

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: May 23, 2023

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB23-0572. f.k.a PB20-0416. 1501 Collins Avenue.**

An application has been filed requesting a modification to a previously modified conditional use permit. Specifically, the applicants are requesting to change the name of the owner/operator, pursuant to Section 118, Article IV of the City Code.

RECOMMENDATION

Approval with conditions.

BACKGROUND/HISTORY

May 11, 2021

The Historic Preservation Board (HPB) approved a Certificate of Appropriateness (vote 6-0, 1 absent) for the partial demolition, renovation, and restoration of the existing building, including the reconstruction of original interior floor plates and a variance to reduce the required side facing a street setback (File No. HPB20-0444).

Additionally, the HPB transmitted the following recommendation to the Planning Board relative to the Conditional Use Permit application for 1501 Collins Avenue (vote 6-0, 1 absent): *The HPB has a concern that the overuse, or over intensive use of the site, could and would adversely affect the residential character of the immediate neighborhood and recommends that the Planning Board consider that and consider also the impact that would have on the historic residential neighborhood in the immediate area.*

May 25, 2021

The Planning Board approved the Conditional Use for a Neighborhood Impact Establishment that included the renovation of the existing historic structure and existing commercial building with commercial uses, and the introduction of office use.

On April 25, 2023, the Planning Board discussed continued the request for revisions to the CUP to the May 23, 2023, meeting, in order for the applicant to update the application and provide the new operators of the ground floor restaurant venues.

STAFF ANALYSIS

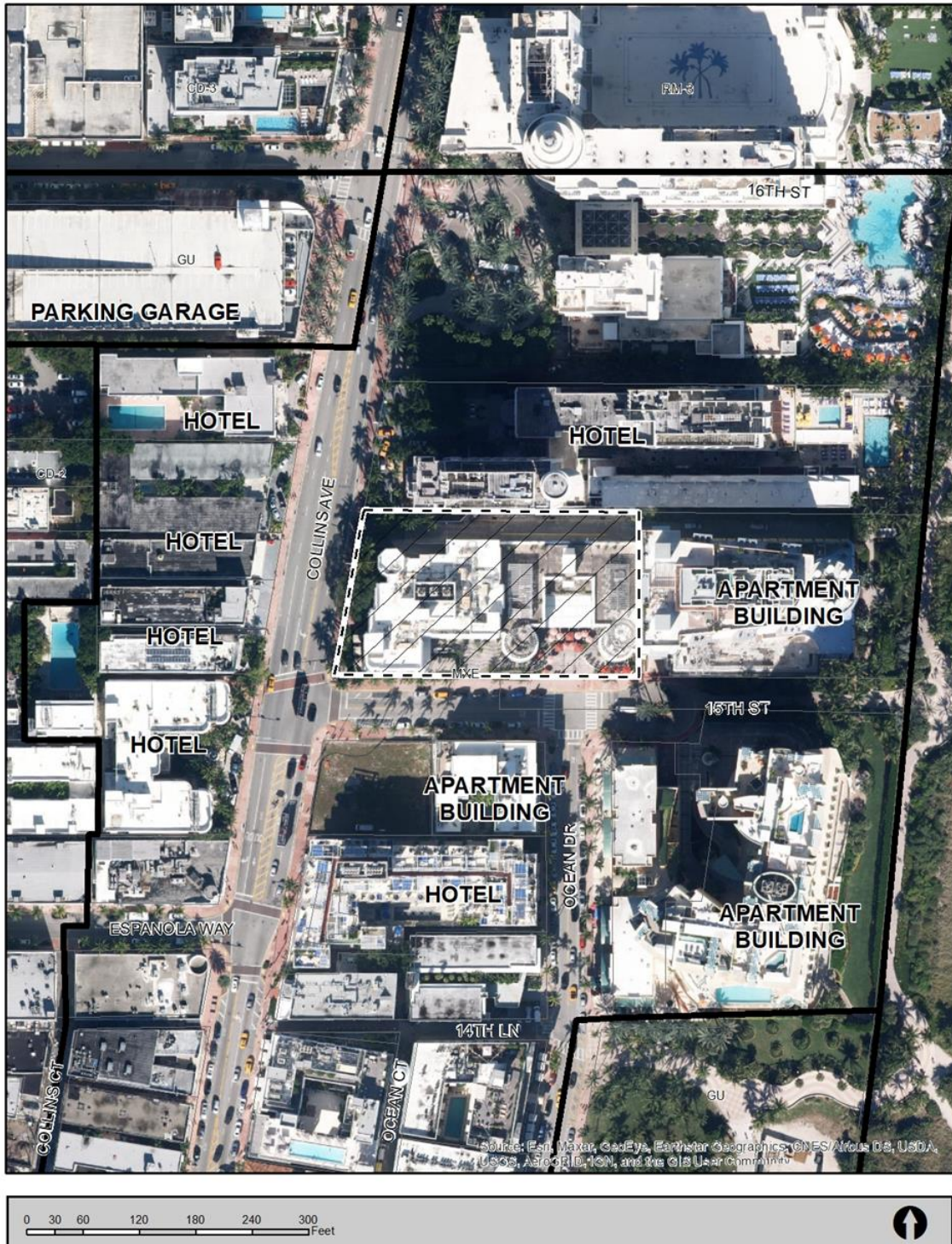
The applicant is requesting a modification to the existing Modified Conditional Use Permit (MCUP) in order to change the ownership/operator. Should this request be approved, Condition 1 would be amended as follows:

