



criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

15. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
16. 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.

IT IS HEREBY 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 are adopted herein, including the staff recommendations, which were amended by the Board, that the Certificate of Appropriateness is GRANTED for the above-referenced project subject to those certain conditions specified in paragraph C of the Findings of Fact (Condition Nos. 1-16, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Historic Preservation Board, as determined by staff, entitled "The Leslie Hotel Restoration", as prepared by DN'A Design & Architecture, dated 8-12-2010 and 10-12-2010.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of a Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Certificate of Appropriateness was granted, the Certificate of Appropriateness will expire and become null and void. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the Certificate of Appropriateness will expire and become null and void.

In accordance with Section 118-561 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.



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- iv. Notwithstanding the occupancy and seat counts shown on the plans submitted, calculations for concurrency for the project shall be determined by the Planning Department prior to approval of a building permit. Such parking and traffic calculations shall be based upon both the number of hotel rooms, and, additionally, the intensity of the proposed accessory restaurant 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 as provided for in this subparagraph.

c. OPERATIONAL CONDITIONS

- i. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
  - ii. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Doors shall remain closed and secured when not in active use.
  - iii. Garbage dumpster covers shall be closed at all times except when in active use and garbage pickups and service deliveries shall not take place between 7PM and 8AM.
  - iv. Outdoor cooking anywhere on the premises is prohibited. Kitchen and other cooking odors shall be contained within the premises. All kitchens and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.
  - v. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
12. At the time of completion of the project, only a **Final** Certificate of Occupancy (CO) or **Final** Certificate of Completion (CC) may be applied for; the staging and scheduling of the construction on site shall take this into account. All work on site must be completed in accordance with the plans approved herein, as well as by the Building, Fire, Planning, CIP and Public Works Departments, inclusive of all conditions imposed herein, and by other Development Review Boards, and any modifications required pursuant to field inspections, prior to the issuance of a CO or CC. This shall not prohibit the issuance of a Partial or Temporary CO, or a Partial or Temporary CC.
13. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
14. The Final 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



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- xi. The applicant shall install sound attenuating design elements throughout the roof deck, in accordance with all applicable and approved noise studies, in order to minimize any spillover of sound to adjacent properties, in a manner consistent with the limits and requirements of the City Code and subject to the review and approval of staff.
- xii. Rooftop lighting fixtures, if required by Code, shall be located at or below the parapet level of the roof and shall be designed to deflect light from spilling over to adjacent and nearby properties.
- xiii. All roof-top fixtures, air-conditioning units and mechanical devices shall be screened from view. In addition, the applicant shall install an exhaust system for the interior kitchen that will substantially reduce all grease and smoke that would otherwise escape to the surrounding area. The applicant shall also install the fan in connection with the kitchen exhaust system within the interior of the building in order to reduce noise levels at the exhaust outlet.
- xiv. There shall be no variances or exceptions to any of these roof-top operational conditions.

b. NOISE CONDITIONS

- i. The Historic Preservation Board (HPB) or the Planning Director shall retain the right to call the owners and/or operators back before the HPB, at the expense of the owners and/or operators, to impose and/or modify the hours of operation, and the placement or use on the property of exterior loudspeakers, fixed or portable, or amend or impose other conditions, should there be a valid violation (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise or other conditions of this approval. An adverse adjudication of a violation against the owner or operator is not necessary for the board to have jurisdiction over the matter under this condition. This condition vests jurisdiction independent of any other condition hereof.
- ii. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended, shall be deemed a violation of this approval and subject the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code, and subject the applicant to the review provided for in the first sentence of this subparagraph.
- iii. The hotel rules and practices shall prohibit registered guests, visitors, invitees and others using the hotel facilities or otherwise on the premises, from operating audio amplification equipment, inclusive of loudspeakers, radio receivers, television sets, musical instruments, or other machines or devices for the producing or reproducing of sound, that produces noise that is plainly audible at any apartment unit in the adjacent and nearby properties.



