MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation — Planning Board

TO: Chairperson and Members
Planning Board

DATE: January 30, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **PB23-0606 f.k.a PB20-0344. a.k.a PB 17-0168. 1733-1759 Purdy Avenue – Eighteen Sunset**

An application has been filed requesting modifications to a previously issued conditional use permit for a mixed-use structure over 50,000 square feet, and conditional use approval for two restaurants, each exceeding 100 seats. Specifically, the applicant is requesting modifications to the restaurants to increase the number of seats, increase the maximum occupancy content, and modify required off-street parking calculations, pursuant to Chapter 2, Article V, Section 2.5.2, Chapter 5, Article II and Chapter 7, Article II, of the Miami Beach Resiliency Code.

RECOMMENDATION

Approval with conditions.

HISTORY

On November 27, 2018, the Planning Board approved a Conditional Use Permit (CUP) for a mixed-use structure over 50,000 square feet, including two (2) restaurants, each exceeding 100 seats. On December 4, 2018, the Design Review Board reviewed and approved the design for a new five-story mixed use building including a variance pursuant to DRB17-0198.

On December 14, 2020 the Planning Board approved a modification to the previously approved CUP to introduce office uses in the proposed project.

The item was scheduled to be considered at the December 19, 2023 Planning Board meeting. The December 19, 2024 meeting was cancelled due to a lack of quorum and the item was therefore continued to the January 30, 2024 meeting.

ZONING / SITE DATA

Future Land Use: CD-2 – Commercial, Medium Intensity District

Zoning: Medium Intensity Commercial Category (CD-2)

Legal Description: East ½ and West ½ of Lot 3, Lot 4, Lot 5, Lot 6, and Lot 7, Block 16, of the Island View Subdivision, according to the Plat therof, as recorded in Plat Book 6, Page 115 of the Public Records of Miami-Dade County, Florida.

Land Uses: See Zoning/Site map at the end of this report.

North: Commercial retail and industrial uses
South: Residential mixed use
East: Industrial uses

West: City park and government use

Lot Size: 50,000 SF

Maximum FAR: 2.0 for mixed-use projects (at least 25% of the FAR is allocated for the residential units)

Proposed FAR: 1.92

Gross SF: 67,500 SF as represented by the applicant

Proposed Uses:

Residential:	2 units
Restaurant 1:	5,523 SF – 203 seats
Restaurant 2:	6,320 SF – 236 seats
Retail:	1,939 SF
Café:	882 SF
Office:	29,728 SF
Parking:	75 spaces

BACKGROUND

On December 19, 2023, The Planning Board hearing was cancelled, the item was deferred to the January 30, 2024.

THE PROJECT

The applicant has submitted plans entitled "Eighteen Sunset ", as prepared by Domo Architecture + Design, dated October 18, 2023. As previously approved, the project consists of a new five (5) story, mixed-use building with commercial uses on the ground floor, parking spaces on the second level, office uses on level 3 and 4, two residential units on level 5, and an amenity roof top.

There are no exterior changes proposed, except for some minor modifications to the ground floor. The following is a summary of the proposed modifications:

- An expansion of the proposed restaurant seats. The project is currently approved for 238 seats. The total of 461 seats proposed are contained within the following three (3) food and beverage establishments, all of which are located at the ground level:
  1. Coffee shop - 22 Seats
  2. Full-service restaurant - 203 Seats
  3. Full-service restaurant - 236 Seats

- An expansion of the occupancy load for the full-service restaurants. These two restaurants have a currently approved maximum occupancy of 140 and 146 persons for each restaurant. The applicant is proposing to increase the maximum occupancy to approximately 299 and 297 persons for each restaurant.

- A reduction in the ground floor retail use, to accommodate the expanded restaurant space.

- A reduction in the number of parking spaces on the second level from the current 78 spaces

to 75 spaces. The removal of 3 parking spaces is proposed as a result of a modifications to the parking requirements and in order to accommodate structural columns within the garage.

The proposed modifications are contingent on the adoption of an amendment to the Sunset Harbour Restaurant Seating and Parking Requirements. The amending ordinance is scheduled to be considered for adoption by the City Commission on December 13, 2023. Staff will update the Planning Board as to the status of the ordinance.