1. This Conditional Use Permit is issued to ~~Bancroft Oceans Five Holdings, LLC~~ 1501 Collins, LLC, as owner and LDV 1501 Manager, LLC and TCM Miami, LLC as ~~operators~~ of the subject Neighborhood Impact Establishment, with an occupancy load exceeding 199. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest or 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, and to express their consent and agreement to comply with, the conditions listed herein.

STAFF RECOMMENDATION

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: 1501 Collins Avenue - NIE

FILE NO. PB23-0572. f.k.a PB20-0416.

IN RE: An application for a modification to a previously issued conditional use permit for a Neighborhood Impact Establishment that includes the renovation of the existing historic structure and existing commercial building with commercial uses, and the introduction of office use, pursuant to Chapter 118, Article IV and Chapter 142, Article V of the City Code. Specifically, the applicant is requesting to modify the owner/operator.

**LEGAL
DESCRIPTION:** See "Exhibit A".

MEETING DATE: ~~May 22, 2021~~ May 23, 2023

MODIFIED CONDITIONAL USE PERMIT

The applicant, 1501 Collins, LLC, requested a Conditional Use approval for a Neighborhood Impact Establishment (NIE) with an aggregate occupant content in excess of 200 persons, pursuant to Chapter 118, Article IV and Chapter 142, Article V 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 MXE, Mixed Use Entertainment zoning district; and

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

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; and

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

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

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, as approved by the Planning Board, and accepted by the applicant, that a Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions:

1. This Conditional Use Permit is issued to ~~Bancroft Oceans Five Holdings, LLC~~ 1501 Collins, LLC, as owner and LDV 1501 Manager, LLC and TCM Miami, LLC as ~~operators~~ of the subject Neighborhood Impact Establishment, with an occupancy load exceeding 199. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest or 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, and to express their consent and agreement to comply with, the conditions listed herein.
2. The Board hereby imposes and the Applicant agrees to the following conditions for all permitted and accessory uses, and the Applicant binds itself and its lessees, permittees, concessionaires, renters users, members, suppliers, consultants, Applicant's owners, and all other persons or entities that are permitted by the applicant to enter the Property, and their respective successors and assigns and all successors in interest in whole or in part, to comply with the following requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these requirements and/or limitations are enforced and the Applicant agrees to include in every contract, lease, management agreement, concession agreement, membership agreement, terms and conditions, letter agreement, assignment, agreement with each of the four restaurants approved herein and any new or successor restaurants, or any other document evidencing or governing the relationship between the Applicant and any of the foregoing individuals and entities:
 - a copy of this Conditional Use Permit, as fully signed and recorded, as an attachment to each such document; and
 - in the body of each such document, a covenant by the individual or entity to comply with the Conditions of the Conditional Use Permit;

Provided, however, that Applicant shall bear the ultimate responsibility to comply with this Conditional Use Permit.

