

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

DATE: February 3, 2026

TO: Chairperson and Members
Planning Board

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: PB25-0807, **1244 Ocean Drive – Leslie Hotel**.

An application has been filed requesting Conditional Use approval for a Neighborhood Impact Establishment or restaurant located on the top floor of a building, whether fully enclosed, partially open, or open to the sky, including open-air portions above the roof-top, which is located on a property that is within 200 feet of a property containing a residential unit, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2; and Chapter 7, Article V, Section 7.5.5.4 of the Miami Beach Resiliency Code.

RECOMMENDATION

Approval of the conditional use permit with conditions.

BACKGROUND

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 (HPB 7069)

September 16, 2025: The Historic Preservation Board reviewed and approved modifications to the previously approved Certificate of Appropriateness relative to the rooftop pool deck operational conditions (HPB25-0660).

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

persons, and neighborhood values.

Consistent

Staff has included recommended conditions in the draft CUP to mitigate any adverse impacts from noise and other issues on the surrounding neighborhood.

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

There is not a concentration of similar uses within the surrounding neighborhood. Staff does not anticipate an adverse impact on the surrounding area but is recommending conditions in the draft CUP to mitigate any potential adverse impacts.

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 Sea Level Rise and Resiliency Review Criteria section of this report.

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.

Not Applicable

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

The project does not require off-street parking. The rooftop pool and deck is for the exclusive use of hotel guests and their invitees only.

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 rooftop pool and deck is for the exclusive use of hotel guests and their invitees only large groups are not anticipated to gain entry to the roof deck at the same time.

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.
Not Applicable
The rooftop pool and deck is for the exclusive use of hotel guests and their invitees only and is not open to the general public.
6. A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.
Consistent
Sanitation operations will occur from the designated trash and recycling area located on the site as part of the operation of the hotel. Trash collection will take place during regularly scheduled times using the City-approved commercial waste haulers.
7. A noise attenuation plan which addresses how noise would be controlled to meet the requirements of the noise ordinance.
Consistent
No entertainment is proposed for the rooftop; only background level music that does not interfere with normal conversation.
8. Proximity of proposed establishment to residential uses.
Partially Consistent
The subject property is surrounded by commercial uses along the north and south, and multi-family residential is located to the west. Staff is recommending conditions in the draft CUP to ensure that nearby residents are not adversely affected.
9. Cumulative effect of proposed establishment and adjacent pre-existing uses.
Consistent
There are no adjacent NIEs for rooftop alcoholic beverage service at the roof level. Staff does not anticipate an adverse impact on the surrounding area but is recommending conditions in the draft CUP to mitigate any potential adverse impacts.

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. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 in 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 entryways and exits can be modified to accommodate a higher street height of up to 3 additional feet in height.

Not Applicable

7. As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood.

Not Applicable

8. Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to 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 in General Ordinances.

Not Applicable

10. As applicable to all new construction, stormwater 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.

Not Applicable

ANALYSIS

As noted in the Background section of this report, on October 12, 2010, the applicant received Historic Preservation Board approval for the renovation and restoration of the hotel and the introduction of a rooftop pool and deck. As part of the HPB approval, the Board included several operational conditions related to the use of the rooftop deck, including a prohibition on alcoholic beverage service on the rooftop. The hotel reopened in 2014 and has been in operation for over 10 years.

On September 16, 2025, the applicant returned to the HPB to request modifications to the conditions of the order so that an application to the Planning Board could be submitted for rooftop alcoholic beverage service. The HPB approved the requested modifications, and the applicant subsequently filed a Planning Board application for a Neighborhood Impact Establishment pursuant to subsection c. of the definition of an NIE.

