

Proposed Operational Restrictions and Conditions for the 400 Collins Ave Property

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. Tinting, paper, blackout, or similar treatments shall be prohibited on the interior or the exterior of all glass located at the first level. Sheer drapes may be proposed at the first level, in a manner to be reviewed and approved by staff.
- b. The proposed restaurant shall close by 2:00 AM. Any future outdoor component of the restaurant shall close no later than 12 AM, seven days per week. After normal operating hours the establishment shall remain closed and no patrons or other persons, other than those employed by the establishment, shall remain therein between closing and 7 am.
- c. No alcoholic beverage service may be provided in the exterior open-air restaurant unless accompanied by food service.
- d. No sidewalk cafe permit shall be sought or utilized by the applicant or any lessees.
- e. No exterior loudspeakers shall be permitted except those necessary for fire and life safety purposes.
- f. Background music may be provided in the non-residential interior areas of the building, provided it is limited to background music that does not interfere with normal conversation. This restriction does not apply to the interior of residential units.
- g. Patrons shall not be allowed to queue on public rights-of-way, or the exterior of the premises along 4th Street or Collins Avenue.
- h. Special events pursuant to the Miami Beach City Code, associated with the proposed establishment, may not be held on the premises and the applicant agrees that it will not seek or authorize applications for such permits.
- i. Delivery trucks shall only be permitted to park within the designated loading zone for the property.
- j. Delivery trucks shall not be allowed to idle in the loading zone area.
- k. 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.
- l. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and

trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.

- m. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that more than one pick up of garbage per day will not be necessary. If necessary to achieve that goal, a high-capacity trash/garbage compacting device shall be located in an air-conditioned trash/garbage holding room within the facility.
- n. Garbage dumpster covers shall be closed at all times except when in active use.
- o. Garbage pickups and service deliveries shall not take place between 7:00 PM and 8:00AM.
- p. Applicant shall ensure that restaurant personnel do not place trash or recycling into any exterior dumpsters or receptacles between 8:00 PM and 8:00 AM, seven days a week.
- q. Outdoor cooking anywhere on the premises by commercial establishments or for commercial use is prohibited. Kitchen and other cooking odors shall be contained within the premises to the greatest extent reasonably feasible. Owner agrees to install an exhaust system, if required by code, for the kitchens of any commercial restaurants on the premise that will substantially reduce grease and smoke that would otherwise escape to the surrounding area. This may include the installation of a fan in connection with kitchen exhaust systems within the interior of the building in order to reduce noise levels at the exhaust outlet substantially in compliance with the plans as approved or in the alternative any such exhaust system shall be located along the west side of the property not directly adjacent to the southernmost or northernmost property lines.
- r. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings
- s. The Operator shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalks, curb and gutter on Collins Avenue, 4th Street and around the perimeter of the property in excellent condition, keeping these areas in a clean condition, free of all refuse, at all times.
- t. The rooftop decks shall not have any commercial uses. Nor shall any commercial bar counter or bar counter used for commercial purposes be placed on any portion of the property's exterior, including the rooftop, terraces, private decks, and balconies.
- u. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
- v. The applicant shall obtain a Certificate of Occupancy or a Certificate of Completion prior to the issuance of a Business Tax Receipt.
- w. The valet drop-off and ridesharing drop-off spaces shall be located on Collins Ave. No vehicles shall be parked in the drop-off spaces longer than necessary to either drop -off or move the valet vehicle to the garage. The Valet spaces in the garage

shall be utilized by the valet operator and not for self parking patrons. Residential parking shall be self parking spaces.

- x. The residential lobby with be secured at all times and monitored electronically from the units. Electronic monitoring shall be provided for the property perimeter.
- y. The loading area shall be closed and secured when not in use.
- z. The parking control systems shall be professionally planned, designed and implemented in a manner to be approved by Staff to ensure smooth operation of the garage that does not queue into 4th Street.