

City of Miami Beach
Planning Dept
1700 Convention Center Dr
Miami Beach FL 33139

USPS CERTIFIED MAIL



9214 8901 9403 8381 1659 63

SENIOR FROGS MIAMI LLC
1450 COLLINS AVE
MIAMI BEACH FL 33139-4113

fold Here

Return Reference#:
Username: Victor Nunez
Code Violation # :
Court Case #:
Property Address ::
Permit ID #:
Custom 5:

Postage: \$5.6000

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

PLANNING DEPARTMENT
Tel: 305-673-7550 Fax: 305-673-7559

April 9, 2019

USPC CERTIFIED MAIL
9214 8901 9403 8381 1659 63
RETURN RECEIPT REQUESTED

Senor Frogs Miami, LLC
1450 Collins Avenue
Miami Beach, FL 33139

Re: PB2192

Dear Sir/Madam:

A Conditional Use Permit to operate was issued to Senor Frogs, LLC on August 26, 2014. It has come to the Planning Department's attention that violations have been issued by the Code Compliance Department regarding the operation of the venue. These include, but are not limited to, disorderly conduct, noise violations, and failing to maintain areas adjacent to the facility free of trash and in a sanitary manner.

Therefore, in light of the inconsistencies with the following conditions of approval contained in the Conditional Use Permit and the pending code violations **you are requested to appear at the April 30th, Planning Board hearing** for a verbal progress report:

- 9 The Planning Board shall maintain jurisdiction of this Conditional Use Permit. Within ninety (90) days of the issuance of the TCO or CO for the project, or the date of commencement of operation of the establishment, whichever is later, the operator shall make a progress report to the Planning Board. The Board reserves the right to modify the conditions of this approval at the time of a progress report, in a non-substantive manner, including modifications to the hours of operation, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
- 10 The Planning Board shall retain the right to call the owner or operator back before them and make modifications to this Conditional Use Permit should there be valid complaints about loud, excessive, unnecessary, or unusual noise, as determined by Code Compliance. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns
- 5 The following shall apply to the operation of the entire facility:

- d. Patrons shall be allowed to queue on the sidewalk on Española Way in an orderly manner, only when maximum occupancy levels, as determined by the Fire Marshal, have been reached. Stanchions shall delineate the area. Security staff shall monitor the crowds to ensure that they do not interfere with the free-flow of pedestrians on the public sidewalk.
- 14 A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, Code of the City of Miami Beach, Florida.
- 17 The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.

The attached summary of violations and calls for services include the following warnings, violations and open offenses that are still showing in the City's records as of this writing:

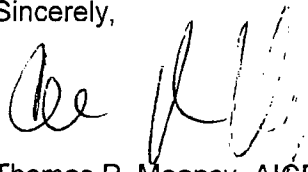
1. **CC2019-07113 03/23/19** Obstructing the sidewalk
2. **CC2019-07182 03/29/19** Failing to comply with BTR

Please be advised that at the time of the progress report, in accordance with the provisions of the City Code, Section 118-194(3), the Planning Board may consider setting a public hearing for the purpose of examining the noncompliance issues and initiate modification/revocation proceedings. Should the Planning Board consider setting a public hearing for the purpose of examining the noncompliance issues and initiate modification/revocation proceedings, this issue may be placed on the next available meeting of the Board.

If a future public hearing is set, the board may consider the issue of noncompliance and the possible modification or revocation of the approval. Based on substantial competent evidence, the board may consider revoking the approval, modifying the conditions thereof, or imposing additional or supplemental conditions.

If you have any questions, please do not hesitate to contact Mr. Alejandro Garavito at (305) 673-7000 ext. 6164.

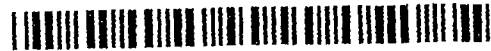
Sincerely,



Thomas R. Mooney, AICP
Planning Director

TRM/AG

F:\PLAN\SPLB\GEN-CORR\CURE LETTERS\PB 2192 Senor Frogs, LLC



CFN 2014R0635523
OR Bk 29306 Pgs 4961 - 49651 (50pgs)
RECORDED 09/12/2014 12:10:48
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 1450 Collins Avenue

FILE NO. 2192

IN RE: The application by Senor Frogs Miami, LLC, requesting Conditional Use approval for a Neighborhood Impact Establishment with an occupant content exceeding 200 persons pursuant to Section 118, Article IV and Section 142, Article V.

