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VIA ELECTRONIC & HAND DELIVERY

July 31, 2023

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

Re: **PB22-0540** – Request for Conditional Use Approval of an Entertainment and Neighborhood Impact Establishment Located at 2000 Collins Avenue, Miami Beach, Florida

Dear Mr. Mooney:

This law firm represents Regal 2000 Collins Retail Holdings LLC (the "Applicant") in its application concerning the property located at 2000 Collins Avenue (the "Property") in the City of Miami Beach, Florida ("City"). Please let the following serve as the required letter of intent in support of Conditional Use Approval to allow an entertainment establishment and neighborhood impact establishment on the above-captioned property in connection with a new speakeasy-themed cocktail lounge ("Project").

Property Description. The Property is a non-contributing unified development site located along Collins Avenue between 21st Street to the north and 20th Street to the south. The Property encompasses the structures at 237 20th Street, 220 21st Street, and 2000-2038. The Property consists of three (3) parcels identified by Miami-Dade County Folio Nos. 02-3226-001-0060, 02-3226-001-0090 and 02-3226-001-0065. See Exhibit A, Property Appraiser Reports. The Property is located in the Museum local Historic District and Architectural District and is zoned CD-3, Commercial High Intensity District ("CD-3"), a zoning district allowing a wide range of commercial uses, including entertainment use and neighborhood impact establishments as conditional uses. See Figure 1, below. The Project is located in Space M of the building at 2000 Collins Avenue.



Figure 1

Currently, the location of the Project is vacant. The rest of the Property includes the Boulan Hotel South Beach and condominium units along. The Property also contains commercial spaces along the ground floor, these are: Joe the Juice, Orange Blossom restaurant, Raspoutine restaurant, Sweet Liberty restaurant, Hennah International Salon, Sauvage Swimwear store, and a CVS Pharmacy Specifically, the Project is located in Commercial Space M of 2000 Collins Avenue on the southeast corner of the ground and second floor (the "Space") where the Project will be located. The Project does not propose any exterior modifications to the existing building at 2000 Collins or other structures within the unified development site.

Proposed Project. The Applicant proposes to redevelop the existing space into a speakeasy-themed cocktail lounge called Sona. The Project will serve alcoholic beverages and offer patrons daily musical entertainment mixed by a DJ. The proposed entertainment will also include live performances by a violist and a saxophonist, ballet dancers and acrobat dancers, and cabaret shows without nudity. Sona will offer 125 seats in a combination of booth and bar seating. Patrons will enter Sona via the main entrance on 20th Street and through an interior vestibule opening up to the entrance lobby. Here, an elevator will lift patrons to the second level where they will enter the main seating area. The Project does not propose any food service. The Project will employee approximately fifty (50) individuals, including managers, servers, bussers, bartenders, barbacks, hostesses, security personnel, front door attendant, bathroom attendants, and a cleaning crew.

The Space is ideally suited for the proposed entertainment use, as the Property is improved with a large development consisting of three buildings and numerous commercial venues with a range of uses, including hotel, restaurant, retail, and personal services. While the Space has a maximum occupancy load of 462 people, the Project provide seating for 125 people,

and will only allow seated patrons. This reduced operational capacity is significantly lower in intensity and patron seating than the previous tenant, Ora Nightclub. Therefore, impact on area properties and business will decrease from the Space's prior nightclub use. For instance, the Project's peak hours of operation will occur during 11:00 pm and 2:00 am, and during this time the majority of commercial uses will not be open, and therefore, will not be impacted by the Project at peak times. Additionally, the Project's is located on the southeast corner of the building, placing it as far away from lodging uses as the building allows, this further minimizes any impact on residents or hotel guests. Finally, the main operation will occur on the second floor of the Space. The Space is walled off from the hotel and residential units, which are further buffered by maintenance hallways and/or stairwells that further mitigate potential sound impact.

Meeting with Transportation Department. On May 19, 2022, the Applicant met with the Miami Beach Transportation Department (the "Department"). The Department advised that no traffic study is required for the Project will not offer valet services at the only entrance, along. Further, the Project provides all 85 required parking spaces in the adjacent parking garage located at 237 20th Street, which is a part of the Property.[1]

Estimated Cost of Construction. The estimated cost of construction is $1,000,000.00.

