

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

DATE: April 7, 2026

TO: Chairperson and Members
Planning Board

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: PB26-0822 a.k.a. PB22-0495 a.k.a. PB 1734, **1801 Collins Avenue – Shelborne Hotel**.

Standard progress report as required by the CUP.

RECOMMENDATION

Hear testimony from the applicant and the public and conclude the progress report.

BACKGROUND

- September 27, 2005 The Planning Board approved a Conditional Use Permit to operate a Neighborhood Impact Establishment (NIE), at the lobby level of the hotel in the space previously used by a ballroom, and other bars/lounges in the surrounding area.
- September 28, 2010 The applicant was granted a modification to a Conditional Use Permit for an existing NIE in order to renovate and improve accessory uses including, nightclub space with dancing and entertainment; Brasserie restaurant with entertainment; Lounge Bar with entertainment; a Café and Outdoor Café restaurant without dancing and entertainment; Lobby Bar and Restaurant without dancing and entertainment; and a Pool Bar and Outdoor Cafe without dancing and entertainment.
- August 28, 2012 The applicant was granted a Modification to a Conditional Use Permit in order to include an additional entertainment venue located in the basement of the hotel, with a separate entrance, and permit daytime weekend and holiday public events featuring entertainment on the pool deck, and to modify conditions relative to the request.
- August 27, 2013 The Planning Board approved a modification to the CUP in order to change the name of the ownership and management.
- July 26, 2022 The applicant was granted a Modification to a Conditional Use Permit in order to change the name of the ownership and management and to renovate and improve accessory uses, including the introduction of entertainment to the lobby lounge and bar (PB22-0495).

STAFF ANALYSIS

On July 26, 2022, the Planning Board approved modifications to the previously granted Conditional Use Permit (CUP) as part of the renovation and restoration of the Shelborne Hotel. Condition 1 of the CUP requires that the applicant appear before the Planning Board for a progress report within 90 days from the issuance of the Business Tax Receipt (BTR) for any of the uses on site. Additionally, staff would note that on August 19, 2026, staff performed a site inspection with regard to the operations of the hotel sound system, as required by Condition 19 of the CUP. Subsequently, on October 8, 2025, a BTR was issued for the hotel.

As part of the progress report review, the Board is advised of any complaints that have been received and any violations that have been issued by the Code Compliance Department regarding the operation of the venue. At the time of the writing of this report, no complaints have been received, and no violations have been issued to the property since the hotel has reopened. Accordingly, staff recommends that the progress report be concluded.

STAFF RECOMMENDATION

Staff recommends that the Board hear testimony from the applicant and the public and conclude the progress report.

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

PROPERTY: 1801 Collins Avenue
Shelborne Hotel

FILE NO. PB22-0495 a.k.a. PB File No. 1734

IN RE: The Application by Shelborne Property Associates, LLC, requesting a modification to a Conditional Use Permit, pursuant to Chapter 118, Article IV of the Miami Beach City Code, in order to change the name of the ownership and management.

LEGAL DESCRIPTION: THAT CERTAIN PARCEL OF LAND BOUNDED ON THE WEST BY THE WEST LINE OF LOTS 13 AND 14, AND ON THE NORTH BY THE NORTH LINE OF LOTS 13 AND 2 AND ITS EASTERLY EXTENSION, AND ON THE SOUTH BY THE SOUTH LINE OF LOTS 14 AND 1 AND ITS EASTERLY EXTENSION, OF BLOCK 1, "FISHER'S FIRST SUBDIVISION OF ALTON BEACH" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 77 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND ON THE EAST BY THE EROSION CONTROL LINE AS DEPICTED IN PLAT BOOK 134, PAGE 47 OF SAID PUBLIC RECORDS.

MEETING DATE: ~~August 27, 2013~~ July 26, 2022

MODIFIED CONDITIONAL USE PERMIT

The applicant Shelborne Property Associates, LLC, filed an application with the Planning Director for a modification to a Conditional Use Permit, pursuant to Chapter 118, Article IV of the Miami Beach City Code, in order to change the name of the ownership and management.