Neighborhood Impact Establishment means:

- a. *An alcoholic beverage establishment or restaurant, not also operating as an entertainment establishment or dance hall, with an occupant content of 300 or more persons as determined by the chief fire marshal; or*
- b. *An alcoholic beverage establishment or restaurant, which is also operating as an entertainment establishment or dance hall, with an occupant content of 200 or more persons as determined by the chief fire marshal; or*
- c. *An alcoholic beverage establishment or restaurant located on the top floor of a building, whether fully enclosed, partially open, or open to the sky, including all open-air portions above the roof-top, which is located on a property that is within 200 feet of a property containing a residential unit.*

Additionally, the Consolidated Historic Preservation Board Order (HPB25-0660) is attached to this report for reference.

Operations

The rooftop pool and deck are for the exclusive use of hotel guests and their invitees only and not open to the general public. The applicant is desirous to offer alcoholic beverage service to guests utilizing the rooftop amenities. As outlined in the HPB Order, the maximum permitted occupancy on the roof deck is 50 persons, inclusive of hotel staff, hotel guests and their invitees. Guests at the rooftop are currently able to order food service from the dedicated pool attendant. The food is delivered to the rooftop from an existing dumbwaiter located within the building. As proposed, guests and their invitees will also be able to order alcoholic beverages from the attendant.

The following rooftop operating hours are proposed:

Monday through Thursday: 7:00 a.m. until 9:00 p.m.
Friday through Sunday: 7:00 a.m. until 11:00 p.m.
July 4 and December 31: 7:00 a.m. until 2:00 a.m.

Entertainment and Sound

No entertainment is proposed at the roof level, only ambient background level music that does not interfere with normal conversation. The applicant has an existing rooftop sound system that was installed as part of the 2010 renovations and is governed by several conditions within the HPB Order. Further, a sound study was not required, as no outdoor entertainment is proposed and adverse noise impacts are not expected from the introduction of rooftop alcoholic beverage service.

Parking and Transportation

No parking is provided on-site and, as the rooftop is for the exclusive use of hotel guests and their invitees. As such there are no expected impacts to the transportation network.

Security and Crowd Control

The roof deck is accessed internally from the hotel and is not open to the general public. As such no adverse impacts are anticipated with regard to security and crowd control. Additionally, the pool attendant will oversee the safety and security of the rooftop area.

Deliveries and Sanitation

The hotel and ground level restaurant are currently in operation, and all deliveries and sanitation pickup is coordinated by the hotel. The introduction of alcoholic beverage service at the rooftop should have no impact on the existing operations.

In summary, staff is supportive of the request to introduce alcohol beverage service at the rooftop pool deck for the use of hotel guests and their invitees only. Staff has included several recommended conditions in the draft CUP to mitigate any potential adverse impacts and recommends approval of the application as noted below.

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: February 3, 2026

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

FILE NO: PB25-0807

APPLICANT: Ocean Hotels Investments LLC

IN RE: An application has been filed requesting Conditional Use approval for a Neighborhood Impact Establishment or restaurant located on the top floor of a building, whether fully enclosed, partially open, or open to the sky, including open-air portions above the roof-top, which is located on a property that is within 200 feet of a property containing a residential unit, pursuant to Chapter 1, Article II, Section 1.2.2.4; Chapter 2, Article V, Section 2.5.2; and Chapter 7, Article V, Section 7.5.5.4 of the Miami Beach Resiliency Code.

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.

CONDITIONAL USE PERMIT

The applicant is requesting a Conditional Use Permit for the operation of a Neighborhood Impact Establishment consisting of a rooftop alcoholic beverage establishment. 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 staff recommendations, as may have been modified by the Planning Board, that a Conditional Use Permit as requested and set forth above, be GRANTED subject to the following conditions to which the applicant has agreed.

