

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: September 20, 2022

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB22-0548. 1790 Alton Road.**

PB22-0548. 1790 Alton Road. An application has been filed requesting conditional use approval for a new 5-story mixed-use development, including the use of a mechanical parking, and a restaurant with more than 100 seats and a floor area in excess of 3,500 square feet, pursuant to Chapter 118, Article IV, and Chapter 130, Article II of the City Code.

RECOMMENDATION

Approval with conditions.

ZONING/SITE DATA

Legal Description:

Lot 1, Block 17-A of "ISLAND VIEW SUBDIVISION", according to the Plat thereof, as recorded in Plat Book 6, at Page 115, of the Public Records of Miami-Dade County, Florida, less beginning at the northwesterly corner of Lot 1; thence south along the westerly line of Lot 1 for 169.41 feet to a point where the westerly line of Lot 1 intersects the northerly line of Dade Boulevard; thence northeasterly along the northerly line of Dade Boulevard for 65.7 feet to a point; thence northwesterly along a line deflecting 90 degrees to the left for 65.95 feet to a point; thence northerly along a line deflecting to the right 29 degrees 22'37" for 79.65 feet to a point being on the southerly line of 18th Street for 24.9 feet to the point of beginning, together with all the appurtenances therunto belonging in anywise appertaining. (Special Warranty Deed, dated October 15th 1993, recorded in Official Records Book 16367, Page 4229, Miami-Dade County Records).

Zoning District:

CD-2 Commercial, Medium Intensity District (Sunset Harbour Neighborhood)

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

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

North: 18th Street/Commercial Buildings
South: Dade Boulevard/Dade Canal/Hotel
West: Commercial Building
East: Office Building

Lot Size: 10,331 SF (0.237 AC)

Maximum FAR: 1.5/2.0 with over 25% of floor area for residential uses
20,662 SF

Proposed FAR: 20,107 SF

Gross Floor Area: 34,679 SF

THE PROJECT

The applicant, *SOBE 18, LLC*, has submitted plans entitled “1790 ALTON ROAD,” prepared by STUDIO MC+G ARCHITECTURE and dated June 23, 2022. The proposal is for a new five-story residential development with accessory restaurants and mechanical parking located at 1790 Alton Road. The project is scheduled to be considered by the Design Review Board (DRB) for design review approval on October 4, 2022 (File No. DRB22-0676).

The development site is approximately 10,331 square feet in size and the proposed building contains 34,679 square feet of gross floor area. According to the submitted plans, the proposed building will have 20,107 square feet of floor area, with 12 residential units, an amenity pool deck, an 81-seat restaurant on the ground floor and a 179-seat restaurant on the second floor. Since the restaurant on the second floor exceeds 100 seats and has a floor area in excess of 3,500 square feet, conditional use approval is required due to the requirements of the Sunset Harbor overlay.

The project will be providing 19 parking spaces on the ground floor, and 18 of these spaces will be provided through six, three-level vehicle lifts. All parking will be via valet service only and two off-street loading spaces are provided within the parking area.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Art. 4, Sec. 118-191 and Sec. 118-192:

- 1. The use is consistent with the Comprehensive Plan or Neighborhood Plan if one exists for the area in which the property is located.**

Consistent – The request is consistent with the Comprehensive Plan. The CD-2 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 will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan.

Consistent – The 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 CD-2 future land use category.

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

Consistent – The structure is consistent with the requirements of the zoning ordinance if the CUP is issued. However, these and all zoning matters shall require final review and verification by the Planning Department prior to the issuance of a Building Permit and a Certificate of Use (CU).

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

Partially Consistent – The proposed project may adversely affect the general welfare of nearby residents and businesses if sound, delivery, waste removal, and other operations are not controlled. Staff is recommending conditions to mitigate the potential negative impacts. The facility will have to comply with all applicable laws and regulations prior to the issuance of a building permit and Certificate of Use (CU).

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

Consistent – The development is located in parking district no. 5. Parking district number 5 exempts restaurants of less than 100 seats that have less than 3,500 square feet of floor area, as well as nonresidential uses above the ground floor from parking requirements. Therefore, the two restaurants do not require parking. Given that there is adequate public parking within the Sunset Harbour neighborhood and many patrons are expected to walk and use alternative forms of transportation, this should not pose a problem.

The twelve residential units do require 19 parking spaces which are being provided on the ground floor. Additionally, the project will be providing three bicycle parking spaces.

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 on the surrounding neighbors.

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

Consistent – Given the small number of residential units and the scale of the restaurants significant negative impacts are not expected from the geographic concentration of such uses, if the impacts are properly controlled.

