

July 26, 2019

VIA HAND DELIVERY

City of Miami Beach Planning Board

c/o Thomas R. Mooney
Department of Planning
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: PB19-0285 Application for Conditional Use Permit for a Neighborhood Impact Establishment and Open-Air Entertainment Establishment with an occupant content in excess of 200 Persons ("CUP") for Havana 57 at 940 Ocean Drive, Miami Beach FL 33139 ("the Property")

Dear Planning Board Members:

Our law firm represents Havana Ocean Ten LLC. ("Applicant") whose property is located at 940 Ocean Drive ("Havana 57"). Havana 57 is located in the Mixed-Use Entertainment District ("MXE"). Through this letter the Applicant requesting approval of a Conditional Use Permit for a Neighborhood Impact Establishment and Open-Air Entertainment Establishment with an occupant content in excess of 200 persons ("CUP") both in the exterior and interior of the restaurant adding entertainment in, the inside ("Area 1"), the oceanside terrace ("Area 2"), and the interior courtyard ("Area 3").

I. Project

Havana 57 until end of last year had an Occupant content approved by the City for 220 persons. Working with the Planning Department the restaurant is was reduced to occupant load of 178 persons to allow city to issue an entertainment license for the interior areas. The entertainment currently being operated in the inside portions are, live band, dancers and a DJ. With this application the Applicant would like to restore the original occupant load of 220 and use of entertainment in all three areas of the restaurant. The areas are divided in these groups, Inside (area 1), Ocean Terrace (area 2) & inside courtyard (area 3). Further the Applicant would like to have three options approved for use during different periods the restaurant is opened. The following are 3 options that the Applicant is requesting:

City of Miami Beach Planning Board

c/o Mr. Thomas Mooney

July 26, 2019

Page 2

1. Under Option 1

- a. Stage inside in Area 1,
- b. DJ booth only one inside. Playing music to play in Area 1, then in Area 2 & 3 at background levels only.
- c. Live music (band) inside Area 1.
- d. Dancers primarily in Area 1 but will also go into Area 2 & 3.

2. Under Option 2

- a. Stage inside Area 1.
- b. First DJ Booth inside to play music for area 1 & area 2 (background levels only).
- c. Second DJ booth in the courtyard to play music for area 3 (background levels only).
- d. Live music inside Area 1.
- e. Dancers primarily in Area 1 but will also go into Area 2 & 3.

3. Under Option 3

- a. Stage inside Area 1.
- b. First DJ booth outside in Ocean Terrace, playing music for Area 1 & Area 2 (background levels only).
- c. Second DJ booth in the courtyard to play music for area 3 (background levels only).
- d. Live music inside Area 1.
- e. Dancers primarily in Area 1 but will also go into Area 2 & 3.

4. Additional Operational Conditions under either Option:

- a. Hours of operations for the restaurant is 8 a.m. until 5 a.m., 7 days a week.
- b. Dancers will be primarily in the area 1 but will walk through in area 2 & 3 a few times. The Hours are 7 days a week 7 p.m. until 3 a.m.
- c. Band will be in area 1 and the hours are 7 days a week 7 p.m. until 3 a.m.
- d. DJ will perform Monday through Friday noon- 5 a.m., then weekends and holidays 11 a.m. – 5 a.m.
- e. Please note that in Area 2 and Area 3, which are outdoors the level of any music will only be background levels.

The Operation plan since it is returning to its historically approved 220 occupant load and wants the use of DJ's to play the music in all three areas of the restaurant which is triggering the need for a CUP. The dancers will be performing indoors and only walking

through Area 2 & 3 by the patrons sitting having a meal. The Live band will continue as they are currently performing only indoors. The CUP will allow the playing the same levels music outdoors currently played today but different song than DJ plays indoors, it will be the same as indoors. We also like to note that Applicant is only a tenant and the Hotel in the property is operated by the landlord.