1. This Conditional Use Permit is issued to Ocean Hotels Investments LLC, as the owner and operator of the hotel. 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.
2. The applicant shall be required to provide a letter to the Planning Department subsequent to the initial progress report and on an annual basis thereafter attesting to the applicant's compliance with all conditions of the CUP. The Planning Director shall include a copy of all such letters on the next available meeting agenda of the Planning Board for informational purposes. Following receipt of an applicant's annual letter, the Planning Board may elect to schedule a progress report before the Board at its next available meeting. Failure to provide such letter on an annual basis shall constitute a violation of the CUP and a progress report shall be scheduled. In addition to all enforcement provisions herein, the Board reserves the right to schedule a modification / revocation hearing if determined necessary when reviewing any annual progress report.
3. The Applicant agrees to the following operational conditions for all permitted and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment:
 - A. The project authorized by this Conditional Use Permit includes the creation and operation of a rooftop alcoholic beverage establishment, which is located on a property that is within 200 feet of a property containing a residential unit.
 - B. The rooftop shall not be open to the public and is for the exclusive use of hotel guests and their invitees only.
 - C. The hours of operations shall be limited as follows:

Monday through Thursday:	7:00 a.m. until 9:00 p.m.
Friday through Sunday:	7:00 a.m. until 11:00 p.m.
July 4 and December 31:	7:00 a.m. until 2:00 a.m.
 - D. The operator shall designate a contact person to be available by telephone on a 24-hour basis. The telephone number of the contact shall be provided to neighboring residents.
 - E. Entertainment is not permitted.
 - F. 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.

- G. No bar, service or other type of counter, whether permanent or temporary, shall be placed on the roof at any time.
 - H. Only ambient background music played at a volume that does not interfere with normal conversation may be permitted in the outdoor/rooftop/open air areas and shall be subject to the following conditions:
 - i. The outdoor speaker system shall require the deployment of multiple small, closely spaced speakers, driven at low individual volumes. Subwoofers shall be prohibited anywhere on the exterior of the premises. The system design shall physically distribute sound uniformly within the listening area.
 - ii. All outdoor speakers shall be oriented in such a way as to minimize sound propagation towards abutting properties.
 - iii. Only the outdoor speakers approved as part of the house sound system shall be used.
 - iv. Televisions shall not be located anywhere in the exterior areas of the property.
 - I. Queuing shall be prohibited in the right of way at all times.
 - J. Delivery trucks shall not be allowed to idle in the loading zone area.
 - K. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
 - L. 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. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use. Garbage dumpster covers shall be closed at all times except when in active use.
 - M. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
4. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 90 days from the issuance of the BTR. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under Section 2.5.2.5 of the Resiliency Code.
 5. The applicant shall be required to provide a letter to the Planning Department subsequent to the initial progress report and on an annual basis thereafter attesting to the applicant's compliance with all conditions of the CUP. The Planning Director shall include a copy of all such letters on the next available meeting agenda of the Planning Board for informational purposes. Following receipt of an applicant's annual letter, the Planning Board may elect to schedule a progress report

before the Board at its next available meeting. Failure to provide such letter on an annual basis shall constitute a violation of the CUP and a progress report shall be scheduled. In addition to all enforcement provisions herein, the Board reserves the right to schedule a modification / revocation hearing if determined necessary when reviewing any annual progress report.

6. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
7. 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.
8. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
9. The applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as determined by the Transportation/Concurrency Management Division, prior to obtaining a Certificate of Occupancy or Business Tax Receipt, whichever may occur first, and any other fair share cost that may be due and owing. Without exception, all concurrency fees, mitigation fees and concurrency administrative costs shall be paid prior to the issuance of a Certificate of Occupancy or Business Tax Receipt.
10. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of an occupational license to operate this entertainment establishment.
11. 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 noise. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.
12. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in Section 2.5.2.5 of the Land Development Regulations (LDRs) of the City of Miami Beach, Florida, entitled "Compliance with conditions; revocation or modification".
13. The applicant agrees and shall be required to provide access to areas subject to this CUP (not including private residences) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the terms and conditions of this CUP.
14. 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.

15. The executed Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.

16. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 1.3.7 of the Land Development Regulations, entitled "ENFORCEMENT", and such enforcement procedures as are otherwise available. Any failure by the owner, applicant or operators to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use permit.

17. 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 _____ ())