

October 4, 2021

VIA HAND DELIVERY**City of Miami Beach Planning Board**c/o Thomas R. Mooney
Department of Planning
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: PB21-0457 Application for Conditional Use Permit for a Neighborhood Impact Establishment and Open-Air Entertainment Establishment with an occupant content in excess of 200 Persons ("CUP") for Sagamore Hotel at 1671 Collins Avenue, Miami Beach FL 33139 ("the Property")

Dear Planning Board Members:

Our law firm represents EBJ Sagamore LLC. ("Applicant") whose property is located at Sagamore Hotel at 1671 Collins Avenue, Miami Beach FL 33139 ("Sagamore"). Sagamore is located in the Residential High-Density District ("RM-3"). Through this letter the Applicant requesting approval of a Conditional Use Permit for a Neighborhood Impact Establishment and Open-Air Entertainment Establishment with an occupant content in excess of 200 persons ("CUP") both in the exterior and interior of the hotel adding entertainment with live music and DJ in the rear of the Sagamore.

I. Project

Sagamore is an operating hotel with an approved interior restaurant and bar and holds many Special events throughout the year. The Sagamore would like to have the CUP approved that would allow them to have regularly scheduled events in the rear outdoor area of the hotel. The entertainment being requested for the outside portions which include live music, and a DJ. Simultaneously with this application, the Sagamore is applying to the HPB for an approval of a new residential tower primarily on the Sagamore site.

The intent of the CUP would be to operate until such time HPB approvals are fully vested and construction permits are obtained for the proposed Ritz/Sagamore residential tower. Once Sagamore is closed and construction begins, the CUP will not be required as it will not continue after construction starts or ends.

II. Compliance with 142-1362: In reviewing an application for an outdoor entertainment establishment, open air entertainment establishment, neighborhood impact establishment, or after-hours dance hall, the planning

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board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines for conditional uses pursuant to chapter 118, article IV:

- a. 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.
 - i. The Sagamore Hotel has on a yearly basis held several large-scale Special Events that exceed the amounts being requested which operated without any issues. The hours requested are from 10 a.m. to 2 a.m. so not impact the hotel guest at property and those of the neighboring hotels.
- b. 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.
 - i. The hotel has no parking requirements but works with valet they utilize an off-site parking garage to address anyone coming with cars. It should be noted that most of the patrons would come from neighboring hotels or ride share. The Sagamore does have off street drop off.
- c. 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.
 - i. All crowd control will be done within the Sagamore property and not interfere the public right of way.
- d. A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.
 - i. Security currently provides services at Hotel and special events.
- e. 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.
 - i. Please refer to Traffic Analysis dated October 1, 2021.

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- f. A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.
 - i. Currently they have capacity to absorb any sanitation issues from events, please see Operations Plan.
- g. A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance.
 - i. Provided to address the changes in the outdoor areas.
- h. Proximity of proposed establishment to residential uses.
 - i. Buffered by Hotels to the north, such as the National and the Ritz Carlton to the South, which buffers residential across Lincoln road.
- i. Cumulative effect of proposed establishment and adjacent pre-existing uses.
 - i. This is the heart of the hotels along Collins Avenue and does not create any negative effect.

III. Compliance with Sea Level Rise and Resiliency Review Waiver - Section 133-50(a) provides review criteria for compliance with the City's recently adopted sea level rise and resiliency criteria.

- (i) *A recycling or salvage plan for partial or total demolition shall be provided.*
 - a. N/A, existing areas.
- (ii) A recycling plan will be provided as part of the submittal for a partial/total demolition permit to the building department.
 - a. N/A, existing areas.
- (iii) *Windows that are proposed to be replaced shall be hurricane proof impact windows.*
 - a. N/A, no new windows being proposed.

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- (iv) *Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.*
 - a. N/A no structural changes to interior areas proposed.
- (v) *Whether resilient landscaping (salt tolerate, highly water absorbent, native or Florida friendly plants) will be provided.*
 - a. N/A. no landscaped area proposed.
- (vi) *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.*
 - a. N/A, no new building construction.
- (vii) *The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.*
 - a. N/A, not as part of CUP being requested.
- (viii) *Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation with room to raise.*
 - a. No new construction being proposed.
- (ix) *Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.*
 - a. N/A

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(x) *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.*

a. N/A

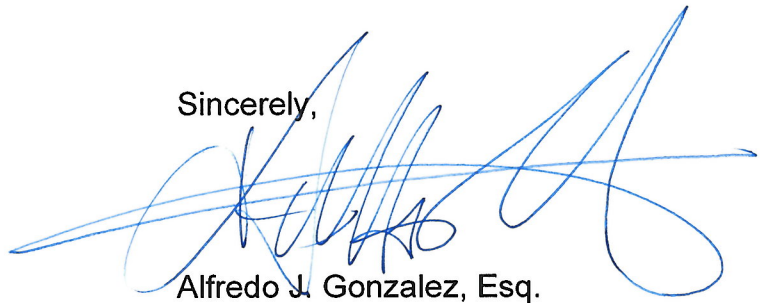
(xi) *Where feasible and appropriate, water retention systems shall be provided.*

a. N/A

IV. Conclusion

Prior to making this application, the Applicant has consulted with City staff and the neighbors on these issues. So, accordingly, the Applicant is requesting that the Planning Board approve this application for Conditional Use Permit as described in.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alfredo J. Gonzalez', is written over a large, stylized blue 'X' mark.

Alfredo J. Gonzalez, Esq.

AJG.

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