

# 03.09.2020 HPB CAP FINAL SUBMITTAL VOODOO RESTAURANT & LOUNGE

928 OCEAN DRIVE  
MIAMI BEACH, FL 33139  
BUILT: 1994

## APPLICATION SCOPE OF WORK:

---

- This is a Certificate of Appropriateness Application to add restrooms to the existing Rooftop. The new restrooms will add 198 SF and are within the allowable F.A.R. The new restrooms will not be visible from Ocean Drive, the adjacent neighboring buildings or from Ocean Court (rear alley).
- The Application also includes replacement of the old storefront windows/doors of the adjacent retail space to the North, in order to match the more recently renovated partial storefront, formerly approved under HPB Order #17-0171.

## PACKAGE INDEX

---

BOARD APPLICATION CHECKLIST	2-4
BUSINESS TAX RECEIPT	4
SURVEY	5
ZONING & LOCATION INFORMATION	6
FAR + GROSS AREA DIAGRAM	7
EXISTING SITE CONTEXT & ESTABLISHMENT PHOTOS	8-12
EXISTING CONDITION DRAWINGS	13-18
PROPOSED DRAWINGS	19-23
PROPOSED RENDERINGS	24-27
PREVIOUS RECORDED BOARD ORDERS	28-34

# Application Checklist

MIAMI BEACH

PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: www.miamibeachfl.gov/planning

LAST UPDATED: 10/09/18

Board Application Checklist

Page 2 of 5

Property address: 928 Ocean Dr Board: HPB Date: 11/14/2019

## BOARD APPLICATION CHECKLIST

A Pre-Application meeting must be scheduled via CAP to obtain a plan case number and for board staff review of all submittals.
Pre-Application meetings for applications that do not require a traffic study are scheduled on a first come-first served basis and must occur no later than five (5) business days prior to CAP First submittal.
Applications requiring a traffic study must meet with the Transportation Department and peer reviewer thirty (30) calendar days prior to the CAP First Submittal deadline to determine the methodology for the traffic impact study and obtain the Transportation Department's checklist. Fifteen (15) days prior to the First submittal the applicant must submit the traffic study via CAP. Seven (7) days prior to First submittal the Transportation Department/Peer Reviewer will provide first round of comments to the applicant. The applicant must address the comments and submit revised traffic study/plans by the CAP First Submittal deadline including a narrative responding to Transportation/Peer Reviewer comments.
<b>Incomplete, or submittals found to be insufficient will not be placed on a Board agenda.</b>

Property address: 928 Ocean Dr Board: HPB Date: 11/14/2019

ITEM #	ITEM DESCRIPTION	REQUIRED
<b>CAP FIRST SUBMITTAL</b>		
<b>To be uploaded online (CAP) by the applicant before 12:00 pm by First submittal deadline. ALL PLANS MUST BE DIMENSIONED AND LEGIBLE. INCLUDE A GRAPHIC SCALE.</b>		
1	Application Fee and Peer review fees shall be paid after Pre-Application meeting and before the First submittal. It is the applicant's responsibility to make this payment, if an invoice is not generated by the CAP system, the applicant should contact staff prior to first submittal to be invoiced and make payment.	✓
a	Is the property the primary residence & homestead of the applicant/property owner? (If yes, provide office of the Property Appraiser Summary Report).	
2	Copy of signed and dated check list issued at Pre-Application meeting.	✓
3	Completed Board Application, Affidavits & Disclosures of Interest (original signatures).	✓
4	Signed and dated Letter of Intent. <b>Letter must outline application details and identify hardships if Variances are requested.</b> (see also Items # 42,43 and 44).	✓
5	Mailing Labels: Upload property owner's list and copy of original certified letter from provider. See #52 for submittal of Hard copy / originals of these items.	✓
6	Copies of all current or previously active Business Tax Receipts.	✓
7	School Concurrency Application for projects with a net increase in residential units (no SFH). Provide Planning Department - Miami Dade - School Concurrency Application for Transmittal	
8	Survey: Electronic version of original signed & sealed, dated no more than six months from date of application. Survey must provide: lot area, grade per Section 114-1 of the City Code. (If no sidewalk exists, provide the elevation of the crown of the road) and spot elevations.	✓
9	<b>Architectural Plans and Exhibits (must be 11"x 17")</b>	
a	Cover Sheet with bullet point scope of work, clearly labeled "First Submittal" and dated with First Submittal deadline date. <b>Include copies of previous recorded board orders, if applicable.</b>	✓

*[Handwritten mark]*

ITEM #	ITEM DESCRIPTION	REQUIRED
b	Copy of the original survey included in plan package. See No. 8 above for survey requirements	✓
c	All Applicable Zoning Information (Use Planning Department zoning data sheet format).	✓
d	Context Location Plan, Min 8.5"x11" Color Aerial 1/2 mile radius, identifying project and showing name of streets. (no Google images)	✓
e	Full legal description of the property if not included in survey (for lengthy legal descriptions, attach as a separate document - label clearly).	✓
f	Existing FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable	✓
g	Proposed FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable.	✓
h	Site Plan (fully dimensioned with setbacks, existing and proposed, including adjacent right-of-way widths).	✓
i	Current color photographs, dated, Min 4"x 6" of project site and existing structures (no Google images)	✓
j	Current, color photographs, dated, Min 4"x6" of interior space (no Google images)	✓
k	Current color photographs, dated, Min 4"x 6" of context, corner to corner, across the street and surrounding properties with a key directional plan (no Google images)	✓
l	Existing Conditions Drawings (Floor Plans & Elevations with dimensions). Number of seats, furniture layout if applicable	✓
m	Demolition Plans (Floor Plans & Elevations with dimensions)	
n	Proposed Floor Plans and Roof Plan, including mechanical equipment plan and section marks. Plans shall indicate location of all property lines and setbacks.	✓
o	Proposed Elevations, materials & finishes noted (showing grade, base flood elevation, heights in NGVD values and free board if applicable)	✓
p	Proposed Section Drawings	✓
q	Color Renderings (elevations and three dimensional perspective drawings).	✓
10	<b>Landscape Plans and Exhibits (must be 11"x 17")</b>	
a	Landscape Plan - street and onsite - identifying existing, proposed landscape material, lighting, irrigation, raised curbs, tree survey and tree disposition plan, as well as underground and overhead utilities when street trees are required.	
b	Hardscape Plan, i.e. paving materials, pattern, etc.	
11	Copy of original Building Permit Card, & Microfilm, if available.	
12	Copy of previously approved building permits (provide building permit number) and/or Board Orders.	
13	Existing and Proposed detailed topographic survey depicting existing spot grades (NAVD) as well as all underground/overhead utilities and easements/agreements with recording data. See Part 1 / Section 1 / A. Surveying & Mapping Standards and submittal Requirements of the Public Works Manual. <a href="http://www.miamibeachfl.gov/publicworks/engineering/engineeringmanual.aspx?id=12920">http://www.miamibeachfl.gov/publicworks/engineering/engineeringmanual.aspx?id=12920</a>	
14	Vacant/Unoccupied structures or sites shall provide recent photographic evidence that the site and structure are secured and maintained. The applicant shall obtain and post a No Trespassing Sign from the City's Police Dept.	

*[Handwritten mark]*

# Application Checklist cont'd

Property address: 928 Ocean Dr Board: HPB Date: 11/14/2019

ITEM #	ITEM DESCRIPTION	REQUIRED
15	Historic Resources Report (This report shall include, but not be limited to, copy of the original Building Permit Card and subsequent modifications, Microfilm records, existing condition analysis, photographic and written description of the history and evolution of the original building on the site, all available historic data including original plans, historic photographs and permit history of the structure and any other related information on the property.	
16	Contextual Elevation Line Drawings, corner to corner, across the street and surrounding properties (dated).	
17	Line of Sight studies.	
18	Structural Analysis of existing building including methodology for shoring and bracing.	
19	Proposed exterior and interior lighting plan, including photometric calculations.	
20	Exploded Axonometric Diagram (showing second floor in relationship to first floor).	
21	Neighborhood Context Study. (Planning will provide guidance if necessary for application.)	
22	Required yards open space calculations and shaded diagrams.	
23	Required yards section drawings.	
24	Variance and/or Waiver Diagram	
25	Schematic signage program	
26	Detailed sign(s) with dimensions and elevation drawings showing exact location.	
27	Elevation drawings showing area of building façade for sign calculation (Building ID signs).	
28	Daytime and nighttime renderings for illuminated signs.	
29	Floor Plan Indicating area where alcoholic beverages will be displayed.	
30	Survey showing width of the canal (Dimension shall be certified by a surveyor)	
31	Site Plan showing total projection of structures from seawall, location and dimension of all structures inclusive of dock, mooring piles, boat lift, etc.	
32	DERM recommendation/preliminary approval. Docks or any structures shall have approval stamp from DERM or other regulatory agency before submitting for a variance. A letter from DERM or other agency, explaining specific requirements for the project is recommended.	
33	Technical specifications of the boat lift and/ or boat, ship of vessel to be docked or moored.	
34	Survey shall include spot elevations in rear yard and elevation points on the dune adjacent to the property. Provide highest elevation point on the due within the property. Erosion control line and Bulkhead line shall be indicated if present.	
35	Scaled, signed, sealed and dated specific purpose survey (Alcohol License/Distance Separation) distance shown on survey with a straight line.	
36	Proposed Operational Plan: Include deliveries and trash pickup times, hours of operations, number of employees, security and restaurant menu (if applicable).	
37	Maneuvering plan for loading within the existing/proposed conditions, delivery and garbage trucks size (length and width).	
38	Traffic Study, Site plan(s) : Revised version and narrative addressing first round of comments from Transportation Department and peer review, provide a narrative. (See Transportation Department check list for requirements.)	
39	Sound Study report (Hard copy) with 1 CD.	
<b>40</b>	<b>Site Plan (Identify streets and alleys)</b>	
a	Identify: setbacks _____ Height _____ Drive aisle widths _____ Streets and sidewalks widths _____	

Property address: 928 Ocean Dr Board: HPB Date: 11/14/2019

ITEM #	ITEM DESCRIPTION	REQUIRED
b	# parking spaces & dimensions _____ Loading spaces locations & dimensions _____	
c	# of bicycle parking spaces _____	
d	Interior and loading area location & dimensions _____	
e	Street level trash room location and dimensions _____	
f	Delivery route _____ Sanitation operation _____ Valet drop-off & pick-up _____ Valet route in and out _____	
g	Valet route to and from _____ auto-turn analysis for delivery and sanitation vehicles _____	
h	Indicate any backflow preventer and FPL vault if applicable	
i	Indicate location of the area included in the application if applicable	
j	Preliminary on-street loading plan	
<b>41</b>	<b>Floor Plan (dimensioned)</b>	
a	Total floor area	
b	Identify # seats indoors _____ outdoors _____ seating in public right of way _____ Total _____	
c	Occupancy load indoors and outdoors per venue _____ Total when applicable _____	
<b>42</b>	<b>The letter of Intent shall include and respond to all sea level rise and resiliency review criteria per section 133-50 of the City Code.</b>	
<b>43</b>	<b>The Letter of Intent for Variances shall include and respond to all review guidelines in the code as follows:</b>	
a	Section 118-53 (d) of the City Code for each Variance.	
<b>44</b>	<b>The Letter of Intent for Planning Board shall include and respond to all review guidelines in the code as follows:</b>	
a	For Conditional Use -Section 118-192 (a)(1)-(7)	
b	CU - NIE and or outdoor Entertainment Establishments - Section 142-1362 (a)(1)-(9)	
c	CU - Mechanical Parking - Section 130-38 (3)(c)(i)(1)-(2) & (4)(a)-(k)	
d	CU - Structures over 50,000 SQ.FT. - Section 118-192 (b) (1)-(11)	
e	CU - Religious Institutions - Section 118-192 (c) (1)-(11)	
f	For Lot Splits - Section 118-321 (B) (1)-(6). Also see application instructions	
	<b>Notes: The applicant is responsible for checking above referenced sections of the Code. If not applicable write N/A</b>	
Other		
Other		
Other		

**\*\*ADDITIONAL INFORMATION AS MAY BE REQUIRED AT THE PRE-APPLICATION MEETING**

# Application Checklist cont'd

Board Application Checklist

Page 5 of 5

Property address: 928 Ocean Dr Board: HPB Date: 11/14/2019

ITEM #	ITEM DESCRIPTION	REQUIRED
<b>FINAL SUBMITTAL (CAP &amp; PAPER)</b>		
Plans should be clearly labeled "Final Submittal" and dated with Final Submittal deadline date. Final Submittal Documents must be uploaded to the CAP and hard copies must be submitted to the Planning Department prior to 12:00 P.M. on final submittal deadline. Staff will review and issue a notice to proceed or to continue submittal to a future meeting if the application is found incomplete.		
45	Traffic Study, Site plan(s): This is the final traffic study including any modifications required to address comments from the City's Transportation Department. City's required permit by FDOT should be obtained prior to Final submittal (via CAP).	
<b>PAPER FINAL SUBMITTAL:</b>		
46	Original application with all signed and notarized applicable affidavits and disclosures.	✓
47	Original of all applicable items.	✓
48	One (1) signed and sealed 11"X17" bound, collated set of all the required documents.	✓
49	14 collated copies of all required documents	✓
50	One (1) CD/DVD with electronic copy of entire final application package (plans, application, Letter of Intent, traffic/sound study, etc.) see CD/DVD formatting attached, for instructions.	✓
51	Traffic Study (Hard copy)	
52	Mailing Labels -2 sets of gummed labels and a CD including: Property owner's list and Original certified letter from provider.	✓

