



January 31, 2025

To: Brian Elias, Chair, Planning Board

cc: Michael Belush, Planning & Design, Planning Department
Miriam Herrera, Office Associate V, Planning Department
Commissioner Tanya Bhatt
Aide Sara Murillo
Lauren Firtel, Neighborhood Affairs Manager
Rafael E. Granado, City Clerk

From: Chris Gloede, President

Subject: PVNA Opposes Palomar Hotel Rooftop Conditional Use Permit Application

The Palm View Neighborhood Association opposes granting the Palomar Hotel a conditional use permit for a rooftop restaurant open to the public. Our opposition is specifically related to your February 4, 2025 agenda item PB23-0609. a.k.a. PB File No. 2279. 1716 - 1750 Alton Road. Palomar Hotel.

PVNA met with the Palomar applicant on three occasions, including two public neighborhood meetings, to find conditions that would hold them accountable to promises made in their application and protect our residential neighborhood. The PVNA proposed conditions were rejected by the Palomar. While we would have preferred to come to an agreement, we must now oppose approval of the application for the following reasons:

The CUP is for a prohibited rooftop bar

- The public rooftop establishment mischaracterizes itself as a restaurant extension when it is really a bar. Rooftop bars are prohibited in the Alton Corridor
- The proposed business adds over 150 seats to the rooftop, exceeding the service capacity of the existing restaurant kitchen.
- The building has no service elevators to transport food to rooftop patrons and cannot reasonably be expected to operate as a restaurant with the principal business of selling food.
- The proposed business includes an "outdoor bar counter" which is prohibited on the Alton Corridor

- The applicant has stated that this space will serve as a bar space for "restaurant patrons to have drinks before and after dinner"
- It is not reasonable to believe the public rooftop will meet the city's legal definition of a restaurant.

Noise from the rooftop is a serious threat to Palm View

- The existing rooftop design overlooks Palm View and makes no attempt to contain noise. The CUP application includes no additional efforts to contain noise.
- Palm View has experience with the unacceptable noise caused by public crowds on the rooftop. The current operator has hosted many unpermitted public parties in the space.
- The ambient background noise standard has proven to be unenforceable by other problematic South Beach rooftop businesses. It does not address how far noise travels and it is too subjective.
- The "Plainly Audible" standard needs to be used for any rooftop establishment.

Applicant rejected reasonable conditions to protect our community

The applicant outright rejected the following conditions that would have held them accountable to their promise of a restaurant and would have protected Palm View from noise issues:

1. The rooftop business will restrict any noise, including music and patrons, plainly audible from a distance of 100 feet or more for 24 hours a day.
2. The rooftop business must generate 40% of revenue from food.
3. The rooftop business must close at 10pm.
4. The rooftop business will collect PVNA approval of any current and future audio systems and settings to ensure noise is not plainly audible in the neighborhood. The rooftop business will deliver to Miami Beach City Staff a memo that details the audio system configurations and includes signatures of both parties.

The proposed public rooftop restaurant is actually a prohibited rooftop bar. The location is already a noise issue for the Palm View neighborhood and will become a greater issue when opened to the public. The applicant has already failed to be neighborly and rejected our reasonable conditions on their CUP.

We ask that the Planning Board protect Palm View and Miami Beach residents and reject this application.

Thank you for your service to the residents of Palm View and Miami Beach.

Respectfully,

The Palm View Neighborhood Association Board of Directors

Chris Gloede, President

Dillon Warren, Vice President

Brian Feit, Treasurer
John Courtney, Secretary
Alex Bertman, Director
Alex Daoud, Director
Jay Levy, Director

Exhibits:

Orientation of the Palomar Rooftop

In 2017 the current property owner chose to orient the rooftop overlooking and open-to an RS-4 zone.





History of Illegal Public Parties

The property has a history of hosting unpermitted public parties on the rooftop. None of the three parties pictured below had special event permits.



