

MIAMI BEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: June 27, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB File No. 16-0089-626-650 Ocean Drive-Park Central Hotel**

The applicant, Park Central Partners, LLC, is requesting Conditional Use approval for a Neighborhood Impact Establishment and an Outdoor Entertainment Establishment, pursuant to Section 118, Article IV and Section 142, Article V.

RECOMMENDATION

Approval with conditions

BACKGROUND/HISTORY

February 11, 2014 The Historic Preservation Board (HPB) reviewed and approved a Certificate of Appropriateness (COA) for the partial demolition, renovation and restoration of three (3) existing buildings on Ocean Drive: the Heathcote Apartments, the Park Central Hotel and the Imperial Hotel. The project included the reconfiguration of the site, as part of a new hotel development (HPB File No. 7408).

May 9, 2017 The applicant requested an additional COA for the introduction of an outdoor bar counter within the ground level courtyard and the installation of retractable awning structures attached to the east façades of the Park Central and Imperial Hotels. Also, a variance for the allowable hours of operation of the outdoor bar counter was requested. Due to a noticing error, there was not any action taken and the item has been re-noticed for June 19, 2017 (HPB 17-0104).

ZONING/SITE DATA

Legal Description: Lots 2, 3, 4 and 5, Block 11 of Ocean Beach Addition No. 1, according to the plat thereof recorded in Plat Book 3, Page 11 of the public records of Miami Dade County, Florida.

Zoning District: MXE, Mixed-Use Entertainment

Future Land Use Designation: MXE, Mixed-Use Entertainment

Surrounding Uses:

North:	Hotel and restaurant uses
West:	Hotel and retail uses
South:	Hotel and restaurant uses
East:	Lummus Park

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

THE PROJECT

The applicant has submitted plans entitled “The Park Central Hotel”, as prepared by Borges Architects + Associates, dated April 10, 2017.

The subject site consists of four (4) lots, with three (3) separate buildings: 626, 640, and 650 Ocean Drive, known collectively as “The Park Central Hotel”. The applicant is requesting approval for a neighborhood impact establishment that includes a covered outdoor bar area within the courtyard, pool deck area and outdoor entertainment.

As shown on the plans, the applicant proposes approximately 260 seats, and an occupant content of 511 persons in total. The Letter of Intent (LOI) indicates 246 seats and an occupant content of 465 persons, but the staff report and recommendation will be based on the numbers shown on the plans.

The LOI indicates the outdoor entertainment proposed will be acoustical instruments, wind instruments, keyboards, and a DJ. The proposed hours of operation and entertainment are outlined in the analysis portion of this report.

As a clarification, the traffic evaluation was conducted with only 98 new seats because the buildings had two existing restaurants before the proposed renovation. Also, although the proposed tenants are not the applicants, disclosures for the prospective tenants have been included in the application packages for reference only.

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.**

Consistent–Neighborhood Impact Establishments and Outdoor Entertainment Establishments are permitted as conditional uses in the MXE zoning district. This comment

shall not be considered final zoning review or approval. This and all zoning matters shall require final review and verification prior to the issuance of a 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 ramp in front of the hotel with storage at an off-site parking garage located on 7th and Collins. See the traffic statements and studies provided in the board packages for a detailed description.

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–There are multiple Neighborhood Impact Establishments (NIE's) and Outdoor Entertainment Establishments in the area; a list of NIE's and Outdoor Entertainment Establishments approved by the Board in the area is provided in the analysis. The addition of more entertainment associated with this proposal, particularly when combined with the manner in which other, similar establishments are operating may have a negative impact on the surrounding area.

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 ramp in front of the hotel with storage at an off-site parking garage located on 7th Street and Collins Avenue. See the traffic statements and traffic studies included in the Board packages for a detailed description of the valet plan.

- (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 LOI states that all staff will be trained to guide guests through the property, monitor to prevent queuing, and any obstructions to the passage of patrons and the public. See the LOI for more details.

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

The Operation Plan states that the number of security personnel will depend on the day to day operations and needs of the hotel. 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 full 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, but an evaluation of circulation and valet routes were provided by Traf Tech Engineering and are included in your board packages.

- (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 rear of the properties facing west on Ocean Court (alley.) There is an enclosed trash room area shown on the plans at the rear of the property facing the alley where trash can be stored inside the structure and a loading space shown. 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 measurements taken of underlying level of noise coming from the street and other existing conditions would not result in the project having an acoustical impact on the surrounding neighborhood or residential properties. Arpeggio agreed that there will be ambient sound levels that could overshadow most of the proposed music, but was not entirely convinced that the properties at the rear of the hotel would not be affected. See the attached report and the responses.

(8) Proximity of proposed establishment to residential uses.

The proposed venue is surrounded by other hotels and commercial uses. There are approximately three residential building within 320 feet of the proposed pool deck. One residential building located at 533 Collins Avenue just south of 6th Street to the south west of the property, approximately 318 feet, is a senior living facility. 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.