II. Compliance with Sea Level Rise and Resiliency Review Waiver - Section 133-50(a) provides review criteria for compliance with the City's recently adopted sea level rise and resiliency criteria.

- (i) *A recycling or salvage plan for partial or total demolition shall be provided.*
 - a. N/A
- (ii) *A recycling plan will be provided as part of the submittal for a partial/total demolition permit to the building department.*
 - a. N/A
- (iii) *Windows that are proposed to be replaced shall be hurricane proof impact windows.*
 - a. N/A
- (iv) *Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.*
 - a. N/A
- (v) *Whether resilient landscaping (salt tolerate, highly water absorbent, native or Florida friendly plants) will be provided.*
 - a. N/A
- (vi) *Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by*

City of Miami Beach Planning Board

c/o Mr. Thomas Mooney

July 26, 2019

Page 4

the Southeast Florida Regional Climate Change compact, including a study of land elevation and elevation of surrounding properties were considered.

a. N/A

- (vii) *The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.*

a. N/A

- (viii) *Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation with room to raise.*

a. N/A

- (ix) *Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.*

a. N/A

- (x) *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.*

a. N/A

- (xi) *Where feasible and appropriate, water retention systems shall be provided.*

a. N/A

City of Miami Beach Planning Board

c/o Mr. Thomas Mooney

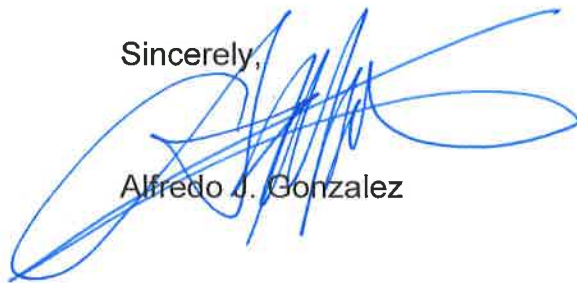
July 26, 2019

Page 5

III. Conclusion

Prior to making this application, the Applicant has consulted with City staff and the neighbors on these issues. So, accordingly, the Applicant is requesting that the Planning Board approve this application for the Conditional Use Permit as described in.

Sincerely,



Alfredo J. Gonzalez

CITY OF MIAMI BEACH
FIRE DEPARTMENT
OCCUPANT CONTENT



The maximum legal occupant content for this place of business is *220 persons. The minimum number of approved independent exits to the exterior of the building accessible to this occupancy is 2.

Location: 940 OCEAN DR. / MIAMI BEACH / FL.

“HAVANA OCEAN 10 .LLC”

***COURTYARD = 62, INSIDE DINING = 87, TERRACE DINING = 71**



Division Fire Chief
Juan Meizoso

Date Issued: 10/16/18

Activity Number: FP1018-1946

It shall be unlawful to remove or deface this notice. If the occupant content number(s) above is exceeded (individual rooms, floors, total), the business license holder will be held liable and subject to the penalties stated in the City of Miami Beach Code, Chapter 50 for violating the Florida Fire Prevention Code.

FPCITY OF MIAMI BEACH
FIRE DEPARTMENT
OCCUPANT CONTENT



The maximum legal occupant content for this place of business is ***178** persons. The minimum number of approved independent exits to the exterior of the building accessible to this occupancy is **2**.

Location: 940 OCEAN DR. / MIAMI BEACH / FL.

"HAVANA OCEAN 10 .LLC"

***COURTYARD TERRACE = 15, INSIDE DINING = 81, TERRACE DINING = 82
(COURTYARD NOT PART OF RESTAURANT)**

Division Fire Chief

Juan Meizoso

Date Issued: 12/20/18

Activity Number: FP1218-2062

It shall be unlawful to remove or deface this notice. If the occupant content number(s) above is exceeded (individual rooms, floors, total), the business license holder will be held liable and subject to the penalties stated in the City of Miami Beach Code, Chapter 50 for violating the Florida Fire Prevention Code.