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 use is consistent with the applicable Land Development Regulations, as amended, and with the City's Comprehensive Plan CD-2 land use category's stated purpose, which is to provide for "commercial activities, services, offices and related activities which serve the entire City."

2. **The intended use or construction shall not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan**

   Consistent – Approval of the Application will not result in an impact that will exceed the thresholds for the levels of services as set forth in the Comprehensive Plan. An updated traffic analysis has been submitted in connection with the proposed change confirming that there are no impacts to levels of service. The Project's development program and FAR likewise comply with the standards of the Comprehensive Plan.

3. **Structures and uses associated with the request shall be consistent with these land development regulations.**

   Consistent – Multi-family residential, office and retail uses are permitted in the CD-2 zoning district. The Project, which is currently under construction, has previously been deemed to be consistent with the land development regulations by both the Planning Board and the Design Review Board.

4. **The public health, safety, morals and general welfare will not be adversely affected.**

   Consistent – The proposed changes will not have affect the public health, safety, morals, general welfare of the Sunset Harbour neighborhood or the City of Miami Beach. Delivery, waste removal, and other operations associated with the approved uses will be adequately controlled pursuant to the conditions of the CUP .

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

   Consistent – The Project provides adequate off-street parking facilities in compliance with the Parking Tier 2 area a regulations. The required office, retail and residential parking will be accommodated within the building and will be located on the second floor.

6. **Necessary safeguards will be provided for the protection of surrounding property,**

persons, and neighborhood values.

Consistent – The Project incorporates required safeguards stipulated in the CUP conditions for the protection of the Property and its surroundings.

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

Consistent – This Project is approved and construction is nearing completion. The approved uses are permitted uses in the CD-2 zoning district. The Project is consistent with the character and pattern of development in the neighborhood, and, together with the conditions included in the CUP and the Design Review Board orders, will have no negative impacts on 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 –The Project, which is under construction, has been deemed to comply with the sea level rise and resiliency review criteria in Chapter 7, Article I of the City's Code.

9. Appropriate consideration is given to the safety of and friendliness to pedestrian traffic; passageways through alleys is encouraged where feasible and driveways shall be minimized to the extent possible.

Consistent - The Project has focused on the safety of and prioritized the pedestrian. The design enhances the pedestrian experience within the Sunset Harbour neighborhood, and driveways have been minimized to the greatest extent possible.

COMPLIANCE WITH REVIEW GUIDELINES CRITERIA FOR NEW STRUCTURES 50,000 SQUARE FEET AND OVER

Pursuant to the Miami Beach Resiliency Code Chapter 2, Article V , Section 2.5.2 b, in reviewing an application for conditional use for new structures 50,000 square feet and over, the Planning Board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines:

1. Whether the proposed business operations plan has been provided, including hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application, and that such plan is compatible with the neighborhood in which it is located.

Consistent – As previously approved, the applicant has provided an operational plan for the mixed-use project's food and beverage areas. Additionally, the applicant has voluntarily proffered a loose outline of operational conditions and a list of prohibited uses. The proposed uses shown on the submitted plans are permissible in the CD-2 zoning district. The uses are compatible with the surrounding neighborhood. See the Project Description and Operations Analysis.

2. Whether a plan for the mass delivery of merchandise has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood

and how such plan shall mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.

Consistent – As Previously approved, The submitted plans show a loading and trash collection area that is contained within the southern portion of the building, and a proposed off-street loading zone for the north half of the building, both of which are accessed from Bay Road.

3. **Whether the scale of the proposed use is compatible with the urban character of the surrounding area and creates adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed**.

Consistent – The scale of the proposed project, as previously approved, is compatible with nearby buildings and the CD-2 zoning district allowable development. Staff previously recommended conditions, which the board incorporated as a condition of approval, to provide a minimum ten (10') foot setback above the ground floor along the south property line, abutting The Lofts residential condominium building, located at 1403 Dade Blvd.

