

**HAVANA 57 RESTAURANT/ 940 OCEAN DRIVE**  
**PB19-0285**  
**July 26, 2019**

**OPERATIONAL PLAN**

Havana 57 Restaurant will be operating at different times under one of the three options in the plans.

**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.

**I. Satisfaction of Condition Use Permit General Review Criteria - Sec. 118-192. - Review guidelines.**

(a) Conditional uses may be approved in accordance with the procedures and standards of this article provided that:

- (i) *The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.*
  - a. CONSISTENT – The proposed used is consistent with Comprehensive plan.
- (ii) *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.*
  - a. CONSISTENT – The proposed used is consistent with Comprehensive plan. The request is not adding any addition occupancy than what has been existing.
- (iii) *Structures and uses associated with the request are consistent with these land development regulations.*
  - a. CONSISTENT – The proposed used is consistent with land development regulations. The request is not adding any addition occupancy than what has been existing. The existing restaurant is located within the MXE zoning district.
- (iv) *The public health, safety, morals, and general welfare will not be adversely affected.*
  - a. CONSISTENT – The restaurant is not requesting any expansion of the operations.
- (v) *Adequate off-street parking facilities will be provided.*
  - a. CONSISTENT – There is a current Valet operation plan which has been provided as part of this Application.
- (vi) *Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.*
  - a. CONSISTENT – Its located in the MXE zoning district which typically has proposed use.

(vii) *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.*

a. CONSISTENT – The MXE zoning district encourages concentration.

(viii) *The structure and site complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.*

a. CONSISTENT – see below.

**II. Satisfaction of Outdoor Entertainment Review Guidelines - Sec. 142-1362. - Review guidelines.**

(a) In reviewing an application for an outdoor entertainment establishment, open air entertainment establishment, neighborhood impact establishment, or after-hours dance hall, the planning board shall apply the following supplemental review guidelines criteria in addition to the standard review guidelines for conditional uses pursuant to chapter 118, article IV:

(i) *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.*

a. SATISFIED- Operation/business plan has been submitted with application. This a full-service Spanish/Cuban restaurant with a full bar. The restaurant employs approximately 75 persons.

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

a. SATISFIED- The Valet operation plan has been attached. The Hotel has a valet station on Ocean Drive in front of the restaurant. We expect many of the patrons will be either walk up traffic or using ride share services.

(iii) *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.*

a. SATISFIED- The restaurant currently has no issues and this is not requested to be a nightclub. The managers control crowds and currently have no issues operating the entertainment being proposed under this CUP. In the event there were any issues

managers and staff would address crowd control, especially if people were standing blocking pedestrian access.

- (iv) *A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.*

a. SATISFIED- The restaurant currently has no issues and this is not requested to be a nightclub. The Manager and senior staff currently provide all required security concerns. All servers are trained to check for ID's and make sure everyone is of aged that is served.

- (v) *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.*

a. N/A there is no request for intensification of site and no plan has been required.

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

a. SATISFIED- The restaurant currently has no issues and has provided agreement with Waste Management. There is an enclosed air conditioned trash room facing the alley

- (vii) *A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance.*

a. SATISFIED- The Applicant is providing an Acoustic Study.

- (viii) *Proximity of proposed establishment to residential uses.*

a. SATISFIED- The restaurant is surrounded by restaurants, bars and hotels. Please note Havana 57 is a tenant and the Hotel in the building is operated by the landlord.

- (ix) *Cumulative effect of proposed establishment and adjacent pre-existing uses.*

a. SATISFIED- Different restaurants have been operating with a 220-person occupant load for decades. The only difference is we are using DJ's for the outdoor music being played at background levels.