MIAMI BEACH
PLANNING DEPARTMENT

Staff Report & Recommendation — PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: September 26, 2023

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **PB22-0540. 2000 Collins Avenue - SONA - Commercial space M.**

An application has been filed requesting a conditional use permit for a Neighborhood Impact Establishment with Entertainment, and pursuant to the requirements of the Master Conditional Use Permit for the property (File No. PB22-0551), and 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

February 27, 2001 Just Around the Corner, LLC was granted a Conditional Use Permit (CUP), File No. 1493, for a multi-level parking garage with retail on the ground floor.

April 30, 2003 Just Around the Corner, LLC and POP Development, LLC requested a substantial amendment to the existing CUP (File no. 1493) with a new File No. 1609 which was approved by the Board (File No. 1609 superseded the previous order). This substantial amendment consisted of an extension of the valet parking garage located at 237 20th Street and introducing a residential component above ground level commercial spaces facing Collins Avenue and 21st Street.

June 22, 2004 Just Around the Corner, LLC and POP Development, LLC applied for a Modified CUP (MCUP) File No. 1609 and were approved. The modification included the following language: Condition # 3 *"Dance halls, bars or any kind of neighborhood impact establishment shall only be permitted along Collins Avenue. Any entertainment establishment that may be proposed for this property, regardless of occupant load shall be reviewed by the Planning Board for conditional use approval as agreed by the applicant."*

July 24, 2007 A new applicant, Park Place Development, LLC requested a modification to the MCUP to among other things create two new restaurant spaces, which was approved by the Board.

February 28, 2012 Park Place Development, LLC requested a modification to the MCUP File No. 1609 (Master CUP) to add a lounge use on 20th Street There was a long discussion that included the intensity of the restaurants (number of seats), traffic, parking and the location of the various venues.

February 28, 2012 Ocean First Group, LLC received a separate CUP Approval of a Conditional Use Permit (CUP) for a neighborhood impact establishment (NIE) consisting of an alcoholic beverage establishment, entertainment establishment, and dance hall with an occupant content of more than 200 persons. (File No. 2042).

August 28, 2012 Park Place Development, LLC was granted a modification to a previously issued Modified Conditional Use Permit (MCUP) File No. 1609 (Master CUP) to add a restaurant and reconfigure the previously approved restaurant spaces. In order to streamline the process, and allow for future reconfigurations without returning to the Planning Board every time there is a change of floor plan.

July 28, 2015 Zilkatur, LLC requested a modification to a previously issued Conditional Use Permit File No. 2042. Specifically, the applicant requested to change the name of the owner.

November 24,2015 Park Place Development, LLC and Just Around the Corner, LLC requested modifications to a previously issued Modified Conditional Use Permit (MCUP) File No. 1609 (Master CUP). Specifically, the applicant requested to modify a condition of the Modified Conditional Use Permit (MCUP) in order to allow entertainment establishments on Liberty Avenue and on 21st Street, and retaining the overall cap on the number of seats for the entire property and the requirement of entertainment uses to obtain their own separate CUP's. In other words, limiting the intensity of the entire site, but allowing that intensity to be moved around within the existing shell without modifying the master CUP every time and allowing the board to restrict hours and operations on an individual basis for entertainment uses.

November 24, 2015 Sweet Liberty Brothers, LLC, is requesting Conditional Use approval for an entertainment establishment including frontage on Liberty Avenue, (File 2278) pursuant to the requirements of the Master Conditional Use Permit for the property (PB File No. 1609) which requires that any additional entertainment establishment be reviewed by the Planning Board, regardless of occupant load.

December 15, 2015 Bagatelle Miami, LLC., requested conditional use approval for an entertainment establishment (File No. 2277), pursuant to the requirements of the File. No. 1609 (Master CUP) which requires that any additional entertainment establishments be reviewed by the Planning Board, regardless of occupant load.

