

MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: November 15, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 0616-0033. 915-955 Washington Avenue—Moxy South Beach**

The applicant, Washington Ave. Associates, LLC, is requesting Conditional Use approval for the construction of a new seven (7) story hotel development exceeding 50,000 square feet. The proposed project would include a parking garage, commercial uses on the ground floor, and a Neighborhood Impact Establishment with outdoor entertainment, pursuant to Section 118, Article IV, Section 142, Article II, and Section 142, Article V of the City Code.

RECOMMENDATION

Approval with conditions

BACKGROUND

August 23, 2016

The applicant came before the Planning Board and requested a continuance to finalize the Traffic Study. The application was continued to September 27, 2016.

September 27, 2016

The application for Conditional Use approval was scheduled to be heard by the board and was continued to a date certain of November 15, 2016 due to the time constraints of the commission chambers.

ZONING / SITE DATA

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

Zoning: CD-2 – Commercial, Medium Intensity District

Legal Description: Lots 10 to 15 inclusive, Block 31, of Ocean Beach Addition No. 2, according to the Plat thereof, as recorded in Plat Book 2, Page 56, of the Public Records of Miami Dade County, Florida.

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

North: Proposed Commercial retail use
South: Commercial mixed uses
East: Hotel uses
West: Commercial retail, hotel and office uses

Lot Size: 39,000 SF

Maximum FAR: 1.5 or 2.0 for mixed-use projects

Proposed FAR: 2.0 – 77,787 SF Total Area as represented by the applicant

Maximum Height: 75'-0" / 7 stories

Proposed Height: 74'-6" / 7 stories as represented by the applicant

THE PROJECT

The applicant has submitted plans entitled "Moxy South Beach", as prepared by Kobi Karp Architecture, dated September 14, 2016. The proposal consists of a new seven (7) story, hotel/commercial mixed-use building with 204 rooms; food and beverage areas with a combined total of 717 seats and a proposed occupancy of 1305 persons; 1335 SF of ground floor retail use; and nine (9) parking/loading spaces.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

Conditional Uses may be approved in accordance with the procedures and standards set forth in the City Code Section 118, Article IV, Sec. 118-191 and Sec. 118-192 (a):

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. The CD-2 future land use category allows new hotels, retail structures, and eating and drinking establishments. The Comprehensive Plan also allows for structures exceeding 50,000 SF, neighborhood impact establishments, and outdoor entertainment establishments as a conditional uses.

*Uses which may be Permitted: Various types of commercial uses including business and professional offices, retail sales and service establishments, **eating and drinking establishments**; apartment residential uses; apartment hotels; and **hotels**.*

*Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and **conditional uses specifically authorized in this land use category, as described in the Land Development Regulations**, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.*

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**

Partially 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; however, a concurrency analysis will be performed at the time of building permit application. Traf Tech Engineering, Inc. was retained by the applicant to conduct a traffic study. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. Please see the peer review and memo from the Transportation Department for additional information.

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

Partially Consistent – The proposed project appears to meet most zoning regulations. These comments shall not be considered final zoning review or approval. These and all

zoning matters shall require final review and verification by the Planning Department prior to the issuance of a Building Permit.

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

Partially Consistent – The proposed project may adversely affect the general welfare of nearby residents and businesses if delivery, waste removal, and other operations are not controlled. Staff is recommending conditions to mitigate the potential negative impacts. The entire project would have to comply with all applicable laws and regulations in order to obtain a building permit.

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

Partially Consistent – The proposed project is a mixed use building in an historic district and must provide the required parking for all the proposed uses not contained in the original footprint of the building or pay a parking in lieu fee. Staff review indicates that the proposed plans will be deficient in parking spaces and the applicant proposes paying into the parking in lieu program. In addition, it is expected that many patrons will arrive by bicycle, on foot, taxi, or hired car.

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

Partially Consistent – Staff is recommending conditions to try to mitigate any adverse impacts on the surrounding neighbors.

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 – The proposed uses for the project are permitted in the CD-2 zoning district. While there are other proposed buildings over 50,000 SF on Washington Avenue, other outdoor entertainment establishments, and other large bars in the vicinity, adverse impacts are not expected from the geographic concentration of such uses if the impacts are properly controlled.

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

Pursuant to Section 118-192(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.

Partially Consistent – The proposed hotel mixed-use project has provided an operations plan for all its food and beverage areas, the ground floor retail portion of the project, and the space labeled as a 100 seat restaurant on south end of the ground floor. 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 – The plans show a loading and trash collection area at the north east corner of the project. The applicant proposes six (6) loading spaces located within the property lines. The loading spaces are depicted to accommodate different sized trucks, with the larger spaces situated parallel to Collins Court (alley). See Delivery and Sanitation Analysis.

