



ZONING, LAND USE AND ENVIRONMENTAL LAW

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September 3, 2024

VIA CSS

Michael Belush, Planning and Design Officer
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: **PB24-0686** - Conditional Use Permit for Mechanical Parking
and Neighborhood Impact Establishment for the Property
Located at 6747-6757 Collins Ave, Miami Beach, Florida

Dear Mr. Belush:

This law firm represents BTL Investments, LLC (the "Applicant"), the owner of 6747-6757 Collins Avenue (the "Property") in the City of Miami Beach (the "City"). This letter serves as the required letter of intent for an application for a conditional use permit pursuant to Section 5.2.11(b)(3) of the City of Miami Beach (the "City") Resiliency Code (the "Resiliency Code") to allow use of a mechanical parking system to satisfy a portion of the project's parking requirement, and a conditional use permit pursuant to Section 7.2.6.2 of the Resiliency Code for an accessory neighborhood impact establishment ("NIE") that includes an a restaurant located on the top floor of a building, located within 200 feet of a property containing residential units.

Property Description. The Property consists of two vacant oceanfront lots on the east side of Collins Avenue identified by Folio Nos. 02-3211-007-0440 and 02-3211-007-0430. The Property is approximately 41,664 square feet (0.956 acres) in size and is currently vacant unimproved land. The Property is located within the RM-3, High Intensity Multi-Family zoning district. The Property is within the North Beach Resort Local Historic District, but there are no contributing historic structures on the site. The Property is neighbored by the Sterling Condominium to the north, and the vacant, former Deauville Hotel Site to the south.

Development History and Approved Project. On June 9, 2020, the City's Historic Preservation Board (the "HPB") approved of a Certificate of Appropriateness for the construction of a new hotel building containing 208 rooms and 3,755 square feet of accessory restaurant space through File No. HPB19-0366 (the "Previously Approved Project"). In connection with the Previously Approved Project the Applicant completed a traffic impact analysis, which is enclosed with this submittal. In 2023, the Applicant submitted a new application for a modified version of the project with only 160 rooms and 3,872 square feet of accessory restaurant space. With respect to the Transportation Department review of the modified version of the project, the Applicant submitted a trip generation comparison demonstrating that the modified version of the project generated less trips than the Previously Approved Project, which is also enclosed with this submittal. Accordingly, no further transportation impact analysis was required. On May 9, 2023, the City's Historic Preservation Board approved of a Certificate of Appropriateness for a new hotel building on the Property (the "Approved Project"). The Approved Project consists of a sixteen-story hotel building with 160 hotel units and approximately 3,986 square feet of accessory food and beverage uses.

The Approved Project is an attractive new building that compliments the character of the North Beach Resort Local historic district. The Approved Project features a pedestal parking garage that contains fully internalized valet and parking operations within an attractive bronze-colored architectural screen. The roof level of the pedestal parking garage contains an amenity deck with a swimming pool and restaurant. The proposed hotel is intended to be a luxurious sanctuary with larger hotel rooms, with an average unit size of 364 square feet per room (minimum 335 square feet). The Applicant intends for the proposed hotel to be an elegant choice for discerning travelers and food and beverage enthusiasts.

Proposed Mechanical Parking System. The Applicant proposes the use of a car-stacker mechanical parking system that creates two "stacked" parking spaces using one parking space. The proposed parking garage will contain 30 mechanical parking lifts, for a total of 60 mechanical parking spaces, and 32 conventional parking spaces. The proposed garage also contains 75 long-term bicycle parking spaces, 21 scooter parking spaces, and 3 vehicular drop off areas, 5 carpool parking spaces, and showers for employees who bicycle to work. The mechanical parking spaces, along with the conventional parking spaces, and parking for alternative modes of transportation, satisfy the parking requirement for the project.

Proposed Food and Beverage Venues. The Applicant proposes three high-end food and beverage venues:

1) **Level 1: Brezza Restaurant**

2) **Level 3:** Bar Muse

3) **Level 4 Pool Deck:** Artise and Centino.

The following table describes the operational characteristics of each venues:

Venue Name	Seat Count	Occupancy	Hours of Operation	Entertainment (Y/N)
Brezza	38	38	7 days a week; 11AM – 11 PM	No
Bar Muse	62	62	7 days a week; 8AM – 12AM	No
Artise and Centino*	194	194	11AM – 12AM	No

*Artise restaurant and Centino pool bar to operate together.

Requests. In order to achieve the proposed project, the Applicant requests:

- 1) Approval of the use of 60 mechanical parking spaces to satisfy a portion of the project's parking requirement;
- 2) Approval of a Neighborhood Impact Establishment ("NIE") restaurant located on the top floor of the building pedestal with indoor and outdoor seats.

Analysis of Mechanical Parking Request. The Applicant has provided an Alternative Parking Plan that demonstrates that the Applicant can achieve 119 parking spaces within the pedestal parking garage without the use of mechanical parking lifts. The Applicant is proposing 30 car lifts, which provide 60 spaces. The Applicant can achieve compliance with the project's requirement without mechanical parking, and is proposing less mechanical parking spaces than the number of conventional parking spaces that can be achieved in the proposed garage structure. Accordingly, the proposed application complies with the threshold requirements of the Resiliency Code for permitting mechanical/robotic parking.

Satisfaction of Criteria. This application satisfies the applicable review criteria for mechanical parking devices as follows.

1. Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood;

The Approved Project received a Certificate of Appropriateness from the HPB, which demonstrates the Project's compatibility with the urban character of the surrounding neighborhood. The surrounding neighborhood context consists of hotel and residential buildings of similar height and mass as the Approved Project.

2. Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood and has demonstrated how the scale, mass, volume, and height of the building are reduced by the use of mechanical parking;

The use of mechanical parking allows the project to provide parking within a three-story pedestal, rather than requiring an additional level of parking necessary to achieve the same number of parking spaces.

3. Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking;

The density and intensity of the Approved Project is not increased by the use of mechanical parking.

4. Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view;

The proposed mechanical system is located entirely within the fully enclosed third-floor parking area and is not visible from exterior view.

5. In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings, whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit owner;

If self-parking is proposed the Applicant will provide the required covenant.

- 6. In cases where mechanical parking lifts are used for valet parking, whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues;**

The proposed mechanical parking lifts will only be operated by valet attendants. The Applicant will provide the required covenant prior to building permit.

- 7. Whether a traffic study has been provided that details the ingress, egress, and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way;**

A traffic study will be submitted with this application demonstrating that the use of the proposed automated system will not cause excessive stacking, waiting, or backups onto the public right-of-way.

- 8. Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided;**

The Applicant has provided a proposed operations plan.

- 9. In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed;**

The proposed mechanical parking system will not impact loading or removal of refuse, and will not negatively impact the surrounding neighborhood.

10. Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated; and

The proposed automatic system does not create adverse impacts to adjacent residential uses.

11. Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect will be addressed;

There is no cumulative effect with respect to the proposed automatic parking system.

In addition, the Applicant shall ensure that the following conditions are satisfied:

- 1. The noise or vibration from the operation of mechanical parking lifts, car elevators, or robotic parking systems shall not be plainly audible to or felt by any individual standing outside an apartment or hotel unit at any adjacent or nearby property. In addition, noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions outside of the parking garage;**

The proposed mechanical parking system is fully enclosed within a garage structure that will insulate sound and prevent noise from being perceived beyond the property line.

- 2. For mechanical lifts, the parking lift platform must be fully load-bearing, and must be sealed and of a sufficient width and length to prevent dripping liquids or debris onto the vehicle below;**

The proposed mechanical lifts are fully load bearing and sealed to prevent dripping of liquids or debris on vehicles below. See, Exhibit A, Lift Spec Sheet, attached.

- 3. All freestanding mechanical parking lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage; robotic garages and vehicle elevators must have backup generators sufficient to power the system;**

The proposed mechanical lift system will be tied into the emergency backup generator for the project.

4. All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift;

The proposed mechanical lift system is designed with a safety lock mechanism that prevents any car from being lowered unless there is an open space below.

5. The ceiling heights of any parking level with parking lifts within the parking garage shall be a minimum of 11 feet by six inches;

The ceiling height of the proposed mechanical parking level is at least 11'-6".

6. All mechanical parking systems, including lifts, elevators and robotic systems, must be inspected and certified as safe and in good working order by a licensed engineer or the elevator authority having jurisdiction at least once per year and the findings of the inspection shall be summarized in a report signed by the same licensed engineer or firm, or the elevator authority having jurisdiction. Such report shall be furnished to the planning director and the building official; and

The Applicant will furnish the required report annually following installation of the system.

7. All parking lifts shall be maintained and kept in good working order.

The Applicant will ensure that the proposed mechanical system is maintained and kept in good working order.

Analysis of NIE Request. The Applicant's request satisfies the conditional use requirements of Section 2.5.2.2(a)(1)-(9) of the Resiliency Code, as well as the neighborhood impact establishment criteria of Section 7.5.5.4(a)(1)(A)-(I) of the Resiliency Code, as follows:

1. The use shall be consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

Accessory food and beverage uses with entertainment are expressly permitted by the RM-3 future land use designation under the City's Comprehensive Plan.

2. The intended use or construction shall not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

The Applicant has engaged a traffic engineer to evaluate and confirm that the proposed project will not cause any exceedance of any level of service threshold required by the City's comprehensive plan.

3. Structures and uses associated with the request shall be consistent with these land development regulations.

The Approved Project is consistent with the City's Land Development Regulations.

4. The public health, safety, morals, and general welfare shall not be adversely affected.

The proposed uses are appropriately limited in size and intensity, as well as limited to specific designated hours of operation, to ensure the health, safety, and general welfare of the public is not adversely affected. The project has been design to accommodate the proposed uses in a manner that does not impact adjacent residential neighbors at the Sterling Condominium.

5. Adequate off-street parking facilities will be provided.

The Applicant is proposing a pedestal parking garage that will provide adequate off-street parking for both motor vehicles and alternative modes of transport such as bicycles and scooters.

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

The Applicant has proffered limits on intensity and hours of operation that safeguard neighboring properties from adverse impacts and ensure protection of surrounding property, persons, and neighborhood values.

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.

The North Beach Resort Local Historic District is characterized by various hotels and residential buildings with luxurious amenities similar to what is proposed for the project. The proposed hotel fits the character and context of the neighborhood while contributing new and interesting food and beverage venues in an area where there are few other similar establishments.

8. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

As described further below, the project complies with the applicable seal level rise and resiliency review criteria.

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.

The Approved Project was sensitively designed with only one entrance and one exit driveway to ensure minimal conflicts with pedestrian and cyclists. The project is inviting at the pedestrian scale and provides safe paths for pedestrian to access the venues.

Neighborhood Impact Establishment Criteria

A. 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.

The Applicant has provided an operational/business plan addressing the operational characteristics of each venue.

B. A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, selfpark, shared parking, after-hour metered spaces and the manner in which it is to be managed.

The Applicant has provided a parking plan describing how valet operations will operate the parking garage 24 hours a day 7 days per week. This application describes how the Applicant proposes to use mechanical parking to provide an efficient parking garage structure to serve the proposed food and beverage venues.

C. Indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises will be controlled.

The Applicant's operational plan contains information on crowd control and security.

D. A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.

The Applicant intends to train employees on patron age restriction enforcement and provide security at the venues during operating hours. The Applicant will utilize security cameras and secure fob systems to ensure the security of all venues.

E. 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.

The Applicant has submitted a traffic impact analysis and valet analysis to demonstrate how the design of the Approved Project internalizes circulation to eliminate any impacts to the surrounding neighborhood from traffic accessing the hotel.

F. A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.

The Applicant's operational plan contains information in sanitation.

G. A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance.

The Applicant is proposing pre-recorded ambient level background music in all indoor and outdoor areas to eliminate any noise impacts to surrounding properties.

H. Proximity of proposed establishment to residential uses

The Applicant is mindful of the adjacent residential building known as the Sterling Condominium. The proposed establishments do not provide entertainment style music, only pre-recorded ambient background music, which ensures no impacts to the adjacent residential neighbors. In addition, all valet operations and circulation are internal to the site to prevent any impacts to the Sterling Condominium.

I. Cumulative effect of proposed establishment and adjacent pre-existing uses.

The Applicant is not aware of any adjacent pre-existing NIEs in the vicinity of the Property.

