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Chair and Members of the Planning Board
c/o Rogelio Madan
Chief of Community Planning & Sustainability
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Re: PB23-0600 - CUP for the Property at 1766 Bay Road, Miami Beach FL

Dear Mr. Madan:

We represent Our Haus Bay Road, LLC (the "Applicant"), the tenant of the Property located at 1766 Bay Road, Miami Beach, Florida (the "Property"). The Applicant intends to operate a world-class restaurant and private member's club named *The Harbour Club* at the Property (the "Concept"). Please allow this letter to serve as the required letter of intent requesting a Conditional Use Permit ("CUP") for restaurant with more than 100 seats in the Sunset Harbour neighborhood pursuant to Sec. 142-303(b)(2) of the City of Miami Beach (the "City") Code of Ordinances (the "Code").

Property. The Property is an approximately 11,250 square foot irregularly shaped lot at the north end of the block generally bounded by 18th Street to the north, Bay Road to the east, Purdy Avenue to west and a commercial property to the south. It is further identified with Miami-Dade County Folio Number 02-3233-012-0560. The Property has compatible Future Land Use and Zoning designations of CD-2, Commercial Medium Intensity, and sits in the heart of the commercial corridor of the Sunset Harbour neighborhood. The Property is currently improved with a two-story commercial building to the east on the Bay Road frontage that has historically operated as a restaurant.¹ As detailed below, the Applicant is not adding any building floor area and is requesting the exact same occupant load and seat count that has been previously approved for this Property under PB18-0238 (the "Prior Approval").²

¹ On the west side of the Property facing the Purdy Avenue frontage is a surface parking lot. Note, the terms of the Applicant's lease do not include use of surface parking lot.

² This Property had previously obtained a CUP for the operation of a restaurant with a maximum occupancy load of 199 persons and 120 seats under PB18-0238. That approval went stale due to inactivity which is why the Applicant is requesting a new CUP for his operation. PB18-0238 is included in our submittal materials for review.

The Harbour Club. *The Harbour Club* will be the area's first private membership club and restaurant. *The Harbour Club* is the brainchild of James Julius, an experienced luxury hospitality leader with over 14 years in the industry. James started his career working at some of the London's most renowned and exclusive restaurants, hotels, and private members' clubs including the prestigious Dorchester Hotel, Alain Ducasse Restaurant and Scott's Mayfair. He then moved to New York City to work with Major Food Group. During his time with Major Food Group he was instrumental in launching various of their wildly acclaimed restaurants including ZZ's Members' Club in the Miami Design District. James wants to bring the English private member club model to the United States and believes Sunset Harbour is the ideal market to realize his vision.

The Harbour Club features two restaurants concepts in one—a ground level restaurant open to the general public (the "Restaurant") and a member's only intimate restaurant on the second floor (the "Member's Club").

Restaurant. The Restaurant is an upscale restaurant providing a sophisticated yet approachable dining experience featuring Mediterranean-influenced cuisine and style. The menu is will be a sharing concept, ideal for socializing, and includes fresh pasta, wild-caught fish, organic meats and seasonal vegetables. Food offerings will be served alongside a wide selection of wines and cocktails. As mentioned before, the Restaurant will be open to the general public. The Applicant intends to provide outdoor terrace seating in the public right-of-way and will apply to the Public Works department for a Concession Agreement (f/k/a/ Sidewalk Café Permit) for approval of the outdoor dining area.³ The idea is to invoke the feeling of docking boats at a coastal city in the Mediterranean, which is heightened by the lush outdoor seating and proximity to the water. The Restaurant is the perfect location for members to host lunch meetings during the day and celebrate special occasions at night.

Member's Club. The Member's Club is a more intimate space for members only, designed for individuals who appreciate a luxury experience. This concept features a world-class sushi bar accompanied by a selection of sakes, Japanese whiskeys and cocktails. Fresh fish will be flown in from Japan and the menu will feature items such as; toro toasts, sushi rolls, crispy rice, and caviar service. The drink menu will include special curated cocktails alongside some of the world's rarest Japanese whiskeys. The design on the second floor is sultry and moody—it features more lounge-style seating where members can eat and drink in a more relaxed setting at a slower pace than a traditional dinner service. This space will emulate other member's clubs in London and Paris, combining of comfort, chicness, and intimacy to create an elegant and unforgettable atmosphere.

