

May 4, 2025

VIA ELECTRONIC DELIVERY

City of Miami Beach Planning Board
c/o Mr. Thomas Mooney
City of Miami Beach, Planning Department
1700 Convention Center Drive
Miami Beach, Florida 33131

**Re: PB25-0742 Final Submittal / Letter of Intent for Planning Board Application
Property Located at 3925 Collins Avenue, Miami Beach, Florida
(the “Property”)**

Dear Planning Board Members:

This law firm represents HHLP Miami Beach Associates, LLC, as the property owner, and its affiliate, HHLP Miami Beach Lessee, LLC, as the current hotel lessee (collectively, the “**Applicant**”). Please accept this letter of intent in connection with the Applicant’s request to modify the Conditional Use Permit previously issued under Planning Board File No. 1985 (the “**Hotel and Mechanical Parking CUP**”), a copy of which is attached hereto as **Exhibit “A”**.

Two Conditional Use Permits govern the Property:

1. **Planning Board File No. 1985** – the Hotel and Mechanical Parking CUP, which governs the hotel and the mechanical parking system; and
2. **Planning Board File No. PB23-0632** – a Conditional Use Permit for a Neighborhood Impact Establishment (the “**NIE CUP**”).

The purpose of this application is to (i) update the Hotel and Mechanical Parking CUP to reflect current ownership, and (ii) amend Condition No. 2 to align the ownership change provisions with current City requirements, as detailed below.

At the request of City staff, the Applicant submitted a copy of the NIE CUP operational plan, as modified, to reflect the hotel and parking uses to satisfy the requirement for an operational plan. City records do not contain an operational plan as part of the Hotel and Mechanical Parking CUP. Therefore, the NIE CUP’s operational plan is used as a reference as the operations are generally aligned, except as specifically modified (e.g., valet company provides the garage monitoring as required by condition 10 of the Hotel and Mechanical Parking CUP).

This application does not propose any modifications to the NIE CUP or its operational plan. The only proposed change to the Hotel and Mechanical Parking CUP’s operational plan is to update the valet parking operator. No other amendments are included.

I. CUP Modification Request

The purpose of this application is to (1) update the CUP to reflect the current ownership, which has remained unchanged since 2011, and (2) amend Condition No. 2 of the CUP to modify the ownership change requirements to align with current City requirements, as detailed below.

FROM: “This Conditional Use Permit is issued to Beta Epsilon/Cadillac, LLC as owner of the Property. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein.”

TO: “This Conditional Use Permit is issued to HHLP Miami Beach Associates, LLC, and HHLP Miami Beach Lessee, LLC. Any changes in ownership or operator shall require the new owner or operator to submit an affidavit, approved by the City, to the City of Miami Beach Planning Department transferring approval to the new owner or operator and acknowledging acceptance of all conditions established herein.”

II. Sea Level Rise and Resiliency Review

The application supports the review criteria for compliance with the City’s recently adopted sea level rise and resiliency criteria as provided in Section 7.1.2.4.a of the Resiliency Code.

- (i) *A recycling or salvage plan for partial or total demolition shall be provided.*

Not applicable.

- (ii) *Windows that are proposed to be replaced shall be hurricane proof impact windows.*

Not applicable.

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

Not applicable.

- (iv) *Whether resilient landscaping (salt tolerate, highly water absorbent, native or Florida friendly plants) will be provided.*

Not applicable.

- (v) *Whether 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, including a study of land elevation and elevation of surrounding properties were considered.*

Not applicable.

- (vi) *The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.*

Not applicable.

- (vii) *Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation with room to raise.*

Not applicable.

- (viii) *Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.*

Not applicable.

- (ix) *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 of the City Code.*

Not applicable.

- (x) *Where feasible and appropriate, water retention systems shall be provided.*

Not applicable.

III. Conclusion

The Applicant is requesting a modification of Condition 2 to the Hotel and Mechanical Parking CUP. Based on the foregoing, we respectfully request your favorable consideration of this application. If you have any questions or comments, please give me a call at (305) 579-0784.

Sincerely,



Ethan B. Wasserman, Esq.

Enclosures:

David J. Butter, Esq.

EXHIBIT A

CERTIFICATION

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT
IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON
FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.

CITY OF MIAMI BEACH

(Signature of Planning Director or Designee) 4/25/12
(Date)

Personally known to me or Produced ID:

(Signature of Notary Public)

Notary Public, State of Florida at Large

Printed Name: TERESA MARIA

My Commission Expires: (Seal)

This document contains 5 pages.



TERESA MARIA

MY COMMISSION # DD 928148

EXPIRES: December 2, 2013

Bonded Thru Budget Notary Services

PLANNING BOARD CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 3925 Collins Avenue

FILE NO. 1985

IN RE: The Application by Beta Epsilon/Cadillac, LLC requesting a Conditional Use Permit for a single basement level, valet only, mechanical lift parking garage with 68 spaces located in a new ground floor addition with 84 hotel units at the rear of the property.