There are multiple NIE's and Outdoor Entertainment Establishments within blocks of this property. There is a list of NIE's and Outdoor Entertainment Establishments approved by the Board in this area provided in the analysis. Staff is recommending conditions to mitigate any adverse impacts from noise and other issues on the surrounding neighbors.

STAFF ANALYSIS

Operation

There are three main areas that constitute the food and beverage areas on the subject property: the pool deck area which is behind 626 Ocean Drive; the courtyard area which is between 626 and 640 Ocean Drive; and the bar café at 650 Ocean Drive. The total occupancy of the combined areas is approximately 511 persons which constitutes a Neighborhood Impact Establishment (NIE). Additionally, two of the three areas are almost entirely outdoors: the pool deck and the courtyard bar lounge.

The requested hours of operation are as follows:

1. Interior 7:00 AM to 5:00 AM, 7 days a week
2. Outdoor Seating Areas 9:00 AM to 5:00 AM, 7 days a week
3. Outdoor Bar Counter 10:00 AM to 2:00 AM, 7 days a week*

*The operation of the outdoor bar counter is the subject of a variance application to the Historic Preservation Board (HPB.) The HPB application is expected to be heard on June 19, 2017. Staff will update the Planning Board on the outcome of the HPB hearing verbally at the board meeting.

The requested hours of the entertainment are as follows:

Area		Live Music (Acoustic, Keyboard, & Wind)	DJ	Recorded Ambient Music
1.	Interior	7:00am to 5:00am, 7 days a week	7:00am to 5:00am, 7 days a week	7:00am to 5:00am, 7 days a week
2.	Courtyard (pool deck & lounges areas)	9:00am to 2:00am, 7 days a week	9:00am to 2:00am, 7 days a week	7:00am to 5:00am, 7 days a week
3.	Front Porch	9:00am to 2:00am, 7 days a week	-	7:00am to 5:00am, 7 days a week

After reviewing the submitted plans documenting the applicant's desired outdoor operation, staff has concerns about whether entertainment on the front porch area of the 640 Ocean Drive's café bar is appropriate. While the courtyard is less problematic due to its location between buildings on three sides that can help buffer the noise level, the placement of an entertainment component so close to the sidewalk and sidewalk café at 650 Ocean Drive could become obtrusive, both because of noise and impeded pedestrian flow.

Furthermore, due to the sidewalk conditions and its relation to the patio and the sidewalk café, staff is recommending a prohibition on the hostess stand and menu board being placed in the public right of way. Since there is ample space in the patio area, patrons can be greeted on private property rather than on the sidewalk which causes a bottle neck on pedestrian traffic.

Additionally, the pool deck and pool deck bar are behind 626 Ocean Drive, which is situated in an area close to the property line to the southwest. Directly across the alley to the west is a hotel with rooms adjacent to the alley. There is also a residential building in the area, which provides senior housing, located to the southwest of this property at 533 Collins Avenue. Staff recommends conditions to be placed on the proposed operation, as outlined in the draft CUP, to help mitigate any negative impacts from the pool and pool 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 Park Central Hotel will not have an acoustical impact on surrounding neighborhood, particularly at existing residential properties."

The peer review of the sound study conducted by Arpeggio Acoustic Consulting, LLC concluded that "The sound study prepared by ED+A provides valuable information related to ambient sound

levels in the area and presents a clear picture of the establishment and environs. However, further consideration and information related to the aforementioned topics is warranted in order to reach conclusions related to potential impact upon the surrounding neighborhood.”

After further inputs from ED+A, Arpeggio concluded that:

1. There should be some assurance (e.g., sound level limiter) to ensure that levels don't impact the residential building in question.
2. Additionally, the guestrooms at the rear of the Metropole Hotel (assuming these are guestrooms) will not be subject to noise along Collins Avenue. We are unconvinced that the guestrooms at the rear of Metropole, just on the other side of the alley from the pool deck, would not be impacted. Without being familiar with the construction of the guestrooms (particularly the windows), we cannot say whether there will be impact inside the guestrooms.

Also, the following are the Board approved NIE's and Outdoor Entertainment Establishments on Ocean Drive:

Address		Business	CUP	PB File No.
900	Ocean Drive	Mango's	NIE	1387
960	Ocean Drive	Oceans Ten	NIE	1467
1020	Ocean Drive	Clevelander	NIE	1456
1200	Ocean Drive	The Palace	OEE	1901
1236	Ocean Drive	Il Giardino	OEE	1361
1300	Ocean Drive	Café Cardozo	OEE	1653

Sanitation and Deliveries

Waste and recycling collection and deliveries would take place from the rear of the building facing the alley within a loading area shown on the plans and occur between 7:00 AM and 5:00 PM. There is an air-conditioned trash room and area at the rear of the property facing the alley where trash is stored. See the submitted photographs of the area and plan for the exact location.

Parking

The project does not have any off-street parking requirements, but operationally the applicant proposes to valet cars from a valet ramp in front of the hotel with storage at an off-site parking garage located on 7th Street and Collins Avenue. See the traffic statement and studies for the description of the valet routes.

