

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: January 7, 2025

FROM: Thomas R. Mooney, AICP
Planning Director



for TRM

SUBJECT: PB23-0625 1509 – 1515 Washington Avenue.

An application has been filed requesting a conditional use approval for a Neighborhood Impact Structure (NIS) for a new 7-story hotel exceeding 50,000 square feet, and a Neighborhood Impact Establishment (NIE) that includes, an alcoholic beverage establishment or restaurant located on the top floor of a building, whether fully enclosed, partially open, or open to the sky, including all open-air portions above the roof-top, which is located on a property that is within 200 feet of a property containing a residential unit, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2; and Chapter 7, Article V, Section 7.5.5.4 of the Miami Beach Resiliency Code.

RECOMMENDATION

Approval with conditions.

BACKGROUND

On April 25, 2024, the Planning Board discussed and continued the application to the May 28, 2024 Planning Board meeting. The Planning Board also requested that the applicant appear before the Historic Preservation Board to discuss the proposal.

On May 28, 2024 the Planning Board discussed and continued the application to a date certain of July 30, 2024, in order to address the concerns expressed by the Board. On June 30, 2024, the application was deferred by the applicant. The application was re-advertised for the November 26, 2024 meeting, and the Board continued the application to a date certain of January 7, 2025, at the request of the applicant.

ZONING / SITE DATA

Legal Description: See Exhibit “A”

Zoning: CD-2, Commercial Medium-Density District

Future Land Use: CD-2, Commercial Medium-Density District

Lot Size: 27,625 SF (Main Parcel)

Proposed FAR: 165,172.22 S.F. / (Max FAR = 2.0 = 165,612 S.F.). The additional FAR is taken from the other parcels that are part of this project site. (as represented by the applicant, see zoning data and plans).

Proposed Height: 7-stories (75'-0" from DFE)

Proposed Use:

Type of Use	Total Number of Seats	Occupancy	Venue Location	Access	Hours of Operation
Signature Restaurant/Bar Private Dining	254 (170 inside, 84 outside)	599	Ground Floor	Public	12PM-2AM
Pool Bar	18 (10 inside, 8 outside)	82	Ground Floor	Public after 5 P.M.	12PM-2AM
Outdoor Lounge	29	67	Ground	Public after 5 P.M.	12PM-2AM
Haddonhall Ballroom	149 (128 interior, 21 outside)	373	Ground	Private	12PM-2AM
Dixon Café Bar	90 (84 inside, 6 outside)	169	Ground	Public	12PM-2AM
Rooftop Restaurant	166 (16 interior, 150 outside)	184	7 TH Floor	Public	12PM-2AM
Total	706 seats	1,474			

Hotel Units:

Washington Avenue Parcel:199 units
Haddon Hall Parcel: 63 units
Total: 262 units

Surrounding Uses: See Zoning Site Map at the end of this report
North: Commercial Building
West: Hotel
South: Hotel and Commercial
East: Hotel

THE PROJECT

The applicant, 1515 Washington Acquisition LLC and Inverama USA Corp, has submitted plans entitled “An Iconic Hotel, Miami Beach”, prepared by NR Architect, dated December 8, 2024. The applicant is requesting conditional use approval for the following:

1. A Neighborhood Impact Structure (NIS) for a new 7-story, hotel building exceeding 50,000 square feet.
2. A Neighborhood Impact Establishment (NIE) for an alcoholic beverage establishment (restaurant) located on the top floor of a building, which is located on a property that is within 200 feet of a property containing a residential unit.

The subject property is composed of four parcels containing an existing one-story commercial building and a hotel. The main parcel contains the proposed new building, which fronts Washington Avenue. Since the application was initially reviewed by the Board, modifications to the Haden Hall site are now included in the proposal, including the construction of a new rooftop addition.

The project will also require approval from the Historic Preservation Board, which is scheduled to review the application on February 11, 2025 (HPB23-0591). The HPB application includes a waiver to allow on-street loading in an historic district and a waiver to reduce certain long frontage standards.

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:

1. **The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.**

Consistent – The request is consistent with the permissible uses in the CD-2 category as designated on the Future Land Use Map within the Comprehensive Plan.

2. **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.**

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 are consistent with these land development regulations.**

Consistent – Developments exceeding 50,000 square feet and Neighborhood Impact Establishments, are permitted as conditional use 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 will not be adversely affected.**

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 health, safety, morals, and general welfare are not adversely affected. The facility would have to comply with all applicable laws and regulations for licensure.

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

Consistent – Parking is not required for the proposed Use per City Resiliency Code Section 5.2.4.2 Parking Tier 2c. A full zoning analysis will be performed as part of the building permit review.

6. **Necessary safeguards will 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 will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.**

Partially Consistent – There are large developments within the vicinity, which is permitted in the CD-2 Zoning District. If not carefully controlled, such concentration could negatively

impact the surrounding neighborhood.

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

Consistent – see below, 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 –

COMPLIANCE WITH REVIEW GUIDELINES CRITERIA FOR NEW STRUCTURES 50,000 SQUARE FEET AND OVER

Pursuant to the Miami Beach Resiliency Code Chapter 2, Article V, Section 2.5.2.2.b. in reviewing an application for conditional use for new structures 50,000 square feet and over, the planning board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines:

1. **Whether the proposed business operations plan has been provided, including hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application, and that such plan is compatible with the neighborhood in which it is located.**

Consistent – The applicant's operations plan provides characteristics of the proposed project. The proposed mixed used building is compatible with the surrounding neighborhood, which consist primarily of commercial, and residential and hotel uses.

2. **Whether a plan for the mass delivery of merchandise has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan shall mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.**

Consistent – The operational plan was submitted with the application including details on loading/deliveries; The project requires four (4) loading spaces onsite; The applicant is requesting a waiver to the Historic Preservation Board for this and to utilize the existing loading zone located north of the proposed project.

3. **Whether the scale of the proposed use is compatible with the urban character of the surrounding area and creates adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed.**

Consistent – The scale of the proposed project is compatible with the urban character of Washington avenue; However, the scale, massing, architecture and compatibility issues will be further discussed at the Historic Preservation Board meeting.

4. **Whether the proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking and operational needs of the structure and proposed uses.**

Consistent –The project does not require off-street parking; The applicant has submitted a

Traffic Study where the Valet parking service and other traffic matters are analyzed. See Parking and Access Analysis.

5. Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.

Consistent – Per plans and documents submitted, pedestrians will be able to access the Hotel lobby and ground floor restaurant directly from Washington Avenue. Pedestrian queuing on public rights of way are not anticipated from the proposed uses.

6. Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the business and its users and minimizes impacts on the neighborhood.

Consistent – The applicant's operating plan provides security details. The applicant has indicated that cameras and security personnel will be provided throughout the building.

7. Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.

Consistent – The applicant has provided a Traffic Study prepared by TrafTech; See attached memo from the Transportation & Mobility Department.

8. Whether a noise attenuation plan has been provided that addresses how noise shall be controlled in the loading zone, parking structures and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.

Consistent – Parking Loading and deliveries are not expected to generate significant noise concerns. Staff has recommendations to further minimize potential sound impacts from the development.

9. Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.

Consistent – The operational plan was submitted with the application including details on sanitation operations. Existing commercial loading zones on Washington Avenue will be utilized. Building employees will transport refuse from the trash room on the south side of the Project to the loading area for collection and disposal. Staff has incorporated recommendations regarding sanitation operations, including a limit on hours for pickups. See Delivery and Sanitation analysis.

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

Consistent – There are other large structures along Washington Avenue corridor however, proximity to these structures is not expected to create any adverse impacts. The proposed project is not expected to create a negative impact to the existing residential uses on the west side area (Flamingo Park neighborhood).

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

Consistent – While there are other buildings over 50,000 gross square feet in the area, adverse impacts are not expected from the geographic concentration of such uses if the impacts are properly controlled. Staff is recommending conditions to mitigate any adverse impacts from noise and other issues on the surrounding neighbors.

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.

Consistent – The applicant's operations plan provides characteristics of the proposed project. The proposed mixed used building is compatible with the surrounding neighborhood, which consist primarily of commercial, and residential and hotel uses.

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 – The project does not require off-street parking; The applicant has submitted a Traffic Study where the Valet parking service and other traffic matters are analyzed. See Parking and Access Analysis

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 ground floor will have direct access from Washington Avenue. The proposed rooftop restaurant does not anticipate any large groups. The pool will only be accessible to hotel guests. these accesses will be managed within the ground floor lobby.

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

Partially Consistent – The Operations Plan includes security related details, but it does not provide information on how enforcement of patron age restrictions will take place.

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 – The applicant has provided a Traffic Study prepared by TrafTech; See attached memo from the Transportation & Mobility Department.

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

Consistent – The operational plan was submitted with the application including details on sanitation operations. They will utilize the existing commercial loading zones on Washington Avenue. Building employees will transport refuse from the trash room on the south side of the Project to the loading area for collection and disposal. Staff has incorporated recommendations regarding sanitation operations, including a limit on hours for pickups. See Delivery and Sanitation analysis.

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

Consistent –The Applicant's submitted operations plan that outlines the sound operations of all the hotel accessory uses. There is no entertainment being proposed; only background music that does not interfere with normal conversations. A sound study prepared by Criterion Acoustics is included with the application materials. The applicant submitted a sound study that was peer reviewed by the City's sound consultant.

8. Proximity of proposed establishment to residential uses.

Consistent –The project is located near residential uses; per recent City Code amendment any venue that is located on a property that is within 200 feet of a property containing a residential units is considered a Neighborhood Impact Establishments and requires the approval from the Planning Board. Staff has proposed conditions to ensure that nearby residents are not negatively affected.

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

Consistent –. There are other NIEs within the vicinity of this district. If not carefully controlled, such concentration could negatively impact 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.a.1. of the Resiliency Code 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.

Satisfied – The applicant will provide a recycling or salvage plan during the permitting phase of the project.

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

Satisfied – The applicant has indicated that all windows will be hurricane proof impact windows.

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

Satisfied – Passive cooling systems, such as operable windows, may be installed as appropriate.

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

Satisfied – Landscaping with Chapter 4 of the resiliency code.

- 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 surrounding properties.

Satisfied – The project has been designed to accommodate rising sea levels and the future raising of roads.

- 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 ground floor will be located at 9 feet NGVD and the first floor will have sufficient elevation to be able to accommodate future increases.

- 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 base flood elevation (BFE).

- H. Existing buildings shall, where reasonably feasible and economically appropriate, be elevated up to the 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 the General Ordinances.

Not applicable.

- J. As applicable to all new construction, stormwater retention systems will be provided.

Consistent – Water retention systems as applicable will be provided for the Project.

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

Satisfied – Cool paving materials will be utilized.

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

Satisfied. – The project will reduce heat island effects by incorporating multiple green spaces on the ground floor and second floor with specific materials and landscaping to minimize any potential for heat island effects on-site.

ANALYSIS

The proposal is for a new 7-story hotel project fronting Washington Avenue. The ground floor will consist of a restaurant and lounge/lobby access for the hotel use and the upper levels will contain hotel rooms, a pool deck and rooftop restaurant. The development site consists of several parcels that contain an existing hotel. The new building will be located on the “main parcel” (the northern portion of the site) and will replace an existing one story commercial and residential building.

The new structure will utilize available floor area ratio (FAR) from other parcels included within the unified development site. As noted on the zoning data submitted in the submitted plans, the maximum allowable FAR for the combined unified development site is 165,612 square feet. The proposal includes transferring 56,415 square feet from the other parcels within the unified site, which results in a total square footage of 165,172.22 square feet for the unified site.

While the initial project included a typical hotel room size of 200 square feet, the typical room size within the new hotel is 324 to 337 square feet.

Access to the public is limited to the ground floor restaurant and rooftop restaurant (12:00 p.m. to 2:00 a.m.). The pool bar and outdoor lounge is open to the public after 5:00 p.m. and is open from 12:00 p.m. to 2:00 a.m. The other amenities are limited to hotel guests only.

