

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: November 26, 2024

FROM: Thomas R. Mooney, AICP  for TRM  
Planning Director

SUBJECT: **PB24-0686, 6747 Collins Avenue – New Hotel**

An application has been filed requesting conditional use approval for mechanical parking, and a Neighborhood Impact Establishment (NIE) that includes a restaurant located on the rooftop of a building, which is located on a property that is within 200 feet of a property containing a residential unit, as part of the construction of a new 16-story new hotel, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2; and Chapter 5, Article 2, Section 5.2.11.f, of the Miami Beach Resiliency Code.

#### **RECOMMENDATION**

Approval with conditions.

#### **BACKGROUND**

In 2005, the Historic Preservation Board (HPB) approved a new 19-story, 64 unit residential building on the subject vacant lot. The project included 3 full levels of parking above grade, with an additional partial parking level below grade. A building permit was not obtained within 18 months of the approval, resulting in the expiration of the Order.

On September 10, 2013, the HPB reviewed and approved a Certificate of Appropriateness for the construction of a new 16-story, 13-unit multi-family residential structure (HPB 7378). The Building Permit was abandoned on September 30, 2015.

On April 12, 2016, the HPB reviewed and approved a Certificate of Appropriateness for the construction of a new 18-story, 42-unit multi-family residential building (HPB 7619). A building permit was not obtained within 18 months of the approval, resulting in the expiration of the Order.

On June 9, 2020, the HPB reviewed and approved a Certificate of Appropriateness for the construction of a new 11-story, 209-unit hotel building with a 104-seat restaurant (HPB19-0366). A building permit was not obtained within 18 months of the approval, resulting in the expiration of the Order.

On May 9, 2023, the HPB reviewed and approved a Certificate of Appropriateness for the construction of a new 16-story, 160-unit hotel building with a 104-seat restaurant and 112 parking spaces on a vacant lot (HPB22-0562).

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

Legal Description:

See exhibit "A" at the end of this report

Zoning District:

RM-3 Residential Multi-Family, High Intensity District

Future Land Use Designation: RM-3 High Density Multi-Family Residential  
Surrounding Uses:

|        |   |
|--------|---|
| North: | Residential Apartments (Sterling Condo) |
| South: | Vacant former Deauville Hotel site      |
| West:  | Commercial Building                     |
| East:  | Ocean                                   |

|               |                  |
|---------------|------------------|
| Lot Size:     | 41,625 SF        |
| Maximum FAR:  | 2.25 – 93,656 SF |
| Proposed FAR: | 2.24 – 93,632 SF |

**THE PROJECT**

The applicant, BTL Investments LLC, has submitted plans entitled “6747 Collins Ave,” prepared by Arquitectonica, dated September 3, 2024. The existing site, located within the North Beach Resort Historic District, has been vacant for more than twenty years, despite the four approved development projects mentioned in the Background section of this report.

The project includes a pedestal parking garage designed with a bronze-colored architectural screen that fully encloses valet and parking operations. Atop the garage is an amenity deck featuring a swimming pool and restaurant. The proposed hotel includes an average room size of 364 square feet (with a minimum of 335 square feet).

The applicant is requesting conditional use approval for a relatively small mechanical parking garage component. The applicant is proposing a car-stacker mechanical parking system that allows for two “stacked” parking spaces to be created from a single parking space. The planned parking garage will feature 30 mechanical lifts, providing a total of 60 mechanical parking spaces, in addition to 32 conventional parking spaces. It will also include 75 long-term bicycle parking spots, 21 scooter parking spaces, three drop-off areas for vehicles, five carpool parking spots, and showers for employees who cycle to work. The combination of mechanical and conventional parking spaces, along with accommodations for alternative transportation modes, meets the project’s parking requirements.

In addition to the request for mechanical parking, the applicant is seeking approval for an accessory Neighborhood Impact Establishment (NIE) that includes a restaurant on the roof top of the pedestal level, which is located within 200 feet of a property containing residential units. No entertainment is proposed.

**COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code as noted below:

- The driveways on the north and south side of the site do not comply with the minimum setback requirements.
- There are several areas where parking spaces are 3-5 cars deep. Parking beyond 2 tandem spaces is not permitted unless approved with a variance.

- A piano is shown in one of the proposed restaurants. Any entertainment on the subject site, including a piano, would require a separate application to the Planning Board for entertainment.
- The proposed outdoor bar counters shall not be operated or utilized between 8 pm and 8 am.
- The mechanical parking shall be fully enclosed and screened.
- The loading spaces must be fully enclosed with solid walls and may not be open, as proposed.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

**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, Section 2.5.2.2.a, Section 2.5.2.2.b and Chapter 7, Article V, Section 7.5.5.4.

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 Comprehensive Plan. The RM-3 future land use category allows for the proposed uses either as a main permitted use or a conditional use.

2. **The intended use or construction shall not result in an impact that will 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, as it is within the intensity limits provided for the RM-3 future land use category.

3. **Structures and uses associated with the request shall be consistent with these land development regulations.**

**Partially Consistent** – See Preliminary zoning comments

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

**Not Consistent** – The proposed project may adversely affect the general welfare of nearby residents if impacts are not controlled. Staff has recommended conditions to ensure that the public's general welfare is not adversely affected, including reduced operating hours for the rooftop pool deck / bard, and limitations on outdoor speakers. See Staff Analysis

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

**Partially Consistent** – The plans indicate that 164 spaces are required (which includes a reduction of 48 spaces as per the alternative parking incentives, and 164 are provided. However, this includes several tandem spaces of 3-5 stacked vehicles, which do not comply with the maximum 2-tandem spaces allowed by the city code.

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

**Partially Consistent** – Staff is recommending conditions to mitigate adverse impacts and 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** – Impacts are not expected from the geographic concentration of such uses if properly controlled.

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

**Consistent** – The proposed design complies with the sea level rise and resiliency criteria as detailed below.

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.**

**Not Consistent** – The width of the driveways, as currently shown (which differs from the plans reviewed by the Historic Preservation Board), are excessive and do not comply with the minimum required side setbacks.

**CHAPTER 5, ARTICLE II SECTION 5.2.11.b.3.A – MECHANICAL AND ROBOTIC PARKING SYSTEMS**

Projects proposing to use mechanical parking devices, robotic parking systems and/or vehicle elevators to satisfy accessory off-street parking requirements shall prepare schematic floor plans prior to site plan review by the applicable land use board. Two sets of schematic floor plans shall be required:

1. **One set of schematic plans sufficient to show the proposed development project with accessory off-street parking requirements satisfied by traditional, non-mechanical means, meeting all aspects of the design standards for parking spaces required in Article III of Chapter 5, and other provisions of these land development regulations, and requiring no variances from these provisions.**

**Consistent** – Schematic drawings showing the parking in a traditional, non-mechanical means was submitted showing 164 parking spaces for the project on-site.

2. **A second set of schematic plans, sufficient to show the same proposed development project, utilizing mechanical parking devices, robotic parking systems and/or vehicle**

**elevators to satisfy accessory and main use off-street parking requirements.**

**Consistent** – A schematic drawing showing the parking for the project by mechanical means was submitted showing 164 parking spaces.

**CHAPTER 5, ARTICLE II SECTION 5.2.11.e – PLANNING BOARD MECHANICAL PARKING REVIEW CRITERIA**

The Planning Board shall also consider the following review criteria when considering each application for the use of mechanical parking systems:

1. **Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood.**

**Consistent** – The scale of the project is compatible with the surrounding area and issues of scale and compatibility have been addressed by the HPB.

2. **Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood and has demonstrated how the scale, mass, volume, and height of the building are reduced by the use of mechanical parking.**

**Consistent** – The mechanical parking system allows the project to provide the minimum required parking and provide operational parking needs in a more efficient manner.

3. **Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.**

**Consistent** – The proposed garage does not result in an increase in density or intensity over that which is currently permitted with conventional parking as shown by the two submitted schematics. Further, as the property is located in an historic district, there is also an option to pay a one-time fee for any required parking spaces that is not otherwise provided.

