


MIAMI BEACH
PLANNING DEPARTMENT
Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: February 4, 2025

FROM: Thomas R. Mooney, AICP  ^{DS} for TRM
Planning Director

SUBJECT: **PB23-0609. 1718-1750 Alton Road: Palomar Hotel**

An application has been filed requesting modifications to a previously issued conditional use permit, for a hotel exceeding 50,000 square feet, including a mechanical parking garage and an accessory restaurant. Specifically, the applicant is requesting to allow the public to access to the rooftop and to become a Neighborhood Impact Establishment (NIE) by combining the occupancy load for both accessory hotel uses, the rooftop and the existing ground floor restaurant, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2; Chapter 7, Article V, Section 7.5.5.4 of the Miami Beach Resiliency Code.

RECOMMENDATION
Approval with conditions.

HISTORY
This application first came before the Board on April 25, 2024 and was continued to a date certain of July 30, 2024, with no discussion, at the request of the applicant. On July 30, 2024, the application was continued, with no discussion, at the request of the applicant. The application was re-advertised for the February 4, 2025 meeting.

BACKGROUND
On December 15, 2015, the Planning Board granted a CUP for a new hotel exceeding 50,000 square feet including a mechanical parking garage and an accessory restaurant. On March 1, 2016, the Design Review Board approved the construction of a new five-story hotel including variances.

ZONING/SITE DATA
Legal Description: Lot 4, less the South 1 inch (0.08’), and all Lot 5, both in Block 17, FIRST ADDITION TO COMMERCIAL SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 6, Page 30, of the Public Records of Miami-Dade County, Florida. Being more particularly described as follows:

Begin at the Southeast corner of Lot 4, Block 17, FIRST ADDITION TO COMMERCIAL SUNDIVISION, according to the Plat thereof, as recorded in Plat Book 6, Page 30, of the Public Records of Miami- Dade County, Florida; thence run North along the West right-of-way line of Alton Road, for a distance of 1 inch (0.08’ feet) to the Point of Beginning of the hereinafter described parcel; thence run West for a distance of 150.00 feet to a point; thence run North for a distance of 83.92 feet to a point; thence run North 59 53’ 10” East for a distance of 173.43 feet to a point; thence run South for a distance of 170.92 feet to the Point of Beginning.

Zoning District: CD-2 Commercial Medium Intensity District

Future Land Use Designation: CD-2 Commercial Medium Intensity District

Local Historic District: N/A

National Register District: N/A

Surrounding Uses:

North:	Commercial
South:	Hotel/Commercial
West:	Hotel
East:	Commercial

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

THE PROJECT

The applicant, Sobe Alton LLC, has submitted plans entitled “Plans - Modification to CUP” Prepared by Finvarb Group, dated February 25, 2024. The applicant is requesting a modification to a previously issued Conditional Use Permit to allow public access to the rooftop amenities and to and for a Neighborhood Impact Establishment (NIE) by combining the occupancy load for both accessory hotel uses, the rooftop and the existing ground floor restaurant.

In accordance with Section 1.2.2.4 of the Resiliency Code, an alcoholic beverage establishment or restaurant, not also operating as an entertainment establishment or dance hall (as defined in section 1.2.2), with an occupant content of 300 or more persons as determined by the chief fire marshal, constitutes a Neighborhood Impact Establishment (NIE) and requires conditional use approval.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES:

Conditional Uses may be approved in accordance with the procedures and standards set forth in the Miami Beach Resiliency Code Chapter 2, Article V, 2.5.2.2:

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

Consistent – The request is consistent with the permissible uses in the C-PS4 Commercial Performance Standard District as designated on the Future Land Use Map within 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 proposal should not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan.

- 3. Structures and uses associated with the request shall be consistent with these Land Development Regulations.**

Consistent – Neighborhood Impact Establishments are permitted as conditional uses in this zoning district. This comment shall not be considered final zoning review or approval. This and all zoning matters shall require final review and verification prior to the issuance of a Building Permit.

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

Consistent – The proposed establishment may adversely affect the general welfare of nearby residents if noise and other issues are not controlled. Staff has recommended conditions to ensure that the general welfare is maintained. Additionally, the use would have to comply with all applicable laws and regulations for licensure.

