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VIA ELECTRONIC & HARD COPY SUBMITTAL

February 23, 2024

Rogelio A. Madan, AICP
Chief of Community Planning & Sustainability
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: **PB23-0643** – Planning Board Approval for Accessory
Padel Courts for 1212 Lincoln Development.

Dear Mr. Madan:

This firm represents ARRP 1600 Alton, LLC and 1212 Lincoln, LLC (collectively the "Applicant") the owners of Phase I of the "1212 Lincoln" development located on the west side of Alton Road between 16 Street and Lincoln Road. Please consider this letter the Applicant's letter of intent in support of a minor modification to the approved development plans to reflect the introduction of two accessory padel courts on the rooftop. The proposal includes no changes to the design of the building.

The Property. The "1212 Lincoln" project spans the entire block on the west side of Alton just south of Lincoln Road: 1600, 1614, 1616, 1620, 1624, 1628, and 1634 Alton Road (hereinafter "the Property"). The Property is zoned Commercial Medium Intensity (CD-2) under the City's Resiliency Code. The Property consists of Phase I of the project.

Existing Development. The Design Review Board approved the development of the Property with an innovative commercial building and associated structured parking. The approved plan includes commercial uses on the first and second floors, addressing both Alton Road and Lincoln Road. The second Phase of the project, separated from the southern portion by a "grand stair" providing pedestrian

access from Alton to the second floor, has been developed with the City's first "citizenM" hotel.

Anatomy Fitness and Outdoor Padel Courts Use. The Applicant is excited to be welcoming Anatomy Fitness to its first non-hotel location in the City. Anatomy Fitness, located on the second floor of the building, offers multiple programs and options, including group classes and personal training (among other options) in a first class facility that brings true luxury to the fitness world. Adding the Anatomy Fitness use to 1212 Lincoln will be a benefit to this area of the City.

Anatomy Fitness desires to offer two padel courts for the use of its members and guests, which the Applicant is proposing to locate on a portion of the rooftop of the building. The rooftop is currently developed with surplus parking and the Rooftop Cinema Club outdoor movie theater. The padel courts are proposed to be located on the northeast corner of the roof.

The majority of the eastern half of the roof is separated from the western with a glass-topped clerestory structure running north to south that allows the Anatomy space on the second floor to be filled with natural light (see photo to the right). The clerestory structure extends above the roof line and largely blocks the view of the eastern half of the roof from properties to the west.



The padel courts will feature individual lighting integrated into the court fencing. As with typical padel courts, the enclosures will be a combination of fencing and plexiglass. The courts are not roofed. As the submitted plans demonstrate, the courts will be largely blocked from the east, which will significantly limit both noise and light impacts on adjacent properties. The enclosed operation plan includes the proposed hours of operation, mandates that the courts be operated as an accessory use, and requires all court lighting to be turned off within thirty (30) minutes of closing. Anatomy Fitness staff will manage the padel courts. It is not expected that the padel courts will require additional employees to operate.

We believe that the proposed padel court use will be an attractive and compatible addition to the Property and neighborhood.

Compliance with Relevant Code Standards. The Project is consistent with all of the relevant criteria of the City's Resiliency Code.

Conditional Use Criteria. Every conditional use permit application requires the Planning Board to determine the application's consistency with eight (8) criteria. The Applicant's satisfaction of the conditional use permit criteria, codified in Section 2.5.2.2.a. of the Resiliency Code, is outlined below.

1. 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 proposed commercial development for the Property is consistent with the policies of the City's Comprehensive Plan.

2. 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.

The padel courts will not increase the impacts of the existing use.

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

The proposed courts and uses are consistent with the CD-2 zoning regulations.

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

The proposed development will have no impact on the public's health, safety or welfare.

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

The 1212 Lincoln project retains more than sufficient parking to serve all of the uses within the building.

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

Care has been taken in the design of the proposed improvements to limit the impact on adjacent parcels. The courts will be largely invisible to adjacent residential parcels.

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.

The proposed courts are not a of a type that would create a negative impact through concentration.

