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VIA E-MAIL

September 29, 2024

Michael Belush
Planning and Design Officer
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

RE: **PB24-0707 (a.k.a. PB23-0577)** - Modification of
Conditional Use Permit for Proposed Restaurant at 230 1st Street/81
Washington Ave

Dear Mr. Belush:

This law firm represents 81 Washington, LLC (the "Applicant") with regard to the above-referenced property (the "Property") within the South of Fifth Neighborhood in the City of Miami Beach (the "City"). This letter serves as the required letter of intent for a modification to the approved Conditional Use Permit ("CUP") for the Property. The approved CUP is identified by File No. PB23-0577 (the "Approved CUP"). In addition, the Property is the subject of a Historic Preservation Board ("HPB") approval under File No. HPB17-0413 (the "COA Order"). This application proposes an expansion of the seat count and occupancy permitted for the Property to permit a new restaurant venue on the third floor of the existing building. The application does not propose any exterior improvements to the existing building.

Description of the Property. The subject property is located at the southeast corner of the intersection of 1st Street and Washington Avenue and identified by Miami-Dade County Folio No. 02-4203-003-1410 (the "Property"). The Property is approximately 13,150 square feet in size and is improved with a three-story, approximately 14,600 square foot building that was originally developed in 1936. The original building was designed by famed architect, Henry Hohauser as a 12-unit apartment building. As a

result, the Property is classified as contributing within the Ocean Beach Local Historic District. However, in 1993 the existing building underwent a renovation and conversion into a commercial building, including rooftop and attached additions. In 2008, and again in 2011, the first two levels of the Property were developed for restaurant use, while the third level was utilized as an office. After 2017, the Property remained vacant and unutilized for several years and began to fall into disrepair until the Applicant obtained approval of the Approved CUP and began restoring revitalizing the historic structure.

Approved CUP. On May 23, 2023, the Planning Board approved of the Approved CUP. The Approved CUP permits the first and second levels of the building to be developed with a 450 seat, 623 occupant neighborhood impact establishment. The Applicant is in the process of building out the first and second levels in accordance with the Approved CUP pursuant to Master Building Permit No. BC2220143. Notably, however, the buildout includes only 415 of the 450 approved seats.

Proposed Modification. The Applicant proposes to expand the Approved CUP to include a separate Japanese-inspired restaurant establishment, known as the Genzo-Omakase Room, on the third level of the building. The venue will generally operate as a separate restaurant with an independent kitchen and bathrooms, except that the venue will share its entrance with the 1st and 2nd floor venue, known as the Jardin Boucherie. The third-floor venue is an intimate space that includes only 102 seats, including a 12-seat private omakase room.

In total, for the entire three-story building the Applicant proposes 517 seats and a 768-person patron-occupant load. The first and second levels will operate as a large French restaurant known as Le Jardin Boucherie with 415 seats. The third level will operate as a separate Japanese venue with 102 seats. The hours of operation will be identical to the hours of operation for the interior searing of Le Jardin Boucherie, which are 11AM to 12AM. Both venues will utilize the proposed valet stand located along Washington Avenue. A hostess for the third floor venue will be stationed at the ground floor entrance to direct patrons to the elevator access to the third floor of the building.

Satisfaction of CUP Criteria. The Applicant's request satisfies the CUP Standards in Section 2.5.2.2 of the Code of the City of Miami Beach (the "Code") as follows:

(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 1.1.27 provides that the C-PS-1 Future Land Use Designation permits accessory uses and conditional uses approved at public hearings as permitted by the Land Development Regulations. The proposed use is consistent with Policy RLU 1.1.257 as it is a conditional use authorized by the City's Land Development Regulations.

(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 application does not result in an impact that will exceed the thresholds for the levels of service required by the Comprehensive Plan, as the Property is developed with an existing building that has been utilized for commercial uses since at least 1993. The application represents an adaptive reuse of a historical resource at an intensity appropriate for the size and location of the existing building.

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

CONSISTENT – The structure and use associated with the Applicant's proposed CUP is consistent with the Land Development Regulations. The Property is improved with an existing contributing structure. To the extent there are any nonconformities, the existing structure is legally nonconforming.

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

CONSISTENT – The proposed CUP expansion does not adversely affect the public health, safety morals, or general welfare. The uses, hours of operation, and operational characteristics proposed are generally consistent with the uses, hours of operation, and characteristics of other similar restaurant venues in the City. The Applicant has a proven track record of successfully operating restaurants in New York City, Washington DC, and Chicago. Further, the Applicant committed to conditions of approval in the Approved CUP that will mitigate any impacts to adjacent properties. The modest expansion of

the Approved CUP will not cause the public, health, safety, morals, or general welfare to be adversely effected.

