

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: July 25, 2023

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **PB23-0598. 1 Collins Avenue Units CU-1 and CU-2. Philippe Miami Beach - restaurant.**

An application has been filed requesting a conditional use permit for a Neighborhood Impact Establishment for a restaurant, pursuant to Chapter 2, Article V, Section 2.5.2 and Chapter 7, Article V, Section 7.5.5 of the Miami Beach Resiliency Code.

RECOMMENDATION

Approval with conditions.

BACKGROUND

- April 4, 2006 The Design Review Board approved the construction of a new condo-hotel complex with two (2) 7-story buildings on vacant lots (DRB File No. 18988).
- June 26, 2012 The Planning Board Approved a Conditional Use Permit for mechanical parking with lifts for a portion of the required parking for the project (PB File No. 2070).
- July 3, 2012: The Design Review Board approved a modification for design modifications to the previously approved project (DRB File No. 18988).
- December 7, 2012: The Board of Adjustment approved a variance to exceed the maximum permitted building height.

ZONING/SITE DATA

- Legal Description:** See exhibit "A"
- Zoning District:** C-PS1 Commercial Performance Standard limited mixed use
- Future Land Use Designation:** Limited Mixed Use Commercial Performance Standards (C-PS1)
- Surrounding Uses:** North: Residential Multifamily
South: Residential Multifamily
West: Residential Multifamily
East: Parking lot

THE PROJECT

The applicant, Philippe Miami LLC, has submitted plans entitled "One Ocean Restaurant," prepared by Kobi Karb Architects dated May 30, 2023. The proposal is for a restaurant, with alcohol service, to occupy the existing commercial units (CU-1 & CU-2) located on the ground floor of this building.

The proposed restaurant fronts South Pointe Drive and Ocean Drive. The ground floor has two main dining areas, two private dining rooms and bar with 218 interior seats, and an outdoor dining area with 94 seats; the total occupancy load is 471 persons.

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, 2.5.2.2:

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 permissible uses in the limited Mixed Use Commercial Performance Standard Category (C-PS-1) as designated on the Future Land Use Map within the Comprehensive Plan.

2. The intended Use or construction would not result in an impact that would 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.

3. Structures and uses associated with the request are consistent with these Land Development Regulations.

Consistent – Neighborhood Impact Establishments are permitted as conditional uses in this zoning district. 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. Public health, safety, morals and general welfare would not be adversely affected.

Consistent – The proposed establishment may adversely affect the general welfare of nearby residents if noise and other issues are not controlled. The facility would have to comply with all applicable laws and regulations for licensure.

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

Partially Consistent – The applicant will utilize valet parking services to park vehicles at a nearby storage location. Additionally, there are public parking facilities and street parking adjacent to the site. A full zoning analysis will be performed as part of the building permit review.

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

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

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

Partially Consistent – There are other restaurants within the vicinity, neighborhood impact establishments are permitted in the C-PS-1 Zoning District as a conditional use. If not carefully controlled, such concentration could negatively impact the surrounding neighborhood.

NEIGHBORHOOD IMPACT ESTABLISHMENT REVIEW GUIDELINES

In accordance with Chapter 7, Article 5 Sec. 7.5.5.4 of the Miami Beach Resiliency Code, in reviewing an application for an outdoor entertainment establishment, open air entertainment establishment or a neighborhood impact establishment, the Planning Board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines for conditional uses pursuant to Chapter 2, Article V:

- 1. An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.**

The operational plan was submitted with the application including details on hours for deliveries, hours of operation, number of employees, and other procedures.

- 2. A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, self-park, shared parking, after-hour metered spaces and the manner in which it is to be managed.**

The applicant will utilize valet parking services. Additionally, there are adequate public parking facilities and street parking adjacent to the site.

- 3. An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises would be controlled.**

A crowd control plan was not included with the application. Staff is proposing conditions to mitigate any potential issues with crowd control and queuing in the outdoor areas and sidewalk.

- 4. A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.**

The applicant has indicated that there will be cameras to monitor the facility. Per the Letter of intent, patron age limitations will be enforced by all employees and they will employ trained security professionals or off-duty Police Officers to ensure patron safety.

- 5. A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.**

A Traffic Study was provided. Based on the analysis, the Applicant has committed to implement best practices with its valet operations to ensure minimal impacts, as well as other traffic mitigation strategies. See the attached memorandum from the

Transportation Department.