Traffic

At the time of this writing, the Transportation Department is analyzing the traffic statements and studies submitted with this application and will provide a separate memorandum.

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



City of Miami Beach Planning Board
PB 16-0089
626, 640 and 650 Ocean Drive



The applicant, Park Central Partners LLC, is requesting conditional use approval for a Neighborhood Impact Establishment and an Outdoor Entertainment Establishment, pursuant to Section 118, Article IV of the City Code.

MIAMI BEACH
PLANNING DEPARTMENT

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MIAMI BEACH

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

TRANSPORTATION DEPARTMENT

MEMORANDUM

TO: Michael Belush, AICP, Planning and Zoning Manager

FROM: Jose R. Gonzalez, P.E., Director

DATE: June 27, 2017

SUBJECT: 626-650 Ocean Drive – Park Central Hotel Traffic Technical Memorandum

The Transportation Department has reviewed Traffic Memorandum prepared by TrafTech for the Park Central Hotel (626-650 Ocean Drive).

TRIP GENERATION

Currently, the site is occupied by a hotel with 127 Rooms. The proposed development would reduce the number of rooms to 120 and introduce an outdoor restaurant with 110 new seats. The trip generation analysis for based on the Institute of Transportation Engineers' (ITE) 9th Edition of the Trip Generation Manual (Land Use Code 310- Hotel and Land use Code 931- Restaurant) resulted in the following anticipated vehicular trip figures:

Existing (Hotel Only):

- Daily - 1,038 External Trips
- PM Peak Hour - 76 External Trips

Proposed (Hotel and Restaurant):

- Daily - 1,262 External Trips
- PM Peak hour – 98 External Trips

Based on the generation figures outlined in the Traffic Memorandum, the development would generate an additional 224 Daily External Trips and 22 External Trips during the peak hour. It is worth highlighting that the trip generation assumes that 3 trips generating from the hotel during PM peak hours will be patrons at the restaurant, thus reducing the number of trips generated by the restaurant (Internalization Factor).

PEDESTRIAN FACILITIES EVALUATION

Given the characteristics of Ocean Drive, the Transportation Department required the Project's Traffic Engineer conduct an evaluation of the pedestrian facilities in the area to determine the impact of the Project on pedestrian mobility. The evaluation was based on data collected May 19, 2017 on west sidewalk of Ocean Drive south of 7th Street. In addition, intersection pedestrian counts were collected on Ocean Drive and 7th Street. Based on the analysis criteria outlined in the 2010 Highway Capacity Manual, pedestrian crosswalks and sidewalks were found to perform satisfactorily before and after project implementation.

RECOMMENDATION

Due to the limited width of the effective sidewalk, the greeting booth for the proposed restaurant shall be located within the property to reduce the possibility of patrons obstructing pedestrian traffic on the west sidewalk of Ocean Drive.

Please do not hesitate to contact me should you have any questions or concerns.

cc: Josiel Ferrer-Diaz, Transportation Manager
Firat Ackay, Transportation Analyst

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

PROPERTY: 626-650 Ocean Drive

FILE NO. PB 16-0089

IN RE: The applicant, Park Central Partners, LLC, requested Conditional Use approval for a Neighborhood Impact Establishment and an Outdoor Entertainment Establishment, pursuant to Section 118, Article IV and Section 142, Article V

LEGAL

DESCRIPTION: Lots 2, 3, 4 and 5, Block 11 of OCEAN BEACH ADDITION NO. 1, according to the plat thereof recorded in Plat Book 3, Page 11 of the public records of Miami Dade County, Florida.

MEETING DATE: June 27, 2017

CONDITIONAL USE PERMIT

The applicant, Park Central Partners, LLC, filed an application with the Planning Director requesting a Conditional Use approval for a Neighborhood Impact Establishment and 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 MXE, Mixed-Use Entertainment 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 Park Central Partners, LLC, as owner of the Neighborhood Impact Establishment and Outdoor Entertainment Establishment consisting of a restaurant, lobby lounge, indoor bar, outdoor courtyard area, outdoor bar, pool deck and pool deck bar. 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 courtyard area, outdoor bar, and awnings 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 260 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 511 persons or any lesser such occupant content as determined by the Fire Marshal.

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- ii. The indoor portions of the project may operate until from 7:00 AM until 5:00 AM and all other areas excluding the outdoor bar counter, pool deck and pool deck bar shall not operate past 2:00 AM.
 - iii. Entertainment of any kind shall be prohibited in the outdoor porch and sidewalk café area in the front of the project's three buildings.
 - iv. The pool deck and the bar area shall not be allowed to have live performers, and any outdoor entertainment from a DJ shall be played at an ambient level as background music that will not interfere with normal conversation. The ambient level music played by a DJ may start at 11:00 AM and shall not operate past 12:00 AM (midnight), seven days per week.
 - v. As proposed by the applicant, the courtyard area may have a DJ or a maximum of two wind or string instruments and a keyboard, whether amplified or non-amplified, which is played at a volume limited by the below condition (vi.)
 - vi. 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.
- B. The applicant shall comply with the requirements of the Ten Point Plan for Ocean Drive.
 - C. Delivery trucks shall only be permitted to make deliveries from city authorized and designated commercial loading zones.
 - D. Delivery trucks shall not be allowed to idle in the loading zone.
 - E. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
 - F. Deliveries and waste collections may occur daily between 7:00 AM and 5:00 PM.
 - G. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
 - H. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.