4. **Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view.**

**Not Consistent** – Sufficient details have not been provided in order to ensure that the parking lifts are fully screened from the exterior.

5. **In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings; whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit owner.**

**Not Applicable** – All parking will be valet operated only for the hotel.

6. **In cases where mechanical parking lifts are used for valet parking; whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues.**

**Consistent** – The proper restricted covenant shall be provided prior to the issuance of

building permit.

7. **Whether a traffic study has been provided that details the ingress, egress and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way.**

**Consistent** – The applicant submitted a traffic study and recommendations from the Transportation Department have been incorporated into the conditions of approval

8. **Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided.**

**Partially Consistent** – Per letter of intent attached, valet service will be required. The operational plan related to valet parking operations is insufficient; the number of employees, noise specifications, and emergency procedures is not indicated. Staff has recommendations for conditions to address this concern prior to the applicant obtaining a building permit.

9. **In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed.**

**Consistent**

10. **Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.**

**Consistent** – The proposed project appears to be compatible with the surrounding neighborhood and it appears that it would not create any significant adverse impacts to the surrounding uses.

11. **Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect will be addressed.**

**Consistent** – No negative impact is anticipated from the cumulative effect from the proposed facility and nearby structures.

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

Chapter 7, Article I, Section 7.1.2.4.a of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

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

**Partially Satisfied** – The applicant has indicated that a recycling or salvage plan will be provided prior to the submittal of a building permit as may be necessary.

- B. Windows that are proposed to be replaced shall be hurricane proof impact windows.**

**Satisfied** – Windows will be hurricane proof impact windows.

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

**Satisfied** – Operable windows will be provided where feasible and appropriate.

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

**Satisfied.**

- E. 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 the surrounding properties.**

**Partially Satisfied** – the development complies with the City's resiliency standards.

- F. 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.**

**Satisfied** – The building has sufficient clearances where the ground floor and parking areas can be adapted if adjacent public rights-of-way are raised.

- G. 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 elevation.**

**Satisfied** – All critical mechanical and electrical systems will be located above BFE.

- H. Existing buildings shall, where reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.**

**Not Applicable**

- I. 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** - The Project contains new construction above base flood elevation

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

**Partially Consistent** – The applicant has indicated that water retention systems will be provided where feasible and appropriate.

**K. Cool pavement materials or porous pavement materials shall be utilized.**

**Satisfied** – The applicant indicated that cool or porous pavement materials shall be utilized.

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

**Partially Satisfied** – The plans, as shown, including excessive driveway widths along the north and south side yards, which is inconsistent with the code requirements and does not allow sufficient areas for landscaping.

### **ANALYSIS**

According to the architectural plans provided, the applicant is proposing a new hotel with 160 hotel rooms and 294 restaurant seats, which are spread across three venues, including a restaurant located on the rooftop of the parking pedestal, which due to its proximity to the residential Sterling Condominium to the north, constitutes a Neighborhood Impact Establishment (NIE). In addition to the NIE request, the applicant is requesting approval for mechanical parking.

#### **Traffic, Parking, Access & Loading**

Vehicular entry to the site is through a one-way drive on the south side of the site, which leads to the main lobby and drop off area under the building at the center of the site. Egress is along the north side of the site with a one-way drive, along with two loading spaces located north of the lobby area, and three loading spaces adjacent to the lobby. A minimum of five (5) loading spaces are required. As proposed, the one-way drives are excessively wide along the north and south sides of the property (20 feet in width) and do not comply with the required side setbacks. Staff recommends that they be reduced in width to no more than 12 feet. Further, staff recommends that both drives be fully screened along both the north and south sides of the property, to minimize the visual as well as noise impacts of the large vehicular circulation area under the building.

164 parking spaces are proposed, including 60 spaces that are provided with mechanical car stackers, with 30 lifts. According to the traffic study, 10 valet runners will be required during peak hours. Due to the length of the driveways, there should be plenty of space to accommodate any queuing. In addition to vehicular parking for guests, 75 long term bike parking spaces, 21 scooter spaces, and 5 carpool parking spaces for employees are provided. Showers are also provided for employees who bike to work. As indicated in the draft final order, the Transportation Department has recommended several conditions of approval including a minimum number of valet attendants, as well as more detailed delivery and solid waste operations plans, and revised maneuverability diagrams.