- a. The project authorized by this Conditional Use Permit includes the operation of all four of the following restaurants proposed in the Applicant's application, all four of which shall be open to the public, subject to the conditions set forth below. This Conditional Use Permit shall also govern each restaurant's respective usage of the Collins Avenue terrace, the 15th Street terrace, the smaller plaza just above the sidewalk in front of the Bancroft Hotel building, and the larger plaza just above the sidewalk in front of the Ocean Steps building (references below to the "Plans" refer to drawings and plans submitted as part of this Application by MCG Architecture dated January 25, 2021), :
 - i. The restaurant to be located at the southwest corner of the historic Bancroft

Hotel, in the interiors of the first and second floors and on the outside terraces along 15th Street and Collins Avenue, all of which were formerly occupied by the Quality Meats restaurant (identified as “**Concept: To be determined**” in Applicant’s “Venue Details” filed as part of its Application, and further identified as ‘Enlarged Restaurant Venue 1 / Floor Plan 1 & 2’ on Page A2.10 of the Plans) shall be limited to the following hours of operation:

Interior: Monday – Sunday	9:00 AM to 12:00 AM
Exterior: Monday – Sunday	9:00 AM to 12:00 AM

- ii. The restaurant to be located on the open-air plaza and the surrounding interior areas on the first floor of the Ocean Steps portion of the site, located east of the historic Bancroft Hotel (“Ocean Steps”), parts of which were formerly occupied by the Tequila Chica’s restaurant (identified as “**High End Mexican**” in Applicant’s “Venue Details” filed as part of its Application, and further identified as ‘Enlarged Restaurant Venue 2 Floor Plan’ on Page A2.11A and Page A2.11b of the Plans), shall be limited to the following hours of operation:

Interior: Monday – Sunday	9:00 AM to 1:00 AM
Exterior: Monday – Sunday	9:00 AM to 11:00 PM

- iii. The restaurant to be located on the open-air plaza and in the interior of the round tower located at the west end of the open-air plaza on the first floor of Ocean Steps (identified as “**Coffee Bar**” on Page A2.12 of the Plans), shall be limited to the following hours of operation:

Interior: Monday – Sunday	7:00 AM to 12:00 AM
Exterior: Monday – Sunday	7:00 AM to 11:00 PM

- iv. The restaurant to be located on the open-air plaza and in the interior of the round tower located at the east end of the open-air plaza on the first floor of Ocean Steps, formerly occupied by the Tequila Chica’s restaurant (identified as “**Sushi Bar**” on Page A2.12 of the Plans), shall be limited to the following hours of operation:

Interior: Monday – Sunday	7:00 AM to 12:00 AM
Exterior: Monday – Sunday	7:00 AM to 11:00 PM

Restaurant staff shall be allowed one additional hour for clean-up, re-setting of tables, and other closing tasks for exterior areas.:

- v. Any allowable background music in outdoor areas (i.e. music that is both exempt from the definition of “entertainment” as defined in City Code Section 114-1 and does not interfere with normal conversation) shall cease each night not later than one hour before the outdoor restaurant area closing time specified in Condition No. 2(a), or the access periods for the rooftop areas specified in Condition No. No. 2(b), whichever is earlier. No music may be played in outdoor areas before 9:00 AM each day. Allowable background music shall at all times comply with the provisions of this Conditional Use Permit and Chapter 46, Article IV of the City Code, as may

be amended (the "Noise Ordinance"). In the event of any conflict or inconsistency between a provision of this Conditional Use Permit and a provision of the Noise Ordinance, the more restrictive provision shall govern.

