9 AND 10 AND A PORTION OF LOTS 4 AND 7, BLOCK 1, FISHER'S FIRST SUBDIVISION OF ALTON BEACH, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, AT PAGE 77, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND A PORTION OF LAND LYING EAST OF AND CONTIGUOUS TO THE EAST LINE OF SAID BLOCKS B AND 1 (ONE) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID BLOCK B, THENCE RUN SOUTH 70° 04'39" EAST, ALONG THE NORTH LINE OF SAID BLOCK B AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF 20TH STREET, FOR A DISTANCE OF 190.50 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE, SOUTH 70° 04'39" EAST, ALONG SAID NORTH LINE AND ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 450.09 FEET TO THE EROSION CONTROL LINE OF THE ATLANTIC OCEAN AS SHOWN ON THE PLAT THEREOF, RECORDED IN PLAT BOOK 105, AT PAGE 62, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN SOUTH 09° 26'43" WEST, ALONG SAID EROSION CONTROL LINE, FOR A DISTANCE OF 114.40 FEET TO A POINT ON A LINE 10.14 FEET SOUTHERLY, AS MEASURED ALONG A LINE PARALLEL WITH THE EASTERLY LINE OF SAID LOT 4 BLOCK 1, OF THE EASTERLY PROJECTION OF THE NORTH LINE OF SAID LOT 4, BLOCK 1; THENCE RUN SOUTH 87° 58'58" WEST, ALONG SAID LINE PARALLEL WITH SAID NORTH LINE OF LOT 4, FOR A DISTANCE OF 324.39 FEET; THENCE RUN NORTH 07° 36'11" EAST, PARALLEL WITH THE EAST LINE OF SAID LOTS 4 AND 5, BLOCK 1, FOR A DISTANCE OF 10.14 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 5; THENCE RUN SOUTH 87° 58'58" WEST, ALONG THE SOUTHERLY LINE OF SAID LOTS 5 AND 10, BLOCK 1, FOR A DISTANCE OF 325.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF COLLINS AVENUE; THENCE RUN NORTH 07° 36'11" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET; THENCE RUN SOUTH 70° 08'36" EAST FOR A DISTANCE OF 19.36 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOTS 2 AND 3, BLOCK B; THENCE RUN NORTH 87° 59'00" EAST, ALONG SAID SOUTHERLY LINE, FOR A DISTANCE OF 101.32 FEET TO A POINT ON A LINE 112.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID 20TH STREET; THENCE RUN SOUTH 70° 04'39" EAST, PARALLEL WITH SAID SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 56.16 FEET; THENCE RUN NORTH 19° 55'21" EAST, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, FOR A DISTANCE OF 2.00 FEET; THENCE RUN SOUTH 70° 04'39" EAST, ALONG A LINE 110.00 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH RIGHT-OF-WAY LINE AND AT RIGHT ANGLES TO THE PREVIOUS AND NEXT COURSES, FOR A DISTANCE OF 7.00 FEET; THENCE RUN NORTH 19° 55'21" EAST FOR A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING.

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TOGETHER WITH ANY/OR ALL RIPARIAN RIGHTS THAT MAY BE APPURTENANT TO SAID LANDS THAT MAY BE VESTED IN THE OWNER OF THE FEE TITLE TOGETHER WITH EASEMENT IN COMMON WITH PERSONS FOR THE LIKE RIGHT TO USE AS SET FORTH IN DEED RECORDED IN DEED BOOK 2482, PAGE 526, OF THE PUBLIC RECORDS OF MIAMI- DADE COUNTY, FLORIDA, IN AND OVER THE FOLLOWING DESCRIBED PROPERTY:

BEGIN AT A POINT LOCATED ON THE NORTHERLY LINE OF LOT 2, BLOCK B OF THE AMENDED MAP OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, AT PAGES 7 AND 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; SAID POINT BEING 190.50 FEET DISTANT FROM THE NORTHWEST CORNER OF LOT 3, BLOCK B, OF SAID PLAT; THENCE SOUTHERLY AT RIGHT ANGLES TO THE NORTHERLY LINE OF SAID LOT 2, BLOCK B A DISTANCE OF 110.00 FEET TO A POINT; THENCE WESTERLY PARALLEL TO THE NORTHERLY LINE OF SAID LOT 2, BLOCK B A DISTANCE OF 7.00 FEET TO A POINT; THENCE SOUTHERLY AT RIGHT ANGLES TO THE LAST MENTIONED COURSE, A DISTANCE OF 2.00 FEET TO A POINT THENCE WESTERLY PARALLEL TO THE NORTHERLY LINE OF SAID LOT 2, BLOCK B A DISTANCE OF 10.00 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLE TO THE LAST MENTIONED COURSE A DISTANCE OF 112.00 FEET TO A POINT LOCATED ON THE NORTHERLY LINE OF SAID LOT 2, BLOCK B; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 2, BLOCK B, A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING.