



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

PLANNING DEPARTMENT
Tel: 305-673-7550 Fax: 305-673-7559

March 28, 2024

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

1100 West Investments LLC
2200 Biscayne Boulevard
Miami, FL 33137

Re: Cure Letter regarding Planning Board File No. PB0616-0034, a.k.a. PB File No. 1898 - 1100 West Avenue.

Dear Sir/Madam:

On October 28, 2008, a Conditional Use Permit (CUP) was issued to the subject property for a Neighborhood Impact Establishment, which was subsequently modified several times. On January 22, 2019, the Planning Board and the applicant agreed to an amendment to the CUP, allowing access to areas subject to the modified CUP for inspection by the city, as a result of a prior Cure Letter (see attached CUP).

It has come to the Planning Department's attention that nine (9) noise complaints have been received for the pool area between January 1, 2024 and March 24, 2024.

The following conditions of approval contained in the Conditional Use Permit are applicable to the above noted noise complaints:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. 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).
3. 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. With respect to the operation of the property, 1100 West Investments, LLC and its affiliates, are in addition to the applicant, responsible for compliance with the conditions.
- 7.n. Entertainment, as defined in Section 142-1361 of the Code of the City of Miami Beach, Florida, shall be prohibited on exterior portions of the property, except as may be permitted in a Special Event permit issued by the City.

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22. 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.
25. 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 114-7 of the Code and such enforcement procedures as are otherwise available. Any failure by the owner, applicant or operators to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use permit.


In accordance with Condition No. 21 of the CUP, "The Planning Board shall retain the right to call the operators back before them and modify the hours of operation of the occupant load should there be complaints about loud, excessive, unnecessary, or unusual late night noise." In light of the nine (9) noise complaints received in the past three months, **you are requested to appear at the April 25, 2024 Planning Board hearing** for a verbal progress report.

Please be advised that at the time of the progress report, in accordance with the provisions of Section 2.5.2.5 of the Land Development Regulations of the City Code (LDR's), the Planning Board may consider setting a public hearing for the purpose of examining the noncompliance issues and initiate modification/revocation proceedings.

Should the Planning Board consider setting a public hearing for the purpose of examining the noncompliance issues noted herein, and initiate modification/revocation proceedings, this matter may be placed on the June 25, 2024 agenda of the Board as a modification/revocation hearing. If a future public hearing is set, the board may consider the issue of noncompliance and the possible modification or revocation of the approval. Based on substantial competent evidence, the board may consider revoking the approval, modifying the conditions thereof, or imposing additional or supplemental conditions.

If you have any questions, please do not hesitate to contact Michael Belush at (305) 673-7000 ext. 26258 or via email at MichaelBelush@MiamiBeachFL.gov.

Sincerely,

DocuSigned by:

for TRM
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Thomas R. Mooney, AICP
Planning Director

TRMMB