- vi. The maximum number of seats and occupancy loads for each of the four public restaurants are as follows (*note*: the unused capacity of one restaurant cannot be applied to another restaurant).

Restaurant	Maximum Number of Interior Seats	Maximum Number of Outdoor Seats	Occupancy Load
Bancroft Lobby Restaurant (Concept to be Determined - Former Quality Meats Space)	194	97	448*
Ocean Steps Central (High End Mexican Concept / Former Tequila Chica's)	100	88	292*
Coffee Bar (West Round Tower)	47	30	163*
Sushi Bar (East Round Tower)	54	32	145*

*Or such lesser number as the Fire Marshal may determine.

- vii. The maximum number of seats and occupancy loads for each of the Executive Office Suites facilities offering food and drink service for tenants are as follows (*note*: the unused capacity of one facility cannot be applied to another facility):

Facility	Maximum Number of Interior Seats	Maximum Number of Outdoor Seats	Occupancy Load
Second Floor Terrace (West Round Tower)	0	6	13*
Third Floor Lounge and Rooftop	80	161	488*
Interior Fourth Floor Dining and Bar (No Exterior Access)	40	0	80*
Bancroft Roof	11	139	284*

*Or such lesser number as the Fire Marshal may determine.

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- viii. Entertainment, as defined in City Code Section 114-1, shall be strictly prohibited in all indoor and outdoor areas.
 - ix. A full menu (including the restaurant's normal offerings of hot and cold food) shall be made available for each restaurant during all hours of operation.
 - x. The following requirements apply to the Applicant's Outdoor Speaker System:
 - A. The house sound system shall be installed and set in such a manner as to limit the acoustical output of the system to an ambient volume level (i.e. a volume that does not interfere with normal conversation), and shall have password protected security on all controls at all times. No outside sound system or outside sound equipment of any kind shall be used; only the Applicant's Outdoor Sound System, as approved by this Conditional Use Permit, shall be used. The equipment and installation plan for the sound system, including the location of all speakers and sound level controls shall be submitted for the review and approval of the Planning Department prior to the issuance of a Certificate of Use. At all times when any operations approved under this Conditional Use Permit are open, the Applicant shall continuously maintain a Manager on Duty (or equivalent) ("Manager on Duty"), on premises, to oversee the operations (including the Executive Office Suites, all the associated facilities, the four restaurants, and all interior and exterior areas). Passwords for sound systems shall be provided only to the Manager on Duty for the entire project. Only the Manager on Duty shall have access to sound system controls.
 - B. The Outdoor Speaker System shall require the deployment of multiple small, closely spaced speakers driven at low individual volumes. The system design is intended to physically distribute sound uniformly within the listening area in such a manner as not to exceed a volume that would interfere with normal conversation (i.e. an "ambient" volume level). The Outdoor Speaker System will be configured in a manner such that the Manager on Duty shall only be permitted to select program material and adjust volume levels; provided, however, that volume levels shall never exceed an "ambient" volume level. Only the Manager on Duty is authorized to allow access by verified installers, programmers, and repair personnel to the full complement of the Outdoor Speaker System's controls and adjustments, ensuring compliance with the sound and noise requirements, restrictions, and limitations in this Conditional Use Permit.
 - C. Size of speakers shall be limited to small woofers (not to exceed 8" nominal) that, according to the specifications for the speakers, are incapable of producing appreciable levels of low frequency energy, as lower frequencies (longer wavelengths) can travel greater distances than higher frequencies (shorter wavelengths). The lowest frequencies are to be significantly attenuated by electronic means.

