

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

DATE: September 16, 2025

TO: Chairperson and Members  
Historic Preservation Board

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: HPB25-0660 a.k.a. HPB 7069, **1244 Ocean Drive**.

An application has been filed requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the 3-story hotel including the construction of a new roof-top pool and pool deck. Specifically, the applicant is requesting to modify several conditions of the final order.

### **STAFF RECOMMENDATION**

Approval of the modifications to the previously granted Certificate of Appropriateness with conditions.

### **BACKGROUND**

On October 12, 2010, the Historic Preservation Board reviewed and approved a Certificate of Appropriateness for the partial demolition, renovation and restoration of the 3-story hotel including the construction of a new roof-top pool and pool deck.

### **EXISTING BUILDING**

Local Historic District:	Ocean Drive/Collins Avenue
Classification:	Contributing
Original Architect:	Albert Anis
Original Construction Date:	1937

### **ZONING / SITE DATA**

Folio:	02-3234-008-0380
Legal Description:	Lot 3 and the south 5 feet of Lot 2, Block 17 of the Ocean Beach Addition No. 2, According to the Plat Thereof, as Recorded in Plat Book 2, Page 56, 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
Proposed Use:	no change

### **THE PROJECT**

The applicant has submitted documents entitled “Leslie Ocean Drive”, dated May 21, 2025.

### **COMPLIANCE WITH ZONING CODE**

A preliminary review of the project indicates that the application appears to be consistent with the Land Development Regulations of the City Code.

This shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

### **CONSISTENCY WITH 2040 COMPREHENSIVE PLAN**

A preliminary review of the project indicates that the existing hotel use is **consistent** with the Future Land Use Map of the Comprehensive Plan.

### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 7.1.2.4(a)(i) of the Land Development Regulations 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. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.  
**Not Applicable**
5. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.  
**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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.  
**Not Applicable**

7. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.  
**Not Applicable**
8. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.  
**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 in General Ordinances.  
**Not Applicable**
10. In all new projects, water retention systems shall be provided.  
**Not Applicable**
11. Cool pavement materials or porous pavement materials shall be utilized.  
**Not Applicable**
12. The project design shall minimize the potential for a project causing a heat island effect on site.  
**Not Applicable**

#### **COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA**

A decision on an application for a certificate of appropriateness shall be based upon the following:

1. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to section 2.13.7(d)(ii)(1) of the Land Development Regulations (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
  - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings may be amended from time to time.  
**Satisfied**
  - b. The Secretary of Interior's Standards for Reconstruction as may be amended from time to time.  
**Not Applicable**
  - c. Other guidelines/policies/plans adopted or approved by resolution or ordinance by the city commission.  
**Satisfied**
2. The examination of architectural drawings for consistency with the criteria pursuant to section 2.13.7(d)(ii)(2) of the Land Development Regulations and stated below, with regard to the aesthetics, appearances, compatibility, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to

the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Not Applicable**
- b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.  
**Not Applicable**
- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit.  
**Not Applicable**
- d. The proposed structure, or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and enhance the appearance of the surrounding properties, or the purposes for which the district was created.  
**Not Applicable**
- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.  
**Satisfied**
- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.  
**Not Applicable**
- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a city master plan, where applicable.

**Not Applicable**

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

**Not Applicable**

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

**Satisfied**

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

**Not Applicable**

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

**Not Applicable**

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

**Not Applicable**

- m. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

**Not Applicable**

- n. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

**Not Applicable**

**STAFF ANALYSIS**

The Leslie Hotel was constructed in 1937 and designed by Albert Anis in the Art Deco style of architecture. As noted in the Background section of this report, on October 12, 2010, the applicant received HPB approval for the renovation and restoration of the hotel and the introduction of a rooftop pool and deck. The hotel reopened in 2014 and has been in operation for over 10 years.

The applicant is currently requesting to modify several conditions of the 2010 Order relative to the operations of the roof top, more specifically outlined below:

1. The applicant is requesting the deletion of condition C.11.a.ii:  
*No alcoholic beverages of any kind shall be served or consumed on the rooftop at any time.*

Staff has no objection to the elimination of this condition as a Conditional Use Permit is required to be reviewed and approved by the Planning Board for rooftop alcohol service for this property.

