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VIA HAND DELIVERY

**Honorable Chair and Members of the
City of Miami Beach Planning Board**

c/o Mr. Michael Belush
Department of Planning & Zoning
1700 Convention Center Drive
Miami Beach, Florida 33139

**Re: FILE# PB18-0190 LETTER OF INTENT FOR RITZ CARLTON
RESIDENCES REQUEST FOR CONDITIONAL USE PERMIT FOR A
RESTAURANT UNDER SECTION 142-153(c) LOCATED AT 4701
NORTH MERIDIAN AVENUE, MIAMI BEACH, FL 33140 (“the
Property”)**

Dear Planning Board Members:

Our firm represents 4701 N. Meridian LLC (“Applicant”) whose property is located at 4701 North Meridian Avenue, Miami Beach FL 33140 (“Ritz Carlton Residences”). The Ritz Carlton Residences is located in the Residential Multifamily Low Intensity District (“RM-1”).

The Ritz Carlton Residences consists of a residential condominium, which includes 110 apartment units. This site was the former Miami Heart Institute hospital and medical building. Under the Land Use regulations, the site was rezoned from HD to RM-1 (the abutting zoning district). As part of the redevelopment of the site from an intense hospital, medical offices and restaurant uses, it is currently undergoing a substantial reduction of intensity becoming a residential condominium.

The problem that was facing this Project was that restaurants were not permitted as an accessory use to residential condominiums in RM-1 districts, until the City amended the land use regulations on January 17, 2018 (Ordinance 2018-4166, attached). In residential condominiums in Miami Beach, especially larger sites, a permitted accessory use as a matter of right is a restaurant providing food and alcohol which operates only for residents of the project and their guests, while not open to the public. These restaurants typically in large residential buildings are primarily located in RM-2 or RM-3 zoning districts. In the present situation, there is a large residential project with over 100 units, but since it is located in the RM-1 district, under Section

142-153(c), the restaurant can only operate if they have an approval through a conditional use permit ("CUP") because there are seats located outside.

The Applicant is requesting approval of a CUP for a restaurant with 42 seats located on the pool deck of the Ritz Carlton Residences. This letter outlines how the request satisfies, where applicable, the criteria of the following applicable requirements in the Land Use regulations, under Sections 118-192, 133-50, 142-153(c) & 114-1.

I. Sec. 118-192. - Review guidelines for Conditional Use Permit.

(a) Conditional uses may be approved in accordance with the procedures and standards of this article provided that:

(1) The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

- **SATISFIED:** Multifamily dwellings are permitted to operate accessory uses as specifically authorized in the RM-1. A restaurant serving alcohol for residents and their guests is permitted under Section 142-153(c).

(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.

- **SATISFIED:** The redevelopment of the site from an HD zoning having a hospital, with medical offices and restaurants, to an RM-1 with a residential condominium with a restaurant for residents and their guest only substantially reduces the current thresholds for the level of service.

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

- **SATISFIED:** The restaurant meets the requirements of Section 142-153(c).

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

- **SATISFIED:** The restaurant services a residential condominium and is only open to residents and their guests. The restaurant is not open to the general public.

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

- **SATISFIED:** The project is providing the required 242 parking spaces for the residential condominium which includes the guest parking. In addition the site is providing 52 bike racks. The garage in the former Hospital has been redeveloped for the Ritz Carlton Residences.

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

- **SATISFIED:** This restaurant is not open to the public, located inside a residential condominium, which does not permit short-term rentals and has restrictions as described in Section 142-153(c). In addition, a Declaration of Restrictive Covenants has been entered into with City and Neighborhood Associations (attached).

(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.

- **SATISFIED:** Since this property is surrounded by single family residential districts, there are no immediate areas that allow similar types of uses.

(8) The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

II. Sec. 133-50. - The Sea Level Rise and Resiliency review criteria:

The City's Land Use Boards shall consider the following when making decisions within their jurisdiction, as applicable:

(a) Criteria for development orders:

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

- **Not Applicable**

(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.

- **Not Applicable**

(4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

- **Not Applicable**

(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.

- **Not Applicable**

(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.