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

Consistent – Per previously approved CUP, this is an existing building that have the required parking on-site for the restaurant and hotel keys. Now that the roof top is open to the public, the additional number of seats may require additional parking, A zoning analysis will be performed as part of the building permit review.

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 neighborhood.

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

Consistent – The proposed use is a typically permitted use in the CD-2 zoning district. NIE's are permitted in the CD-2 Zoning District as a conditional use, negative impacts from a concentration of this type of uses is not expected. To ensure this, Staff has proposed conditions to minimize the potential for negative impacts.

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

Consistent – The Project is existing and complies with the sea level rise and resiliency review criteria provided in Code Section 7.1.2.4

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

Consistent – The building ground floor plan layout provides safety and friendliness to pedestrians, there is only one driveway on Alton Road and pedestrian access is controlled through the ground floor lobby.

NEIGHBORHOOD IMPACT ESTABLISHMENT REVIEW GUIDELINES

In accordance with Chapter 7, Article 5 Sec. 7.5.5.4 of the Miami Beach Resiliency Code, in reviewing an application for an outdoor entertainment establishment, open air entertainment establishment or a neighborhood impact establishment, the Planning Board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines for conditional uses pursuant to Chapter 2, Article V:

1. **An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.**

Partially Consistent – The operational plan was submitted; however, the applicant doesn't have yet an operator for the roof top; hours of operations, number of employees were not provided. Information regarding food operations and security were submitted along with other procedures.

2. **A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, self-park, shared parking, after-hour metered spaces and the manner in which it is to be managed.**

Consistent – As previously approved the Property contains an on-site parking garage. Additional details relating to the valet operations has been included in the Applicant's traffic study. See attached Transportation Department's Memo

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.**

Consistent – The restaurant space at the Property is located on the 5th floor pool deck is only open to residents and their invited guests. it is not anticipated that there will be large groups of people waiting to gain entry into the restaurant.

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

Consistent – Per LOI, no crowding or large groups are proposed. The ground floor restaurant has a sizeable waiting area and any access to the rooftop is controlled through the ground floor lobby.

5. **A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.**

Consistent – As previously approved, parking is the same, the applicant has provided a Traffic Study prepared by TrafTech; See attached Transportation Department's Memo.

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

Consistent – as Previously approved the s are intended sanitation operations takes place within the building.

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

Consistent – as previously approved the applicant is not proposing entertainment. However, Staff has incorporated conditions in the attached draft order to mitigate any potential issues related to noise.

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

Consistent – The proposed structure is primarily surrounding by commercial uses; however, it could create some negative impacts on the multi-family residential uses to the south and Sunset Harbour neighborhood. Staff is recommending conditions to ensure that nearby residents are not negatively affected.

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

Consistent – These venues are existing and previously approved; but the roof top was closed to the public. By granting access to the public and becoming an NIE, no negative impacts from a cumulative effect are expected on the surrounding neighborhood. However, staff has proposed conditions to minimize potential impacts.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

1. A recycling or salvage plan for partial or total demolition shall be provided.

Not Applicable.

2. Windows that are proposed to be replaced shall be hurricane proof impact windows.

Not Applicable.

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

Not Applicable.

4. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 in Land Development Regulations.

Consistent. Resilient, Florida-friendly landscaping will be provided.

5. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

Consistent. The existing structure took into consideration adopted sea level rise projections

6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to 3 additional feet in height.

Consistent. The existing design is adaptable to the raising of public rights-of-ways and adjacent land.

7. As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood.

Not Applicable.

8. Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation.

Not Applicable.

9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 in General Ordinances.

Not Applicable.

10. As applicable to all new construction, stormwater retention systems shall be provided.

Not Applicable.

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

Not Applicable. .

12. The design of each project shall minimize the potential for heat island effects on-site.

Not Applicable.

ANALYSIS

Project Description and Operations

The applicant is requesting that the public be allowed to access the hotel rooftop amenities, which include alcoholic beverage service located at the pool deck of the Palomar Hotel. The current CUP limits the use of the pool deck to hotel guests and their invitees. The rooftop level includes a bar, bathrooms, a seating area on the upper deck that surrounds the swimming pool and a lower deck that borders the roof top level on the east and north sides of the building.

The following is a description of the proposed amenities:

Ground floor restaurant:

- Total Seats: 160
- Occupancy load: 205

Rooftop amenity:

- Total Seats: 184
- Occupancy load: 280

Total number of seats: 344

Total occupancy load: 485

The main access to the restaurant and pool deck is from the hotel lobby where the elevators are located.

