

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: February 23, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **File No. 1840 –2301-2399 Collins Ave and 102 24th Street–The
1Hotel–Progress Report**

UPDATE

At the January 26, 2016 Board meeting, the applicant was directed by the Board to meet with the condominium association directly to the north of the property on the other side of 24th Street. According to the legal representative of the property, the hotel, developer and management, met with the manager and representatives of the condominium on Thursday, February 4th, at 2:30 PM in the hotel's management offices and scheduled a meeting for Wednesday, February 10, at 3:00 PM in the condominiums' management office. Additionally, an invoice was submitted dated February 2, 2016 for the hiring of an off-duty police officer.

BACKGROUND

- September 25, 2007* Sandy Lane Residential LLC, and related entities obtained approval for a Conditional Use Permit to operate two restaurants on site, a ground level VIP lounge, a ballroom and a rooftop pool and bar, which in the aggregate constituted a Neighborhood Impact Establishment.
- September 23, 2008* Several conditions of the Conditional Use Permit were modified by the Board to clarify terms and impose further restrictions intended to reduce negative impact on the residential neighbors.
- June 22, 2010* The applicants, Sandy Lane Residential, LLC, Sandy Lane Retail LLC, and Sandy Lane Beach Front, LLC were approved for a modification to a Conditional Use Permit (MCUP) to introduce the new operator and for the operator to affirm its understanding of the conditions of the Conditional Use Permit; and to modify the condition that refers to decibels in order to be consistent with the City's noise ordinance.
- December 14, 2010* Modifications were made to the final order due to a modification hearing resulting from a Progress Report. The modifications clarified terms and imposed further safeguards and restrictions intended to reduce negative impact on the residential neighbors.
- April 24, 2012* The applicant, 2377 Collins Resort, L.P., was approved for a modification to the MCUP to introduce new property owners and operators of the property as required by Condition 3 of the Modified Conditional Use Permit.
- October 29, 2013* The applicant, 2377 Collins Resort, L.P., was approved for a Conditional Use Permit (File No. 2138), for a mechanical parking system within the existing parking garage.

- June 24, 2014* The applicant, 2377 Collins Resort, LP, was approved for a Modification to the MCUP, in order to relocate a portion of the hotel kitchen serving the rooftop level from the ground floor to just below the rooftop level.
- November 24, 2015* The applicant appeared before the Board for a Progress Report and the Board requested a further Progress Report be scheduled for the January 26, 2016 meeting.
- December 15, 2015* An application for the modification of the CUP to change the name of the owners was approved and the re-approval of mechanical lifts in the existing garage (PB File # 2301) was approved. The applicant proffered to hire a traffic control person who would be responsible for the direction of traffic on 24th Street.
- January 26, 2016* A Progress Report was heard by the Board and the applicant was directed by the Board to meet with the condominium association directly to the north of the property on the other side of 24th Street.

As a point of reference, this Progress Report encompasses the entire building with the addresses of 2301-2399 Collins Ave and 102 24th Street. This includes but is not limited to the Roney Plaza condominium (2301 Collins Ave) and the 1Hotel (2377 Collins Ave) and Residences (102 24th Street).

Additionally, in the interest of clarity, during the last decade, the hotel component has been known as “The Paradiso”, “The Gansevoort”, and “The Perry” (not necessarily in that order). And the restaurants, lounge and rooftop operations have been known as “STK”, “Phillipe Chow”, “The Gansevoort Lounge”, “Louis”, “Beachcraft”, and “Plunge”.