6. A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.

The operations plan indicates how garbage collections are intended to take place. Staff has included recommended conditions to mitigate any potential issues related sanitation operations.

7. A noise attenuation plan which addresses how noise would be controlled to meet the requirements of the noise ordinance.

The Applicant's submitted operations plan that outlines the noise mitigation techniques that will be implemented to control noise and ensure compliance with the noise ordinance.

8. Proximity of proposed establishment to residential uses.

The development where the proposed venue is located contains a residential building behind on the north west side of the proposed restaurant separated by a courtyard.

9. Cumulative effect of proposed establishment and adjacent pre-existing uses.

There are other restaurants within the vicinity in this district. If not carefully controlled, such concentration could negatively impact the surrounding neighborhood.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 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.

Satisfied. The applicant shall provide a recycling or salvage plan as part of any building permit.

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

Satisfied. Windows are hurricane impact windows.

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

Per the letter of intent, The Applicant will provide, where feasible, passive cooling systems.

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 be Florida friendly and resilient.

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.

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.

Not Applicable.

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.

Satisfied. the building is existing and was developed in 2013 in accordance with applicable floodplain regulations.

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.

Satisfied. Per letter of intent, Habitable spaces below base flood elevation plus freeboard will use flood proofing system in accordance with the Code.

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

Satisfied. Per letter of intent, water retention systems will be provided.

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

Satisfied. Per letter of intent, Cool pavement materials or porous pavement materials will be utilized where possible.

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

Not Applicable.

ANALYSIS

Project Description and Operations

The proposal is for the renovation of an existing commercial space and the applicant is proposing to operate a restaurant serving alcoholic beverages with a total projected occupancy load of 471 persons. As per the plans, letter of intent, and operational plan, the following is a breakdown of the areas of the venue, the occupant content, and the proposed hours:

Ground floor information per plans submitted (A3-00A):

- Interior Seats: 218
- Exterior Seats: 94
- Total Seats: 312**

- **Total Occupancy Load: 471**

Proposed Hours:

- Interior area: Monday-Sunday: 10:00 AM to 2:00 AM
- Exterior area: Monday-Sunday: 10:00 AM to 12:00 AM

The main entry point is on South Pointe Drive via the entry lobby, which divides the restaurant into two main areas. On the south side the applicant is proposing a dining area, a bar, and restrooms. On the north side there is larger dining area and two private dining rooms. The new addition space will contain the kitchen and back of house areas. There are also two outdoor seating areas around the restaurant, one on the southwest side with 19 seats facing South Pointe Drive and a larger outdoor area located on the southeast side with 75 seats facing Ocean Drive.

Sound

The applicant is proposing ambient background music, played at a level that does not interfere with normal conversation. Although a sound study was not required staff is proposing conditions to ensure that nearby residents are not impacted by sound.

Deliveries and Sanitation

The operations plan indicates that all deliveries will be made from the existing four (4) commercial loading spaces located along Ocean Drive. The loading spaces are available from 7AM – 11AM. This is consistent with other recently approved Neighborhood Impact Establishments in this area.

All refuse will be walked from the trash room located at the rear of the restaurant to the refuse pickup area located on the alley (Collins Court). The applicant did not provide hours for refuse collection, staff is proposing that collections may occur daily between 9:00 AM and 5:00 PM.

Staff is recommending that this trash room be air conditioned and that it be closed except when sanitation pickups are occurring.

Valet Parking & Transportation

Valet attendants will utilize the existing three (3) spaces at the entrance of the restaurant along South Pointe Drive. Attendants will park vehicles at the designated parking spaces reserved for restaurant operations.

The valet operator is expected to utilize the parking spaces at 125 Collins Avenue parking lot in the near vicinity to One Ocean Condominium.

Staff received the following concerns from the public:

- The on-site garage shall be parked to capacity, utilizing all of the required parking for the restaurant, before any off-site valet storage facilities are approved.
- Request to have a status report for the Transportation Demand Management (TDM) strategies at the time of the progress report.

Staff agrees with these concerns. In order to address these concerns, staff is recommending the following conditions:

- The applicant shall submit previously approved parking plans and calculations for the overall site as part of the building permit application. The valet operations shall utilize the

spaces that were required for the original commercial areas and provided on-site prior to utilizing off-site parking spaces.