4. **Whether the proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking and operational needs of the structure and proposed uses.**

Partially Consistent – The parking, as currently proposed, meets the required parking for the modified development plans. Staff is recommending conditions to minimize potential adverse effects of queuing in the street into the second level parking structure. See Parking and Access Analysis.

5. **Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.**

Partially Consistent – As previously approved, pedestrians entering the property will have access directly from the public sidewalks along Purdy Avenue and Bay Road, and from a breezeway running east and west through the building. The applicant has proposed an automatic bollard system that would only be used by the two residential units. Previous conditions were put into place for this shared breezeway, passageway, and drive in order to assure maximum safety for pedestrians. See Parking and Access Analysis.

6. **Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the business and its users and minimizes impacts on the neighborhood.**

Consistent – The applicant provided a security plan with concrete security measures on the previous approval.

7. **Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.**

Consistent – As previously approved,

8. Whether a noise attenuation plan has been provided that addresses how noise shall be controlled in the loading zone, parking structures and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.

Consistent – As previously approved, conditions have been put in place to help reduce any potential impacts of noise from the proposed loading zones, parking structure, and sanitation areas.

9. Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.

Consistent – As previously approved, trash pick-ups are proposed to occur via the trash and loading area contained within the building along Bay Road between the hours of 8:00 AM and 10:00 AM. Refuse is proposed to be stored in refrigerated area and maintenance staff will monitor the property and the right of way to maintain the areas clean and free of debris. See Delivery and Sanitation Analysis.

10. Whether the proximity of the proposed structure to similar size structures and to residential uses create adverse impacts and how such impacts are mitigated.

Consistent – There are not any adverse impacts expected due to proximity of similar sized structures. There is one residential building on the south side immediately abutting the structure. As previously approved, conditions were adopted to help reduce any potential impacts to the residents.

11. Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect shall be addressed.

Consistent – The CD-2 zoning district permits mixed use development such as the proposed project. While there are other buildings of this scale in the surrounding vicinity, negative cumulative impacts are not expected. Notwithstanding, staff is recommending conditions to help reduce any potential impact.

ANALYSIS

Project Description and Operations

The proposed changes relate to the ground floor and the parking garage located on level 2.

The number of the retail spaces has decreased from four retail bays to one. Except for the proposed café, the food and beverage establishments have increased in area, number of seats, and occupancy load. This is consistent with the proposed amendment to the Resiliency Code related to Sunset Harbour Restaurant Seating and Parking Requirements. The following table summarizes the program for the restaurants on the site.

	RESTAURANT 1	RESTAURANT 2	CAFÉ	TOTAL
# OF SEATS INTERIOR	159	158	18	**335**
# OF SEATS EXTERIOR	44	78	4	**126**
TOTAL	**203**	**236**	**22**	**461**
INTERIOR OCCUPANCY LOAD	230	208		**438**
EXTERIOR OCCUPANCY LOAD	69	89		**158**
TOTAL	**299**	**297**		**596**

The two (2) larger restaurants that are subject to a CUP have a proposed maximum occupancy of approximately 299 and 297 persons each, compared to 140 and 146 persons each as previously proposed. There is one (1) café which is similar in size and number of seats as previously approved.

The conditions regulating the uses on the site are proposed to be modified as follows:

a. As proposed by the applicant, the project authorized by this Conditional Use Permit includes the creation and operation of one (1) retail space~~s~~, up to one (1) ~~two (2)~~ café~~s~~, (2) full service restaurants, and office uses, with the criteria listed below

   i. ~~The combined food and beverage areas of the property covered in the CUP shall have a maximum occupant content of approximately 420 persons or any lesser such occupant content as determined by the Fire Marshal. The two (2) proposed restaurants that require a CUP may allocate occupancy in any way, provided that the total number of restaurant seats, including outdoor seats on private property and bar seats, shall not exceed 238 seats, and the occupant content for each restaurant shall not exceed 199 persons per establishment pursuant to Section 142-303(b).~~ Each of two (2) full service restaurants approved pursuant to this CUP shall not exceed 199 indoor seats per establishment and the total occupancy content for each restaurant, including outdoor seating shall be determined by the Fire Marshall and shall not exceed 299 persons respectively, pursuant to Section 7.2.11.2.b.iii.

   ii. The café shall not exceed 18 interior seats and 4 exterior seats.