SECTION 130-38–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 130, 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 19 parking spaces for the project on-site. Since the project is in parking district no. 5, no parking is required for the restaurant uses, therefore the accessory off-street parking requirement can be met through traditional, non-mechanical means.

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 parking for the project by mechanical means was submitted showing 19 spaces, complying with the requirements of parking district no.1, as is permitted in parking district no. 5 without counting against FAR limits.

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:

- (a) **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 compatible with the surrounding area, however, issues of scale and compatibility will be further addressed by the DRB.

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

Consistent – The mechanical parking system allows the project to provide minimum required parking in a more efficient manner that maximizes active space on the ground floor,

which will result in an improved pedestrian environment. This will 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 mechanical lift system 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.

- (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 enclosed within the structure and only visible from the driveway.

- (e) **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 applicant.**

Consistent – As per the letter of intent, the mechanical parking lifts will be managed by a valet parking operator.

- (f) **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.

- (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.**

Consistent – Given the limited scale of the development, a full traffic study was not requested by the Transportation Department. The Operations Plan includes several transportation demand management techniques for restaurant employees. The Transportation Department is working with the applicant to refine their Transportation Demand Management techniques.

- (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 – Per letter of intent attached, valet service will be required at all times and the system will be available and staffed twenty-four hours per day, the proposed lifts have minimal noise impacts and will be enclosed in the building. A narrative provides details on the lift system and how it is intended to operate. It does not contain emergency procedures.

- (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, 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.**

Consistent – The main uses on the site are residential units and restaurants. Given the limited scale of the proposed uses, significant impacts are next expected from the proposed use.

- (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 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. Given that the building is primarily residential, the height is limited to 55 feet. There are other buildings in the vicinity that are taking advantage of the class A office incentives for Sunset Harbour and are of a taller height than this proposed building.

- (k) **Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect shall 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

Section 133-50(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:

1. **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.

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

Satisfied – Windows will be hurricane proof impact windows.

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

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

4. **Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**

Satisfied – Per letter of intent, all landscaping will consist of resilient, Florida friendly plants.

5. **Whether 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, including a study of land elevation and elevation of surrounding properties were considered.**

Satisfied – The applicant has taken projections into account and the development complies with the City's resiliency standards.

6. **The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.**

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

7. **Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**

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

8. **Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.**

Not Applicable – The existing building will be demolished.

9. **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 of the City Code.**

Partially Satisfied – Uses on the ground floor located below the base flood elevation plus City of Miami Beach Freeboard will be dry flood proofed in accordance with Chapter 54 of the City Code.

10. **Where feasible and appropriate, water retention systems shall be provided.**

Partially Consistent – The applicant has indicated that water retention systems will be

provided where feasible and appropriate.

11. Cool pavement materials or porous pavement materials shall be utilized.

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

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

Satisfied – The applicant will provide landscaping and vegetation along the perimeter of the building that will help reduce the urban heat island effect.

ANALYSIS

The Proposal

The applicant has applied for a CUP to construct a new five-story mixed-use development with 12 residential units, a rooftop pool deck, two accessory restaurants, and mechanical parking located at 1790 Alton Road. The following is a summary of the proposed components of the project:

- The 12 residential units will be located on floors three to five.
- One restaurant will be located on the ground floor and is proposed to have 24 indoor seats and 57 outdoor seats, for a total of 81 seats, with a maximum occupancy load of 122 persons.
- The second restaurant will be located on the second floor and is proposed to have 141 indoor seats and 38 outdoor seats, for a total of 179 seats, with a maximum occupancy load of 194 persons.
- 19 parking spaces are proposed on the ground floor, with 18 spaces consisting of six, three-level vehicle lifts.

Parking and Access

The proposed development is in parking district No. 5, which provides a parking exemption for restaurants of less than 100 seats that have less than 3,500 square feet of floor area, as well as nonresidential uses above the ground floor, from parking requirements. Since the ground floor restaurant has fewer than 100 seats and 3,500 square feet of floor area, and the second restaurant is a nonresidential use located above the ground floor, they do not require parking.

Given that there is adequate public parking within the Sunset Harbour neighborhood and many patrons are expected to walk and use alternative forms of transportation, this should not pose a problem.

The twelve residential units do have a parking requirement. Nine of the units are between 550 and 999 square feet and require 1.5 spaces per unit for a total of 14 spaces. Three of the units

are between 1,000 and 1,200 square feet and require 1.75 spaces per unit for a total of five parking spaces. Additionally, the project will be providing three bicycle parking spaces.