- In case that the parking lot at 125 Collins Avenue is no longer available, the applicant shall submit an updated valet parking analysis and plan to the Transportation Department. The revised plan shall be subject to the review and approval of the Transportation Department.
- A TDM status report shall be presented to the Planning Board outlining the TDM strategies utilized and their effectiveness at the time of the 90-day progress report.

Site Access

Per the operations plan, patron access to the restaurant is through the main entrance on South Pointe Drive. There will be a hostess stand at the interior of the entrance stationed to greet arriving guests. Guests will either be directed to their tables or to the bar area.

Security and Crowd Control

The operations plan indicated that there will be cameras onsite to monitor the facilities. Additionally, the Letter of Intent indicates all employees will be trained to check identification to ensure patron age restrictions and that the venue will employ trained security professionals or off-duty police officers to ensure patron safety. Staff has recommended conditions in the attached draft order to address security and crowd control.

STAFF RECOMMENDATION

In view of the foregoing, staff recommends the application be approved, subject to the conditions in the attached draft order.

ZONING/SITE MAP

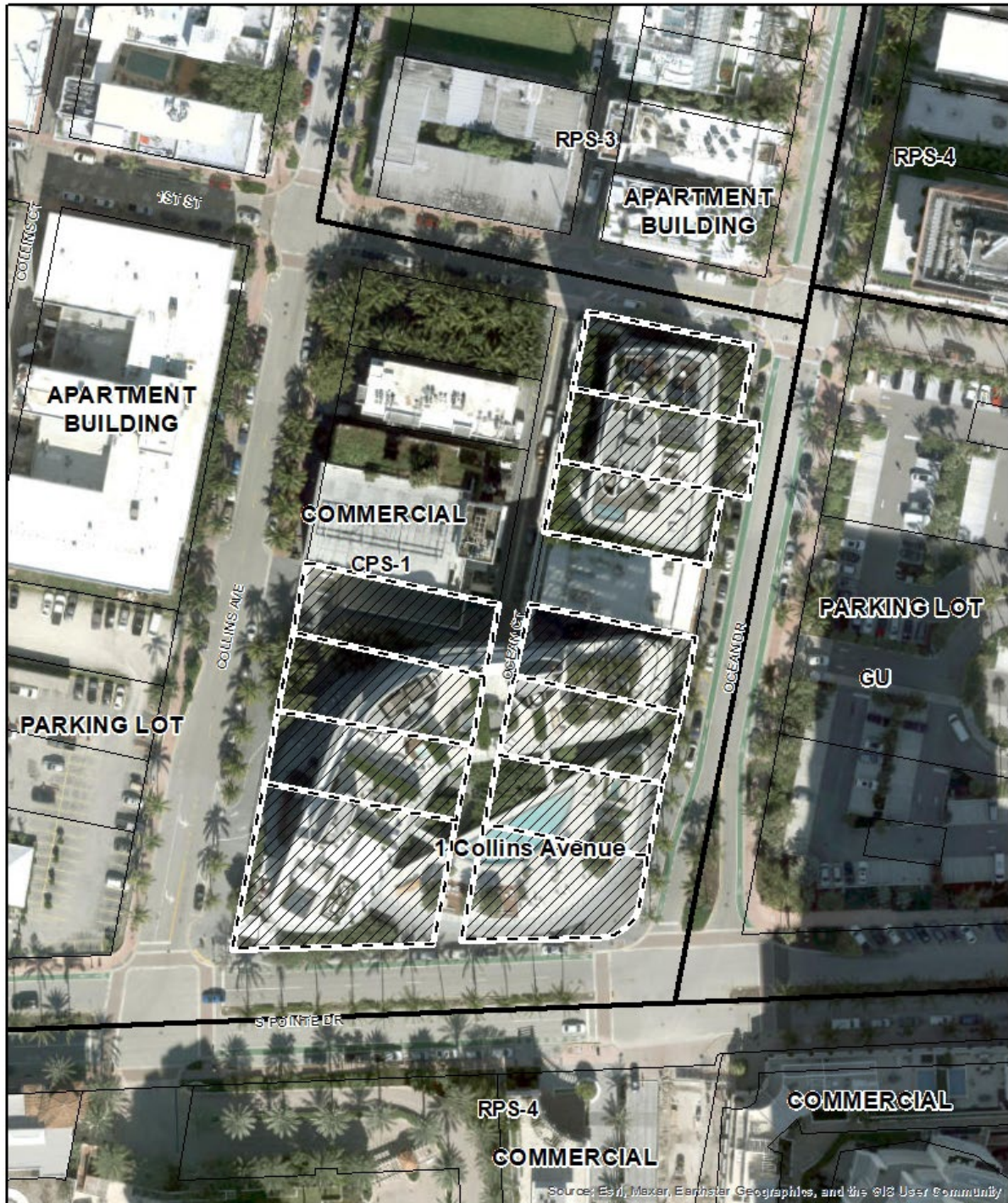


Exhibit "A"
Legal Description

Condominium Parcel Nos. CU-1 and CU-2 of ONE OCEAN CONDOMINIUM, according to the Declaration thereof, recorded March 24, 2016 in Official Records Book 30011, page 4424, of the Public Records of Miami-Dade County, Florida as amended and/or supplemented from time to time, together with an undivided interest in the common elements appurtenant thereto.

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, FL 33139, www.miamibeachfl.gov

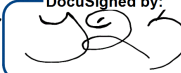
TRANSPORTATION & MOBILITY DEPARTMENT

Tel: 305.673.7514

MEMORANDUM

TO: Rogelio Madan, AICP, Chief of Community Planning & Sustainability

FROM: José R. González, P.E., Director

DocuSigned by:

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DATE: July 6, 2023

SUBJECT: 1 Collins Avenue Fine Dining Restaurant – Traffic Assessment – PB23-0598

The Transportation and Mobility Department has reviewed the subject Traffic Assessment (TA) submitted by the applicant as part of the Planning Board application for the proposed fine dining restaurant proposed at 1 Collins Avenue in Miami Beach, Florida. The proposed project consists of a 350-seat fine dining restaurant. The site of the development was previously occupied by a 356-seat fine dining restaurant and a 2,290 square-foot convenience store.

Trip Generation and Trip Distribution