Parking and Access
As previously approved, the entrance ramp into the accessory parking garage will continue to be from Bay Road in the southern portion of the building. Parking is located on level two (2) and there will be a reduction in parking spaces from 78 to 75 parking spaces. Parking consists of a mix of self-parking and valet, with commercial unit patrons expected to use curbside valet via on-street parking spaces along Purdy Avenue. There is no change to the parking operations in this proposed modification.

Delivery and Sanitation
As previously approved, the loading and trash area that is fully contained inside of the building is indicated at the ground level on the south east side of the property, with access to this area from Bay Road. There are four (4) loading spaces. The previously approved delivery times remain unchanged.

Sound
As previously indicated, in the Sunset Harbour area, entertainment uses are prohibited. Recorded

music, at a volume not interfering with normal conversation and not played by a DJ, musician, or other performer, is allowed. The prior conditions of approval further restrict the development from having outdoor speakers other than what is required by the Fire Department or building code/life safety requirements.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application for a Modified Conditional Use Permit be granted, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies noted in the aforementioned Conditional Use review criteria.

ZONING/SITE MAP



PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 1733-1759 Purdy Avenue and 1724-1752 Bay Road

FILE NO. PB23-0606, f.k.a. PB20-0344, a.k.a. PB18-0168, a.k.a. PB17-0168

IN RE: An application has been filed requesting modifications to a previously issued conditional use permit for a mixed-use structure over 50,000 square feet, and conditional use approval for two restaurants, each exceeding 100 seats. Specifically, the applicant is requesting modifications to the restaurants to increase the number of seats, increase the maximum occupancy content, and modify required off-street parking calculations, pursuant to Chapter 2, Article V, Section 2.5.2, Chapter 5, Article II and Chapter 7, Article II, of the Miami Beach Resiliency Code.

LEGAL DESCRIPTION: East ½ and West ½ of Lot 3, Lot 4, Lot 5, Lot 6, and Lot 7, Block 16, of the Island View Subdivision, according to the Plat thereof, as recorded in Plat Book 6, Page 115 of the Public Records of Miami-Dade County, Florida.

MEETING DATE: January 30, 2024**,** December 14, 2020; November 27, 2018;

CONDITIONAL USE PERMIT

An application was filed requesting modifications to a previously issued conditional use permit for a mixed-use structure over 50,000 square feet, and conditional use approval for two restaurants, each exceeding 100 seats. Specifically, the applicant requested modifications to the previously approved project to include the introduction of office uses, pursuant to Chapter 2, Article V and Chapter 7, Article II 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 record for this matter:

The property in question is located in the CD-2 – Commercial, Medium Intensity Zoning District;

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

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

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

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

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 modifications to the Conditional Use Permit be GRANTED, as provided below:

1. This Conditional Use Permit (CUP) is issued to Sunset Land Associates, LLC, and SH Owner, LLC, to construct a five (5) story mixed use project, consisting of office, retail, personal service, restaurant, and residential uses, or any combination of such uses. Any proposed change to the uses approved in this Conditional Use shall require the review and approval of the Planning Board.

2. 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 business tax receipt (BTR) for any of the uses on site.

   When BTRs are issued for at least 75% of the building area, but no later than one (1) year from the issuance of a BTR for any of the proposed uses on site, the applicant shall appear before the Planning Board for a progress report specific to traffic, including providing a full revised traffic study outlining the actual transportation operations on-site and in the surrounding initial study area, and including valet operations, if any, and loading/servicing of the building.

   The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under ~~City Code Sec. 118-194 (c)~~ Section 2.5.2.5 of the Miami Beach Resiliency Code.

3. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property applicants, operators, and all successors in interest and assigns. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest or equivalent, 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 Business Tax Receipt.

4. The Planning Board shall retain the right to call the owner or operator back before the Board and make modifications to this Conditional Use Permit should there be valid complaints 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.