Property History. In 1926, the Property contained a filling station and garage at the southeast corner of 20th Street and Collins Avenue. In 1937, the garage became S.A. Ryan Motors, and an automobile showroom was added next door. This building was called the Lincoln – Ford – Zephyr, and was originally designed by August Geiger in the Art Deco style. In 1945, John E. Petersen remodeled the showroom to become Pomeroy's Restaurant, and again, in 1950 by Igor Polevistky, to become Postwar Modern style. By 1955, Pomery's was gone and the building was remodeled several more times and, in 1974, became La Rumba. The filing station was later replaced, in 1945, by the Blackamoor night club designed as a two-story cube by Albert Anis, in 1948, when it became the 5 O'Clock Club, and later Déjà vu and SoBe Showgirls.

On the northeast corner of the Property was Fan & Bill's Restaurant, built in 1936 and designed by Igor Polevitsky. This building was remodeled in 1952 by Jack fishman to become Wolfie's Sandwich Shop. Fan & Bill's relocated to a new building on 21st Street in 1950, designed by Robert Swarthburg. This building later became Chandler's of New York among other things, and then the Cheetah Club.

[1] Comment No. 9 in the Corrections Report issued by the Planning Department on July 21, 2023, confirmed that the Project requires 85 parking spaces.

Prior Land Use Board Approvals. The Property has been subject to numerous Planning Board ("PB") approvals, including:

February 2001 – Just Around the Corner, LLC was granted a CUP (PB File No. 1493), allowing a multi-level parking garage with retail on the ground floor.

April 2003 – Just Around the Corner, LLC and POP Development, LLC requested a substantial amendment to the existing CUP (PB File No. 1493) with a new PB File No. 1609 which was approved by the Planning Board (PB File No. 1609 superseded the previous order). This substantial amendment consisted of an extension of the valet parking garage located at 237 20th Street and introducing a residential component above ground level commercial spaces facing Collins Avenue and 21st Street.

July 2004 – Just Around the Corner, LLC and POP Development, LLC applied for a modification to File No. 1609, which the PB approved. Condition No. 3 of this CUP states "[d]ance halls, bars or any kind of neighborhood impact establishment shall only be permitted along Collins Avenue. Any entertainment establishment that may be proposed for this property, regardless of occupant load shall be reviewed by the Planning Board for conditional use approval as agreed by the applicant."

July 2007 – A new applicant, Park Place Development, LLC requested a modification to File No. 1609, that was approved by the PB. The modification allowed the conversion of two of the originally approved areas: The Gym and Spa into restaurant space; and four (4) of the residential units into a second floor restaurant space connecting to the already approved restaurant on the ground floor.

February 2012 – Park Place Development, LLC requested a modification to File No. 1609 to add a lounge use on 20th Street. While the CUP retained the previous conditions of File No. 1609, and renamed Condition No. 3 to Condition No. 11.

February 2012 – Ocean First Group, LLC received a separate CUP for a neighborhood impact establishment and alcoholic beverage establishment offering entertainment and a dance hall with an occupant content of more than 200 persons (File No. 2042). The PB held a long discussion that included the intensity of the restaurants (number of seats), traffic, parking and the location of the various venues. Condition Number 5 of the CUP states that hours of operation shall be 10:00 pm to 5:00 am Sunday through Saturday and a maximum patron occupancy load of 707 people (PB19-0271).

August 2012 - Park Place Development, LLC was granted a modification to File No. 1609 to add a restaurant and reconfigure the previously approved restaurant spaces. The modification also streamlined the approval process to permit future reconfigurations without the need to return to the PB every time there is a change of floor plan.

July 2015 – Zilkatur, LLC requested a modification to File No. 1609. Specifically, the applicant requested to change the name of the owner of the neighborhood impact establishment.

November 2015 - Park Place Development, LLC and Just Around the Corner, LLC requested modifications to a previously issued File No. 1609. Specifically the applicant requested to modify a condition of the CUP to allow entertainment establishments on Liberty Avenue and on 21st Street.

December 2015 - Bagatelle Miami, LLC., requested conditional use approval for an entertainment establishment (File No. 2277), pursuant to the requirements of the File. No. 1609.

November 2016 – DOA Miami Beach, LLC, applied for File No. 16-0060, requesting a modification to a previous CUP (File No. 2074) that approved the neighborhood impact establishment. Specifically the applicant requested to change the name of the owner and an expansion of the floor plan. This CUP is no longer valid.