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 record for this matter:

That the property in question is located in the RM-3, Residential multifamily high intensity 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;



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

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

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

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendation, that a Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions to which the applicant has agreed:

1. The Planning Board shall maintain jurisdiction of this Modified Conditional Use Permit. The applicant shall come back to the Board within 90 days of the new date of approval of the Modified Certificate of Use/Business Tax Receipt, and provide a progress report. 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 City Code Sec. 118-194 (c).
2. This Modified Conditional Use Permit is issued to ~~Shelborne Property Associates, LLC, Wyndham Hotel Management, Inc., and 1801 Collins Club #1, LLC~~ Shelborne Hotel Partners WC LP, collectively, as operator of this Neighborhood Impact Establishment. Any change of ~~operator or ownership~~ shall require review and approval by the Planning Board as a modification to this Modified Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board, in advance, to affirm their understanding of the conditions listed herein. operator or 50% (fifty percent) or more stock ownership shall require the new operator or owner to submit an affidavit, approved by City, to the City of Miami Beach Planning Department, transferring approval to the new operator or owner and acknowledging acceptance of all conditions established herein prior to the issuance of a new Certificate of Use/Business Tax Receipt. A progress report shall be scheduled within 60 days followed by the submission and acceptance of the affidavit.
3. The conditions of approval for this Modified Conditional Use Permit are binding on the applicant, the property's owners, and all successors in interest and assigns.
4. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application for a Neighborhood Impact Establishment Modified Conditional Use Permit.
5. ~~The Final Order for File No. 7074 issued by the Historic Preservation Board on May 11, 2010 is hereby adopted and incorporated into this order by reference.~~
6. ~~The Final Order for File No. 3470 issued by the Board of Adjustment on August 6, 2010 is hereby adopted and incorporated into this order by reference.~~

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7. The applicant shall provide staff documents verifying the service of a valet operator holding the contract and the locations where vehicles will be stored. These documents shall be submitted to staff prior to the approval of a Building Permit or Modified Certificate of Use/Business Tax Receipt, whichever occurs first.
8. The hours of operation shall be as proposed by the applicant:
 - a. The Signature Restaurant Brasserie restaurant, aka ~~Vespers~~, from ~~5:00 PM~~ 6:00 AM until 5:00 AM. Entertainment shall be permitted.
 - b. The Lounge from ~~5:00 PM~~ 6:00 AM until 5:00 AM
 - c. The Lobby Bar/Restaurant from 6:00 AM until 5:00 AM; however, entertainment shall only be permitted between 12:00 noon and 5:00 AM.
 - ~~d. The Event Space (Alternative Nightclub Space) from 10:00 PM until 5:00 AM, when operating as a nightclub~~
 - ~~ed.~~ The ~~Café, aka Vespers,~~ Quick Service Café, from 6:00 AM until ~~2:00 AM~~ 5:00 AM.
 - ~~fe.~~ The Outdoor Café, from 6:00 AM until ~~11:00 PM~~ 2:00 AM. The hours may be extended until 5:00 AM for breakfast only.
 - ~~g. The Taquoria from 11:00 AM until 11:00 PM~~
 - ~~hf.~~ The Basement Nightclub, from 8:00 PM to 5:00 AM. Entertainment shall be permitted.
 - ~~ig.~~ The pool deck area and rear yard area, including the Pool Café, mezzanine terrace from 6:00 AM until 11:00 PM, except during City-approved Special Events or private functions when the hours may be determined by the event/function, but no later than 2:00 AM. Entertainment shall be permitted as described in condition 9.
 - ~~h.~~ The mezzanine Sky Terrace from 6:00 AM to 11:00 PM, during City-approved special events or private functions when the hours may be determined by the event/function, but not later than 2:00 AM. Entertainment shall only be during City-approved special events or private functions but shall cease by 11:00 PM and commence no earlier than 10:30 AM.
9. The pool deck and mezzanine Sky Terrace areas, shall be generally limited to the use of hotel guests and/or the guests of private functions, with the following exceptions:
 - a. Patrons of the ~~Brasserie, Café, and Outdoor Café~~ Signature Restaurant shall be allowed access to the pool deck and Sky Terrace mezzanine from 11:00 AM to ~~7:00 PM~~ 11:00 PM, with music played at ambient background level only, except for weekends and holidays.