LEGAL DESCRIPTION: Lots 1 and 2, in Block 2-A, of Espanola Villas, according to the Plat thereof, recorded in Plat Book 7, at Page 145, of the Public Records of Miami-Dade County, Florida, less the Southerly 8.65 feet thereof.

MEETING DATE: August 26, 2014

CONDITIONAL USE PERMIT

The applicant, Senor Frogs Miami, LLC, filed an application with the Planning Director requesting Conditional Use approval for a Neighborhood Impact Establishment with an occupant content exceeding 200 persons pursuant to Section 118, Article IV and Section 142, Article V.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the of the record for this matter:

That the property in question is located in the MXE Mixed Use Entertainment Zoning District;

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That 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;

That structures and uses associated with the request are consistent with the Land Development Regulations;

That the public health, safety, morals, and general welfare will not be adversely affected;

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

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including staff

recommendations, as may have been modified by the Planning Board, that a Conditional Use Permit as requested and set forth above, be GRANTED subject to the following conditions to which the applicant has agreed:

1. This Conditional Use Permit is issued to Senor Frogs Miami, LLC, as operator of this Neighborhood Impact Establishment, with an occupant content over 200 persons. Any change of operator or 50% (fifty percent) or more stock ownership shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein.
2. The patron occupant content shall be determined by the Fire Marshal. The applicant shall obtain a final occupant content from the City before the issuance of a Business Tax Receipt.
3. Prior to the issuance of a building permit for the project, the applicant shall submit an operational plan and narrative for all portions of the project, subject to the review and approval of staff, prior to the issuance of a CO or BTR, whichever occurs first. Such plan and narrative shall consist of a complete, updated business/operation plan that includes more details of the operation, deliveries, sanitation, security and crowd control.
4. The applicant shall return to the Planning Board for a Progress Report within ninety days after the issuance of the BTR.
5. The following shall apply to the operation of the entire facility:
 - a. The sidewalk café area, if the permit is granted by the City, shall be permitted to operate until 10:30 PM, as proposed by the applicant.
 - b. Security staff shall take measures to strictly enforce patron age restrictions in the City Code around the clock.
 - c. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
 - d. Patrons shall be allowed to queue on the sidewalk on Española Way in an orderly manner, only when maximum occupancy levels, as determined by the Fire Marshal, have been reached. Stanchions shall delineate the area. Security staff shall monitor the crowds to ensure that they do not interfere with the free-flow of pedestrians on the public sidewalk.
 - e. The location of deliveries and trash collection shall be indicated on the Building Permit plans, subject to the review and approval of staff.
 - f. Deliveries or trash pick-up shall only be permitted between 7:00 AM and 2:00 PM on weekdays and 9:00 AM and 2:00 PM on weekends.
 - g. Trash pick-up shall take place 7 days per week.
 - h. All trash containers shall utilize rubber wheels, as well as a path consisting of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
 - i. All trash dumpsters shall be closed at all times except when in use.