PROGRESS REPORT

Staff research found that the following open violations are showing in the City’s records as of this writing (the current status is in parenthesis):

1. **CE15007779** 04/13/2015 STK MIAMI LLC at 2305 Collins Avenue (Special Master) “Failing to obtain a BTR/CU.” Fines have been assessed by the Special Master **JC15000396**.
2. **CE15008856** 5/12/2015 2377 COLLINS RESORT LP, DBA 1 HOTEL SOUTH BEACH at 2341 Collins Avenue (Open) “Failing to obtain a BTR/CU.”
3. **CE15013854** 10/3/2015 2377 COLLINS RESORT, LP. D/B/A 1 HOTEL SOUTH BEACH at 2377 Collins Avenue (Violation) “LOUD MUSIC” appealed to Special Master under case number **JC16000047**.
4. **CE16001341** 01/31/2016 at 2377 Collins Avenue (Invalid)

STAFF ANALYSIS

Since the last Progress Report on January 26, 2016, no violations have been issued. However, At the direction of the Board, the following noise complaint is being referenced, as it was received after January 26, 2016.

Additionally the existing noise violation is being appealed to the special master and the applicant is working toward obtaining all required BTR'S and BCU'S.

STAFF RECOMMENDATION

Staff recommends that the Board hear a verbal update from the applicant, discuss the item, and continue the Progress Report to a date certain of March 22, 2016 so that the Board can be updated on the status of the violations.

TRM/MAB/TUI

MIAMIBEACH POLICE

MIAMI BEACH POLICE DEPARTMENT
SUPPORT SERVICES DIVISION
OFF DUTY-EMPLOYMENT OFFICE
1100 WASHINGTON AVE
MIAMI BEACH, FLORIDA 33139
OFFICE (305) 673-7823 FAX (305) 673-7067

OFF DUTY POLICE INVOICE

JOB # Perm

TODAYS DATE:

2/2/2016

INVOICE # 16-02

CUSTOMER NAME: 1 Hotel
BILLING ADDR: 2341 Collins Ave
CITY, STATE ZIP: Miami Beach, FL 33139

CONTACT NAME: Luis Abril

PHONE #: 305-968-8635

JOB NAME / LOCATION: 2341 Collins Ave

DATE(s): 2/8/2016 - 2/29/2016 0800 -1800 hrs

COORDINATOR: SGT. A. Bello

DESCRIPTION	REG RATE	HOL RATE	REG HRS	HOL HRS	AMOUNT
POLICE OFFICER(S)	\$50.00	\$100.00	184		\$9,200.00
SERGEANT	\$55.00	\$110.00			\$0.00
LIEUTENANT	\$58.00	\$116.00			\$0.00
CAPTAIN	\$61.00	\$122.00			\$0.00
ADMINISTRATIVE	\$10.00		184		\$1,840.00
VEHICLE	\$3.00				\$0.00
OTHER (K9/ATV/BOAT/MOTORC)					\$0.00
	FLAT FEE	PER HR	PER HOUR # OF HRS		
COORDINATOR FEE	\$50.00	\$2.00	184		\$368.00
	FIRST HR	# OF HRS		ADDN HRS	
ESCORT	\$100.00		\$50.00		\$0.00
OFF DUTY DEPOSIT					\$0.00
ON DUTY POLICE					\$0.00
TOTAL DUE:					\$11,408.00

Two officers, at 4 hours each, to assist with traffic and event related issues.

*Job cancellations must be made at least 24 hours prior to the scheduled starting time of the detail and must be called in to the Off Duty Employment Office during normal operating hours. The Off Duty Employment Office is open 8:00 a.m. - 4:00 p.m. Monday through Friday, excluding holidays. The four (4) hour minimum shall apply to cancellations not meeting this requirement.

Pay rates (excluding administrative and equipment fees) will be doubled for any off duty employment performed on the following holidays: New Year's Eve, New Year's Day, President's Day, Martin Luther King's Birthday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve, and Christmas Day.

