



Ian G. Bacheikov

Akerman LLP
Three Brickell City Centre
98 Southeast Seventh Street
Suite 1100
Miami, FL 33131

D: 305 982 5669
T: 305 374 5600
F: 305 374 5095
DirF: 305 349 4609

ian.bacheikov@akerman.com

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Rogelio Madan
Chief of Community Planning & Sustainability
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Re: PB22-0518 - CUP for the Property at 818 Lincoln Road, Miami Beach FL

Dear Mr. Madan:

We represent Golden Era Hospitality Group, LLC (the "Applicant"), the tenant of the Property located at 818 Lincoln Road, Miami Beach, Florida (the "Property"). The Applicant intends to operate a world-class restaurant and lounge named *Oro & Elixir* (the "Restaurant") at the Property. Please allow this letter to serve as the required letter of intent requesting a Conditional Use Permit ("CUP") for a Neighborhood Impact Establishment ("NIE") with Open Air and Outdoor Entertainment to allow the operation of the Restaurant.

Property. The Property is a lot comprised of approximately 7,500 square foot located on the southern blockface of Lincoln Road, generally bounded by Jefferson Avenue to the west, Meridian Avenue to the east, and Lincoln Lane South to the south. It is further identified with Miami-Dade County Folio Number 02-3234-002-0330. The Property sits in the middle of the bustling Lincoln Road Mall and has compatible Future Land Use and Zoning designations of CD-3, Commercial High Intensity. While the Property is located within the Flamingo Park Historic District, the three-story commercial building it is improved with was built in 2018 and is not a contributing structure. Abutting to the east at 800 Lincoln Road is the MILA restaurant and lounge and to the west La Cerveceria de Barrio restaurant and retail shops.

Oro & Elixir. The Restaurant is the newest concept by local hospitality mogul Philippe Kalifa. Kalifa, a lifelong entrepreneur, first entered the hospitality scene in 2016 with Miami staple *El Patio*. He soon expended to his second venue, *Mayami Mexicantina*, in the Wynwood neighborhood of Miami. Kalifa noticed that in South Beach there are many high-end restaurants with great ambiance, but they do not offer a lounge for patrons to stay after their meal and enjoy the atmosphere. *Oro & Elixir* aims to fill that void.

Oro is the restaurant concept housed in the second floor of the property. *Oro* will offer delectable meals in a picturesque indoor-outdoor environment. Kalifa is in the process of interviewing world-class chefs to run the kitchen. The menu is envisioned to serve premium cuts of meat and fresh seafood, including crab, lobster, oysters, and caviar. Much of the dishes will be presented table-side to add to the entertainment value. *Elixir* is the lounge concept on the third floor of the venue. *Elixir* will allow patrons to keep enjoying the ambiance after they are done with their meal. *Elixir* will provide an exciting innovative cocktail menu specially curated by a team of master mixologists. For entertainment, dance performances by aerialists and fire dancers will take place regularly both inside and on the outdoor terrace. Importantly, DJ booths are located indoors at *Elixir* and no musical performance will take place on the outdoor terraces.

At a later time, and demand permitting, the Applicant intends to apply for and operate a sidewalk café along Lincoln Road to serve brunch and afternoon tea from *Oro*. This will allow integration of the venue into the dynamic and energetic atmosphere of the Lincoln Road Mall and will provide additional opportunities for outdoor dining which continues to be in high-demand. Approval of the sidewalk café under the purview of the City's Public Works Department and not part of this application. Overall, *Oro & Elixir* will provide a dining and entertainment experience like no other in Miami Beach. For more details about the Applicant's proposed operations, please refer to the Operations Plan submitted as part of this Application.

For easy reference, please see below a chart summarizing both proposed numbers of seats allowed occupancy at the Restaurant broken down by floor:

	Seats	Occupancy
Oro – 2 nd Floor	246	325
Elixir – 3 rd Floor	153	267
Total	399	592
Sidewalk Café	40	N/A
<i>Potential Future Total</i>	<i>439</i>	<i>592</i>

Request. Pursuant to Section 142-333 of the City of Miami Beach Code of Ordinances (the "Code"), the Applicant is requesting a CUP for a NIE with Open Air and Outdoor Entertainment to operate the Restaurant. The Applicant's request is complies with all review criteria as follows.

CUP Criteria. The Applicant's request complies with the CUP criteria in Sec. 118-192(a) of 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;*

The proposed Restaurant is consistent with the Property's CD-3, High Intensity Commercial land use and zoning designation. The CD-3 district is the most intense commercial

district in the City and is intended to accommodate the Applicant's proposed use. Lincoln Road Mall is one of the liveliest commercial corridors in the City and the perfect location for the Restaurant.