- j. The applicant shall be responsible for maintaining the areas adjacent to the facility, such as the service alley, the sidewalk, and all areas around the perimeter of the property. These areas shall be kept free of trash, debris and odor, and shall be swept and hosed down at the end of each business day.
 - k. Except as may be required for fire or building code/Life Safety Code purposes, no speakers of any kind, shall be affixed to, installed, or otherwise located on the exterior of the premises within the boundaries of the project.
 - l. As per the recommendations of The Audio Bug, Inc. Sound Study, the house sound system shall be installed using a distributed speaker system, and set in such a manner as to contain sound levels inside the restaurant. The restaurant manager shall maintain control of the music volume at all times.
 - m. As per the recommendations of The Audio Bug, Inc. Sound Study, the ventilation panels shall be closed and sealed to prevent sound leakage.
 - n. The equipment and installation plan for the sound system, including the location of all speakers and sound level controls shall be submitted to staff for review and approval prior to obtaining a building permit. Outdoor speakers shall not be permitted. Ninety days after opening, the sound systems in all the venues shall be tested by a qualified acoustic professional, with staff from the Planning Department present, and a report shall be submitted to staff for review.
 - o. Security staff shall monitor patron circulation and occupancy levels during the hours of operation.
 - p. After normal operating hours the establishment shall remain closed and no patrons or other persons, other than those employed by the establishment, shall remain therein between closing and 9:00 AM.
 - q. All doors to the establishment shall remain closed, except when in active use. Propping doors open shall not be permitted at any time the venue is in operation.
- 6. A contract with a valet operator shall be submitted to staff for review and approval prior to a final Certificate of Occupancy or Business Tax Receipt, whichever occurs first.
 - 7. No strobe lights shall be visible outside the venue.
 - 8. Business identification signs shall be limited to sign copy indicating the name of the establishment only, subject to staff review and approval.
 - 9. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. Within ninety (90) days of the issuance of the TCO or CO for the project, or the date of commencement of operation of the establishment, whichever is later, the operator shall make a progress report to the Planning Board. The Board reserves the right to modify the conditions of this approval at the time of a progress report, in a non-substantive manner, including modifications to the hours of operation, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
 - 10. The Planning Board shall retain the right to call the owner or operator back before them and make modifications to this Conditional Use Permit should there be valid complaints about



loud, excessive, unnecessary, or unusual noise, as determined by Code Compliance. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.

11. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interests and assigns. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval.
12. The applicant shall obtain a Certificate of Occupancy prior to the issuance of a Business Tax Receipt.
13. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of an occupational license to operate this entertainment establishment.
14. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, Code of the City of Miami Beach, Florida.
15. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
16. Within a reasonable time after applicant's receipt of this Conditional Use Permit as signed and issued by the Planning Director, the applicant shall record it in the Public Records of Miami-Dade County at applicant's expense and then return the recorded instrument to the Planning Department. No building permit, certificate of use, certificate of occupancy, certificate of completion, or occupational license shall be issued until this requirement is satisfied.
17. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
18. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.



Dated this 7th day of SEPTEMBER, 2014

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
Thomas R. Mooney, AICP,
Planning Director
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 7th day of September, 2014, by Thomas R. Mooney, Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]



TERESA MARIA
MY COMMISSION # FF 042188
EXPIRES: December 2, 2017
Bonded Thru Budget Notary Servs.

[Signature]
Notary:
Print Name: TERESA MARIA
Notary Public, State of Florida
My Commission Expires: 12.2-17
Commission Number: FF042188

Approved As To Form: [Signature] (9-5-14)
Legal Department

Filed with the Clerk of the Planning Board on 09/09/14 ([Signature])

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[Signature]

TERMINELLO & TERMINELLO, P.A.

ATTORNEYS AT LAW

2700 S.W. 37 AVENUE

MIAMI, FLORIDA 33133-2728

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E-MAIL: joshua@terminello.com

WALTER DROBENKO†
OF COUNSEL

ADMITTED IN:

*FLORIDA
†NEW YORK
*WASHINGTON, D.C.

(305) 444-5002

FAX: (305) 448-5566

Website: www.terminello.com

PLEASE REPLY TO:
MIAMI

September 25, 2014

BROWARD OFFICE

2455 HOLLYWOOD BLVD.
SUITE 118
HOLLYWOOD, FL 33020
(954) 929-9600

MIAMI BEACH OFFICE

1111 LINCOLN ROAD
SUITE 400
MIAMI BEACH, FL 33139
(786) 276-2343

NEW YORK OFFICE

25-84 STEINWAY STREET
ASTORIA, NY 11103

MICHAEL H. TARKOFF
LITIGATION SUPPORT
E-MAIL: mtarkoff@terminello.com

Katia Hirsh, Senior Planner
City of Miami Beach Planning Department
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

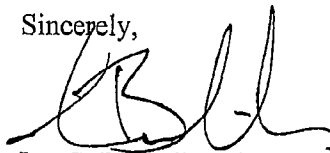
Re: Senor Frogs Miami, LLC
Planning Board File No. 2192

Dear Katia:

Enclosed herein please find the original Conditional Use Permit, recorded with the Clerk of Courts, Miami-Dade County, Florida, on September 12, 2014, submitted to the City of Miami Beach Planning Department for return to your file.

In the event you require any additional information or documents in connection with this matter, please contact the undersigned.

Sincerely,



Ian G. Bacheikov, Esq.
For the Firm

Enclosure

RECEIVED
2014 SEP 25 PM 2:51
CMB PLANNING DEPT

MIAMI BEACH

CODE COMPLIANCE DEPARTMENT

MEMORANDUM

TO: Hernan D. Cardeno, Esq., Director

VIA: Thomas Curitore, Assistant Code Compliance Director

FROM: Silvia M. Escobar, Code Compliance Administrator

DATE: March 28, 2019

SUBJECT: Señor Frogs LLC, 1450 Collins Avenue, Conditional Use Permit Violations

During the period January 01, 2018 to March 27, 2019, Señor Frogs Miami LLC, Business Tax Receipt number RL-10007924 located at 1450 Collins Avenue is in violation of the Conditional Use Permit File number 2192. This Conditional Use permit was recorded on 09/12/2014, CFN 2014R0635523 with Harvey Ruvin, Clerk of Court Miami -Dade County, Florida. The permittee has violated Section 5(d),5(l),5(o),5(j),10,14, and 17 of their Conditional Use Permit.(See attached CUP)

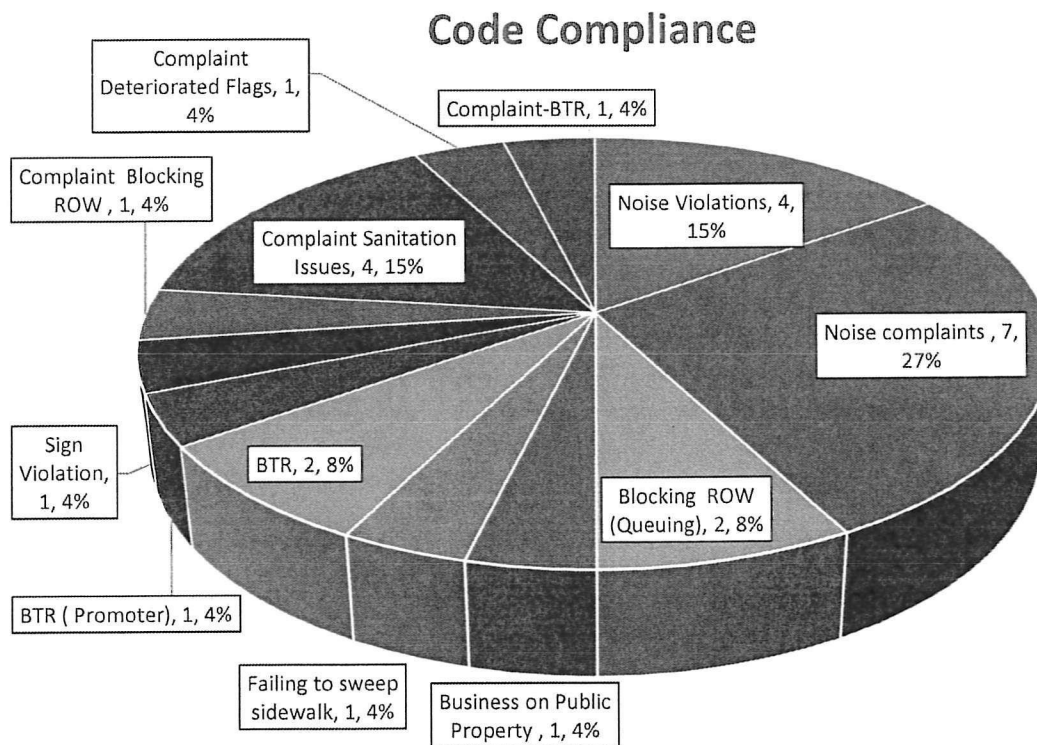
As Evidenced below (See highlighted portion)