A building permit, including an updated zoning analysis will be required for the proposed number of seats on both the restaurant and the rooftop, prior to the issuance of a revised Certificate of Use (CU) and a revised Business Tax Receipt (BTR).

Hours of operation

Condition 4i of the existing CUP requires that: "The pool deck shall be closed between the hours of Midnight and 7:00 a.m." At the time of the original CUP, staff recommended that the pool deck be closed between the hours of 10:00 p.m. and 7:00 a.m. The Planning Board approved the required closing between midnight and 7:00 a.m.

Now that the pool deck is proposed to be open to the public and the number of seats have increased from the prior approval, staff is recommending that the rooftop be closed between the hours of 10:00 p.m. and 7:00 a.m. to ensure that there are no negative impacts to the West Avenue and Sunset Harbour neighborhood.

Sound

No entertainment is proposed and only ambient background music at a volume that does not interfere with normal conversation is required. Staff has added a condition clarifying sound related conditions to prohibit entertainment to ensure that nearby residents are not impacted by sound generated from the rooftop or any outdoor hotel area.

Sound Violations

There have not been violations related to sound in the last year. However, in 2022 and 2021 there were violations related to sound coming from the rooftop. (see chart below).

Case N...	Case Type	Status	A.	Open ... ↓	(Description
SMN2022-00163	Special Magistrate Noise Appeals	Closed	Satchell, Isabel	04/28/2022	10/13/2022	NC2022-23429 - LOUD MUSIC
SMA2022-03107	Special Magistrate Appeals	Closed	Satchell, Isabel	04/28/2022	10/13/2022	CC2022-12803 - SPECIAL EVENT -\$1,000.00 1ST OFFENSE
CC2022-12804	City Code Violation	Closed	Castillo, Henry	04/02/2022	04/07/2022	Section 12-5: Failing to comply with conditions of the Special Event permit and guidelines as required in Section 12-5. Ref:Loud Music violating Special Event Permt #: SPE0222-0857 Written Warning BWC Used H.Castillo 738
CC2022-12803	City Code Violation	Fine Paid	Denis, Nahyee	04/02/2022	10/14/2022	Ref: Violating conditions of special event permit (Loud music). Amplified sounds failed to be contained within area of the event. Section 12-5. Failing to comply with conditions of the Special Event permit and guidelines as required in Section 12-5. \$1000 fine 1st offense BWC Worn N Denis 744
NC2022-23429	Noise Complaint	Fine Paid	Denis, Nahyee	04/02/2022	10/14/2022	music from rooftop ARRIVAL: 6:15 PM DEPARTURE: 8:20 PM Ref: Unreasonably loud and excessive music coming from rooftop pool area Section 46-152: Inspection of the above premises this date has revealed that you are in violation of Section 46-152 of the Code of the City of Miami Beach by making, continuing, or causing to be made or continued any unreasonably loud, excessive, unnecessary or unusual noise. YOU SHALL IMMEDIATELY CEASE THE VIOLATION. You shall be subject to additional penalties if the violation continues. Repeat violations of Section 46-152 will result in the imposition of larger fines and may also result in revocation, suspension, or the imposition of restrictions on an occupational license and /or certificate of use, or accessory use, and/or injunctive and/or other legal proceedings as provided by law. \$250 fine 1st offense BWC Worn N Denis 744