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

CONSISTENT – As a use entirely within the envelope of a contributing historic building, the Property is not subject to a parking requirement. However, to satisfy the operational parking demand, the Property will use a valet parking vendor to park vehicles at a nearby storage location.

In addition, there are numerous nearby parking lots and garages, and metered self-parking on surrounding streets. The Applicant further anticipates that many patrons will arrive by foot, ride-share services, or taxi. Further, the Applicant has conducted a trip generation analysis and valet analysis to ensure that its valet facilities are adequately staffed and implementing best practices for safe and efficient valet operations.

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

CONSISTENT – The proposed CUP expansion and associated operational plan, as well as the existing COA Order contain safeguards for protection of the surrounding property, persons, and neighborhood values that are being retained, such as limitations on hours of operation, noise levels, and prohibitions on special events and outdoor bar counters. The additional venue will be entirely indoors and will not be perceived by adjacent properties.

(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 – Although there are other similar establishments in the vicinity of the Property, the proposed CUP expansion will not create negative impacts to the surrounding neighborhood. The proposed CUP expansion is a modest increase in intensity intended to allow the Applicant to make efficient use of the third floor of the existing historic building. The size and characteristics of the proposed third floor venue are comparable to venues that would be permitted as of right in the CPS-1 zoning district.

Accordingly, the proposed CUP expansion is appropriate for the neighborhood.

Review Criteria for Neighborhood Impact Establishments and Outdoor Entertainment Establishments. The proposed modification complies with the review criteria under Section 142-1362(a)(1)-(9) as follows:

- (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.**

The Applicant has submitted a modified operations plan that addresses hours of operation, valet operations, goals of the operator, and other pertinent operational characteristics of the proposed use.

- (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.**

The Applicant has submitted a proposed valet plan and circulation analysis to facilitate parking for the proposed restaurant.

- (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.**

The Applicant's proposed operations plan addresses crowd control.

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

The Applicant's operations plan provides for security and patron-age restriction enforcement.

- (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.**

The Applicant has submitted a detailed traffic and valet operations analysis based on recent data collection. Based on these analyses, the Applicant has

committed to implement best practices with its valet operations to ensure minimal impacts, as well as other traffic mitigation strategies.

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

The proposed modified operations plan addresses sanitation, such as trash pick-up procedures, as well as daily sanitation and cleaning practices. Loading and refuse collection will occur via the alley behind the Property. The Applicant has proposed refuse bins with sufficient capacity for the operation of both venues.

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

The proposed third floor venue will be entirely indoors and will not cause violations of the noise ordinance.

(8) Proximity of proposed establishment to residential uses.

The Applicant has carefully considered its residential neighbors in developing the layout for the building, including the proposed arrangement of outdoor seating, use of barrier walls, landscaping, and intelligent sound system design based on recommendations from a professional acoustic consultant.

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

The Property is within a mixed-use commercial zoning district intended for restaurant uses. Further, the Property is a pre-existing commercial space that has been utilized for large restaurants in the past.

Sea Level Rise and Resiliency Criteria. The proposed restaurant advances the sea level rise and resiliency criteria in Section 133-50(a) of the Code, as follows:

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

To the extent required, a recycling or salvage plan shall be provided.

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

To the extent new windows are proposed, new windows will be hurricane proof impact windows.

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

The Applicant will provide, where feasible, passive cooling systems.

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

All landscaping will be Florida friendly and 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.

Sea level rise projections were considered and informed design decisions to increase permeable open space and improve stormwater drainage.

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.

Any new ground floor driveways or ramping shall be adaptable to the raising of public rights of way and adjacent land.

7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

To the extent possible, all 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.

The building is an existing contributing building within the Ocean Beach Historic District and therefore cannot be elevated to 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 in accordance with Chapter of 54 of the City Code.

Habitable spaces below base flood elevation plus freeboard will use flood proofing system in accordance with the Code.

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

Where feasible, water retention systems will be provided.

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

Cool pavement materials or porous pavement materials will be utilized where possible.

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

Not Applicable.

Conclusion. The proposed CUP expansion allows for reasonable use of the third level of the existing contributing building to the Ocean Beach Historic District. The Applicant has included neighborhood safeguards and appropriate limits on operations to ensure the Property can be operated as two restaurants in a manner that is sensitive to, and compatible with, the surrounding neighborhood. Accordingly, the Applicant respectfully requests your favorable review and recommendation with respect to this application. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Michael Larkin

cc: Emil Stefkov
Nicholas Rodriguez, Esq.