

March 16, 2025

Mr. Thomas Mooney
Planning Director
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: PB24-0740 Letter of Intent for a Conditional Use Permit for an Entertainment/Supper Club Establishment for the Property Located at 1681 Lenox Avenue, Miami Beach

Dear Tom:

As you know, this law firm represents Ultra Supper Club Miami, LP with regard to the above-referenced property (the "Property"). Please allow the following serve as the required letter of intent in connection with a request for Conditional Use Permit (CUP) for a supper club establishment at the Property.

The Property. The Property is located in a commercial area zoned CD-3, Commercial High Intensity District, near the northeast corner of Lenox Avenue and 17th Street. The lot is 16,000 square feet and contains a structure with an area of approximately 14,952 square feet. The site is identified by the Miami-Dade County Property Appraiser by Folio Number: 02-3234-004-0800. The Property is not located within any historic district.

This Property is located in an established commercial corridor of the City. It is surrounded on all sides by commercial uses with the nearest residential use being across 17th Street, to the north. Directly adjacent on the north and south of the Property is commercial parking lots. Similarly, directly across Lenox Avenue, to the west, is another open air parking lot. To the rear of the Property, on the east, is a commercial, multi-story, commercial structure.

Description of Proposed Development. This proposal directly responds to the City Commission's desire to incorporate supper clubs in the City. The Applicant is proposing an upscale, modern American, restaurant that incorporates the arts into every meal. The menu will be curated with careful consideration to create a tantalizing experience for your palate. It will be a sensory destination where you can indulge your appreciation for enticing flavors and the arts.

The design concept seeks to create a veil of intrigue and mystique. Tables encircle the room, creating public spaces and private niche areas. The concept of the veil will be seen from architectural features, both on the exterior and interior of the space, which will provide intimacy from the public, while at the same time ensuring minimal impact on the surrounding neighborhood.



Live artistic performances will be incorporated into the experience. The entertainment will be continuous throughout the evening. There will be approximately five (5) to eight (8) performances throughout the night, which will last only a few minutes at a time. On a nightly basis there will be between nine (9) and twelve (12) performers.

The intent is to create a high-end, old-school, supper club, where food, performance, and ambience all come together to excite the senses.

Entertainment is not proposed for the exterior of the space. Rather the courtyard seating will provide background level music and will close before the main seating space. The proposed hours of operation are as follows:

Therefore, they are proposing to restrict the hours of as follows:

Indoor Operating Hours

Sundays - Saturdays | 11:00 AM – 2:00 AM

Outdoor Hours

Sundays - Thursdays | 11:00 AM – 12:00 AM

Fridays – Saturdays | 11:00 AM – 2:00 AM

In an effort to have the minimalist of impacts on its surroundings, the Applicant proposes to move the main entry from the northwest corner of the space, closest to the residential community across 17th Street, to the southeast portion of the property, adjacent to a parking lot. The proposed entry will now provide a double door vestibule, which will serve to prevent the escape of sound from the venue. Similarly, the opening from the main restaurant space to the outdoor courtyard will also provide a double door vestibule, to minimize the escape of sound from within the space to the exterior areas.

Satisfaction of Conditional Use Permit Review Criteria. The Applicant's request satisfies the Conditional Use Standards in Section 2.5.2.2 of the Code of the City of Miami Resiliency Code (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.**

Restaurants and entertainment establishments are consistent with the comprehensive plan and the CD-3 zoning district permits neighborhood impact establishments through the conditional use process.

(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.

The proposed establishment will not result in an impact that will exceed the threshold levels of service for this commercial corridor. The dining components do not exceed the occupancy held by the prior restaurant occupant (refer to the occupant chart contained within the Plans submitted along with this application).

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

The existing structure and proposed establishment are consistent with the commercial corridor and the City's land development regulations (LDRs).

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

The Applicant understands how to operate a successful venue without imposing negative impacts on the surrounding neighborhoods, as is reflected in the proposed Operational Plan which has been submitted under separate cover, and is made a part hereof by reference. The intended use for the space is appropriate for this commercial corridor of Miami Beach.