The results of the trip generation analysis indicated that the proposed redevelopment will be expected to generate 92 weekend peak hour trips or a reduction of 146 weekend peak hour trips when compared to the previous development program that generated 238 weekend peak hour trips. The 1 Collins Avenue development is located on the northeast quadrant of Collins Avenue and South Pointe Drive. A drop-off/pick-up area for valet and rideshare will be located along the northside (westbound direction) of South Point Drive between Ocean Drive and Collins Avenue within on-street parking. A total of four (4) on-street parking spaces will be used valet and rideshare drop-off/pick-up operations, based on coordination between the Applicant and the City's Parking Department.

Multimodal Trips

The 1 Collins Avenue project is served by multimodal transportation options such as dedicated bicycle lanes on South Pointe Drive and Ocean Drive and access to transit including Miami-Dade Transit Routes S, M, C, 120, and 150 as well as the City of Miami Beach's South Beach Trolley.

Valet Operations

A total of four (4) on-street parking spaces will be used valet and rideshare drop-off/pick-up operations, based on coordination between the Applicant and the City's Parking Department. The valet queuing operations analysis was performed based on the methodology outlined in Institute of Transportation Engineers' (ITE's) *Transportation and Land Development*, 1988. The analysis determined that three (3) valet spaces with a maximum of 11 valet attendants during peak times are adequate to facilitate valet operations without valet queues extending onto public right-of-way. Valeted vehicles will be parked at 125 Collins Avenue. Refer to the figure below for the valet station location and valet route.



Transportation Demand Management (TDM)

The applicant proposes to provide the following strategies to reduce the impacts of the Project traffic on the surrounding roadway network:

- **Employee Transportation Coordinator:** To promote the use of alternative transportation modes, the applicant has designated Mr. Abraham Merchant, as the restaurant's Employee Transportation Coordinator. Mr. Merchant's contact information is as follows:
Mr. Abraham Merchant
Phone: 212-871-5601
Email: amerchant@merchantshospitality.com
- **Promoting Transit:** The applicant will post transit information on-site including transit route maps and route schedules. Carpooling and vanpooling program information shall be provided to employees, including the development of economic incentive programs (such

*Memorandum to Planning Department Re: 1 Collins Avenue Fine Dining Restaurant – Traffic Assessment
July 6, 2023, Page 3*

as subsidized transit passes) to encourage employees participation in the reduction of single-occupant vehicular trips or the use of transit facilities.