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- ii. No alcoholic beverages of any kind shall be served or consumed on the rooftop at any time.
- iii. Rooftop facilities, inclusive of any pool or spa and pool or spa deck, shall be for the exclusive use of registered hotel guests and accompanied invitees, and shall not be used as a commercial facility, open to the general public and/or outside guests.
- iv. The rooftop shall only be open for use in accordance with the following schedule, seven (7) days a week:

January:	8:00 am until 7:00 pm
February:	8:00 am until 7:00 pm
March:	8:00 am until 8:00 pm
April:	8:00 am until 9:00 pm
May:	8:00 am until 9:00 pm
June:	8:00 am until 9:00 pm
July:	8:00 am until 9:00 pm
August:	8:00 am until 9:00 pm
September:	8:00 am until 9:00 pm
October:	8:00 am until 9:00 pm
November:	8:00 am until 7:00 pm
December:	8:00 am until 7:00 pm

- v. The maximum occupancy at any given time on the roof terrace shall not exceed 50 persons, including hotel staff, hotel guests and accompanied invitees. Signage clearly specifying this maximum occupancy, as well as the prohibition of alcoholic beverages on the roof terrace, shall be visible for all hotel guests.
- vi. Special Events, private parties, and similar activities shall not be permitted on the rooftop deck, at any time.
- vii. Live music, including, but not limited to, dj's, musical instruments of any kind and portable stereos, shall not be permitted on the roof deck at any time.
- viii. Ambient background music on the roof deck may be permitted, if such system is designed in accordance with all recommendations outlined on page 12 of the Acoustic Assessment of the Leslie Hotel, as prepared by Sieben Associates, Inc., dated June 3, 2010. A qualified sound engineer shall be required to design, and after installation certify compliance of such system with the Acoustic Assessment, subject to the review and approval of staff.
- ix. No bar, service or other type of counter, whether permanent or temporary, shall be placed on the roof or on any terraces, private decks or balconies at any time.
- x. Grills or cooking facilities, of any kind, either permanent or temporary, shall not be permitted on the roof deck, at any time.



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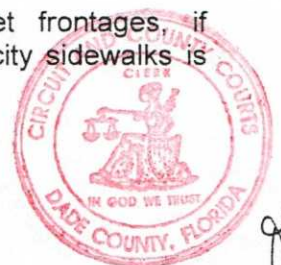
- d. Provide underground utility service connections and on-site transformer location, if necessary.
  - e. Provide back-flow prevention devices on all water services.
  - f. Provide on-site, self-contained storm water drainage for the proposed development.
  - g. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
  - h. Payment of City utility impact fees for water meters/services.
  - i. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
  - j. Right-of-way permit must be obtained from Public Works.
  - k. All right-of-way encroachments must be removed.
  - l. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
9. A drawn plan and written procedure for the proposed demolition shall be prepared and submitted by a Professional Structural Engineer, registered in the State of Florida, which fully ensures the protection of the public safety, as well as the protection of the existing structure on the subject site and all existing structures adjacent to the subject site during the course of demolition.
10. The Certificate of Appropriateness for Demolition shall only remain in effect for the period of time that there is an active Certificate of Appropriateness for the associated new construction on the subject property.
11. The Applicant agrees to the following operational conditions for all portions of the roof-top deck, as well as any and all permitted hotel 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.
- a. ROOF TOP CONDITIONS
    - i. 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 every contract, lease or assignment.



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any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

- g. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
3. All building signage shall be consistent in type, composed of flush mounted, non-plastic, individual letters and shall require a separate permit.
4. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
5. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
6. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
7. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy.
8. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
  - a. A traffic and neighborhood impact study shall be conducted as a means to measure a proposed development's impact on transportation and neighborhoods. The study shall address all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, and if required, shall be submitted prior to the issuance of a Building Permit. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code. The developer shall refer to the most recent City of Miami Beach's Traffic and Neighborhood Impact Methodology as issued by the Public Works Department.
  - b. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
  - c. Mill/resurface asphalt in rear alley along property, if applicable.