8. The structure and site comply with the sea level rise and resiliency review criteria in Chapter 7, Article I, as applicable.

The courts comply with the sea level rise and resiliency review criteria. Further explanations of same are provided below.

9. 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.

This criterion is inapplicable to the instant application.

Supplemental Standards for New Structures Exceeding 50,000 Square Feet.
Pursuant to Section 2.5.2.2.b. of the Resiliency Code, there are supplemental standards that must be addressed when seeking approval of a structure exceeding 50,000 square feet. The 1212 Lincoln development required approval as a commercial development exceeding 50,000 square feet. The court's satisfaction of these additional criteria is outlined below.

1. Whether the proposed business operations plan has been provided, including hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application, and that such plan is compatible with the neighborhood in which it is located.

An operation plan has been included in the application materials.

- 2. Whether a plan for the mass delivery of merchandise has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood and how such plan will mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.**

This criterion is inapplicable to the instant application. The existing 1212 Lincoln plan includes dedicated loading spaces.

- 3. Whether the scale of the proposed use is compatible with the urban character of the surrounding area and create adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed.**

This criterion is inapplicable to the instant application. The scale of the existing 1212 Lincoln development is compatible to the development on surrounding properties. To the south are similarly situated commercial uses.

- 4. Whether the proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking and operational needs of the structure and proposed uses.**

The project accommodates all of the development's parking needs on-site. The courts will not lead to a measurable increase in parking demand.

- 5. Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.**

This criterion is inapplicable to the instant application.

- 6. Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the business and its users and minimizes impacts on the neighborhood.**

The Applicant has included security details and requirements in the Operations Plan. All of the parking spaces designated for the uses will be located within the building envelope. Please see Operations Plan for additional details.

- 7. Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the**

impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.

This criterion is inapplicable to the instant application.

- 8. Whether a noise attenuation plan has been provided that addresses how noise will be controlled in the loading zone, parking structures and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.**

This criterion is inapplicable to the instant application. As noted above, the courts will be largely hidden from adjacent properties by the building.

- 9. Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.**

The sanitation for the development will be handled through a centralized trash room. There will be no off-site sanitation issues created by the operation of the proposed development.

- 10. Whether the proximity of the proposed structure to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.**

This criterion is inapplicable to the instant application.

- 11. Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect will be addressed.**

The 1212 Lincoln development includes uses that are typical for the surrounding area.

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria provided 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.**

No demolition is proposed.

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

This criterion is inapplicable to the instant application.

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

This criterion is inapplicable to the instant application.

(4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.

This criterion is inapplicable to the instant application.

(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.

This criterion is inapplicable to the instant application.

(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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height up to three (3) additional feet in height.

This criterion is inapplicable to the instant application.

(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.

Critical mechanical and electrical systems for the 1212 Lincoln development have been located above base flood elevation.

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

This criterion is inapplicable to the instant application.

(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 of 54 of the City Code.

This criterion is inapplicable to the instant application.

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

This criterion is inapplicable to the instant application.

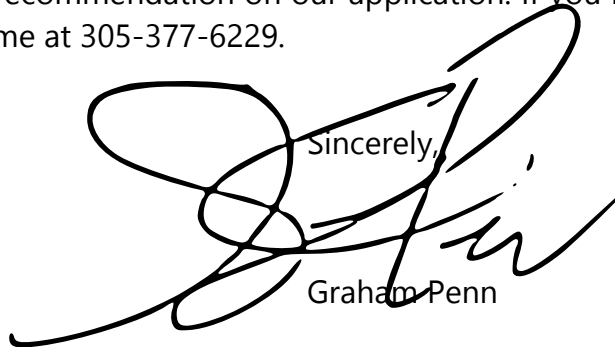
(11) Cool pavement material or porous pavement materials shall be utilized.

Cool pavement material and porous pavement materials will be utilized.

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

This criterion is inapplicable to the instant application.

Conclusion. The Applicant is excited to bring this new use to the Lincoln Road area. We look forward to your recommendation on our application. If you have any questions or comments, please call me at 305-377-6229.

Sincerely,

Graham Penn