

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

DATE: October 16, 2025

TO: Chairperson and Members
Planning Board

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: PB25-0775, **801 South Pointe Drive, CU-2 – Gaia Restaurant**.

An application has been filed requesting modifications to a previously approved Conditional Use Permit for a neighborhood impact establishment. Specifically, the applicant is requesting to modifying the conditions of approval related to required sound mitigation measures, pursuant to Sections 2.5.2 and 7.2.15 of the Miami Beach Resiliency Code.

RECOMMENDATION

Approval of the modifications to the previously approved conditional use permit with conditions.

BACKGROUND

- May 22, 2012: The Planning Board approved a Conditional Use Permit for a 320-space mechanical parking garage to satisfy the required parking for the residential tower and accessory uses within the structure, and other parking needs contractually required. (File Number 2067).
- July 3, 2012 The Design Review Board approved a modification for a previously issued DRB approval for the construction of a new 7-story mixed-use project on a vacant lot. Specifically, the applicant requested substantial design modifications to the previously approved project, including the construction of a mechanical parking garage.
- February 28, 2023 The applicant requested to continue the Planning Board application PB22-0563 to the March 28, 2023 hearing in order to submit revised plans.
- March 28, 2023 The Planning Board approved a conditional use permit for a Neighborhood Impact Establishment for a restaurant located at two of the existing ground floor commercial spaces of this building, (CU-2A and CU-2B2).
- December 11, 2023 The Design Review Board approved modifications to the ground level of a previously approved 6-story building, associated with a new restaurant (DRB23-0965).

September 9, 2025. The Planning Board reviewed and continued the subject application to a date certain of October 16, 2025.

ZONING/SITE DATA

Folio: 02-4203-368-0320
Legal Description: Condominium Parcel No CU-2 of MAREA, a Condominium, according to the Declaration of Condominium thereof, as recorded in Official Records Books 29810, page 2526, of the Public Records of Miami-Dade County, Florida and all amendments thereto, together with its undivided share in the common elements.

Zoning District: C-PS1, Commercial performance standard, limited mixed use
Future Land Use Designation: C-PS1, Commercial performance standard, limited mixed use

Surrounding Uses:

North:	Commercial Establishments
South:	Residential Multifamily
West:	Residential Multifamily
East:	Commercial Establishments

THE PROJECT

The applicant, Gaia USA, LLC, has submitted plans entitled "GAIA MIAMI BEACH", prepared by Beilinson Gomez Architects dated September 29th, 2023. The existing restaurant fronts South Pointe Drive and Washington Avenue and would surround an existing commercial space that is currently occupied by a small restaurant (Kosushi Miami). The plans depict a restaurant area with 234 seats, and an occupancy load of 388 persons. Of the 234 total seats, there are 30 outdoor seats on the private terrace located on the west side of the restaurant facing South Pointe Drive.

The applicant is requesting a modification to Condition 6.A.v. of the approved final order to allow for the use of alternative soundproofing materials that provide equivalent noise attenuation for residents in the units located above the subject property when music is played at ambient levels.

COMPLIANCE WITH CONDITIONAL USE REVIEW GUIDELINES

Conditional Uses may be approved in accordance with the procedures and standards set forth in the Resiliency Code, Sec. 2.5.2.2. and 7.5.5.4:

- 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 limited Mixed Use Commercial Performance Standard Category (C-PS-1) as designated on the Future Land Use Map within the Comprehensive Plan.

- 2. The intended Use or construction would not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan**

Consistent – The proposal should not result in an impact that would exceed the thresholds for the levels of service as set forth in the Comprehensive Plan.

3. Structures and uses associated with the request are consistent with these Land Development Regulations.

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

4. Public health, safety, morals and general welfare would not be adversely affected.

Consistent – The proposed establishment may adversely affect the general welfare of nearby residents if noise and other issues are not controlled. The facility would have to comply with all applicable laws and regulations for licensure.

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

Consistent – The applicant is utilizing valet parking services to park vehicles on-site parking garage at the Marea Condominium. Additionally, there are public parking facilities and street parking adjacent to the site.

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

Consistent – Staff is recommending conditions to mitigate any adverse impacts from noise and other issues on the surrounding neighborhood.

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

Partially Consistent – There are other restaurants within the vicinity, neighborhood impact establishments are permitted in the C-PS-1 Zoning District as a conditional use. If not carefully controlled, such concentration could negatively impact the surrounding neighborhood.

NEIGHBORHOOD IMPACT ESTABLISHMENT REVIEW GUIDELINES

In accordance with 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 7, 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.

As previously approved, the operational plan was submitted with the application including details of hours for deliveries, hours of operation, number of employees, and other procedures.

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

There are no parking spaces on site and the applicant will utilize valet parking services. Additionally, there are adequate public parking facilities and street parking adjacent to the site.

- 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.**

A crowd control plan was not included with the application. Staff is proposing conditions to mitigate any potential issues with crowd control and queuing in the outdoor areas and sidewalk.