5. 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. Pursuant to Chapter 2, Article V of the Miami Beach Resiliency Code, a substantial modification means any increase in lot area, parking requirements, floor area ratio, density, or lot coverage. Notwithstanding the foregoing, this condition shall not limit the applicant's/owner's ability to modify the volume and/or height of the proposed project pursuant to the allowable height regulations, so long as said modification does not

result in an increase to the analyzed and approved impacts.

6. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.

7. As part of the building permit plans for the project, the applicant shall submit revised architectural drawings, which shall be subject to the review and approval of staff; at a minimum, such plans shall satisfy the following:

    a. The garage level parking (second floor), shall be set back a minimum of ten (10') feet from the south property line. The entirety of such setback area (the roof of the ground floor) shall be open to the sky from this level upwards. The final design of this area shall be subject to the review and approval of the Design Review Board.

    b. At the garage level on the south side, a floor to ceiling wall that must be at least 75% solid shall be provided, in a manner to be reviewed and approved by staff.

    c. The floor of the garage shall be designed and constructed to minimize tire noise, in a manner to be approved and certified by a qualified acoustic engineer, subject to the review and approval of staff.

    d. No building exhaust shall be permitted on the south elevation.

    e. The travel lane for the breezeway (with the exception of the designated center drop-off/pick up area) under the building shall be reduced to the greatest extent possible, and shall not utilize raised curbing along each side of the lane, in order to maximize the area designated for pedestrian use, while still allowing sufficient access for emergency vehicles, in a manner to be reviewed and approved by staff. However, this shall not preclude the use of a mountable curb, in a manner to be reviewed and approved by staff.

    f. The Applicant shall submit and execute a hold harmless agreement and covenant running with the land, in a form acceptable to the City Attorney, indemnifying and holding the City harmless from and against any and all actions, claims, liabilities, losses and expenses including, but not limited to, attorney's fees, for personal, economic or bodily injury, wrongful death, loss of or damage to property, at law or in equity, which may arise or be alleged to have arisen from an accident involving a motor vehicle or other vehicle or instrumentality, except those claims from negligence by a City employee operating a City-owned vehicle while operating in the employee's official capacity, occurring in the breezeway (including the vehicle travel and/or pedestrian lanes).

    g. All existing overhead utilities abutting the subject site shall be placed underground at the sole expense of the applicant.

8. 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. As proposed by the applicant, the project authorized by this Conditional Use Permit includes the creation and operation of one (1) retail spaces, up to one (1) two (2) cafés, (2) full service restaurants, and office uses, with the criteria listed below:

   i. The combined food and beverage areas of the property covered in the CUP shall have a maximum occupant content of approximately 420 persons or any lesser such occupant content as determined by the Fire Marshal. The two (2) proposed restaurants that require a CUP may allocate occupancy in any way, provided that the total number of restaurant seats, including outdoor seats on private property and bar seats, shall not exceed 238 seats, and the occupant content for each restaurant shall not exceed 199 persons per establishment pursuant to Section 142-303(b). Each of two (2) full-service restaurants approved pursuant to this CUP shall not exceed 199 indoor seats per establishment and the total occupancy content for each restaurant, including outdoor seating shall be determined by the Fire Marshall and shall not exceed 299 persons respectively, pursuant to Section 7.2.11.2.b.iii.

   ii. The cafe shall not exceed 18 interior seats and 4 exterior seats.

   iii. The indoor portions of the restaurants may operate until 11:30 PM Sunday through Wednesday and 12:30 AM, Thursday through Saturday.

   iv. All exterior operations of the restaurants shall be closed from 11:00 PM to 8:00 AM, seven (7) days per week.

   v. All patrons seated in the outdoor or sidewalk café areas shall not be allowed to order only alcoholic beverages without also ordering food.

   vi. At all times that alcoholic beverages are being served, a full kitchen offering the full menu must be open and staffed.

   vii. All areas of the venue(s) shall not be permitted to have entertainment which includes a DJ or music, whether live or recorded, whether amplified or non-amplified, which is played at a volume that is louder than ambient background music (defined as a sound level that does not interfere with normal conversation.)

   viii. As proffered by the applicant, there shall not be any exterior speakers except those required by the Fire Department or Building life safety code.

   ix. As proffered by the applicant, the following uses shall not be permitted on the property: entertainment establishments, package stores, tattoo studios, stand-alone bars, check cashing stores, and pawnshops.

b. Delivery trucks shall only be permitted to make deliveries from the designated loading spaces either contained within the property or designated off street spaces authorized by the Parking Department.

c. Delivery trucks shall not be allowed to idle in the loading areas.

d. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.

e. Deliveries may occur daily between 7:00 AM and 4:30 PM.

f. Waste collections may occur daily between 8:00 AM and 10:00 AM.

