akerman

Cecilia Torres-Toledo

Akerman LLP
Three Brickell City Centre
98 Southeast Seventh Street
Suite 1100
Miami, FL 33131

D: 305 982 5547
T: 305 374 5600
F: 305 374 5095
C: 305 494 2624
cecilia.torres-toledo@akerman.com

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Chair and Members of the Planning Board
c/o Rogelio Madan
Chief of Community Planning & Sustainability
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Re: PB23-0611 - Modification to Existing Modified Conditional Use Permit PB17-0113 for the Property at 1601-1619 Drexel Ave., Miami Beach FL 33139

Dear Mr. Madan:

We represent 420 Restaurant Market LLC (the "Applicant"), the tenant of the Property located at 1601-1619 Drexel Avenue, Miami Beach, Florida (the "Property").[1] The Property has operated as the Time Out Market food hall, pursuant to a Modified Conditional Use Permit ("CUP") approved via PB17-0113 (the "Prior Approval"). Time Out Market has decided to cease operations. Fortunately, Ambassador Paul Cejas, the Property owner, will step up as the operator and continue this beloved use rebranded as the *South Beach Food Hall* saving dozens of jobs in the process. This application (the "Application") seeks to modify Prior Approval to reflect Ambassador Cejas' operation of the venue as required by Condition #2 of the Prior Approval.[2]

Request. The Applicant requests that the Prior Approval be modified to reflect 420 Restaurant Marker LLC as the new operator of the venue. Mr. Cejas has put together a team of experienced hospitality operators to ensure the continued success of this venue. The Applicant has thoroughly reviewed the conditions in the Prior Approval including those related to maximum occupancy load and seat count, hours of operation and restrictions on entertainment uses. The Applicant understands these conditions and agrees to uphold same. No further changes to the Prior Approval are requested at this time.

[1] Akerman LLP also represents the Property owner 420 Lincoln Road Development, LLC. The landlord and tenant entities are under ultimate common ownership.

[2] As you know, the City of Miami Beach (the "City") now handles changes in operator via affidavit. However, because the terms of the Prior Approval expressly state so, Board approval is required to effectuate the proposed change in operator.

Conditional Use Permit Approval Criteria. The Application, which only updates the operator and maintains all other aspects of the Prior Approval intact, is consistent with the criteria for approval of a Conditional Use Permit in Section 2.5.2.2.a. of the City's Land Development Regulations

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

The Property is located in CD-3 which is the most intense commercial district with the City. Maintaining the existing Restaurant and Neighborhood Impact Establishment use is consistent with the comprehensive plan.

ii. The intended use or construction shall not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

This Application retains the existing use and only updates the operator. There will be no impact on levels of service stemming from approval of this Application.

iii. Structures and uses associated with the request shall be consistent with these land development regulations.

Existing building and uses are consistent with the land development regulations.

iv. The public health, safety, morals, and general welfare shall not be adversely affected.

The public health, safety, morals and general welfare are not adversely affected by the existing use. The South Beach Food Hall will positively contribute to the community by providing employment to dozens of persons, diverse casual food options at a reasonable price point, and a space to connect with friends and neighbors.

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

Adequate off-street parking facilities will continue to be provided. This Application does not generate further parking requirements.

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

The Applicant has agreed to comply with necessary safeguards for the protection of surrounding property, persons, and neighborhood values as outlined in our operating plan and the conditions of the Prior Approval.

vii. The concentration of similar types of uses shall not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

This Application maintains an existing use. There is no negative impact stemming from concentration of similar type of uses.

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

No changes to the structure or site proposed. The existing structure is consistent with the City's sea level rise and resiliency criteria, further discussed below.

ix. *Appropriate consideration is given to the safety of and friendliness to pedestrian traffic; passageways through alleys is encouraged where feasible and driveways shall be minimized to the extent possible.*

No changes to building are proposed. Pedestrian traffic along the property will continue to be safe.

Entertainment Establishment Approval Criteria. The Application, which only updates the operator and maintains all other aspects of the Prior Approval intact, is consistent with the criteria for approval of an Entertainment Establishment in Section 7.5.5.4.a of the City's Land Development Regulations as follows. Please refer to the Operations Plan in the application packet for more details.

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 operations plan with all requisite information has been submitted with this Application. The venue will be operated in the same manner as the prior Time Out Market Food Hall.

2. A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, self-park, shared parking, after-hour metered spaces and the manner in which it is to be managed.

Parking will continue to be provided on the ground level of the main use parking garage. We expect most patrons will use ride-share services, walk or bike to the venue negating the need for parking.

2. *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.*

Security staff will man the entrance, particularly during later hours, to ensure maximum occupancy is observed. Given that the food hall use has quicker table turn-over times than a formal restaurant, we don't expect patrons to be queuing outside the venue at any time. Should that happened, security staff will direct patrons to wait inside the venue or come back at a later time.

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

The venue operates with a single central bar. Employees will be trained to enforce patron age restrictions when serving alcohol.

4. *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.*

No traffic analysis is required for this Application which only updates the name of the operator and maintains all conditions of the Prior Approval. Traffic was evaluated as part of the original approval.

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

Waste collection will continue to occur daily with one of the City approved waste-collection companies picking up between 8:00am and 5:00pm within the private back alley area along the east side of the garage.

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

Sounds studies were conducted for original approval. All recommendations of same will continue to be observed to ensure compliance with the City's noise ordinance.

7. *Proximity of proposed establishment to residential uses.*

Proximity of the venue to residential uses was considered for original approval and was already determined to be a non-issue. This Application only updates the name of the operator for the venue.

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

The use is existing.

Sea Level Rise and Resiliency Criteria. The Applicant's request complies with the Sea Level Rise and Resiliency Criteria in Section 7.1.2.4 of the Code as follows:

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

Not applicable. No demolition is proposed.

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

Existing to remain storefront system has impact proof glass.

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

Existing to remain.

(4) Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with Chapter 4 in Land Development Regulations.

Existing to remain landscaping is resilient and compliant with Chapter 4 of the City's Land Development Regulations.

(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

Not applicable, existing building to remain.

(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 3 additional feet in height.

Not applicable existing building and driveways to remain.

(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.

Not applicable, no new construction or redevelopment proposed.

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

Not applicable, existing building to remain.

(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 in General Ordinances

Not applicable, existing building to remain.

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

Not applicable, existing building to remain.

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

Not applicable, existing building to remain.

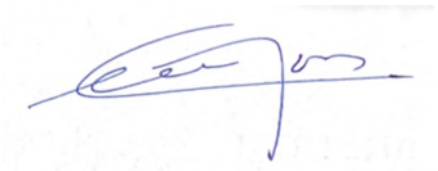
(12) The design of each project shall minimize the potential for heat island effects on-site.

Not applicable, existing building to remain.

Conclusion. Approval of this Application will allow the beloved food hall use at the Property to continue as the *South Beach Food Hall* for the enjoyment of residents and visitors alike saving dozens of jobs in the process. Mr. Cejas has put together a great team of hospitality operators which will continue to uphold and observe the conditions and limitations in the Prior Approval. We respectfully request your approval of this Application.

Should you have any questions or concerns, please feel free to contact me. Thank you for your attention to this matter.

Sincerely,



Cecilia Torres-Toledo

cc: Neisen O. Kasdin, Akerman LLP
Maria Stead, 420 Lincoln Road Development, LLC