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- b. The pool deck shall be open for public events on Fridays, weekends, holidays, and during City's special event periods. On these permitted dates, the pool deck shall be open to the public from 10:30 AM to 7:00 PM between December 1 and April 30, and from 10:30 AM to 8:00 PM during the remainder of the year.
 - c. During these events entertainment on the pool deck shall be permitted.
 - d. All music shall be played through the hotel's audio system and no portable speakers or third party speakers shall be allowed.
 - e. Only the hotel manager or his/her designee shall have sole control over sound levels.
 - f. Food for the weekend/holiday events shall be served by the wait staff of the Taqueria Signature Restaurant and the public shall have access to the bar within the Outdoor Café, as well as a temporary bar located on the southern end of the pool deck area.
 - g. Queuing for the events shall occur within the hotel lobby. No queuing shall be permitted on the public right of way.
 - h. The hotel shall be the sole operator of the events.
 - i. The maximum occupant content of the pool deck area during these events shall be limited to 371 persons, or as determined by the Fire Marshall, whichever is lower.
 - j. Security personnel shall use counters to ensure maximum allowed occupant content is not exceeded.
 - k. The general public shall be permitted on the pool deck during City-approved special events.
 - l. The occupant content for City-approved special events on the pool deck shall be as determined by the Fire Marshall.
10. ~~The lobby bar/restaurant shall be restricted to an occupant content of no more than 79 persons as proposed by the applicant, and the music shall be played as background only, at a level that does not interfere with normal conversation. The occupant load for the Event Space/Nightclub Space and all other venues serving alcohol, including the pool deck and mezzanine terrace Sky Terrace shall~~ The combined occupant content of the Ground Floor venues authorized under this CUP, including but not limited to the Lobby Bar/Restaurant, Rear Yard Area, Signature Restaurant, and Lounge, shall be limited to a maximum of 1,072 persons as identified in the submitted plans, or such lesser number as may be as determined by the Fire Marshall, except that the occupant content for the public events on the pool deck shall be limited as further provided in this Order. The Fire Department staff shall make a final inspection of the pool deck venue premises to validate the patron occupant load, prior to the approval of a Certificate of Occupancy or Modified Certificate of Use/Business Tax Receipt for the pool deck venue.

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11. The occupant content of the Basement Nightclub shall be limited to a maximum of 150 persons.
12. The combined occupant content of Mezzanine Level venues authorized under this CUP, including but not limited to, Sundeck/Sky Terrace, shall be limited to 225 persons as identified in the submitted plans, or such lesser number as may be as determined by the Fire Marshall.
13. Security measures shall be taken to ensure that members of the public do not access the mezzanine terrace and pool deck areas, except as allowed under the terms of this Modified Conditional Use Permit. A detailed security plan for that purpose shall be submitted to staff for review and approval before a Modified Certificate of Use/Business Tax Receipt is issued.
14. Hotel security personnel shall take measures to enforce the Patron Age Restriction of the City Code during the hours of operation of all the alcoholic beverage venues.
15. As per The Audio Bug's report recommendations, the sound system, including but not limited to the system for the Lobby Bar, shall be carefully monitored and controlled by its integrated digital processor and shall only be allowed to be changed when the DJ connects the DJ's signal sources to the existing sound system. No additional speakers shall be permitted in order to maintain the balance of sound distribution. Any higher music levels shall be adjusted under the supervision of a qualified acoustical consultant. The time periods during which these events take place shall be programmed into the digital processor so that system levels are automatic. No later than 3 months after implementation, these recommendations shall be verified by a qualified acoustical consultant and a written report shall be submitted to staff for review and approval.
16. The installation plan for the sound system, including the location of all the speakers and sound system controls, shall be submitted to staff for review and approval prior to obtaining a building permit.
17. When the sound system is completely installed, but before the Modified Business Tax Receipt or Certificate of Use has been issued, it shall be tested under the supervision of a staff approved acoustic professional to ensure that all aspects of the system's performance comply with the design intent and recommendations of the sound system study submitted as part of this application. A final report issued by the acoustic professional shall be submitted to staff.
18. The Applicant shall install an automatic noise level limiter calibrated based on a noise survey of the property and surrounding area to ensure that noise levels from the Lobby Bar do not impact adjacent properties. The device shall ensure that sound from the Lobby Bar is not plainly audible west of Collins Avenue.
19. When the sound system is completely installed, but before the issuance of a certificate of use for entertainment in the Lobby Bar, a field visit with the applicants and Planning Department staff shall be required to verify the sound system operations.
20. During the proposed events at the pool deck or more active periods, the hotel shall add additional security staff, as well as additional hotel managers, to meet the needs of that particular event.

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Security staff shall be placed at access points - the main lobby entrance, the entrance to the Café and Brasserie along 18th Street, and the beach access.

