



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6238 office

305.377.6222 fax

MMarrero@brzoninglaw.com

VIA ELECTRONIC SUBMITTAL

February 25, 2024

Rogelio A. Madan, AICP
Chief of Community Planning & Sustainability
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: **PB23-0609** – Conditional Use Permit Modification and
Neighborhood Impact Establishment for the Property
Located at 1750 Alton Road, Miami Beach

Dear Mr. Madan:

This law firm represents SOBE ALTON, LLC (the "Applicant"), regarding the property located at 1750 Alton Road (the "Property") within the City of Miami Beach (the "City"). Please consider this letter the Applicant's letter of intent in support of an application for Conditional Use Permit to modify condition 4.h. of Planning Board File No. 2276 to permit the general public to access the rooftop of the existing hotel and approval of a Neighborhood Impact Establishment of 300 or more persons within the ground floor restaurant and the rooftop.

Property Description. The Property is located at the prominent intersection of Dade Boulevard and Alton Road. See Figure 1 below, Aerial. The Miami-Dade County Property Appraiser's Office identifies the Property with Folio No. 02-3234-017-0030. See Exhibit A, Property Appraiser Summary Report. The irregular shaped lot is approximately 28,843 square feet in size and contains a hotel constructed in 2020.

The Property is not located within a historic district and there are no historic resources on the land. Additionally, the Property is zoned Commercial Medium Intensity (CD-2) pursuant to the City's Zoning Map.

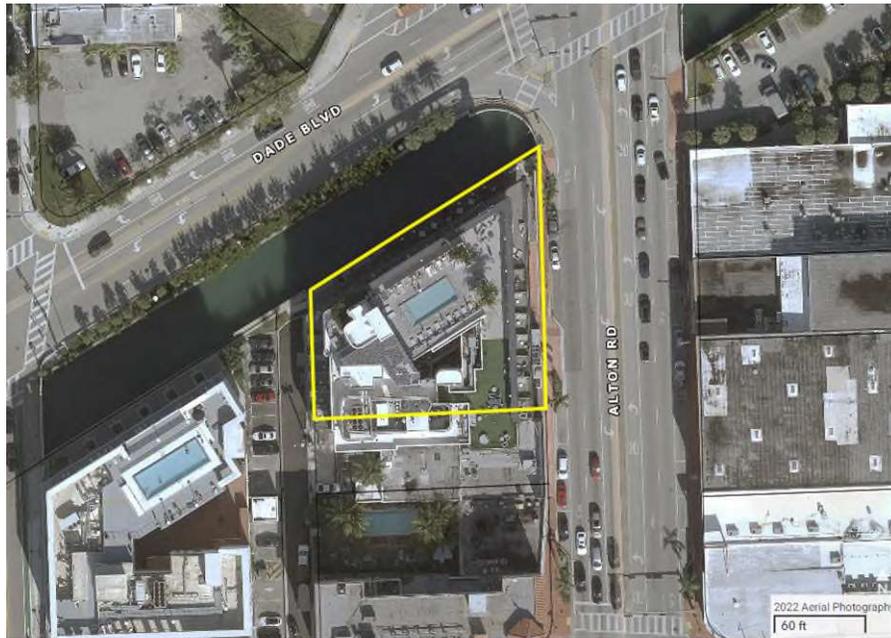


Figure 1, Aerial

CUP Modification. The Property contains a modest, boutique hotel with ninety-six (96) guest rooms, ground floor restaurant space, and active rooftop with pool. In 2015, the Applicant obtained Conditional Use Permit (“CUP”), File No. 2279, to permit construction greater than 50,000 square feet and mechanical parking. The Applicant also obtained Design Review Board approval, File No. 23213, for the design of the new hotel. In 2020, the hotel was constructed consistent with the Planning Board and Design Review Board approvals pursuant to Building Permit No. BC1703462.

The scope of this Application is to modify condition 4.h. in the CUP Order. The condition provides that use of the rooftop pool deck shall be limited to the exclusive use of hotel guests and their invitees. This onerous restriction many times requires the hotel operator to turn away nearby residents and locals. The Applicant anticipates that the non-hotel guests that wish to utilize the rooftop will be nearby locals wishing for a change of scenery or those staying at other hotels without a pool or rooftop experience. The Applicant would like create more open-air opportunities in the City and provide additional revenue for the ground floor restaurant. The rooftop is rarely at capacity and the additional patrons will not impact the operation or increase traffic in any meaningful way.

