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## **VIA ELECTRONIC SUBMITTAL**

June 2, 2024

Alejandro Garavito, Principal Planner  
City of Miami Beach Planning Department Review  
1700 Convention Center Drive, 2nd Floor  
Miami Beach, Florida 33139

Re: **PB24-0672** – Narrative Responses to Comments  
Issued on 5/13/2024

### Comments:

1. Provide a narrative response when addressing the following comments with page(s) location if applicable.

**RESPONSE:** Please allow this to serve as narrative responses.

2. LOI: Provide the current PB file number on the subject line.

**RESPONSE:** Added.

3. LOI/Operational plan: Clarify that the two restaurants are different businesses, it cannot operate as one since the combined occupant load cannot exceed 300. And NIE's are not allowed in Sunset Harbour.

**RESPONSE:** Added.

4. Plans: organize the pages in the same sequence per Checklist Item 11a to 11q. they are pages in different order.

**RESPONSE:** Architectural Plans order revised.

5. Critical issue: Per CMB Code Section 1.2.2.4 Commercial definitions: Neighborhood impact establishment means: "c. alcoholic beverage establishment or restaurant located on the top floor of a building, whether fully enclosed, partially open, or open to the sky, including all open-air portions above the roof-top, which is located on a property that is within 200 feet of a property containing a residential unit." The project is proposing residential units and Sunset Harbour does not allow NIE's. This presents a conflict with the code that was not addressed when the code was

amended last year. For this reason, the application cannot move forward; It will need a code amendment to carve out this property from the NIE limitation. Please contact Michael Belush and me for further questions.

RESPONSE: Per correspondence with Michael Belush on May 29, 2024, this application can proceed with submitting any corrections for final submittal. Because the DRB approved plans included an alcoholic beverage establishment above rooftop portions of the building (including conditions regarding such), this project is not subject to the ordinance that now classifies that as an NIE (and an NIE being prohibited in Sunset Harbour).

6. These comments have been provided as a preliminary review of outstanding issues and are subject to additions and/or deletions pending further review before the meeting date and during building permit review. These comments do not constitute final zoning comments or final zoning approval of the project.

RESPONSE: Noted.

7. Once the code is amended, please contact staff and provide the above information for a Final submittal (see calendar). Provide a narrative and label electronic files as: 'MM-DD-YYYY Document Name'.

RESPONSE: Code amendment is not required for this application, as described above. Please allow this to serve as the narrative responses to staff's comments. Files are labeled accordingly.

8. Application: provide a summary request, do not refer to the LOI.

RESPONSE: Summary added.