

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

DATE: December 9, 2025

TO: Chairperson and Members
Planning Board

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: PB25-0779 a.k.a. PB17-0108 a.k.a. PB 2032, **1545 Collins Avenue.**

An application has been filed requesting modifications to a previously issued conditional use permit, to operate an aggregate of uses, as a Neighborhood Impact Establishment (NIE). Specifically, the applicant is requesting approval for the reconfiguration of the previously approved venues, the introduction of ambient level outdoor entertainment and a second-floor rooftop alcoholic beverage establishment within 200 feet of a property containing a residential unit, pursuant to Chapter 1, Article II; Chapter 2, Article V, and Chapter 7, Article II, of the Miami Beach Resiliency Code.

RECOMMENDATION

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

BACKGROUND

September 20, 2011 The applicant, RP Hotel Holdings, LLC, was granted a conditional use to operate an aggregate of uses - a full-service restaurant, a specialty restaurant and lounge, and hotel bar - open to the general public, as a neighborhood impact establishment, located in the renovated Royal Palm/Shorecrest Hotel property.

January 28, 2015 The applicant, Patria Shorecrest, Inc., appeared before the Board to affirm their understanding of the conditions of approval in the previously issued conditional use permit, as the new operator of the neighborhood impact establishment, specifically the Byblos restaurant and lounge in the space previously occupied by the Catch restaurant.

March 24, 2015 The applicant, RP Hotel Holdings, LLC, appeared before the Board to affirm their understanding of the conditions of approval in the previously issued conditional use permit, including the introduction of a new hotel operator, HEI Hotel & Resorts.

February 2, 2017 The Planning Department sent a cure letter to the applicant, RP Hotel Holdings, LLC, in response to two outstanding code violations. The cure

- letter advised the applicant that a progress report was scheduled for the February 28, 2017 meeting.
- February 28, 2017* The Board set a public hearing to consider a revocation, modification, or imposition of additional or supplemental conditions to the existing CUP.
- April 25, 2017* The Board made modifications to the conditions of the CUP related to delivery, loading, and operations.
- March 9, 2018* The Planning Department sent a cure letter to the applicant, RP Hotel Holdings, LLC, in response to an outstanding code violation and reoccurring complaints. The cure letter advised the applicant that a progress report was scheduled for the March 27, 2018 meeting.
- March 27, 2018* The Board discussed the progress report and continued the progress report to the May 22, 2018 meeting.
- May 22, 2018* The Board discussed the progress report and set a revocation/modification hearing for July 24, 2018.
- July 24, 2018* The Board discussed the progress report and continued the revocation/modification hearing to November 27, 2018.
- November 27, 2018* The Board continued the revocation/modification hearing to the January 22, 2019 meeting at the request of affected parties.
- January 22, 2019* The Board heard the progress report and directed staff to continue to reach out to the affected parties and mediate an agreement on the CUP conditions.
- April 30, 2019* The Board made modifications to the conditions of the CUP related to delivery, loading, and operations.
- October 8, 2024* The Historic Preservation Board approved a Certificate of Appropriateness for the partial demolition and renovation of the building located at 1545 Collins Avenue and site improvements (HPB24-0623).
- November 4, 2025 The Board continued the subject application to a date certain of December 9, 2025 at the request of the applicant.

ZONING / SITE DATA

- Folio: 02-3234-019-0960
- Legal Description: The south 12.65 feet of Lots 7 & 14 and all of Lots 5, 6, 15 and 16 and the north half of Lots 4 & 17, Block 56, of the Alton Beach 1st Subdivision, according to the plat thereof, recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida and the portion lying east and adjacent west of the erosion control line per Plat Book 105, Page 62 of the public records of Miami Dade County, Florida.
- Zoning: MXE, mixed-use entertainment

Future Land Use Designation: MXE, mixed-use entertainment

Existing Use: Hotel with accessory restaurants
Proposed Use: No change

Surrounding Uses: North: Hotel
East: Atlantic Ocean
South: Multi-family residential and commercial
West: Hotel

THE PROJECT

The applicant, RP Hotel Holdings LLC, submitted plans entitled “Royal Palm South Beach Miami”, as prepared by Gensler, dated September 7, 2025. The applicant is requesting approval for the reconfiguration of the previously approved venues, the introduction of ambient level outdoor entertainment and a second-floor rooftop alcoholic beverage establishment within 200 feet of a property containing a residential unit, pursuant to Chapter 1, Article II; Chapter 2, Article V, and Chapter 7, Article II, of the Miami Beach Resiliency Code. In the MXE zoning district, Conditional Use Permit (CUP) approval is required for a Neighborhood Impact Establishment (NIE).

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, 2.5.2.2:

1. The use shall be consistent with the Comprehensive Plan or Neighborhood Plan if one exists for the area in which the property is located.
Consistent
The request is consistent with the permissible uses in the MXE category as designated on the Future Land Use Map within the Comprehensive Plan.
2. The intended use or construction shall not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan.
Consistent
The proposed use is not anticipated to degrade the Levels of Service (LOS) for the surrounding area below the thresholds that have been established.
3. Structures and uses associated with the request shall be 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. The public health, safety, morals and general welfare shall not be adversely affected.
Consistent
The proposed uses may adversely affect the general welfare of nearby residents if noise and other issues are not controlled. Staff has included recommended conditions in the draft Modified Conditional Use Permit (MCUP) to ensure that general welfare is maintained. Additionally, the use would have to comply with all applicable laws and regulations for licensure.

5. Adequate off-street parking facilities will be provided.
Consistent
The hotel has an on-site parking garage containing 104 spaces and 174 spaces are provided by covenant in the nearby Anchor Garage located at 16th Street and Collins Avenue.

6. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.
Consistent
Staff has included recommended conditions in the draft MCUP to mitigate any adverse impacts on the surrounding neighbors.

7. The concentration of similar types of uses shall not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.
Consistent
Hotels are a main permitted use in the MXE zoning district; NIEs are permitted as a conditional use. Adverse impacts from a concentration of this type of use may be expected. Staff has included recommended conditions in the draft MCUP to mitigate any adverse impacts on the surrounding neighbors.

8. The structure and site comply with the sea level rise and resiliency review criteria in Chapter 7, Article I, as applicable.
Consistent
See Compliance with the Sea Level Rise and Resiliency Review Criteria section.

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
The driveway and pedestrian walkways were reviewed by the Historic Preservation Board as part of a Certificate of Appropriateness (COA) approval. Particular attention was paid to the safety of and friendliness to pedestrian traffic.

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 operational plan provided includes all necessary information of hours of operation, number of employees, menu items, and goals of business.

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.

Not Applicable

As previously, approved the property contains an o-site parking garage as well as dedicated parking spaces in a nearby public parking garage.

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 venues at the property are located on the ground floor and it is not anticipated that there will be large groups of people waiting to gain entry into the restaurants or lobby bar.

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

Consistent

The applicant has submitted an access and security plan as part of the operational 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.

Consistent

The applicant has submitted a Traffic Impact Statement that has been reviewed by the Transportation and 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

As previously approved, sanitation operations will take place in the loading/driveway along the south side of the property.

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

Consistent

Only background level ambient entertainment is proposed for the exterior portions of the building. Additionally, the existing MCUP includes conditions regarding open doors and required house sound system.

8. Proximity of proposed establishment to residential uses.

Partially Consistent

The subject property is surrounded by hotel to the north and west. A multi-family residential building is located to the south. Staff has included recommended conditions in the draft MCUP to mitigate any adverse impacts on the surrounding neighbors.

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

Consistent

The CUP for an NIE has been in place since 2011. Staff has included recommended conditions in the draft MCUP to mitigate any adverse impacts on the surrounding

neighbors.

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.
Not Applicable
2. Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Not Applicable
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.
Not Applicable
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.
Not Applicable
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.
Not Applicable

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

Satisfied

To be reviewed at the time of building permit review.

STAFF ANALYSIS

The applicant is requesting modifications to the previously issued Modified Conditional Use Permit (MCUP), to operate an aggregate of uses within the hotel, as a Neighborhood Impact Establishment (NIE), as part of the renovation of the hotel. The subject site currently has three approved venues as part of the MCUP which are more specifically described below.

Destination Restaurant

The existing destination restaurant, Byblos, occupies the westernmost portion of the first and second floors of the Shorecrest Hotel (1535 Collins Avenue). The applicant is proposing to remove the dance floor within the lounge area at the first level and reduce the seating area at the second level. The overall occupancy for this venue is proposed to decrease by 164 persons and no changes to the hours of operation or entertainment are proposed as outlined in the chart below.

Occupancy	Hours of Operation	Entertainment
CUP Approved: 543	Indoor: closing no later than 5:00 a.m.	Indoor: until 5:00 a.m.
Proposed: 379	Outdoor: closing no later than 2:00 a.m.	Outdoor: no outdoor entertainment

Lobby Bar

The lobby bar is located at the ground level of the Royal Palm Hotel (1545 Collins Avenue). In 2024, the applicant received Historic Preservation Board (HPB) approval for modifications to this portion of the site including the design of a new lobby bar in the same approximate location and the expansion of the lobby bar into a portion of the adjacent open-air courtyard (including a new outdoor bar counter). The occupancy for this area is proposed to increase by 52 persons, primarily due to the expansion of the venue into the courtyard. Further, the applicant is proposing to introduce outdoor entertainment not to exceed ambient levels within this portion of the property. Proposed hours of operation for the exterior portion of venue are described in the chart below and there are no changes requested to the hours of operation for the interior.

Occupancy	Hours of Operation	Entertainment
CUP Approved: 70	Indoor: closing no later than 5:00 a.m.	Indoor: until 5:00 a.m.
Proposed: 122	Outdoor: closing no later than 11:00 p.m. Sunday through Thursday closing no later than 12:00 a.m. (midnight) Friday and Saturday	Outdoor, <u>ambient level only</u> : until 10:00 p.m.

Three-Meal Restaurant

The three-meal restaurant is located at the easternmost portion of the first floor of the Royal Palm Hotel, adjacent to the pool deck. In 2024, the HPB approved the reconfiguration of the restaurant space including the relocation of an outdoor bar counter. The overall occupancy of this venue is

proposed to minimally increase by 6 persons and no changes to the hours of operation or entertainment are proposed, as outlined in the chart below.

Occupancy	Hours of Operation	Entertainment
CUP Approved: 146	Indoor: closing no later than 2:00 a.m.	Indoor: until 2:00 a.m.
Proposed: 152	Outdoor: closing no later than 2:00 a.m.	Outdoor, ambient level only associated with customary accessory hotel uses: from 11:30 a.m. until 11:00 p.m. Sunday through Thursday, and from 11:30 a.m. until 12:00 a.m. (midnight) Friday and Saturday

Pool Deck

The pool deck is currently permitted to have ambient level entertainment from 11:30 a.m. until 11:00 p.m. Sunday through Thursday, and from 11:30 a.m. until 12:00 a.m. (midnight) Friday and Saturday, only for accessory uses customarily associated with a hotel. Entertainment is prohibited at all other times.

