

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: June 26, 2018

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB File No. 18-0189–1434 Washington Avenue–Clay Hotel**

The applicant, Clay Hotel Partnership, LTD, is requesting Conditional Use approval for an outdoor entertainment establishment on the roof of a portion of the hotel property, pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

#### **RECOMMENDATION**

Approval with conditions

#### **BACKGROUND/HISTORY**

*May 9, 2017*

The Historic Preservation Board (HPB) reviewed and approved a Certificate of Appropriateness (COA) for the partial demolition, renovation and restoration of all structures on the site, including an after-the-fact COA for the demolition of interior floor plates and variances to reduce the required rear setback, to relocate a projecting sign and to reduce the minimum size required for hotel units (HPB16-0068.)

*November 14, 2017*

The applicant was granted modifications to the previously issued COA including a variance to reduce the required rear pedestal setback for the construction of a new FPL vault as part of the renovations to the property (HPB17-0148.)

#### **ZONING/SITE DATA**

##### **Legal Description:**

All of Block 3-B, First Addition to Whitman's Subdivision of Espanola Villas, Plat Book 9, Page 147 of the Public Records of Miami-Dade County Florida.

##### **Zoning District:**

CD-2, Commercial, medium intensity

##### **Future Land Use Designation:**

CD-2, Commercial, medium intensity

##### **Surrounding Uses:**

North:	Hotel and commercial uses
West:	Hotel and commercial uses
South:	Retail and public school uses
East:	Retail and commercial uses

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

#### **THE PROJECT**

The applicant has submitted plans entitled "Espanola Hotel" as prepared by DNB Design Group, signed and dated April 26, 2018.

The subject site consists of seven (7) separate buildings that span the entire south side of Espanola Way from Washington Avenue west to Drexel Avenue, known collectively as “The Clay Hotel”. The applicant is requesting approval for an outdoor entertainment establishment (OEE) that is located on the rooftop of one (1) of the five (5) buildings with connected rooftops. The access to the rooftop bar and lounge area is from an elevator in the main building at 1434 Washington Avenue which then connects to the rooftops of the other four (4) buildings. These buildings are situated in the interior courtyard located behind two larger buildings that face Espanola Way.

As shown on the plans, the applicant proposes a venue with approximately 46 seats (24 on the rooftop and 22 in an interior lounge,) with an occupant content of approximately 100 persons in total (with 44 on the rooftop and 56 in the interior lounge.) Only the outdoor areas are the subject of this CUP.

The LOI indicates the outdoor entertainment proposed is a DJ playing recorded music and sometimes live performers playing instruments at an ambient level as background music. The proposed hours of operation and entertainment are outlined in the analysis portion of this report.

**COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:**

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

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

**Consistent**—The request is consistent with the Comprehensive Plan.

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 proposed use is not anticipated to degrade the Levels of Service (LOS) for the surrounding area below the thresholds that have been established.

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

**Partially Consistent**—Outdoor Entertainment Establishments are permitted as conditional uses in the CD-2 zoning district. The establishment is within 300 feet of Fienberg-Fisher elementary school and in order to sell alcohol<sup>6</sup> is required to apply for a variance from the school. Additionally, the proposed hours of the outdoor bar are subject to the approval of a variance for hours from the Board of Adjustment (BOA.) 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 Business Tax Receipt (BTR).

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

**Partially Consistent**—The proposed establishment may adversely affect the general welfare of nearby residents if noise and other issues are not controlled. Staff is recommending measures so that any resulting adverse impact is mitigated. The facility would have to

comply with all applicable laws and regulations prior to the issuance of a Business Tax Receipt.

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

**Consistent**—The project does not have any off-street parking requirements, but operationally the applicant proposes to valet cars from a valet service area in front of the hotel on Washington Avenue and from a valet area situated on Drexel Avenue with storage at an off-site parking garage.

