

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: November 15, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **File No. 1840 –2301-2399 Collins Ave and 102 24th Street – The 1 Hotel – Progress Report**

November 15, 2016 UPDATE

An updated traffic study and acoustic study, along with associated peer reviews, were submitted as part of the separate application for modifications to the existing CUP, which was approved by the Board on September 27, 2016. The approved modified CUP is attached. All other attachments referenced below were provided as part of the staff report presented on April 19, 2016.

As part of the progress report discussion on September 27th, concerns were expressed regarding noise emanating from an exhaust fan on the north side of the building. It was agreed by the applicant that operating conditions regarding this fan were appropriate, and such a condition could be added to the CUP as part of the progress report for the October 14, 2016 meeting. On October 14, 2016, due to a short Board, the progress report was continued to a date certain of November 15, 2016. As such condition has not yet been adequately drafted to identify the specific fan in question, staff will provide an updated condition to the Board at the meeting.

BACKGROUND

September 25, 2007 Sandy Lane Residential LLC, and related entities obtained approval for a Conditional Use Permit to operate two restaurants on site, a ground level VIP lounge, a ballroom and a rooftop pool and bar, which in the aggregate constituted a Neighborhood Impact Establishment. **[Final Order attached]**

September 23, 2008 Several conditions of the Conditional Use Permit were modified by the Board to clarify terms and impose further restrictions intended to reduce negative impact on the residential neighbors. **[Final Order attached]**

June 22, 2010 The applicants, Sandy Lane Residential, LLC, Sandy Lane Retail LLC, and Sandy Lane Beach Front, LLC were approved for a modification to a Conditional Use Permit (MCUP) to introduce the new operator and for the operator to affirm its understanding of the conditions of the Conditional Use Permit; and to modify the condition that refers to decibels in order to be consistent with the City's noise ordinance. **[Final Order attached]**

December 14, 2010 Modifications were made to the final order due to a modification hearing resulting from a Progress Report. The modifications clarified terms and imposed further safeguards and restrictions intended to reduce negative impact on the residential neighbors. **[Final Order attached]**

- May 24, 2011 Progress report (**attached**) due to violations. Sound study submitted.
- June 28, 2011 Progress report (**attached**). Continuation of prior progress report.
- September 20, 2011 Progress report (**attached**) Continuation of prior progress report. Sound study referenced, and conditions of the Order related to loading, delivery, and traffic are referenced.
- November 15, 2011 Progress report (**attached**). Continuation of progress report. Non-compliance of conditions of the order relating to sound reports, loading/delivery, and traffic circulation are referenced.
- January 24, 2012 Progress report (**attached**). Loading/delivery and traffic circulation are referenced in the report.
- April 24, 2012 The applicant, 2377 Collins Resort, L.P., was approved for a modification to the MCUP to introduce new property owners and operators of the property as required by Condition 3 of the Modified Conditional Use Permit. **[Final Order attached]**
- Progress report (**attached**) also presented. Submission of loading/delivery and traffic circulation are referenced in the report.
- August 28, 2012 Progress report (**attached**). Sound, loading/delivery and traffic circulation are referenced in the report.
- From the after action report:
- File No. 1840. 2301 and 2377 Collins Avenue -The Perry (f.k.a. Gansevoort).** Update on the traffic circulation, delivery/loading plan and quarterly sound report.
- Motion: Beloff/Veitia. Vote 4-3. Stolar, Lejeune and Veitia opposed. Bring back for a Progress Report at the October meeting and remove requirement that the sound report, delivery/loading plan and traffic circulation plan be sent to the Board unless deemed necessary by the Planning Director (as existing language in the CUP states). 2:27-2:43
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- November 28, 2012 Progress report (**attached**). Sound, loading/delivery and traffic circulation are referenced in the report. (Note: The October 2012 meeting was cancelled).
- April 30, 2013 Progress report (**attached**). Sound, loading/delivery and traffic circulation are referenced in the report. The progress report was continued to January 28, 2014.

- October 29, 2013* The applicant, 2377 Collins Resort, L.P., was approved for a Conditional Use Permit (File No. 2138), for a mechanical parking system within the existing parking garage.
- June 24, 2014* The applicant, 2377 Collins Resort, LP, was approved for a Modification to the MCUP, in order to relocate a portion of the hotel kitchen serving the rooftop level from the ground floor to just below the rooftop level. **[Final Order attached]**
- November 24, 2015* The applicant appeared before the Board for a Progress Report and the Board requested a further Progress Report be scheduled for the January 26, 2016 meeting.
- December 15, 2015* An application for the modification of the CUP to change the name of the owners was approved and the re-approval of mechanical lifts in the existing garage (PB File # 2301) was approved. The applicant proffered to hire a traffic control person who would be responsible for the direction of traffic on 24th Street. **[Final Order attached]**
- January 26, 2016* A Progress Report was heard by the Board and the applicant was directed by the Board to meet with the condominium association directly to the north of the property on the other side of 24th Street and continued to the February 23, 2016 meeting.
- February 23, 2016* A Progress Report was heard by the Board and discussed. The Board continued the item to March 22, 2016.
- March 22, 2016* A verbal update to the Progress Report was heard by the Board and discussed. The Board continued the item to April 19, 2016.
- April 19, 2016* A Progress Report was heard by the Board and continued to June 28, 2016.
- June 28, 2016* The progress report was continued to a date certain of July 26, 2016 as requested by the applicant.
- July 26, 2016* The progress report was continued to a date certain of September 27, 2016, to coincide with a requested application for modification of the CUP.
- September 27, 2016* An updated traffic study and acoustic study, along with associated peer reviews, were submitted as part of the separate application for modifications to the existing CUP, which was approved by the Board.
- October 14, 2016* Due to a short Board, the progress report was continued to a date certain of November 15, 2016.

As a point of reference, this Progress Report encompasses the entire building with the addresses of 2301-2399 Collins Ave and 102 24th Street. This includes but is not limited to the Roney Plaza condominium (2301 Collins Ave) and the 1Hotel (2377 Collins Ave) and

Residences (102 24th Street).

Additionally, in the interest of clarity, during the last decade, the hotel component has been known as “The Paradiso”, “The Gansevoort”, and “The Perry” (not necessarily in that order). And the restaurants, lounge and rooftop operations have been known as “STK”, “Phillipe Chow”, “The Gansevoort Lounge”, “Louis”, “Beachcraft”, and “Plunge”.

PROGRESS REPORT

Staff research found that the following open violations are showing in the City’s records as of this writing (the current status is in parenthesis):

1. **CE15007779** 04/13/2015 STK MIAMI LLC at 2305 Collins Avenue (Special Master) “Failing to obtain a BTR/CU.” Fines have been assessed by the Special Master **JC15000396**.
2. **CE16003742** 03/30/2016 at 2377 Collins Avenue (Open) Beachcraft “Failing to obtain a BTR/CU.”

STAFF RECOMMENDATION

Staff recommends that the Board hear a verbal update from the applicant and members of the public and discuss the need and timing for future progress reports.

TRM/MAB