### ADDITIONAL INFORMATION AND ACKNOWLEDGEMENTS

- A. Other information/documentation required for First submittal will be identified during Pre-Application meeting but may be modified based on further analysis.
- B. It is the responsibility of the applicant to confirm that documents submitted via CAP, Paper Submittal sets (14 copies), and electronic version on CD are consistent with each other and legible.
- C. Plan revisions and supplemental documentation will not be accepted after the Final Submittal deadline
- D. All documents required for Board applications must be submitted in an electronic format (PDF) via CD in the manner prescribed herein. The CD is considered the "Formal Submission", and must include the electronic version of all hard copy documents associated with the application. A new Updated CD will be required if any modifications are made before or after hearing. Failure to comply with the aforementioned may result in a rehearing before the applicable board at the applicant's expense.
- E. Please note that the applicant will be required to submit revised plans pursuant to applicable Board Conditions no later than 60 days after Board Approval. (If applicable)

Linda Feinberg

Applicant or Designee's Name

  
Applicant or Designee's Signature

11/14/2019

Date



# Business Tax Receipt

## CITY OF MIAMI BEACH CERTIFICATE OF USE, ANNUAL FIRE FEE, AND BUSINESS TAX RECEIPT

1700 Convention Center Drive  
Miami Beach, Florida 33139-1819

TRADE NAME: DECOWALK HOTEL & GOLF CLUB, LLC DBA VOODOO ROC LICENSE NUMBER: BTR000281-05-2016  
 DBA: VOODOO ROOFTOP LOUNGE & HOOKAH Beginning: 10/25/2019  
 IN CARE OF: DECOWALK HOTEL & GOLF CLUB, LLC DBA VOODOO ROC Expires: 09/30/2020  
 ADDRESS: 928 Ocean Dr Parcel No: 0232340080040  
 MIAMI BEACH, FL 33139-5013

TRADE ADDRESS: 928 Ocean Dr

A penalty is imposed for failure to keep this Business Tax Receipt exhibited conspicuously at your place of business.

A Business Tax Receipt issued under this article does not waive or supersede other City laws, does not constitute City approval of a particular business activity and does not excuse the licensee from all other laws applicable to the licensee's business.

This Receipt may be transferred:

A. Within 30 days of a bonafide sale, otherwise a complete annual payment is due.

B. To another location within the City if proper approvals and the Additional Information

No entertainment. The rooftop is for seats only, no Bar.

Storage Locations

Code	Business Type
95009500	HOTELS (SMOKE DETECTOR)
95000701	ALCOHOL BEV. (NO LATER THAN 5AM)
95016400	RESTAURANT / BARS

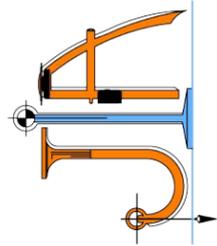
Hotel: #Rooms	10
Restaurants/Bars: #Chairs	106

FROM: CITY OF MIAMI BEACH  
1700 CONVENTION CENTER DRIVE  
MIAMI BEACH, FL 33139-1819

PRESORTED  
FIRST CLASS  
U.S. POSTAGE  
PAID  
MIAMI BEACH, FL  
PERMIT No 1525

DECOWALK HOTEL & GOLF CLUB, LLC DBA VOODOO ROOFTOP  
928 Ocean Drive  
MIAMI BEACH, FL 33139

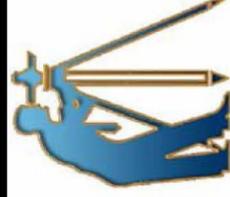
\*3313950132\*



# JOHN IBARRA & ASSOCIATES, INC.

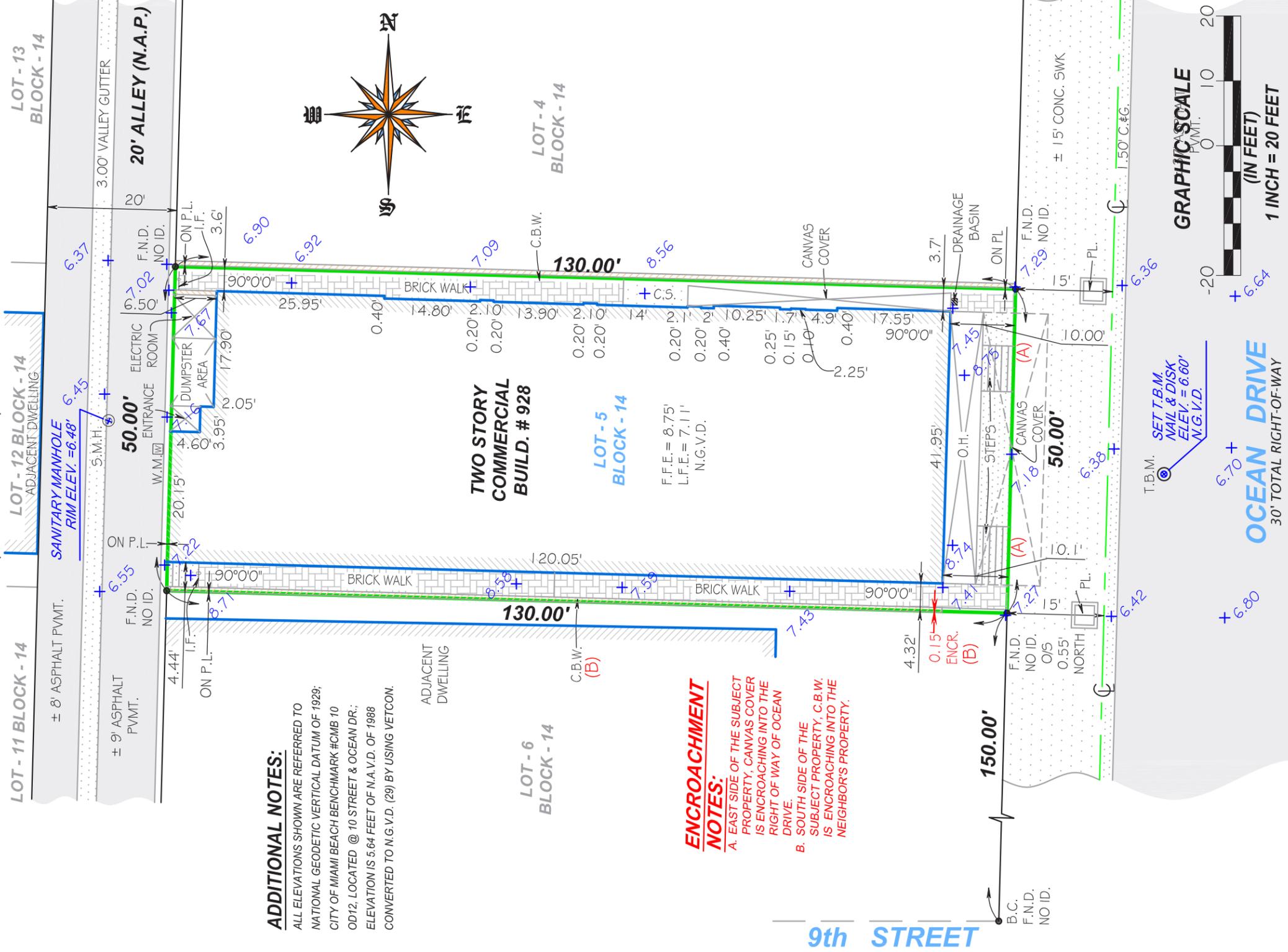
Professional Land Surveyors & Mappers

WWW.IBARRALANDSURVEYORS.COM  
2804 DEL PRADO BLVD SOUTH  
SUITE NO. 202 UNIT 1  
CAPE CORAL, FL 33904  
PH: (305) 262-0400  
FAX: (305) 262-0401



## MAP OF BOUNDARY SURVEY

928 OCEAN DR, MIAMI BEACH, FLORIDA 33139  
(REVO 10/31/2017)



### ADDITIONAL NOTES:

ALL ELEVATIONS SHOWN ARE REFERRED TO NATIONAL GEODETIC VERTICAL DATUM OF 1929; CITY OF MIAMI BEACH BENCHMARK #CMB 10 0012, LOCATED @ 10 STREET & OCEAN DR.; ELEVATION IS 5.64 FEET OF N.A.V.D. OF 1988 CONVERTED TO N.G.V.D. (29) BY USING VETCON.

### ENCROACHMENT NOTES:

- A. EAST SIDE OF THE SUBJECT PROPERTY, CANVAS COVER IS ENCROACHING INTO THE RIGHT OF WAY OF OCEAN DRIVE.
- B. SOUTH SIDE OF THE SUBJECT PROPERTY, C.B.W. IS ENCROACHING INTO THE NEIGHBOR'S PROPERTY.



LB# 7806

### LEGAL DESCRIPTION:

LOT 5, BLOCK 14 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.

CERTIFICATION:  
NANCY CALARA.

DRAWN BY: F.S.

FIELD DATE: 10/27/2017

SURVEY NO: 16-005239-2

SHEET: 2 OF 2

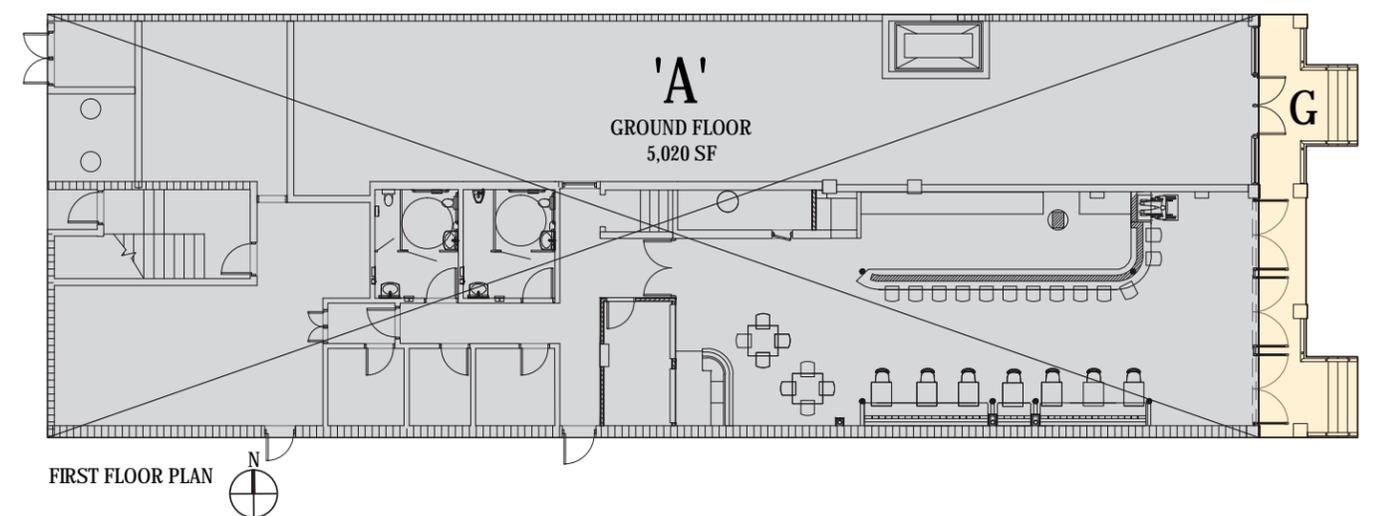
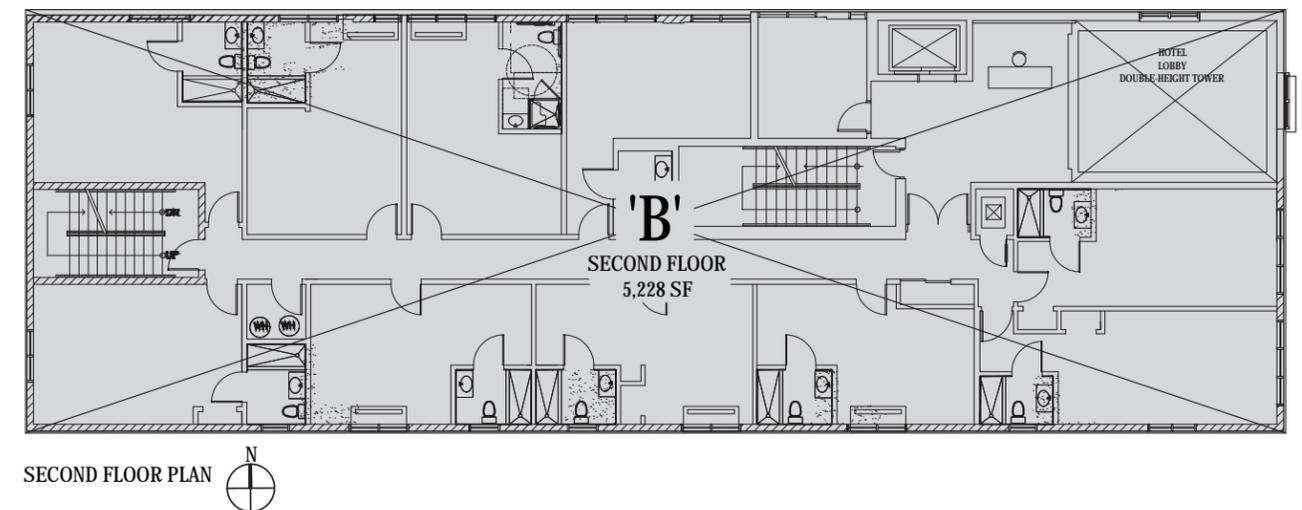
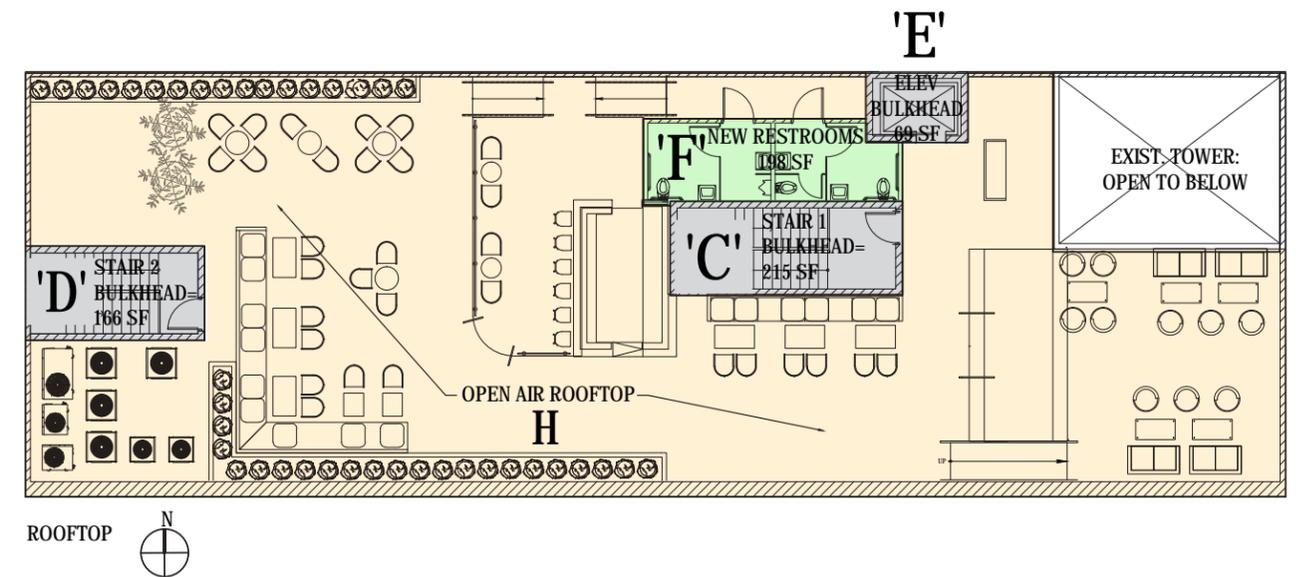
# Location Plan + Zoning Data



