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## **VIA E-MAIL & HABD DELIVERY**

March 27, 2023

Rogelio Madan, Chief of Community Planning & Sustainability  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2nd Floor  
Miami Beach, Florida 33139

RE: **Letter of Intent** – PB23-0577 –Conditional Use Permit for  
Proposed Restaurant at 230 1<sup>st</sup> Street/81 Washington Ave

Dear Mr. Madan:

This law firm represents 81 Washington, LLC (the "Applicant") with regard to the above-referenced 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 Conditional Use Permit ("CUP") for a restaurant classified as a neighborhood impact establishment. Notably, the property is the subject of a Historic Preservation Board ("HPB") approval under File No. HPB17-0413 (the "COA Order"). All exterior improvements proposed within this application are intended to be within the scope of the prior COA Order.

Description of the Property. The subject property is located at the southeast corner of the intersection of 1<sup>st</sup> 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 Hohaus 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. Since approximately 2017, the Property has been unoccupied.

2017 HPB Approval. In 2017, the HPB approved the COA Order, which was intended to facilitate improvement of the first two levels of the Property into a 246-seat restaurant. The COA Order included removal of the existing surface parking area and replacement with landscape and hardscape improvements, introduction of a retractable canopy structure within the yard at the western end of the Property, and modifications to the fenestration on the western façade. The COA Order contained a number of operational conditions, including prohibition of outdoor bar counters, entertainment, exterior television sets, as well as limitations on music (ambient background only) and hours of operation. Under the COA Order, the previously approved restaurant could operate exterior areas from until 12:00AM, and interior areas until 2:00AM.

The Applicant intends to implement certain modifications from the COA Order, including replacement of the exterior parking areas with landscaped greenspace and hardscape, introduction of a canopy for exterior restaurant seating. Further, the Applicant acknowledges that it is bound by the operational conditions of the prior COA Order. The Applicant has applied for building permit under Permit No. BC2220143 to implement the COA Order. However, in order to make efficient and appropriate use of this historic and underutilized Property, the Applicant seeks a conditional use permit to operate a neighborhood impact establishment restaurant.

Proposed Restaurant. The Applicant is part of a premier hospitality firm known as the Group NYC, which has successfully operated acclaimed restaurants, primarily in New York City. For example, the Group NYC established the well-known Italian trattoria, Olio e Piú, in Greenwich Village, and Le Grande Boucherie, a one of a kind French Brasserie known for its elegant interiors, vivacious atmosphere, and world class cuisine. The Applicant seeks to establish these world class restaurants within iconic historic buildings in Washington DC, Chicago, and now Miami Beach.

The Applicant proposes to revitalize this vacant historic property by establishing "Le Jardin Boucherie," a new concept similar to the famed Le Grande Boucherie. Le Jardin Boucherie will feature traditional and modern French cuisine in an elegant, expertly curated atmosphere. Le Jardin Boucherie will have three components: 1) the exterior garden seating area with approximately 172 seats; 2) the ground level interior dining room with approximately 92 seats; and 3) the second level dining room with approximately 122 seats. Le Jardin Boucherie will open for lunch hours from 11:00 AM to 5:00 PM, and dinner hours from 5:00 PM until 12:00 AM. The proposed restaurant will

utilize valet parking with adequate well-trained staff to efficiently retrieve vehicles and mitigate traffic impacts.

Only pre-recorded background music played at ambient background levels will be utilized at Le Jardin Boucherie. Notably, the Applicant has engaged an acoustic consultant to design a sound system and make recommendations to ensure that music and noise from the restaurant is not plainly audible from adjacent properties. The Applicant intends to become a beloved staple of the South of Fifth neighborhood and is approaching every detail with meticulous scrutiny to ensure there are no negative impacts such that that Le Jardin Boucherie fits within the context of the South of Fifth Neighborhood.

Satisfaction of CUP Criteria. The Applicant's request satisfies the CUP Standards in Section 118-192(a)(1)-(7) 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 proposed CUP 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 an existing building that has been utilized for commercial uses since at least 1993.

**(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 zoned CPS-1, which permits commercial uses and neighborhood impact establishment restaurants.

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

CONSISTENT – The proposed restaurant 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 is making all efforts, including retaining a traffic engineer as well as an acoustic consultant, to ensure that the operation of the proposed restaurant does not adversely impact the public health, safety, morals, and general welfare of the neighborhood and the City overall.

**(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 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. In addition, the Applicant has submitted a sound study to inform the design of the restaurant and ensure there are no noise impacts to adjacent residential 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 – As this proposed CUP will program a space that has been approved for a sizable restaurant since 2017, within in a zoning district that permits such uses, and has implemented several layers of safeguards intended to mitigate impacts, there will not be a negative cumulative impact of the proposed restaurant on the surrounding 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 an operations plan that addresses hours of operation, valet operations, goals of the new 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.

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

The Applicant has submitted a sound study. Based on these sound studies, the Applicant will implement policies to ensure that noise is controlled and in compliance with the noise ordinance. For example, to the greatest extent possible the Applicant will reduce queuing times for patrons waiting for valeted vehicles, as well as ask patrons to wait indoors for their vehicles, in order to reduce potential crowd noise.

**(8) Proximity of proposed establishment to residential uses.**

The Applicant has carefully considered its residential neighbors in developing the layout for Le Jardin Boucherie, 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 news 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. Le Jardin Boucherie will add to the character and elegance of the South of Fifth neighborhood. The Applicant is making efficient use of a large space that has sat vacant for several years, and is taking every step possible to ensure any potential impacts are mitigated or eliminated. In light of the foregoing, we respectfully request your favorable review of this application. Should you have any questions, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Larkin", with a long horizontal line extending to the right.

Michael Larkin

cc: Emil Stefkov  
Nicholas Rodriguez, Esq.