No entertainment is proposed within the entire project; only ambient background music at a volume that does not interfere with normal conversation is proposed. The following chart summarizes the proposed hours of operation, seat count, and occupancy load for the different amenities:

VENUE	FLOOR	INDOOR/OUTDOOR	OCCUPANCY	SEATS	ACCESS	HOURS OF OPERATION
SIGNATURE RESTAURANT / BAR AND PRIVATE DINING	GROUND	INDOOR	388	170	PUBLIC	12PM TO 2AM
		OUTDOOR	211	84	PUBLIC	12PM TO 2AM
POOL BAR	GROUND	INDOOR	55	10	PUBLIC AFTER 5PM	12PM TO 2AM
		OUTDOOR	27	8		
OUTDOOR LOUNGE	GROUND	OUTDOOR	67	29	PUBLIC AFTER 5PM	12PM TO 2AM
HADDONHALL BALLROOM	GROUND	INDOOR	314	128	PRIVATE	12PM TO 2AM
		OUTDOOR	59	21		
DIXON CAFÉ BAR	GROUND	INDOOR	125	84	PUBLIC	12PM TO 2AM
		OUTDOOR	44	6		
ROOFTOP RESTAURANT	7	INDOOR	94	16	PUBLIC	12PM TO 2AM
		OUTDOOR	90	150		

As proposed, the hotel development will contain 4,934 square feet of restaurant space and 262 hotel units, across the various parcels.

Sound

The applicant is proposing ambient background music, played at a level that does not interfere with normal conversation. The applicant submitted a sound study prepared by Criterion Acoustics, which was peer reviewed by the City’s consultant, Arpeggio Acoustic Consulting, LLC. The peer review had the following conclusion and suggestions:

“We recommend that significantly lower music sound level limits be targeted on the pool deck and rooftop lounge. The report offers limits of 73 to 75 dBA but such a music sound level would require patrons to speak loudly or shout to be understood. We feel that a music level of 60 to 65 dBA or lower would be more conducive to normal conversation and consistent with the descriptors of “background” and “ambient.” Furthermore, we recommend that noise from the ground floor restaurant patio along Washington Avenue be included if there are to be loudspeakers there.

Beyond the aforementioned, we agree with several recommendations given by CA in their report. These include the use of small bass drivers in a distributed speaker system mounted low to the

ground and the absence of subwoofers. We also agree with the use of a digital tamper-resistant sound level limiter with no local operational access. The report advises that this limiter be configured after on-site sound level calibration. We advise that this calibration include residential units at the northwest corners of 1447 and 1455 Washington Avenue. This is especially critical at the corner units at 1455 Washington Avenue which appear to be merely approximately 50' from the pool deck and, as such, will be especially vulnerable to music and activities at the hotel. Calibration should also address and establish C-weighted (dBC) in addition to A-weighted (dBA) sound levels so that low-frequency bass is controlled."

Staff agrees with the peer reviewer's findings to include the proposed background ambient-level music at the ground floor restaurant porch along Washington Avenue and to revise the sound level limits downward in order to comply with background music. The applicant should also calibrate the sound system per the City's sound peer review conclusions to include the units at the northwest corners of 1447 and 1455 Washington Avenue. The sound system will need to be tested under the supervision of a qualified acoustical professional and the City's sound study peer reviewer. At that point the applicant would submit a revised report to be reviewed and approved by the City's sound peer reviewer and the Planning Department. Staff has recommended conditions in the attached draft order to ensure that the impact of the sound related operations are minimized.

Traffic, Parking, and Access

Off-street parking is not required for the project.

The ground floor level will be raised to base flood elevation. A partially covered porch along Washington Avenue is proposed fronting the ground-floor restaurant and a separate lobby located on the north side will give access to the hotel and the upper floors including the roof top lounge. Queuing of pedestrians in public rights of way is not expected at this location.

Per the calculations provided by the applicant, 31 short term bicycle spaces and 25 long term bicycle spaces are proposed. Valet parking is proposed for hotel guest and venue patrons, with the valet ramp located in front of the hotel lobby entry.

The applicant has provided a Traffic Study prepared by TrafTech; see attached Transportation Department's Memo.

Since the initial application, the previously proposed steps and ramps encroaching in the sidewalk have been removed.

Delivery and Sanitation

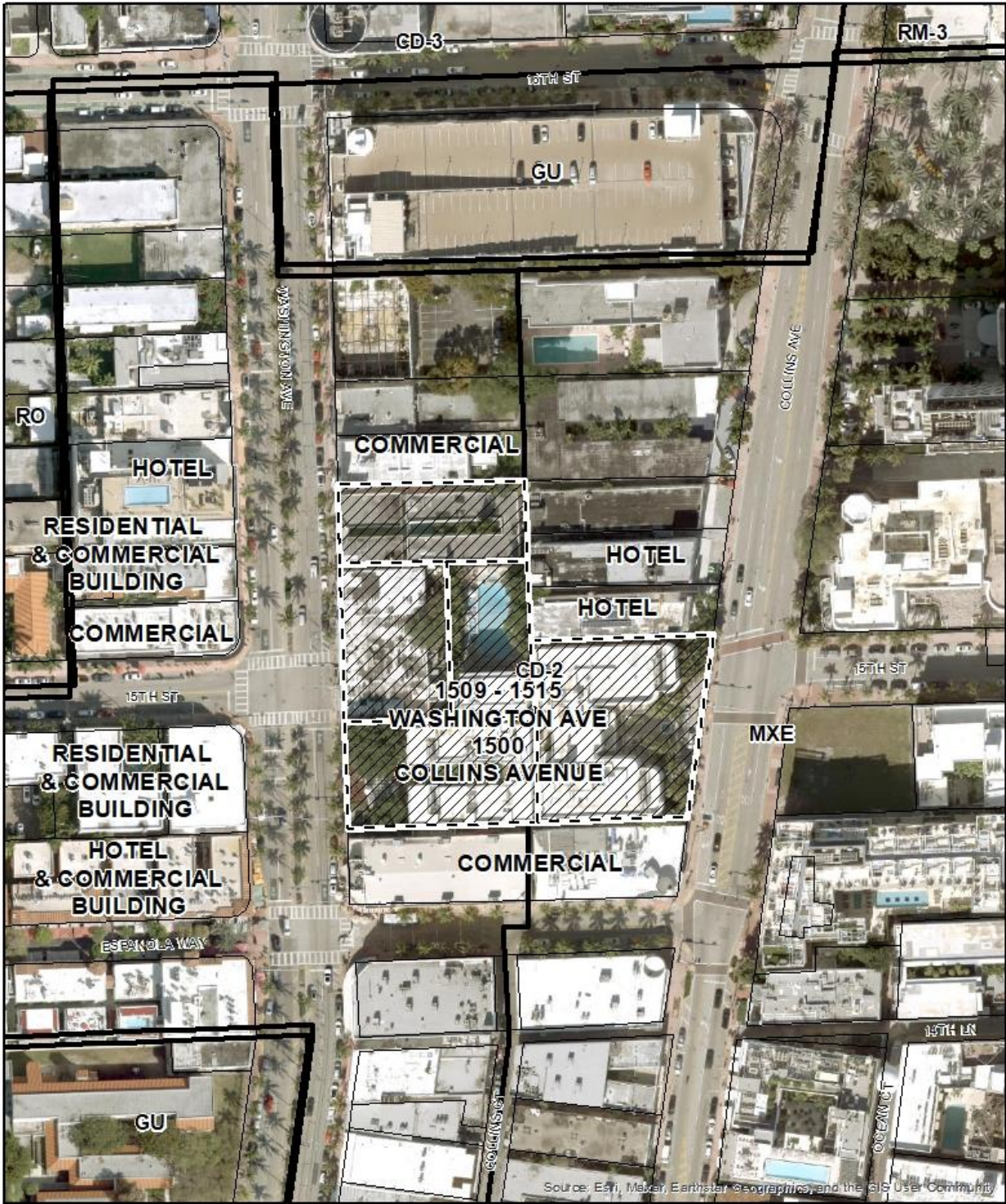
Pursuant to Section 5.2.6 of the LDR's, the project requires four (4) loading spaces onsite. The applicant is requesting a waiver from the Historic Preservation Board for this requirement in order to utilize the existing loading zone located north of the proposed project. Staff has recommended conditions to limit loading to off-peak daytime hours in order to minimize traffic disruptions and minimize noise impacts on surrounding properties.