For easy reference, please see below a chart summarizing both proposed numbers of seats and maximum occupancy at the *The Harbour Club*, broken down by floor:

³ The building façade is at the Property line. The space immediately abutting the building is part of the public right-of-way. The public right-of-way in front of the Property is large enough to accommodate the Applicant's requested outdoor seating area and pedestrian traffic.

	Seats	Occupancy
Restaurant - Ground Floor	75	114
Member's Club - Second Floor	45	85
Total	120	199
Future Sidewalk Café	30	
<i>Potential Future Total</i>	150	

The Concept proposes hours of operation Monday through Sunday, 11:00AM to 2:00AM, with the outside terrace closing earlier at 12:00AM. These are the same hours of operation that the prior restaurant operating at the Property was granted. It is important to note that no entertainment uses are proposed.

Request. Pursuant to Sec. 142-303(b)(2) of the Code, the Applicant is requesting a CUP to operate a restaurant with more than 100 seats in the Sunset Harbour neighborhood. The Applicant's request is complies with all CUP review criteria as stated below.

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 Concept is consistent with the Property's CD-2, Medium Intensity Commercial land use and zoning designation. The CD-2 district is the second most intense commercial district in the City and is intended to accommodate the Applicant's restaurant uses. Sunset Harbour is a dynamic City neighborhood known for its walkability and liveliness. The use is appropriately located in the neighborhood's commercial corridor.

(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. The occupancy is not being increased from what has been previously approved at this Property. Therefore, the proposal does not exceed the thresholds for the 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. The proposed Concept is permitted as a conditional use in the CD-2 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 does not propose any entertainment use. Music will be played only at ambient levels that do not interfere with normal volumes of conversation and the City noise ordinance will be observed at all times. The entrance and exit to the venue is on Bay Road oriented towards the other commercial uses on that street. As for parking, the Applicant will offer valet parking with text-to-order service so that patrons can wait inside the venue while their cars are brought out and no patrons will congregate on Bay Road.

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

Adequate off-street parking facilities will be provided via valet parking within 500 feet of the Property. The Applicant will work with City Staff to place a valet parking ramp adjacent to the Property. Note that Sunset Harbour is a walkable neighborhood and we expect our local patrons to walk to the establishment. Further, we expect that a substantial portion of our patrons will use ride sharing services such as Uber, Lyft and Alto. As such, parking facilities are adequate.

(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 Bay Road, text-to-order valet parking service to contain patrons in the venue until their vehicle is ready, and no entertainment uses.

(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.

There is no other restaurant/private members club in the Sunset Harbour neighborhood. There is no other restaurant use on the Property's block. The commercial corridor along Bay Road has a variety of commercial uses including retail, restaurants, personal services, office, and gymnasiums. There is no concentration of restaurant uses so as to negatively impact the surrounding neighborhood.

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. The Applicant will recycle or salvage materials as required during internal demolition.

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

Not applicable. Existing to remain storefront system to remain has impact proof glass.

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

Not applicable, existing to remain.

(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.

Outdoor seating area is within the right-of-way and outside the scope of this CUP. Applicant will work with Public Works department to propose resilient landscaping in planters for the outdoor seating area.

(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.

Not Applicable. Applicant only proposes interior renovations to existing building which is elevated at 3.9' 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 3.9' 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.

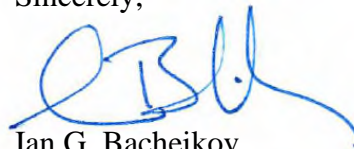
(12) The design of each project shall minimize the potential for heat island effects on-site.

Applicant proposes light colors which will minimize heat island effects on-site.

Conclusion. *The Harbour Club* will be a wonderful addition to the Sunset Harbour neighborhood area and will fill a void for a upscale dining experience and member's club in the area. James Julius and his Team are proven operators that care deeply about curating one-of-a-kind luxury dining and community experiences 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 criteria to operate restaurant with more than 100 seats in the Sunset Harbour neighborhood pursuant to Sec. 142-303(b)(2) of the Code. 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