<b>ESTABLISHMENT ZONING DATA</b>
<b>ADDRESS:</b> 928 OCEAN DRIVE, MIAMI BEACH, FLORIDA 33139
<b>LEGAL DESCRIPTION</b> LOT 5, BLOCK 14 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.
<b>FOLIO NO:</b> 02-3234-008-0040
<b>LOCAL CODE:</b> City Of Miami Beach, Zoning Ordinance
<b>ZONING:</b> MXE (Mixed Use Entertainment District)
<b>BUSINESS ENTITY AREA:</b> GROUND FL SPACE AND ROOFTOP ARE OPERATED BY THE SAME APPLICANT
<b>BUSINESS ENTITY SEAT COUNT:</b>  EXISTING INTERIOR GROUND FL SEATING = 36 SEATS EXISTING ROOFTOP SEATING = 70 SEATS <i>EXISTING SEATS TOTAL = 160 SEATS</i>  PROPOSED GROUND FL SEATING = 40 SEATS EXISTING ROOFTOP SEATING (NO CHANGES)= 70 SEATS <i>PROPOSED TOTAL = 164 SEATS</i>
<b>OCCUPANCY TYPE:</b> A2 TWO-STORY BUILDING, CONSTRUCTION TYPE: IIA
<b>OCCUPANCY LOAD:</b> EXISTING INTERIOR GROUND FL= 81 EXISTING ROOFTOP= 197 <i>EXISTING TOTAL = 278 PERSONS</i>  PROPOSED INTERIOR GROUND FLOOR = 237 PROPOSED ROOFTOP = 211 <i>PROPOSED TOTAL= 448 PERSONS</i>



# FAR + Gross Area Diagrams



## 928 OCEAN DRIVE

### FLOOR AREA RATIO (F.A.R.) CALCULATIONS

FLOOR AREA CALCULATION			
LABEL	LOCATION	DIMENSIONS	AREA
A	GROUND FL	120' X 41'-10"	5,020 SF
B	2ND FL	124'-10" X 41'-10"	5,228 SF
C	STAIR BULKHEAD 1	23' X 9'-4"	215 SF
D	STAIR BULKHEAD 2	17'-9" X 9'-4"	166 SF
E	ELEVATOR BULKHEAD	10'-1" X 6'-10"	69 SF
F	PROPOSED RESTROOMS	25'-8" X 8'-5"	198 SF
TOTAL CONDITIONED AREA=			10,896 SF
FLOOR AREA RATIO			
LOT SIZE	130' X 50'		6,500 SF
PROPOSED F.A.R. (10,896 / 6,500)			1.68
ALLOWABLE F.A.R.			2.0

\*All areas measured to exterior finishes.

### GROSS AREA CALCULATIONS

GROSS SQUARE FOOTAGE CALCULATION			
LABEL	LOCATION	DIMENSIONS	AREA
A	GROUND FL	120' X 41'-10"	5,020 SF
B	2ND FL	124'-10" X 41'-10"	5,228 SF
C	STAIR BULKHEAD 1	23' X 9'-4"	215 SF
D	STAIR BULKHEAD 2	17'-9" X 9'-4"	166 SF
E	ELEVATOR BULKHEAD	10'-1" X 6'-10"	69 SF
F	PROPOSED RESTROOMS	25'-8" X 8'-5"	198 SF
TOTAL CONDITIONED AREA=			10,896 SF
G	GROUND FLOOR TERRACE		277 SF
H	OPEN-AIR ROOFTOP		4,165 SF
I	2 PARKING SPACES (8'-6" X 20'-0")		340 SF
TOTAL NON-CONDITIONED AREAS=			4,782 SF
GROSS AREA (10,896 + 4,782) =			15,678 SF

# Contextual Photos



# Contextual Photos

a



VOODOO ROOFTOP  
928 OCEAN DRIVE

b



c



## Ocean Drive Views

- a View from the Northeast looking Southwest Ocean Drive
- b East view from Lummus Park elevation view
- c View from the Southeast looking Northwest Ocean Drive

# Contextual Photos

d



e



d

View from Voodoo Sidewalk Cafe South

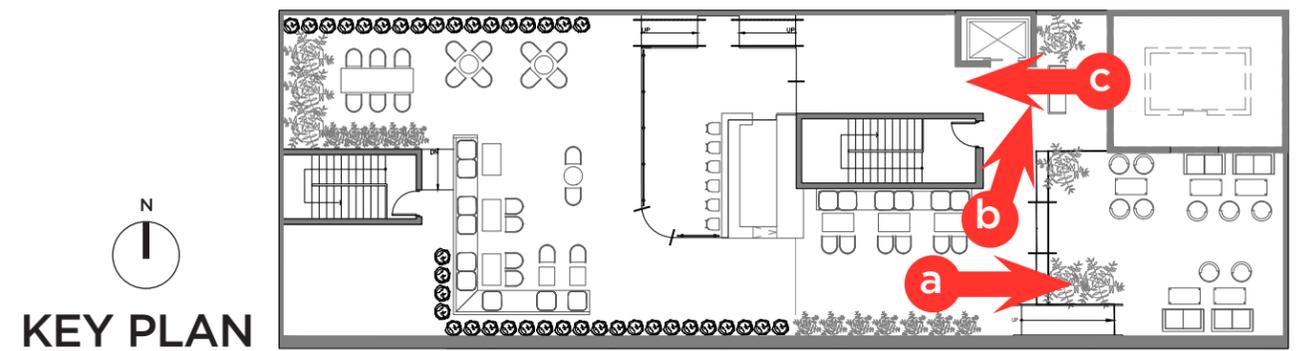
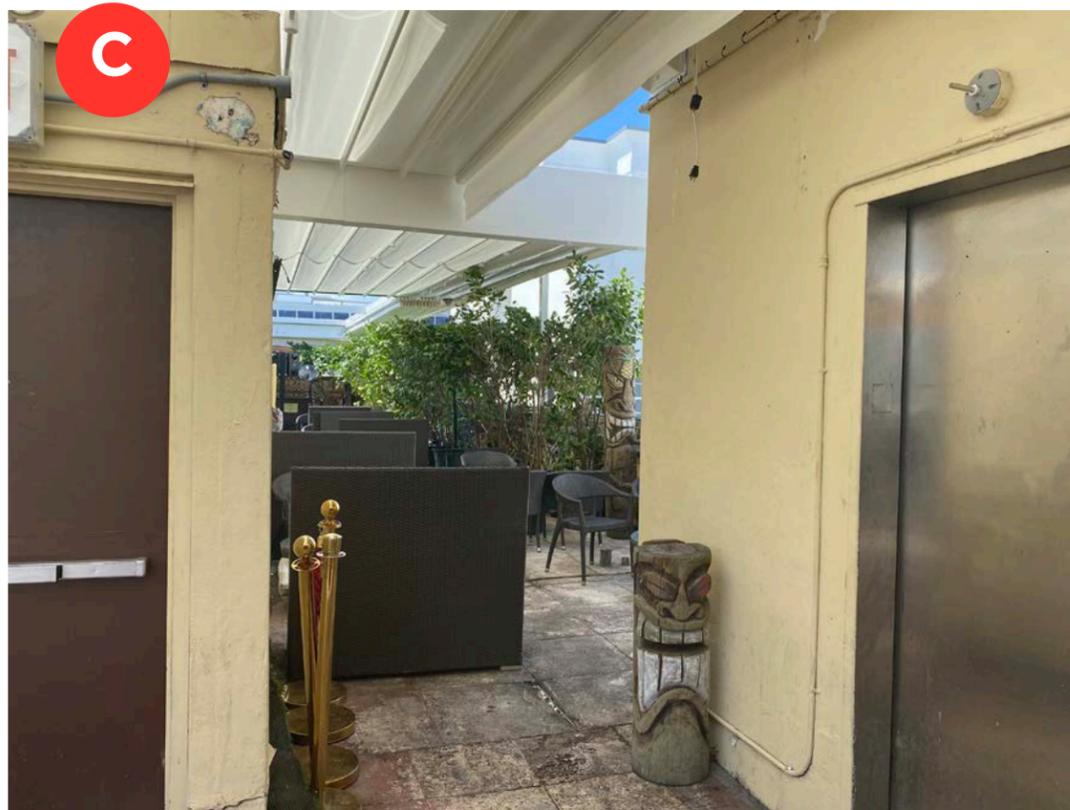
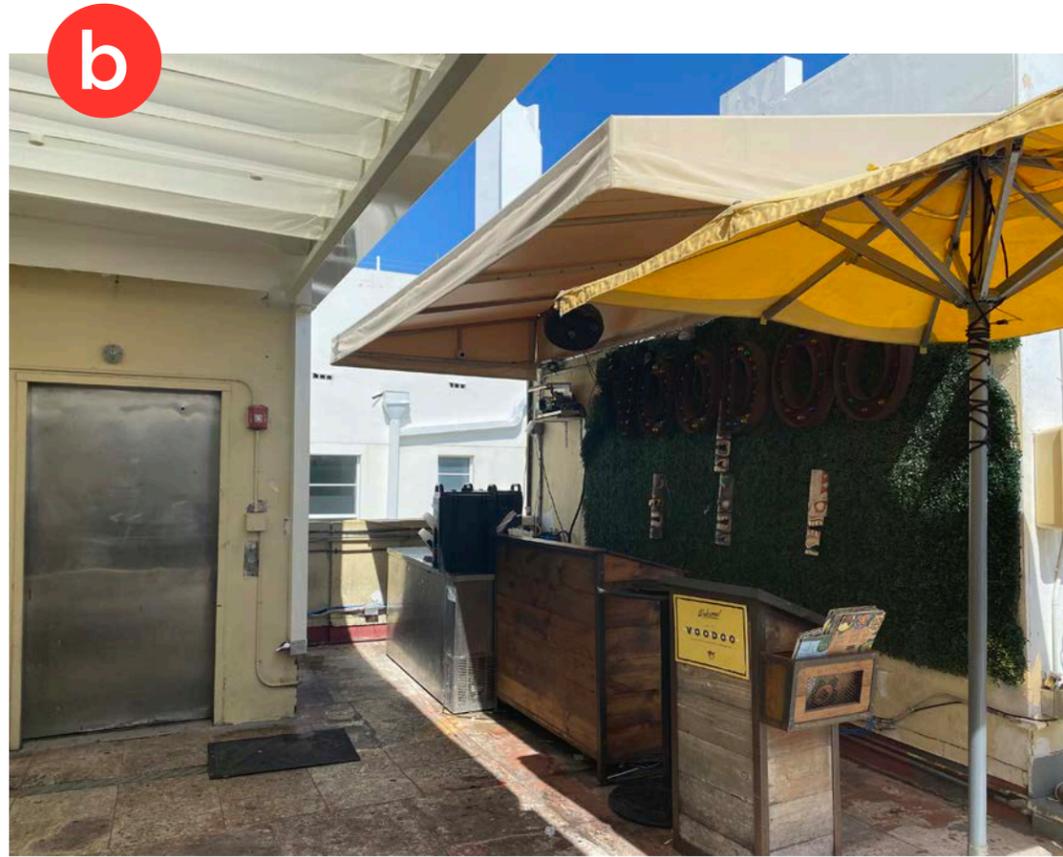
e