The 19 required parking spaces are being provided on the ground floor and one of the spaces will be an accessible parking space. 18 spaces will be provided via six, three-level mechanical lifts. Which are organized into three tandem rows. All parking will be provided via a valet service. Access to the parking area will be via a 22-foot wide driveway from 18th Street. Given the limited number of spaces, significant impacts are not expected from the operation of the mechanical parking.

Deliveries and Sanitation

The project proposes two (2) loading spaces, which exceeds the loading requirements in section 130-101. The loading spaces are proposed to be located in the drive isle of the parking areas. When the loading is in use, only one lane will be available to access the parking areas. Since the parking will be operated through a valet service, and there are a limited number of residential units, it is not expected that this will pose a significant problem for the operation of the building.

However, staff has recommended conditions to ensure that the parking can continue to operate while loading is taking place. Specifically, staff recommends that loading be limited to non-peak business hours, or 10 AM to 4 PM and that there be staff managing the parking and loading operations while the loading area is in use.

Trash pickup will take place daily by moving trash from the airconditioned trash room through a walkway on the west of the property to the internal loading areas. Staff has recommended conditions to minimize the impacts of the trash pickup process.

Rooftop Operations

The letter of intent indicates that the rooftop will be used as an amenity area for the residents of the building. Other commercial uses are not contemplated. Given that the site is located in the Sunset Harbour neighborhood, entertainment uses and speakers not related to life safety are prohibited. Staff does not anticipate negative impacts from the rooftop; however, conditions have been incorporated into the draft order to ensure that the rooftop operates as expected.

Restaurants

As stated above, the building is proposed to have two restaurants. One restaurant will be located on the ground floor and have 24 indoor seats and 57 outdoor seats. The second restaurant is on the second floor and is proposed to have 141 indoor seats and 38 outdoor seats. The plans indicate that the second-floor restaurant has a floor area of 3,456 square feet; however, the overall second floor has a floor area of 3,958 square feet.

Because the restaurants are located in the Sunset Harbour neighborhood, entertainment is expressly prohibited, and the outdoor portion of the second floor restaurant must cease operations no later than 8:00 pm. Recorded music played at a level that does not interfere with normal conversation (ambient level) is permitted only within the indoor portions of the restaurants. Additionally, outdoor speakers not associated with life safety are prohibited, so no music can be played in any outdoor areas of the restaurants, nor within the roof-top amenity level.

With the safeguards provided by the Sunset Harbour regulations, the limited size of the proposed restaurants and the adequate public parking in the vicinity, negative impacts are not anticipated from the two restaurants.

