

March 9, 2025

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

Re: DRB24-1078 Updated Letter of Intent for Design Review Approval for the Property
Located at 1681 Lenox Avenue, Miami Beach, Florida 33139

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 design review approval for a restaurant/supper club 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 to the north and south of the Property are 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 multi-story, commercial structure.

Description of Proposed Development. This proposal directly responds to the City Commission's desire to incorporate supper clubs into the City fabric. 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. This veil feature is introduced through screening along the exterior of the space, which is again introduced in every element indoors. On the exterior of the space you can see what appears to be a veil of lace, which will be located in front of the existing façade elements. The veil surrounds the west façade along the ground elevation and is replicated as draping from the roofline. It is also introduced along the new entry corridor along the southern façade of the Property. In addition to the lace veil, the Applicant proposes to relocate the main entrance.



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The primary entrance is proposed to be moved from the northwest corner of the space to along the south section of the Property, which will include a double-door vestibule. As you move to access the entrance you wind through the veil of lace along the corridor space created along the southern property line. An additional double door vestibule is also proposed for the southwest corner of the Property, which would allow access to the courtyard from the main dining room.

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

In addition to design review by this Board, this application will also be reviewed by the Planning Board under the new supper club/neighborhood impact establishment criteria. The Planning Board will review the same sound study and Operations Plan which have been made part of this application.

Waiver. While we do not believe that the regulations in the Code require the Applicant to request a waiver for the proposed screen, under Section 7.1.2.2.f., we are nevertheless requesting same in an abundance of caution. Section 7.1.2.2.f of the Code addresses circulation zone measurements along the exterior of a property for “*new construction*.” This application is not for new construction, but rather for improvements to existing conditions. However, Planning staff was uncertain as to the application of this section of the Code and did not agree, internally, on its application. In this instance the issue is as to whether the measurement of circulation is measured from the tree pit, since the paving material surrounding the tree is aa walkable surface or whether the measurement needs to be taken from the sidewalk itself. Currently, there exists a waterfall feature along the front façade of the property, which the Applicant proposes replace with the screen element. The screen element will be located in the same location as the waterfall feature and will not change the circulation zone. Again, we do not believe a waiver is necessary as this is a built condition and Section 7.1.2.2.f. applies to “*new construction*,” but a waiver of same is requested to avoid any future confusion or delays during the permitting phase.

Satisfaction of Design Criteria. The proposed restaurant will be consistent with the design review criteria enumerated in Section 2.5.3.1 of the Code as follows:

a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.

The existing conditions of the lot, including, topography, vegetation, trees, and drainage are existing and will remain.

b. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

The Applicant is proposing a use within an existing restaurant structure. The Applicant is proposing to relocate the main entrance from the west façade of the structure to the south façade. Screening is proposed to replace the existing water features along the west property line. Screening is also proposed along the south property line to buffer the structure from the adjacent,

City, parking lot. New signage is proposed facing Lenox Avenue, adjacent to the proposed entrance to the property, and the street number shall be located per the Fire Department requirements near the north doors.

- c. **The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.**

The building which is the subject of this application is existing, to remain, with only the addition of a mezzanine entirely within the existing volume. The mezzanine increase in FAR is described on page A-004. Dimensions for the additional FAR are shown on A-102 and A-103. The proposed development remains well under the allowed FAR.

- d. **The color, design, selection of landscape materials and architectural elements of exterior building surfaces and primary public interior areas for developments requiring a building permit in areas of the city identified in section 2.5.3.2.**

The Applicant proposes a new screen enclosure along the west façade. The screen has been designed to replicate the look of lace and work with landscaping elements on the interior of the space to create interest in the design and the structure.

- e. **The proposed site plan, and the location, appearance and design of new and existing buildings and structures are in conformity with the standards of this article and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the design review board and historic preservation board and all pertinent master plans.**

Not applicable. No new exterior structures are proposed as part of this plan.

- f. **The proposed structure, or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties.**

No new exterior structure or additions are proposed as part of this application. The minor modifications, which include the relocation of the primary entrance and architectural screening have both been done for compatibility with the environment and the neighborhood at large. The relocation of the principal entrance to along the south property line will put additional distance between the nearest residential neighbor and the restaurant entrance and provide architectural interest on the south interior side façade facing the parking lot. Furthermore, the proposed architectural screen will enhance the appearance of the structure and create visual interest for passersby.

- g. **The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.**

The screen and gate will be closed after hours, providing additional security and crime prevention measures for the side and rear yards, which are currently open to the public and have been an

ongoing concern of the City while the property has been vacant. The rest of the current structure is to remain in its current configuration with only a relocation of the primary entrance. The entrance on the west façade will remain as an emergency exit, only.

- h. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safety and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site.**

Vehicular traffic movement not applicable. The structure on the site is existing and will remain in its current location. Nevertheless, the Applicant is proposing to relocate the restaurant's principal entrance from the west façade to along the south property line. This small move will assist in ensuring arriving restaurant patrons do not block the adjacent City walkways and paths. All furniture will be maintained within the property lines and shall not obstruct the public rights-of-way.

- i. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.**

Noted. All lighting within the restaurant property shall be used to enhance the appearance of the structure at night and minimize glare and reflection on adjacent properties.

- j. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.**

New high quality ashlar paving is proposed for the front terrace, and shall be an upgrade from the existing concrete paving.

- k. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.**

The proposed metal screen and landscaping along the west and south façade shall shield pedestrians and adjacent properties from light and noise being emitted from the structure

- l. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).**

Not applicable. No new exterior structure is being proposed as part of this application.

- m. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment**

which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

The existing structure has operated as a restaurant since inception and will continue to operate in this fashion, providing a commercial use fronting the street on the ground level.

- n. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.**

All existing mechanical equipment on the rooftop are along the east property line and have been screened since construction. No modifications to this area proposed or anticipated.

- o. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).**

Not applicable. No new exterior structures are proposed for the site.

- p. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.**

The project proposes an exterior screen. The screen varies in heights and mimics the appearance of lace, providing both visual interest and transparency, and maintaining visibility into the space through the existing storefront.

- q. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.**

All exterior service bays and trash rooms have been arranged to have a minimal impact on adjacent properties. No refuse receptacles shall be visible from the exterior.

- r. In addition to the foregoing criteria, section 104-6 (t) the General Ordinances shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.**

Not applicable. No wireless communications proposed in the rights-of-way.

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

The site complies with sea level rise criteria as noted when the structure was constructed. All existing storefronts fitting with flood barriers, and the new doorways on the south façade shall have flood barriers also. No additional exterior features, such as utilities or enclosed square footage requiring floodproofing are proposed.

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 design review approval will not have any adverse impact on the surrounding community, instead

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it will 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
Attachment

cc: Mr. Rogelio Madan, AICP
Mr. Alejandro Garavito, AICP