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

The applicant has indicated that all employees will be trained to check identification to ensure patron age restrictions are followed and Gaia Miami Beach will employ trained security professionals to ensure patron safety. The proposed revisions to the CUP conditions causes no modifications to the operations plan.

- 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.**

A valet operations analysis was provided as part of the operational plan. Based on the analysis, the applicant has committed to implement best practices with its valet operations to ensure minimal impacts, as well as other traffic mitigation strategies.

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

Staff has included recommended conditions to mitigate any potential issues related sanitation operations.

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

A sound study was submitted.

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

The project is surrounded by commercial and residential uses. There are residential units above on the same building where the venue is proposed (Marea Condominium), The Murano at Portofino and the Apogee are the closest buildings with residential uses.

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

There are other restaurants within the vicinity in this district. If not carefully controlled, such concentration could negatively impact the surrounding neighborhood.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

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

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

Satisfied. The applicant shall provide a recycling or salvage plan as part of any building permit.

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

Satisfied. Windows are hurricane impact windows.

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

Satisfied. Per letter of intent, the applicant will provide, where feasible, passive cooling systems.

4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

Satisfied. All landscaping will be Florida friendly and resilient.

5. Whether 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, including a study of land elevation and elevation of surrounding properties were considered.

Satisfied.

6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.

Not Applicable.

7. Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

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

8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

Not Applicable.

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

Not Applicable.

10. Where feasible and appropriate, water retention systems shall be provided.

Not Applicable.

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

Satisfied. Per letter of intent, cool pavement materials or porous pavement materials will be utilized where possible.

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

Not Applicable.

ANALYSIS

Project Description and Operations

As per the plans, letter of intent, and operational plan, the following is a breakdown of the areas of the venue, the occupancy content, and the proposed hours:

Ground floor:

Interior Seats:	204
Exterior Seats:	30
Total Occupancy Load:	388
Proposed Hours:	Monday-Sunday: 11:00 AM to 2:00 AM Outdoor seating: 11:00 AM. to 12:00 AM

As previously approved, the restaurant has an outdoor terrace on the west side, main dining area, lounge, bar, storage rooms, restrooms and a reception area that provides access to the restaurant fronting South Pointe Drive. The east area of the restaurant provides space for VIP dining, service bar, display kitchen, chef's table area and a kitchen.

The applicant is requesting a modification to Condition 6.A.v. of the previously approved CUP, to permit the use of alternative soundproofing materials that provide an equivalent level of protection for residents living above the property, when music is played at ambient levels. An acoustic consultant was retained to recommend alternative noise mitigation measures capable of delivering comparable results. During the development and construction of the restaurant space, it was determined that the originally proposed sound isolation measures significantly exceeded what is necessary to contain the sound generated by the restaurant.

Sound

As previously approved, the applicant is proposing to play ambient background music, played at a level that does not interfere with normal conversation. The final order specified that the following conditions shall comply for the sound isolation and construction methods:

- a. A (2) layer 5/8" type X gypsum board (GWB) ceiling on 1" deflection spring isolation hangers with 6" sound attenuating batts infilled in the cavity with a minimum 12" airspace.

- b. The ceiling may be increased from (2) layers of 5/8" type X gypsum board to (4) layers if the structural loading and budget permits.
- c. The acoustic ceiling cannot be penetrated in any manner except for sprinklers. A secondary "finish" ceiling would need to be installed below to conceal the MEP and incorporate interior design.
- d. The ceiling should not be penetrated by loudspeakers or light fixtures (minimize and seal penetrations).
- e. Existing structural walls and columns shall be covered with two layers of 5/8" GWB (with insulation) connected via an approved, non-rigid mounting system such as:
 - i. Stud wall connected via isolated sway brace
 - ii. Isolated hat channel clip such as Kinetics ISOMAX
- f. The plumbing penetrating the second level slab may need to be wrapped with a sound isolation lagging in addition to the acoustic ceiling.
- g. A corridor or secondary wall shall be utilized along the demising wall between the Lounge Bar and Kosushi.

During the course of development and construction of the restaurant space, it was determined by the applicant, that the sound isolation measures originally specified substantially exceed the level of attenuation necessary for the anticipated sound levels. As now proposed, the restaurant's sound system will be limited to background music at approximately 75 dBA / 80 dBC. By contrast, the requirements in the current conditions of the CUP are designed to mitigate much higher noise levels of approximately 85 dBA / 95 dBC. The Applicant is proposing to modify the sound mitigating construction requirements as follows:

- a. A (1) layer 5/8" type X gypsum board (GWB) shall be installed on the ceiling on metal framing (minimum 12" depth) with either 3" sound attenuating batts infilled in the cavity or K-13 spray-applied to the slab.
- b. The ceiling shall not be penetrated by loudspeakers or light fixtures.
- c. Existing structural walls and columns shall be covered with one (1) layer of 5/8" GWB (with insulation) connected via metal furring.
- d. The storefront glazing does not require additional treatment.
- e. The plumbing penetrating the second level slab may need to be wrapped with a sound isolation lagging in addition to the acoustic ceiling.