Trash rooms are proposed at the south side of the property. Additionally, staff has recommended hours for trash pickups consistent with loading hours.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the Conditional Use Permit be approved, subject to the conditions enumerated in the attached Draft Order.

ZONING/SITE MAP



PB23-0625. 1509 – 1515 Washington Avenue.
January 7, 2025

Page 12 of 13

EXHIBIT "A"

1509 Washington Avenue

The West 100 feet of Lot 20 and the West 100 feet of the South 1/2 of Lot 19, in Block 57, and the closed portion of 15th Street lying North of Lots 4 and 5 in Block 76, of FISHER'S FIRST SUBDIVISION OF ALTON BEACH, according to the Plat thereof, as recorded in Plat Book 2, at Page 77, of the Public Records of Dade County, Florida.

1515 Washington Avenue

LOT 18 AND THE NORTH ONE-HALF OF LOT 19, BLOCK 57, FISHER'S FIRST SUBDIVISION OF ALTON BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 77, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

PB23-0625. 1509 – 1515 Washington Avenue.
January 7, 2025

Page 13 of 13

1500 Collins Avenue

PARCEL 1:

LOTS ONE (1) AND TWO (2) OF BLOCK SEVENTY-SIX (76) OF FISHER'S FIRST SUBDIVISION OF ALTON BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI – DADE COUNTY, FLORIDA, AND ALSO THE FOLLOWING DESCRIBED LAND: THAT PART OF VACATED FIFTEENTH STREET FORMERLY KNOWN AS A VENUE D, DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF LOT 1 OF BLOCK 76 OF FISHER'S FIRST SUBDIVISION OF ALTON BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI – DADE COUNTY, FLORIDA; THENCE NORTHEASTERLY ALONG WEST LINE OF COLLINS AVENUE A DISTANCE OF 70.98 FEET TO THE SOUTHEAST CORNER OF LOT 1, OF BLOCK 57 OF THE AFORESAID SUBDIVISION; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF LOT 1, BLOCK 57 OF THE AFORESAID SUBDIVISION A DISTANCE OF 172.01 FEET, MORE OR LESS, TO A POINT WHERE THE WESTERLY LINE OF LOT 2 OF BLOCK 76 OF THE AFORESAID SUBDIVISION EXTENDED NORTHERLY INTERSECTS THE SOUTHERLY LINE OF LOT 1, OF BLOCK 57 OF THE AFORESAID SUBDIVISION; THENCE SOUTHERLY A DISTANCE OF 70 FEET TO THE NORTHWEST CORNER OF LOT 2 OF BLOCK 76 OF THE AFORESAID SUBDIVISION; THENCE EASTERLY ALONG THE NORTHERLY LINE OF LOTS 2 AND 1 OF BLOCK 76 OF THE AFORESAID SUBDIVISION, A DISTANCE OF 15 5 .21 FEET TO THE POINT OF BEGINNING.

AND

PARCEL 2:

COMMENCING AT THE NORTHWEST CORNER OF LOT 5, BLOCK 76, OF FISHER'S FIRST SUBDIVISION OF ALTON BEACH, AS SAME IS SHOWN UPON A RECORDED PLAT OF SAID SUBDIVISION, RECORDED IN PLAT BOOK 2, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI – DADE COUNTY, FLORIDA; THENCE RUN EAST ALONG THE NORTH LINE OF SAID BLOCK 76, A DISTANCE OF ONE HUNDRED (100) FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED:

FROM SAID POINT OF BEGINNING RUN NORTH ALONG A LINE DEFLECTING 90 DEGREES TO THE LEFT, SAID LINE BEING PARALLEL TO AND ONE HUNDRED (100) FEET DISTANT EASTERLY FROM THE EASTERLY LINE OF WASHINGTON AVENUE, AS ABOVE RECORDED, A DISTANCE OF ONE HUNDRED FORTY-FIVE (145) FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF LOT 19, BLOCK 57, FISHER'S FIRST SUBDIVISION OF ALTON BEACH, AS RECORDED IN PLAT BOOK 2, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI – DADE COUNTY, FLORIDA; THENCE RUN EASTERLY ALONG A LINE DEFLECTING 90 DEGREES TO THE RIGHT ALONG THE NORTH LINE OF THE SOUTH 1/2 OF LOT 19, BLOCK 57, A DISTANCE OF SEVENTY-FIVE (75) FEET TO A POINT ON THE WEST LINE OF LOT 2, OF SAID BLOCK 57, THENCE RUN SOUTHERLY ALONG A LINE DEFLECTING 90 DEGREES TO THE RIGHT ALONG THE DIVIDING LINE BETWEEN LOTS 1 AND 2, AND LOT 20 AND THE SOUTH 1/2 OF LOT 19, BLOCK 57, A DISTANCE OF SEVENTY-FIVE (75) FEET TO A POINT, SAID POINT BEING THE SOUTHEASTERLY CORNER OF LOT 20, OR THE SOUTHWESTERLY CORNER OF LOT 1, OF SAID BLOCK 57; THENCE RUN SOUTHEASTERLY ALONG A LINE DEFLECTING TO THE LEFT 04° 05' 08.2", A DISTANCE OF 70.178 FEET TO A POINT, SAID POINT BEING THE NORTHEASTERLY CORNER OF LOT 3, OF SAID BLOCK 76, FISHER'S FIRST SUBDIVISION; THENCE RUN WESTERLY ALONG A LINE DEFLECTING TO THE RIGHT 94° 05' 08.2" ALONG THE NORTHERLY LINE OF SAID BLOCK 76, A DISTANCE OF EIGHTY (80) FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED.