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Case N...	Case Type	Status	A.	Open ... ↓	(Description
CC2022-12801	City Code Violation	Closed	Remilien, Sony	04/02/2022	04/24/2023	Ref. Loud Music violation Special Event Permit #: SPE0222-0857 Section 12-5. Failing to comply with conditions of the Special Event permit and guidelines as required in Section 12-5. Written Warning S. Remilien 758 BWC Used
NC2022-23427	Noise Complaint	Closed	Remilien, Sony	04/02/2022	05/11/2023	LOUD MUSIC Arrival: 3:32 PM Departure: 5:22 PM Written Warning. S. Remilien 758 BWC Used
Case N...	Case Type	Status	A.	Open ... ↓	(Description
CC2021-12198	City Code Violation	Fine Paid	Remilien, Sony	12/11/2021	07/13/2022	Ref. Live DJ w/ out a Special event Permit. Section 12-5. Conducting a Special Event without a permit. 1st Offense - \$1,000 Fine S. Remilien 758 BWC Used
NC2021-22166	Noise Complaint	Fine Paid	Remilien, Sony	12/11/2021	07/13/2022	LOUD MUSIC Arrival: 9:54 PM Departure: 11:19 PM Inspection of the above premises this date has revealed that you are in violation of Section 46-152 of the Code of the City of Miami Beach by making, continuing, or causing to be made or continued any unreasonably loud, excessive, unnecessary or unusual noise. 1st Offense - \$250 Fine S. Remilien 758 BWC Used
NC2021-22161	Noise Complaint	Closed	Remilien, Sony	12/11/2021	01/10/2023	LOUD MUSIC Arrival: 6:52 PM Departure: 8:10 PM Inspection of the above premises this date has revealed that you are in violation of Section 46-152 of the Code of the City of Miami Beach by making, continuing, or causing to be made or continued any unreasonably loud, excessive, unnecessary or unusual noise. Written Warning Issued S. Remilien 758 BWC Used
NC2021-21265	Noise Complaint	No Violation Observed	Russell, Randy	09/11/2021	09/12/2021	music - Arrival Time: 10:57 PM Departure Time: 11:50 PM Met with complainant. No Violation Observed, No noise heard. CCO Russell 755 BWS

Deliveries and Sanitation

As previously approved (see Draft Order).

Valet Parking & Transportation

As previously approved, parking is the same. The applicant has provided a traffic study prepared by TrafTech (see Transportation Department memo attached).