Pursuant to the Building Permit Life-Safety Plans, the pool surface has an occupant load of 12 persons, the pool deck has an occupant load of 217 persons, and the bar area has an occupant load of 20 persons. The Applicant is not proposing any physical

modifications from the existing condition of the building or rooftop. Combining the existing ground floor restaurant maximum occupancy with the existing maximum occupancy of the rooftop exceeds the 300 or more occupant content for an alcoholic beverage establishment or restaurant, not also operating as an entertainment establishment or dance hall. Therefore, the Applicant is also seeking approval of a Neighborhood Impact Establishment.

Conditional Use Criteria. Every conditional use permit application requires the Planning Board to determine the application's consistency with eight (8) criteria. The Applicant's satisfaction of the conditional use permit criteria, codified in Section 2.5.2.2.a. of the Resiliency Code, is outlined below.

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.

Opening the existing, beautiful rooftop with sunset views to the public will enhance the desirability and quality of existing area. The medium intensity commercial use is consistent with the Comprehensive Plan and the surrounding uses.

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.

Based on the Applicant's traffic study, which analyzes existing and proposed development in the vicinity, the Application will not result in an impact that exceeds any of the City's established levels of service. The additional patrons of the rooftop will be minimal. The intended use of the hotel, ground floor restaurant, and rooftop pool is consistent with the original CUP approval. This modification allows additional patronage of the rooftop, which will be an amenity for the surrounding businesses.

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

The existing structure and uses are consistent with the CD-2 zoning regulations. Pursuant to Section 7.2.11.1 of the Resiliency Code, the purpose of the CD-2 commercial, medium intensity district is to provide commercial activities, services, offices and related activities which serve the entire City. An alternative outdoor experience, with views on Alton Road and Dade Boulevard, will serve the City.

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

The proposed access to the rooftop will have no impact on the public's health, safety or welfare. The pattern of area development is consistent with a mix of transient, retail, dining and a variety of commercial uses. There are a number of restaurants and hotels with rooftop access. It is a desirable amenity that can now be provided at this location.

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

The Project contains more than sufficient parking to serve all of the uses within the building.

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

Great care has been taken in the operation of the building since opening. The requested modification to allow the public to access the rooftop is to ensure its financial viability and provide additional support for the restaurant tenants within the hotel. It will also provide additional opportunities for residents in the nearby area. The active rooftop is consistent with the pattern of uses on Alton Road, the City's most active commercial corridor.

7. The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

The proposed uses are not a of a type that would create a negative impact through concentration. There are a variety of residential, hotel, and retail in close proximity. The Property is located on Alton Road, between Dade Boulevard and 17 Street, which are major transit corridors in the City.

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

The structure and site comply with the sea level rise and resiliency review criteria. Further explanations of same are provided below.

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 intricate design on this irregular site ensures appropriate consideration has been given to the safety of and friendliness to pedestrian traffic. Vehicular access has been centralized to a single entry and exit side. Also, everyone will be required to access the rooftop from the lobby.

Neighborhood Impact Establishment Criteria. Reviewing an application for a neighborhood impact establishment ("NIE") requires the Planning Board to determine the application's consistency with the nine (9) criteria provided in Section 7.5.5.4.a.1.A-I of the Resiliency Code. The Applicant's satisfaction of the NIE criteria is outlined below.

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.

An operation plan has been included in the submitted materials. The Application is a modification of PB File No. 2279 to permit the general public to access the rooftop. There are not modifications to the operation of the existing hotel.

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.

Parking is existing, as approved pursuant to PB File No. 2279. The existing parking is more than sufficient to satisfy the need for the hotel, restaurant, and any additional patrons of the rooftop. Additional details relating to the valet operations has been included in the Applicant's traffic study.

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

No crowding or large groups are proposed. The ground floor restaurant has a sizeable waiting area and any access to the rooftop is controlled through the ground floor lobby.

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

Security is present on the Property 24-hours a day. Cameras are provided at all entrance and exit points. Parking is existing and managed by a valet operator.

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 included a traffic study with the Application materials, which includes impact of this Application on the immediate neighborhood and how any impact will be mitigated.

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

Management of the building's sanitation is existing to remain. All refuse is handled within the building and picked up regularly.

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

No additional noise is proposed for this existing hotel. The Applicant is not proposing any amplified music.