**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 neighbors.

**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.**

**Not Consistent**— This venue is located along Washington Avenue in the CD-2 (Commercial, Medium Intensity) zoning district. There are multiple NIE's on both Washington and Collins Avenues within blocks of this property, including two entertainment establishments across Washington Avenue on the northeast and southeast corner of Española Way: Trade/Score and The Cameo. There is a list of NIE's and entertainment venues approved by the Planning Board in this area provided in NIE criteria No. nine (9) below. Staff is recommending conditions to mitigate any adverse impacts from traffic, noise, and other issues on the surrounding neighbors.

**NEIGHBORHOOD IMPACT ESTABLISHMENT REVIEW GUIDELINES**

In accordance with Sec. 142-1362 of the Miami Beach City 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 118, article IV:

**(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 LOI submitted with the application details the proposed operation of the venue. Also, see analysis in this report.

**(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 project does not have any off-street parking requirements, but operationally the applicant proposes to valet cars from a valet service area in front of the hotel on Washington Avenue and from a valet area situated on Drexel Avenue with storage at an off-site parking garage.

The Drexel Avenue valet stand is shared by all the uses on Española Way on both sides of the street and not the sole responsibility of the applicant.

- (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.**

The Operations Plan states that due to the size of the venue queuing should not be an issue, and should a queue be necessary there is ample room within the private courtyard to accommodate crowds. Additionally, staff will be trained to prevent any obstructions to the passage of patrons and the public on any public right of ways. See the Operations Plan for more details.

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

A security check list was provided that outlines the proposed hotel's security plan. Details on how the applicant plans on enforcing the patron age restrictions were not provided.

- (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 not required because staff anticipates that many of its patrons will be staying at the hotel or hotels nearby and/or will arrive on foot, the Miami Beach Trolley, or bicycle. A Traffic Demand plan for employees was outlined in the attached operations plan.

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

The applicant proposes that trash pick-up will be part of the hotel operation and conducted at the west edge of the properties facing Drexel Avenue. There is an enclosed trash room area shown on the plans at the west end of the property facing the Drexel Avenue where trash can be stored inside the structure until pick up times. See the submitted photographs of the area and plan for the exact locations.

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

The applicant provided a sound study prepared by Eduard Dugger + Associates, PA, and a peer review from Arpeggio Acoustic Consulting, LLC. The sound study suggested that the acoustical output projected for this project would not result in the project having an acoustical impact on the surrounding neighborhood or residential properties as long as the proposed hours for the entertainment remained outside of school hours. The sound study suggests that the desire to not disturb the guest of the connected hotel was a paramount concern of the applicant as well. Arpeggio concurred with the claim that there would not likely be any impact to the surrounding properties due to the distance from other neighboring properties and the buildings on the outside facing Española Way blocking the sound from traveling. See the attached report and the responses.

**(8) Proximity of proposed establishment to residential uses.**

The proposed venue is immediately surrounded by other hotels and commercial uses. But there are two residential buildings within a few blocks. The closest residential building is the corner of 15<sup>th</sup> and Washington Avenue and also contains a restaurant in the downstairs portion of the building. Due to the proximity to residential uses, staff is recommending conditions to mitigate any potential negative impacts from the operations of this proposed project on surrounding properties.

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

**Not Consistent** – This venue is located along Washington Avenue in the CD-2 (Commercial, Medium Intensity) zoning district. There are multiple NIE's on both Washington and Collins Avenues within blocks of this property, including two entertainment establishments across Collins Avenue on the northeast and southeast corner of Española Way: Trade/Score and The Cameo. There is a list of NIE's and entertainment venues approved by the Board in this area provided below. Staff is recommending conditions to mitigate any adverse impacts from traffic, noise, and other issues on the surrounding neighbors.

Address	Name	Category	File No.
1455 Washington Ave	Haddon Hall Hotel	NIE w/o entertainment	PB 2311
1437-39 Washington Ave	Trade/Score Nightclub	NIE w/entertainment	PB 17-0149
1450 Collins Avenue	Senor Frogs	NIE w/entertainment	PB 2192

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1)** A recycling or salvage plan for partial or total demolition shall be provided.

**Not Applicable**

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

**Not Applicable**

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

**Not Applicable**

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

**The applicant states in the LOI that this criteria has been met.**

- (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.