Sea Level Rise and Resiliency Review Criteria. The Applicant's request satisfy the City's Sea Level Rise and Resiliency Review Criteria of Section 7.1.2.4 of the Resiliency Code as follows:

A. A recycling or salvage plan for partial or total demolition shall be provided.

The Property is an undeveloped vacant lot. Therefore, no recycling or salvage associated with demolition will occur.

B. Windows that are proposed to be replaced shall be hurricane proof impact windows.

All windows within the Approved Project are hurricane proof impact windows.

- C. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**

The Applicant is providing passive cooling systems, such as operable windows and pergolas at appropriate locations within the project.

- D. Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with chapter 4 in Land Development Regulations.**

The Approved Project includes resilient landscaping including native and Florida-friendly species that are salt tolerant and water absorbent.

- E. 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.**

The project considers sea level rise projections and raises all habitable spaces well above base flood elevation plus freeboard. The lowest level of the parking garage is located above base flood elevation plus minimum freeboard (10.55' NGVD).

- F. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-way and adjacent land, and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to 3 additional feet in height.**

The ground floor and driveways are elevated to base flood elevation plus minimum freeboard to ensure adaptability for future right of way raising projects.

- G. 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 elevation.**

All critical systems are located above base flood elevation plus freeboard.

- H. Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.**

Not applicable as the entire project is new construction.

- I. 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 54 in General Ordinances.**

No habitable space is located below base flood elevation.

- J. As applicable to all new construction, stormwater retention systems shall be provided.**

The project retains all stormwater on-site.

- K. Cool pavement materials or porous pavement materials shall be utilized.**

Where feasible and appropriate, the Applicant will utilize cool pavements or porous pavement materials.

- L. The design of each project shall minimize the potential for heat island effects on-site.**

The design of the project utilizes reflective materials and high albedo surfaces to minimize the potential for heat island effects on the site.

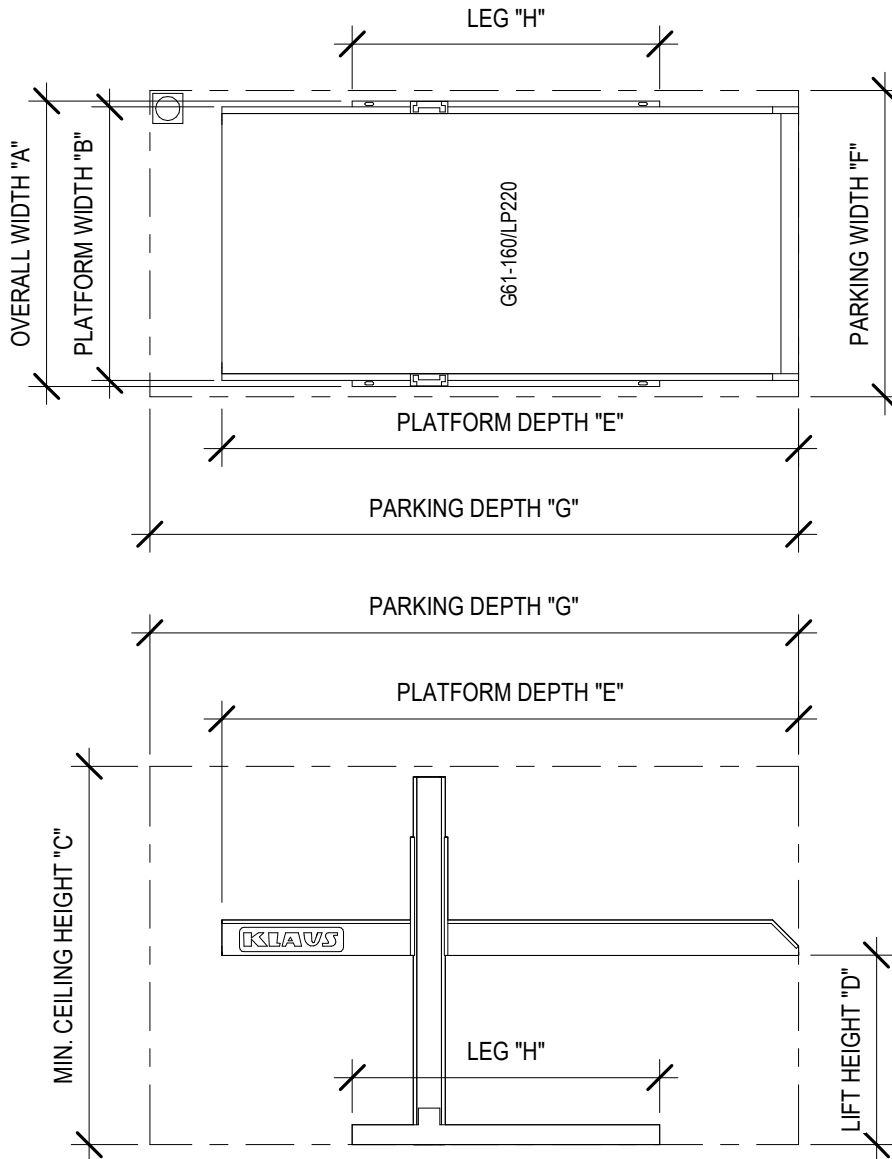
Conclusion. The Applicant seeks to provide an efficient mechanical parking garage and reasonable food and beverage programming to active a beautiful new oceanfront hotel being developed in North Beach. The Applicant respectfully requests your favorable review and recommendation with respect to the project. Should you have any questions regarding this application, please do not hesitate to contact me.