LEGAL

DESCRIPTION: Lots 1 through 8 inclusive, and the 16.00 foot Alley bounded on the West by the Easterly lines of Lots 5 through 8; Bounded on the East by the Westerly lines of Lots 1 through 4; Bounded on the North by the Southerly line of 40th Street, and Bounded on the South by the Northerly line of 39th Street, all in Block 31, AMENDED PLAT OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, a subdivision recorded in Plat Book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida.

MEETING DATE: January 25, 2011

CONDITIONAL USE PERMIT

The applicant, Beta Epsilon/Cadillac, LLC, filed an application with the Planning Director for a Conditional Use Permit for a single basement level, valet only, mechanical lift parking garage with 68 spaces located in a new ground floor addition with 84 hotel units at the rear of the property. Notice of the request for Conditional Use 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 RM-3, Residential multifamily high intensity 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, and the staff report and analysis, which is adopted herein, including the staff recommendation, that a Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions to which the applicant has agreed:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. 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 Beta Epsilon/Cadillac, LLC as owner of the property. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein.
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.
4. The Final Order for File No. 7194 issued by the Historic Preservation Board on October 12, 2010 is hereby adopted and incorporated into this Order by reference.
5. Any 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.
6. Valet storage of vehicles shall be exclusively for the Cadillac Hotel's use, as proposed by the applicant.
7. Valet staff shall adhere to traffic pattern submitted by the applicant. No pick-up or drop-off shall be permitted on 40th Street.
8. The sounding of car alarms, automobile horns, playing of radios or any kind of audio system and screeching of tires shall be prohibited.
9. The mechanical lifts and vehicle elevators must be inspected and serviced at least once per year with an annual safety report signed by a Licensed Mechanical Engineer and submitted to the Planning Department.
10. The parking garage shall consist of 68 spaces. The garage operation shall be 24 hours per day, seven days a week. There shall be security personnel of at least one person monitoring the garage operation 24 hours a day, seven days a week. The structure, operation, procedures, maintenance,

service response procedures, remote technical service team, local, on-site service team, and spare parts inventory shall be in accordance with as proffered by the applicant.

11. The facility shall ensure that noise or vibration from the operation of the mechanical lifts and car elevators shall not be plainly audible or felt by any individual standing outside an apartment or hotel unit at the property or at any adjacent or nearby property. Noise and vibration barriers shall be incorporated into the final design of the basement parking level of the concrete building to ensure that surrounding walls prevent any sound and vibration from emanating outside the parking level.
12. The parking platforms must be sealed and of a sufficient width and length (minimum of 7.5' by 16') to completely cover the bottom of the vehicle on the platform to prevent dripping liquids or debris onto the vehicle below.
13. The facility must maintain adequate backup generators sufficient to power the car elevators. The generators shall be maintained in proper operating condition. The location of the generators shall be submitted for the review and approval by staff to ensure that any negative impacts associated with the operation or testing of the equipment are minimized. The generators shall be installed in accordance with Code requirements regarding minimum flood plain criteria.
14. Repair personnel for the mechanical lifts shall be on call 24 hours per day seven days per week.
15. Deliveries and trash pick-up shall continue to take place at the northwest corner of the property by the original building, not at or through the valet-only parking level further to the east. The trash/garbage container shall have rubber wheels and shall not be permitted to be wheeled to curbside for pick-up.
16. The applicant shall submit an MOT (Method of Transportation) to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
17. Prior to the issuance of a building permit, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as may be determined as determined by the Concurrency Management Division.
18. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit.
19. A final determination of the required parking spaces and the associated calculation of any payment of the parking fee in-lieu of providing all the spaces on site shall be made prior to the issuance of a building permit.
20. As per Section 130-251 of the City Code, a declaration of restrictive covenants running with the land stipulating that a valet service or operator must be provided for such parking for so long as the use continues, in a form acceptable to the City Attorney and the Planning Director, and recorded in the official records of Miami-Dade County, shall be submitted prior to the issuance of a building permit.
21. The applicant shall obtain a full building permit within 18 months from the date of the meeting, and

the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.

22. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a building permit for the parking facility.
23. The Planning Board shall retain the right to call the owner or operator back before them and modify the hours of operation be valid complaints about loud, excessive, unnecessary, or unusual late night noise.
24. 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. 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.
26. This Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County at the expense of the applicant, prior to the issuance of a Building Permit.
27. 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.
28. 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 16th day of March, 2011.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: 

Richard G. Lorber, Acting Planning Director, AICP,
LEED AP
For Chairman

STATE OF FLORIDA)

#1985 -- 3925 Collins Ave. -- Cadillac Hotel Garage

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COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 16th day of March, 2011, by Richard G. Lorber, Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

Teresa Maria

[NOTARIAL SEAL]



TERESA MARIA
MY COMMISSION # DD 928148
EXPIRES: December 2, 2013
Bonded Thru Budget Notary Services

Notary:

Print Name:

Teresa Maria

Notary Public, State of Florida

My Commission Expires:

12-2-2013

Commission Number:

DD 928148

Approved As To Form:

Legal Department

(March 2-24-11)

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