November 15, 2016 DOA Miami Beach, LLC, requested modifications to a previously approved CUP for a Neighborhood Impact Establishment. Specifically, the applicant requested to change the ownership/operator and an expansion of the floor plan. (PB6-0060 fka File No. 2074 "DOA" - This CUP is no longer valid; this location is currently occupied by CVS).

April 25, 2017 The applicant, MC GA Collins Realty, LLC, was granted a modification to a previously modified conditional use permit. Specifically, the applicants requested change the name of the owner. (PB17-0091 fka File No. 1609 -

Master CUP).

July 23, 2019 The applicant, MC GA Collins Realty, LLC was granted modifications to ta previously approved CUP for a Neighborhood Impact Establishment. Specifically, the applicant requested a change of ownership. (PB19-0271 aka File No. 2042 "ORA" - This CUP is no longer valid).

June 22, 2021 The applicant Raspoutine Miami LLC, was granted modifications to ta previously approved CUP for a Neighborhood Impact Establishment and Entertainment Establishment Specifically, the applicant requested a change of ownership (PB21-0441, aka File No. 2277)

January 24, 2023 The applicants, Regal 2000 Collins Retail Holdings, LLC, RDS Boulan LLC, 237 Parking LLC, and 237 20th Street Garage LLC, were granted modifications to a previously modified Conditional Use Permit specifically, the applicants requested to change the name of the owner/operator. (PB22-0551**.** aka PB17-0091 fka File No. 1609 - Master CUP).

ZONING / SITE DATA

Legal Description:	Lots 1, 2, 3, 4, 6 and 8 of Block C of Amended map of Ocean Front property of Miami Beach Improvement Company Subdivision as recorded in PB 5, Page 7 of the Public Records of Miami-Dade County, Florida.
Zoning:	CD-3, Commercial High Intensity zoning district
Future Land Use Designation:	High Intensity Category Commercial (CD-3)
Surrounding Uses:	North Collins Park (City Park) East: Hotel South: Hotel and multifamily West: Hotel and multifamily

(See Zoning/Site map at the end of the report)

THE PROJECT

The applicant, Regal 2000 Collins Retail Holdings LLC, has submitted plans entitled "SONA", prepared by Genesis Fortune, LLC Consulting Engineering dated July 6, 2023. The proposal is for a cocktail bar/lounge with alcohol service with a lobby entrance on the ground level. The venue will be located on the second level (Commercial space M per letter of intent) and access to this space is via 20th Street, west of the existing CVS pharmacy and east of the parking garage entrance. The venue will have an area of 3,161 SF, an occupant load of 462 persons and 125 seats, per the submitted plans.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

Pursuant to Code Section 2.5.2.2.a, an application for a conditional use may be approved if the Planning Board finds that it meets the below-listed general standards for approval. The Project complies with all nine (9) standards.

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 CD-3 category as designated on the Future Land Use Map within the Comprehensive Plan.

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.

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. **The public health, safety, morals, and general welfare will 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 will be provided**.

   Consistent – The Project will provide the required parking within the valet-only parking garage located at 237 20th Street. The Applicant further anticipates that many patrons will arrive by foot, rideshare services, or taxi. A full zoning analysis will be performed as part of the building permit review.

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 from noise, crowd control and other issues on the surrounding neighborhood.

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.**

   Partially Consistent – There are other venues within the vicinity that have entertainment, which is permitted in the CD-3 Zoning District. If not carefully controlled, such concentration could negatively impact the surrounding neighborhood.

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

   Consistent – see below, sea level rise and resiliency review criteria provided in Code Section 7.1.2.4.

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

Consistent – The previous venue located in the same space had a greater intensity in terms of size, occupant load and use (night club). If not carefully controlled, such cumulative effect could negatively impact the surrounding neighborhood and existing uses.

