

VOODOO LOUNGE, 928 OCEAN DRIVE
OPEN AIR ENTERTAINMENT AND NEIGHBORHOOD IMPACT
ESTABLISHMENT CONDITIONAL USE PERMIT APPLICATION FOR
PLANNING BOARD MEETING OF APRIL 30, 2019

**Consistency with Supplemental Review Guidelines (Section 142-1362
of the City of Miami Beach (the “City”) Land Development Regulations (“LDR”))**

- 1. An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.**

Voodoo Lounge, 928 Ocean Drive, will continue to operate as a restaurant and lounge, as it has been since 2015. The restaurant and lounge is known for providing its patrons with the latest in new music in an upscale and enjoyable ambiance.

The only operational changes our client seeks pursuant to this application are (i) the right to have “open air” entertainment, such that the establishment may play music at “entertainment” volume inside on the first floor with its eastward facing doors open, and (ii) the right to have a DJ and/or live performance Polynesian dinner shows at “entertainment” levels inside the first floor of the establishment. A neighborhood impact establishment conditional use permit is needed for the proposed entertainment because the proposed occupancy level exceeds 200 persons. The request to keep the establishment’s doors open is the only reason an “open air” entertainment permit is triggered. No changes are being sought to the establishment’s rooftop venue; and no speakers, DJ or live performances will be located or take place in the exterior ground floor area.

928 Ocean Drive consists of a two (2) story building plus a rooftop area. The building is non-contributing. Voodoo Lounge occupies the interior ground floor, consisting of approximately 1,415 square feet, and the rooftop, which consists of approximately 3,900 square feet. Within the next 18 months, our client will be renting the abutting retail space to the north and incorporating it into the ground floor restaurant and lounge area. Once the retail space is incorporated into the ground floor venue, the ground floor restaurant and lounge will consist of approximately 2,815 square feet. A hostel occupies the 2nd floor and is not part of this application.

The restaurant and lounge will continue to serve full meals during operating hours. A retractable awning and outdoor bar counter (which will close at 8:00 p.m.), both of which have already been approved by the Historic Preservation Board, will be constructed in the coming months.

) Restaurant and lounge hours of operation: 11:00 a.m. until 5:00 a.m.,
seven days per week

) Number of employees: 50 total, with 20 working at one time during peak hours, in order to provide high level of service and control

) Menu: American cuisine

2. **A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, self-park, shared parking, after-hour metered spaces and the manner in which it is to be managed.**

A variety of parking options are available to patrons. A valet parking company (contracted by a third party) provides valet parking services for patrons of the 900 block of Ocean Drive. The valet company manages and controls the use of the parking ramp in front of the business. Additional parking is available at area garages, parking lots and at on-street metered parking stalls. Also, many of our patrons do not need parking as they walk to our venue or take taxis or ride sharing services, such as Uber and Lyft.

3. **An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises, will be controlled.**

Restaurant and lounge staff ensures that any queuing that takes place occurs on our private property, and not on the public sidewalk. The rooftop lounge can additionally be accessed by an elevator located on the north side of the property, further reducing any patron queuing that may take place. Between the establishment's two entrances and large front patio, ample space exists on the property to accommodate queuing.

4. **A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.**

The safety and security of patrons are of paramount importance. During operating hours of the restaurant and lounge, 6 security specialists are on duty, with 4 on the ground floor and 2 on the rooftop. Additional security specialists are on duty during holidays and high impact weekends.

For safety and security purposes, there are 16 digital cameras on the ground floor and 8 on the rooftop. This video system is monitored by our team of security specialists on a twenty-four hour, seven-day per week basis.

Patron age restrictions are strictly enforced. Handheld identification verification scanners are used to ensure that patrons adhere to age restriction policies. Security specialists are trained to verify the age of patrons and address such matters appropriately.

5. **A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.**

The valet parking company for the 900 block of Ocean Drive manages traffic flow and the use of the parking ramp. Traffic circulation is generally not impacted by our

restaurant and lounge because most of our patrons walk to our venue or take taxis or ride sharing services, such as Uber and Lyft.

6. A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.

Voodoo Lounge contracts with Waste Management, a waste management company, to handle the sanitation needs of the property. Trash is stored in an air-conditioned room at the rear of the property, as shown on page 22 of the enclosed site plan; and pick-up occurs 7 times per week between 7:00 a.m. and 10:00 a.m. along Ocean Court.

7. A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance.

South Florida's beautiful climate is the single most important factor driving tourists to our area. Therefore, although our ground floor venue is enclosed, we would like the ability to keep the east facing doors open so our guests can enjoy the ocean breezes and other aspects of our tropical climate. The desire to have open doors is the only reason we are seeking an "open air" entertainment permit.

We are NOT seeking any changes to the volume of music on our rooftop. We are only seeking an "open air" entertainment conditional use permit so we can have a live performance Polynesian dinner show and DJ inside, and play music indoors at entertainment levels with the east facing doors open. Neither a DJ nor any aspect of the performance will take place outside. There will be no exterior speakers on the ground floor. And we are not seeking an "outdoor" entertainment permit.

Granting our client a narrow "open air" entertainment conditional use permit will not have a material effect on noise. First, the entertainment level music will be played entirely indoors on our ground floor. Although we are seeking the right to leave open the east facing doors of our ground floor venue, it is unlikely that such openings will materially affect noise given that all the speakers and the DJ will be inside.

Similarly, the addition of a live performance Polynesian dinner show will not have any material effect on the establishment's noise, because all sound will be played through the establishment's then-existing speaker system. Each performance will incorporate between one to five individuals simultaneously, and a single set of hand drums will be only instrument played. The performances will take place between 5:00 p.m. until closing time at a small platform in the northeast portion of the interior restaurant and lounge; which will be constructed following the incorporation of the northern retail space, as shown on page 19 of the enclosed site plan.

To address and mitigate any sound bleed from the inside, our client has hired Edward Dugger, a prominent sound expert, to make sure our interior sound will not violate the noise ordinance. A copy of Mr. Dugger's sound study is included with this application.

Although our client will ensure that noise does not become an issue to anyone, it is worth noting that our client's establishment is located within the two (2) block area of Ocean Drive that is exempt from the noise ordinance for east traveling sound.

8. Proximity of proposed establishment to residential uses.

We are confident that the limited nature of this application will not have a material effect on residential uses.

9. Cumulative effect of proposed establishment and adjacent pre-existing uses.

As our client's venue is located in the core of Miami Beach's entertainment district, it is understandable that there are other similar venues nearby.

Consistency with Standard Review Guidelines (Section 118-192 of the LDR)

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 use is consistent with the Comprehensive Plan. Specifically, the proposed use is consistent with the Future Land Use category of MXE, whose purpose as declared in the Comprehensive Plan is "to provide development opportunities for and to enhance the desirability and quality of existing and/or new mixed use areas which accommodate residential, hotel and commercial development." The use is also consistent with Ocean Drive's Ten Point Plan.

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 use will not exceed the thresholds for levels of service.

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

The subject uses are consistent with the LDR's.

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

Due to the limited nature of this application and the controls in place, the public health, safety, morals, and general welfare will not be adversely affected.

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

As stated above, adequate parking is available through a multitude of options.

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

Due to the comprehensive set of controls in place, necessary safeguards exist for the protection of surrounding property, persons and neighborhood values.

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.**

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Consistency with Sea Level Rise & Resiliency Review Criteria (Section 133-50 of the LDR)

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-ways and adjacent land.**

Not applicable.

7. **Where feasible and appropriate, all critical mechanical and electrical systems shall be located above based 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 flood proofing 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