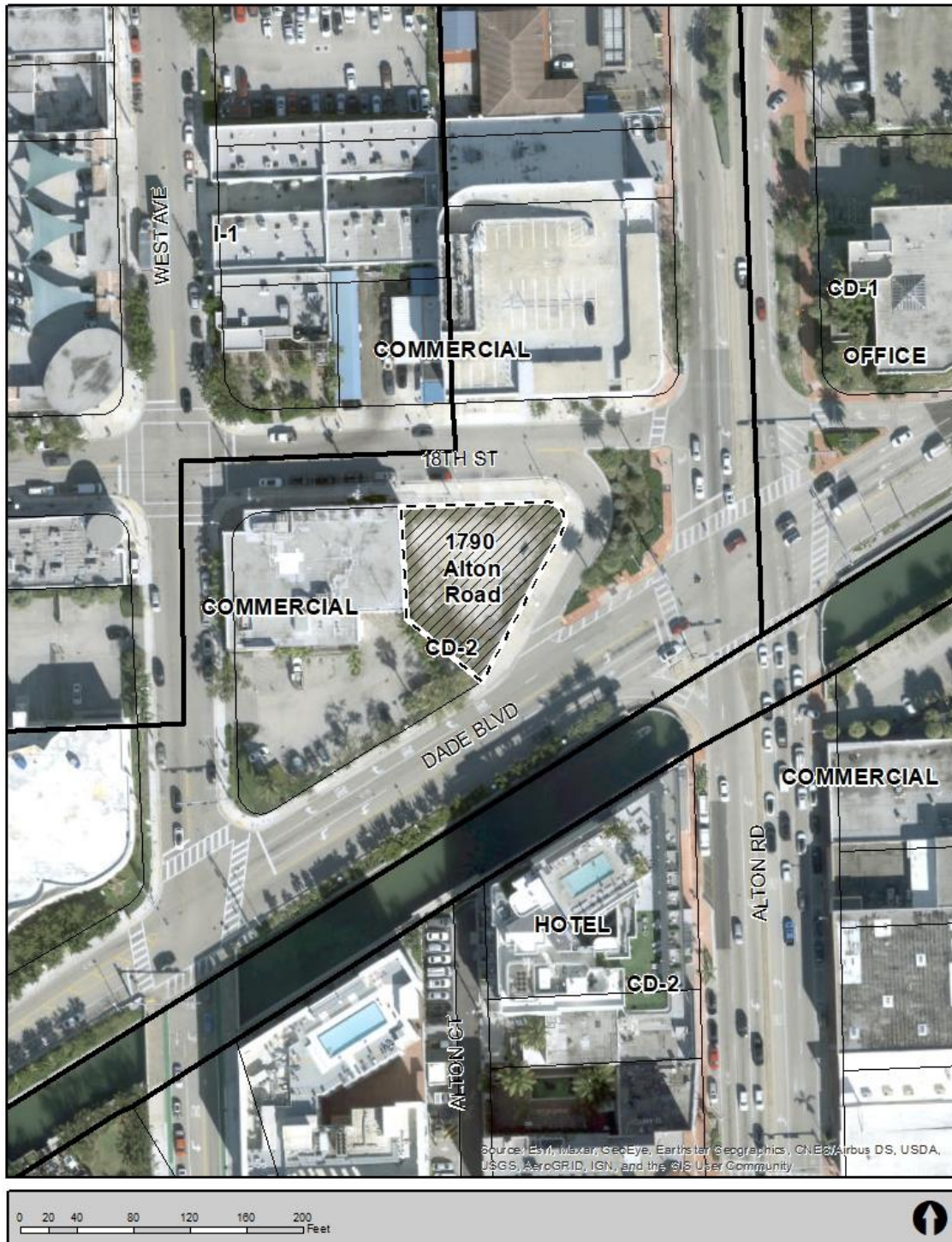
Conclusion

The development should not create any negative impacts on the surrounding community if it is properly managed. Staff has incorporated several conditions in the attached draft order in order to ensure that any potential impacts are minimized. Overall, staff is supportive of the proposed development.

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.

ZONING/SITE MAP



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

PROPERTY: 1790 Alton Road.

FILE NO. PB22-0548

IN RE: An application has been filed requesting conditional use approval for a new 5-story mixed-use development, including the use of a mechanical parking, and a restaurant with more than 100 seats and a floor area in excess of 3,500 square feet, pursuant to Chapter 118, Article IV, and Chapter 130, Article II of the City Code.

LEGAL DESCRIPTION: Lot 1, Block 17-A of "ISLAND VIEW SUBDIVISION", according to the Plat thereof, as recorded in Plat Book 6, at Page 115, of the Public Records of Miami-Dade County, Florida, less beginning at the northwesterly corner of Lot 1; thence south along the westerly line of Lot 1 for 169.41 feet to a point where the westerly line of Lot 1 intersects the northerly line of Dade Boulevard; thence northeasterly along the northerly line of Dade Boulevard for 65.7 feet to a point; thence northwesterly along a line deflecting 90 degrees to the left for 65.95 feet to a point; thence northerly along a line deflecting to the right 29 degrees 22'37" for 79.65 feet to a point being on the southerly line of 18th Street for 24.9 feet to the point of beginning, together with all the appurtenances therunto belonging in anywise appertaining. (Special Warranty Deed, dated October 15th 1993, recorded in Official Records Book 16367, Page 4229, Miami-Dade County Records).

MEETING DATE: September 20, 2022

CONDITIONAL USE PERMIT

The applicant, SOBE 18, LLC, requested a Conditional Use approval for the construction of a new 5-story mixed-use development, including the use of a mechanical parking, and a restaurant with more than 100 seats and a floor area in excess of 3,500 square feet, pursuant to Chapter 118, Article IV, and Chapter 130, Article II 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:

