

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

MEETING DATE: October 16, 2025

PROPERTY/FOLIO: 1784 West Avenue / 02-3233-012-0630

FILE NO: PB25-0773

APPLICANT: 1916 Bay Road Operations LLC

IN RE: An application has been filed requesting Conditional Use approval for a restaurant with more than 100 seats and an occupancy content in excess of 125, pursuant to Sections 2.5.2, and 7.2.23 of the Miami Beach Resiliency Code.

LEGAL: Lot 5, Block 16-A, of Island View Subdivision Of Alton Beach, according to the Plat thereof, as recorded in Plat Book 6, Page 115, of the Public Records of Miami-Dade County, Florida.

CONDITIONAL USE PERMIT

The applicant is requesting a Conditional Use Permit for the operation of a Neighborhood Impact Establishment, including indoor entertainment, with an occupational content exceeding 199 persons. 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 I-1, Light Industrial 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 staff recommendations, as may have been modified by the Planning Board, that a Conditional Use Permit as requested and set forth above, be GRANTED subject to the following conditions to which the applicant has agreed.

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1. This Conditional Use Permit is issued to 1916 Bay Road Operations LLC, as operator, for a restaurant with alcoholic beverages. The subject establishment shall always be licensed as a single restaurant serving full meals at all times. 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 Business Tax Receipt. A progress report shall be scheduled within 60 days following the applicant's submission and staff's approval of the affidavit.
2. The applicant shall be required to provide a letter to the Planning Department subsequent to the initial progress report and on an annual basis thereafter attesting to the applicant's compliance with all conditions of the CUP. The Planning Director shall include a copy of all such letters on the next available meeting agenda of the Planning Board for informational purposes. Following receipt of an applicant's annual letter, the Planning Board may elect to schedule a progress report before the Board at its next available meeting. Failure to provide such letter on an annual basis shall constitute a violation of the CUP and a progress report shall be scheduled. In addition to all enforcement provisions herein, the Board reserves the right to schedule a modification / revocation hearing if determined necessary when reviewing any annual progress report.
3. The Applicant agrees to the following operational conditions for all permitted and accessory uses and shall bind itself, 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. The project authorized by this Conditional Use Permit includes the creation and operation of the proposed approximately 122-seat restaurant.
 - B. The restaurant subject to this CUP shall have a maximum occupant content of **199** persons or any lesser such occupant content as determined by the Fire Marshal.
 - C. The indoor hours of operations shall be limited as follows:

Monday – Thursday: 5:00 p.m. – 11:00 p.m.
Friday – Sunday: 5:00 p.m. (noon) – 2:00 a.m.

Outdoor operations shall cease at 11:00 p.m. Monday – Thursday and 12:00 a.m. Friday – Sunday.
 - D. Entertainment, as defined in City Code Section 1.2.2.9, is prohibited in all indoor and outdoor areas.
 - E. At all times the establishment is open, food service with a full menu and operating kitchen shall be required throughout the venue.
 - F. Deliveries and waste collection may only occur between 9:00 a.m. and 3:00 p.m. each day, or as specified by the City in approved loading zones in the vicinity.

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- G. Delivery trucks shall not be allowed to idle in the loading zone.
- H. No patrons shall be allowed to queue on public rights-of-way, or anywhere on the exterior premises of the subject property. Security staff shall monitor the crowds to ensure that they do not obstruct the sidewalk.
- I. Equipment and supplies shall not be stored in areas visible from streets, or nearby buildings.
- J. Security staff and restaurant staff shall monitor patron circulation and occupancy levels.
- K. 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.
- L. 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.
- M. 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.
- 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. Sound generated from the venue, including, but not limited to, recorded music and patron conversations, shall not be plainly audible from adjacent residential buildings.
- Q. No exterior speakers shall be permitted except those necessary for fire and life safety purposes.
- R. Televisions and projectors shall not be located anywhere in the exterior areas of the property.
- S. No dancehall shall be permitted on the site.
- T. Special event permits shall be prohibited.
- U. After normal operating hours, the establishment shall remain closed and no patrons or other persons, other than those employed by the establishment, shall remain therein between the establishment's closing time and 8:00 AM.
- V. The City of Miami Beach Parking Department has provided a temporary exception for the 1784 West Avenue valet stand to use the curb cut in front of their loading dock and an adjacent parking spot, on the east side of the property, for valet operations. A future project is expected to remove this temporary parking stand by removing the adjacent parking spot, and at that time, a revised location will need to be found and a revised Valet Analysis prepared, submitted, and reviewed by both the Parking and Transportation Departments.