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

The property is located in the Lincoln Road corridor, which is the heart of Miami Beach. It is also directly adjacent to two (2) parking lots, and across from a third open air parking lot. To the southwest of the property there is a private garage and within less than one City block there are three more parking areas. This will more than amply satisfy the needs of the operator. The Applicant also anticipates that many patrons will walk to the establishment after visiting area businesses or use ride shares.

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

The Applicant is taking every measure to ensure that all the necessary safeguards are in place to protect neighboring properties. From a sound perspective, the Applicant has retained Edward Dugger and Associates, who has prepared a sound study, which is being provided under separate cover, even though a study was not required as part of this application. The Applicant has worked with their sound consultant to ensure that any sound spillover is minimal. Similarly, the Applicant proposes to make physical alterations to the exterior of the space, not the least of which includes the moving of the main entrance of the space from Lenox Avenue to the rear most section of the property along the southern façade, providing a double door vestibule. Moreover, the Applicant

also intends to provide a double door vestibule when accessing the outdoor courtyard space from the main dining room. The Applicant also proposes to incorporate outdoor screening and plantings to absorb sounds from the outdoor space.

- (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.**

While numerous businesses exist in the neighborhood, a shift has occurred over the last few years seeing the loss of many quality restaurants and similar gathering establishments. The Applicant seeks to rectify that deficit through the introduction of high-end, dining experience, with the flare of a 50's supper club. As such, there will not be any negative impact on the surrounding uses.

- (8) **The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.**

Resiliency criteria met pursuant to the regulations noted 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.**

The Applicant is proposing decorative screening with landscaping along the west faced which will invoke a sense of curiosity in the passerby. It will provide a sense of light and friendliness for the pedestrian.

Satisfaction of Sea Level Rise and Resiliency Criteria. The proposed restaurant will advance the sea level rise and resiliency criteria in Section 7.1.2.4 of the Code as follows:

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

The Applicant will provide a recycling or salvage plan during permitting, if applicable.

- B. Windows that are proposed to be replaced shall be hurricane proof impact windows.**

No new windows are proposed for the structure. The new doors proposed along the southern façade will be impact rated hurricane proof doors.

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

Noted, however, the structure is comprised of fixed window curtain walls

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

Not applicable, existing landscaping to remain.

- E. 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.**

The subject project is contained within an existing structure. No changes to the exterior of the existing structure, beyond relocation of doorways and screening, are proposed.

- F. 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 new construction. This requirement is not applicable as the subject project is proposed within an existing structure that does not provide for driveways or ramping.

- G. 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 new construction. This requirement is not applicable as the subject project is proposed within an existing structure with existing mechanical and electrical systems previously approved by the City.

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

The Applicant is a restaurant tenant within an existing structure and shall be retaining the entire kitchen and bathroom areas with modifications only proposed for the dining area. Therefore, this request would not be reasonably or economically feasible or appropriate for this Applicant.

I. 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.

The existing building is provided with flood barriers on all openings and glazing. The new openings on the south side shall also be provided with flood barriers and the property shall remain fully dry floodproofed.

J. As applicable to all new construction, stormwater retention systems shall be provided.

Not applicable, not new construction. The proposed project is located within an existing structure, built in 2014, and all existing stormwater management structures shall remain.

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

New paving facing Lenox Avenue is covered by the existing cantilevered roof. The small amount of new paving along the south side, replacing the existing concrete paving, shall be cool pavement materials.

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

Noted. The proposed project is contained within an existing structure and no expansion of the footprint is proposed.

Conclusion. This establishment will fit the needs of the community. The granting of this CUP for entertainment/supper club establishment will not have any adverse impact on the surrounding community, but rather provide a benefit. We respectfully request your recommendation of approval of this request. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,
MHE LAW PA



Monika H. Entin

MHE

cc: Mr. Michael Belush