**Not Applicable**

- (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.  
**The applicant states in the LOI that this criteria has been met.**
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.  
**Not Applicable**
- (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.  
**Not Applicable**
- (10) Where feasible and appropriate, water retention systems shall be provided.  
**Not Applicable**

## **STAFF ANALYSIS**

### **Operation**

The proposed venue has two main areas that constitute the food and beverage areas: an interior lounge and an outdoor rooftop bar and lounge. The rooftop bar area is connected via a roof level walkway between (5) buildings. The other rooftops contain a yoga area, a sundeck, and a small swim/spa. All of these areas are located in a courtyard area which is behind other buildings that front on Española Way.

The total proposed occupancy of the bar and lounge areas, both inside and out, is approximately 100 persons, with approximately 46 seats.

The requested hours of operation for the Rooftop Bar from the operations plan are as follows:

- 1. 8:00 AM to 10:00 PM, Sunday-Wednesday
- 2. 8:00 AM to 2:00 AM, Thursday-Saturday\*

\*The operation of the outdoor bar counter is the subject to the land use regulations (LDR's) and shall close by 12:00 AM (midnight) unless otherwise authorized by the Board of Adjustment.

The requested hours of the entertainment for Rooftop Bar from the LOI are as follows:

- 1. 8:00 PM to 2:00 AM, Thursday-Saturday
- 2. 12:00 PM to 2:00 AM on Sundays

After reviewing the submitted plans documenting the applicant's desired outdoor operation, staff has concerns about the inconsistencies of the hours of operation and the proposed entertainment hours. From Sunday to Wednesday, the bar proposes to close at 10:00 PM, but the hours of entertainment are requested until 2:00 AM. Additionally, while the requested bar hours and entertainment are the same Thursday through Saturday, the bar hours proposed are inconsistent with the LDR's.

While the location in the courtyard of an entertainment component is not problematic due to it being between buildings on three sides that help buffer the noise level, and the hours of entertainment not effecting the school, the entertainment hours extending for four (4) hours past the closing of the bar for part of the week seems un-necessary.

Staff recommends conditions to be placed on the proposed hours, as outlined in the draft CUP, to help mitigate any negative impacts from the rooftop bar area on the surrounding properties.

### **Sound**

A sound study to evaluate the potential impacts of noise generated by the proposed venue on adjacent neighbors was commissioned by the applicant and prepared by Eduard Dugger + Associates, PA, (included in the application). ED+ A concluded that "the proposed project and its operations should not have a negative impact on nearby residential and educational uses."

The peer review of the sound study conducted by Arpeggio Acoustic Consulting, LLC concurred with that claim that there would not likely be any impact to the surrounding properties due to the distance from other neighboring properties and the buildings on the outside facing Española Way blocking the sound from traveling. See the attached report and the responses.

### **Deliveries**

Waste collection and deliveries take place from west side of the building facing Drexel Avenue. The trash room and loading area are shown on the plans and the operation plan states that all deliveries will occur between 6:30 AM and 11:00 AM.

### **Parking**

The project does not have any off-street parking requirements, but operationally the applicant proposes to valet cars from a valet service area in front of the hotel and the existing valet drop off area on Drexel Avenue. The Drexel Avenue valet drop off currently services the needs of the uses on the entire block and is not within the control of the applicant.

### **Traffic**

A traffic study was not required because staff anticipates that many of its patrons will be staying at the hotel or hotels nearby and/or will arrive on foot, the Miami Beach trolley, or bicycle. A Traffic Demand plan for employees was outlined in the attached operations plan.

As a point of clarification, there are existing food and beverage establishments on the ground floor of the subject property, but because they are all separate establishments with independent ingress and egress, they can be considered separately for the Neighborhood Impact Establishment thresholds. This establishment is before the board for the Outdoor Entertainment Establishment component, not because of its projected overall occupant content.