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- W. Loading operations may not occur during business hours when valet is provided.
 - X. The valet queue must remain within the provided two-car storage length, and may not extend into the ROW blocking the crosswalk or intersection at any time.
 - Y. The applicant shall commit to provide the minimum number of nine (9) valet runners during the PM peak demand period. The number of attendants may be adjusted following 6 months, to include December through February, of issuance of the Business Tax Receipt for the venue, provided that a detailed analysis of the actual valet utilization rate and updated valet analysis is provided, reviewed and approved by the Transportation Department.
4. 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 Section 2.5.2.5 of the Resiliency Code.
 5. The applicant shall be required to provide a letter to the Planning Department subsequent to the initial progress report and on an annual basis thereafter attesting to the applicant's compliance with all conditions of the CUP. The Planning Director shall include a copy of all such letters on the next available meeting agenda of the Planning Board for informational purposes. Following receipt of an applicant's annual letter, the Planning Board may elect to schedule a progress report before the Board at its next available meeting. Failure to provide such letter on an annual basis shall constitute a violation of the CUP and a progress report shall be scheduled. In addition to all enforcement provisions herein, the Board reserves the right to schedule a modification / revocation hearing if determined necessary when reviewing any annual progress report.
 6. 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.
 7. 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.
 8. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
 9. The applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as determined by the Transportation/Concurrency Management Division, prior to obtaining a Certificate of Occupancy or Business Tax Receipt, whichever may occur first, and any other fair share cost that may be due and owing. Without exception, all concurrency fees, mitigation fees and concurrency administrative costs shall be paid prior to the issuance of a Certificate of Occupancy or Business Tax Receipt.
 10. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of an occupational license to operate this entertainment establishment.

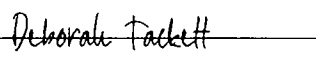
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11. The Planning Board shall retain the right to call the owner or operator back before them and modify the hours of operation or the occupant load of the accessory uses proposed for the project should there be valid complaints about loud, excessive, 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.
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 2.5.2.5 of the Land Development Regulations (LDRs) of the City of Miami Beach, Florida, entitled "Compliance with conditions; revocation or modification".
13. The applicant agrees and shall be required to provide access to areas subject to this CUP (not including private residences) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the terms and conditions of this CUP.
14. 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.
15. The executed Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
16. 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 1.3.7 of the 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.
17. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

Dated this 11/4/2025 | 11:48 AM EST day of _____, 20 .

PLANNING BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
 DEBORAH TACKETT
 HISTORIC PRESERVATION & ARCHITECTURE OFFICER
 FOR THE CHAIR

DocuSigned by:


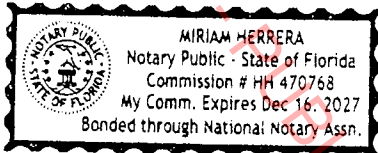
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STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 5 day of November 2025 by Deborah Tackett, Historic Preservation & Architecture Officer, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.

Miriam Herrera
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 12-16-27



DocuSigned by:
Approved As To Form: Nickallag
City Attorney's Office: _____ (11/4/2025 | 9:27 AM EST)

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Filed with the Clerk of the Planning Board on Jessica Frking (11/4/2025 | 1:22 PM EST

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