View from Voodoo Sidewalk Cafe North

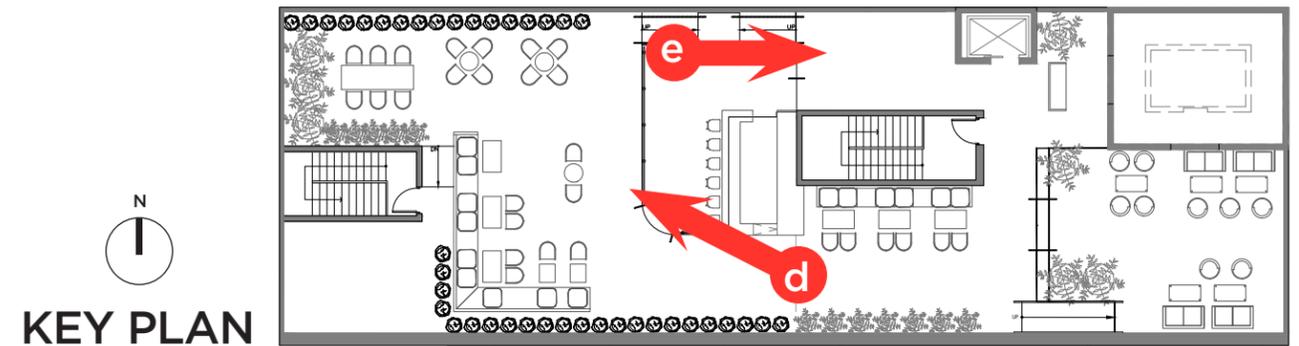
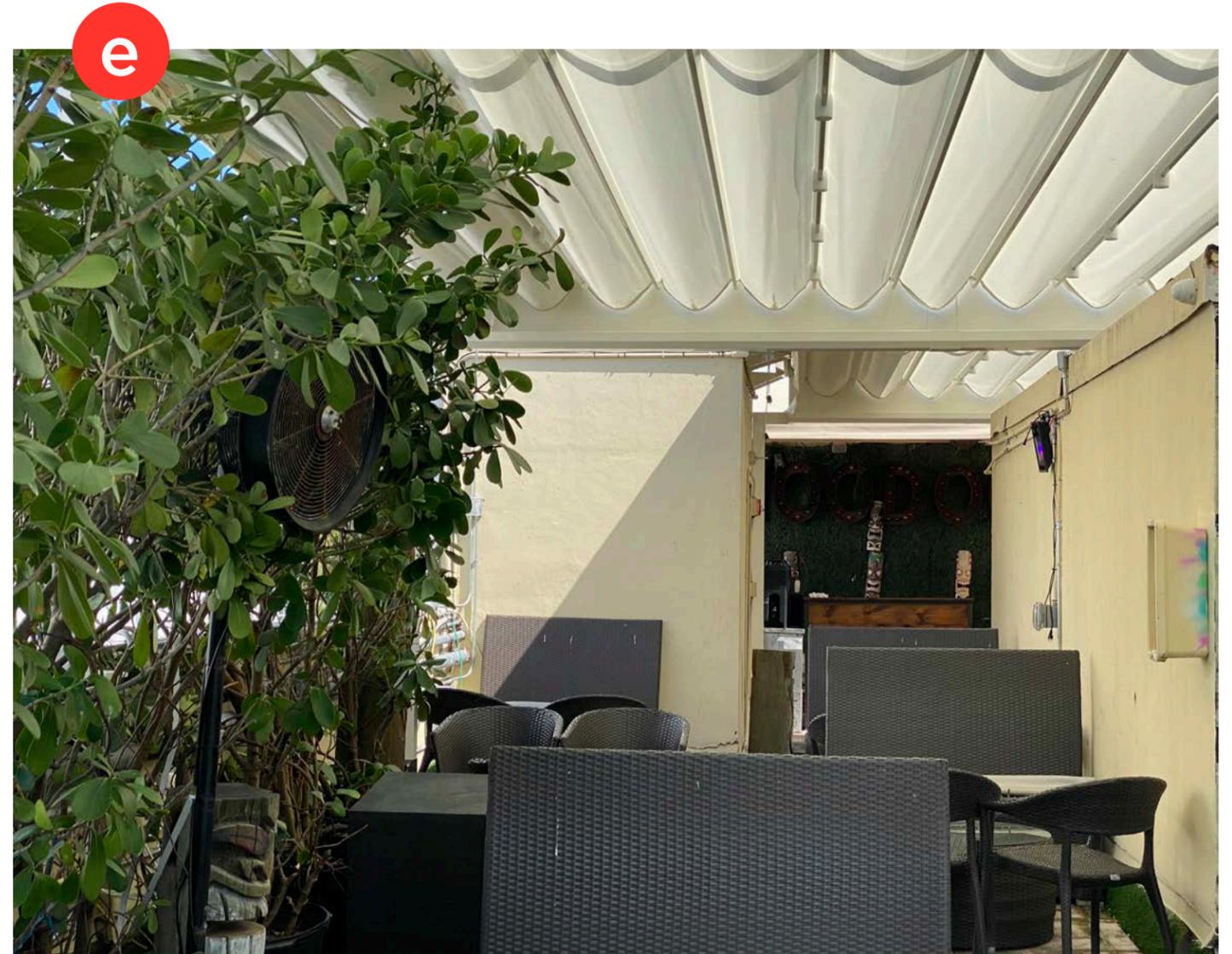
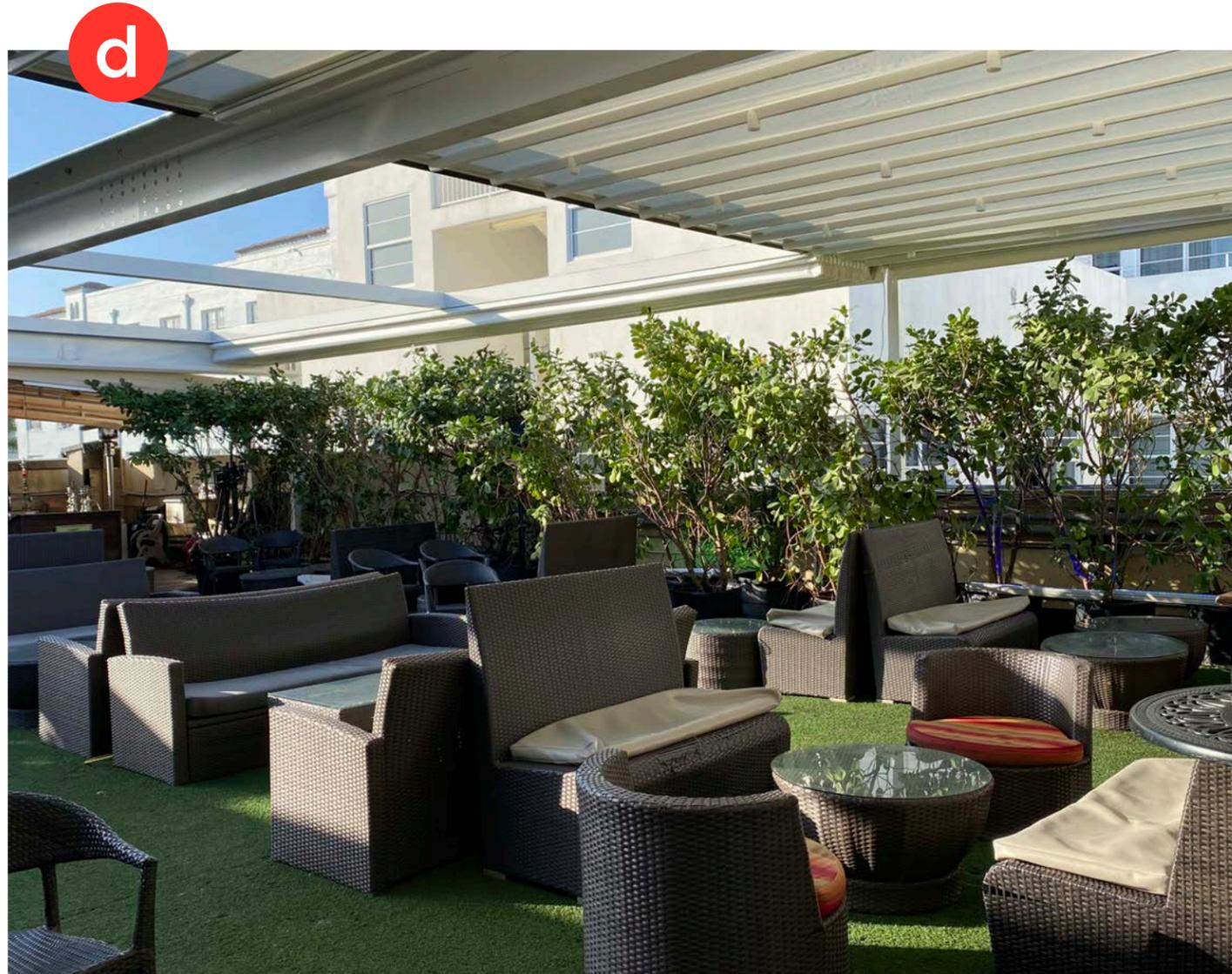
f

Rear View - Ocean Court Alley view from the Southwest

# Rooftop Photos



# Rooftop Photos



# Existing Conditions - Drawings



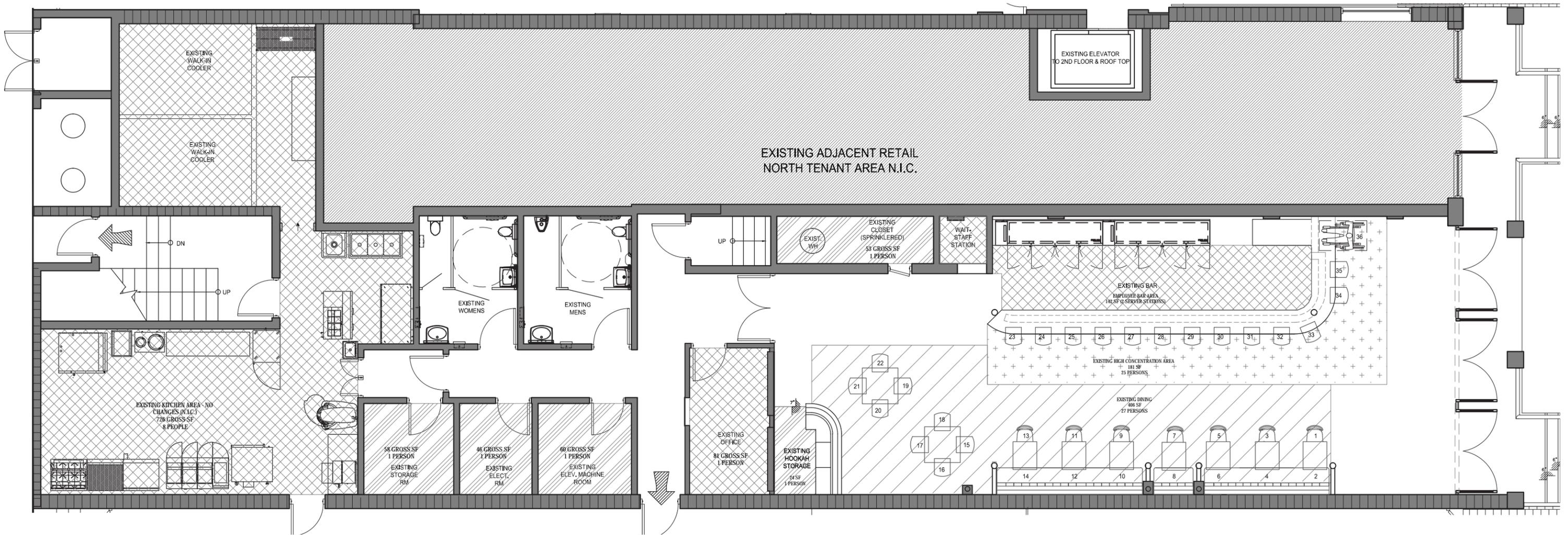


# EXISTING GROUND FL PLAN

SCALE: 1/8" = 1'-0"