Calls of Service and Violations/Complaints	Code Compliance	Police Department	Totals
Noise Violations	4		4
Noise complaints	7	3	10
Blocking ROW (Queuing)	2		2
Business on Public Property	1		1
Failing to sweep sidewalk	1		1
BTR	2		2
BTR (Promoter)	1		1
Sign Violation	1		1
Complaint Blocking ROW	1		1
Complaint Sanitation Issues	4		4
Complaint Deteriorated Flags	1		1
Complaint-BTR	1		1
Assault/Battery		8	8
Assault/Battery Domestic		1	1
Assault/Battery-Injury		2	2
Disturbance		18	18
Larceny		19	19
Battery/Aggravated /Law Enforcement Officer		1	1
Battery/Police Officer/Corrections /Firefighter		1	1
Battery		1	1
Cannabis /Possession/20 G rams or less		1	1

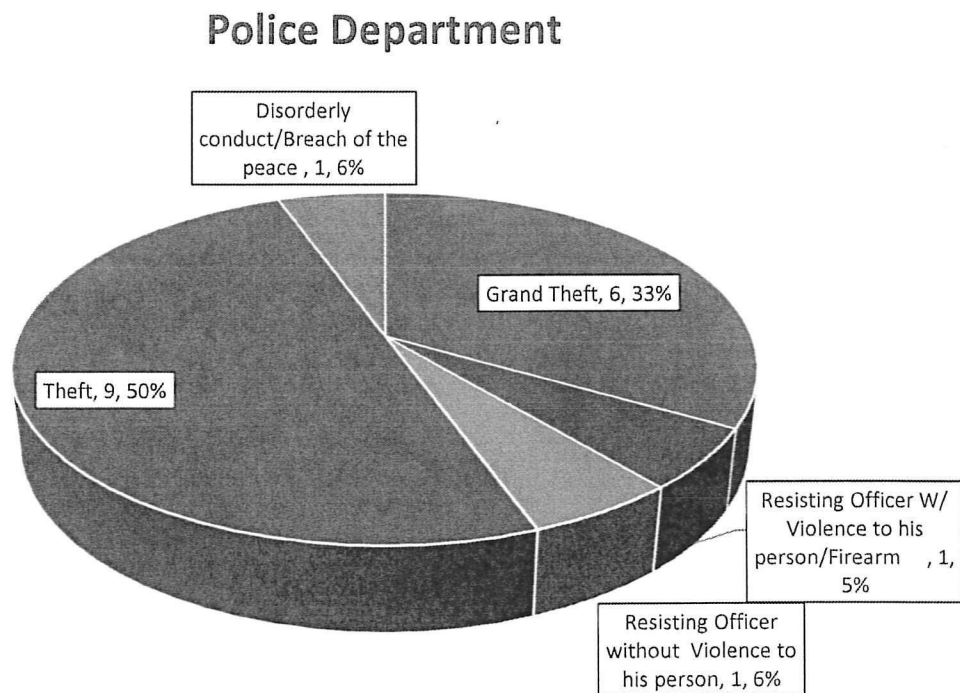
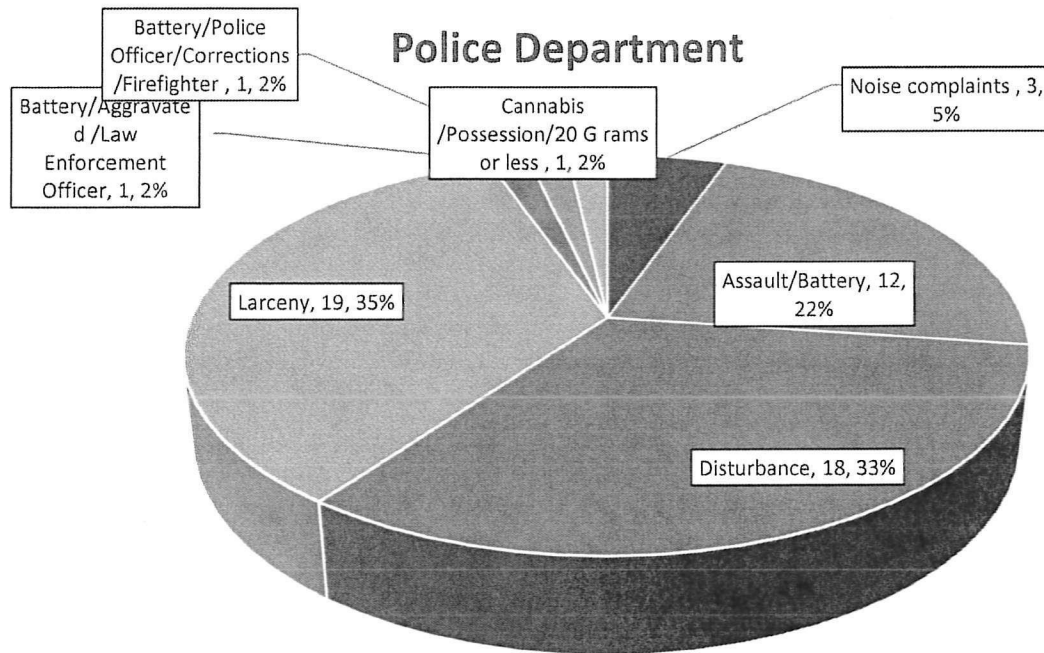
Source New World RMS and EnerGov

