

Historic Preservation Board File No. 20-0444

1501 Collins Avenue



Presentation by Law Offices of Kent Harrison Robbins, P.A.
on behalf of Albert Lepage, Owner of Unit No. 801, 802 and 909,
1500 Ocean Drive, Miami Beach, Florida

May 11, 2021

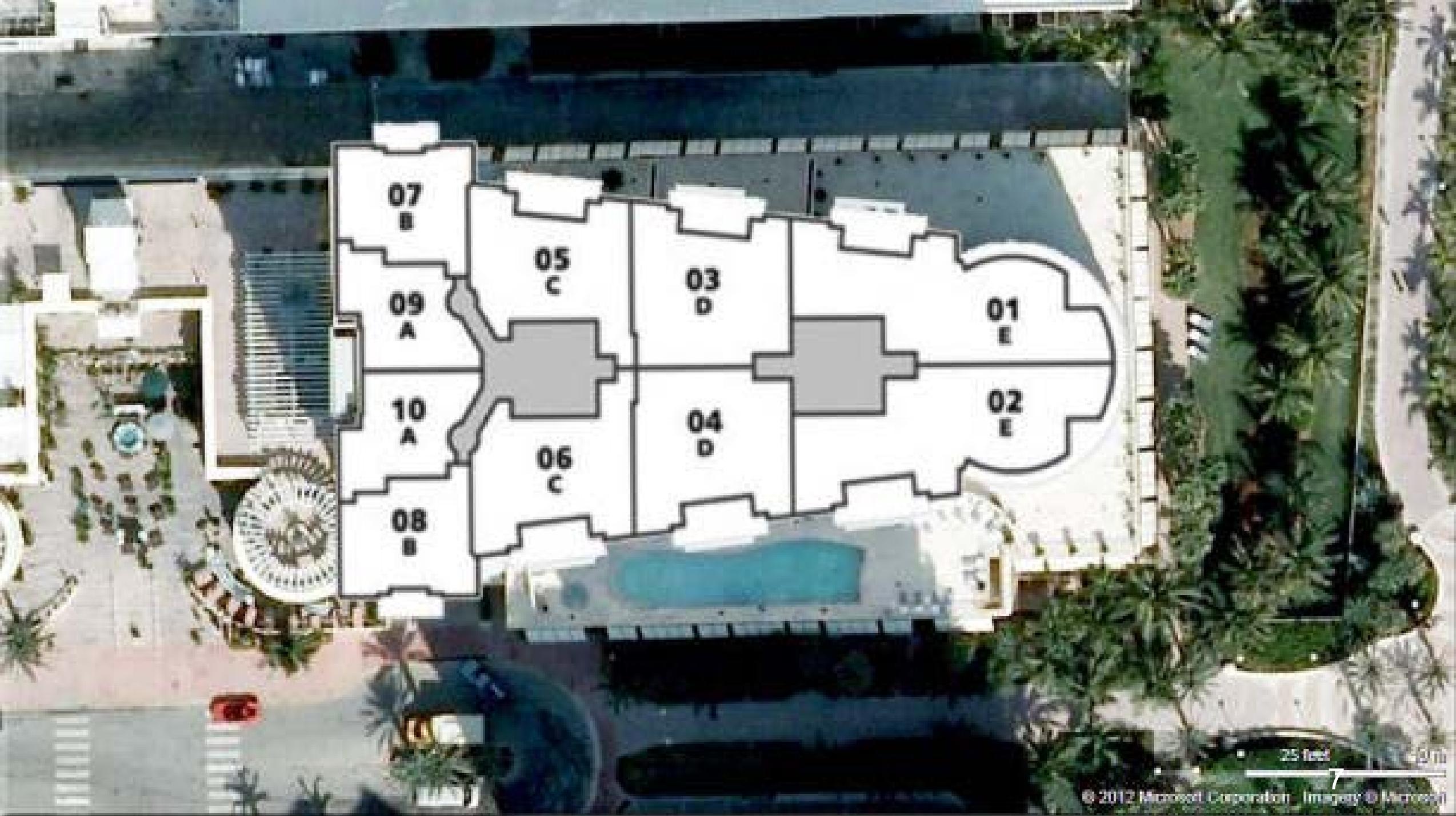
1500 OCEAN DRIVE PHOTOS







1500 OCEAN DRIVE FLOOR PLAN



07
B

05
C

03
D

01
E

09
A

04
D

02
E

10
A

06
C

08
B

25 feet

30 m

REQUEST FOR DEFERRAL OR CONTINUANCE OF HEARING

SUBMITTED ON MAY 5, 2021

May 5, 2021

By Email to debrahtackett@miamibeachfl.gov

Chairman and Members of the Historic Preservation Board
 c/o Debbie Tackett, Chief of Historic Preservation
 City of Miami Beach
 1700 Convention Center Drive
 Miami Beach, Florida 33139

Re: Request for Deferral or Continuance of the May 11, 2021 hearing on the Application for Certificate of Appropriateness for Partial Demolition and Design and Variances for the property located at 1501 Collins Avenue, Miami Beach, Florida (Historic Preservation Board File No. 20-0444)

Dear Chairman and Members of the Planning Board,

I represent Albert Lepage, the owner of the properties located at 1500 Ocean Drive, Units 801, 802 and 909, Miami Beach, Florida ("Lepage") concerning the above referenced matter.