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- 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 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.
 - K. No patrons shall 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.
 - O. Any future sidewalk café shall be subject to Public Works approval and the Ocean Drive Sidewalk Café Design Guidelines, if applicable. Such approvals shall be granted prior to the installation of any sidewalk café furniture, including but not limited to chairs, tables, and umbrellas.
 - P. The hostess stand, podium and menu board shall be prohibited in the public right of way and should be placed in the front porch area in front of 640 and 650 Ocean Drive. There shall not be any queuing or a staffed podium in front of 626 Ocean Drive.
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 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 _____, 2017.

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.

Notary:

Print Name

Notary Public, State of Florida

My Commission Expires:

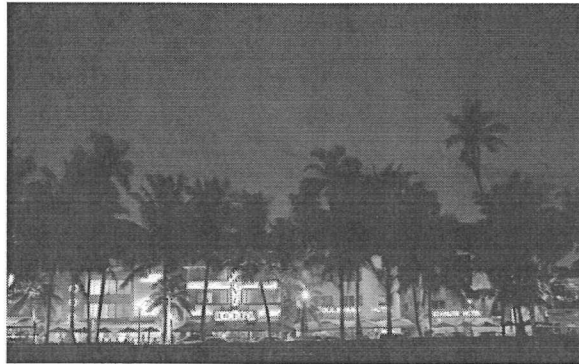
Commission Number:

{NOTARIAL SEAL}

Approved As To Form:

Legal Department ()

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



TEN POINT PLAN FOR OCEAN DRIVE

Introduction

At the July 20th Commission meeting, Mayor Levine asked Commissioner Arriola to meet with Ocean Drive businesses and other stakeholders to negotiate a comprehensive proposal for changes to Ocean Drive that would reinvigorate and improve numerous aspects of this critically important and iconic street. Over the past several weeks, Commissioner Arriola has had many discussions with residents, neighborhood groups, business owners, the Police Chief, City Manager, City Attorney and other City Staff.¹ Therefore, this work product is the result of careful deliberation with and collaboration among key stakeholders. The proposal contained in this document (the “Proposal”) aims to balance the vision of City leaders with the interests of residents, private property owners and businesses in order to create a more welcoming and safer environment for residents and tourists visiting Ocean Drive. Ultimately, all parties desire to re-create the charm and glamour of Ocean Drive.

Many of the issues addressed here have, over the last 12 months, been the subject of extensive analysis by the Mayor’s Ocean Drive Task Force. The Task Force received substantial public comment and testimony on these issues. This document incorporates many of those same Task Force recommendations, which previously were approved by the City Commission and referred to City Staff for implementation.

This Proposal takes aim at the major elements that must be addressed in a comprehensive plan – police/security; noise; safety; sanitation; aesthetics; code of conduct; allowable businesses and other related matters.

¹ Commissioner Arriola also has had many meetings with Jonathan Plutzik, Chairman of the Ocean Drive Task Force. Further, the Commissioner met with Mike Palma, Executive Vice President of Brio Destinations, which owns The Cleveland Hotel; and Alexander Tachmes, Partner at Shutts & Bowen LLP and the Cleveland’s counsel. In July of this year, the Cleveland had submitted a proposal to the Mayor and City Commission proposing changes to Ocean Drive.

Recommendations

1. Immediate additional police, security and sanitation workers for Ocean Drive

- A. Patrolling public areas. In its FY 2016/17 budget, the City allocated funds for an additional 12 new officers dedicated solely to the City's Mixed Use Entertainment District ("MXE"), which includes Ocean Drive from 5th to 15th Streets and Collins Avenue from 5th to 16th Streets. Due to training and other hiring protocols, some of these 12 new officers are expected to begin patrolling in early 2017 with the remainder commencing in the summer of 2017. Although the presence of these additional 12 officers will definitely provide safety benefits for the area, as indicated above, the officers will not be dedicated solely to Ocean Drive (5 officers will be dedicated to Ocean Drive) and it will be some time before the officers commence work.

Many believe that the need to improve the safety of Ocean Drive is one of the most urgent issues facing the street. Due to the *immediate* need for additional security dedicated exclusively to Ocean Drive, between now and the date that additional police officers are physically present on Ocean Drive, the City and/or Ocean Drive businesses will pay a private security company to have 2 security guards stationed on every other block of Ocean Drive between 5th and 15th Streets, 7 days per week (with the number of hours per day to be determined). The issue of who will pay for the additional security and/or what percentages of the overall cost will be paid by which party will be discussed between the City and Ocean Drive property owners. Once the additional police officers begin patrolling in the summer of 2017, the City and Ocean Drive businesses will re-evaluate whether to decrease or maintain the private security presence.