Second Level Flex Space and Roof Terrace

As part of the 2024 Certificate of Appropriateness approval, the HPB approved the conversion of the second level pool deck at the easternmost portion of the Royal Palm Hotel building to a terrace. The applicant is proposing to use this roof deck and the adjacent indoor flex space to host hotel events such as weddings, birthday parties and corporate functions. Staff would note that this area is not proposed to be open to the public and is for the use of hotel guests and their invitees only. Currently, the MCUP prohibits entertainment within this outdoor area. The applicant is requesting to introduce ambient level outdoor entertainment (to include live music such as acoustic or string instruments) for accessory uses customarily associated with a hotel. At all other times, ambient entertainment would not be permitted. The proposed hours of operation for the outdoor component are outlined in the chart below.

Hours of Operation	Entertainment
Outdoor: closing no later than 11:00 p.m. Sunday through Thursday closing no later than 12:00 a.m. (midnight) Friday and Saturday	Outdoor, <u>ambient level only</u> associated with customary accessory hotel uses: until 10:00 p.m.

Sound/Entertainment

The current MCUP allows indoor entertainment until 2:00 or 5:00 a.m., depending on the venue. No changes are currently proposed for the indoor entertainment components, with the exception of the removal of the dance floor in the destination restaurant.

Ambient level outdoor entertainment is currently permitted at the ground level pool deck and three-meal restaurant for accessory uses customarily associated with the hotel. The applicant is proposing to introduce ambient outdoor entertainment at two additional locations; the exterior portion of the lobby bar and the second level terrace, until 10:00 p.m.

Noise Complaints/CUP Violations

Since 2019, the property has received twelve noise complaints which have been found not valid by the Code Compliance Department. Additionally, there have been four instances of CUP violations/warnings issued to the property as outlined below:

1. **12/14/2020 – NC2020-17440:** Noise complaint. Warning issued.

Notes indicate: Arrival: 11:40 PM Departure: 1:24 AM Upon arrival, I parked on the 100 block of 15th St. I exited and heard music in the area. The complaint came in for 1500 Collins. I walked to 1500 Collins and there was no music. I exited and dispatch stated the music was coming from the east side. I crossed the street and heard music from the NE corner of 15th and Collins. I followed the music to 1545 Collins. I advised the MOD of the complaint and the music level. I had them turn down the music. Complainant was anonymous and did not leave any contact information. No prior history. Written warning issued.

2. **12/31/2020 – NC2020-17685:** Noise complaint. Warning issued.

Notes indicate: Arrival: 6:07 PM Departure: 8:00 PM REF: Noise complaint. We went to 1545 Collins Ave The Grove restaurant and the palm island bar. We spoke with the operations Manager, his name is Mr. Rafael. We educated Mr. Rafael on the emergency order ordinance and Mr. Rafael insisted on seeing the emergency order, so CCO Pena sent a copy to Mr. Rafael. While on the restaurant the staff accepted two customers, But customers ended up leaving and taking the food to go. When CCO Pena and I arrived, we observed that music no longer was playing and the DJ was picking up his equipment to leave. CCO Pena and I met with CCA Varella. CCA Varella also educated the operations manager and the restaurant manager on the emergency order. Written warning was issued and signed by the manager Mr. Adrian. Restaurant was shut down for 24 hours and a shut down placard was placed in conspicuous location in the restaurant.

3. **2/28/2021 – NC2021-18843:** Noise complaint. Violation issued; **1/25/2022:** Fine Paid.

2/28/2021 – CC2021-10160: No special event permit. Violation issued. **5/13/2021:** Fine Paid.

Notes indicate: Arrival: 3:43 pm, Departure: 5:15 pm. Received a complaint front the Front Desk person at 1500 Ocean Drive in regard to loud music coming from the pool area and a DJ playing said music without a valid permit. I arrived at the property and spoke with Mr. Adrian who escorted me to the pool area. The music was loud and excessive and there was a DJ playing the music. They do not have a DJ on their BTR. I explained to Adrian that the DJ would have to stop playing music and there would be two violations issued. First offense for loud music as they had received a written warning on 12/31/2020. They would also receive a second violation for not having an event permit for the DJ. He understood and signed the violation. Notice of violation issued

4. **11/25/2023 – NC2023-27246 :** Noise complaint. Warning Issued.

11/25/2023 – CC2023-16621: Failing to comply with the conditions of a special events permit. Violation issued.

Notes indicate: I responded to a complaint from dispatch in reference to loud music coming

from the pool area at 1545 Collins Ave. Upon my arrival I parked my vehicle by the complainant's location and the loud music could be heard. I radioed CCA Contreras to see if the complainant would like to meet. CCA Contreras advised that the complainant would like to meet and that they would be waiting outside of 1545 Collins Ave. I met with the complainant and we both observed the music from the front of 1545 Collins Ave. The music heard was unreasonably loud and excessive. I then went inside the establishment and spoke to the manager and advised him that we had received a noise complaint. He advised me that they were having a permitted event (SPE0823-1459) out by the pool. I observed the music coming from the pool area and it was unreasonably loud and excessive and I asked them to turn it down. The manger showed me the permit for the special event and I stepped outside to verify. While conducting research CCO Buck came to assist me. After conducting research we were able to verify that the permit was valid. We then advised the manager and the sales director that the permit was valid, but unfortunately they did violate the City of Miami Beach noise ordinance. We let them know that they would be receiving a written warning for the noise and they would also be receiving a notice of violation for failing to comply with the conditions of a special event permit (see CC2023).

1/23/2024 – SMA2023-04153 (CC2023-16621): Appealed; case dismissed by Special Magistrate.