EXISTING GROUND FL OCCUPANCY		OCC. #
TABLE 1004.1.2 ASSEMBLY WITHOUT FIXED SEATS (CONCENTRATED) = 7 NET	EMPLOYEE SERVICE AREAS (BUSINESS AREA) EACH BAR STATION = 1 OCCUPANCY	
	EXISTING BAR AREA	2
ASSEMBLY WITHOUT FIXED SEATS (UNCONCENTRATED) = 15 NET	(BUSINESS AREA) GROSS AREA SF / 100 = OCCUPANT #	
BUSINESS AREAS = 100 SF GROSS	EXISTING KITCHEN	8
MECHANICAL EQUIPMENT ROOMS = 300 SF GROSS	EXISTING OFFICE	1
	PATRON STANDING AREAS (ASSEMBLY WITHOUT FIXED SEATS) NET AREA SF / 7 = OCCUPANT #	
	STANDING AREA/HIGH CONCENTRATION	25
	(ASSEMBLY WITH / WITHOUT FIXED SEATS) NET AREA SF / 15 = OCCUPANT #	
	DINING SEATING	27
	(MECHANICAL / EQUIPMENT ROOMS) GROSS AREA SF / 300 = OCCUPANT #	
	EXISTING STORAGE ROOM	1
	EXISTING ELEC. ROOM	1
	EXISTING ELEVATOR MACHINE ROOM	1
	EXISTING HOOKAH STORAGE	1
	EXISTING WATER HEATER CLOSET	1
	<b>SUBTOTAL</b>	<b>68</b>
	OCCUPANCY LOAD ADJUSTMENT PER FIRE INSECTION	+13
	<b>TOTAL</b>	<b>81</b>

EXISTING SEATS	
EXISTING GROUND FLOOR	36





# EXISTING ROOF PLAN

SCALE: 1/8" = 1'-0"

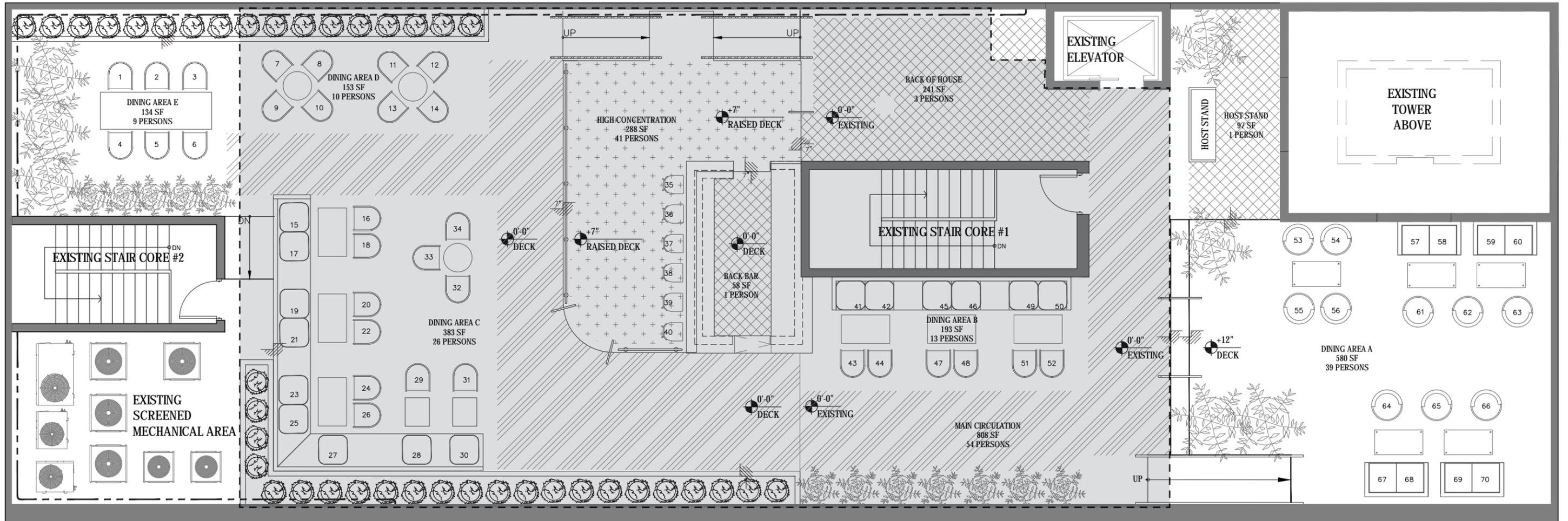
EXISTING ROOFTOP OCCUPANCY		OC #
TABLE 1004.1.2 ASSEMBLY WITHOUT FIXED SEATS (CONCENTRATED) = 7 NET	EMPLOYEE SERVICE AREAS (BUSINESS AREA) EACH BAR STATION = 1 OCCUPANCY	1
	BAR AREA	
ASSEMBLY WITHOUT FIXED SEATS (UNCONCENTRATED) = 15 NET	(BUSINESS AREA) GROSS AREA SF / 100 = OCCUPANT #	3
	HOST STATION AREA	
BUSINESS AREAS = 100 SF GROSS	BACK OF HOUSE AREA	3
MECHANICAL EQUIPMENT ROOMS = 300 SF GROSS	PATRON STANDING AREAS (ASSEMBLY WITHOUT FIXED SEATS) NET AREA SF / 7 = OCCUPANT #	
	STANDING AREA/HIGH CONCENTRATION	41
1004.4 FIXED SEATING FOR AREAS HAVING FIXED SEATS AND AISLES, THE OCCUPANT LOAD SHALL BE DETERMINED BY THE NUMBER OF FIXED SEATS INSTALLED THEREIN. THE OCCUPANT LOAD OF SEATING BOOTHES SHALL BE BASED ON ONE PERSON FOR EACH 24 INCHES OF BOOTH SEAT LENGTH MEASURED AT THE BACKREST OF THE SEATING BOOTH.	(ASSEMBLY WITH / WITHOUT FIXED SEATS) NET AREA SF / 15 = OCCUPANT #	
	DINING AREA - A (EAST)	39
	DINING AREA - B (EAST)	13
	DINING AREA - C (CENTRAL)	26
	DINING AREA - D (NORTH)	10
	DINING AREA - E (WEST)	9
	(ASSEMBLY WITH / WITHOUT FIXED SEATS) NET AREA SF / 15 = OCCUPANT #	
	MAIN CIRCULATION	54
*REFER TO 2014 C.O. BCO15019	<b>TOTAL</b>	<b>197</b>

**EXISTING SEATS**

EXISTING ROOFTOP TO REMAIN	70
----------------------------	----

\*\*  
EXISTING ROOFTOP BAR  
CLOSES AT 8PM DAILY.  
NO ENTERTAINMENT ON  
THIS LEVEL PER HPB  
ORDER HPB17-0171.

Existing awning coverage above



# EXISTING EAST ELEVATION (FRONT)

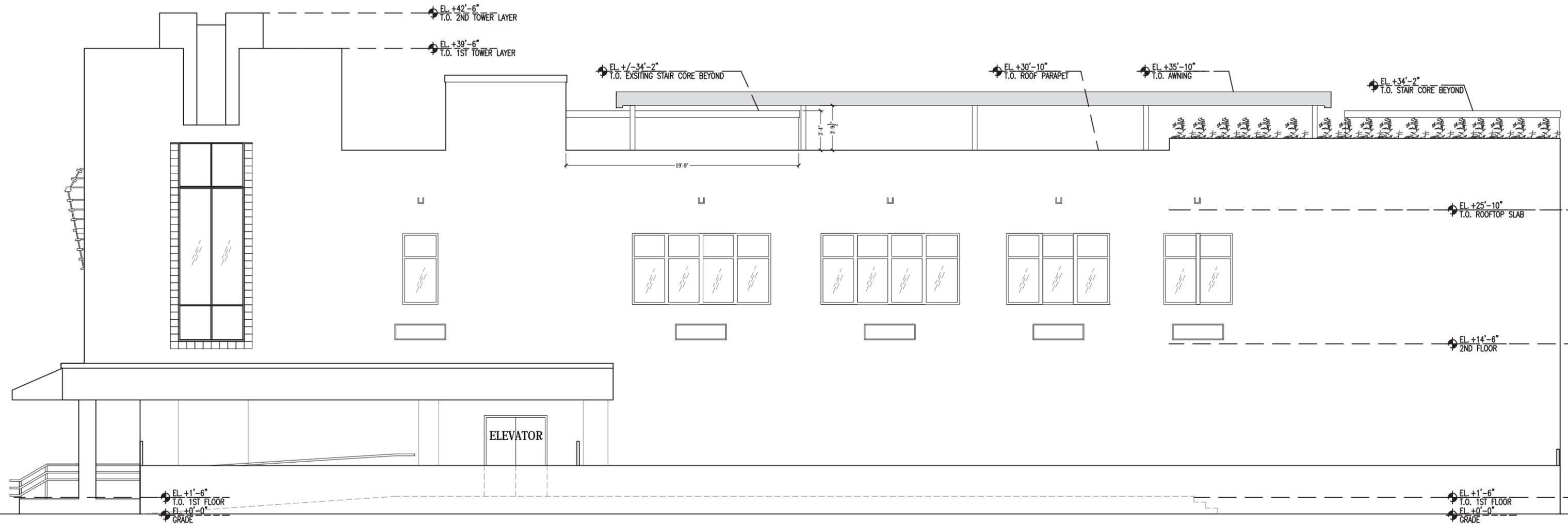
SCALE: 1/8" = 1'-0"



 Existing awning coverage

# EXISTING NORTH ELEVATION (SIDE)

SCALE: 1/8" = 1'-0"



# Proposed Drawings



# PROPOSED GROUND FL PLAN

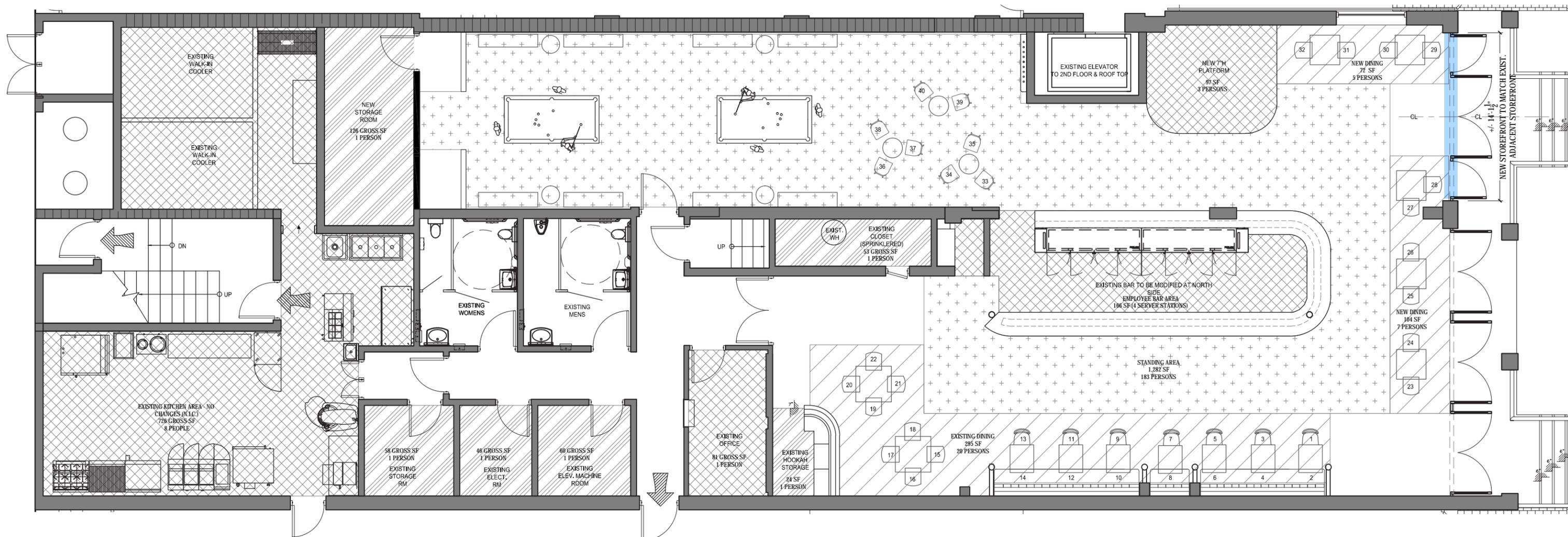
SCALE: 1/8" = 1'-0"

Area of new storefront; +/-14'-0"L x 10'-0" H.  
New storefront to match the existing, adjacent, recently renovated storefront.