H. Proximity of proposed establishment to residential uses.

The Property is not immediately abutting any residential uses. The surrounding uses in the commercial district include existing or proposed hotels, retail, and restaurants.

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

The proposed establishment will benefit the surrounding hotel and commercial uses. Hotel guests of surrounding hotels will have additional dining opportunities. Allowing the public to access the rooftop will improve the viability of the hotel and ground floor restaurant.

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria provided in Section 133-50(a) of the Code as follows:

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

No construction or demolition is proposed with this application.

(2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

No new windows are proposed with this application.

(3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Where feasible, passive cooling systems will be provided.

(4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.

Resilient, Florida-friendly landscaping will be provided.

(5) The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

The Applicant has considered the adopted sea level rise projections and the land elevations of the subject property and surrounding properties.

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

The existing design is adaptable to the raising of public rights-of-ways and adjacent land.

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

No new construction is proposed with this application. Critical mechanical and electrical systems is located above base flood elevation.

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

No new construction is proposed.

(9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Habitable space is located above base flood elevation plus Freeboard.

(10) As applicable to all new construction, stormwater retention systems shall be provided.

Stormwater retention systems will be provided where feasible.

(11) Cool pavement material or porous pavement materials shall be utilized.

Cool pavement material and porous pavement materials will be utilized.

(12) The design of each project shall minimize the potential for heat island effects on-site.

The Project minimizes the potential for heat island effects on site with interior parking, cooler and more efficient mechanical and a/c systems, sufficient plantings and shade structures.

Conclusion. Approval of the application will continue the viability of existing projects in the City and allow for additional outdoor activities. The operation will not have a significant impact on the abutting uses. Based on these reasons, the Applicant respectfully requests your favorable review and recommendation of this Application. If you have any questions or comments, please call me at 305-377-6229.

Sincerely,



Michael J. Marrero

Enclosures

cc: Emily K. Balter, Esq.



APPRAISER

Summary Report

Generated On: 10/02/2023

PROPERTY INFORMATION	
Folio	02-3234-017-0030
Property Address	1750 ALTON RD MIAMI BEACH, FL 33139-2412
Owner	SOBE ALTON LLC
Mailing Address	9425 HARDING AVE MIAMI, FL 33154
Primary Zone	6400 COMMERCIAL - CENTRAL
Primary Land Use	3922 HOTEL OR MOTEL : MOTEL
Beds / Baths /Half	0 / 0 / 0
Floors	5
Living Units	96
Actual Area	76,223 Sq.Ft
Living Area	76,223 Sq.Ft
Adjusted Area	72,071 Sq.Ft
Lot Size	21,343 Sq.Ft
Year Built	2020



ASSESSMENT INFORMATION			
Year	2023	2022	2021
Land Value	\$7,096,548	\$7,096,548	\$7,096,548
Building Value	\$11,003,452	\$7,912,051	\$7,553,452
Extra Feature Value	\$0	\$0	\$0
Market Value	\$18,100,000	\$15,008,599	\$14,650,000
Assessed Value	\$16,509,458	\$15,008,599	\$14,650,000

BENEFITS INFORMATION			
Benefit	Type	2023	2022 2021
Non-Homestead Cap	Assessment Reduction	\$1,590,542	

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

SHORT LEGAL DESCRIPTION
COMM SUB 1 ADD PB 6-30
LOT 4 LESS S1 INCH & ALL LOT 5
BLK 17
LOT SIZE 142.290 X 150
COC 25936-0390 07/07 5/25997-3609

TAXABLE VALUE INFORMATION			
Year	2023	2022	2021
COUNTY			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$16,509,458	\$15,008,599	\$14,650,000
SCHOOL BOARD			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$18,100,000	\$15,008,599	\$14,650,000
CITY			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$16,509,458	\$15,008,599	\$14,650,000
REGIONAL			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$16,509,458	\$15,008,599	\$14,650,000

SALES INFORMATION			
Previous Sale	Price	OR Book-Page	Qualification Description
03/27/2014	\$4,500,000	29088-1109	Not exposed to open-market; atypical motivation
06/27/2012	\$2,151,100	28173-3241	Qual by exam of deed
07/01/2007	\$0	25936-0390	Sales which are disqualified as a result of examination of the deed
05/01/2000	\$0	19128-3005	Sales which are disqualified as a result of examination of the deed

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidadegov/info/disclaimer.asp>