**STAFF RECOMMENDATION**

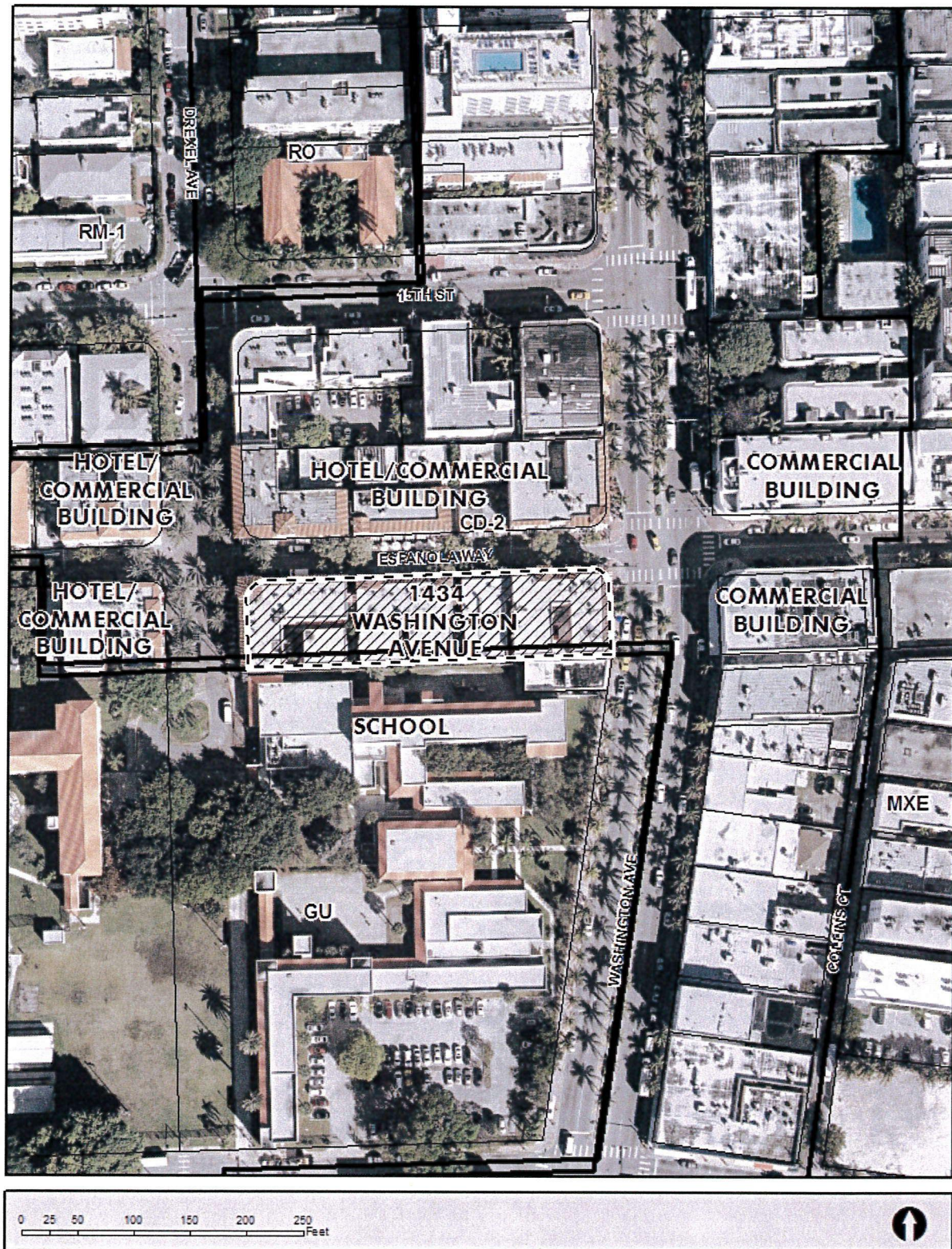
In view of the foregoing analysis, staff recommends that the application be approved subject to the conditions enumerated in the attached Draft Order.

TRM/MAB/TUI

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ZONING/SITE MAP



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

**PROPERTY:** 1434 Washington Avenue

**FILE NO.** PB 18-0189

**IN RE:** The applicant, Clay Hotel Partnership, LTD, requested Conditional Use approval for an outdoor entertainment establishment on the roof of a portion of the hotel property, pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.