- **Not Applicable**

(7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

- **Not Applicable**

(8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

- **Not Applicable**

(9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry floodproofing systems will be provided in accordance with chapter 54 of the City Code.

- **Not Applicable**

(10) Where feasible and appropriate, water retention systems shall be provided.

- **Not Applicable**

III. Sec. 142-153(c) Conditional Uses in the RM-1:

(c) For apartment buildings with a minimum of 100 apartment units, a restaurant serving alcoholic beverages shall require conditional use approval and shall comply with the following:

- **SATISFIED:** The Ritz Carlton Residence has over 100 apartment units, currently 110 apartment units.

(1) The restaurant shall only be open to residents of the apartment building and their invited guests. All invited guests dining at the restaurant shall be required to park on the subject property.

- **SATISFIED:** The restaurant is only open to residents and their guest. Second, all guests going to the restaurant are required to valet and such vehicles or bicycles shall be parked on the property.

- (2) The kitchen shall be limited to a maximum size of 500 square feet.
- **SATISFIED:** The Kitchen in the restaurant is proposed at 315 square feet, which is under the maximum permitted of 500 square feet by Land Use Regulations.
- (3) The conditional use application for a restaurant with outdoor seating and outdoor dining areas shall specify the proposed maximum number of seats, and locations of seating in the outdoor areas, which **shall be subject to Planning Board review and approval.**
- **SATISFIED:** The attached plans detail the proposed outdoor seating, which is the trigger for the review by the Planning Board. The Applicant is requesting a restaurant with 42 outdoor seats as detailed in the plans by Stantec.
- (4) A hall for hire, dance hall, open-air entertainment establishment, outdoor entertainment establishment or entertainment establishment shall be prohibited.
- **SATISFIED:** The Applicant is not requesting any of the above uses in item (4) and is prohibited by Declaration of Restrictive Covenants it entered with the City, and the surrounding neighbors (see attached).
- (5) There shall only be one restaurant on the subject property.
- **SATISFIED:** This is the only commercial restaurant in the property as defined by Section 114-1.
- (6) The hours of operation of the Restaurant may be from 8 a.m. to midnight (no orders to be taken after 11 p.m.) and for any exterior areas then only until 11 p.m. (no orders to be taken after 10 p.m.)
- **SATISFIED:** The restaurant hours shall be from 8 a.m. to midnight (no orders to be taken after 11 p.m.) and for any exterior areas then only until 11 p.m. (no orders to be taken after 10 p.m.).
- (7) Without limiting the foregoing, in the outdoor areas of the restaurant there shall not be any entertainment or Special Events.
- **SATISFIED:** Applicant is not requesting any entertainment and shall not apply for any Special Event permits and is prohibited by Declaration of Restrictive Covenants it entered with the City, and the surrounding neighbors (see attached).

IV. Sec. 114-1 Definition of Restaurant:

Restaurant means a commercial establishment where refreshments or meals may be purchased by the public and which conducts the business of serving of food to be consumed on or off the premises, whose principal business is the preparation, serving, and selling of food, to the

customer for consumed [consuming] on or off the premises. Food shall be continuously ready to be prepared, served, and sold during all business operational hours for a restaurant use. All restaurants shall be appropriately licensed as a restaurant or similar food service-type use by all applicable agencies.

- **SATISFIED, AS ALLOWED BY CODE:** The operation of the proposed establishment will be a restaurant as defined by Section 114-1 above, with one exemption, which it will not be open to the public, which is prohibited by Section 142-153(c) and the Declaration of Restrictive Covenants. The Applicant intends to operate a full service restaurant serving only residents and their guest, and having a menu available at all times it is open especially when serving alcohol.

V. CONCLUSION

The Applicant is requesting the approval of the CUP to operate a restaurant serving alcohol within the Property which opens only to residents and their guest. The approval would treat the Ritz Carlton Residences just as any other large residential condominium in the City of Miami Beach. Based on the foregoing, we respectfully request your favorable consideration of this Application.

Sincerely,



Alfredo J. Gonzalez

Attachments

cc: Zaba S. Castro, Esq.
Tui Munday, City of Miami Beach