

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: April 8, 2025

FROM: Thomas R. Mooney, AICP
Planning Director

^{DS}
 For TRM

SUBJECT: **PB22-0518. 818 Lincoln Road.** Progress report as required by the Conditional Use Permit for a Neighborhood Impact Establishment with entertainment, including outdoor and open-air entertainment, with an occupant content in excess of 200 persons.

RECOMMENDATION

Hear testimony from the applicant and the public, and conclude the progress report.

BACKGROUND

September 20, 2022: The Planning Board approved the Conditional Use Permit for a Neighborhood Impact Establishment with Entertainment with an occupant content in excess of 200 persons

January 16, 2025: BTR issued for the restaurant with entertainment.

STAFF ANALYSIS

On September 20, 2022, a Conditional Use Permit (CUP) was issued to Golden Era Hospitality Group, LLC, as tenants and operators of the Neighborhood Impact Establishment consisting of a restaurant and bar with an accessory outdoor bar on the second and third floors (attached). On January 16, 2025, the BTR for the operation of the restaurant with entertainment was issued. The CUP requires that the applicant appear before the Board for a progress report within 90 days from the issuance of the BTR.

As part of the progress report review, the Board is advised of any citations and complaints issued by the Code Compliance Department regarding the operation of the venue. At the time of the writing of this report (3/12/2025), no complaints have been received and no violations have been issued to the property since the BTR was issued.

At the time of the progress report, in accordance with the provisions of Section 2.5.2.5 of the Land Development Regulations of the City Code (LDR's), the Planning Board may consider setting a public hearing for the purpose of examining the noncompliance issues and initiate modification/revocation proceedings. As there have been no complaints registered and no violations issued, as noted above, staff recommends that the progress report be concluded.

STAFF RECOMMENDATION

Staff recommends that the Board hear testimony from the applicant and the public, and conclude the progress report.

**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA****PROPERTY:** 818 Lincoln Road**FILE NO.** PB22-0518**IN RE:** An application has been filed requesting a conditional use permit for a Neighborhood Impact Establishment with entertainment, outdoor entertainment, and open-air entertainment pursuant to Chapter 118, Article IV and Chapter 142, Article V of the City Code.**LEGAL****DESCRIPTION:** Lots 7 and 8, Block 49 of Lincoln Subdivision, according to the plat thereof recorded in Plat Book 9, Page 69 of the public records of Miami Dade County, Florida.**MEETING DATE:** September 20, 2022**CONDITIONAL USE PERMIT**

The applicant, Golden Era Hospitality Group, LLC, filed an application with the Planning Director requesting a Conditional Use approval for a Neighborhood Impact Establishment pursuant to Chapter 118, Article IV, and Chapter 142, Article V of the City Code. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

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

That the property in question is located in the CD-3, Commercial high intensity Zoning District;

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

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

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

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

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

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendations, that the Conditional Use Permit be GRANTED, as provided below:

September 20, 2022

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 Golden Era Hospitality Group, LLC, as tenants and operators of the Neighborhood Impact Establishment consisting of a restaurant and bar with an accessory outdoor bar on the second and third floors. Any change of operator or fifty percent (50%) or more stock ownership shall require the new owners or operators to submit an affidavit, approved by City, to the City of Miami Beach Planning Department transferring approval to the new owners and/or operators and acknowledging acceptance of all conditions established herein, prior to the issuance of a new Certificate of Use/Business Tax Receipt. A progress report shall be scheduled within 60 days following the applicant's submission and staff's approval of the affidavit.
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. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
6. 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 399 seat Neighborhood Impact Establishment, subject to the criteria listed below:
 - i. The restaurant and bar subject to this CUP shall have a maximum occupant content of 592 persons or any lesser such occupant content as determined by the Fire Marshal.
 - ii. The indoor portions of the establishment may operate from 11:00 AM until 4:00 AM. All outdoor areas shall close by 2:00 AM. The accessory outdoor bar counter shall not be operated or utilized between midnight and 11:00 AM, unless a variance for extended hours is granted by the Historic Preservation Board. These hours shall not supersede any future amendments to the City Code, pertaining to hours of operation for alcoholic beverage and/or entertainment establishments.

September 20, 2022

- iii. On the second floor, only entertainment at ambient volume level (i.e. a volume that does not interfere with normal conversation) shall be permitted indoors and outdoors.
- iv. On the third floor, only entertainment at ambient volume level (i.e. a volume that does not interfere with normal conversation) shall be permitted indoors and outdoors.
- v. On the third floor, entertainment above ambient levels, including DJs and live performances, shall be permitted between 11:00 AM and 4:00 AM subject to the following:
 - a. Entertainment above ambient levels shall only be permitted indoors.
 - b. Doorways to the outdoor terrace shall remain closed while there is above ambient level entertainment indoors.
 - c. These hours shall not supersede any future amendments to the City Code, pertaining to hours of operation for alcoholic beverage and/or entertainment establishments.
- vi. All entertainment permitted by this CUP shall be subject to the following:
 - a. Only the Applicant's approved speakers, as approved by this Conditional Use Permit, shall be used. All performers, including, but not limited to, DJs, shall be required to connect to the Applicant's house sound system. The Applicant shall be required to inform all guest DJs and performers as to the requirements of this conditional use permit related entertainment.
 - b. The house sound system shall be installed and set in such a manner as to limit the acoustical output of the system and have password protected security on all controls at all times in accordance with the design intent and recommendations of the sound system study submitted as part of this application and the conclusions of the City's peer review.
 - c. At all times when any operations approved under this Conditional Use Permit are open, the Applicant shall continuously maintain a Manager on Duty (or equivalent) ("Manager on Duty"), on premises, to oversee the operations. Passwords for sound systems shall be provided only to the Manager on Duty. Only the Manager on Duty shall have access to house sound system maximum audio level controls. Only the Manager on Duty is authorized to allow access by verified installers, programmers, and repair personnel to the full complement of the Outdoor Speaker System's controls and adjustments, ensuring compliance with the sound and noise requirements, restrictions, and limitations in this Conditional Use Permit.