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.**

Partially Consistent – The scale of the proposed project is compatible with nearby buildings and CD-2 zoning district allowable development. Staff is recommending conditions to minimize potential adverse impacts.

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 project proposes to provide three (3) additional spaces other than the loading spaces. The rest of the required spaces may be met by paying a parking in lieu fee due to the location of the site in Parking District No. 7. See Parking Analysis.

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

Consistent – Pedestrians entering the property will have access directly from the public sidewalk along Washington Avenue. Customers arriving in automobiles will be able to be dropped off on Washington Avenue or in an area adjacent to Collins Court (alley) on the east side of the property. 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 proposes to provide 24 hour security. Security cameras are proposed on-site at major entrance and exit points, points of sales and elevators. Additional security will be scheduled for high occupancy days and to monitor the pool deck as stated in the Operational Plan.

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.**

Traf Tech Engineering, Inc. was retained by the applicant to conduct a traffic study. FTE, Inc. was selected by the City and paid by the applicant to conduct a peer review. Please refer to the separate memo provided by the Transportation Department.

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.**

Partially Consistent – Most of the parking and loading spaces are located within the envelope of the building, so the applicant does not anticipate any significant noise from the operation of the loading areas. Notwithstanding, staff is recommending conditions 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 – Trash pick-up is proposed to occur via the trash and loading area proposed to be contained within the building along the Collins Court. The applicant proposes that refuse pick up times be restricted to after 8:00 AM. 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. Records indicate that there are not any residential buildings in the surrounding area. Nevertheless, staff is recommending conditions to help reduce any potential impact, consistent with other proposed projects on Washington Avenue.

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 hotel development such as proposed. While there are other buildings of this scale in the surrounding vicinity, negative impacts from a cumulative effect are not expected. Notwithstanding, staff is recommending conditions to help reduce any potential impact.

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 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 and the operations plan submitted with the application details the proposed operation of the hotel and the various food and beverage venues associated with the mixed use development. 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 would offer valet parking with pick up on Washington Avenue or Collins Court and the storage of vehicles in an off-site garage nearby. Nine (9) parking spaces are shown on the site plan double as loading and temporary parking and or valet storage. See the LOI and the traffic study prepared by Traf Tech Engineering for the full description of the valet operation.

- (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 applicant indicates in the LOI that patrons will gain access to the hotel lobby from the breezeway. The LOI states that it does not anticipate queuing, but has ample space to accommodate any waiting patrons and will have security personnel prevent queueing on the public sidewalk or right of ways.

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

The applicant proposes to employ 24 hour security, security cameras, and extra security personnel for the pool deck during peak times. The LOI proposes that personnel will enforce the patron age restrictions.

- (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**

See the attached the traffic study prepared by Traf Tech Engineering for the full details. Please refer to the separate memo provided by the Transportation Department.

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

Trash pick-up is proposed via the trash collection area contained within the building and loading areas at the northwest corner of the building and along the Collins Court. The applicant proposes to limit sanitation pick up to after 8:00 AM. See Delivery and Sanitation Analysis.

- (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 the Audio Bug, Inc and a peer review from Arpeggio Acoustic Consulting, LLC. See attached report, review, and analysis. The applicant proposes that the acoustic system would be designed so that sound would not be audible from the closest residential buildings located one block west of the subject site. The peer review agreed that if the procedure outlined in Audio Bug's report is preformed diligently it could result in a satisfaction for all relevant parties. Please refer to the sound study and the follow-up dialog with the peer reviewer supplied in the board packages.

(8) Proximity of proposed establishment to residential uses.

The proposed venue is mainly surrounded by other hotels and commercial uses. There are some residential buildings one block to the west of the property on Pennsylvania Avenue. Due to the proximity to a residential use, 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.

There are two (2) nightclubs on Washington Avenue within a couple blocks of this property: Twist at 1053 Washington Avenue and Icon (f.k.a. Mansion) at 1235 Washington Avenue. Staff is recommending conditions to mitigate any adverse impacts from traffic, noise, and other issues on the surrounding neighbors.

ANALYSIS

Project Description and Operations

The project consists of a new seven (7) story, hotel/commercial mixed-use building with 204 hotel rooms; food and beverage areas with a combined total of 756 seats and a proposed occupancy of 1305 persons; 1335 SF of ground floor retail use; and nine (9) parking spaces. The square footage of the project is approximately 77,787 SF as represented by the applicant.