FOR FINANCE DEPARTMENT USE ONLY

OFF DUTY POLICE OFFICERS:	156-8000-342901	\$9,200.00
COORDINATOR FEES:	156-8000-342903	\$368.00
ADMIN./VEHICLE/BOAT/ATV/K9 FEES	156-8000-342900	\$1,840.00
OFF DUTY DEPOSIT	156-7000-223000	\$0.00
ON DUTY POLICE	601-7000-229019	\$0.00

Bill to Hotel operations
per Luis Abril
Luis Abril 2/6/16



Munday, Tui

From: Carter McDowell <cmcdowell@bilzin.com>
Sent: Tuesday, February 09, 2016 4:14 PM
To: Belush, Michael; Munday, Tui
Cc: Mike Tillman
Subject: report --my draft please add as you feel is appropriate
Attachments: IMG_5214.jpg; 1 Hotel 24 street on 02 09 2016 clear of any constuction debris.JPG; 1 Hotel Invoice from City of Miami Beach Police for off-duty Officer.pdf

Michael and Tui-- Per your request below is a bullet list of some of the actions taken by the 1 Hotel to address 24th Street operations since the last planning Board meeting :

- 1) Removed all remaining construction materials from 24th street and opened full-public access to the beach-- photos attached.
- 2) The Hotel has engaged the City of Miami Beach Police Department to hire an off-duty Police Officer on 24th street, currently from 02.08.2016 to 02.29.2016, between the hours of 0800 to 1800 hours to enforce the operation of 24th Street until all entities acknowledge the operating conditions for the street.
- 3) The Hotel, Developer and Management, met with the manager and representatives of the Rivera on Thursday, February 4th, at 2:30 P.M. in the Hotel's Management Offices. The next meeting is scheduled for Wednesday, February 10, at 3:00 P.M. in the River's Management Office.
- 4) The following vendors have been provided with additional written notices of mandatory schedules and prohibited delivery timeframes as posted by the City:
US Foods, Produce Kingdom, GFI, Fresh Point, Dade Paper, Airstron, Hotelier, Al-Flex, BRS, Cascade Water Services, Ecolo-Odor Control and Waste Management.
- 5) We are working on re-noticing the remaining vendors for the hotel and retail tenants to ensure that an accurate schedule is put in-place and managed appropriately. We are also exploring staffing changes at the loading docks to ensure protocol remains in -place after the end of the off-duty MBPD.

 **Bilzin Sumberg**

Carter McDowell
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**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 2301 Collins Avenue

FILE NO. 1840

IN RE: The applicant, 2377 Collins Resort, LP, is requesting a Modification to a Conditional Use Permit, pursuant to Article IV, Section 118 of the Miami Beach City Code, in order to relocate a portion of the hotel kitchen serving the rooftop level from the ground floor to just below the rooftop level.

LEGAL DESCRIPTION: See Attached Exhibit "A"

MEETING DATE: June 24, 2014

MODIFIED CONDITIONAL USE PERMIT

The applicant, 2377 Collins Resort, L.P., filed an application with the Planning Director for a Modified Conditional Use Permit pursuant to Article IV, Section 118 of the Miami Beach City Code, in order to relocate a portion of the hotel kitchen serving the rooftop level from the ground floor to just below the rooftop level. Notice of the request 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 Multi Family, 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.

RECORD & RETURN TO:
Carter N. McDowell, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
1450 Brickell Ave., 23rd Floor
Miami, FL 33131

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact and the staff report and analysis, which are adopted herein, including the staff recommendations, that the Conditional Use Permit be Granted subject to the following conditions to which the applicant has agreed:

1. The Planning Board shall maintain jurisdiction over this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board before the time stipulated herein. 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). This condition does not limit any other remedies available to the Board or the City with respect to this Conditional Use.
2. 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 determined by the Transportation/Concurrency Management Division.
3. This Conditional Use Permit is issued to 2377 Collins Resort, L.P. Any change of control shall require review by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board, within 90 days of the change of ownership or operator, to affirm their understanding of the conditions listed herein.
4. This Conditional Use Permit includes the rooftop area (n/k/a "Rooftop Operation") and the commercial uses within the building - two restaurants: on the southwest and northwest corners; the VIP Lounge; the ballroom; the Gym and spa; and the commercial/retail spaces are hereby approved as part of this request for Conditional Use approval.
5. The relocation of the kitchen servicing the rooftop area from the ground floor to the rooftop level shall be subject to verification that the former mechanical area was previously included in the floor area calculations for the entire building, as determined by the Planning Director, and with the requirement that the floor slab of the existing mechanical room shall remain at its current height.
6. The applicant shall continue to pay a fee in lieu of providing required parking as determined by staff in accordance with applicable law and any newly provided spaces.
7. Live music outdoors shall be prohibited. This condition is applicable to the entirety of Applicants' property, as set forth in Item 3 of their Application dated July 17, 2007. Music played outdoors shall be background music only, played at a level that does not interfere with normal conversation. Additional conditions for sound applicable to the Rooftop Operation, as set forth in this Conditional Use Permit, are incorporated into this condition as well. Non-compliance with this condition shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in Section 118-194 of the City Code.
8. Only the permanently installed, hotel management-controlled sound system shall be permitted in the Rooftop Operation, which shall be under the strict and complete control of management subject to all other terms and conditions of this Conditional Use Permit. No other sound system shall be permitted. Non-compliance with this condition shall be deemed a violation of this

Conditional Use Permit and subject to the remedies as described in Section 118-194 of the City Code.

9. Entertainment, as defined in the City Code shall be prohibited in the Rooftop Operation. Non-compliance with this condition shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in Section 118-194 of the City Code.
10. Any stage structure as well as smoke machines shall be prohibited in the Rooftop Operation, except that a temporary stage may be approved through the normal City of Miami Beach Special Events permitting process, except that the restriction on temporary stage structure is not applicable to the existing management-owned bridge used to bridge the pool. However, at no time during any Special Event shall the provisions of Conditions number 6, 13, 14, 16, 19 and 20 herein be contravened.
11. No temporary lighting equipment on the rooftop shall be permitted other than that associated with a City approved Film and Print Permit. However no temporary lighting equipment shall be set up during the hours of midnight and 7:00 a.m.
12. Lighting shall not shine on or into any neighboring residential units and all lights shall be appropriately shielded to minimize spillover onto neighboring residential areas. There shall be no flashing or spinning lights.
13. Fireworks shall be permitted only on the ground level east of the building.
14. Special "teen night," "all-ages" events, "wet T-shirt," "thong" or "bikini" contests or games shall be prohibited in all the venues proposed in this application. This shall include, but not be limited to events such as Jell-O wrestling, best-tan contests, and similar type of activities.
15. Enforcement of age restriction of 21 years and over, as provided in Section 6-5 of the City Code shall be the responsibility of the applicant. A violation of this condition shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in Section 118-194 of the City Code.
16. Street flyers and handouts shall be prohibited, including handbills from third-party promotions.
17. The Rooftop Operation shall be subject to the conditions proffered by the applicant, which are hereby enumerated:
 - a. The maximum number of guests that may be permitted shall not exceed 425 persons.
 - b. Closing time shall be 3:00 a.m. Thursday, Friday and Saturday nights, as well as for citywide special events and on national holidays, and 12:00 midnight all other nights.
 - c. The following sound conditions shall govern the Rooftop Operation:
 - (i) Compliance in all respects with the following noise studies: Cerami & Associates, Inc., dated June 9, 2006, and The Audio Bug, Inc., all as submitted by Applicant under Tab 16 of its "Hearing Notebook" filed with the Planning Board at the Board's July 29, 2008 meeting, as amended by The Audio Bug, Inc. report dated September 17, 2008; and under second amendment by The Audio Bug, Inc.