The property in question is located in the CD-2 Commercial, 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 City Code Sec. 118-194 (c).
2. This Conditional Use Permit is issued to SOBE 18, LLC (the applicant) and owner of the property. Any changes in ownership or 50% (fifty percent) or more stock ownership, or the equivalent, of non-residential portions of the building 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. This Conditional Use Permit shall include two (2) restaurants, located on the first and second levels. The outdoor seating area at the second level must cease all operations no later than 8:00 pm. The maximum occupational content and seating shall be as follows:
 - a. The ground floor restaurant shall not exceed 81 total seats, with a maximum of 57 outdoor seats and maximum occupancy load of 122 persons.
 - b. The second floor restaurant shall not exceed 179 total seats, with a maximum of 38 outdoor seats and a maximum occupancy load of 194 persons.
4. The following shall apply to the operation of the entire project:
 - a. 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.
 - b. 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. 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.
 - d. The property and adjacent rights-of-way shall be maintained clean and free from debris
 - e. Except as may be required for Fire, Building, or Life Safety Code purposes, no speakers or televisions of any kind shall be affixed to, installed, or otherwise located on the exterior of the premises within the boundaries of the property, including, but not limited to, exterior portions of any restaurant, anywhere on the rooftop, and any outdoor terraces.
 - f. No patrons shall be allowed to queue on public rights-of-way.
 - g. Establishments with outdoor cafes or sidewalk café permits shall only serve alcoholic beverages at sidewalk cafes during hours when food is served in the restaurant and shall not be permitted to have outdoor speakers.
 - h. Commercial uses on the rooftop are prohibited.
 - i. Entertainment is prohibited anywhere on the property and within the building.
 - j. Use of the rooftop shall be limited to residents of the building and their invited guests only, and shall not be utilized for any commercial purposes, including restaurant seating.
- 5. A progress report shall be scheduled before the Planning Board 90 days after obtaining a business tax receipt (BTR).
 - 6. 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.
 - 7. 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.
 - 8. 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.
 - 9. The applicant shall address the following Transportation, Mobility, Concurrency, Delivery, and Parking requirements:
 - a. The applicant shall pay all impact, mobility, and concurrency fees due prior to obtaining a Building Permit, Certificate of Occupancy, or Business Tax Receipt, whichever may occur first, and any other fair share cost that may be due and owing.

- b. Property managers and business operators for all residential and commercial uses shall ensure that deliveries are made as approved in this Conditional Use Permit. At no time shall delivery trucks block traffic flow on the public right-of-way.
- c. The applicant shall submit an MOT (Maintenance of Traffic) plan to Public Works Department and Transportation 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.
- d. The developer shall coordinate with the Transportation Department to develop an acceptable Transportation Demand Management Plan, prior to the issuance of a building permit. At a minimum the plan shall provide for the following, as detailed in the operating plan submitted by the applicant:
 - i. The owner shall provide a bicycle parking area on the property to serve residents, patrons, and employees. Per the plans, a minimum of three (3) spaces shall be provided.
 - ii. The owner shall offer a program to restaurant employees to either obtain monthly passes from Miami-Dade Transit to allow employees to travel to and from the property without the need for automobiles, or provide an option for monthly City of Miami Beach parking garage passes (at each employee's option).
 - iii. The owner shall offer restaurant employees, who have been employed for at least ninety (90) days, financial assistance of up to \$100 to cover the cost of purchasing a bicycle to travel to and from work.
- e. That the garage shall be in operation 24 hours per day, seven days a week, as proposed by the applicant.
- f. Parking for spaces shall be shall only be operated through valet parking. Valet parking shall be provided 24 hours per day, seven days a week.
- g. A sufficient number of valet attendants shall be provided on site to ensure that queuing onto Washington Avenue, including public sidewalks, does not occur at any time.
- h. The facility shall maintain adequate backup generators sufficient to power the vehicle lifts. The generators shall be maintained in proper operating condition. The generators shall be installed in accordance with Code requirements regarding minimum flood plain criteria.
- i. Commercial deliveries and trash collection shall take place only at the designated area proposed by the applicant as shown in the plans or on designated loading spaces in the public right of way.
- j. Scheduled trash pick-up and commercial deliveries shall only be permitted between 10:00 AM and 4:00 PM.
- k. When loading is actively taking place within lading spaces that are shared with the

- outbound drive isle, a dock master shall ensure that there are no conflicts between loading operations and the parking area.
- l. There shall be no queuing of delivery, garbage, or moving trucks in the public right of way.
 - m. Delivery trucks shall not be allowed to idle in loading areas or driveways.
 - n. Warning signs prohibiting horn honking, tire-screeching, or car alarm sounding shall be posted prominently by the applicant in the parking area.
 - o. Both car elevators shall be able to accommodate the standard AASTHO passenger vehicle size requirements.
 - p. The driveway into the site shall utilize a mountable curb to maximize pedestrian comfort, subject to the review and approval of staff.
 - q. Bicycle parking locations will be identified at the time of building permit issuance.
 - r. Parking for uses not located on-site shall not be permitted.
10. The development shall comply with the “Green Buildings” requirements in Chapter 133, Article I of the City Code.
11. 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.
12. 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.
13. 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.
14. 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
15. 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.
16. 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.

17. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
18. 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 114-8 of said Code and such enforcement procedures as are otherwise available. 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.
19. 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.
20. 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: _____
Rogelio A. Madan, AICP
Chief of Planning and Sustainability
for Chairman

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Rogelio A. Madan, Chief of Community Planning and Sustainability 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 _____ ()