The proposed hours of the venues as outlined in the application are as follows:

VENUE	HOURS	HOURS OF ENTERTAINMENT
Indoor Restaurant	7 AM-5 AM	until 11 PM
Outdoor Café	7 AM-2 AM	until 11 PM
Hotel Bar & Lounge	7 AM-2 AM	n/a
2nd Level Bar	11 AM-2 AM	11 AM-11 PM
2nd Level Outdoor Bar	11 AM-2 AM	11 AM-11 PM
Pool Deck (guests only)	7 AM-11 PM	11 AM-11 PM
Rooftop (guests only)	7 AM-2 AM	n/a

The proposed uses are permissible in the CD-2 zoning district and are compatible with the Washington Avenue surrounding neighborhood. However, staff is recommending conditions to further minimize the impacts as outlined in the recommendation. The proposed operation for the hotel and its food and beverage areas is outlined below:

Parking and Access

Access to the property for pedestrians is proposed on Washington Avenue through a main entrance for the hotel and separate entrances for the retail and restaurant spaces located on the ground floor.

Those arriving as passengers in automobiles for drop off only may access the property from the Washington Avenue side and from Collins Court, which is the alley to the east of the structure between Collins Avenue and Washington Avenue. The proposed valet ramp for the drop off and pick up of both passengers and automobiles is proposed approximately midblock on the ground floor of the building facing the alley (Collins Court.)

According to the plans submitted by the applicant, parking would be limited to the temporary storage of valeted vehicles in spaces not being utilized for loading. As a clarification, while nine (9) parking spaces are shown on the plans, six (6) of said spaces double *operationally* as loading spaces.

While parking is not required at this location due to its location in Parking District No. 7, loading spaces are required. Prior to obtaining a building permit, the applicant would have the option to provide the additional spaces, reduce the floor area and/or restaurant seats, or pay a parking in lieu fee.

In addition, bicycle racks that accommodate 12 bikes are shown along the Washington Avenue side of the property.

Delivery and Sanitation

There are proposed loading and trash areas that are fully contained inside of the building on the northeast side of the building. Additionally, there are loading spaces designed to accommodate various sized trucks shown on the plans on the ground floor on the west side of the property facing Collins Court. The access to all the loading areas and trash collection is from Collins Court.

The applicant is proposing that deliveries shall not take place before 6:00 AM and that trash pick-up shall not take place before 8:00 AM.

Security

The LOI proposes to provide 24 hour security. The applicant proposes to incorporate security cameras at major entrance and exit points, points of sales and elevators. Additional security will be scheduled for high occupancy days and to monitor the pool deck.

Sound

The applicant is proposing a neighborhood impact establishment with a maximum occupancy of approximately 1305 persons, as well as outdoor and indoor entertainment to include live performances and a DJ. The outdoor areas that propose entertainment are the bar and lounge on the 2nd floor roof deck which is open to the public, as well as the hotel guests only pool deck area which is located on the south side of the 2nd floor roof deck and is separated physically from the bar and lounge on the north side of the 2nd floor roof deck.

The applicant provided a sound study prepared by the Audio Bug, Inc and a peer review from Arpeggio Acoustic Consulting, LLC. Audio Bug concluded that the "...With a properly designed and calibrated sound system, the introduction of the outdoor venues into this neighborhood should have little negative noise impact on neighboring residential properties. The size and scale of the hotel should not significantly increase activity in the area. Restricted hours of operation of the sound system and the constant background noise of traffic will contribute to mitigating any impact that might be envisioned."

Audio Bug, Inc, later revised its conclusion in response to the peer reviewer and made some architectural recommendations: "One architectural addition I would recommend is the installation of vestibules at the two ground floor restaurant doors on Washington Avenue. The attached drawings indicate the locations of these vestibules and details of this element can be discussed in more detail with the architect. The vestibules will help mitigate sounds which may exit the restaurant when guests enter or exit the restaurant." That recommendation has already been incorporated into the plans on page A-3.00.

The peer reviewer of the sound study further stated in an email that "...The procedure he outlined

in his August 12, 2016 letter, which comprises adjustments to each system on site followed by assessment of all systems operating concurrently, is a valid one which, if performed diligently and with the input of interested parties, could yield a result which is satisfactory for all parties." Staff has recommended conditions that comport with this observation in the attached draft final order.

Traffic

Traf Tech Engineering, Inc. was retained by the applicant to conduct a traffic study in connection with the proposed development. The study addresses trip generation, the traffic impacts created by the proposed project on the nearby transportation network, internal site circulation, and queuing. FTE, Inc. served as the traffic study peer reviewer for this project. Please refer to the separate memo provided by the Transportation Department for additional information.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the application for a 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.