July 2019 – MC GA Collins Realty, LLC applied for File No. PB19-0271 requesting for a modification of the CUP for the neighborhood impact establishment (File No. 2042) previously approved by the PB. Specifically, the applicant requested to change the name of the owner.

January 2023 – Regal 200 Collins Retail Holdings, LLC, RDS Boulan LLC, 237 Parking LLC, and 237 20th Street Garage LLC LLC, applied for File No. 22-0551 that requested a modification to the CUP to change the name of the owner.

General Standards for Approval of Conditional Uses. Pursuant to Code Section 2.5.2.2.a, an application for a conditional use may be approved if the Planning Board finds that it meets the below-listed general standards for approval. The Project complies with all nine (9) standards.

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

CONSISTENT – Policy RLU 1.1.10 of the 2040 Comprehensive Plan provides that the CD-3 Future Land Use Designation permits various types of commercial uses including eating and drinking

establishments and conditional uses approved at public hearings as permitted by the Land Development Regulations. The proposed use is consistent with Policy RLU 1.1.10 as it will be permitted as a conditional use subject to approval of the Planning Board at a public hearing.

(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.

CONSISTENT – The Project proposes a cocktail lounge in a venue that preciously hosted a nightclub, Ora Nightclub. This previous operation was considered and approved by the PB (File No. 19-0271) and permitted a maximum occupancy load of 707. Here, the Project Area has maximum occupancy load 462, which is significantly lower than the maximum permitted occupancy for the former nightclub. Additionally, Policy RLU 1.1.10 of the 2040 Comprehensive Plan states that the purpose of the CD-3 Future Land Use Designation permits is to provide new medium intensity commercial areas which primarily serve the entire City. As such of the scale and intensity of the Project matches the stated policy for the CD-3 district. Further, when the PB approved the CUP for the previous nightclub, found that the previously approved nightclub grant the approval for the nightclub the PB found that , it Thus, the Project will not impact levels of service that such that it will exceed thresholds established by the City's comprehensive plan.

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

CONSISTENT – The structure and use associated with the request are consistent with the City's land development regulations (LDRs). The Property is within the CD-3 zoning district, which allows alcoholic beverage establishments and entertainment use as conditional uses. Consequently, the uses associated with the request are consistent with the land development regulations.

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

CONSISTENT – The Applicant proposes to redevelop the Space, which has been vacant since mid-2019, and construct a cocktail lounge that will serve alcohol and offer entertainment. The Property is located within the CD-3 high intensity commercial zoning district, in an area that is already activated by extensive different commercial uses. Rather than allow the Site to continue being vacant, the Project will bring a venue to the Property and provide a neighborhood amenity for the surrounding residential community. Moreover, the Project will provide additional business tax revenue to the City, generate jobs and increase the tax base, thereby stimulating the local economy and encouraging consumer activity.

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

CONSISTENT – The Project will provide off-street parking located within the valet-only parking garage located at 237 20th Street. The Project is required to provide 85 parking spaces: 32 per the seat count and 53 per the floor area count. Overall, when considering the remaining residential and commercial uses, the Property must provide 256 required parking spaces. The garage has a capacity of 402 parking spaces. Therefore, the Project provides more than enough off-street parking. The Applicant further anticipates that many patrons will arrive by foot, ride-share services, or taxi.

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

CONSISTENT – The Operations Plan includes various safeguards to protect surrounding property, persons, and neighborhood values. The Applicant will carefully control and monitor lounge operations and patron behavior, ensuring that crowd control and noise levels are sufficiently mitigated. The Applicant's design team has taken great care to design a quality project that will provide for the safety and security of the entire area. These measures include the construction of an interior vestibule to the entrance to mitigate noise emanating from Site. Further, Sona will employ an in-house security team that consists of two (2) directors of security and 18 security guards. The security team will be distributed strategically throughout the Site to ensure every area of the Site is fully monitored and controlled, including the exterior sidewalk. Additionally, all employees will be responsible for enforcing patron age restrictions, specifically, the security team. The responsible vendor course shall address critical topics that are crucial for the safe operation of the cocktail lounge, such as checking ID's and recognizing counterfeit ID's.

(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.