TOGETHER WITH THE EASEMENT DESCRIBED ON PAGE 2 OF THAT CERTAIN DEED FROM DANIEL I. TARADASH TO HADDON HALL CORP., DATED MAY 12, 1952, FILED JUNE 13, 1952 IN DEED BOOK 3609, PAGE 25, OF THE PUBLIC RECORDS OF MIAMI – DADE COUNTY, FLORIDA, BUT SUBJECT TO THE TERMS OF SUCH EASEMENT.

AND

PARCEL 3:

LOTS 3, 4, AND 5, IN BLOCK 76 OF FISHER'S FIRST SUBDIVISION OF ALTON BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI – DADE COUNTY, FLORIDA.

THE ABOVE PARCELS 1, 2 AND 3 ARE ALSO DESCRIBED AS:

METES AND BOUNDS DESCRIPTION:

ALL OF LOT 1, ALL OF LOT 2, ALL OF LOT 3, ALL OF LOT 4 AND ALL OF LOT 5 OF BLOCK 76, A PORTION OF LOT 19 AND A PORTION OF LOT 20 OF BLOCK 57, AND A PORTION OF THE VACATED RIGHT OF WAY OF FIFTEENTH STREET, FORMERLY KNOWN AS A VENUE " D ", ALL OF FISHER'S FIRST SUBDIVISION OF ALTON BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 77 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 76; THENCE S 90°00' 00" W, ALONG THE SOUTHERLY LINE OF SAID BLOCK 76, FOR 318.36 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE N 00°00' 00" E, ALONG THE WESTERLY LINE OF SAID BLOCK 76, FOR 100.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; SAID WESTERLY LINE OF BLOCK 76 BEING COINCIDENT WITH THE EASTERLY RIGHT OF WAY LINE OF WASHINGTON AVENUE, FORMERLY KNOWN AS MIAMI AVENUE; THENCE N 90°00' 00" E, ALONG THE NORTHERLY LINE OF SAID BLOCK 76, FOR 100.00 FEET; THENCE N 00°00' 00" E, ALONG A LINE BEING PARALLEL WITH AND 100.00 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES TO, SAID EASTERLY RIGHT OF WAY LINE OF WASHINGTON AVENUE, FOR 145.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF SAID LOT 19, BLOCK 57; THENCE N 90°00' 00" E, ALONG SAID NORTH LINE OF THE SOUTH 1/2 OF LOT 19, FOR 75.00 FEET TO A POINT ON THE WEST LINE OF LOT 2 OF SAID BLOCK 57; THENCE S 00°00' 00" W, ALONG THE EASTERLY LINE OF SAID SOUTH 1/2 OF LOT 19 AND THE EASTERLY LINE OF LOT 20, FOR 75.00 FEET TO THE SOUTHEAST CORNER OF LOT 20 AND THE SOUTHWEST CORNER OF SAID LOT 1 OF BLOCK 57; SAID EASTERLY LINES BEING COINCIDENT WITH THE WESTERLY LINE OF LOT 2 AND THE WESTERLY LINE LOT 1, OF SAID BLOCK 57; THENCE N 90°00' 00" E, ALONG THE NORTHERLY LINE OF THE VACATED RIGHT OF WAY OF FIFTEENTH STREET, FORMERLY KNOWN AS AVENUE " D ", FOR 172.01 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF COLLINS AVENUE; SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF LOT 1, BLOCK 57; THENCE S 09°34' 00" W, ALONG SAID WESTERLY RIGHT OF WAY LINE OF COLLINS AVENUE AND THE EASTERLY LINE OF BLOCK 76, FOR 172.40 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1 OF BLOCK 76 AND THE POINT OF BEGINNING.

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

PROPERTY: 1509 – 1515 Washington Avenue.

FILE NO. PB23-0625

IN RE: An application for a conditional use approval for a Neighborhood Impact Structure (NIS) for a new 7-story hotel exceeding 50,000 square feet, including a new rooftop addition onto 1500 Collins Avenue, and a Neighborhood Impact Establishment (NIE) that includes an alcoholic beverage establishment or 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, and a Neighborhood Impact Establishment (NIE) with an occupancy of more than 300 persons, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2; and Chapter 7, Article V, Section 7.5.5.4 of the Miami Beach Resiliency Code.

**LEGAL
DESCRIPTION:** See Exhibit “A”

MEETING DATE: January 7, 2025

CONDITIONAL USE PERMIT

The applicant, 1515 Washington Acquisition LLC, requested a Conditional Use approval for the construction of a new 7-story hotel exceeding 50,000 square feet, and a Neighborhood Impact Establishment (NIE) that includes, an alcoholic beverage establishment or restaurant located on the top floor of a building, whether fully enclosed, partially open, or open to the sky, including all open-air portions above the roof-top, which is located on a property that is within 200 feet of a property containing a residential unit, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2; and Chapter 7, Article V, Section 7.5.5.4 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 CD-2, Commercial medium density 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;

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 Resiliency Code Sec. 2.5.2.5.
2. This Conditional Use Permit is issued to 1515 Washington Acquisition LLC, (the applicant) and Inverama USA Corp (owner of the property). Any changes in ownership or 50% (fifty percent) or more stock ownership, or the equivalent, 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. 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:
4. The project authorized by this Conditional Use Permit includes the creation and operation of the proposed Neighborhood Impact Establishment, subject to the criteria listed below:

A. The proposed number of seats are:

Amenities open to the public:

Ground Floor Restaurant: 254 seats (170 Indoor and 84 Outdoor).

Rooftop Restaurant: 166 seats (16 indoor and 150 Outdoor).