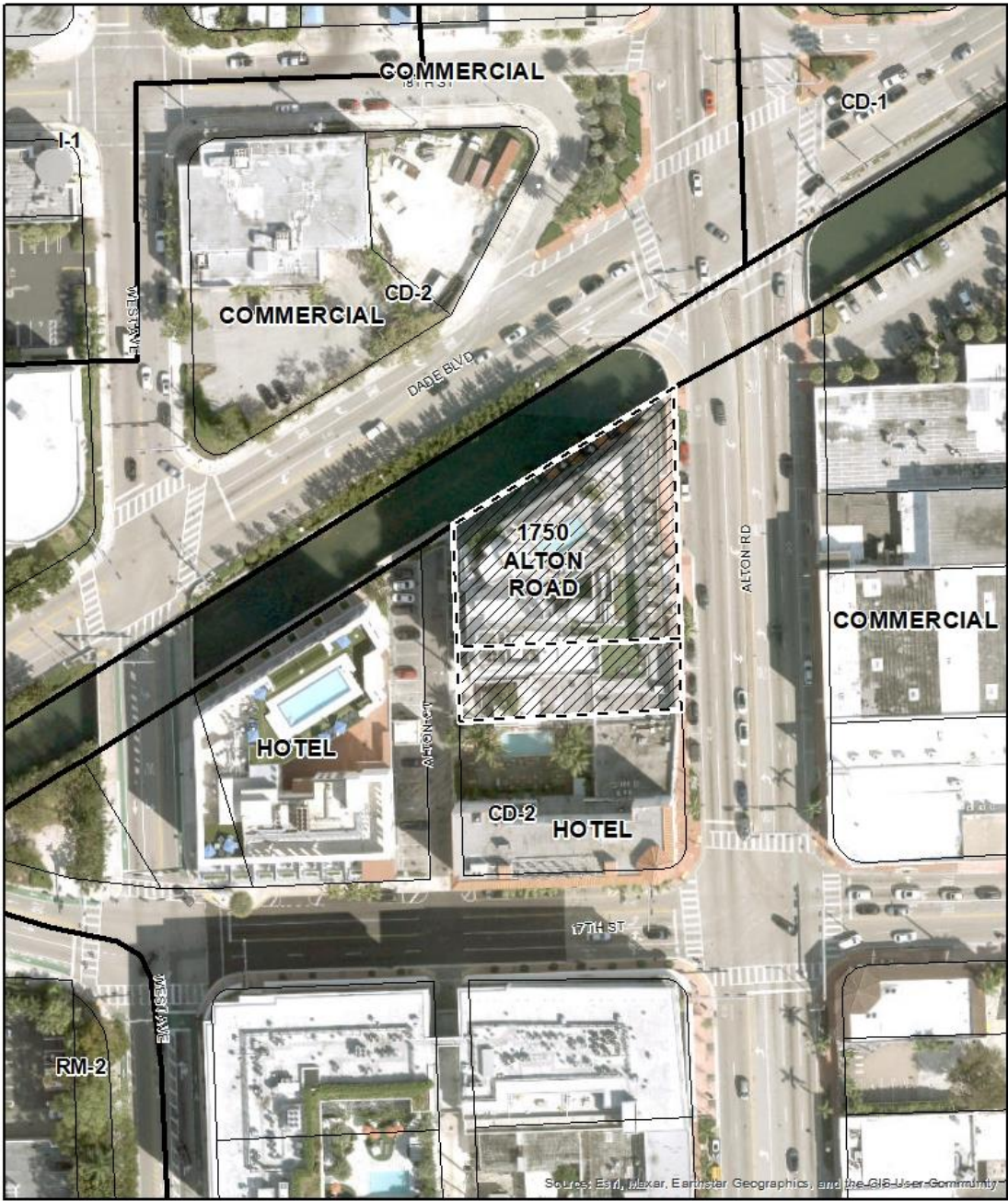
Security and Crowd Control

As previously approved and pursuant to the operational plan, staff does not anticipate any issues with crowd control in the right of way. The ground floor restaurant has a sizeable waiting area and any access to the rooftop is controlled through the ground floor lobby, which is located away from the sidewalk.

STAFF RECOMMENDATION


In view of the foregoing, staff recommends the application be approved, subject to the conditions in the attached draft order.

ZONING/SITE MAP



MIAMI BEACH
PLANNING DEPARTMENT
1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 P 305.673.7550 www.miamibeachfl.gov

0 20 40 80 120 160 200 Feet



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

PROPERTY: 1718-1750 Alton Road. Palomar Hotel

FILE NO. PB23-0609 a.k.a PB File No. 2279

IN RE: An application for modifications to a previously issued conditional use permit, for a hotel exceeding 50,000 square feet, including a mechanical parking garage and an accessory restaurant. Specifically, to allow the public to access to the rooftop and to become a Neighborhood Impact Establishment (NIE) by combining the occupancy load for both accessory hotel uses, the rooftop and the existing ground floor restaurant, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2; Chapter 7, Article V, Section 7.5.5.4 of the Miami Beach Resiliency Code.

LEGAL DESCRIPTION: Lot 4, less the South 1 inch (0.08'), and all Lot 5, both in Block 17, FIRST ADDITION TO COMMERCIAL SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 6, Page 30, of the Public Records of Miami-Dade County, Florida. Being more particularly described as follows:

Begin at the Southeast corner of Lot 4, Block 17, FIRST ADDITION TO COMMERCIAL SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 6, Page 30, of the Public Records of Miami- Dade County, Florida; thence run North along the West right-of-way line of Alton Road, for a distance of 1 inch (0.08' feet) to the Point of Beginning of the hereinafter described parcel; thence run West for a distance of 150.00 feet to a point; thence run North for a distance of 83.92 feet to a point; thence run North 59 53' 10" East for a distance of 173.43 feet to a point; thence run South for a distance of 170.92 feet to the Point of Beginning.

MEETING DATE: December 15, 2015; February 4, 2025

MODIFIED CONDITIONAL USE PERMIT

The applicant, Sobe Alton LLC, filed an application with the Planning Director pursuant to Chapter 2, Article V, Section 2.5.2 of the Miami Beach Resiliency Code. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

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

That the property in question is located in the CD-2 Commercial, Medium Intensity District.

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

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

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

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

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

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendations, that the Conditional Use Permit be ~~GRANTED~~ MODIFIED, as provided below, to which the applicant has agreed. Underlining denotes new language and ~~strikethrough~~ denotes stricken language from the previous order:

1. This Conditional Use Permit is issued to Sobe Alton LLC, as the applicant and owner of the property. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest, or the 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 to affirm their understanding of the conditions listed herein. This shall not apply to owners of individual residential condominium units.
2. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
3. The subject parking garage shall consist of the necessary parking as required by the Land Development Regulations. Prior to the issuance of a building permit for the project, the applicant shall submit an operational plan and narrative for the operation of the mechanical parking system and the parking garage area as a whole. This operational plan and narrative shall be subject to the review and approval of staff and, at a minimum, shall satisfy the following:
 - a) That the garage shall be in operation 24 hours per day, seven days a week, as proposed by the applicant.
 - b) There shall be security personnel of at least one person, on-site, monitoring the garage during all hours of operation.
 - c) The structure, operation, procedures, maintenance, service response procedures, emergency response procedures, remote technical service team, on-site service team, and spare parts inventory shall be in accordance with manufacturer's specifications, and as detailed in the operations plan.
 - d) The facility shall maintain adequate backup generators sufficient to power the vehicle lifts. The generators shall be maintained in proper operating condition. The location of the generators shall be as indicated in the submitted site plan. The generators shall be installed in accordance with Code requirements regarding minimum flood plain criteria.
 - e) Warning signs prohibiting horn honking or car alarm sounding shall be posted prominently in a location, subject to the review and approval of staff.

- f) Parking in the second level of the garage shall only be permitted exclusively through valet service as long as the mechanical parking is in place.
 - g) The applicant shall provide a restrictive covenant, form approved by the City Attorney, indicating that valet parking service shall be provided as long as the mechanical parking is in place.
 - h) The facility shall maintain sufficient valet runners to ensure that there is no queuing of vehicles on the public right of way.
 - i) An employee parking plan shall be provided prior to obtaining a Building Permit, in a manner to be reviewed and approved by staff.
 - j) A shuttle service shall be provided and maintained as long as the hotel use and restaurant uses exist.
 - k) Two carpool parking spaces shall be provided as indicated in the plans submitted by the applicant.
4. The following shall apply to the operation of the entire facility:
- a) 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.
 - b) Adequate air-conditioned and noise baffled trash room space shall be provided, in a manner to be approved by the Planning staff. Doors shall remain closed and secured when not in active use.
 - c) Trash dumpster covers shall be closed at all times except when in active use.
 - d) Prior to obtaining a building permit, the plans shall be revised in order to comply with the minimum loading requirements pursuant to the Land Development Regulations, unless a variance is granted by the Design Review Board regarding the number of loading spaces.
 - e) Delivery trucks shall not be allowed to idle in the loading areas.
 - f) Delivery trucks shall only be permitted to park in the designated loading bays or in designated as indicated in the plans provided by the applicant, or in designated on-street loading areas as approved by the Parking Department.
 - g) Trash pick-ups only shall take place between 7:00 AM and 9:00 AM.
 - h) ~~Use of the rooftop pool deck shall be limited to the exclusive use of hotel guests and their invitees.~~
 - i) The pool deck shall be closed to between the hours of ~~midnight~~ 10:00 PM and 7:00 AM.

- j) Except as may be required for security, fire or building code/Life Safety Code purposes, no speakers shall be affixed to or otherwise located on the exterior of the building shall be played volume at a volume that is plainly audible from other properties and which interferes with normal conversation.
 - k) Except as may be required for security, fire or building code/Life Safety Code purposes, no speakers affixed to or otherwise located on the exterior of the building above the ground floor may be played between the hours of 8:00 PM and 9:00 AM.
 - l) Except as may be required for security, fire or building code/Life Safety Code purposes, no speakers affixed to or otherwise located on the exterior of the building on the ground floor may be played between the hours of 11:00 PM and 9:00 AM
 - m) No portion of Alton Road shall be closed or blocked for construction at any time.
 - n) Entertainment, as defined in City Resiliency Code Section 1.2.2.9, shall be strictly prohibited in all indoor and outdoor areas. except that recorded background music, played at a level that does not interfere with normal conversation, may be permitted, provided that a sound system with directional speakers and a digital tamper-resistant sound level limiter is used to minimize impacts to adjacent properties.
5. Prior to the issuance of any Building Permit for the project, the applicant shall address the following Concurrency, Traffic and Parking requirements:
- ~~a) Prior to obtaining a building permit, the applicant shall submit a revised traffic report that addresses the deficiencies the project will create by exceeding the existing storage at all applicable turn lanes.~~
 - ~~b) The applicant shall coordinate with the Miami-Dade County Traffic Engineering Department and the City of Miami Beach to develop a strategy to provide modified and acceptable signal timing plans for the intersections of Alton Road with Dade Boulevard and 17th Street within 90 days from the issuance of a BTR (Business Tax Receipt).~~
 - ~~c) The applicant shall provide additional background traffic information prior to obtaining a building permit as may be required by the City's Peer Review (FTE, Inc.). This may include, but shall not be limited to, information used and provided for adjacent developments, as well as other developments in the area that were not included within the analysis.~~
 - ~~d) In order to encourage non-automobile modes of transportation, the hotel shall provide information relative to public transportation and bike share options in an informational kiosk in the hotel lobby that is visible to guests.~~
 - ~~e) A mountable curb shall be utilized for vehicles to enter the building to improve pedestrian flow along Alton Road, in a manner to be reviewed and approved by staff.~~
 - ~~f) The plans shall be revised to indicate that the access proposed at the shared driveway coincides with the approval for the adjacent development.~~