- D. All outdoor speakers shall be oriented in such a way as to minimize sound propagation towards adjacent properties. Volume levels will be automated so as not to exceed the specified maximum, predetermined level. Once final adjustments have been made to the system, all controls are to be locked to prevent intentional or inadvertent adjustments.
- E. The controls of the Outside Speaker System shall make possible the turning off, or the lowering of the volume of:
 - 1. all the speakers in the outdoor area of each venue, including each of the four restaurants and including each of the outdoor facilities of the Executive Office Suites; and
 - 2. each individual speaker in each of such venues.
- xi. Televisions, projectors, monitors, movie screens, or any other means of video projection shall not be located anywhere in the exterior areas of the property.
- xii. After the hours of operation as permitted in this Conditional Use Permit, each restaurant shall remain closed and no patrons or other persons, other than those employed by the establishment, shall remain therein between the establishment's closing time and opening time.
- xiii. Outdoor bar counters shall be:
 - A. Prohibited on the Ocean Steps rooftop area;
 - B. Closed by 8:00 PM each night; and
 - C. Open no earlier than 11:00 AM each day.
- xiv. No alcohol shall be offered for sale or consumed on the premises between the hours of each establishment's closing time, as set forth herein, and 11:00 AM each day.
- xv. Dance floors and dedicated dance areas are prohibited, and a Business Tax Receipt for a dance hall shall not be issued.
- b. Usage of the roof-top area of the Ocean Steps building shall be limited to 9:00 AM – 11:00 PM and the rooftop area of the Bancroft Hotel building shall be limited to 9:00 AM – 12:00 AM. All food and beverage service to roof-top areas shall terminate one hour prior to the closing time.
- c. All roof-top areas, including, but not limited to the roof-top pool, cabanas, meeting spaces, and open-air meeting areas shall be part of the office component. The use of, and access to, the roof-top area shall be limited to the office tenants and their invited guests. The roof-top area shall not constitute, nor be licensed as a separate commercial establishment.
- d. Deliveries and pick-ups, including trash, garbage, and recycling pick-ups may only occur between 9:00 AM and 4:00 PM, each day.

- e. No loading or unloading of vehicles engaged in deliveries and/or pick-ups, including trash, garbage, and recycling pick-ups shall be conducted from 15th Street or Collins Avenue or other public rights of way. As proffered by Applicant, there is adequate room within the existing building to allow for loading and unloading to be conducted completely within the structure, which is accessed through the driveway currently shared by and among Applicant, the Royal Palm Hotel, and the 1500 Ocean Drive Condominium Association. No loading or unloading of vehicles engaged in deliveries and/or pick-ups, including trash, garbage, and recycling pick-ups shall be conducted in or from the shared driveway.
- f. Delivery vehicles, and pick-up vehicles, including trash, garbage, and recycling pick-up vehicles shall not be allowed to idle or park in loading zones, including the driveway shared by and among the Applicant, the Royal Palm Hotel, and the 1500 Ocean Drive Condominium Association.
- g. Delivery vehicles and pick-up vehicles, including trash, garbage, and recycling pick-ups vehicles shall not block other vehicles from fully traversing through the shared driveway at any time. The Applicant will ensure the proper operation of the shared private driveway that also serves both 1500 Ocean Drive and the adjacent Royal Palm Hotel site. The Applicant shall assign a dock master to manage all delivery and pick-up operations to reduce potential conflicts with pedestrians on the east Collins Avenue crosswalk where it intersects the shared driveway, and ensure that blocking of the shared driveway for the passage of vehicles does not occur at any time.
- h. Equipment and supplies shall not be stored in areas visible from streets, alleys, the shared driveway, or nearby buildings.
- i. Adequate trash, recycling, and garbage room space, air conditioned and noise baffled, shall be provided within the building, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that the exterior doors can and do remain fully closed and secured while garbage, recycling, trash, and trash bags are being deposited in dumpsters and at all other times when garbage, recycling, and trash are not actively being picked up. As proffered by the Applicant, the project's users, suppliers, and others will utilize the building's unified interior loading and service areas.
- j. Trash room(s)/garbage room(s)/recycling rooms shall be large enough, or sufficient in number to accommodate enough dumpsters so that more than one pick-up of trash, garbage and/or recycling per day will not be necessary.
- k. Garbage, trash, and recycling dumpster and other container covers shall be kept fully closed at all times except when in active use.
- l. Outdoor cooking anywhere on the premises is prohibited. Kitchen and other cooking odors shall be contained within the premises. Applicant agrees to install:(1) an exhaust system for each kitchen on the premises that will substantially reduce any grease and/or smoke that would otherwise escape to the surrounding area; and (2) a fan in connection with each kitchen's exhaust systems within the footprint of the building in order to reduce noise levels at the exhaust outlet substantially.
- m. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.