#### **Neighborhood Impact Establishment**

As part of the hotel, the applicant is proposing three food and beverage venues, including a 194-seat restaurant located on the rooftop of the pedestal structure. Sheet A0.11 PB of the plans outlines the various areas for this establishment, which includes 94 indoor seats and 60 outdoor

seats at the south and eastern portion of the 4<sup>th</sup> level, as well as the pool deck area located on the western half of the 4<sup>th</sup> level, which will be serviced by this restaurant. An outdoor pool bar is proposed at the center, western portion of this level, along with an additional 40 seats.

The applicant is proposing operating hours from 11:00 A.M. until midnight for this restaurant, 'Artise and Centino', which is the subject of the NIE request. Below is a summary of the three venues, along with the proposed seat count, occupancy, and proposed hours of operation.

| Venue Name                                       | Seat Count | Occupancy | Hours of Operation          | Entertainment (Y/N) | Open to the public? |
|--|------------|-----------|-----------------------------|---------------------|---------------------|
| Brezza (level 1)                                 | 38         | 38        | 7 days a week; 11AM – 11 PM | No                  | Yes                 |
| Bar Muse (level 3)                               | 62         | 62        | 7 days a week; 8AM – 12AM   | No                  | Yes                 |
| Artise and Centino pool bar* (Level 4 pool deck) | 194        | 194       | 7 days a week; 11AM – 12AM  | No                  | Yes                 |

Due to the close proximity of the Sterling Condo residential building to the north, staff has several concerns with the operations and hours proposed for the rooftop of the pedestal, as proposed. The Sterling condo contains south facing residential units that could be negatively impacted by the proposed rooftop activation, if the proposed venue is not carefully controlled. For this reason, staff recommends that the rooftop bar, and its associated outdoor seating and pool deck, be closed from 8:00 p.m. to 8:00 a.m., which is consistent with requirements for an outdoor bar counter when located adjacent to a property with residential units.

Staff also recommends that no outdoor speakers be allowed on the pool deck level, except those required for life safety purposes. Even background music played during operating hours at this height could become a nuisance for nearby residents. Other areas of the city, such as the Sunset Harbour Neighborhood expressly prohibit outdoor speakers on a roof deck level, so such a limitation is not unreasonable based upon the abutting residential use.

Additionally, special events should not be permitted on the site, and staff recommends that the pool deck and associated bar only be open to hotel guests, and not open to the general public. Lastly, staff would recommend that the outdoor seating shown on the plans and associated with the pool deck bar be fully covered by a permanent, solid structure to minimize sound transmission upward from patrons at the bar area.

**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, which address the inconsistencies in the aforementioned Conditional Use Review Criteria.

**EXHIBIT "A"**

**EXHIBIT A**

Legal Description

**Parcel 1:**

The South 62.5 feet of Lot 45, Block 1, AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 28, at Page 28, of the Public Records of Miami-Dade County, Florida.

**Parcel 2:**

The North 37.5 feet of Lot 45 and the South 25 feet of Lot 46, Block 1, AMENDED PLAT OF SECOND OCEAN FRONT SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 28, at Page 28, of the Public Records of Miami-Dade County, Florida.

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

**PROPERTY:** 6747 Collins Ave

**FILE NO.** PB24-0686

**IN RE:** An application for conditional use approval for mechanical parking, and a Neighborhood Impact Establishment (NIE) that includes a restaurant located on the rooftop of a building, which is located on a property that is within 200 feet of a property containing a residential unit, as part of the construction of a new 16-story new hotel, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2; and Chapter 5, Article 2, Section 5.2.11.f, of the Miami Beach Resiliency Code.