The applicant has submitted a sound study prepared by Edward Dugger + Associates, P.A., which concludes: *“The existing audio system and architectural features of the property, in conjunction with the sound system design principles detailed above, should ensure that the venue and its music system can operate as requested without adversely impacting nearby residential properties and operate in compliance with Miami Beach code criteria.”* Staff would note that since the initial 2011 approval, several standardized sound conditions have been developed and incorporated by the Board into subsequent CUP approvals. As such, staff has included additional sound recommendations within the draft Modified Conditional Use Permit (MCUP) to further mitigate any potential adverse impacts to neighbors.

Deliveries, Loading and Sanitation

No changes are currently proposed for these operations, as there is an existing shared driveway to the south of the subject property that provides access to the hotel's back of house area, as well as access to the garage entrances at 1501 Collins Avenue and 1500 Ocean Drive. This driveway area was previously reviewed by the Planning Board as the result of modification/revocation hearings between 2017 and 2019, and the Board included detailed conditions regarding the use and operation of this area.

Parking & Transportation

No significant changes are proposed as part of this modification. Staff would note that as part of the 2024 COA approval, the HPB approved modifications to the driveway configuration; however, these changes will not impact drop-off or valet operations. The Transportation & Mobility Department has reviewed the applicant's Traffic Impact Statement and has included several recommended conditions as outlined in the attached draft CUP.

Security and Crowd Control

As previously approved and pursuant to the operational plan, staff does not anticipate any issues with security or crowd control.

In summary, the currently proposed modifications include an overall decrease in occupancy of the three venues by 106 persons. Additionally, the applicant is reducing the intensity of a destination restaurant and eliminating the previously approved dance floor. The most notable change is the introduction of ambient level outdoor entertainment at the second level terrace and lobby bar. Ambient level outdoor entertainment at the second level terrace will be limited to occasions that are customarily associated with the operation of a hotel including weddings, birthday parties and corporate functions, and will not be open to the public. Further, the ambient level outdoor entertainment at both locations will cease at 10:00 p.m. Staff has included several conditions in the draft MCUP to ensure consistency with other recently approved projects. Finally, staff would note that the draft MCUP has been reformatted for clarity and ease of understanding.

STAFF RECOMMENDATION

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

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

MEETING DATE: December 9, 2025

PROPERTY/FOLIO: 1545 Collins Avenue / 02-3234-019-0960

FILE NO: PB25-0779 a.k.a. PB17-0108 a.k.a. PB 2032

APPLICANT: RP Hotel Holdings LLC

IN RE: An application has been filed requesting modifications to a previously issued conditional use permit, to operate an aggregate of uses, as a Neighborhood Impact Establishment (NIE). Specifically, the applicant is requesting approval for the reconfiguration of the previously approved venues, the introduction of ambient level outdoor entertainment and a second-floor rooftop alcoholic beverage establishment within 200 feet of a property containing a residential unit, pursuant to Chapter 1, Article II; Chapter 2, Article V, and Chapter 7, Article II, of the Miami Beach Resiliency Code.

LEGAL: The south 12.65 feet of Lots 7 & 14 and all of Lots 5, 6, 15 and 16 and the north half of Lots 4 & 17, Block 56, of the Alton Beach 1st Subdivision, according to the plat thereof, recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida and the portion lying east and adjacent west of the erosion control line per Plat Book 105, Page 62 of the public records of Miami Dade County, Florida.

MODIFIED CONDITIONAL USE PERMIT

The applicant is requesting modifications to a previously granted Modified Conditional Use Permit for the operation of an aggregate of uses, as a Neighborhood Impact Establishment. Specifically, the applicant is requesting approval for the reconfiguration of the previously approved venues, the introduction of ambient level outdoor entertainment and a second-floor rooftop alcoholic beverage establishment within 200 feet of a property containing a residential unit, pursuant to Chapter 1, Article II; Chapter 2, Article V, and Chapter 7, Article II, 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:

That the property in question is located in the MXE, Mixed-Use Entertainment zoning district;

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

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

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

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

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

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendation, that a Modified Conditional Use Permit as requested and set forth above be GRANTED, subject to the conditions below, which have been accepted by the applicants. (~~Strikethrough~~ signifies deletions; Underlining signifies new language):

1. The Planning Board shall maintain jurisdiction of this Modified Conditional Use Permit (MCUP). ~~Ninety days after the issuance of the Business Tax Receipt or after general commencement of operations, whichever comes later, the applicant shall provide a progress report to the Planning Board. 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.~~ 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 MCUP 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. This Modified Conditional Use is also subject to modification or revocation under City Code Sec. 118-194(c) Section 2.5.2.5 of the Land Development Regulations of the City Code.
2. This Modified Conditional Use Permit is issued to RP Hotel Holdings, LLC as owner of the property. ~~In the event of any change in the owner and/or operator, the new owner and/or operator shall appear before the Board to affirm their understanding of the conditions listed herein at the earliest Board meeting for which the Planning Department can lawfully include this item on the Board's agenda.~~ Any change of operator or 50% (fifty percent) or more stock ownership shall require the new operator or owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new operator or owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Certificate of Use/Business Tax Receipt. A progress report shall be scheduled within 60 days followed by the submission and acceptance of the affidavit.
3. The conditions of approval for this Modified Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
4. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval.

5. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application for a Neighborhood Impact Establishment Modified Conditional Use Permit.
6. As proposed by the applicant, the project authorized by this Modified Conditional Use Permit includes the ~~creation and~~ continued operation of the following three (3) venues, with their respective approximate maximum occupant loads or such respective lower maximum occupant loads as the Fire Marshal may determine, resulting in an approximate aggregate maximum occupant load of ~~774~~ 653 persons or such lower aggregate maximum occupant load as the Fire Marshal may determine:
 - (A) ~~the lobby lounge and bar, presently intended to be named James Club, to be located wholly in the inside of the first floor of the north building — 70 persons;~~
 - (B) ~~the full-service “destination” restaurant, lounge, and nightclub, presently unnamed, to be located at the front of the first and second floors of the south building, with a total occupant load of 543 persons, and generally consisting of:~~
 - (i) ~~54 outdoor dining seats to be located on the existing first floor terrace located on the west side of and wrapping around the north side of the south building;~~
 - (ii) ~~233 indoor dining seats to be located on the first and second floors of the south building; and~~
 - (iii) ~~256 persons in the lounge and nightclub to be located in the rear of the first floor of the south building;~~
 - (C) ~~the three meal restaurant (which also offers room service), presently intended to be named Jimmy’s Restaurant, to be located wholly outside on the south side of the first floor of the north building (presently occupied in part by exercise equipment) and wrapping around to the pool deck on the east side of the north building (presently occupied in part by a bar) — 146 seats;~~

(A) Destination Restaurant (1535 Collins Avenue):

 - i. Total occupancy: approximately 379 persons.
 - ii. Total seats: not to exceed the maximum occupancy.
 - iii. Indoor hours of operation: close no later than 5:00 a.m.
 - iv. Outdoor hours of operation: close no later than 2:00 a.m. (inclusive of all clean-up and other staff operations).
 - v. Indoor entertainment: permitted until 5:00 a.m.
 - vi. Outdoor entertainment: not permitted.

(B) Lobby Bar (1545 Collins Avenue):

 - i. Total occupancy: approximately 122 persons.

- ii. Total seats: not to exceed the maximum occupancy.
- iii. Indoor hours of operation: close no later than 5:00 a.m.
- iv. Outdoor hours of operation: close no later than 11:00 p.m. Sunday through Thursday and no later than 12:00 a.m. (midnight) Friday and Saturday.
- v. Indoor entertainment: permitted until 5:00 a.m.
- vi. Outdoor entertainment: ambient level (played at a volume that does not interfere with normal conversation) outdoor entertainment only, permitted until 10:00 p.m., at which time the partitions and doors to the outdoor portion of the lobby bar must be closed.

(C) Three-Meal Restaurant (1545 Collins Avenue):

- i. Total occupancy: approximately 152 persons.
- ii. Total seats: not to exceed the maximum occupancy.
- iii. Indoor hours of operation: close no later than 2:00 a.m.
- iv. Outdoor hours of operation: close no later than 2:00 a.m.
- v. Indoor entertainment: permitted until 2:00 a.m.
- vi. Outdoor entertainment: ambient level (played at a volume that does not interfere with normal conversation) outdoor entertainment, associated with customary accessory hotel uses (invitation only function limited to registered guests and their invitees, such as weddings, birthdays, corporate functions, etc.), shall be permitted from 11:30 a.m. until 11:00 p.m. Sunday through Thursday, and from 11:30 a.m. until 12:00 a.m. (midnight) Friday and Saturday. At all other times, outdoor entertainment is not permitted.

7. ~~The three (3) above-described venues shall have the following respective hours and operations:~~

- (A) ~~the lobby lounge and bar will close at 5 AM—entertainment is authorized, a dance hall is not authorized;~~
- (B) ~~the full-service “destination” restaurant, lounge, and nightclub:~~
 - (i) ~~The outdoor dining area will close at 2 AM (inclusive of all clean-up and other staff operations)—Neither entertainment nor a dance hall is authorized; and~~
 - (ii) ~~The indoor area will close at 5 AM—Subject to compliance with applicable requirements, entertainment and a dance hall are authorized;~~
- (C) ~~the three-meal restaurant (Jimmy’s) will close at 2 AM~~

7. In addition to the venues described above, this Modified Conditional Use Permit authorizes the following for outdoor areas of the property:
- (A) Ground level pool deck:
- i. Outdoor entertainment: ambient level (played at a volume that does not interfere with normal conversation) outdoor entertainment, associated with customary accessory hotel uses only (invitation only function limited to registered guests and their invitees, such as weddings, birthdays, corporate functions, etc.), shall be permitted from 11:30 a.m. until 11:00 p.m. Sunday through Thursday, and from 11:30 a.m. until 12:00 a.m. (midnight) Friday and Saturday. At all other times, outdoor entertainment is not permitted.
- (B) Second level roof terrace:
- i. Hours of operation: close no later than 11:00 p.m. Sunday through Thursday and close no later than 12:00 a.m. (midnight) Friday and Saturday.
- ii. Outdoor entertainment: ambient level (played at a volume that does not interfere with normal conversation) outdoor entertainment, associated with customary accessory hotel uses only (invitation only function limited to registered guests and their invitees, such as weddings, birthdays, corporate functions, etc.), shall be permitted until 10:00 p.m., at which time the doors to the outdoor terrace must be closed.
- (C) All other outdoor areas:
- i. Outdoor entertainment: not permitted.
8. Any updates to the submitted operation plan for the restaurants and commercial uses shall be submitted to Planning Department staff for review and approval prior to the issuance of a Certificate of Occupancy, Certificate of Completion or Business Tax Receipt, whichever occurs first.
9. None of the rooftops (with the exception of the second level terrace and the terraces of the presidential suites) of the present buildings or any future buildings shall have any guest, invitee, or public usage or facilities of any kind, and there shall be no access to any such rooftop except for:
- (A) emergency evacuations as required by the Fire Code and Fire Marshal, and/or
- (B) the hotel's operating, maintenance, and construction personnel and contractors.
10. Applicant will ~~install and~~ maintain a safe, secure, and locked rear gate which can be opened only by registered hotel guests using their magnetic room key cards or other secure devices, hotel personnel, and public safety personnel.
11. Applicant will ~~repair or install, and will thereafter~~ maintain, a fire alarm system which reduces false alarms to a generally accepted minimum number, and which complies in all other respects with all applicable requirements.

