

December 15, 2021

City of Miami Beach Public Works Department
Otniel Rodriguez, Right-of-Way Manager
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: RWP0421-7301 – Letter of Intent for a Revocable Permit Request for the Restaurant Located at 49 Collins Avenue, Miami Beach, Florida 33139

Dear Mr. Rodriguez:

Our Law Firm represents 49 Collins Avenue Restaurant LLC d/b/a Carbone (“Carbone”), which is located at the ground floor within the property located at 49 Collins Avenue, Miami Beach, Florida 33139. Please allow this correspondence and the enclosed application materials to serve as the Letter of Intent for this application seeking a Revocable Permit for the installation of four (4) retractable awnings to over a portion of the outdoor seating area located on public property along with the tables and chairs located under the retractable awnings for patron dining.

Description & Use of Property

Carbone is operated by the multi Michelin Starred restaurant group, Major Food Group, and is the only tenant within this property located on Collins Avenue between First Street and South Pointe Drive. The restaurant is one of the most celebrated Italian restaurants of the last decade and has been extremely well received by the local residents, replacing a previously vacant storefront shuttered at the onset of the pandemic. The property is identified by Miami-Dade County Folio No. 02-4203-003-0130 and located within the CPS-1 commercial performance standard zoning district, which is designed to accommodate a range of business, commercial, office and hotel uses. Carbone is a fully licensed and permitted restaurant space.

Revocable Permit Criteria

In addition to the other materials submitted with this application, the following information is submitted in accordance with the revocable permit review guidelines under § 82-94 of the City’s Code.

- (1) That the applicant's need is substantial.

Satisfied. Given the ongoing pandemic, the ability to have outdoor dining is crucial for the health and safety of restaurant patrons. Furthermore, given the weather in South Florida with the heat and rain, the retractable awnings are an integral part of patrons being able to utilize that certain portion of the property located on public property regardless of the weather conditions.

- (2) That the applicant holds title to the abutting property.

Satisfied. The applicant, 49 Collins Avenue Realty LLC, is the property owner of the abutting property. A copy of the Special Warranty Deed issued to 49 Collins Avenue Realty LLC is included in the application materials.

- (3) That the proposed improvements comply with the applicable codes, ordinances, regulations, neighborhood plans and laws.

Satisfied. The proposed retractable awnings and the tables and chairs located under the retractable awnings on public property will comply with all applicable codes, ordinances, regulations, and neighborhood plans and laws. Furthermore, the retractable awnings, as depicted on the plans submitted with this application, will be installed pursuant to an approved permit issued by the City.

- (4) That the grant of such permit will have no adverse effect on governmental/utility easements and uses on the city property.

Satisfied. The grant of this revocable permit will not have an adverse effect on governmental/utility easements and uses on the city property. The granting of the revocable permit will allow for Carbone to offer outdoor dining, which is crucial for the health and safety of restaurant patrons during all types of weather.

- (5) That the grant of the revocable permit will enhance the neighborhood and/or community with such amenities as, for example, but without limiting the foregoing, enhances landscaping, improved drainage, improved lighting, improved security, and/or public benefits proffered by the applicant.

Satisfied. Carbone is one of the most celebrated Italian restaurants of the last decade and has been extremely well received by the local residents, replacing a previously vacant storefront shuttered at the onset of the pandemic.

- (6) That granting the revocable permit requested will not confer on the applicant any special privilege that is denied by this article to other owner of land, structures or buildings subject to similar conditions located in the same zoning district.

Satisfied. The granting of the revocable permit will not confer any special privilege upon the applicant. Any property owner within the City can apply for a revocable permit provided that the request meets the criteria as contained in the City's Code.

- (7) That granting the revocable permit will be in harmony with the general intent and purpose of this article, and that such revocable permit will not be injurious to surrounding properties, the neighborhood, or otherwise detrimental to the public welfare.

Satisfied. The granting of the revocable permit is in harmony with the general intent and purpose of this article and is not injurious to the surrounding properties, the neighborhood, or otherwise detrimental to the public welfare. Carbone is one of the most celebrated Italian restaurants of the last decade and has been extremely well received by the local residents, replacing a previously vacant storefront shuttered at the onset of the pandemic. Given the ongoing pandemic, the ability to have outdoor dining is crucial for the health and safety of restaurant patrons.

In light of the foregoing, and the application materials submitted herewith, we respectfully request the City Commission's approval of this application.

GREENSPOON MARDER LLP

/s/ James E. Rauh

James E. Rauh, Esq.