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.**

   Consistent – The operational plan was submitted with the application, including details on hours for deliveries, hours of operation, number of employees, loading refuse collection 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.**

   Consistent – The Project will provide the required parking within the valet-only parking garage located at 237 20th Street. The Applicant further anticipates that many patrons will arrive by foot, rideshare services, or taxi.

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.**

   Partially Consistent – A crowd control plan was included with the application. Staff is proposing conditions to mitigate any potential issues with crowd control and queuing on the sidewalk.

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

   Consistent – The applicant has indicated in the Letter of Intent (LOI) and operational plan that there will be two security guards stationed at each exit and at the entrance. Remaining security guards will be stationed strategically throughout the property. The security staff team and management team will employ a radio communication system, patron age limitations will be enforced by all employees.

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.**

   Consistent – A traffic study was not required since new valet operations are not proposed, the Applicant is proposing valet operations at a location that is already serviced by an existing valet operator that conducts all valet operations on the Property.

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

   Consistent – The operations plan indicates how garbage collection is 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.**

   Consistent – A sound study was not required since the venue is indoors and is located on the second floor with a separate vestibule on the ground floor. The operations plan 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.**

   Consistent – The Property contains residential uses, and per LOI and operational plan, the Applicant has taken into consideration this use. Staff has included recommended conditions to mitigate any potential issues related to de proximity to the residential use.

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

   Consistent – There was previously a venue located in the space. The previous venue had a greater intensity in terms of size, occupant load and use (night club). The proposed establishment should have a smaller impact than the previous establishment. If not carefully controlled, such cumulative effect could negatively impact the surrounding neighborhood and existing uses.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 o 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.

   Satisfied. 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.

Not applicable.

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.

   No applicable.

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

   Satisfied.

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

   Satisfied. – The existing building is situated at the required base flood elevation.

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.

   Not applicable.

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

    Satisfied.

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

    Not applicable.

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 for the operation of a cocktail bar/lounge with alcoholic beverage service; no food service will be provided. A nightclub was previously in operation at this location, but occupied two floors. The total occupancy load proposed is 462 persons. As per the plans, letter of intent, and operational plan, the following is a breakdown of the venue seat count,occupancy content and the proposed hours:

Interior Seats:	125
Total Occupancy Load:	462
Proposed Hours:	Sunday - Thursday: 5:00 PM to 2:00 AM

Friday – Saturday: 5:00 PM to 5:00 AM

The main entrance is located on the ground floor facing 20th street. The entrance leads to a 232 SF vestibule with a host desk, which provides access to the elevator and stairs.

The venue is primarily located on the second floor and a reception area is proposed near the elevator and stairs. A second set of doors leads to two seating areas, one on the west side and one on the north side with its own bar. There is a VIP lounge proposed on the north side of the venue. The perimeter area contains back of house uses, restrooms, storage rooms, and additional building exits.

Conssitent with previously approved venues fronting public sidewalks, staff recommends the following condition to ensure that transparency is maintained in the future and that the entirety of the sidewalk is fully activated.

- Prior to the issuance of any building permit or certificate of use (CU), whichever occurs first, related to the approval herein, any and all existing window treatments, including, but not limited to tinting, decorative panels, opaque glass and lightling, shall be removed from all portions of storefront glass facing 20th Street. No new window treatments of any kind, including, but not limited to, tinting, decorative panels, opaque glass and lighting against the glass shall be permitted along 20th street, unless approved by the Historic Preservation Board or staff in accordance with the Design Review Criteria, as applicable.

