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## **VIA ELECTRONIC FILING**

January 25, 2021

Thomas Mooney, Director  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

Re: Conditional Use Permit for Neighborhood Impact Establishments – 1501 Collins Avenue (PB20-0416).

Dear Tom:

This firm represents Bancroft Oceans Five Holdings, LLC (the "Owner"), the owner of the commercial condominium units at 1501 Collins Avenue, Miami Beach, Florida (the "Property"). The Owner has partnered with 1501 Collins, LLC on a renovation project for the historic Bancroft Hotel and adjacent Ocean Steps commercial development. Please consider this letter the Owner's letter of intent for a Conditional Use Permit for the neighborhood impact establishment uses within the proposed redevelopment.

Description of Property. The Property is approximately 54,014 square feet in size (1.24 acres) and is located at the northeast corner of the intersection of Collins Avenue and 15<sup>th</sup> Street. The Property's reference Miami-Dade County Property Appraiser folio number is 02-3234-163-0001 (the Property has multiple folio numbers because it is condominium). The Property is zoned MXE Mixed Use Entertainment and is improved with a five (5) story structure, which was built in 1939. The Property is located within the Ocean Drive/Collins Avenue Historic District and the Miami Beach Architectural District, and the structure existing on the Property is designated as a historic structure within the Ocean Drive/Collins Avenue district.

Description of Development Program. The Applicant is seeking to restore the historic Streamline Moderne structure in the spirit of

the original Bancroft Hotel on the Property. The proposal calls for restoration of the building to preserve the historic nature and revitalize the uses on the Property.

Previous Approvals. In the mid-1990s, the former owner of the Property obtained approvals for renovations to the historic Bancroft Hotel structure and the development of the adjacent Ocean Steps mixed-development. The renovations to the Bancroft building included the demolition of portions of three floors of the historic structure to provide space for a performance venue in the building. The development was completed. The performance venue was never a great success and now the entire commercial element of the building is empty. In 2015, the Planning Board approved a Conditional Use Permit (File No. 2219) for the "Quality Meats" ground floor restaurant space, which included both indoor and outdoor seating. After operating for several years, the restaurant space is now empty.

Proposed Development. The Owner proposes to renovate the Bancroft Hotel building to include a new restaurant on the ground floor (in the former "Quality Meats" location) and the "Collins Club" office use on the remaining floors. Significant portions of the floors removed in the late 1990s are proposed to be re-introduced to the historic building. The Collins Club office use will offer memberships for Class A+ office space within the building. The Club will offer an unprecedented set of amenities designed to attract high-end professionals and digital nomads to Miami Beach. These amenities include fitness facilities and plunge pool, indoor and outdoor meeting space, and lounge areas. The outdoor meeting areas are proposed for the top of the Bancroft building as well as the existing roof of the Ocean Steps commercial structure. Members will have access to food and beverage service in office spaces, meeting areas, and two lounges within the Club portion of the building. The Club space will not be open to the general public.

The Ocean Steps commercial building will be renovated and developed with three commercial spaces on the ground level and office space above. The ground level development is proposed to include one centrally located restaurant with both indoor and outdoor seating. Two additional commercial spaces on ground level may be small restaurants. These two small commercial tenancies will be independently operated and, given their sizes, will not require conditional use approval as neighborhood impact establishments. Even though we have provided potential seating of these spaces for impact analysis purposes, we are excluding these small areas from the instant application to allow for flexibility for future tenants.

Restoration of Former Floors. The Owner will be asking the Historic Preservation Board to approve the re-introduction of the Bancroft Hotel floors removed in the mid-1990s redevelopment. Thanks to the recently approved Charter amendment and ordinance, "[a]s applicable to the restoration of a contributing building located within a designated local historic

district, the historic preservation board may, at its discretion and subject to the certificate of appropriateness procedure in chapter 118, article X, of this Code, approve the reconstruction of original internal floors in accordance with historical documentation and/or building permit records if, prior to June 4, 1997, such floors were removed, even if the underlying lot is non-conforming as to floor area ratio (FAR)."

Operational Plan. The proposed operational plan for both the entire project and the venues that require Conditional Use Permit approval is attached. Even though the Owner is excluding two small commercial spaces in the Ocean Steps structure from the instant application, the entire project will be operated under the general guidelines attached to this letter. The following is a summary of the major building-wide limitations:

- Deliveries and Trash -- The uses will utilize the building's unified loading and service areas. A fully enclosed trash room is located in the rear of the building. The applicant will ensure the proper operation of the shared private alley that serves both 1500-1501 Collins and the adjacent Royal Palm Hotel site. There is adequate room within the existing building to allow for loading to be completely within the structure. Given the nature of the proposes uses, large-scale deliveries are not expected.
- Crowd Control and Security -- The building will be served by the unified security system, which includes a 24/7 monitoring and on-premises security patrols. The proposed uses are not expected to create a queue. If queuing occurs, there is more than adequate room to accommodate that queuing within the building or in open common areas. Crowd control will be managed by each venue's staff, with the assistance of building security if necessary.
- Valet Parking -- Valet parking will be offered through the building's unified valet system, utilizing a ramp on the northeast corner of the property, on 15 Street. Storage for valet parking will be the garage. It is anticipated that a significant number of patrons will either self-park or access the business on foot from Ocean Drive and Collins Avenue.
- Employee Parking -- It is anticipated that employees who drive to the site will park in the integrated garage or other parking garages or City lots in the vicinity.
- Bar Counters -- All outdoor bar counters will be closed by 8:00 PM daily.
- Entertainment -- Outside of permitted special events, no entertainment is permitted and all exterior music will be ambient in nature.