Amenities open to Hotel guests:

Bar/Pool Deck: 18 seats (10 Indoor and 8 Outdoor)

Lobby lounge and amenities: 268 seats (including outdoor lounge, ballroom, and café bar)

B. The maximum occupant content subject to this CUP shall be:

Amenities open to the public:

Ground Floor Restaurant: 599 persons (388 Indoor and 211 Outdoor).

Rooftop Lounge: 184 persons (94 indoor and 90 Outdoor).

Amenities open to Hotel guests and the Public:

Bar/Pool Deck: 82 persons

Lobby lounge and amenities: 609 persons

Or any lesser such occupant content as determined by the Fire Marshal

C. The hours of operations may be as follows:

Amenities open to the public:

Ground Floor Restaurant: 12:00 PM until 2:00 AM (Indoor and Outdoor).

Rooftop Lounge: 12:00 PM until 2:00 AM (Indoor).

12:00 PM until 12:00 AM (Outdoor).

Amenities open to Hotel guests:

Bar/Pool Deck: 8:00 AM until 8:00 PM

Lobby lounge and amenities: 7:00 AM until 2:00 AM

These hours shall not supersede any future amendments to the City Code, pertaining to hours of operation for alcoholic beverage and/or entertainment establishments.

D. Entertainment, as defined in City Resiliency Code Section 1.2.2.9, shall be 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.

E. Loudspeakers for audio playback shall use 6" bass drivers or smaller, be mounted as low as possible, and distributed, keeping individual sound levels low. Subwoofers shall not be used.

F. Prior to the issuance of the Business Tax Receipt (BTR), the sound system shall be tested under the supervision of a qualified acoustical professional and the City's sound study peer reviewer, to ensure that all aspects of the system's performance comply with the design intent and recommendations of the sound system study submitted as part of this application. This shall include:

i. Digital tamper-resistant sound level input limiter with no local operational access will be configured after on-site sound level calibration.

ii. Calibration shall include units located at 1455 and 1447 Washington Avenue. The sound level in the outdoor areas will kept sufficiently low to not disturb the peace of these buildings.

A final report issued by such acoustical consultant shall be submitted to the City's sound study peer reviewer and Planning Department staff prior to the issuance of a BTR.

G. After normal operating hours, the establishments 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 7:00 AM.

5. The following shall apply to the operation of the entire project:

A. Deliveries and waste collections may occur between 9:00 AM and 5:00 PM each day.

B. The trash room shall be large enough to accommodate sufficient trash capacity in order

- to minimize refuse pickups to a maximum of one pick up per day. 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. 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.
 - D. The property and adjacent rights-of-way be maintained clean and free from debris.
 - E. Televisions and projectors shall not be located anywhere in the exterior areas of the property.
 - F. No patrons shall be allowed to queue on public rights-of-way.
 - G. Establishments with outdoor cafes or sidewalk café permits shall only serve alcoholic beverages at sidewalk cafes during hours when food is served in the restaurant.
 - H. Public access Use of the rooftop lounge shall be limited from 5:00 pm to closing time.
 - I. No dancehall shall be permitted on the site.
 - J. Special event permits shall be prohibited.
6. A progress report shall be scheduled before the Planning Board 90 days after obtaining a business tax receipt (BTR). 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.
 7. 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.
 8. 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.
 9. 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.
 10. The applicant shall address the following Transportation, Mobility, Concurrency, Delivery, and Parking requirements:

- 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 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 Analysis, prior to the issuance of a building permit.
 - C. The applicant shall coordinate with the City of Miami Beach Transportation & Mobility Department to implement an acceptable Valet Operational Plan, including the location of the valet garage per Section 18-342(b)(2) of the City Code, prior to the issuance of a building permit.
- 11. The development shall comply with the “Green Building” requirements in section 7.1.3.2 of the Resiliency Code.
 - 12. 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.
 - 13. 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.
 - 14. 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.
 - 15. 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, Code of the City of Miami Beach, Florida.
 - 16. 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.
 - 17. 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.
 - 18. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
 - 19. 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 Chapter 1, Article III, 1.3.8 of said Miami Beach Resiliency 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.

20. 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.
21. 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.
22. There shall be a recorded covenant in lieu of a unity of title for all the properties prior to the applicant obtaining a building 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 _____ ()

EXHIBIT "A"

1500 Collins Avenue

PARCEL 1:

LOTS ONE (1) AND TWO (2) OF BLOCK SEVENTY-SIX (76) OF FISHER'S FIRST SUBDIVISION OF ALTON BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI – DADE COUNTY, FLORIDA, AND ALSO THE FOLLOWING DESCRIBED LAND: THAT PART OF VACATED FIFTEENTH STREET FORMERLY KNOWN AS A VENUE D, DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF LOT 1 OF BLOCK 76 OF FISHER'S FIRST SUBDIVISION OF ALTON BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI – DADE COUNTY, FLORIDA; THENCE NORTHEASTERLY ALONG WEST LINE OF COLLINS AVENUE A DISTANCE OF 70.98 FEET TO THE SOUTHEAST CORNER OF LOT 1, OF BLOCK 57 OF THE AFORESAID SUBDIVISION; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF LOT 1, BLOCK 57 OF THE AFORESAID SUBDIVISION A DISTANCE OF 172.01 FEET, MORE OR LESS, TO A POINT WHERE THE WESTERLY LINE OF LOT 2 OF BLOCK 76 OF THE AFORESAID SUBDIVISION EXTENDED NORTHERLY INTERSECTS THE SOUTHERLY LINE OF LOT 1, OF BLOCK 57 OF THE AFORESAID SUBDIVISION; THENCE SOUTHERLY A DISTANCE OF 70 FEET TO THE NORTHWEST CORNER OF LOT 2 OF BLOCK 76 OF THE AFORESAID SUBDIVISION; THENCE EASTERLY ALONG THE NORTHERLY LINE OF LOTS 2 AND 1 OF BLOCK 76 OF THE AFORESAID SUBDIVISION, A DISTANCE OF 15 5 .21 FEET TO THE POINT OF BEGINNING.