Conditions of Approval

1. The analysis determined that three (3) valet spaces with a maximum of 11 valet attendants during peak times are adequate to facilitate valet operations without valet queues extending onto public right-of-way. It should be noted that projected vehicular volumes and estimated valet processing times were conservatively assumed in the analysis. If it is determined that valet processing times can be performed more efficiently and/or actual traffic volumes are lower than projected, a reduced number of valet attendants may be adequate to serve the site.
2. The applicant is required to submit a supplemental traffic memorandum including an evaluation of the proposed valet operations by no later than six (6) months from the date the 1 Collins Avenue restaurant development is fully operational. The valet analysis queuing study should include field data collection for one (1) weekend day including the peak valet operations period.

Conclusion

The Transportation and Mobility Department including the Peer Review Consultant has no further comments on the Traffic Assessment for the 1 Collins Avenue Fine Dining Restaurant.

Please feel free to contact the City of Miami Beach Transportation and Mobility Department if you have any questions on the above.

cc: Otniel Rodríguez, E.I., Assistant Director, Transportation and Mobility Department

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

PROPERTY: 1 Collins Avenue Units CU-1 and CU-2. Philippe Miami Beach - restaurant.

FILE NO. PB23-0598

IN RE: An application has been filed requesting a conditional use permit for a Neighborhood Impact Establishment for a restaurant, pursuant to Chapter 2, Article V, Section 2.5.2 and Chapter 7, Article V, Section 7.5.5 of the Miami Beach Resiliency Code.

LEGAL DESCRIPTION: See exhibit "A"

MEETING DATE: July 25, 2023.

CONDITIONAL USE PERMIT

The applicant, Philippe Miami, LLC, filed an application with the Planning Director requesting a Conditional Use approval for a Neighborhood Impact Establishment pursuant to Chapter 2, Article V, Section 2.5.2 and Chapter 7, Article V, Section 7.5.5 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:

That the property in question is located in the C-PS-1 Commercial Performance Standard limited mixed use.

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

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

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

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

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

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

1. 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. 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. 2.5.2.5.
2. This Conditional Use Permit is issued to Philippe Miami, LLC, as tenants and operators of the Neighborhood Impact Establishment consisting of a restaurant and bar. Any change of operator or fifty percent (50%) or more stock ownership shall require the new owners or operators to submit an affidavit, approved by City, to the City of Miami Beach Planning Department transferring approval to the new owners and/or operators and acknowledging acceptance of all conditions established herein, prior to the issuance of a new Certificate of Use/Business Tax Receipt. A progress report shall be scheduled within 60 days following the applicant's submission and staff's approval of the affidavit.
3. 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.
4. 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.
5. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
6. 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. The project authorized by this Conditional Use Permit includes the creation and operation of the proposed **312** seat Neighborhood Impact Establishment, subject to the criteria listed below:
 - i. The restaurant and bar subject to this CUP shall have a maximum occupant content of **471** persons or any lesser such occupant content as determined by the Fire Marshal.
 - ii. The indoor portions of the establishment may operate from 10:00 AM until 2:00 AM and the outdoor seating areas shall close by 12:00 AM. These hours shall not supersede any future amendments to the City Code, pertaining to hours of operation for alcoholic beverage establishments.
 - iii. Entertainment, as defined in City Code 1.2.2.9 shall be strictly prohibited in all indoor and outdoor areas.

- iv. Recorded background music, played at a level that does not interfere with normal conversation, may be permitted, provided that a sound system with directional speakers and a digital tamper-resistant sound level limiter is used to minimize impacts to adjacent properties.
 - v. Plans shall be modified to ensure that the entirety of the sidewalk is fully activated, the floor plans must comply with the following conditions subject to the review and approval from the Planning Department.
 - a. No new window treatments of any kind, including decorative panels, opaque glass and lighting against the glass, retractable awnings, umbrellas and planters shall be permitted along Ocean Drive and South Pointe Drive unless approved by the Design Review Board, or staff in accordance with the Design Review Criteria, as applicable.
 - b. The proposed outdoor seats and planters facing South Pointe Drive in front of the on-street parking, shall be located as depicted on plans (page A3.00) with a minimum of five (5') feet from the property line, to ensure pedestrian clearance on the sidewalk.
 - vi. Sound generated from the venue, including, but not limited to, recorded music and patron conversations, shall not be plainly audible from residential buildings adjacent to the subject property.
 - vii. No exterior speakers shall be permitted except those necessary for fire and life safety purposes.
 - viii. Televisions and projectors shall not be located anywhere in the exterior areas of the property.
 - ix. No dancehall shall be permitted on the site.
 - x. Special event permits shall be prohibited.
 - xi. 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 the establishment's closing time and 8:00 AM.
- B. Deliveries may only occur between 9:00 AM and 12:00 PM each day, or as specified by the City approved loading zones in the vicinity.
- C. Deliveries must be conducted via designated loading zones or loading areas on private property. No deliveries shall be made from undesignated loading areas on Collins Avenue, South Pointe Drive, or Ocean Drive. Additionally, at no time shall delivery or service vehicles block any portion of the public right-of-way, including, but not limited to the bicycle lanes on Ocean Drive south Pointe Drive, and the bus stop on Washington Avenue.
- D. Delivery trucks shall not be allowed to idle in the loading zone.