- B. Police and Park Rangers. At the discretion of the Commission and Police Chief, Miami Beach police officers and park rangers may be shifted from other areas to Ocean Drive. Off-duty Miami Beach police officers and off-duty police officers from neighboring municipalities may be contracted to patrol Ocean Drive (although finding sufficient officers who want to perform this off-duty work remains a major challenge). Off-duty officers will not be allowed to be assigned to specific bars or restaurants. To the extent that Miami Beach Police, off-duty police and Park Rangers can be allocated to Ocean Drive, the need for private security will decrease.
- C. Open Containers. Police officers will continue to enforce open container laws and conduct undercover operations to identify those businesses that allow patrons to leave their establishments with open containers. Additional enforcement and self-regulation of open container laws also will be responsibilities of Ocean Drive businesses as stated in this Proposal.
- D. Security to Patrol Private Property. All bars and restaurants on Ocean Drive shall be required to hire private security. Private security guards will be required to receive

professional training for their work at that particular business. Businesses whose private security personnel do not comply with security standards specified by the City Code shall be subject to fines and other penalties.

- E. Sanitation. Another key and widespread concern regarding Ocean Drive is the cleanliness of the street. The City will allocate additional sanitation personnel dedicated exclusively to Ocean Drive. As with the additional police officers referenced above, if delay is expected in allocating additional City sanitation workers due to City hiring processes or other matters, then the City and/or Ocean Drive businesses will hire a private sanitation company so that such additional services can start immediately. Once the additional City workers have been allocated to the street, the City and Ocean Drive businesses will re-evaluate whether to decrease or maintain the private sanitation presence. The issue of who will pay for the additional sanitation and/or what percentages of the overall cost will be paid by which party will be discussed between the City and Ocean Drive property owners.
- F. Alley Lighting. It is well-known that there is a greater incidence of criminal behavior in dark, unlit public areas. In order to reduce crime, each Ocean Drive property owner will be required to install lights facing and illuminating the Ocean Court alley behind its property and to install lights on the sides of its property to the extent the side of the property does not front a street. The costs of such lighting may be reimbursed if a Business Improvement District is formed.

THE NEED FOR ADDITIONAL POLICE IS SUPPORTED BY OCEAN DRIVE TASK FORCE AND THE CONCEPT OF ADDITIONAL POLICE FOR OCEAN DRIVE WAS ALREADY APPROVED BY CITY COMMISSION

2. *Business Improvement District ("BID")*

Several items in this Ocean Drive proposal contemplate the expenditure of funds. For example, the hiring of private security will have a cost. Because it is unlikely that the City Commission will agree to fund 100% of all the cost items in this proposal, the City needs to create a mechanism for contribution by property owners of a portion of the costs. In that regard, the City Commission will authorize the formation of a BID for Ocean Drive and direct the City Administration and City Attorney's office to commence the formation process. Key goals of the BID will be to contribute to the costs of the following items: off-duty police or private security officers to be dedicated only to the area of 5th to 15th Streets on Ocean Drive; the salary of a BID Executive Director who will oversee BID day-to-day operations and ensure compliance by businesses with the City Code; hiring additional sanitation personnel exclusively for Ocean Drive; and implementing coordinated marketing for Ocean Drive. Ocean Drive businesses will maintain the cleanliness of their café areas, the sidewalks adjacent to café areas and their valet stands and curb areas, during hours of operation.

Whether a BID is ultimately formed will be up to the Ocean Drive property owners. A BID requires a 51% affirmative vote of the property owners whose properties are located within

the BID boundaries. Moreover, if a BID is formed, the members of the BID will be responsible for establishing an annual budget, which will be paid, at least in part, by property owners.

If a BID is formed, an Executive Director will be appointed to ensure that all Ocean Drive businesses are operating consistent with City Code and the BID mission statement and other relevant guidelines. This Executive Director will be in constant communication with the City and the BID board of directors, consisting of Ocean Drive businesses. The Executive Director will be the main point of contact between Ocean Drive businesses and the City. The above protocol, which is consistent with other BIDs, will provide very important "self-policing" benefits and other great improvements to Ocean Drive.

The process to form a BID is estimated to take at least 9 months. Therefore, to address the window of time between now and the date of BID formation, the Ocean Drive Association and its members have agreed to hire (at their sole cost) an Interim Street Manager who will be in charge of ensuring that businesses comply with new Code provisions and otherwise take all appropriate steps to enhance existing operations. The Interim Street Manager will report to the Ocean Drive Association board and interface regularly with Miami Beach Police, Code Enforcement and City leadership. If a BID is formed, this position can be converted to the BID Executive Director. However, it is important that a manager be appointed now to drive change and compliance on the street.

SUPPORTED BY OCEAN DRIVE TASK FORCE AND ALREADY APPROVED BY CITY COMMISSION

3. *Umbrellas, Furniture and Fixtures*

The Ocean Drive Task Force voted in favor of moving furniture to the west part of the sidewalk in order to provide a clear pedestrian pathway and remove the "gauntlet" or "tunnel" effect that currently exists on the street.