Calls of Service and Violations/Complaints	Code Compliance	Police Department	Totals
Grand Theft 3RD		3	3
Grand Theft 3RD Degree/5K<20K/Conspiracy		2	2
Grand Theft 3RD Degree/Armed/Conspiracy		1	1
Resisting Officer W/ Violence to his person/Firearm		1	1
Resisting Officer without Violence to his person		1	1
Petit Theft		5	5
Theft		4	4
Disorderly conduct/Breach of the peace		1	1

Source New World RMS and EnerGov



We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.



MIAMI BEACH
POLICE



**SPECIAL INCIDENT NOTIFICATION
OPERATIONS DIVISION**

INCIDENT:	Aggravated Battery (Stabbing)
DATE:	03/23/2019
TIME:	00:24
CASE:	2019-00027883
LOCATION:	1500 Blk of Collins Ave
COMMANDER:	Lt. Garcia & Lt. Matias
SUPERVISOR:	Sergeant Dan Han
LEAD OFFICER:	Officer Melissa Rosa
LEAD DETECTIVE:	Det Phil Archer

WHO WAS NOTIFIED: Chief Oates and Captains Robinson, Doce and Polanski were on scene. The other Police Command Staff members and PIO were notified via this document.

DESCRIPTION OF INCIDENT: Victim was involved in a physical altercation with two other mutual subject(s)/combatants. Victim was stabbed multiple times by one of the other subjects. The subject(s) fled the scene. The victim was immediately transported by Miami Beach Fire Rescue to Jackson Memorial Ryder Trauma.

While overseeing the crime scene, Club Senior Frogs was shut down due to the following incidents that occurred in our presence:

1. The music was unreasonably loud.
2. The club had numerous physical fights break out in the front entrance causing pedestrians and club patrons to spill out on to the street causing a public safety issue.
3. The club security ejected numerous unruly club patrons that became combative with security causing officers to intervene and, as result, there were several officers that were battered.

MIAMI BEACH

POLICE



**SPECIAL INCIDENT NOTIFICATION
OPERATIONS DIVISION**

Additionally the incident that occurred compromised the officers and interfered with the crime scene because the officers had to divert their attention to deal with the unruly incidents.

Note: The Manager of Senior Frogs, Mr. Alejandro Wong decided after our initial consultation with him and based on the totality of everything that had occurred; he decided in the interest of public safety to close the club.

SUBJECT(S): Possibly two (2) subjects (1 male & 1 Female)

CHARGE(S):

MEDIA INQUIRIES: None