2. The applicant is requesting the deletion of condition C.11.a.vi:  
*Special Events, private parties, and similar activities shall not be permitted on the rooftop deck at any time.*

In lieu of eliminating this condition, staff recommends that the condition be modified as follows:

*Special Events, private parties, and similar activities shall not be permitted on the rooftop deck at any time, unless authorized by the Planning Board as part of a Conditional Use Permit.*

3. The applicant is requesting the modification of condition C.11.a.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*

*Monday through Thursday: 7:00 am until 9:00 pm*  
*Friday through Sunday: 7:00 am until 11:00 pm*  
*Holidays: 7:00 am until 2:00 am*

Staff has no objection to the revised hours of operation for the use of the roof deck but would recommend the inclusion of the following language:

*In the event a Conditional Use Permit is granted for the rooftop, the hours of operation as authorized by the Planning Board, shall control.*

Additionally, in anticipation of a Conditional Use Permit application to be reviewed by the Planning Board, staff recommends the following conditions be modified as indicated below:

4. Condition C.11.a.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. In the event a Conditional Use Permit is granted for the rooftop, the occupancy as authorized by the Planning Board shall control.*

5. Condition C.11.a.xiv:

*There shall be no variances or exceptions to any of these roof-top operational conditions, unless reviewed and approved by the Historic Preservation Board or Planning Board, as applicable.*

In summary, staff has no objection to the proposed application with the modifications as outlined by staff and recommends approval as noted below.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the request for modifications to a previously granted Certificate of Appropriateness be **approved**, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria, as applicable.

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

MEETING DATE: September 16, 2025

PROPERTY/FOLIO: 1244 Ocean Drive / 02-3234-008-0380

FILE NO: HPB25-0660 a.k.a. HPB 7069

APPLICANT: Ocean Hotels Investments LLC

IN RE: An application has been filed requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of the 3-story hotel including the construction of a new roof-top pool and pool deck. Specifically, the applicant is requesting to modify several conditions of the final order.

LEGAL: Lot 3 and the south 5 feet of Lot 2, Block 17 of the Ocean Beach Addition No. 2, According to the Plat Thereof, as Recorded in Plat Book 2, Page 56, of the Public Records of Miami-Dade County, Florida.

**CONSOLIDATED ORDER**

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:

**I. Certificate of Appropriateness**

- A. The subject site is located within the Ocean Drive Collins Avenue Park Local Historic 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:
  1. Is consistent with Sea Level Rise and Resiliency Review Criteria in Section 7.1.2.4(a)(1) of the Land Development Regulations.
  2. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(1) of the Land Development Regulations.
  3. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(2) of the Land Development Regulations.
- C. The project would remain consistent with the criteria and requirements of sections 2.13.7(d) and 7.1.2.4(a) of Land Development Regulations 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:
  - 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.

- 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 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.
  - 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.

- ii. ~~No alcoholic beverages of any kind shall be served or consumed on the rooftop at any time.~~ Alcoholic beverage service at the rooftop shall require the review of the Planning Board as part of a Conditional Use Permit.
- 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

Monday through Thursday: 7:00 am until 9:00 pm  
Friday through Sunday: 7:00 am until 11:00 pm  
Holidays: 7:00 am until 2:00 am

In the event a Conditional Use Permit is granted for the rooftop, the hours of operation as authorized by the Planning Board shall control.

- 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. In the event a Conditional Use Permit is granted for the rooftop, the occupancy as authorized by the Planning Board shall control.
- vi. Special Events, private parties, and similar activities shall not be permitted on the rooftop deck, at any time, unless authorized by the Planning Board as part of a Conditional Use Permit.
- 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.
- 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, unless reviewed and approved by the Historic Preservation Board or Planning Board, as applicable.

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.
  - 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 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.~~

In accordance with section 2.2.4.8(c) of the Land Development Regulations the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special magistrate appointed by the City Commission.

## II. Variance(s)

- A. No variances have been applied for as part of this application.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

## III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness approval as same as are contained herein, and in the original Order dated October 12, 2010. Accordingly, this Order shall serve as the Final Order and, in the event of conflict between the provisions hereof and those of the October 12, 2010 Order, the provisions hereof shall control.

- B. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- E. 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 criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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.
- H. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.

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 and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans and documents approved by the Historic Preservation Board on October 12, 2010 and September 16, 2025, as determined by staff.

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 the approval 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 approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of section 2.13.7 of the Land Development Regulations; the granting of any such extension of time shall be at the discretion of the Board. 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 application will expire and become null and void.

In accordance with chapter 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations. Failure to comply with this Order shall subject the application to chapter 2 of the Land Development Regulations, for revocation or modification of the application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

HISTORIC PRESERVATION 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: \_\_\_\_\_

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HPB25-0660 a.k.a. HPB 7069  
Meeting Date: September 16, 2025

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

Filed with the Clerk of the Historic Preservation Board on \_\_\_\_\_ ( )

~~Strike-Thru~~ denotes language deleted by the Board on September 16, 2025  
Underscore denotes language added by the Board on September 16, 2025

DRAFT