- Outdoor Speaker System – The project will feature a unified outdoor speaker system designed to ensure that ambient levels are not exceeded in any venue.

Compliance with Relevant Code Standards. We believe the application, as submitted, is consistent with all of the relevant criteria of the City's Land Development Regulations. This letter will address each relevant criterion in turn.

Standard Conditional Use Criteria. Every conditional use application requires the Planning Board to determine an application's consistency with seven (7) criteria. Those criteria, codified in Section 118-192(a), are below, along with a description of the application's consistency with each:

1. The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

*The proposed mixed-use renovation plan is consistent with the policies of the City's comprehensive plan. Moreover, we believe that this first-class renovation plan is directly in line with the City's ongoing visioning exercise for the Ocean Drive corridor.*

2. 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.

*The proposed uses will not result in excessive impacts.*

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

*Both the proposed building and the uses within it are consistent with the MXE zoning regulations.*

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

*The proposed development will have no impact on the public's health, safety or welfare.*

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

*The existing building contains sufficient parking to serve the uses within the Property.*

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

*The proposed use will create no issues for neighboring property owners. Property values will be enhanced by the redevelopment of this decaying site and the development plan contemplates a significant reduction in potential external impacts to the neighborhood. Replacing a large nightclub/performance venue with Class A+ office space will be a significant benefit to the neighborhood.*

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 use is not of a type that would create a negative impact through concentration. The exclusion of all entertainment from the Property will help reduce the "party" atmosphere currently present in this area of the City.*

Neighborhood Impact Establishment Criteria. Although the proposed theater requires conditional use approval regardless of its size, the following is an analysis of the request based on the City's neighborhood impact establishment ("NIE") criteria of Section 142-1362.

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.

*An operational plan has been provided as part of this application.*

2. 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 for the uses will be within the building's large parking structure. The existing building includes more than sufficient parking to serve the uses within the building. Valet parking will be offered through the building's unified valet system,*

*utilizing a ramp on 15<sup>th</sup> Street. Storage for valet parking will be the garage. It is anticipated that a significant number of patrons will either self-park or access the business on foot from Ocean Drive.*

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.

*The proposed uses are not expected to create a queue. If queuing occurs, there is more than adequate room to accommodate that queuing either within the building or in the open air portions of the Ocean Steps portion of the Property. Crowd control will be managed by venue staff, with the assistance of building security if necessary.*

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

*The use will be served by the unified security system, which includes a 24/7 monitoring and on-premises security patrols.*

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.

*A traffic analysis has been provided that demonstrates that the proposed development will not negatively impact the area.*

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

*The uses will utilize the building's existing full enclosed unified trash room.*

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

*As noted above, the Owner has proffered details on the proposed outdoor speaker system that will ensure ambient levels are retained.*

8. Proximity of proposed establishment to residential uses.

*The Property is immediately adjacent to the residential component of Ocean Steps, which was developed at the same time as the commercial components, as well as other residential uses across 15<sup>th</sup> Street to the south and southeast. We believe that the proposed uses will not have a negative impact on adjacent residential uses, especially given the limitations the Owner has imposed.*

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

*We believe that the renovation plan for 1501 Collins will have the opposite of a "cumulative" effect. Instead, the combination of uses, including significant area of Class A+ office space, will help reverse the recent negative trends in the Ocean Drive area.*

Sea Level Rise and Resiliency. Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

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

*The plan will be provided at the time of building permit.*

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

*All new windows in the development will be hurricane proof.*

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

*Large doors are proposed to allow for passive cooling of restaurant and lounge areas where appropriate.*

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.

*The proposed landscape plan is resilient as it is comprised of native and Florida-friendly plants appropriate for the area.*

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.

*Since the Owner will be working with existing floorplates in the building, there is no ability to raise the structure at this time.*

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 three additional feet in height.

*This criterion is inapplicable as the application does not propose new construction.*

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.

*This criterion is inapplicable as the application does not propose new construction.*

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

*As part of the 1990s construction, the new portions of the building were raised 3.5 feet. It is not currently feasible to raise the existing Bancroft floors.*

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 of the city Code.



*The improvements have been designed to accommodate this requirement.*

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

*This criterion is inapplicable as the application does not propose new construction.*

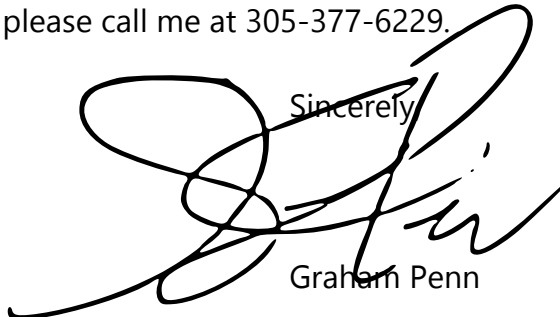
11. Cool pavement materials or porous pavement materials shall be utilized.

*This criterion is inapplicable as the application does not propose new construction.*

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

*The renovations to the open areas of the project will significantly increase the shading of these areas.*

Conclusion. The Owner is excited to bring this new development to a property that has been ignored for too long. We look forward to your recommendation on our application. If you have any questions or comments, please call me at 305-377-6229.

Sincerely,  
  
Graham Penn