The Historic Preservation Board ("HPB") recommended at its August meeting that furniture be moved to the west part of the sidewalk and certain trees be relocated to enhance the visibility of the beautiful, historic facades of the hotels on Ocean Drive. However, the HPB acknowledged that moving furniture to the west would not be feasible for certain properties due to the layout of the particular property and related factors. In those cases where it is not feasible, the HPB determined that furniture would not need to be moved to the west as long as an alternate plan for that area of the sidewalk is approved by the Planning Department and a clear 5 foot path for pedestrians is maintained.

- A. New Guidelines. All umbrellas, furniture and fixtures on the Ocean Drive sidewalk must adhere to the Umbrella, Furniture and Fixtures Design Guidelines approved by Resolution of the HPB at its meeting of August 9, 2016, as supplemented or amended by this Proposal (collectively, the "Design Guidelines"). (At its meeting, the HPB reviewed the Planning Department Design Guidelines and approved those guidelines with changes.) Within seven (7) days of the Commission's approval of this Proposal,

the Planning Department will draft the final Design Guidelines consisting of the HPB Resolution, as supplemented or amended by this Proposal. To the extent some of the Design Guidelines conflict with existing City Code, the Planning Department will recommend appropriate Code amendments for adoption and implementation.

MANY OF THE PLANNING DEPARTMENT GUIDELINES WERE ALREADY SUPPORTED BY OCEAN DRIVE TASK FORCE AND APPROVED BY CITY COMMISSION

- B. Table and Chairs Footprint. Except as provided below, all sidewalk café tables must be moved to the west part of the sidewalk, abutting each respective hotel. There must be at least an unobstructed 5 foot path for pedestrians between the eastern edge of the sidewalk and the tables/chairs. To the extent that moving furniture to the west would not be feasible due to the layout of a particular property or related factors, furniture does not need to be moved to the west as long as an alternate plan for that area of the sidewalk is approved by the Planning Department and a clear 5 foot path for pedestrians is maintained.

ACTION ITEM: Each sidewalk café business will have 30 days to implement after the Commission approves by resolution. Each sidewalk café business will submit to the Planning Department a modification to its sidewalk café permit containing a plan that shows the new footprint that will be allowed for such cafes' tables and chairs. Any sidewalk café business whose modified plan has not been approved by the Planning Department (and/or any such business not complying with the modified plan) within 30 days of the Commission resolution will have its sidewalk café permit revoked until compliance is achieved unless the date is extended by the City Manager for good cause shown.

- C. Trees. The City shall relocate certain trees in order to provide for an unimpeded 5 foot pedestrian walkway clearance and to improve the visibility of the historic, architecturally significant building facades. In those cases where trees are relocated, the City will fill with concrete the area where the tree formerly stood in order to match the existing sidewalk plan.
- D. Width of Umbrellas and Awnings. The maximum width of umbrellas and awnings on the sidewalk shall be the width of the west sidewalk minus 5 feet for an unobstructed pedestrian path.
- E. Height of Umbrellas and Awnings. The maximum height of umbrellas and awnings on the sidewalk shall be 9 feet. It is important to ensure that umbrellas and awnings are not so tall that they obstruct the stunning, historic facades of our Art Deco hotels. The minimum height of umbrellas and awnings shall remain at 6 feet, 8 inches.
- F. Width of Tables. The maximum width of tables shall be the width of the west sidewalk minus 7 feet. There will be no limit on the tables' length (although

obviously the tables can be located only in the area directly east of the applicable upland hotel or property).

- G. Securing Umbrellas into the Sidewalk. Sidewalk café umbrellas will be allowed to be bolted into the sidewalk in order to address safety, sanitation and space concerns. First, due to the heavy wind gusts that come off the ocean, there is a concern that umbrellas could become projectiles and cause damage to persons and property. Therefore, the ability to secure umbrellas into the sidewalk is important from a public safety standpoint. Second, having umbrella bases held down by bricks and weights creates sanitation and insect problems. And third, bolting umbrellas is the most space efficient approach to securing the umbrellas. Space efficiency is significant especially because sidewalk expansion is not contemplated by this proposal.
- H. Lighting. Strong illumination at sidewalk cafes in the evening is preferred and does not need to be limited to battery operated votive candles. Illumination is needed from a practical standpoint so patrons can read their menus and see their food and beverages. Meaningful sidewalk and street illumination is also helpful in promoting crime reduction as it facilitates better police observation of all public areas. Proper illumination creates a safe environment for both consumers who are walking on Ocean Drive and employees who work there.
- I. Umbrella Zippers. Umbrellas will be able to be zipped together with gutters provided that no more than three (3) umbrellas can be zipped together. Because rain rarely falls perpendicular to the street, diners are likely to get wet if there is space between umbrellas. The ability to fasten umbrellas together is important to protect diners from rain and can be done in an inconspicuous manner.
- J. Roll-Down Tarp. Umbrellas will be allowed to have roll-down transparent tarp to be rolled down only during rain or wind events.