12. Applicant will adopt and, on a 24-hour basis will apply, such practices and procedures as are reasonably likely to remedy inappropriate guest and invitee conduct. Without limiting the generality of the foregoing, applicant's personnel will, on a 24-hour basis, regularly inspect:
- (A) all outdoor areas in order to determine whether there is any yelling, screaming, or other inappropriate sounds being made by guests or invitees who are on any terrace, balcony, pool deck, breezeway, or any other outdoor area, and will promptly take such action as may be reasonably necessary to terminate the yelling, screaming, and other inappropriate sounds and to prevent a recurrence; and
 - (B) all terraces, balconies, and other outdoor areas in order to determine whether any railings are being used to hang or dry towels, swim suits, beach toys, and other items, such inspection to be made from the ground or any other reasonable vantage point, and will promptly take such action as may be reasonable necessary to terminate such practices and to prevent their recurrence.

Applicant will arrange for hotel management on duty to be available by telephone, on 24-hour basis, to receive and act promptly upon complaints of inappropriate guest or invitee conduct. Such contact information shall be provided to neighboring residents. If any venue is leased to a third party, the applicant will satisfy the forgoing obligations with respect to such venue by requiring the third party to comply with this section.

13. No outdoor bar counters shall be permitted except that the bar at Jimmy's Restaurant for the outdoor portion of the lobby bar and the three-meal restaurant which shall be part of a full service restaurant at all times. No permanent outdoor bar counter shall be placed on any roof, terraces, private decks, or balconies at any time. Temporary outdoor bar counters, including temporary outdoor bar counters on the 2nd floor pool deck second level terrace, will be permitted during customary hotel events accessory hotel uses or invitation only functions that are not open to the general public and are limited to registered guests and their invitees, such as weddings, birthdays, corporate functions, etc. which shall be removed on no later than:

Sunday through Thursday: 11:00 p.m.
Friday and Saturday: 12:00 a.m. (Midnight)

14. Calculations for required parking for the project shall be determined by the Planning Department prior to approval of a building permit. Such parking calculations shall be based upon both the number of hotel rooms, residential units, and additionally, the intensity of the proposed accessory uses as measured by the number of seats in dining areas, and by the square footage of the liquor service areas not included in the areas for which seats are calculated. A final determination for the required parking shall be conducted at the time of the Building Permit and any deficiency may be paid by a fee in lieu of providing the required parking, which shall be paid before the building permit is issued.
15. A queuing analysis relating to the valet parking processing rate shall be revised to determine whether additional attendants will need to be added to the valet operation. The revised queuing analysis shall be submitted to Planning Department staff for review and approval prior to the issuance of a Certificate of Occupancy, Certificate of Completion, or Business Tax Receipt, whichever occurs first. The applicant shall comply with the following conditions as outlined in the Transportation & Mobility Department memorandum dated November 25, 2025:

- (A) The applicant shall coordinate with the City of Miami Beach Transportation & Mobility Department to implement an acceptable Transportation Demand Management (TDM) Implementation Plan per the TDM strategies outlined in the most recent Traffic Impact Statement dated October 2025, prior to the issuance of a building permit.
 - (B) A minimum of ten (10) valet runners will be maintained during the AM peak demand period, and ten (10) valet runners during the PM peak demand period, respectively. In order to reduce this minimum number, the applicant may prepare and submit a follow-up Valet Analysis using counts from the project site, collected a minimum of 6 months after opening, to show that fewer than the originally projected number of valet attendants are needed, to be approved by both the City of Miami Beach Transportation & Mobility Department, and the City of Miami Beach Parking Department.
 - (C) The number of valet attendants should be adjusted when higher-than-normal peak demands are encountered to accommodate all vehicular queues on-site.
16. ~~All parking and vehicle retrieval will be~~ The revised queuing analysis shall be submitted to ~~Planning Department staff for review and approval prior to the issuance of a Certificate of Occupancy, Certificate of Completion, or Business Tax Receipt, whichever occurs first, by valet attendants only; self parking will not be permitted (except in off-property parking garages elsewhere).~~ Valet attendants will drive the vehicles to and retrieve the vehicles from either:
- (A) the present on-site garage with its 104 parking spaces, or
 - (B) the City garage located on the south side of 16th Street immediately west of Collins Avenue.
- Applicant shall not in any manner directly or indirectly participate in the storage or parking of vehicles for non-hotel guests or invitees or entities in either of the above two facilities.
17. Directional signs shall be posted at the entrance to the hotel and exit to Collins Avenue. Such signs shall be submitted to the Planning Department and Public Works Department for review and approval and shall be indicated on the Plans submitted to the Building Department for final permit.
18. ~~The following conditions of approval by the Historic Preservation Board for File No. 7245 are hereby incorporated as part of the Planning Board conditions of approval:~~
18. (A) The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced. Owner agrees to include the rules and regulations set forth in these conditions in any contract or assignment.
19. (B) The applicant shall install and/or maintain a distributive sound system for providing ambient music (played at a volume that does not interfere with normal conversation) in all open areas, as well as in facilities, such as the ~~proposed~~ restaurant on the first level, which are open to the outside. The controls for the distributive sound system shall be adjusted by a sound engineer professional to limit the amplitude of music and adjust the sound system so that it will comply with all applicable noise ordinances. Other than the sound engineer

professional, only the Hotel Manager may have access to the controls which shall be locked. Prior to the issuance of Business Tax Receipt (BTR), the sound system shall be tested under the supervision of a qualified acoustical professional and Planning Staff, 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. A final report issued by such acoustical consultant shall be submitted to the Planning Department staff prior to the issuance of a BTR.