**LEGAL  
DESCRIPTION:**

Parcel 1: 6747 Collins Avenue  
South 62.5 feet of Lot 45, Block 1, of the amended plat of the Second Ocean Front Subdivision, as recorded in Plat Book 28, Page 28 of the public records of Miami-Dade County, Florida and the portion lying east and adjacent west of the erosion control line per Plat Book 105, Page 62 of the public records of Miami-Dade County, Florida.

Parcel 2: 6757 Collins Avenue  
North 37.5 feet of Lot 45 and South 25 feet of Lot 46, Block 1, of the amended plat of the Second Ocean Front Subdivision, as recorded in Plat Book 28 at page 28 of the public records of Miami-Dade County, Florida and the portion lying east and adjacent west of the erosion control line per Plat Book 105, Page 62 of the public records of Miami-Dade County, Florida.

**MEETING DATE:** November 26, 2024

**CONDITIONAL USE PERMIT**

The applicant, BTL Investments LLC, requested conditional use approval for mechanical parking, and a Neighborhood Impact Establishment (NIE) that includes a restaurant located on the rooftop of a building, which is located on a property that is within 200 feet of a property containing a residential unit, as part of the construction of a new 16-story new hotel, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2; and Chapter 5, Article 2, Section 5.2.11.f, 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:

The property in question is located in the RM-3, Residential Multifamily, High Intensity District;

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

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

The structures and uses associated with the request are consistent with the Land Development Regulations, with the exception noted;

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

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

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

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. 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 Chapter 2, Article V, Section 2.5.2.5.
2. This Conditional Use Permit is issued to BTL Investments LLC cross reference BTL Investments of South Florida LLC (the applicant) and owner of the property. Any changes in ownership or 50% (fifty percent) or more stock ownership, or the equivalent, of non-residential portions of the building shall require the new owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Certificate of Use/Business Tax Receipt.
3. This Conditional Use Permit shall include three (3) restaurants, located on the first, third, and fourth (pool deck) levels as outlined below:

| Venue Name                               | Seat Count | Occupancy | Hours of Operation             | Entertainment (Y/N) | Open to the public? |
|--|------------|-----------|--------------------------------|---------------------|---------------------|
| Brezza<br>(level 1)                      | 38         | 38        | 7 days a week;<br>11AM – 11 PM | No                  | Yes                 |
| Bar Muse<br>(level 3)                    | 62         | 62        | 7 days a week;<br>8AM – 12AM   | No                  | Yes                 |
| Artise and                               | 154        | 154       | 7 days a week;<br>11AM – 12AM  | No                  | Yes                 |
| Centino pool bar*<br>(Level 4 pool deck) | 40         | 40        | 7 days a week;<br>11AM to 8PM  | No                  | No                  |

\* Note that Centino Pool bar operates with Artise, but has different hours of operation and is not open to the general public.

- a. As noted above, the Centino Pool bar and associated pool shall only operate between the hours of 11AM and 8PM.
  - b. The level 4 pool deck and associated Centino pool bar shall not be open to the public, and service and occupancy shall be limited to hotel guests and their invitees only.
  - c. Except as may be required for Fire, Building, or Life Safety Code purposes, no speakers or televisions of any kind shall be affixed to, installed, or otherwise located on the rooftop of the pedestal, including the Centino pool bar and level 4 pool deck.
  - d. In order to mitigate sound transmission, a solid concrete canopy shall be required to cover the Centino Pool Bar and associated seating, in a manner to be reviewed and approved by staff.
4. The driveways along both sides of the property shall be reduced to comply with the setback requirements and shall be visually screened from the abutting properties, in a manner to be reviewed and approved by staff.
  5. The loading zones along the north side of the property shall be fully enclosed with solid construction and shall include a solid roll up door, in a manner to be reviewed and approved by staff.
  6. The following shall apply to the operation of the entire project:
    - a. All trash containers shall utilize rubber wheels, as well as a path consisting of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
    - b. All trash rooms shall be air conditioned and sound-proofed in a manner to be approved by staff. The doors to the trash rooms shall remain closed and secured when not in use and all trash dumpsters shall be closed at all times except when in use.
    - c. In the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, subject to the review and approval of staff.
    - d. The property and adjacent rights-of-way shall be maintained clean and free from debris
    - e. Commercial uses on the rooftop are prohibited.
    - f. Entertainment is prohibited anywhere on the property and within the building.
    - g. Use of the rooftops shall be limited to hotel guests and their invited guests only, and shall not be utilized for any commercial purposes, with the exception of the Centino Pool bar.
  7. A progress report shall be scheduled before the Planning Board 90 days after obtaining a business tax receipt (BTR).