ACTION ITEM: Sidewalk café permits are subject to renewal by October 1 of each year. According to City Code Section 82-385(b), the City Manager has discretion to allow sidewalk cafes to deviate temporarily from sidewalk café Code provisions and regulations. Such temporary deviation will be allowed from the period of October 1 until the dates referenced below.

Each sidewalk café business will have 90 days from the date of the Commission resolution to adhere to the new Design Guidelines, including purchasing new umbrellas/furniture/fixtures as necessary. The renewal date of sidewalk café permits for 2016-17 will be the 90 day date referenced above. Any business not in compliance by this renewal date will have to cease operating its sidewalk café business until its permit is approved unless the date extended by the City Manager for good cause shown. Per Commissioner Aleman's comment, each sidewalk café business will have to submit written documentation to the Planning Department within 30 days of the Commission resolution showing proof that the business has placed its order with an umbrella company for new umbrellas.

- K. Awnings. Retractable awnings will be allowed in place of umbrellas as long as the awnings are consistent with Planning Department guidelines for awnings on Ocean Drive.

ACTION ITEM: Planning Department to come up with awning standards within 30 days of Commission resolution.

- L. Street Lighting. The City should install uniform lighting for the full length of Ocean Drive from 5th to 15th Streets.

SUPPORTED BY OCEAN DRIVE TASK FORCE AND ALREADY APPROVED BY CITY COMMISSION

4. *Prohibition on Formula Restaurants and Retail and Other Limits on Retail (Note: The actual language of the ordinance is being drafted by the City's legal department. The ordinance is being modeled after similar successful ordinances from other jurisdictions across the country. Those other jurisdictions have sought to avoid an influx of "chain" establishments that decrease the uniqueness of historic districts such as Ocean Drive.)*

- A. "Chain" Retail. "Chain" restaurants and other retail establishments will be prohibited on Ocean Drive. Any "chain" restaurant or retail establishment having a valid business tax receipt as of the date that "zoning in progress" commences will be "grandfathered" and deemed legally nonconforming. In order to try to prevent "chain" businesses from rushing to get licenses before this new legislation gets adopted, the City Commission should declare "zoning in progress" at the earliest possible date. This action would have the practical impact of preventing the issuance of any new licenses while the legislative process takes its course.
- B. Size of Retail. The original vision for Ocean Drive in the 1980's was an American Riviera of boutique, Art Deco hotels with charming sidewalk cafes. This original vision never contemplated the transformation of Ocean Drive into a retail destination for souvenirs and T-shirts. In order to maintain this original vision, the Code today limits the size of retail establishments on Ocean Drive. However, based on the current situation, further tightening of the size and characteristics of retail establishments is needed.

Currently, the Code provides that hotels may have accessory retail, limited to 75 sq. ft. per hotel unit and apartment buildings may have accessory retail limited to 25% of the floor area of the subterranean or ground floor. For example, if a hotel has 30 rooms, then the hotel can have retail space up to 2,250 square feet, which is quite large. An apartment building with a 10,000 square foot first floor could have retail up to 2,500 square feet. Again, the number is not small. Further, under the current Code, businesses can apply for variances to exceed these maximum sizes.

Going forward, the Planning Department will propose further limitations on the size of retail on Ocean Drive. Variances to exceed the maximum size will be prohibited.

Any retail store that has a business tax receipt as of the date of zoning in progress will be grandfathered (legally nonconforming) regarding the legislation encompassed in this Section 4(B).

- C. Certain Stores. Liquor stores, tattoo shops, pawn shops and check cashing stores will be prohibited for those properties fronting on Ocean Drive or one of the streets perpendicular to Ocean Drive west to Collins Avenue. (The Planning Board recently voted to recommend in favor of legislation prohibiting package liquor sales in MXE.) These kinds of retail establishments chase away more desirable and upscale restaurants and other retailers and ultimately lead to blight along city streets and neighborhoods.
- D. Food Displays. Real and artificial food and beverage displays, including but not limited to “ghost drinks” placed on tables to attract attention of patrons, will be prohibited on public property and will be prohibited on private property to the extent such displays are visible from a public sidewalk or street.

SUPPORTED BY OCEAN DRIVE TASK FORCE AND ALREADY APPROVED BY CITY COMMISSION

- E. “Bait and Switch.” There is a major concern that some food and beverage businesses on Ocean Drive are not being transparent with their customers on what they are being charged and, as a result, proper disclosures are not being made. This lack of transparency and disclosure has led to many negative comments about Ocean Drive on travel websites. Therefore, it is essential that we address this issue and prevent “bait and switch” problems.

All food and beverages and their prices must be listed in a conspicuous manner on the menu for the establishment. To the extent that the establishment is adding an automatic gratuity or service charge to the bill, the gratuity/service charge must be noted in a conspicuous manner on the menu, the bill and the credit card charge slip. Moreover, if an automatic gratuity/service charge is being added, patrons also must be notified verbally by restaurant staff prior to or simultaneously with the provision of the bill.