PROPOSED GROUND FL OCCUPANCY		
TABLE 1004.1.2 ASSEMBLY WITHOUT FIXED SEATS (CONCENTRATED) = 7 NET	EMPLOYEE SERVICE AREAS (BUSINESS AREA) EACH BAR STATION = 1 OCCUPANCY	OCC. #
	EXISTING MODIFIED BAR AREA	4
ASSEMBLY WITHOUT FIXED SEATS (UNCONCENTRATED) = 15 NET	(BUSINESS AREA)	
	NEW ENTERTAINMENT PLATFORM	3
BUSINESS AREAS = 100 SF GROSS	(BUSINESS AREA)	
	GROSS AREA SF / 100 = OCCUPANT #	
MECHANICAL EQUIPMENT ROOMS = 300 SF GROSS	EXISTING KITCHEN	8
	EXISTING OFFICE	1
1004.4 FIXED SEATING FOR AREAS HAVING FIXED SEATS AND AISLES, THE OCCUPANT LOAD SHALL BE DETERMINED BY THE NUMBER OF FIXED SEATS INSTALLED THEREIN. THE OCCUPANT LOAD OF SEATING BOOTH SHALL BE BASED ON ONE PERSON FOR EACH 24 INCHES OF BOOTH SEAT LENGTH MEASURED AT THE BACKREST OF THE SEATING BOOTH.	PATRON STANDING AREAS (ASSEMBLY WITHOUT FIXED SEATS) NET AREA SF / 7 = OCCUPANT #	
	STANDING AREA/HIGH CONCENTRATION	183
	(ASSEMBLY WITH / WITHOUT FIXED SEATS) NET AREA SF / 15 = OCCUPANT #	
	DINING SEATING	32
	(MECHANICAL / EQUIPMENT ROOMS) GROSS AREA SF / 300 = OCCUPANT #	
	NEW STORAGE ROOM	1
	EXISTING STORAGE ROOM	1
	EXISTING ELEC. ROOM	1
	EXISTING ELEVATOR MACHINE ROOM	1
	EXISTING HOOKAH STORAGE	1
	EXISTING WATER HEATER CLOSET	1
	<b>TOTAL</b>	<b>237</b>

\*REFER TO 2019 NIE BOARD  
ORDER #PB18-0252

PROPOSED SEATS	
EXISTING GROUND FLOOR	36
NEW GROUND FLOOR	4
<b>TOTAL</b>	<b>40</b>





# PROPOSED ROOF PLAN

SCALE: 1/8" = 1'-0"



Area of new restrooms; 198 SF



Existing awning coverage

## PROPOSED 2020 ROOFTOP OCCUPANCY

**TABLE 1004.1.2**  
 ASSEMBLY WITHOUT FIXED SEATS  
 (CONCENTRATED) = 7 NET  
  
 ASSEMBLY WITHOUT FIXED SEATS  
 (UNCONCENTRATED) = 15 NET  
  
 BUSINESS AREAS = 100 SF GROSS  
  
 MECHANICAL EQUIPMENT ROOMS  
 = 300 SF GROSS

**1004.4 FIXED SEATING**  
 FOR AREAS HAVING FIXED SEATS  
 AND AISLES, THE OCCUPANT  
 LOAD SHALL BE DETERMINED BY  
 THE NUMBER OF FIXED SEATS  
 INSTALLED THEREIN.  
 THE OCCUPANT LOAD OF SEATING  
 BOOTHS SHALL BE BASED  
 ON ONE PERSON FOR EACH 24  
 INCHES OF BOOTH SEAT  
 LENGTH MEASURED AT THE  
 BACKREST OF THE SEATING  
 BOOTH.

EMPLOYEE SERVICE AREAS (BUSINESS AREA) EACH BAR STATION = 1 OCCUPANCY		OCC. #
BAR AREA		1
(BUSINESS AREA) GROSS AREA SF / 100 = OCCUPANT #		
HOST STATION AREA		1
BACK OF HOUSE AREA		3
PATRON STANDING AREAS (ASSEMBLY WITHOUT FIXED SEATS) NET AREA SF / 7 = OCCUPANT #		
STANDING AREA/HIGH CONCENTRATION		76
(ASSEMBLY WITH / WITHOUT FIXED SEATS) NET AREA SF / 15 = OCCUPANT #		
DINING AREA - A (EAST)		39
DINING AREA - B (EAST)		13
DINING AREA - C (CENTRAL)		26
DINING AREA - D (NORTH)		10
(ASSEMBLY WITH / WITHOUT FIXED SEATS) NET AREA SF / 15 = OCCUPANT #		
MAIN CIRCULATION		42

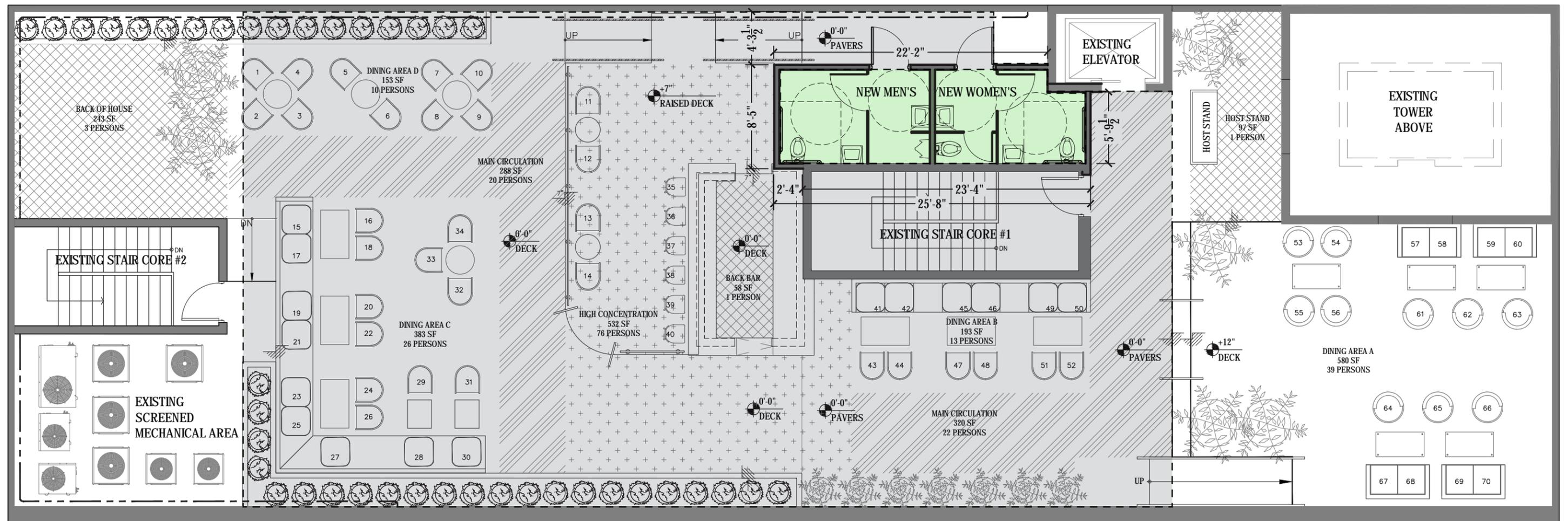
\*REFER TO 2019 NIE BOARD  
 ORDER #PB18-0252

**TOTAL** 211

## EXISTING / PROPOSED SEATS

EXISTING ROOFTOP TO REMAIN 70

\*\*  
 EXISTING ROOFTOP BAR  
 CLOSES AT 8PM DAILY.  
 NO ENTERTAINMENT ON  
 THIS LEVEL PER HPB  
 ORDER HPB17-0171.



# PROPOSED EAST ELEVATION (FRONT)

SCALE: 1/8" = 1'-0"

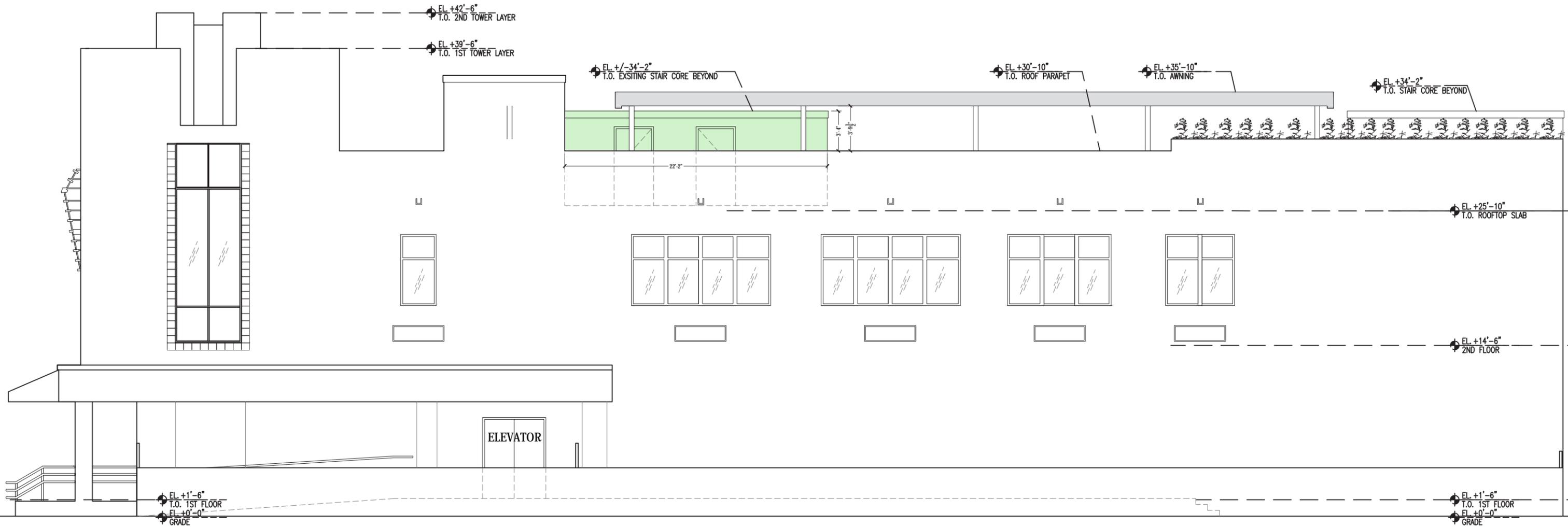


Area of new storefront; +/-14'-0"L x 10'-0" H.  
New storefront to match the existing, adjacent,  
recently renovated storefront.

Existing awning coverage

# PROPOSED NORTH ELEVATION (SIDE)

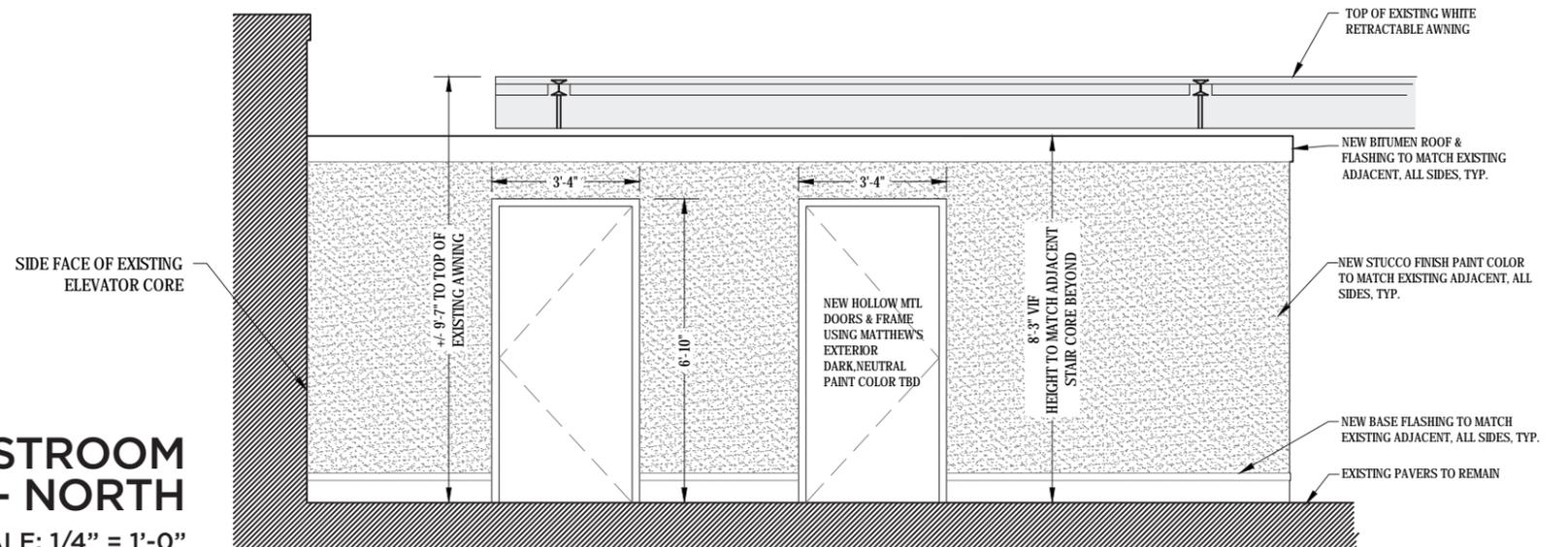
SCALE: 1/8" = 1'-0"