The updated sound study was peer reviewed by the city's consultant, Arpeggio Acoustic Consulting, LLC. The peer review has the following conclusion and suggestions:

"Based on data derived from sound transmission testing between the dining space and a residential unit above conducted by Criterion Acoustics and summarized in their December 12, 2022 report, along with the fact that proposed sound levels within the

restaurant are ten decibels lower than those proposed in that report, we anticipate that the proposed modifications as listed above would be acceptable in terms of controlling sound transmission to residences above. In addition to these measures, we also recommend that the floor-mounted subwoofers be installed on vibration-isolating mounts. While conclusions are based on the assumption of a maximum sound level of 75 dBA within the restaurant, the commissioning exercise should be utilized to determine precise sound level limits in terms of both dBA and dBC to assure that both high and low-frequency sound transmission to the residences is controlled.”

Staff has included the additional recommendations noted above in the modified CUP. This includes the new requirement to install floor-mounted subwoofers on vibration-isolating mounts and to also utilize precise sound level limits in terms of both dBA and dBC to assure that both high and low-frequency sound transmission to the residences is controlled. No other changes are proposed to the previously approved CUP.

STAFF RECOMMENDATION

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

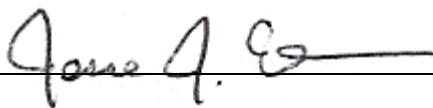


**Peer Review of Sound Study for
801 South Pointe Drive, Miami Beach, Florida
PB 22-0563**

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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 modification to an existing Conditional Use Permit (CUP) for a Neighborhood Impact Establishment at 801 South Pointe Drive in Miami Beach. The reviewed report, prepared by Criterion Acoustics (CA) and dated June 11, 2025, describes proposed modifications to the CUP specifically addressing sound isolating considerations between the venue and condominium units above.

2 Project Description

The proposed 9,534 square foot restaurant, Gaia Miami Beach, is located on the ground floor of the existing Marea condominium building in the South of Fifth neighborhood. The existing Kosushi Miami restaurant is located between the two portions of the space. On the west side of the space, there would be an interior dining room and bar with approximately 162 seats. On the east side of the space, there would be a kitchen as well as a VIP dining area with approximately 45 seats. There would also be sidewalk seating with approximately 30 seats on the exterior of the venue along South Pointe Drive on the south. The interior dining areas would be open until 2 am and the sidewalk seating would be open until midnight.

Residential condominium units are located on the second floor above the proposed restaurant. Exterior to the building, the nearest noise-sensitive receptor is the Apogee condominium directly across South Pointe Drive to the south. The Apogee would have direct line-of-site with the main restaurant entrance as well as the sidewalk seating.

3 Comments and Conclusions

The Letter of Intent prepared by Bercow Radell Fernandez Larkin + Tapanes notably indicates that no music is now being planned for the outside seating area. Thus, impact to nearby residents via the exterior of the building would be determined primarily by sound created by patrons outside and, to some degree, interior noise transmitting through the front doors which would be open occasionally. These sources should be controlled through administrative means.

The main focus of the application, however, relates to the desire to reduce sound isolating considerations between the interior dining area and the residences above. To that end, the report proposes the following:

1. In lieu of installing a spring-supported ceiling in the restaurant with two layers of gypsum board and insulation above, a ceiling comprising a single layer of 5/8" gypsum board on metal framing with a minimum 12" cavity depth and 3" of batt insulation or K-13 would be installed. This ceiling would not be penetrated by loudspeakers or lighting fixtures.
2. In lieu of attaching gypsum board to existing columns and structural walls with resilient clips or studs with sway braces, the gypsum board would be attached with metal furring channels with insulation behind.

3. In lieu of installing a supplemental wall between the lounge bar and Kosushi, storage space would be used to provide a sound buffer.
4. The sound system would be distributed and comprise small loudspeakers attached to walls with isolation mounts. No loudspeakers would be installed on or near the ceiling.
5. Low frequency sound would be provided via subwoofers located on the floor.
6. Sound levels within the space would not exceed 75 dBA (versus 85 dBA proposed in the previous sound study in December 2022).
7. Audio coverage at egress points would be limited or eliminated.
8. Sound level commissioning would occur which would limit excessive bass and set system sound level limiters.

Based on data derived from sound transmission testing between the dining space and a residential unit above conducted by Criterion Acoustics and summarized in their December 12, 2022 report, along with the fact that proposed sound levels within the restaurant are ten decibels lower than those proposed in that report, we anticipate that the proposed modifications as listed above would be acceptable in terms of controlling sound transmission to residences above. In addition to these measures, we also recommend that the floor-mounted subwoofers be installed on vibration-isolating mounts. While conclusions are based on the assumption of a maximum sound level of 75 dBA within the restaurant, the commissioning exercise should be utilized to determine precise sound level limits in terms of both dBA and dBC to assure that both high and low-frequency sound transmission to the residences is controlled.