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- ~~g) A Method of Transportation (MOT), as applicable, 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.~~
 - ~~h) If applicable, 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.~~
 - i) 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.
 - ~~j) Prior to the issuance of a Building Permit, calculations for required parking for the project shall be determined by the Planning Department. A final determination for the required parking shall be conducted prior to the issuance of a Certificate of Occupancy or Business Tax Receipt, whichever comes first. If required, a one-time fee in lieu of providing the required parking on site or in combination with an annual fee, as determined by staff, shall be paid prior to the issuance of the Certificate of Occupancy.~~
 - ~~k) The applicant shall coordinate with Parking Department to designate an on-street loading area prior to obtaining a BTR. prior to obtaining a BTR.~~
 - l) The applicant shall coordinate with the City of Miami Beach Transportation & Mobility Department to implement an acceptable Transportation Demand Management (TDM) Plan per the TDM strategies outlined in the most recent Traffic Impact Analysis, prior to the issuance of a building permit.
 - m) The applicant shall submit a building permit to revise Mobility fees for both the restaurant and rooftop pool deck area prior to obtaining a BTR for the expanded use of the rooftop.
6. As part of the Building Permit plans for the project, the applicant shall submit revised architectural drawings, which shall be subject to the review and approval of staff; at a minimum, such plans shall satisfy the following:
- a) The final details and plans for the proposed mechanical parking system shall be made part of the building permit plans for the project and shall be subject to the review and approval of staff. Such plans shall comply with all applicable regulations and requirements of the City Code.
 - b) The applicant shall install any sound attenuating design devices that may be required, throughout the property, in order to minimize any spillover of sound to adjacent properties, which may be generated by the mechanical parking system, in a manner consistent with the requirements of the City Code and subject to the review and approval of staff.
7. The Planning Board shall retain the right to call the owner or operator, both now and in the future, back before the Board and modify this Conditional Use should there be valid complaints or violations (as determined by Code Compliance) about loud, excessive,

unnecessary, or unusual noise, as related to the Mechanical Parking System, as well as the entire parking operation as a whole.

Approximately ~~6~~ 3 months after the issuance of a the BTR for the hotel with the expanded use of the rooftop, 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.

8. The applicant, operator and/or owner, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Order.
- ~~9.~~ The Planning Board shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. 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 problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under ~~City Code Sec. 118-194 (c).~~ Section 2.5.2.5 of the Land Development Regulations (LDRs).
10. 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. Any substantial modifications to the plans submitted and approved as part of this application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans.
11. The applicant shall resolve all outstanding violations and fines on the property, if any, prior to the issuance of a building permit for the project.
- ~~12.~~ 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, of the City Code.~~ 2.5.2.5 of the Land Development Regulations (LDRs).
13. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
14. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
15. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in ~~Section 444-7~~ 1.3.7 of the Code Land Development Regulations (LDR's), entitled "ENFORCEMENT", and such enforcement procedures as are otherwise available. Any failure by the owner, applicant or operators 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 permit.

16. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
17. The applicant agrees and shall be required to provide access to areas subject to this Conditional Use Permit for inspection by the City (i.e. Planning Department, Code Compliance Department, Building Department, and Fire Department staff), to ensure compliance with the terms and conditions of this Conditional Use Permit. Failure to provide access may result in revocation of the Conditional Use Permit.

Dated _____.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael A. Belush, AICP
Planning and Design Officer
For the Chair

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by Michael A. Belush, Planning and Design Officer of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

{NOTARIAL SEAL}

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

Approved As To Form:
Legal Department: _____ (_____)

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