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.

h. 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. A high-level trash/garbage compacting device shall be located in an air-conditioned trash/garbage holding room within the facility.

i. Garbage dumpster covers shall be closed at all times except when in active use.

j. Restaurant personnel shall take measures to enforce the Patron Age Restriction of the City Code during the hours of operation of all alcoholic beverage establishments.

k. Patrons shall not be allowed to queue on public rights-of-way, or anywhere on the exterior premises of the subject property.

l. 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

m. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.

n. Special Events may occur on the premises, subject to City ordinances, rules or regulations existing at the time, and may exceed the hours of operation and occupancy loads specified herein, if permitted by the Fire Marshal, subject to the review and approval of staff.

9. The following shall apply to the operation of the proposed parking garage:

    a. There shall be security personnel of at least one person, on-site, monitoring the garage during all hours of operation.

    b. Signs prohibiting tire-screeching and unnecessary horn-honking shall be posted at the garage entrance.

    c. Signs to minimize vehicle conflict in the driveways in and out of the property shall be posted in appropriate locations.

    d. The minimum parking required by the land development regulations shall be provided.

    e. The overhead roll-up entry door to the garage level shall, at a minimum, remain open daily from 7:00 am to 12:00 am.

10. The applicant shall address the following Concurrency and Traffic requirements, as applicable:

    a. If a full building permit for the proposed development is not issued within 18 months from the meeting date at which the project was approved, and provided that an extension to the approval is granted due to an extension of time granted either by the Planning Board, or as a matter of right through the issuance of a State of Emergency Declaration by the state of Florida, a full revised traffic study shall be submitted prior to the issuance of a building permit, and in a manner to be reviewed by the Transportation Department.

    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 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.

    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. A revised bicycle parking plan shall be submitted for staff review and approval prior to the issuance of a Business Tax Receipt.

    f. Valet or loading activities shall not block vehicle travel on Purdy Avenue, Bay Road or the garage ramp at any time.

g. Valet pick-up and delivery of vehicles may be located in designated on-street parking spaces, subject to the review and approval of the Parking Department. Should such on-street valet operation not be approved by the Parking Department, the Planning Board shall be required to review and approve any alternative valet operation.

h. Given that the Traffic Impact Study did not include an analysis of ride-share transportation, one (1) space shall be designated for passenger loading on Purdy Avenue and two (2) spaces shall be designated for the proposed valet service (for a total of three (3) spaces), subject to the approval of the Parking Department.

i. No stand-by or temporary parking shall be allowed in any valet-designated on-street parking space at any time.

j. The breezeway automatic bollard shall remain raised to prohibit all non-emergency and non-residential vehicular traffic from 7:00 PM to 12:00 AM on Thursdays, Fridays, and Saturdays. Residents of the building shall have access to lower the bollards via remote control or other electronic means to gain vehicular access to the breezeway.

k. The gate analysis and valet operational plan is based on the technical specifications provided by the applicant consisting of a minimum gate operating speed of twenty (20) inches per second and minimum bollard operating speed of six (6) centimeters per second. Any gate or bollard slower than the aforementioned figures shall not be used.

l. The applicant shall work with the Transportation Department to provide a comprehensive Transportation Demand Management Plan prior to the issuance of a Certificate of Occupancy for the development.

11. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Building permit.

12. The applicant shall obtain a full building permit within 18 months from the date of approval of this Conditional Use Permit, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.

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 Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

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 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.

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.

Underlining denotes new language
~~Strikethrough~~ denotes stricken language

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:
Notary Public, State of Florida
My Commission Expires:
Commission Number:

[NOTARIAL SEAL]

Approved As To Form:
Legal Department _____ ( )

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