- F. Hospitality Training. Ocean Drive café employees will be required to undergo third party hospitality training within thirty (30) days of commencing work at any sidewalk café venue on Ocean Drive and to undergo refresher third party training annually. The company or person providing the training must be approved by the Ocean Drive Association. Proof of such training must be presented to the City as a condition of the business obtaining and/or retaining its sidewalk café license.

**THIS CONCEPT IS SUPPORTED BY OCEAN DRIVE TASK FORCE AND
ALREADY APPROVED IN CONCEPT BY CITY COMMISSION**

- G. Adult Entertainment. Food and beverage venues shall not be permitted to have, as part of their business, pole dancing, adult entertainment or nude dancing, as defined in Section 142-1271 of the City Code.

5. *“Hawking” by Bar and Restaurant Personnel Prohibited*

“Hawking” or aggressive solicitation by bar and restaurant personnel on Ocean Drive sidewalks is a serious problem and is frequently cited by tourists and locals alike as causing an unpleasant and unwelcoming atmosphere on Ocean Drive. “Hawking” brings bad publicity to Ocean Drive in the form of negative tourist reviews on travel websites and in other ways.

The City Code currently prohibits solicitation on Ocean Drive sidewalks. However, the solicitation problem has not been solved and is acute at this point. To address this issue, the penalties for solicitation will increase substantially.

Current First Offense Fine: \$50; New Fine Amount: \$1,000

Current Second Offense Fine: \$100; New Fine Amount: \$2,000

Current Third and Subsequent Fine: \$250; New Fine Amount: \$5,000

For each offense, both the actual person doing the solicitation and the applicable business will be fined.

6. *Street Vendors and Promoters Prohibited*

Street vendors and promoters detract from the visitor experience – they clog the sidewalks, harass tourists, deal drugs, litter the streets and block entrances to businesses. Accordingly, they should be banned from Ocean Drive.

- A. Prohibition. On the Ocean Drive sidewalk, it will be illegal for any person (a) to offer to another person the sale of a product or service or a free sample of such product or service or (b) to give or offer, whether for free or not, to another person a flyer, ticket, wristband, candy bar, magnet, cosmetics product or any other product or type of communication, relating to a for-profit business.
- B. Fines. The fines for violating the above provisions will be the same as the new solicitation fine schedule in item 5 above regarding “hawking.”
- C. Enforcement. The Ocean Drive Interim Street Manager and future BID Executive Director will serve to monitor these issues and report violations to Code Compliance for swift enforcement.

7. *Music or other noise being produced by golf carts or other open-air commercial vehicles shall be prohibited.*

SUPPORTED BY OCEAN DRIVE TASK FORCE AND ALREADY APPROVED BY CITY COMMISSION

8. *Music Heard on Sidewalks and Lummus Park*

There is a need to thoughtfully mitigate the volume of music projected on Ocean Drive sidewalks so that the pedestrian experience is enhanced.

A. Food and beverage establishments. Food and beverage establishments on Ocean Drive will be prohibited from having east facing speakers within 20 feet of the property's east boundary, unless music is being played at ambient levels.

B. Retail stores. A substantial number of storefronts have speakers bolted to the outside of their premises and music is blasting day and night. This music substantially increases the amount of noise and the "party atmosphere" along Ocean Drive. There is no reason for T-shirt and other clothing stores, souvenir shops, liquor stores and similar establishments to have music playing like they are nightclubs. Therefore, this Proposal recommends elimination of all such outside speakers and a prohibition on any music from such establishments being able to be heard outside their premises.

C. Other legislation. In view of the above recommendations regarding east traveling music, the agenda items discussed during the July, 2016 Commission meeting regarding the same topic will be withdrawn.

9. *Lummus Park should be activated with art/sculpture installations and cultural programming. The area between the serpentine walkway and the beach west of the dunes should be activated with additional recreational amenities. In order to minimize food consumption in Lummus Park, urban appropriate picnic tables should be considered for this same underutilized area between the serpentine walkway and the dunes. The City's Department of Tourism and Cultural Affairs should be responsible to create a regular schedule of cultural programming and recreational activities for these areas.*

SUPPORTED BY OCEAN DRIVE TASK FORCE AND ALREADY APPROVED BY CITY COMMISSION

10. *No person or business is allowed to sell, buy, dispense, use or otherwise possess marijuana in Miami Beach. This Proposal underscores this point for the area of Ocean Drive. No person or business will be allowed to sell, buy, dispense, use or otherwise possess marijuana on Ocean Drive, including but not limited to on the sidewalks, street, Lummus Park, Ocean Court alley or other public areas in the vicinity of Ocean Drive, or in any private property fronting Ocean Drive or a street perpendicular to Ocean Drive west to Collins Avenue. With regard to medical marijuana, if that becomes legal in Miami Beach, medical marijuana dispensaries will be banned in properties fronting Ocean Drive*

as well as any properties that front a street perpendicular to Ocean Drive west to Collins Avenue.

Subject to the vote of the City Commission, the City Commission will revoke the 2am straw ballot question that is presently on the November 2016 election ballot.