8. The Planning Board shall retain the right to call the owner or operator back before the Board and make modifications to this Conditional Use Permit should there be valid complaints, as determined by Code Compliance, 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.
9. 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.
10. 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.
11. The applicant shall address the following Transportation, Mobility, Concurrency, Delivery, and Parking requirements:
  - a. The applicant shall commit to providing a minimum of ten (10) valet attendants during the site's peak periods. The number of attendants shall be adjusted when higher-than-normal peak demands are encountered to accommodate all vehicular queues on-site.
  - b. The applicant must commit to providing FDOT approval on the proposed driveways' connections off Collins Avenue prior to the issuance of the City's building permit. Any significant modifications to the proposed driveways due to FDOT's review may require resubmittal of the approved traffic impact study.
  - c. The applicant shall commit to finalizing ALL coordination efforts with the City to finalize the deliveries and solid waste operations plans before the issuance of the City's building permit. This item may require additional reviews by the City for the proposed maneuverability exhibits of the same. Delivery vehicles shall not exceed the maximum size vehicle that can be accommodated on site, as shown and approved in revised maneuverability exhibits.
  - d. The applicant shall coordinate with the City of Miami Beach Transportation & Mobility Department to implement an acceptable Transportation Demand Management (TDM) Implementation Plan per the TDM strategies outlined in the most recent Traffic Impact Statement prior to the issuance of a building permit.
  - e. 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.
  - f. Property managers and business operators for all uses shall ensure that deliveries are made as approved in this Conditional Use Permit. At no time shall delivery trucks block traffic flow on the public right-of-way.
  - g. Parking for spaces shall be shall only be operated through valet parking. Valet parking shall be provided 24 hours per day, seven days a week.

- h. The facility shall maintain adequate backup generators sufficient to power the vehicle lifts. The generators shall be maintained in proper operating condition. The generators shall be installed in accordance with Code requirements regarding minimum flood plain criteria.
  - i. Commercial deliveries and trash collection shall take place only at the designated area proposed by the applicant as shown in the plans.
  - j. Scheduled trash pick-up and commercial deliveries shall only be permitted between 8:00 AM and 4:00 PM.
  - k. There shall be no queuing of delivery, garbage, or moving trucks in the public right of way.
  - l. Delivery trucks shall not be allowed to idle in loading areas or driveways.
  - m. Warning signs prohibiting horn honking, tire-screeching, or car alarm sounding shall be posted prominently by the applicant in the parking area.
  - n. The driveway into the site shall utilize a mountable curb to maximize pedestrian comfort, subject to the review and approval of staff.
  - o. Parking for uses not located on-site shall not be permitted.
12. Special Event Permits shall be prohibited anywhere on the property.
13. The development shall comply with the “Green Buildings” requirements in 7.1.3.2 of the Miami Beach Resiliency Code.
14. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Building permit.
15. 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.
16. 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.
17. 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 Chapter 2, Article V, Section 2.5.2.5 of the Miami Beach Resiliency Code.
18. The applicant shall obtain a full building permit within 18 months from the date of approval of this Conditional Use Permit, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.

- 19. 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.
- 20. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- 21. 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.
- 22. 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.
- 23. 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 Belush, AICP  
Planning and Design Officer  
for the Chairman

STATE OF FLORIDA            )  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by Michael Belush, Planning and Design Officer 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  
Notary Public, State of Florida  
My Commission Expires:  
Commission Number:

Approved As To Form:  
Legal Department: \_\_\_\_\_ ( )

Filed with the Clerk of the  
Planning Board on: \_\_\_\_\_ ( )