21. The applicant may apply for City approved special events pursuant to Section 12-5 of the City Code, including having live music, and entertainment as defined in the City Code, and shall adhere to the conditions stated herein with regard to these special event permits. In these cases, the applicant shall notify the neighboring homeowners, condominiums or neighborhood associations in writing in accordance with applicable City special events approval requirements. The following shall apply to City approved special events:
 - a. Occupant load to be determined by the Fire Marshal/Building Official for Special Events.
 - b. Entertainment, including live music, concerts and the like may be permitted according to the restrictions imposed by the Special Event Permit approval.
19. The applicant may hold hotel events and functions incidental and customarily associated with a hotel such as, but not limited to, weddings, receptions, and private cocktail parties for hotel guests or clients, not open to the public. The following shall apply to those events and functions in the outdoor areas.
 - a. Only the hotel sound system shall be used.
 - b. Hours of operation to be determined by the event/function, but not later than 2:00 a.m.
 - c. Access to the pool deck shall be closed to the general public. Guests of the event/function shall access the venue only through the hotel lobby, and access shall be monitored by hotel security.
20. 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, that may be issued during either **City-approved special events or private events/functions** or at any other time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, Code of the City of Miami Beach, Florida.
21. In the event there is an admission charge, queuing shall only be inside in the hotel lobby and a plan shall be presented to staff for review and approval. Any queuing in the public right-of-way shall be strictly prohibited.
22. There shall be at least 10 additional security personnel on duty on weekends and during Special Events, private events/functions and pool events open to the public.
23. All "wet T-shirt," "thong" or "bikini" events shall be prohibited.
24. All performances shall be limited to the interior of the establishments except for entertainment associated with public pool deck events or City-approved Special Events; only speakers playing ambient music, subject to the Audio Bug recommendations in the sound study submitted with this

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- application, shall be permitted outdoors; except as permitted during a public pool deck event or City-approved Special Event, all outdoor music shall be ambient background music.
25. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
26. A final certificate of completion or certificate of occupancy, whichever may apply including an occupant load certificate for the entire combined space, shall be obtained before an application is made for a Modified Certificate of Use/Business Tax Receipt.
27. The Planning Board shall retain the right to call the operators back before them and modify the hours of operation should there be complaints about noise. Violation of the Miami-Dade County Code Section 21-28 (a/k/a "noise ordinance") shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in Sec. 118-194 of the City Code.
22. ~~The applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), as determined by the Transportation Concurrency section.~~ The applicant shall address the following Transportation, Mobility, Concurrency and Parking requirements, as applicable:
- a. The applicant shall pay all impact, mobility, and concurrency fees due prior to obtaining a Building Permit, Certificate of Occupancy, or Business Tax Receipt, whichever may occur first, and any other fair share cost that may be due and owing.
 - b. The applicant shall coordinate with the Transportation Department to develop an acceptable Transportation Demand Management (TDM) Plan, prior to the issuance of a building permit. The TDM Plan shall at a minimum consider providing bicycles for hotel guests, incorporating bicycle parking, providing public transportation information to guests and on the property, and providing subsidized transit passes for employees.
 - c. The applicant shall provide a minimum of ten (10) bicycle racks on the property.
 - d. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs, if required, shall be paid prior to the issuance of any Building Permit.
29. The applicant shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalk and the areas of the street adjacent to the property. When sweeping the sidewalks, the personnel doing the sweeping shall ensure that they do not merely push the refuse in front of another building, but pick up all trash and dispose of it appropriately. In addition, at the end of business each day sidewalks shall be swept and hosed down.
30. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Modified Certificate of Use/Business Tax Receipt to operate this entertainment establishment.
31. 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

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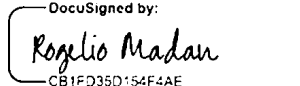
reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

- 32. The executed Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant, and returned to the Planning Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
- 33. The establishment and operation of this Modified Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
- 34. 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.
- 35. 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.

8/16/2022 | 4:51 PM EDT

Dated _____

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:

 BY: _____
 Rogelio A. Madan, AICP
 Chief of Community Planning and Sustainability
 for Chairman

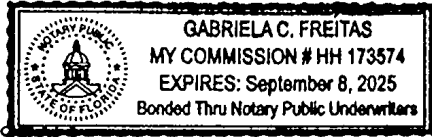
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 16th day of August, 2022, by Rogelio A. Madan, Chief of Community Planning and Sustainability for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to

DS
RM

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me.



[NOTARIAL SEAL]

Gabriela C. Freitas

Notary:
Print Name: *Gabriela C. Freitas*
Notary Public, State of Florida
My Commission Expires: *Sept. 8, 2025*
Commission Number: *HH 173574*

Approved As To Form:
Legal Department

DocuSigned by:
[Signature]
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(8/16/2022 | 4:47 PM EDT

Filed with the Clerk of the Planning Board on

DocuSigned by:
Jessica Gonzalez
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(8/16/2022 | 4:57 PM EDT