Sound and Entertainment
A sound study was not required since the venue is enteirely indoors on the second floor with a separate vestibule on the ground floor. Per the LOI and operational plan, the applicant is utilizing the same sound system already located in the venue that was previously approved by the Planning Board. Subsequent to the previous night club approval, sound transmition tests took place to ensure that sound does not impact residents within the building, in light of the glass wall curtain that faced 20th Street. The proposed venue has limited frontage along 20th Street due to the conversion of the groundfloor to a retail bay. Staff is recommending the following conditions to ensure that the noise is contained within the second floor where the venue is located:

- Outdoor speakers are prohibited except those necessary for fire and life safety purposes.
- Speakers within the ground floor vestibule shall be limited to a volume that does not interfere with normal conversation.
- The main entrance doors and those located adjacent to second-floor reception shall be kept closed in order to prevent sound from escaping from the venue, except when patrons are entering or exiting.
- Sound generated from the venue, including, but not limited to, recorded music and patron conversations or entertainment, shall not be plainly audible from or beyond any public right of way adjacent to the subject property.
- Sound and vibrations generated from the venue, including, but not limited to, recorded music and patron conversations or entertainment, shall not be plainly audible inside the residential units within the building.

Nearby Entertainment Establishments

- Sweet Lyberty – 237 20th Street – PB file No. 2278
- Orange Blossom – 2000 Collins Avenue No. 7

- Raspoutine – 2000 Collins Avenue
- Baoli – 1906 Collins Avenue
- Mynt – 1921 Collins Avenue

Hours of Operation
The applicant is requesting to operate as follows:

Indoor	Sunday - Thursday:	5:00 PM to 2:00 AM
	Friday – Saturday:	5:00 PM. to 5:00 AM

Staff has no objections to the proposed hours.

Deliveries and Sanitation
The operations plan indicates that all deliveries will be made from the existing air-conditioned trash room located inside of existing hotel. Trash pickup occurs seven days a week at approximately 10:00 AM.

The operations plan indicates that loading and deliveries would take place at the closest City of Miami Beach designated commercial loading zone, which is at 1941 19th Street (at the corner of Street and Liberty Street). Loading and deliveries will typically occur between 10:00 AM and 3:00 PM, and staff has incorporated conditions to allow deliveries and trash pickups to take place between 9:30 AM and 3:30 PM.

Valet Parking and Access
Patrons arriving for valet drop off will use the existing valet station within the parking garage located at 237 20th Street. Access to the property for all customers is from the main entrance located on 20th Street. Staff is recoomending that the applicant provide a text-to-order valet parking service be utilized to limit crowding on the exterior of the venue or the parking garage.

Security and Crowd Control
A security and crowd control plan were included with the application's operational plan, which indicates that in the event of queuing on the sidewalk, stanchions will delineate the area to allow for the free flow of traffic. Staff has concerns related to patrons queuing outdoors, as this can create noise and other negative impacts for nearby residents, and is proposing the following conditions to mitigate any potential issues with crowd control and queuing on the sidewalk:

- No patrons shall be allowed to queue on public rights-of-way, or anywhere on the exterior premises of the subject property, any queuing of patrons shall occur within the property or inside the venue only.

- No stanchions shall be placed in front of the entrance on the sidewalk.

- Security staff shall monitor the crowds to ensure that they do not obstruct the sidewalk.

Staff believes that the applicant can make modifications to ensure that queuing is minimized or occur indoors, including enlarging the second floor reception area.

Similar concerns were raised with the previous establishment at this location and the image below was taken in 2018 related to a progress report due to violations and complaints regarding the operations from the venue that was previously located on the same site (ORA night club). The proposed establishment has a smaller occupancy than the previous establishment and the same level of crowds are not expected.