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- n. Applicant's security staff shall be onsite 24 hours a day, 7 days a week. Each venue's staff shall monitor patron circulation and occupancy levels, and shall take such action as may reasonably be necessary in order to achieve compliance with the requirements of this Conditional Use Permit. Both the Applicant and the operator of each individual venue shall be required to comply with the Conditions of this Conditional Use Permit. Applicant shall give written notice to the Property Manager (or equivalent) of each of 1500 Ocean Drive Condominium Association, The Drake Condominium Association, and Il Villaggio Condominium Association of the names and cellular telephone numbers of Applicant's personnel who are available 24/7 to receive complaints concerning Applicant's operations. Applicant shall give timely written notice to each such Property Manager of changes in such Applicant's personnel and/or cellular telephone numbers. Applicant will direct all such personnel to answer telephone calls and to take appropriate action during the periods that such personnel are on duty.
 - o. Each venue's staff (including security staff), and Applicant's security staff shall monitor patrons, and shall take such action as may reasonably be necessary to ensure that they do not: (1) interfere with the free-flow of vehicles on the public streets or pedestrians on the public street or sidewalk; (2) congregate in large groups in or near any of the project's outdoor areas; (3) queue on any public rights-of-way or on the exterior of the premises; (4) stand or sit on any part of the 1500 Ocean Drive property; or (5) create any disturbance in or near any of the project's outdoor areas.
 - p. Alcohol patron age restrictions shall be enforced by each venue's staff.
 - q. The Applicant shall be responsible for maintaining the areas adjacent to the project, such as the sidewalks, curb and gutter and around the perimeter of the project in excellent condition, keeping these areas in a clean condition, free of all refuse, at all times.
3. A maximum of nine (9) special events utilizing exterior areas of the property may be requested and/or approved each year, with a maximum of two (2) such special events occurring in a given month. No more than three (3) of the above special events may occur on more than one consecutive day (each, a "multi-day event"), and multi-day events may only be requested or approved during Citywide special event periods. No special events may include the open areas of the Ocean Steps building or the Bancroft ground floor terrace area along 15th Street without written notice by the Applicant to the 1500 Ocean Drive Condominium Association, the Drake Condominium Association, and the Il Villaggio Condominium Association. Within 10 business days of the filing of any special event application seeking to utilize the open areas of the Ocean Steps building or the Bancroft ground floor terrace area along 15th Street, the applicant shall hand-deliver to the property manager of the Drake Condominium, the Il Villaggio Condominium, and the 1500 Ocean Drive Condominium a complete set of copies of the application and all attachments and exhibits in the same form and to the same extent as filed with the City. No special event permit application that includes the open areas of the Ocean Steps building or the Bancroft ground floor terrace area shall request an exemption under City Code Sec. 12-5(8) from Chapter 46 of the City Code.
4. Valet operations shall not begin until Applicant has secured, and delivered a copy to the Planning Department of, an approved permit issued by the Parking Department of the City

of Miami Beach to designate a valet ramp at the west end of the north side of 15th Street at its intersection with Collins Avenue. The number of existing parking spaces in such permit dedicated exclusively to use by Applicant for valet operations, the number of valet attendants, and the number of valet runners shall be sufficient to ensure that there is no double-parking of vehicles or any other queuing of vehicles in the right of way on 15th Street. This operation will be further evaluated at the time of the 90-day progress report. Valets returning cars to the project valet ramp on 15th Street from the garage (located under the Bancroft Hotel-Ocean Steps property and under the 1500 Ocean Drive Condominium) must exit the garage via the shared driveway and then travel northbound along Collins Avenue and only access 15th Street from the south. A second valet ramp shall be located in the garage in order to reduce demand on the 15th Street valet ramp.