CONSISTENT – The Project will not negatively impact the neighborhood. The Project proposes entertainment use in a location that includes residential and lodging uses at the Boulan South Beach and condominium units along. The Property also contains commercial uses along the ground floor, these are: food service establishments such as Joe the Juice, Orange Blossom, Raspoutine, Sweet Liberty; personal service at Hennah International Salon; and retail at Sauvage Swimwear store, and the CVS Pharmacy. There are no other entertainment uses adjacent to the Project, or in the immediate vicinty. Therefore, there will be no concentration of similar conditional uses. The potential for negative impacts on the surrounding community was

considered by the PB when it approved the previous nightclub. The PB further addressed this during a progress report when it discussed the status of the venue's operations and compliance with the CUP after the nightclub opened for business. Finally, as previously mentioned, the Project will feature an intensity of use and maximum patron count that is significantly lower than the previous nightclub operation.

(8) The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

CONSISENT – As explained in further detail below, the Project complies with all sea level rise and resiliency review criteria provided in Code Section 7.1.2.4.

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

CONSISTENT – The Project proposes entertainment use in a location that includes residential and lodging uses at the Boulan South Beach and condominium units along. The Property also contains commercial uses along the ground floor, these are: food service establishments such as Joe the Juice, Orange Blossom, Raspoutine, Sweet Liberty; personal service at Hennah International Salon; and retail at Sauvage Swimwear store, and the CVS Pharmacy. There are no entertainment uses located in the area surrounding the Property. As stated above, Project will have a decreased intensity of use and maximum patron count that is significantly lower than the previous nightclub operation. While the nightclub was in operation, the surrounding neighborhood already experienced the cumulative effects of this more intense existing use

Neighborhood Impact Establishment Supplemental Review Standards: In addition to the standards set forth in Code Section 2.5.2.2.a, in Section 7.5.5.4.a. the Code provides supplemental review guidelines and criteria for neighborhood impact establishments in addition to the standard review guidelines in Section 2.5.2.

(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.

CONSISTENT – The Applicant has provided a business operation plan along with this application that details its management team, goals, hours of operation, menu items, employee demand, security, loading and refuse collection, and general operational characteristics.

(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.

CONSISTENT – The Project will provide off-street parking located within the valet-only parking garage located at 237 20th Street. The Project is required to provide 85 parking spaces: 32 per the seat count and 53 per the floor area count. The Property is required to provide 256 parking spaces when considering the remaining residential and commercial uses. The garage has a capacity of 402 parking spaces. Therefore, the Project provides more than enough off-street parking. The Applicant further anticipates that many patrons will arrive by foot, ride-share services, or taxi.

(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.

CONSISTENT – Indoor and outdoor crowd control is incorporated into the Applicant's operations plan. All patrons will be processed inside of the Site. Additionally, the Applicant will construct an interior vestibule that will help control patron entry and minimize any potential outdoor queuing. The Applicant intends to train all employees regarding crowd control procedures, and will limit ingress and egress to the entrance along 20th Street.

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

CONSISTENT –The Applicant will carefully control and monitor lounge operations, patron behavior, ensuring crowd control and noise levels are adequately handled. The Project will station two security guards will be stationed at each exit and at the entrance and the remaining security guards will be stationed strategically throughout the property. The Director of Security will be on duty at all times and will act as the liaison in communications with the law enforcement officer, code eenforcement inspectors, medical responders, adjacent businesses and local residents the venue. The security staff team and management team will employ a radio communication system. Should any issues arise, SONÀ security team and/or staff will notify the appropriate personnel to efficiently handle the situation.

Additionally, all employees will be responsible for enforcing patron age restrictions. To achieve this, all employees will be required to attend and pass a responsible vendor course. The responsible vendor course shall address critical topics that are crucial for the safe operation of the cocktail lounge, such as checking ID's and recognizing counterfeit ID's. All employees will be required to attend and pass a responsible vendor course. The responsible vendor course shall address critical topics that are crucial for the safe operation of the cocktail lounge, such as checking ID's and recognizing counterfeit ID's, how to identify patrons that need assistance or have over-consumed, and the prevention of drunk driving.

(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.

CONSISTENT – On May 19, 2022, the Applicant met with the Miami Beach Transportation Department (the "Department"). The Department advised that no traffic study is required for the Project is valet is not being proposed. As stated above, the Applicant is proposing valet operations at a location that is already serviced by an existing valet operator that conducts all valet operations on the Property. The Project provides all 85 required parking spaces in the adjacent, fully-valet parking operation at the 237 20th Street garage. Accordingly, impacts to traffic circulation have been reviewed.