- m. A museum quality historic analysis and display of the existing structure, inclusive of a photographic and written description of the history and evolution of the original building on site, shall be submitted to and approved by staff, prior to the issuance of a Building Permit; such historic analysis shall be displayed prominently within the public area of the historic structure, in a location to be determined by staff.
  - n. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required.
  - o. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
  - p. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. Landscaping shall be incorporated into the north and south sideyards of the building.
  - b. All exterior walkways shall consist of decorative pavers, decorative concrete or other decorative material, subject to the review and approval of staff.
  - c. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
  - d. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
  - e. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
  - f. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of



- a. The lobby shall be fully restored to the greatest extent possible based on the available historic documentation, subject to the review and approval of staff.
- b. Additional details of the proposed roof-top mechanical screening shall be provided, including a detailed roof-top floor plan that clearly delineates all mechanical equipment and fixtures, subject to the review and approval of staff.
- c. The final design details, materials, dimensions and location of the proposed trellis/canopy shall be subject to the review and approval of staff.
- d. The final design and details of the proposed new basement storefront on the south elevation shall be further revised to form a better relationship with the existing masonry openings of the upper floors, in a manner to be approved by staff.
- e. All windows and doors shall be composed of clear glazing with anodized aluminum frames, subject to the review and approval of staff. Light grey tint may be utilized to meet applicable energy and other regulatory codes and requirements, in a manner to be approved by staff. All windows and doors within original masonry openings shall match the original configurations, as shown in historic microfilm, in a manner to be approved by staff.
- f. Additional details of the proposed exterior glass railings shall be provided, including color and method of attachment shall be provided, in a manner to be reviewed and approved by staff.
- g. The details of the proposed room labeled 'trash/electrical' shall be provided. A fully enclosed air conditioned trash room that is sufficiently sized to handle the entire trash load of the building at all times shall be required.
- h. All existing external ductwork shall be relocated to an internal chase, in a manner to be reviewed and approved by staff.
- i. All external electrical conduits shall be removed and internally located.
- j. All chain link and wood fencing on the property shall be removed.
- k. No exterior bar counter of any type shall be permitted along the front of the property or on the proposed roof top pool deck.
- l. The final details of all exterior and lobby railing systems, including materials, dimensions and finishes, shall be subject to the review and approval of staff. Only handrails and vertical supports with a flat profile and aluminum finish shall be permitted on the exterior and in the lobby of the proposed project site, subject to the review and approval of staff.



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 DR Bk 27740 Pgs 2401 - 2410f (10pgs)  
 RECORDED 06/30/2011 12:51:17  
 HARVEY RUVIN, CLERK OF COURT  
 MIAMI-DADE COUNTY, FLORIDA

**HISTORIC PRESERVATION BOARD**  
 City of Miami Beach, Florida

**CERTIFICATION**

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.

CITY OF MIAMI BEACH  
*De K. May* 10-26-10  
 (Signature of Planning Director or Designee) (Date)  
 Personally known to me or Produced ID: \_\_\_\_\_  
*Randy Cesar*  
 Notary Public, State of Florida at Large  
 Printed Name: Randy Cesar  
 My Commission Expires: (Seal)  
 This document contains 10 pages.

MEETING DATE: October 12, 2010

FILE NO: 7069



PROPERTY: 1244 Ocean Drive

LEGAL: Lot 3 and the south 5.00' feet of Lot 2, Block 17 of "Ocean Beach Florida Addition No. 2", according to the Plat thereof, as recorded in Plat Book 2, at page 56 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing 3-story hotel, including the construction of a new roof-top pool and pool deck.

**ORDER**

The applicant, Ocean Hotels Investments Corp, filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness.

The City of Miami Beach Historic Preservation Board 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 record for this matter:

- A. The subject structure is classified as 'Contributing' in the Miami Beach Historic Properties Database and is located within the Ocean Drive/Collins Avenue Local Historic District and the National Register Architectural District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code, is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'c' & 'h' in Section 118-564(a)(3) of the Miami Beach Code, and is not consistent with Certificate of Appropriateness for Demolition Criteria '6' & '8' in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:
  - 1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following



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