September 20, 2022

- d. Sound generated from the venue, including, but not limited to, recorded music, patron conversations or entertainment, shall not be plainly audible from or beyond any public rights of way adjacent to the subject property. Public rights of way shall include, but not be limited to, Lincoln Lane South and Lincoln Road.
- e. Before the issuance of a certificate of use is issued for entertainment, a field visit with the applicants and Planning staff shall be required to verify the sound system operations.
- f. A progress report regarding the outdoor entertainment shall be scheduled 90 days from the issuance of a business tax receipt (BTR) for outdoor entertainment.
- g. No dance hall shall be permitted on the site.
- vii. Televisions shall not be located anywhere in the exterior areas of the property.
- viii. Couches and tables shall be fixed to the floor and not be moveable.
- B. Delivery trucks shall only be permitted to make deliveries from City authorized and designated commercial loading zones.
- C. Delivery trucks shall not be allowed to idle in the loading zone.
- D. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
- E. Deliveries and waste collections may occur daily between 8:00 AM and 5:00 PM, or as specified by the City, in approved loading zones in the vicinity.
- F. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
- G. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.
- I. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that more than one pick up of garbage per day will not be necessary. A high-level trash/garbage compacting device shall be located in an air-conditioned trash/garbage holding room within the facility.
- J. Garbage dumpster covers shall be closed at all times except when in active use.

September 20, 2022

- K. Restaurant and bar personnel shall take measures to enforce the Patron Age Restriction of the City Code during the hours of operation of all alcoholic beverage establishments.
 - L. No patrons shall be allowed to queue on public rights-of-way, or anywhere on the exterior premises of the subject property.
 - M. The applicant shall provide a security guard at the ground level during operating hours to maintain orderly pedestrian access and queuing and maintaining the exterior clear from queues.
 - N. 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
 - O. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
 - P. 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.
 - Q. There shall be security outdoors, adjacent to the establishment during all hours of operation. The security shall ensure that patrons do not congregate on the exterior of the property.
 - R. The applicant shall submit an operating plan, that incorporates a valet plan and rideshare plan to minimize the congregation of patrons on the exterior of establishment after leaving, subject to the review and approval of staff. The plan shall be presented to the Planning Board at the time of the progress report.
 - S. Prior to the issuance of a Certificate of Use, the applicant shall use best efforts to reach out to residential buildings within the line of sight of the establishment and provide contact information to address any concerns that may arise.
7. The applicant shall address the following Transportation, Mobility, Concurrency and Parking requirements, as applicable:
- a. The applicant shall pay all impact, mobility, and concurrency fees due prior to obtaining a Building Permit, Certificate of Occupancy, or Business Tax Receipt, whichever may occur first, and any other fair share cost that may be due and owing.
 - b. The applicant shall coordinate with the Transportation Department to develop an acceptable Transportation Demand Management (TDM) Plan, prior to the issuance of a building permit.

*September 20, 2022**PB22-0518-818 Lincoln Road**Page 6 of 7*

- c. The applicant shall coordinate with the Parking Department to provide valet parking at existing valet parking ramps. The applicant will provide text-to-order valet parking services to limit crowding on the exterior of the venue.
8. 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.
9. 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.
10. 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.
11. 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.
12. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
13. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
14. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
15. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
16. The applicant agrees and shall be required to provide access to areas subject to this Conditional Use Permit (not private residences or hotel rooms) 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.

September 20, 2022

10/31/2022 | 1:04 PM EDT

Dated _____

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:

BY: _____

Rogelio Madan

CB1FD35B154F4AE

Rogelio A. Madan, AICP

Chief of Community Planning and Sustainability
for Chairman

STATE

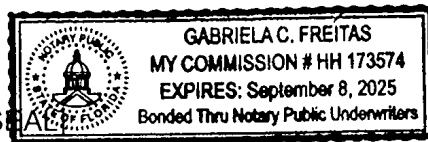
OF

FLORIDA

)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 31st day of October, 2022, by Rogelio A. Madan, Chief of Community Planning and Sustainability for 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: Gabriela C. Freitas

Notary Public, State of Florida

My Commission Expires: Sept. 8, 2025Commission Number: HH173574Approved As To Form:
Legal Department _____

DocuSigned by:

(10/31/2022 | 11:09 AM EDT)

8D8CB88CC4B8463

DocuSigned by:

Filed with the Clerk of the Planning Board on _____

Jessica Gonzalez

(10/31/2022 | 1:15 PM EDT)

*0FC3F3E9D654A5