**LEGAL DESCRIPTION:** All of Block 3-B, First Addition to Whitman's Subdivision of Espanola Villas, Plat Book 9, Page 147 of the Public Records of Miami-Dade County Florida.

**MEETING DATE:** June 26, 2018

**CONDITIONAL USE PERMIT**

The applicant, Clay Hotel Partnership, LTD, filed an application with the Planning Director requesting a Conditional Use approval for an Outdoor Entertainment Establishment pursuant to Chapter 118, Article IV, and Chapter 142, Article V of the City Code. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the of the record for this matter:

That the property in question is located in the CD-2, Commercial, Medium Intensity, Zoning 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. 118-194 (c).
2. This Conditional Use Permit is issued to Clay Hotel Partnership, LTD, as owner and operator of the Outdoor Entertainment Establishment consisting of an accessory roof top outdoor bar and lounge. Any change of operator or 50% (fifty percent) or more stock ownership shall require review and approval by the Planning Board as a modification to this Conditional Use Permit.
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. Final design and details of the proposed outdoor bar and lounge shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Historic Preservation Board.
6. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
7. 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 the proposed 46 seat project with the criteria listed below:
    - i. The food and beverage areas of the hotel covered in the CUP shall have a maximum occupant content of approximately 100 persons or any lesser such occupant content as determined by the Fire Marshal.
    - ii. The rooftop portion of this project may have a maximum of 24 seats.
    - iii. The rooftop bar may operate 8:00 AM to 10:00 PM Sunday-Wednesday and 8:00 AM to 12:00 AM Thursday-Saturday, unless otherwise authorized for later hours from the Board of Adjustment.

- iv. A DJ or live performance of three or less instruments may be located in the rooftop bar area. All music played shall be played at an ambient level as background music that shall not interfere with normal conversation. The ambient level music may start at 8:00 AM and shall not operate past 12:00 AM, seven days per week. If later hours of operation of the rooftop bar are authorized by the Board of Adjustment, then the entertainment hours may be extended to equal the time required for the bar counter to close.
- v. The house sound system shall be installed and set in such a manner as to limit the acoustical output of the system and have password protected security on all controls at all times. The equipment and installation plan for the sound system, including the location of all speakers and sound level controls shall be submitted for the review and approval of the Planning Department. 60 day after opening, the sound systems in the facility shall be tested by a qualified acoustic professional, and a report shall be submitted to the Planning Department for review.
- vi. Televisions shall not be located anywhere in the exterior areas of the property.
- b. Delivery trucks shall only be permitted to make deliveries from city authorized and designated commercial loading zones.
- c. Delivery trucks shall not be allowed to idle in the loading zone.
- d. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
- e. Deliveries and waste collections may occur daily between 6:30 AM and 11:00 PM.
- 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.
- l. 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.
- 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.
  - O. 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.
- 8. The applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as determined by the Transportation/Concurrency Management Division, prior to obtaining a Certificate of Occupancy or Business Tax Receipt, whichever may occur first, and any other fair share cost that may be due and owing. Without exception, all concurrency fees, mitigation fees and concurrency administrative costs shall be paid prior to the issuance of a Certificate of Occupancy or Business Tax Receipt.
  - 9. A bicycle parking plan shall be submitted for staff review and approval prior to the issuance of a Business Tax Receipt.
  - 10. A final Traffic Demand Management (TDM) plan shall be submitted, reviewed and approved by the Transportation Department prior to the issuance of a Business Tax Receipt.
  - 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 an occupational license to operate this entertainment establishment.
  - 12. 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.
  - 13. 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.

14. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, Code of the City of Miami Beach, Florida.
15. 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.
16. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
17. 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.
18. 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.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
Michael Belush, AICP  
Chief of Planning and Zoning  
For Chairman

STATE OF FLORIDA            )  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by Michael Belush, Chief of Planning and Zoning of 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 \_\_\_\_\_ ( )

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