- Area of new restrooms; 198 SF
- Existing awning coverage

## PARTIAL EXTERIOR RESTROOM ELEVATION - NORTH

SCALE: 1/4" = 1'-0"



# Renderings



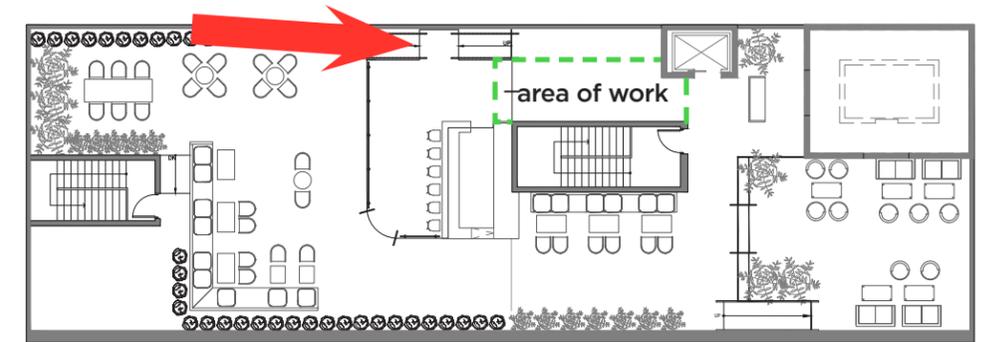
EXISTING VIEW



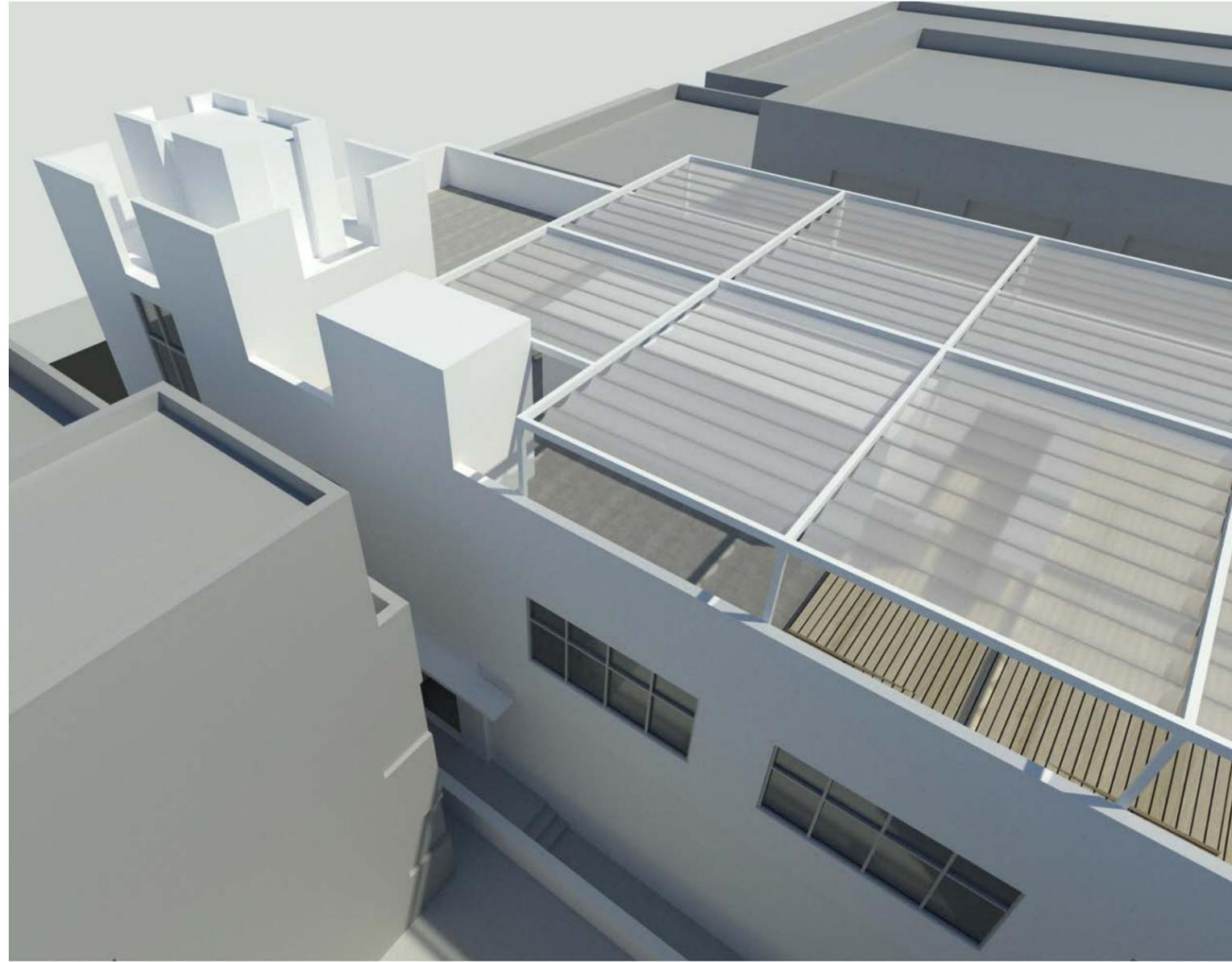
PROPOSED VIEW



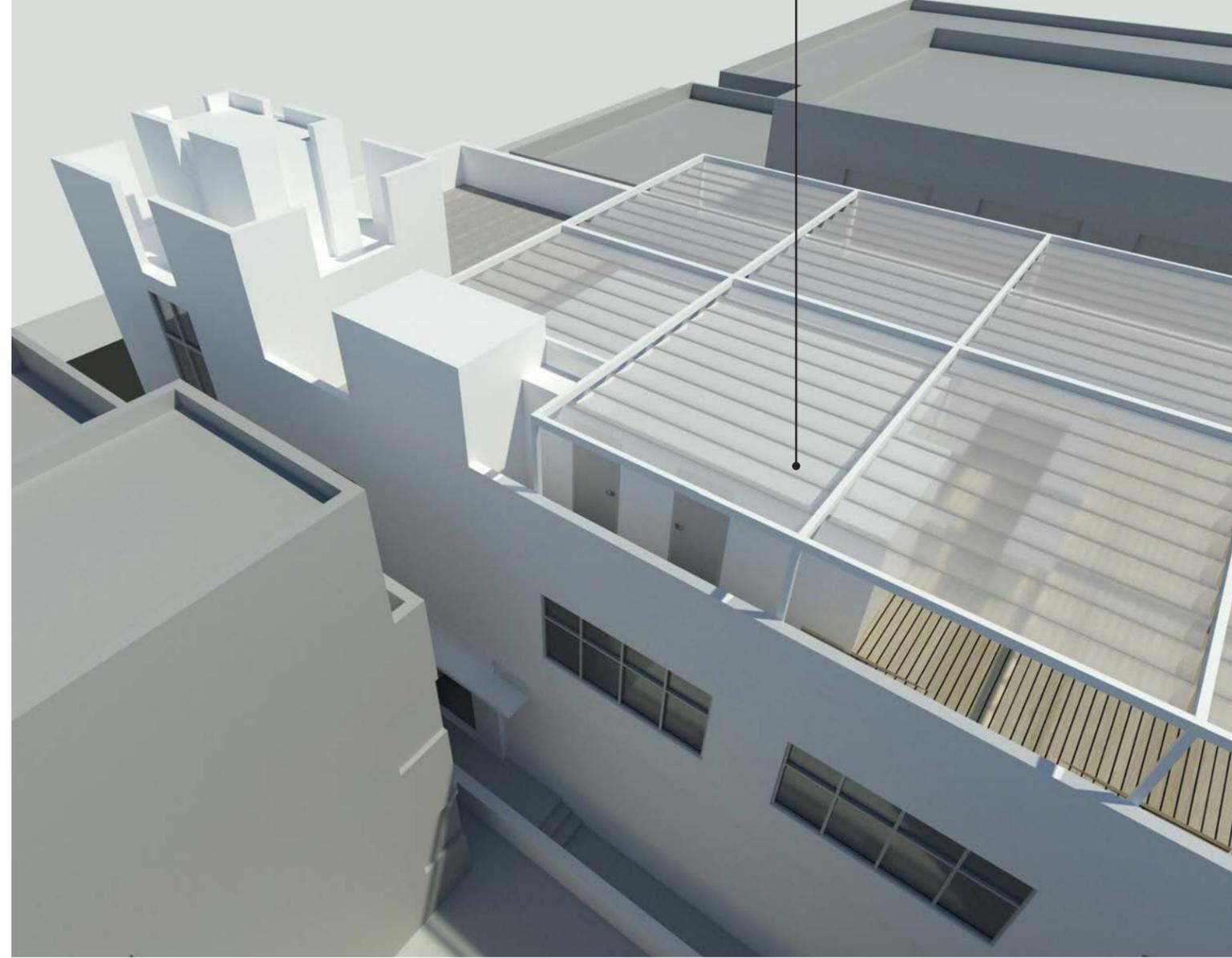
KEY PLAN



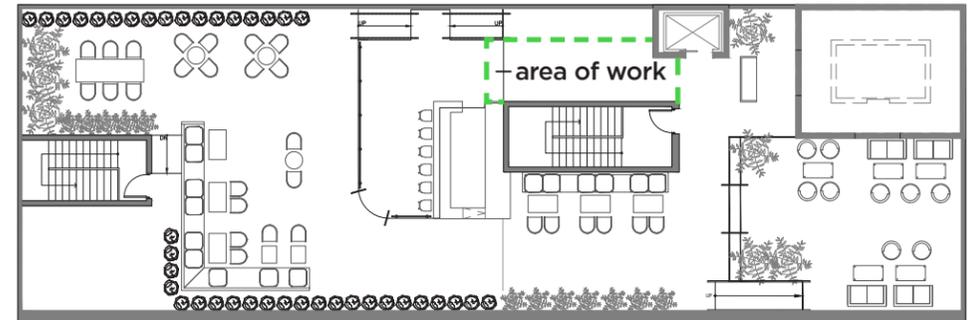
# Renderings



EXISTING VIEW



PROPOSED VIEW



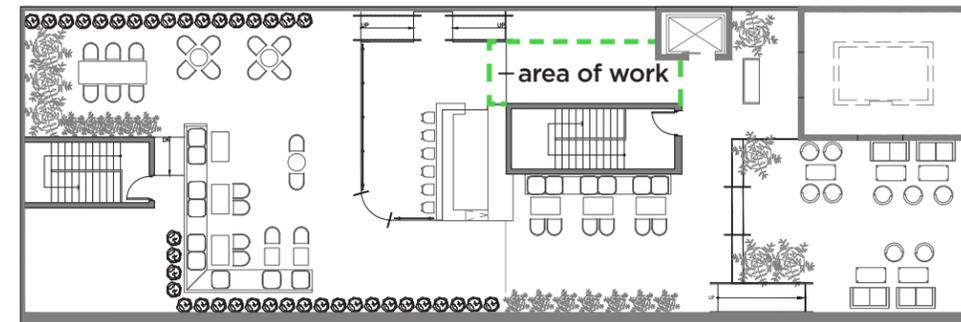
# Renderings



EXISTING VIEW



PROPOSED VIEW



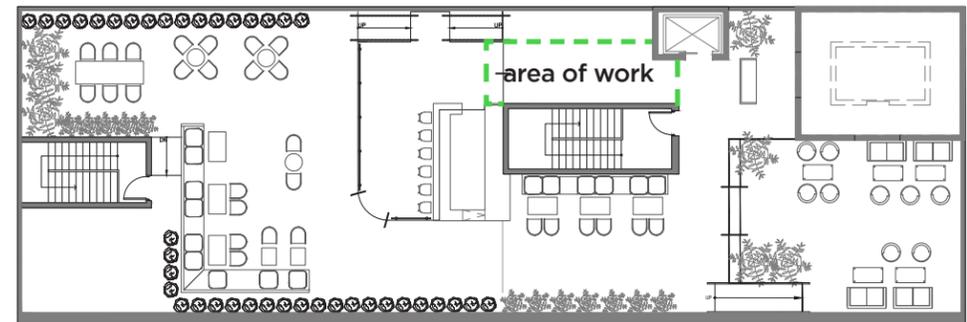
# Renderings



EXISTING VIEW



PROPOSED VIEW



# Recorded N.I.E. Board Order # PB18-0252

April 30, 2019

PB18-0252- 928 Ocean Drive- Voodoo Lounge  
Page 2 of 5

## PLANNING BOARD CITY OF MIAMI BEACH, FLORIDA

**PROPERTY:** 928 Ocean Drive  
**FILE NO.** PB18-0252  
**IN RE:** An application for Conditional Use approval for a Neighborhood Impact Establishment (NIE) with entertainment and an occupant content in excess of 200 persons and an open air entertainment establishment, pursuant to Chapter 118, Article IV and Chapter 142, Article V of the City Code.  
**LEGAL DESCRIPTION:** Lot 5, Block 14 of OCEAN BEACH ADDITION NO. 2, according to the plat thereof recorded in Plat Book 2, Page 56 of the public records of Miami Dade County, Florida.  
**MEETING DATE:** April 30, 2019