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

CONSISTENT – A deliveries and sanitation plan is included within the Operations Plans that addresses commercial delivery loading and waste operations. Sona will utilize the City of Miami Beach designated commercial loading zones for all deliveries, which will typically occur between 10:00 A.M. and 3:00 P.M. The closest City of Miami Beach designated commercial loading zone is located at 1941 29th Street (at the corner between 20th Street and Liberty Street). For waste compiling and pickup, Sona will use the air-conditioned trash room located inside of existing hotel. Trash pickup occurs seven days a week at approximately 10:00 am. Sona will maintain the areas adjacent to the facility, i.e., the sidewalk and the areas of the street adjacent to the property. Sona staff will ensure that when sweeping the sidewalk in front of the venue, the refuse is not merely pushed in front of another building. The trash will be picked up and disposed of appropriately. Sona staff will sweep and hose down the sidewalks at the end of each business day

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

CONSISTENT – Since the previously approved venue's sound system was installed, there have been no material changes to the sound system nor will there be. Modifications will be made to fine tune and optimize sound quality and noise attenuation. In specific. the northeast door will be kept closed at all times and will only be used as an emergency exit. Sound will be mitigated from the entrance through the use enclosed with a glass vestibule dividing the entrance lobby from the lounge. The eastern door exiting to 20th Street will only be used as an exit. The sound system volume controls will be kept under lock and key and will only be accessible to the management team.

(8) Proximity of proposed establishment to residential uses.

CONSISTENT – The Property contains residential uses, and the Applicant has carefully considered how the Project's operations could be designed to enhance the quality of life for residents in the area. Specific concerns with respect to potential noise concerns, valet operations and garbage collection have been addressed through the business operations plan.

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

CONSISTENT – As stated above, the Project proposes entertainment use in a location that includes residential and lodging uses at the Boulan South Beach and condominium units along. The Property also contains commercial uses along the ground floor, these are: food service establishments such as Joe the Juice, Orange Blossom, Raspoutine, Sweet Liberty; personal service at Hennah International Salon; and retail at Sauvage Swimwear store, and the CVS Pharmacy. There are no entertainment uses located in the area surrounding the Property. As stated above, Project will have a decreased intensity of use and maximum patron count that is significantly lower than the previous nightclub operation. While the nightclub was in operation, the surrounding neighborhood already experienced the cumulative effects of this more intense existing use

Sea Level Rise and Resiliency Criteria. The Project complies with all sea level rise and resiliency review criteria provided in Code Section 7.1.2.4., as follows:

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

CONSISTENT – The Applicant will provide a recycling or salvage plan during the permitting phase of the project.

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

CONSISTENT – The Applicant's project will include hurricane impact windows.

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

CONSISTENT – Where feasible, the Applicant will include operable windows for passive cooling.

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

CONSISTENT – Where applicable, the Applicant will provide landscaping on the Property, which will be resilient.

(5) 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.

CONSISTENT – Sea level rise projections, land elevation and elevation of surrounding properties were considered, as was the City's general plan to elevate the adjacent roadways. The Project has been designed to accommodate the raising of the roads, both now and in the future (see response to item (6) below), and complies with the minimum elevation requirements of the Florida Building Code.

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

CONSISTENT – No applicable new construction is proposed.

(7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

CONSISTENT – All critical mechanical and electrical systems will be located above base flood elevation.

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

CONSISTENT – The existing building is situated at the required base flood elevation.

(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.

CONSISTENT – Habitable space is not located below the base flood elevation. If circumstances require, wet or dry flood proofing will be provided.

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

CONSISTENT – The Applicant will analyze and provide a water retention system, if feasible, during the permitting phase. However, the Project is contained entirely indoors and will not require a water retention system.

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

CONSISTENT – Cool pavement materials or porous pavement materials will be utilized where possible. However, the Project is contained entirely indoors and will not require pavement material.

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

CONSISTENT – The proposed design has no impact on the potential for heat island effects on Property site as it is contained entirely indoors.

Conclusion. We respectfully request your recommendation of approval of the Applicant's request. Please contact me on my direct line at (305) 377-6236 should you have any questions or concerns.

Sincerely,



Michael W. Larkin

Attachments

cc: Alejandro J. Moreno, Esq.