



ALEXANDER I. TACHMES, ESQ.
PARTNER
Shutts & Bowen LLP
200 South Biscayne Boulevard
Suite 4100
Miami, Florida 33131
DIRECT (305) 347-7341
FAX (305) 347-7754
EMAIL ATachmes@shutts.com

March 1, 2019

Chair and Members of the Miami Beach Planning Board
c/o Tom Mooney, Planning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

**RE: Voodoo Lounge, 928 Ocean Drive – Application for Conditional Use Permits
for Open Air Entertainment and Neighborhood Impact Establishment**

Dear Chair and Members:

We represent Deco Walk Hotel & Golf Club, LLC, d/b/a Voodoo Lounge, located at 928 Ocean Drive. On behalf of our client, we are pleased to submit this application for conditional use permits for open air entertainment and a neighborhood impact establishment. The open air entertainment application is being submitted solely to allow our client to play music indoors, but with the establishment's eastward facing doors open. Specifically, our client hopes to create a more seamless indoor-outdoor experience in order to best emphasize the views, weather and oceanfront breezes that help define Miami Beach. There will be no entertainment played in any exterior uncovered areas. For this reason, we are applying for an "open air" entertainment permit, and not for the more intense "outdoor" entertainment permit; as those terms are defined in City Code Section 142-1361. Enclosed herein is a detailed analysis of how we comply with the City Code criteria for this application.

Voodoo Lounge has been in operation since 2015 and has established itself in the nightlife community as a venue for the latest new music, which can be enjoyed in an upscale and fun ambience. The restaurant and lounge are located in a non-contributing building at 928 Ocean Drive. The building consists of two stories plus a roof top. The second floor consists entirely of a hostel, and is not a part of this application.

The first floor consists of an interior restaurant and lounge having approximately 1,415 square feet. Within the next eighteen months, our client plans on taking over the abutting retail space to the north, consisting of approximately 1,400 square feet, and incorporating it into the existing interior restaurant and lounge. The first floor interior restaurant and lounge operates between the hours of 11:00 AM through 5:00 AM, seven days a week. The rooftop consists of an outdoor lounge, which will soon have a retractable awning and outdoor bar counter, as approved

by the Historic Preservation Board. While the rooftop itself is open throughout Voodoo Lounge's operating hours, the outdoor bar counter operates until 8:00 PM, subject to Section 142-543(3) of the City Code absent a variance from the Historic Preservation Board. The request for open air entertainment will not apply to the rooftop, where music will continue to be played at background levels.

Application for Open Air Entertainment

As indicated above, one component of our application is a request for a conditional use permit for open air entertainment. We are applying for the open air entertainment permit only to allow our client to have entertainment volume levels with a DJ and live performance Polynesian dinner shows in its interior restaurant and lounge on the first floor with its doors open. It is the position of planning staff that, even if the entertainment is solely indoors with no speakers, DJ or live entertainment outside, we still need to apply for an open air entertainment permit if the doors of our interior venue will be open from time to time. However, it is worth noting that the scope of our open air entertainment under the proposed conditional use permit will be substantially limited by agreeing not to have any DJ, live entertainment or speakers outdoors.

Our client is proposing to play music above background levels with a DJ and live performance Polynesian dinner shows in its first floor interior restaurant and lounge. Moreover, because we are expecting to expand the size of our first floor interior space in the near future by taking over the abutting retail area to the north, our application for entertainment at our ground level applies to our current first floor interior space as well as the proposed enlarged interior space, as shown on the proposed enclosed site plan.

Our client will take all reasonable steps necessary to ensure that its entertainment level music played inside will not violate the noise ordinance. Those steps include establishing a comprehensive sound system approach based on the advice of our sound consultant, Edward Dugger + Associates, P.A., and our sound system installation team. Moreover, although we will take all steps reasonably necessary to ensure that our music does not become an issue for our neighbors to the north, south and west, it is worth noting that our client's property is located within the two block area on Ocean Drive, which is exempt from the noise ordinance regarding music traveling east. See City Code Section 46-157(11). As mentioned above, we are not seeking an entertainment permit for our rooftop, which will continue to have background music only and no DJ.

Application for Neighborhood Impact Establishment

Once the northern retail space is incorporated as a part of the interior restaurant and lounge, our client intends to host live performance Polynesian dinner shows during set times from 5:00 PM until 2:00 AM. during the establishment's operating hours. The Polynesian dinner shows will be held on a small platform to be constructed in the northeast portion of the interior

Chair and Members of the Miami Beach Planning Board
c/o Tom Mooney, Planning Director
March 1, 2019
Page 3

restaurant and lounge, as shown on page 19 of the enclosed site plan. One to five individuals are expected to perform simultaneously. The performances will incorporate a single set of hand drums; and sound from the performances will be played through the establishment's speaker system. Note that Voodoo Lounge will host DJs in its interior restaurant and lounge prior to the incorporation of the northern retail space. The DJ will perform during all operating hours, from 11:00 AM until 5:00 AM.

Because we are seeking to have entertainment and the maximum occupancy of our combined venues on the first floor and rooftop exceeds 200 persons, we are required to obtain a neighborhood impact establishment permit. The combined maximum occupancy of the first floor and rooftop venues is currently 281, and will increase to 448 once the abutting retail space to the north is incorporated into our interior restaurant and lounge space.

Conclusion

We respectfully request that the Board approve our conditional use permits for open air entertainment and a neighborhood impact establishment. Regarding the open air entertainment component of this application, it is customary and expected that tourists and patrons, who come here in large part for our beautiful weather, will want to attend a venue that has its doors open to take advantage of the tropical breezes and other aspects of our excellent weather. Our entertainment application merely seeks the ability to keep our doors open consistent with the desires of nearly every tourist to South Florida. We are happy to have any questions you may have.

Sincerely,

Shutts & Bowen LLP



Alexander I. Tachmes, Esq.

cc: Mandy Calara
David Coviello, Esq.

MIADOCS 17448863 4