5. The Applicant recognizes the obligation of the Royal Palm Hotel to install and maintain an arm gate or two arm gates at the top of the ramp of the shared driveway (The Royal Palm Hotel – Planning Board File No. PB 17-0108, Modified Conditional Use Permit dated April 30, 2019, Page 8, Condition No. 27(A) - recorded May 23, 2019 in Book 31454 Page 1033 of the Public Records of Miami-Dade County). If, at any time, the present single gate is to be replaced by two arm gates, the Applicant hereby consents to the installation and maintenance on its property of one arm gate and all associated equipment and wiring, and agrees to provide all reasonably necessary access to its Property for such installation and maintenance, but all without cost to Applicant.
6. 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 Permit, including the hours of operation and/or the occupant load of the restaurant, as well as modifications to the parking operations, should there be valid complaints or violations (as determined by Code Compliance) about valet operations, and loud, excessive, unnecessary, or unusual noise.
7. The applicant shall address the following Transportation, Mobility, Concurrency and Parking requirements, as applicable:
 - 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. A Method of Transportation (MOT) 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.
 - c. The developer shall coordinate with the Transportation Department to develop an acceptable Transportation Demand Management (TDM) Plan, prior to the issuance of a building permit.
 - d. 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.
 - e. 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, as determined by staff, shall be paid prior to the issuance of the Certificate of Occupancy.
- f. An updated Traffic Plan shall be submitted to the Planning Department and Transportation Department for review and approval prior to the issuance of a certificate of use (CU).
8. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (the "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, and any other penalties or enforcement proceedings under applicable law.
9. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 90 days from the issuance of the BTR for the first restaurant to obtain a BTR. Details of all Code Compliance cases, traffic impacts, the loading and unloading operations, including size and frequency of vehicles, as well as full utilization details of the valet operation, shall be submitted for review as part of this progress report. The Board reserves the right to modify this Conditional Use Permit at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible inconsistencies with the conditional use criteria, the conditions of this Order, or any other operational conflicts, 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.
11. 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.
12. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
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 executed Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant and returned to the Planning Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
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 Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 and Section 118-194 of the City 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 Permit.

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.
17. The applicant agrees and shall be required to provide access to areas subject to this Conditional Use Permit (not private residences or hotel rooms) 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.
18. An updated Operating Plan shall be submitted to the Planning Department for review and approval prior to the issuance of a certificate of use (CU). The operations plan shall include a prohibition on the sale of oversized drinks, hookahs, and the parking of autocycles as voluntarily proffered by the applicant.

Dated _____

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Rogelio Madan, AICP
Development and Resiliency Officer
for chairman

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

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

May 23, 2023.

PB23-0572. f.k.a PB20-0416.1501 Collins Avenue – NIE

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

EXHIBIT "A"

1501 OCEAN STEPS CONDO, ALTON BEACH 1ST SUB PB 2-77, LOTS 18 THRU 20 & S1/2 OF LOT 17, & S1/2 OF LOT 4 & LOTS 1 THRU 3, LESS PORT DESC INOR 18368-1130, AS DESC IN DEC OR 22895-2861.

Units CU-001, CU-100, CU-201 and CU-202 as described in that certain Declaration of Condominium of 1501 Ocean Steps Condominium, recorded on December 10, 2004 in Official Records Book 22895 at Page 2861, as amended.