(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 Applicant is only proposing internal renovations. No floor area will be added to the building's footprint. As shown in the Traffic Impact Study provided as part of this application, the Restaurant will not create an impact that would exceed the thresholds for levels of service as set forth in the comprehensive plan.

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

The structures and uses associated with this request are consistent with the Code. The structure was previously approved and only internal renovations are proposed. Food and beverage establishments are permitted as of right in the CD-3 zoning district. Neighborhood impact establishments, open air entertainment establishments, and outdoor entertainment establishments are all allowable conditional uses in the CD-3 zoning district.

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

The public health, safety, morals and general welfare will not be adversely affected. As detailed in the operations plan, the Applicant has taken many precautions to ensure no noise or light impact is endured by the surrounding uses. A sound engineer was retained to ensure that any sound emanating from the Restaurant travels north and is contained within the property lines. Patrons can only access the restaurant from Lincoln Road. Therefore, no patrons will congregate on Lincoln Lane South, which is close to residential uses, as they leave the establishment. Further, the Applicant will use software for patrons to order their valet parked cars ahead of time and be notified via text when the car is ready in a further effort to avoid congregation of patrons on Lincoln Road as they leave the Restaurant. Additionally, a security guard will be posted at the Lincoln Road entrance to ensure patrons do not congregate as they leave the Restaurant. All of these measures ensure that residential uses south of the Property are not impacted by patrons leaving the Restaurant.

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

Adequate off-street parking facilities will be provided. The Property is located in Parking District No. 2 which has no parking requirements for restaurants. Valet parking in accordance with the City's Lincoln Road Valet Parking Concession Agreement will be provided.

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

As detailed in the Applicant's operation plan and in response to (4) above, necessary safeguards will be provided. Some of these safeguards include: sole patron access to the Property from Lincoln Road, adequate security personnel to ensure no congregation of patrons leaving the establishment, text-to-order valet parking service to contain patrons in the venue until their vehicle is ready, and vetted sound system to ensure all sound travels north and is contained within the Property lines.

(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.

Lincoln Road Mall is one of the most important commercial corridors in the City. It is envisioned to serve as a lively area where residents and visitors alike can shop, eat and play. The proposed Restaurant is a perfect complement to the existing uses in the area.

NIE with Open Air Entertainment and Outdoor Entertainment Criteria. The Applicant's request also complies with the criteria for evaluating NIE with Open Air Entertainment and Outdoor Entertainment codified in Sec. 142-1362(a) 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 is requesting to be open Monday through Sunday 11:00AM - 4:00AM. Consistent with Section 142-334 Code, outdoor bar counters will stop serving alcohol at 12:00AM. Further, outdoor terraces will close at 2:00AM.¹ The Applicant anticipates having 85 employees staffed at any point in time, which is adequate to support the establishment. The menu will generally consist of premium cuts of meat, fresh sea food, and classic side dishes much of them prepared table-side for entertainment value. The goals of the business is to have a venue where patrons can enjoy a fanstatic meal and then stay after dinner for drinks in the lounge to enjoy the ambiance and specially curated drink selection. For more details on all of the above, please refer to Applicant's Operations Plan submitted as part of this Application.

(2) A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, selfpark, shared parking, after-hour metered spaces and the manner in which it is to be managed.

¹ While the Applicant's proposed hours of operations are fully consistent with the Code, the Applicant is aware that the City is reviewing legislation that may affect permissible hours of operation for alcohol uses in the City. The Applicant is willing to accept as a condition of this approval that if legislation is adopted changing allowable hours of operation, the Applicant will abide by the new legislation so long as it is effective.

Note that no parking is required as part of this development. There are multiple parking facilities along the south side of the Property. Additionally, the Applicant will work with the Parking Department to utilize the existing valet parking locations along Lincoln Road in accordance with the Lincoln Road Valet Parking Concession Agreement. Applicant will use the valet station currently placed on the west side of Meridian Avenue at the entrance of the 800 Lincoln Road Building. Further, in an effort to avoid congregation of patrons exiting the venue on Lincoln Road as they leave the Restaurant, the Applicant will use a text-to-order system that allows patrons to call for their vehicle via text message and be notified when the vehicle is ready for pick up. For more details on all of the above, please refer to Applicant's Operations Plan submitted as part of this Application

(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.

To ensure crowds are controlled within the venue, restaurant access will be provided through the Main Entrance on Lincoln Road only. A security officer will be posted outside and a velvet rope will be set up to maintain orderly queueing that does not block the right-of-way and to ensure crowd management and keep the exits clear when at or nearing capacity. Since the Restaurant requires reservation, we don't anticipate a sizable queues at any time. Upon entering, patrons will be greeted by security personnel which will usher them either to the escalator to access *Oro* on the second level or Elevator I to access *Elixir* on the third level. Both the escalator and elevator leads directly to the host stands where patrons will be greeted and accommodated. Patrons waiting to be seated will be directed to the indoor bar of the second floor restaurant. Please refer to Applicant's Operations Plan submitted as part of this Application.