20. ~~(C)~~ All DJ or live music associated with "customary" accessory hotel uses (invitation only function limited to registered guests and their invitees, such as weddings, birthdays, corporate functions, etc.), not for the general public in the outside areas, on and around the pool deck on the first level, such as the restaurant on the first level which facilities are open to the outside, shall be ~~prohibited~~ except permitted from 11:30 am to 11:00 pm, Sunday through Thursday, and from 11:30 a.m. to midnight, Friday and Saturday. No other live music or DJ shall occur in these areas except according to a special event permit. Any DJ shall use the approved distributed sound system only. Outdoor customary hotel events with live music shall also use the hotel's approved distributed sound system only.

~~(D) Live music is prohibited on the second level pool deck, except in accordance with a valid Special Event Permit.~~

21. ~~(E)~~ Should the applicant materially increase the outside pool deck areas greater than as proposed in the application, that change must be presented and approved by the HPB in a subsequent application, and not by staff review, unless such change is approved in writing by 1500 Ocean Drive.

22. ~~(F)~~ The applicant will establish rules that prohibit guests from bringing audible electronic amplification devices on the decks and balconies that may disturb the residents of 1500 Collins Avenue Ocean Drive.

23. ~~(G)~~ The rooftops of the lanai building shall not be used as habitable areas.

24. ~~(H)~~ Owner agrees to install and/or maintain an exhaust system, if required by code, for the kitchen that will substantially reduce grease and smoke that would otherwise escape to the surrounding area. This may include the installation of a fan in connection with the kitchen exhaust system within the interior of the building in order to reduce noise levels at the exhaust outlet.

25. 19. Hotel security personnel and other hotel staff shall take measures to enforce the Patron Age Restriction of the City Code during the hours of operation of all alcoholic beverage establishments.

26. 20. The Applicant will provide supervisory training to senior staff personnel to ensure that at all times there are trained staff members on site to monitor and control guest behavior in the outdoor areas, in particular open spaces at Jimmy's the three-meal restaurant and pool deck areas. Senior staff will ensure that all conditions stipulated in the Modified Conditional Use Permit are followed by hotel guests and invitees. In addition, the Applicant will purchase a two-way radio system so personnel can maintain contact with the general manager and/or the senior manager on duty. Additionally, security cameras will be utilized and off-duty police or security personnel will be hired on an as needed basis.

27. ~~24.~~ If any outdoor venue has doors which open upon any indoor venue which is authorized by this Modified Conditional Use Permit to remain open later than its connected outdoor venue, then, at and after the time specified in this Modified Conditional Use Permit for that outdoor venue to close, the indoor venue must either: (A) close those connecting doors, or (B) reduce the volume of the music to the level specified in the noise ordinance. Background ambient music (played at a volume that does not interfere with normal conversation) will be turned off ~~around the pool area~~ no later than:
- (A) Around the pool area: Sunday through Thursday: 11:00 p.m., Friday and Saturday: 12:00 a.m. (~~M~~midnight).
- (B) ~~Jimmy's Restaurant (T~~three-meal restaurant): 2:00 a.m.
- (C) Outdoor portion of destination restaurant: 2:00 a.m.
28. ~~22.~~ No third-party outside sound systems shall be permitted; only house sound systems shall be used. At all times, each of the house sound systems shall be under the control only of the general manager, the manager on duty, or the hotel manager on duty (or the restaurant manager for the destination restaurant and lounge). Following installation and testing, each sound system shall be locked and password-protected, so that its volume cannot be changed:
- (A) by any one other than one of those individuals, or
- (B) to a volume which would violate the City's Noise Ordinance. Each sound system shall, in all respects, be installed, tested, and operated so that it complies, in all material respects, with the specifications and requirements of the Noise Study prepared by ~~The Audio Bug, Inc. and dated July 25, 2014~~ Edward Dugger and Associates, P.A., dated August 1, 2025 ("Sound Study"). ~~The Audio Bug, Inc. will prepared an updated letter from its report addressing directional noise transfer issues that may exist in the direction of the 1500 Ocean property.~~
29. ~~23.~~ Special Events may exceed restrictions except for the noise ordinance and any other Ordinances, rules or regulations existing at the time, and shall be noticed by the applicant in advance of filing an application for special events, proof of which shall be filed with the application, to abutting residential condominium associations for suggestions and objections. If a Special Event Permit is issued, a specific condition of the event shall be that no live music or entertainment shall be permitted after 2:00 a.m. except for New Year's Eve and July 4th.
30. ~~24.~~ The installation plan for each proposed new sound system and for each proposed material modification of an existing sound system, including the location of all the speakers and sound system controls shall be submitted to staff for review and approval prior to obtaining a building permit. ~~Speakers shall not be installed above ground (walls, etc.)~~
31. ~~25.~~ Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
32. ~~26.~~ The following shall apply to all deliveries, loading, and garbage and trash pickups which shall be conducted:

- (A) from the private driveway which is located to the south of the property and to which applicant has access through agreements with the driveway's owners located to the south of the private driveway; and
- (B) directly within the structures or private driveway and not on Collins Avenue; and
- (C) between 9:00 AM and 5:30 PM only; and
- (D) within the 15-foot-wide strip, running east-west approximately 179 feet, and located between, on the north, the hotel's southern wall, and on the south, a clear and brightly-painted continuous yellow stripe, running in an east-west direction, which shall be placed, maintained, and periodically repainted in a location approximately 15 feet south of the Shorecrest Hotel structure; or within the loading areas located south of the shared driveway, provided the loading docks of the buildings located on the south side of the shared driveway are not blocked; and
- (E) not within the shared driveway, which is located in-between the loading area to the north and the loading area to the south, both of which are delineated by yellow striping running east-west along the shared driveway.