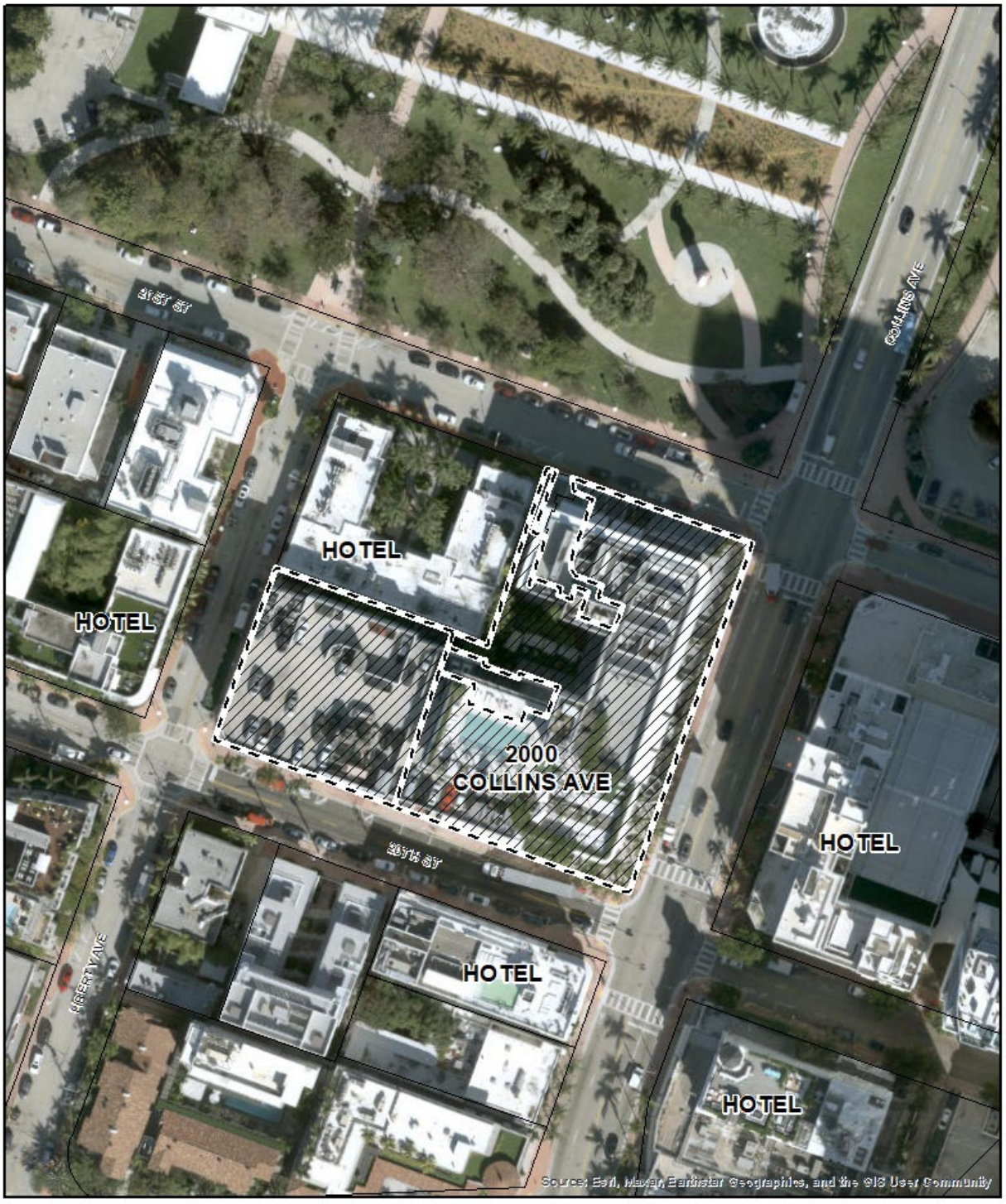


The applicant has indicated in the LOI and operational plan that there will be an in-house security team, with two security guards stationed at each exit and at the entrance; the remaining security guards will be stationed strategically throughout the property. The security staff and management team will also employ a radio communication system and patron age limitations will be enforced by all employees.

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



MIAMIBEACH
PLANNING DEPARTMENT
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0 20 40 80 120 160 200 Feet

PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 2000 Collins Avenue – SONA - Commercial space M.