- E. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
 - F. Waste collections may occur daily between 9:00 AM and 5:00 PM, or as specified by the City approved loading zones in the vicinity.
 - G. 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.
 - H. 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.
 - I. 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.
 - J. Garbage dumpster covers shall be closed at all times except when in active use.
 - K. Restaurant and bar personnel shall take measures to enforce the Patron Age Restriction of the City Code during the hours of operation of all alcoholic beverage establishments.
 - L. No patrons shall be allowed to queue on public rights-of-way, or anywhere on the exterior premises of the subject property.
 - M. The owner/operator shall be responsible for maintaining the areas adjacent to the facility, including the sidewalk, and all areas around the perimeter of the property. These areas shall be kept free of trash, debris and odor, and shall be swept and hosed down at the end of each business day
 - N. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
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. The applicant shall coordinate with the Transportation Department to develop an acceptable Transportation Demand Management (TDM) Plan, prior to the issuance of a building permit.
 - C. A TDM status report shall be presented to the Planning Board outlining the TDM strategies utilized and their effectiveness at the time of the 90-day progress report.

- D. The applicant will provide text-to-order valet parking services to limit crowding on the exterior of the venue.
 - E. All valet parking operations shall be conducted within the rented on-street parking space(s) for the valet ramp and shall not block, at any time, the bicycle lanes on South Pointe Drive.
 - F. The restaurant shall maintain sufficient valet attendants to ensure that there are no queues extending onto the public right-of-way. The analysis determined that three (3) valet spaces with a maximum of 11 valet attendants during peak times are adequate to facilitate valet operations without valet queues extending onto public right-of-way. It should be noted that projected vehicular volumes and estimated valet processing times were conservatively assumed in the analysis. If it is determined that valet processing times can be performed more efficiently and/or actual traffic volumes are lower than projected, a reduced number of valet attendants may be adequate to serve the site, subject to the review and approval of the Transportation Department.
 - G. The applicant is required to submit a supplemental traffic memorandum including an evaluation of the proposed valet operations by no later than six (6) months from the date that the restaurant is fully operational to the Transportation Department. The valet analysis queuing study should include field data collection for one (1) weekend day including the peak valet operations period. A progress report may be requested by staff if it is found that there are issues with valet and traffic operations.
 - H. The applicant shall submit previously approved parking plans and calculations for the overall site as part of the building permit application. The valet operations shall utilize the spaces that were required for the original commercial areas and provided on-site prior to utilizing off-site parking spaces.
 - I. Off-site parking shall be located at 125 Collins Avenue. In case that the parking lot at 125 Collins Avenue is no longer available, the applicant shall submit an updated valet parking analysis and plan to the Transportation Department. The revised plan shall be subject to the review and approval of the Transportation Department.
- 8. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of an occupational license to operate this establishment.
 - 9. The applicant shall obtain a full building permit within 18 months from the date of the meeting, 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.
 - 10. The Planning Board shall retain the right to call the owner or operator back before them and modify the hours of operation or the occupant load should there be valid complaints 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.

11. 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 2.5.2.5, Code of the City of Miami Beach, Florida.
12. 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.
13. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
14. 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 Chapter 1, Article III, 1.3.8 of said Miami Beach Resiliency 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.
15. 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.
16. 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.

Dated _____

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Rogelio A. 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 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 _____ ()

EXHIBIT "A" – Legal description

Address: 801 S Pointe Drive, Unit CU-2

Folio No. 02-4203-368-0320

Legal Description

Condominium Parcel No CU-2 of MAREA, a Condominium, according to the Declaration of Condominium thereof, as recorded in Official Records Book 29810, page 2526, of the Public Records of Miami-Dade County, Florida and all amendments thereto, together with its undivided share in the common elements.