33. ~~27.~~ Deliveries, loading, garbage and trash pickups shall adhere to the following operational standards:

- (A) At the top of the ramp of the shared driveway, an arm gate, or two arm gates, one for each lane, but in either case, extending the entire width of the shared driveway, shall, within sixty days of the modification of the CUP, be installed in a sound and workmanlike manner, using materials and equipment which are generally recognized as appropriate for high-quality commercial or residential buildings. [Note: completed]. Thereafter, the arm gate(s) shall, promptly and in the same manner, be maintained, repaired, periodically serviced, and replaced (all or in part) as may reasonably be needed from time to time.
- (B) Parking in the 15-foot-wide strip, described in Condition ~~26~~ 32 (D) above, shall be prohibited between 9:00 AM and 5:30 PM 365 days a year, except for vehicles engaged in delivery and pickup operations and as provided in the following subsection (C). The applicant shall not block or obstruct in any manner any part of the 15-foot-wide strip, except for vehicles engaged in delivery and pickup operations. Between 9:00 AM and 5:30 PM 365 days a year, applicant shall engage personnel to manage the shared driveway and promptly take action to remove any such vehicle and/or to remove any such blockage or obstruction.

Notwithstanding the foregoing, the applicant shall be permitted to provide five (5) delineated parking spaces located on the western end of the shared driveway, and located north of the shared driveway (north of the northerly yellow strip).

- (C) Deliveries and pickups shall be handled and managed by a dock master supervisor who shall be on duty between 9:00 AM and 5:30 PM 365 days a year, and who shall be stationed at a location where the entire shared driveway and the 15-foot-wide-strip can be observed and immediately accessed. The dock master supervisor shall be responsible for:

- i. controlling hotel related deliveries and refuse pick up traffic in order to minimize disruption of traffic on Collins Avenue and in order to minimize interference with the business and resident traffic of the shared driveway's respective owners, and
 - ii. enforcing the provisions of conditions No. 26 and 27 relating to Deliveries and Pick-Ups.
 - (D) Trash/garbage containers shall have rubber wheels and be maintained in a clean and fully operable condition. Trash/garbage containers shall be kept in the trash room, with its door completely closed except during trash and garbage pickups, after which the containers shall be promptly returned to the trash room, its door completely closed, and all trash, debris, and garbage shall be removed from the area in front of the door.
 - (E) A high-level trash/garbage compacting device shall be located in an air-conditioned trash/garbage holding room located on the south side of the south building; time of service for deliveries and best efforts used to have garbage and trash pickups shall be restricted to not before 9 A.M. and not after 5:30 P.M.
 - (F) All garbage and trash from hotel rooms, restaurants, bars, meeting rooms, and any other facilities or activities on or attributable to the property will be disposed of on a daily basis and will be consolidated in an air-conditioned trash/garbage holding room located on the south side of the south building. Applicant will ~~enter into~~ maintain a contract with an appropriate waste removal operator, and ~~at that time a~~ continue to comply with the more detailed sanitation plan ~~shall be~~ previously approved and provided to Planning Department staff for review and approval, such plan to include a copy of the fully-signed contract with the waste removal operator.
34. ~~28.~~ All variances, as may be necessary for the entire project shall be applied for and obtained prior to applying for a building permit.
35. ~~29.~~ The applicant shall submit an MOT (Method of Transportation) to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
36. ~~30.~~ In accordance with Chapter ~~122 of the Code~~ 3 of the Land Development Regulations of the City of Miami Beach, the ~~Transportation and Concurrency Management Division~~ Planning Department shall conduct a final concurrency determination that will meet the City's concurrency requirements and level-of-service standards prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. The applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), by paying its fair share cost, as may be determined by the Concurrency Management Division. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.
37. ~~34.~~ The applicant shall obtain a full building permit for the modifications approved herein ~~within~~ no later than 18 months from the date of the meeting, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.

38. ~~32.~~ The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a building permit for the structure.
39. ~~33.~~ 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 ~~late night~~ noise, or amend other conditions or add new conditions. 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.
- ~~34. Applicant agrees to replace the garage exhaust fans and install new fans per building code requirements that are state of the art Quiet Technology within 60 days of the issuance of a Temporary Certificate of Occupancy for the new destination restaurant located in the Shorecrest hotel.~~
40. ~~35.~~ 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 Modified Conditional Use Permit and subject to the remedies as described in section 118-194, Code of the City of Miami Beach, Florida.
41. ~~36.~~ 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.
42. ~~37.~~ This Modified Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County within a reasonable time after receipt at the expense of the applicant. No building permit, certificate of use, certificate of occupancy, certificate of completion or business tax receipt shall be issued until this requirement has been satisfied.
43. ~~38.~~ The establishment and operation of this Modified Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Modified Conditional Use.
44. ~~39.~~ 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 _____ day of _____, 20____.

PLANNING BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH TACKETT

HISTORIC PRESERVATION & ARCHITECTURE OFFICER
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ 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.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:
City Attorney's Office: _____ ())

Filed with the Clerk of the Planning Board on _____ ())