FILE NO. PB22-0540

IN RE: An application has been filed requesting a conditional use permit for a Neighborhood Impact Establishment with Entertainment, and pursuant to the requirements of the Master Conditional Use Permit for the property (File No. PB22-0551), and 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: Lots 1, 2, 3, 4, 6 and 8 of Block C of Amended map of Ocean Front property of Miami Beach Improvement Company Subdivision as recorded in PB 5, Page 7 of the Public Records of Miami-Dade County, Florida

MEETING DATE: September 26, 2023

CONDITIONAL USE PERMIT

The applicant, Regal 2000 Collins Retail Holdings 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 CD-3 Commercial High Intensity District.

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 Regal 2000 Collins Retail Holdings LLC, as tenants and operators of the Neighborhood Impact Establishment consisting of a lounge and bar. Any change of operator or fifty percent (50%) or more stock ownership shall require the new owner 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 125 seat Neighborhood Impact Establishment, subject to the criteria listed below:

      i. The lounge and bar subject to this CUP shall have a maximum occupant content of 462 persons or any lesser such occupant content as determined by the Fire Marshal.

      ii. The indoor portions of the establishment may operate from 5:00 PM until 2:00 AM Sunday through Thursday and Friday and Saturday 5:00 PM to 5:00 AM. These hours shall not supersede any future amendments to the City Code, pertaining to hours of operation for alcoholic beverage and/or entertainment establishments.

iii. Entertainment shall be strictly prohibited on the ground floor vestibule.

iv. Speakers within the ground floor vestibule shall be limited to a volume that does not interfere with normal conversation.

v. The main entrance doors and those located adjacent to second-floor reception shall be kept closed in order to prevent sound from escaping from the venue, except when patrons are entering or exiting.

vi. Prior to the issuance of any building permit or certificate of use (CU), whichever occurs first, related to the approval herein, any and all existing window treatments, including, but not limited to tinting, decorative panels, opaque glass and lighting, shall be removed from all portions of storefront glass facing 20th Street. No new window treatments of any kind, including, but not limited to, tinting, decorative panels, opaque glass and lighting against the glass shall be permitted along 20th street, unless approved by the Historic Preservation Board or staff in accordance with the Design Review Criteria, as applicable.

vii. Sound generated from the venue, including, but not limited to, recorded music and patron conversations or entertainment, shall not be plainly audible from or beyond any public right of way adjacent to the subject property.

viii. Sound and vibrations generated from the venue, including, but not limited to, recorded music and patron conversations or entertainment, shall not be plainly audible or felt within the interior of any residential unit or home, at any time.

ix. No exterior speakers shall be permitted except those necessary for fire and life safety purposes.

x. Televisions and projectors shall not be located anywhere in the exterior areas of the property.

xi. Special event permits shall be prohibited.

xii. 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 and waste collection may only occur between 9:30 AM and 3:30 PM each day, or as specified by the City in approved loading zones in the vicinity.

C. Deliveries must be conducted via designated loading zones. No deliveries shall be made from undesignated loading areas. Additionally, at no time shall delivery or service vehicles block any portion of the public right-of-way.

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. 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.

G. 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. Lounge 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, any queuing of patrons shall occur within the property or inside the venue only.

M. No stanchions are allowed to be placed in front of the entrance on the sidewalk.

N. Security staff shall monitor the crowds to ensure that they do not obstruct the sidewalk.

O. 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.

P. 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. The applicant shall coordinate with the Parking Department to provide valet parking at existing valet parking ramps. The applicant will provide text-to-order valet parking services to limit crowding on the exterior of the venue.

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 entertainment 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 118-194, 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 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.

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.

17. In accordance with 2.5.2.4.b.ii of the Land Development Regulations of the City Code, should the conditional use approved herein cease operation at any point and remain idle

or unused in whole or in part for a continuous period of six months or for 18 months during any three-year period whether or not the equipment, fixtures, or structures remain, the applicant shall be required to seek re-approval of the conditional use from the board. Resumption of such use shall not be permitted unless and until the board approval has been granted.

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, Development and Resiliency Officer for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

_____
Notary:
Print Name:
[NOTARIAL SEAL] 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 _____ ( )