### CONDITIONAL USE PERMIT

An application was filed with the Planning Director pursuant Section 118, Article IV and Section 142, Article V of the City Code. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the of the record for this matter:

That the property in question is located in the MXE- Mixed Use Entertainment Zoning District;

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

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

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

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

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

**IT IS THEREFORE ORDERED**, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, :

the staff report and analysis, which is adopted herein, including the staff recommendations, that the Conditional Use Permit be GRANTED, as provided below:

1. 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 Business Tax Receipt (BTR) with entertainment. 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 Conditional Use Permit is issued to Decowalk Hotel + Golf Club, LLC, as operator of this Conditional Use Permit consisting of a restaurant, alcoholic beverage establishment, and including open-air entertainment at the ground level only, with approximately 110 seats. The establishment shall always be licensed as a restaurant/bar, and shall not become a stand-alone bar or stand-alone entertainment establishment.
3. Any change of operator or 50% (fifty percent) or more stock ownership shall require review and approval by the Planning Board as a modification to this Conditional Use Permit.
4. 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.
5. The Applicant agrees to the following operational conditions for all permitted and accessory uses and shall bind itself, 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. 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 hours of operation shall be within the hours of 11:00 AM to 5:00 AM. At all times the establishment is open, food service with a full menu and operating kitchen shall be required.
  - b. The patron occupant content shall be a maximum of 448 persons, or as determined by the Fire Marshall, whichever is lower.
  - c. The sound system and sound attenuation measures shall be implemented as per recommendations of the sound study. A final sound transmission report which includes the performance of sound systems and sound attenuation devices shall be submitted to staff for review and approval prior to a Business Tax Receipt approval for the entertainment portion.
  - d. The establishment's four access doors, located facing Ocean Drive, shall be closed between 10pm and 11am, except for the actual ingress and egress of patrons and staff. Doors shall not be propped open during these hours.
  - e. Entertainment shall be prohibited on the roof top at all times.
  - f. Exterior speakers, except those required to address Building and Life Safety Codes shall be strictly prohibited on the exterior of the building on the ground floor.

# Recorded N.I.E. Board Order cont'd...

April 30, 2019

PB18-0252- 928 Ocean Drive- Voodoo Lounge  
Page 3 of 5

- g. Exterior speakers, except those required to address Building and Life Safety Codes and those associated with a distributed sound system for ambient, background music only, which does not interfere with normal conversation, shall not be permitted at the roof deck. An acoustic plan certified by an acoustic engineer for the proposed distributed sound system shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Historic Preservation Board and Planning Board.
- h. Live entertainment or a DJ shall only be permitted within the interior of the establishment on the ground floor. Live entertainment outside, including along the outdoor front terrace or roof top, shall be prohibited at all times.
- i. Special events pursuant to the Miami Beach City Code, associated with the proposed establishment, may not be held on the premises and the applicant agrees that it will not seek or authorize applications for such permits.
- j. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
- k. Any queuing of patrons shall occur within the property or inside the restaurant only. Security staff shall monitor the crowds to ensure that they do not obstruct the sidewalk.
- l. Security staff shall monitor patron circulation and occupancy levels.
- m. Security staff shall take measures to strictly enforce patron age restrictions in the City Code around the clock.
- n. Business identification signs shall be limited to sign copy indicating the name of the establishment only, subject to historic preservation staff review and approval.
- o. Delivery trucks shall only be permitted to make deliveries from 7:00 AM to 10:00 AM.
- p. Delivery trucks shall only be permitted to make deliveries from the designated loading zones approved by the Parking Department.
- q. Delivery trucks shall not idle in the loading zone.
- r. Air conditioned trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that more than one pick up of garbage per day will not be necessary. A high-level trash/garbage compacting device shall be located in an air-conditioned trash/garbage holding room within the facility.
- s. Garbage dumpster covers shall be closed at all times except when in active use.
- t. 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 sidewalk in front of the establishment, 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.

MS

April 30, 2019

PB18-0252- 928 Ocean Drive- Voodoo Lounge  
Page 4 of 5

- 6. 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 BTR to operate this entertainment establishment.
- 7. 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 should there be valid complaints about loud, excessive, unnecessary, or unusual noise.
- 8. 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 118-194, Code of the City of Miami Beach, Florida.
- 9. 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.
- 10. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- 11. The applicant agrees and shall be required to provide access to areas subject to this CUP (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 terms and conditions of this CUP.
- 12. 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 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.
- 13. 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 17<sup>th</sup> day of MAY, 2019.

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush  
Michael Belush, Chief of Planning and Zoning  
For Chairman

MS

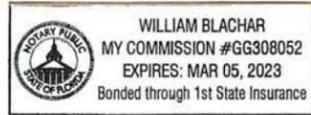
# Recorded N.I.E. Board Order cont'd...

April 30, 2019

PB18-0252- 928 Ocean Drive- Voodoo Lounge  
Page 5 of 5

STATE OF FLORIDA     )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of May, 2019, by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



William Blachar  
Notary:  
Print Name  
Notary Public, State of Florida  
My Commission Expires: March 5<sup>th</sup>, 2023  
Commission Number:

{NOTARIAL SEAL}

Approved As To Form: Nickallego 5/16/2019  
Legal Department

Filed with the Clerk of the Planning Board on Jessie Jurelmy (5/17/19 )

*MB*

# Recorded HPB Order # HPB17-0171

CFN: 20180141603 BOOK 30890 PAGE 4592  
DATE:03/12/2018 08:39:44 AM  
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CT

Page 2 of 8  
HPB17-0171  
Meeting Date: February 13, 2018

## HISTORIC PRESERVATION BOARD City of Miami Beach, Florida

MEETING DATE: February 13, 2018

FILE NO: HPB17-0171

PROPERTY: 928 Ocean Drive

APPLICANT: Deco Walk Hotel & Golf Club, LLC

LEGAL: Lot 5, Block 14 of OCEAN BEACH ADDITION NO. 2, according to the plat thereof recorded in Plat Book 2, Page 56 of the public records of Miami Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the partial demolition of the Ocean Drive façade and the design of a new glass storefront system and the installation of a retractable canopy system at the rooftop including the retention of an existing bar counter and the design for a new replacement bar counter including a variance to exceed the allowable hours of operation for an accessory outdoor bar counter on the roof of the building.

### 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 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 the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
  2. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'd' & 'f' in Section 118-564(a)(2) of the Miami Beach Code.
  3. Is not consistent with Certificate of Appropriateness Criteria 'd', 'g', 'l', 'j', 'm' & 'o' in Section 118-564(a)(3) of the Miami Beach Code.
  4. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) of the Miami Beach Code.

5. Is not consistent with Sea Level Rise and Resiliency Review Criteria (1) in Section 133-50(a) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:
1. A business tax receipt shall be issued for an outdoor café with a minimum of 30 seats for the rooftop portion of the property prior to the approval of any accessory outdoor bar counter pursuant to Section 142-1109 of the City Code.
  2. The Historic Preservation Board shall maintain jurisdiction of this Certificate of Appropriateness. The applicant shall appear before the Historic Preservation Board for a progress report 60 days from the issuance of the Certificate of Appropriateness. The Board reserves the right to modify the Certificate of Appropriateness 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.
  3. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
    - a. Any outdoor bar counter shall only be permitted to be installed within the location specified by the plans approved by the Board.
    - b. The existing bar counter may remain in its current location until the new replacement bar counter has been fabricated and is ready to be installed. The existing bar counter shall not be utilized until all unpermitted rooftop canopy structures and lighting have been removed and all required permits for the existing bar counter have been issued.
    - c. The cabinet located along the back of the bar shall not exceed the height of the roof of the adjacent stair tower, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - d. The existing string lights located at the rooftop deck shall be removed prior to the approval of a Building Permit, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - e. The height of the canopy structures shall not exceed 10'-0" as measured from the roof deck to the top of the structures, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

# Recorded HPB Order # HPB17-0171

Page 3 of 8  
HPB17-0171  
Meeting Date: February 13, 2018

- f. Final details of all exterior surface finishes and materials for the canopy structure(s), including samples, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- g. Fixtures, including but not limited to lighting, speakers, fans, heaters, misters shall not be permitted to be attached to any canopy structure(s).
- h. Any lighting, fans, televisions, heaters or similar fixtures proposed to be located on the roof level shall be located so that they are not be visible from the public right of way, including the City's Beachwalk, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- i. Exterior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. Intensive 'white', color changing, flashing, blinking or similar lighting shall not be permitted on the roof level or ground level, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- j. Any sprinkler lines, sprinkler heads or emergency lighting that may be required by the Building or Fire Code shall be integrated within the canopy structure(s) and shall not be surface mounted, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- k. Vertical side panels, including those for weather protection, shall not be permitted within the rooftop venue and shall not be permitted to be attached to any rooftop canopy structure.
- l. Any kitchens and other venting shall be chased to the nearest roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.
- m. Final details of the storefront systems and materials, including samples, shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- n. Televisions or similar digital screens shall not be permitted to be located within the ground level outdoor terrace or within the first 10'-0" of the storefronts at the ground level.

Page 4 of 8  
HPB17-0171  
Meeting Date: February 13, 2018

- 2. The Applicant agrees to the following operational conditions for any and all permitted primary 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. OUTDOOR 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 any lease, contract or assignment.
    - ii. Exterior speakers, except those required to address Building and Life Safety Codes, shall not be permitted at the ground level of the property.
    - iii. Exterior speakers, except those required to address Building and Life Safety Codes and those associated with a distributed sound system for ambient, background music only, which does not interfere with normal conversation, shall not be permitted at the roof deck, unless a Conditional Use Permit is approved by the Planning Board for outdoor entertainment. An acoustic plan certified by an acoustic engineer for the proposed distributed sound system shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
  - b. NOISE CONDITIONS
    - i. The Historic Preservation Board (HPB) and 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 any operating 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.

# Recorded HPB Order # HPB17-0171

Page 5 of 8  
HPB17-0171  
Meeting Date: February 13, 2018

## c. OPERATIONAL CONDITIONS

- i. 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.
- ii. All furnishings, equipment and supplies, with the exception of tables and chairs, associated with the rooftop café and bar shall be stored within the envelope of the existing building in areas which are not visible from streets, alleys or nearby buildings. Storage shall not be permitted at the roof level.

## II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):

The following variance was **denied** by the Board:

1. A variance to exceed the allowable hours of operation of an accessory outdoor bar counter in order to operate a bar adjacent to a property with a residential use until 2:00 am.
- B. The applicant has submitted plans and documents with the application that the Board has concluded **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

Additionally, the Board has concluded that the plans and documents submitted with the application **DO NOT** comply with the following hardship criteria as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the

Page 6 of 8  
HPB17-0171  
Meeting Date: February 13, 2018

terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

- C. The Board hereby **Denies** the requested variance, as noted and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:

1. 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 of the modified plans, even if the modifications do not affect variances approved by the Board.

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. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
- B. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- C. 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.
- D. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- E. 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

# Recorded HPB Order # HPB17-0171

Page 7 of 8  
HPB17-0171  
Meeting Date: February 13, 2018

Certificate of Occupancy may also be conditionally granted Planning Departmental approval.

- F. 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.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended 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 entitled "Voodoo Restaurant & Lounge", as prepared by Norman Paul, R.A., dated December 8, 2017, and as approved by the Historic Preservation Board, 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.

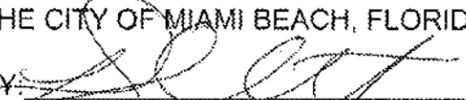
If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; 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

Page 8 of 8  
HPB17-0171  
Meeting Date: February 13, 2018

commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

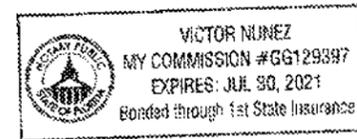
In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this Order shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this 20 day of February, 2018

HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA  
BY:   
DEBORAH TACKETT  
CHIEF OF HISTORIC PRESERVATION  
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 20 day of Feb 2018 by Deborah Tackett, Chief of Historic Preservation, 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: JULY 30, 2021

Approved As To Form:  (2/15/18)  
City Attorney's Office:

Filed with the Clerk of the Historic Preservation Board on Jessie Gumbay (2/20/18)

F:\PLAN\HPB\18HPB\02-13-2018\Final Orders\HPB17-0171\_928 Ocean Dr, Feb 18, FO.docx