TRM/MAB/TUI

ZONING/SITE MAP



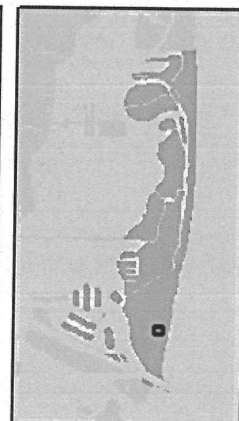
City of Miami Beach Planning Board
PB0616-0033.
915-955 Washington Avenue



The applicant, Washington Ave. Associates, LLC, is requesting Conditional Use approval for the construction of a new seven (7) story hotel development exceeding 50,000 square feet including a parking garage, commercial uses, and a Neighborhood Impact Establishment with outdoor entertainment, pursuant to Section 118, Article IV, Section 142, Article II, and Section 142, Article V of the City Code.

MIAMI BEACH
PLANNING DEPARTMENT

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

PROPERTY: 915-955 Washington Avenue

FILE NO. PB 0616-0033

IN RE: The application for Conditional Use approval for the construction of a new seven (7) story hotel development exceeding 50,000 square feet including a parking garage, commercial uses, and a Neighborhood Impact Establishment with outdoor entertainment, pursuant to Section 118, Article IV, Section 142, Article II, and Section 142, Article V of the City Code.

LEGAL DESCRIPTION: Lots 10 to 15 inclusive, Block 31, of Ocean Beach Addition No. 2, according to the Plat thereof, as recorded in Plat Book 2, Page 56, of the Public Records of Miami Dade County, Florida.

MEETING DATE: November 15, 2016

CONDITIONAL USE PERMIT

The applicant, Washington Ave. Associates, LLC, requested a Conditional Use approval for the construction of a new seven (7) story hotel development exceeding 50,000 square feet including a Neighborhood Impact Establishment with outdoor entertainment, pursuant to Section 118, Article IV, Section 142, Article II, and Section 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:

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;

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. This Conditional Use Permit is issued to Washington Ave. Associates, LLC, to construct a seven (7) story mixed use hotel project, with restaurant and retail space on the ground floor, and food and beverage areas located on the second floor deck, poolside and the roof. 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 the proposed outdoor entertainment venue.

When BTR's are issued for at least 75% of the building area, but no later than one (1) year from the issuance of the BTR for the proposed hotel use, 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 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).

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 review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board, in advance, to affirm their understanding of the conditions listed herein.
4. The Planning Board shall retain the right to call the owner or operator back before them 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.
6. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
7. 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 the proposed restaurants, outdoor café and two (2) outdoor areas located on the roof deck of the first floor (2nd level) with the criteria listed below:

- i. The food and beverage areas covered in the CUP shall have a maximum occupant content of approximately 1350 persons or any lesser such occupant content as determined by the Fire Marshal.
- ii. The hours of the venues and the hours of the entertainment for each venue shall be as follows:

VENUE	HOURS	HOURS OF ENTERTAINMENT
Indoor Restaurant	7 AM-5 AM	until 11 PM
Outdoor Café	7 AM-2 AM	until 11 PM
Hotel Bar & Lounge	7 AM-2 AM	n/a
2nd Level Bar	11 AM-2 AM	11 AM-11 PM
2nd Level Outdoor Bar	11 AM-2 AM	11 AM-11 PM
Pool Deck (guests only)	7 AM-11 PM	11-AM-11 PM
Rooftop (guests only)	7 AM-2 AM	n/a

- iii. 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 in accordance with the design intent and recommendations of the sound system study submitted as part of this application. The equipment and installation plan for the sound system, including the location of all speakers and sound level controls shall be submitted for the review and approval of the Planning Department. Prior to the issuance of the Business Tax Receipt (BTR), the sound system shall be tested under the supervision of a qualified acoustical professional and the City's sound study peer reviewer, to ensure that all aspects of the system's performance comply with the design intent and recommendations of the sound system study submitted as part of this application.
- iv. A final report issued by such acoustical consultant shall be submitted to staff prior to the issuance of a BTR. Additionally, 60 days after the issuance of a BTR, 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 demonstrating that the system's performance still complies with the design intent and recommendations of the sound system study submitted as part of this application. Additionally the sound levels will be documented at the two hotels located on the west side of Washington and once the appropriate sound level have been established, each system be locked as to prevent future mi-adjustments that might cause an impact to the neighborhood.

- b. Delivery trucks shall only be permitted to make deliveries from the designated loading spaces contained within the property.
- 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 and waste collections may occur daily, but deliveries shall occur only after 6:00 AM and waste collection shall occur only after 8:00 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 applicant shall address the following concurrency and traffic requirements, as applicable:
- a. 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.
 - b. Prior to the issuance of a building permit, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as may be determined as determined by the Concurrency Management Division.
 - c. 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.
 - d. A bicycle parking plan shall be submitted for staff review and approval prior to the issuance of a building permit.
 - e. Valet or loading activities shall not block Collins Court (the alley) at any time.
10. 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.
11. 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.
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

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.

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