November 16, 2010; and the following ten additional sound conditions (ii – xi) shall govern to the extent that they are not inconsistent with said studies and report:

- (ii) The Audio Bug, Inc. or other sound engineer acceptable to City Staff, commencing on January 15, 2011 and quarterly thereafter shall provide to the Planning Director, Riviera Condominium Association and Roney Condominium Association a copy of a report that confirms that the sound system is in compliance with all the noise studies in 16 c. (i) in this Conditional Use Permit. The report shall also confirm that, based upon a recent inspection, the sound system has not been altered in any manner that would permit the sound system to operate at sound levels that violate the City's Noise Ordinance.
- (iii) The applicant shall notify the Riviera Condominium Association and Roney Condominium Association when The Audio Bug, Inc., or other sound engineer acceptable to City staff, will be performing his inspections. The Condominium associations, at their discretion have the right to send board members and/ or their own sound engineers to be present and participate while Audio Bug, Inc. (or another qualified engineer acceptable to City staff) conducts inspections of the sound system.
- (iv) Deployment of many small, closely spaced speakers, each of which is unable to operate above the maximum sound levels specified above in 17 c (i); No speaker shall exceed 8 inches in diameter.
- (v) A distributed sound system which distributes sound uniformly within the Rooftop Operation and which operates in a manner that does not interfere with normal conversation;
- (vi) A sound system which is locked and which will not permit sound above the maximum levels specified above;
- (vii) A sound system for which only the hotel general manager will have full responsibility and to which disc jockeys and other individuals, whether employed by the hotel or not, will not have access;
- (viii) A sound system which has a centralized computer control and digital processor which will allow only limited access via password security among other security options;
- (ix) Speakers, each of which is equipped with small woofers incapable of producing appreciable levels of low frequency energy;
- (x) Speakers, each of which will be aimed in a manner which will minimize sound propagation to other properties; and
- (xi) A prohibition upon the introduction or use of any other sound-generating equipment of any kind, whether from an outside source or from within the Applicant's property.



18. Regular valet protocol, other than for unit owners of the Paradiso Condominium shall be as follows:
- a. Cars returned via the garage exit on 23rd Street and make only right turns. However, at times of excessive demand, the valet manager may use his reasonable discretion in using the 24th Street out ramp for all customers who parked at the valet station on 24th Street in order to maintain appropriate car return times. This valet station, Valet Station #4, shall be located at the westernmost corner of 24th Street and the porte-cochere and no awning shall be permitted on this station.
 - b. All of the valet spots on Valet Station #4 will be for transient valet use only; no parking shall be permitted on this valet station ramp.
 - c. There shall not be any drop off/pick up at valet stations 3 and 4, for customers of the commercial uses past the hours of 11:00 p.m. on Sunday through Thursday and 12:00 a.m. on Friday and Saturday.
 - d. Unit owners of Paradiso Condominium shall have full access at all times to the 24th Street porte cochere for drop-off/pick up.
 - e. Valet Station No. 2 shall have signs posted indicating that this is the location for drop-off/pick-up area for the Rooftop bar and restaurants.
 - f. Senior hotel manager and food and beverage manager shall meet on a monthly basis with the Boards of 2401 Collins Avenue (Riviera Condominium) and the Roney Palace Condominium to maintain an open dialogue to air concerns, answer questions and respond to issues that may come up.
19. Loading bays located on 23rd and 24th Streets shall be used only in accordance with the following conditions:
- a. 23rd Street – The applicant shall continue to use this loading bay for the disposal of garbage. The existing 34 yard compactor shall remain in use at this location. The applicant shall annually submit to the Planning Director documentation that Applicant has informed its tenants where to dispose of the garbage. This shall insure that no more than approximately sixty percent (60%) of the building's total garbage disposal shall be through 23rd Street. Garbage shall be picked up no more than two (4) times per week on weekdays. Best efforts shall be used so the compactor is only picked up between 10 a.m. and 5 p.m., and shall not be picked up on weekends or federal holidays. If, in the future, the applicant can clearly demonstrate the need to increase garbage pickup to five (5) times per week, that request can be brought to the Planning Director upon notice to the Riviera and Roney for consideration and approval.
 - b. 24th Street – The applicant shall install the awning for the loading bay at 24th Street, as depicted on the design dated November 22, 2010, entitled "24th Street Loading Bay Plan" within 90 days of this Modified Conditional Use Permit being rendered. The applicant shall maintain a retractable gate, approved by staff, that fully encloses the loading bay fronting 24th Street, which shall remain closed at all times when the loading bay is not in use, i.e.