AND

PARCEL 2:

COMMENCING AT THE NORTHWEST CORNER OF LOT 5, BLOCK 76, OF FISHER'S FIRST SUBDIVISION OF ALTON BEACH, AS SAME IS SHOWN UPON A RECORDED PLAT OF SAID SUBDIVISION, RECORDED IN PLAT BOOK 2, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI – DADE COUNTY, FLORIDA; THENCE RUN EAST ALONG THE NORTH LINE OF SAID BLOCK 76, A DISTANCE OF ONE HUNDRED (100) FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED:

FROM SAID POINT OF BEGINNING RUN NORTH ALONG A LINE DEFLECTING 90 DEGREES TO THE LEFT, SAID LINE BEING PARALLEL TO AND ONE HUNDRED (100) FEET DISTANT EASTERLY FROM THE EASTERLY LINE OF WASHINGTON AVENUE, AS ABOVE RECORDED, A DISTANCE OF ONE HUNDRED FORTY-FIVE (145) FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF LOT 19, BLOCK 57, FISHER'S FIRST SUBDIVISION OF ALTON BEACH, AS RECORDED IN PLAT BOOK 2, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI – DADE COUNTY, FLORIDA; THENCE RUN EASTERLY ALONG A LINE DEFLECTING 90 DEGREES TO THE RIGHT ALONG THE NORTH LINE OF THE SOUTH 1/2 OF LOT 19, BLOCK 57, A DISTANCE OF SEVENTY-FIVE (75) FEET TO A POINT ON THE WEST LINE OF LOT 2, OF SAID BLOCK 57, THENCE RUN SOUTHERLY ALONG A LINE DEFLECTING 90 DEGREES TO THE RIGHT ALONG THE DIVIDING LINE BETWEEN LOTS 1 AND 2, AND LOT 20 AND THE SOUTH 1/2 OF LOT 19, BLOCK 57, A DISTANCE OF SEVENTY-FIVE (75) FEET TO A POINT, SAID POINT BEING THE SOUTHEASTERLY CORNER OF LOT 20, OR THE SOUTHWESTERLY CORNER OF LOT 1, OF SAID BLOCK 57; THENCE RUN SOUTHEASTERLY ALONG A LINE DEFLECTING TO THE LEFT 04° 05' 08.2", A DISTANCE OF 70.178 FEET TO A POINT, SAID POINT BEING THE NORTHEASTERLY CORNER OF LOT 3, OF SAID BLOCK 76, FISHER'S FIRST SUBDIVISION; THENCE RUN WESTERLY ALONG A LINE DEFLECTING TO THE RIGHT 94° 05' 08.2" ALONG THE NORTHERLY LINE OF SAID BLOCK 76, A DISTANCE OF EIGHTY (80) FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED.

TOGETHER WITH THE EASEMENT DESCRIBED ON PAGE 2 OF THAT CERTAIN DEED FROM DANIEL I. TARADASH TO HADDON HALL CORP., DATED MAY 12, 1952, FILED JUNE 13, 1952 IN DEED BOOK 3609, PAGE 25, OF THE PUBLIC RECORDS OF MIAMI – DADE COUNTY, FLORIDA, BUT SUBJECT TO THE TERMS OF SUCH EASEMENT.

AND

PARCEL 3:

LOTS 3, 4, AND 5, IN BLOCK 76 OF FISHER'S FIRST SUBDIVISION OF ALTON BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 77, OF THE PUBLIC RECORDS OF MIAMI – DADE COUNTY, FLORIDA.

THE ABOVE PARCELS 1, 2 AND 3 ARE ALSO DESCRIBED AS:

METES AND BOUNDS DESCRIPTION:

ALL OF LOT 1, ALL OF LOT 2, ALL OF LOT 3, ALL OF LOT 4 AND ALL OF LOT 5 OF BLOCK 76, A PORTION OF LOT 19 AND A PORTION OF LOT 20 OF BLOCK 57, AND A PORTION OF THE VACATED RIGHT OF WAY OF FIFTEENTH STREET, FORMERLY KNOWN AS A VENUE "D", ALL OF FISHER'S FIRST SUBDIVISION OF ALTON BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 77 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 76; THENCE S 90°00' 00" W, ALONG THE SOUTHERLY LINE OF SAID BLOCK 76, FOR 318.36 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE N 00°00' 00" E, ALONG THE WESTERLY LINE OF SAID BLOCK 76, FOR 100.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; SAID WESTERLY LINE OF BLOCK 76 BEING COINCIDENT WITH THE EASTERLY RIGHT OF WAY LINE OF WASHINGTON A VENUE, FORMERLY KNOWN AS MIAMI A VENUE; THENCE N 90°00' 00" E, ALONG THE NORTHERLY LINE OF SAID BLOCK 76, FOR 100.00 FEET; THENCE N 00°00' 00" E, ALONG A LINE BEING PARALLEL WITH AND 100.00 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES TO, SAID EASTERLY RIGHT OF WAY LINE OF WASHINGTON AVENUE, FOR 145.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF SAID LOT 19, BLOCK 57; THENCE N 90°00' 00" E, ALONG SAID NORTH LINE OF THE SOUTH 1/2 OF LOT 19, FOR 75.00 FEET TO A POINT ON THE WEST LINE OF LOT 2 OF SAID BLOCK 57; THENCE S 00°00' 00" W, ALONG THE EASTERLY LINE OF SAID SOUTH 1/2 OF LOT 19 AND THE EASTERLY LINE OF LOT 20, FOR 75.00 FEET TO THE SOUTHEAST CORNER OF LOT 20 AND THE SOUTHWEST CORNER OF SAID LOT 1 OF BLOCK 57; SAID EASTERLY LINES BEING COINCIDENT WITH THE WESTERLY LINE OF LOT 2 AND THE WESTERLY LINE LOT 1, OF SAID BLOCK 57; THENCE N 90°00' 00" E, ALONG THE NORTHERLY LINE OF THE VACATED RIGHT OF WAY OF FIFTEENTH STREET, FORMERLY KNOWN AS AVENUE "D", FOR 172.01 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF COLLINS A VENUE; SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF LOT 1, BLOCK 57; THENCE S 09°34' 00" W, ALONG SAID WESTERLY RIGHT OF WAY LINE OF COLLINS A VENUE AND THE EASTERLY LINE OF BLOCK 76, FOR 172.40 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1 OF BLOCK 76 AND THE POINT OF BEGINNING.

1509 Washington Avenue

The West 100 feet of Lot 20 and the West 100 feet of the South 1/2 of Lot 19, in Block 57, and the closed portion of 15th Street lying North of Lots 4 and 5 in Block 76, of FISHER'S FIRST SUBDIVISION OF ALTON BEACH, according to the Plat thereof, as recorded in Plat Book 2, at Page 77, of the Public Records of Dade County, Florida.

