



LEHTINEN  
SCHULTZ  
RIEDI  
DE LA FUENTE

BOB DE LA FUENTE  
305.760.8540  
BDELAFUENTE@LEHTINEN-SCHULTZ.COM

October 11, 2024

City of Miami Beach Planning Department  
Attn: Thomas Mooney, Planning Director  
1700 Convention Center Dr.  
2<sup>nd</sup> Floor  
Miami Beach, FL 33139

Re: 1350 COLLINS OWNER LLC: Conditional Use Permit, 1350 Collins Ave., Miami Beach (“Property”)

Dear Mr. Mooney:

This law firm represents 1350 Collins Owner LLC (“1350” or “Applicant”). The Property consists of the Orchidea Hotel – specifically, the ground floor Donatella restaurant, for the purposes of this Conditional Use Permit (“CUP”) application.

Consisting of a combined total of 82 indoor and outdoor seats, Donatella will be a full service restaurant. As part of its operations, Donatella plans to have ambient level, pre-recorded music and, at limited times, a DJ or live musicians. Accordingly, we submit this CUP application to allow an Open Air Entertainment Establishment, pursuant to 7.5.5.4 of the Miami Beach Resiliency Code. Note that there are only 82 seats. The Applicant has retained sound engineer Brooks Acoustics Corporation, who has reviewed and evaluated the sound system, ensuring that the sound level will remain at a volume that will not disturb the neighboring properties.

Upon review of the submitted materials, you will find that we satisfy the applicable criteria in the relevant sections of the Code. Where applicable, we address the following criteria in independent documents in our application

**Section 2.5.2.2(a)**

- 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.*

The proposed use is permitted by the Code and is consistent with the comprehensive plan and the existing uses in the neighborhood.

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 proposed restaurant consists of only eight-two seats and will not exceed the thresholds for the levels of service in the comprehensive plan.

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

This is an existing structure, and the restaurant use is consistent with the land development regulations.

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

No proposed uses related to the restaurant will adversely affect safety, morals or general welfare. Please refer to the Operational Plan and Sound Study submitted with this application.

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

Valet parking will more than satisfy parking needs. Please refer to the Operational Plan submitted with this application.

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

The project is designed to protect surrounding properties, persons and neighborhood values. Please refer to the Sound Study and Operational Plan submitted with this application.

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.*

Please refer to the Sound Study submitted with this application.

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

Please see responses specifically addressing this criterion 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.*

Located on Collins Avenue, the project is designed to cater to and accommodate pedestrian traffic through the location of its entrance and directing service-oriented traffic away from pedestrians. Please refer to the materials prepared by the architect.

**Section 7.5.5.4(a)(i)**

1. *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.*

Please see 1350's Operational Plan, included with this application.

2. *Parking Plan*

Please see 1350's Operational Plan, included with this application.

3. *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.*

Please refer to the Operational Plan, included with this application.

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

Please see 1350's Operational Plan included with this application.

5. *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.*

Not required as per Planning Department.

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

Please see 1350's plans included with this application.

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

Please see Sound Study, prepared by Brooks Acoustics.

8. *Proximity of proposed establishment to residential uses.*

Please see Sound Study, prepared by Brooks Acoustics and architectural plans, prepared by SKLARrchitecture.

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

This project enhances and rehabilitates the building, enhancing the neighborhood. No adverse impacts are expected. Please see Sound Study, prepared by Brooks Acoustics.

**Section 7.1.2.4**

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

No structures are being demolished pursuant to this application.

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

No windows will be replaced; however, new hurricane proof doors have been permitted. If windows will be replaced, they will be hurricane proof impact windows.

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

Where appropriate, passive cooling systems have been incorporated. Note that this project includes an open courtyard, providing passive cooling.

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

If applicable, new landscaping shall comply with applicable Code requirements.

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.*

Please refer to correspondence from project architect, SKLARchitecture, attached hereto as Exhibit A.

6. *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.*

No new construction will occur as part of this project.

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.*

Please refer to correspondence from project architect, SKLARchitecture, attached hereto as Exhibit A.

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

Please refer to correspondence from project architect, SKLARchitecture, attached hereto as Exhibit A.

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 54 in General Ordinances.*

Please refer to correspondence from project architect, SKLARchitecture, attached hereto as Exhibit A.

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

No new construction will occur; this is a renovation of an existing space.

11. *Cool pavement materials or porous pavement materials shall be utilized.*

Please refer to correspondence from project architect, SKLARchitecture, attached hereto as Exhibit A.

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

Please refer to correspondence from project architect, SKLARchitecture, attached hereto as Exhibit A.

We look forward to appearing before the Planning Board and are available to answer any questions you may have.

Sincerely,

*Bob de la Fuente*

Bob de la Fuente

Encl.

# EXHIBIT A

SKLARchitecture



October 10, 2024

Miami Beach, FL 33139

Address: The Orchid Hotel

1350 Collins Ave

Miami Beach FL

City of Miami Beach Planning Department

1700 Convention Center Drive

Miami Beach, FL 33139

Dear Planning Department,

We are submitting this letter as part of the Conditional Use Permit application for entertainment use at the existing Orchid Hotel located at 1350 Collins Ave. This project involves the development of a new restaurant within the hotel. As the architectural team for this project, we have reviewed the relevant criteria and provide the following information for the architectural aspects of the project, as applicable:

## 1. Sea Level Rise Considerations

Sea level rise projections as adopted in the Southeast Florida Regional Climate Action Plan were reviewed as part of this application. We have specifically studied the land elevation of the subject property and surrounding properties. Since this project involves modifications to an existing 1930 Historic structure, it was determined that implementing structural changes is not feasible.

## 2. Critical Mechanical and Electrical Systems

The project does not involve new construction; however, we acknowledge that all critical mechanical and electrical systems will be located above the base flood elevation.

## 3. Floodproofing Systems

As no habitable space is being created below the base flood elevation plus the City of Miami Beach Freeboard, wet or dry floodproofing systems as outlined in Chapter 54 of the General Ordinances do not apply to this project.

## 4. Pavement Materials

Given that this project is primarily an interior renovation, the use of cool or porous pavement materials is not applicable in the event that any exterior materials are damaged during construction, cool or porous pavement will be considered for utilization.

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Development  
Consulting

2310 Hollywood Blvd.

Hollywood

Florida 33020

Tel: 954.925.9292

Fax: 954.925.6292

email:

mail@sklarchitect.com

WEBSITE:

www.sklarchitect.com

AA 0002849

IB 0000894

NCARB CERTIFIED



Ari Sklar, A.I.A.

Oscar Sklar, A.I.A.

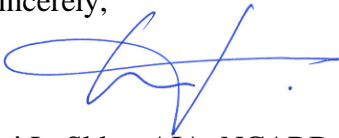
## 5. **Heat Island Effect**

The design of the project does not introduce significant changes to the site that would contribute to heat island effects. Where possible, we will ensure that any exterior modifications minimize this potential.

We hope this information helps clarify how the project addresses the relevant criteria. Should you require any further information or clarification, please do not hesitate to contact us.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Sklar', with a long horizontal stroke extending to the right.

Ari L. Sklar, AIA, NCARB  
President  
ALS/km