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

Applicant will hire trained security personnel to ensure safe operation of the establishment. Security personnel will take measures such as: check and require proper identification; keep open alcohol containers from leaving the premises; keep an accurate count of patrons entering the building so as to not exceed maximum occupant capacity; ensure that walkways are clean and clear and the exits are not obstructed and maintained clear at all times; identify overly intoxicated patrons and refuse entry at the door; escort visibly intoxicated persons to a cab or rideshare vehicle or release to family/friends; receive training in and be able to deescalate any situation that may result in an altercation; enforce a strict dress code; among other measures. Please refer to Applicant's Operations Plan submitted as part of this Application.

(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.

As detailed in the Traffic Impact analysis submitted with this Application, the new trips generated by this Restaurant are considered minimal from a traffic-engineering standpoint. Please refer to the Applicant's Traffic Impact Analysis submitted as part of this Application.

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

All refuse will be wheeled from the air-conditioned, enclosed garbage room at the southwest corner of the Property to freight loading zone on the north side of Lincoln Road along Meridian Avenue as well as on Jefferson Avenue between Lincoln Road and Lincoln Lane South for daily waste collection between the hours of 8:00AM and 5:00PM. Please refer to Applicant's Operations Plan submitted as part of this Application for more details.

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

All noise will be contained within the Property lines. The Applicant proposed to play recorded music at ambient levels. In the case of a live musical performance, the performance will take place on the third level the terraces will be closed to the public to ensure that noise is fully contained within the Property lines. Please refer to Applicant's Sound Study and Operations Plan submitted as part of this Application for more details measures taken to ensure sound is contained within Property lines.

(8) Proximity of proposed establishment to residential uses.

The Property is separated from residential uses to the south not only by Lincoln Lane, but by a surface parking lot. The closest residential buildings are the Polo Condominium and the Neptune Apartments (which appears to be unoccupied). The Applicant only proposes a patron entrance on Lincoln Road and a sound engineer was retained to ensure all sound travels north and is contained within the Property lines. As such, the residential uses south of the Property are adequately buffered and protected from any potential impact.

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

The Restaurant will not have a negative impact given the cumulative effect of the proposed use and adjacent pre-existing uses. The Property is adjacent to Cervceria de Barrio and retail shops on one side and to the MILA Restaurant on the other side. Again, Lincoln Road is one of the most important commercial corridors in the City and is intended to accommodate this type of use. There is adequate capacity to accommodate all three establishments and the Applicant has taken precautions to ensure that no sound or light impact is suffered by the nearby residential uses.

Sea Level Rise and Resiliency Criteria. The Applicant's request complies with the Sea Level Rise and Resiliency Criteria in Section 133-50 of the Code as follows:

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

Only interior renovations are proposed and, at this stage, the Applicant does not propose further demolition since the building has yet to be occupied and is ready for renovations.

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

Not applicable.

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

The Applicant is proposing sliding doors to divide the indoor and outdoor areas which will keep the entire project cool.

(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.

Not applicable.

(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.

Applicant only proposes interior renovations to existing building which is elevated at 5.3' NGVD.

(6) 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 three additional feet in height.

Not applicable.

(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.

Not applicable.

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

The Applicant only proposes interior renovations to existing building which is elevated at 5.3' NGVD.

(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.

Not applicable.

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

Not applicable.

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

Not applicable.

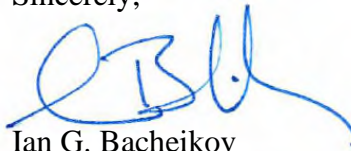
(12) The design of each project shall minimize the potential for heat island effects on-site.

Applicant proposes passive cooling systems which will minimize hear island effects on-site.

Conclusion. The Restaurant will be a wonderful addition to the Lincoln Road Mall area and will fill a void in the South Beach nightlife scene. Philippe Kalifa and his Team are proven operators that care deeply about curating one-of-a-kind luxury entertainment experience for their guests. They also understand the importance of being good commercial neighbors and will leave channels of communication open with the surrounding neighbors in order to address any possible concerns. This Application is consistent with the Code criteria for a Conditional Use Permit for a Neighborhood Impact Establishment with Open Air and Outdoor Entertainment. Accordingly, we respectfully request approval of same.

Should you have any questions or concerns, please feel free to contact me. Thank you for your attention to this matter.

Sincerely,



Ian G. Bacheikov

cc: Cecilia Torres-Toledo, Akerman LLP
Philippe Kalifa