1515 Washington Avenue

LOT 18 AND THE NORTH ONE-HALF OF LOT 19, BLOCK 57, FISHER'S FIRST SUBDIVISION OF ALTON BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 77, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

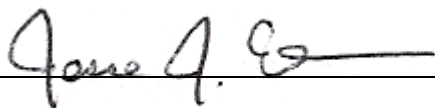


**Peer Review of Sound Study for
1509-1515 Washington Avenue
The Cloud One Hotel
PB 23-0625**

Prepared for:

**Miami Beach Planning Department
1700 Convention Center Drive
Miami Beach, Florida 33139**

Prepared by:



**Jesse J. Ehnert, INCE Bd. Cert., Principal
Arpeggio
1947 Aspen Drive, NE
Atlanta, Georgia 30345
jehnert@arpeggiollc.com
404-277-6528 (Direct)**

February 15, 2024

Table of Contents

1 Introduction 1

2 Project Description..... 1

3 Discussion 1

4 Conclusions..... 2

1 Introduction

This report documents a peer review of an acoustic study conducted for the City of Miami Beach related to an application for a Conditional Use Permit for a new hotel with outdoor pool and rooftop restaurant at 1509-1515 Washington Avenue. The reviewed report, prepared by Criterion Acoustics (CA) and dated September 1, 2023, describes the project, acoustic measurements made in the area, and analyses based on computer modeling of the potential impact of the pool and rooftop restaurant on the environs.

2 Project Description

The proposed new seven-story hotel, The Cloud One, would have 238 units and be located on the east side of Washington Avenue north of 15th Street. The primary noise sources addressed in the report are the pool deck atop the second floor and the rooftop restaurant/lounge on the seventh floor. Both venues are at or near the southwest corner of the hotel. The pool deck is to be open 8 am to 8 pm and the outdoor portion of the rooftop restaurant is to be open 7 am to midnight.

The nearest residential property is the Campton Apartments, immediately to the south of the property at 1455 Washington Avenue. Another residential property is located just to the south of that at 1447 Washington Avenue. Portions of both of these buildings have direct line of site with the pool deck and rooftop restaurant.

No sound system has been designed yet but the sound study report advises the use of distributed loudspeakers mounted low with bass drivers no larger than 6" and no subwoofers. The sound study and Letter of Intent both indicate that no outdoor entertainment is being proposed, however, page 4 of the Operations Plan does cite the presence of "local DJs." This contradiction should be clarified.

According to the Letter of Intent, noise due to operations such as loading, delivery, and sanitation will be confined to interior areas. The sound study was silent on those sources.

3 Discussion

The CA sound study report details a site noise survey performed on the evening of Thursday, August 31, 2023 between 9:30 pm and 11:30 pm. Spot measurements were taken at seven locations, the majority of which were along Washington Avenue. Of those, the most salient were M1 and M2 due to their proximity to the two residential developments south of the hotel site. Both of these measurements yielded an L₉₀ of 59 dBA. While this may be an appropriate estimate for the ambient sound level at 1447 Washington Avenue. It is very likely that the ambient level at residential facades at the Campton Apartments at 1455 Washington Avenue are lower due to the fact that the apartment's façade is approximately 70' away from the edge of the road. It is likely that the L₉₀ at the west façade of the Campton Apartments is in the mid 50s (dBA). This is the level that modeling results should be compared to.

The report also describes the modeling of anticipated future sound from the pool deck and rooftop restaurant. The modeling was performed using Noisetools dBMap software and we have no basis to question its implementation or results. This model predicts a sound level at the second story of the northwest corner of the Campton Apartments

(approximately 50' from southwest corner of the hotel where the pool deck is) of 57 dBA. Given our earlier assertion that the ambient at this location is likely in the mid-50s, the sound level from the hotel would be above that ambient.

Table i in the report presents suggested L_{eq} limits of 73 dBA (77 dBC) and 75 dBA (79 dBC) for the pool deck and rooftop lounge, respectively. These levels are based on presumed "normal" human voice sound levels and loudspeaker emissions as given in Tables ii and iii, respectively. Table ii, in particular, identifies a sound power level of 68 dBA which corresponds to a speaking sound level of approximately 60 dBA at a distance of 3'. We contend that this is an inaccurately low estimate of speech sound levels in an environment such as this. If the background sound level from music on the rooftop is 73 to 75 dBA and people try to communicate at a level of 60 dBA, they will not be heard. In fact, in a 73 to 75 dBA environment as is being suggested, people would have to speak very loudly or shout to be heard.

Given these facts, we recommend that consideration be given to modeling a lower background music sound level that could actually be reasonably characterized as background and which would allow for people to, in fact, speak at normal volumes. Such a level would be at least 10 to 15 decibels lower (i.e., 60 to 65 dBA or lower). At this level, patrons would actually be able to be heard and understood fairly well at normal speaking volumes. If more accurate background music sound levels are implemented then it is likely that sound levels at the nearest residential properties will actually be below measured or estimated background sound levels at those locations.

4 Conclusions

In conclusion, we recommend that, first, it is confirmed that DJ entertainment will not be present at the hotel as indicated on page 4 of the Operations Plan.

Additionally, we recommend that significantly lower music sound level limits be targeted on the pool deck and rooftop lounge. The report offers limits of 73 to 75 dBA but such a music sound level would require patrons to speak loudly or shout to be understood. We feel that a music level of 60 to 65 dBA or lower would be more conducive to normal conversation and consistent with the descriptors of "background" and "ambient." Furthermore, we recommend that noise from the ground floor restaurant patio along Washington Avenue be included if there are to be loudspeakers there.

Beyond the aforementioned, we agree with several recommendations given by CA in their report. These include the use of small bass drivers in a distributed speaker system mounted low to the ground and the absence of subwoofers. We also agree with the use of a digital tamper-resistant sound level limiter with no local operational access. The report advises that this limiter be configured after on-site sound level calibration. We advise that this calibration include residential units at the northwest corners of 1447 and 1455 Washington Avenue. This is especially critical at the corner units at 1455 Washington Avenue which appear to be merely approximately 50' from the pool deck and, as such, will be especially vulnerable to music and activities at the hotel. Calibration should also address and establish C-weighted (dBC) in addition to A-weighted (dBA) sound levels so that low-frequency bass is controlled.