Sincerely,

Michael Larkin

CC:

Nicholas Rodriguez, Esq.

**REVIT TYPE PROPERTIES**

Type Properties

Family: Klaus_Lift_G61_R2013 Load...

Type: G61-160/LP220 Duplicate... Rename...

Type Parameters

Parameter	Value
Graphics	
Model_Number_Label	<input checked="" type="checkbox"/>
Long_Leg	<input checked="" type="checkbox"/>
Lift_Position_UP	<input checked="" type="checkbox"/>
Materials and Finishes	
Material	Steel, Galvanized
Dimensions	
Ceiling_Minimum_Height	10' 6"
Platform_Width	7' 7"
Parking_Width	8' 6"
Parking_Depth	18' 0"
Overall_Width	7' 11"
Identity Data	
Model	G61-160/LP220
URL	www.klauspark.com
Telephone	305.687.5733
Manufacturer	KLAUS Parking Systems Atlantic, Inc.
E-Mail	klausflorida@comcast.net
Type Image	
Keynote	

<< Preview OK Cancel Apply

NOTE:

- CLOUDED AREAS TO BE CHANGED BY USER
- PARKING CAN'T BE SMALLER THAN OVERALL WIDTH

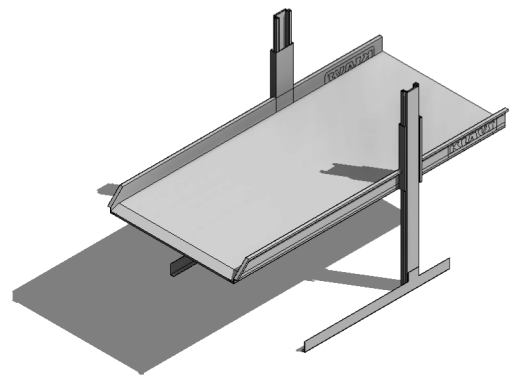
CAR LIFT MODEL COMBINATIONS				
MODEL	"A"	"B"	"C"	"D"
G61-160/LP220	7' - 11"	7' - 7"	10' - 6"	5' - 3"
G61-160/LP230	8' - 3"	8' - 0"		
G61-160/LP240	8' - 7"	8' - 3"		
G61-160/LP250	8' - 11"	8' - 7"	11' - 6"	6' - 3"
G61-190/LP220	7' - 11"	7' - 7"		
G61-190/LP230	8' - 3"	8' - 0"		
G61-190/LP240	8' - 7"	8' - 3"		
G61-190/LP250	8' - 11"	8' - 7"		
G61-210/LP220	7' - 11"	7' - 7"	12' - 3"	6' - 11"
G61-210/LP230	8' - 3"	8' - 0"		
G61-210/LP240	8' - 7"	8' - 3"		
G61-210/LP250	8' - 11"	8' - 7"		

"E" = 16' - 0"

"F" & "G" = CHANGE IN REVIT FAMILY PER LOCAL JURISDICTION

"H": LONG LEG ≈ 8' - 6"

SHORT LEG ≈ 4' - 3"



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