Because of subject matter jurisdiction conflicts, Mr. Lepage is requesting a deferral or continuance of the hearing on Historic Preservation Board File No. 20-0444 scheduled for Tuesday, May 11, 2021, as matters precedent must be reviewed and considered by the Planning Board prior to any consideration by the Historic Preservation Board or, alternatively, the HPB should defer and not consider matters that are particular to the jurisdiction of the Planning Board.

At the request of Staff, the April 27, 2021 Planning Board hearing on an application for a Conditional Use Permit for 1501 Collins Avenue was continued to the May 25, 2021 Planning Board Hearing. The Planning Board was to consider the use and occupancy of the following at 1501 Collins Avenue:

	<u>Occupancy</u>	<u>Indoor Seating</u>	<u>Outdoor Seating</u>	<u>Total Seats</u>
Four Public Restaurants:	1048	395	247	642
Limited Access Food and Alcohol Beverage "Amenities" for Offices:	865	80	301	381
TOTAL:	1913	475	548	1023

Since that time, the seat count has changed. The reason that the application was continued by the Planning Board was that the City was not prepared to consider additional language that was proposed for the Conditional Use Permit order.

A continuance of the Historic Preservation Board hearing is legally necessary because matters impacting issues essential to the Planning Board review are being presented to this HPB for its review. Historic Preservation Board plans submitted by the Applicant specify speaker placement, type and sound systems as well as food, beverage, and restaurant seats, tables and counters. The plans submitted for HPB consideration affect the use of the premises, and that use impacts the immediately adjoining residential property. Those uses and their impacts are the substance of the Conditional Use Permit review process exclusively reserved for consideration by the Planning Board. Because Conditional Use Permit review is in the exclusive jurisdiction of the Planning Board, the Historic Preservation Board matter should be continued until after the request for a Conditional Use Permit is considered by the Planning Board, as is the usual and customary procedure of HPB Staff under such circumstances.

Without the speaker placement, type and system as well as food, beverage, and restaurant seats, tables and counters first being reviewed by the Planning Board as part of its Conditional Use Permit review process, and its determination of whether those proposals are consistent with the requirements of Conditional Use Permit approval, this Board does not have sufficient factual and legal information to determine whether there is competent substantial evidence to support the proposed Certificate of Appropriateness and variances and to determine whether the issuance of such Certificate of Appropriateness and variances meet the essential requirements of the law.

Further, by considering the application for a Certificate of Appropriateness and variances prior to the Planning Board's review of the speaker placement and type as well as food, beverage, and restaurant seats, tables and counters as part of the Planning Board's Conditional Use Permit review and the entering of any order, it denies the Affected Parties due process.

Sincerely,

Kent Harrison Robbins

Kent Harrison Robbins
 Attorney for Albert Lepage

cc: Tom Mooney, Planning Director: ThomasMooney@miamibeachfl.gov
 Nick Kallergis, First Assistant City Attorney: NickKallergis@miamibeachfl.gov
 Jason Jacobson, City Attorney: JasonJacobson@miamibeachfl.gov
 Graham Penn, Attorney for Applicant: gpenn@brzoninglaw.com
 Tucker Gibbs, Attorney for 1500 Ocean Drive Condominium Association, Inc.: tucker@wtgibbs.com

FOOD AND ALCOHOL SEATING AND OCCUPANCY

SEATING / OCCUPANT LOAD FOUR PUBLIC RESTAURANTS

Venue	Total Occupant Load	Actual Indoor Seating	Actual Outdoor Seating
Venue 1 (Bancroft Lobby)	448	194	97
Venue 2 (Ocean Steps Central)	292	100	88
Sushi	145	54	32
Coffee	163	47	30

**SEATING / OCCUPANT LOAD
THREE LIMITED ACCESS FOOD AND ALCOHOL
BEVERAGE “AMENITIES” FOR OFFICES**

Facility	Occupant Load
Second Floor Terrace	13
Interior Third Floor Lounge and Rooftop	488 (150 outdoor seats)
Fourth Floor Dining and Bar	80
Bancroft Roof	284

	<u>Occupancy</u>	<u>Indoor Seating</u>	<u>Outdoor Seating</u>	<u>Total Seats</u>
Four Public Restaurants:	1048	395	247	642
Three Limited Access Food and Alcohol Beverage “Amenities” for Offices:	<u>865</u>	<u>131</u>	<u>306</u>	<u>437</u>
TOTAL:	1913	526	553	1054

APPLICANT'S LOADING CALCULATIONS

6 LOADING SPACES

LOADING CALCULATIONS

Venue	Area	Requirement	Provided
Food & Beverage Venues		Over 20,000 but not over 40,000: 4 loading spaces	4 loading spaces
Venue 1	12,496 SF		
Venue 2	5,387 SF		
Coffee Bar	2,690 SF		
Sushi Bar	2,453 SF		
Rooftop Office Lounge	11,591 SF		
Office Venues		Over 10,000 but not over 100,000: 2 loading spaces	2 loading spaces
Bancroft Executive Office			
Suites	29,514 SF		
Office Tenant #1	1,736 SF		
Office Tenant #2	2,014 SF		
Office Tenant #3	1,758 SF		

VALET PARKING CIRCULATION RETURN ROUTE

6 SQUARE BLOCKS

**7 TRAFFIC CONTROLLED
INTERSECTIONS**



Valet – Parking Route

FIGURE 2
 1501 Collins
 Miami Beach, Florida