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August 9, 2021

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Via CSS Electronic Submission

Mr. Thomas Mooney
Planning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 331396

Re: *Change of Ownership to Conditional Use Permit issued on March 30, 2004 for the Property Located at 1300 Ocean Drive, Miami Beach, Florida; File No. 1653*

Dear Mr. Mooney:

This law firm represents applicant, Yuca Restaurant Company ("Yuca"). A copy of the recorded Conditional Use Permit ("CUP") is attached hereto as Exhibit "A," which was issued to the original applicant, Café Cardozo, LLC.

To comply with condition three (3) of the CUP, Yuca seeks to modify the CUP to reflect Yuca Restaurant Company as the operator of the restaurant at the subject property and to disclose changes to the previously approved operator. No further modifications are made and Yuca agrees to comply with all of the terms of the CUP.

Accordingly, Yuca seeks approval of this CUP modification. This modification does not in any way change the approved uses. Instead, Yuca seeks to comply with an administrative condition of the CUP. We respectfully request your recommendation of approval this request.

Your attention to this matter is greatly appreciated. Should you have any questions, please do not hesitate to call.

Very truly yours,



KAARI GAGNON
kgagnon@zarcolaw.com

Encl.

EXHIBIT "A"



CFN 2004R0486347
OR Bk 22403 Pgs 1055 - 1057 (3pgs)
RECORDED 06/17/2004 12:09:08
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

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

PROPERTY: 1300 Ocean Drive
Café Cardozo

FILE NO: 1653

IN RE: The application by Café Cardozo, LLC, requesting approval for a Conditional Use Permit for an outdoor entertainment establishment in order to have musicians located on the porch.

LEGAL DESCRIPTION: Lots 7 and 8, Block 18, Ocean Beach Addition No. 2, according to the Plat thereof, as recorded in PB 2-56 of the Public Records of Miami-Dade County, Florida.

MEETING DATE: March 23, 2004

CONDITIONAL USE PERMIT

The applicant, Café Cardozo, LLC, filed an application with the Planning Director for a Conditional Use Permit pursuant to Chapter 118, Article IV, "Conditional Use Procedure" of the Code of the City of Miami Beach, Florida. Notice of the request for a Conditional Use Permit was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property, upon which the application was made.

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 record for this matter:

That the property in question is located in the MXE – Mixed Use Entertainment zoning district;

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

That necessary safeguards are provided for the protection of surrounding property, persons, and neighborhood values if the following conditions are met.

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 the

staff recommendation, 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. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall come back to the Board within 90 days from the date of approval of this Conditional Use Permit and provide a progress report. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, 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).
2. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a Certificate of Use.
3. This Conditional Use approval is issued to Café Cardozo, LLC, as operator of the restaurant, for the outdoor entertainment in the front terrace of the Cardozo Hotel. Any change of operator 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, in advance, to affirm their understanding of the conditions listed herein.
4. The live outdoor entertainment shall be unamplified and limited to a maximum of three (3) musicians, with music played at ambient level only that will not interfere with normal conversation. No stage structure or special stage lighting is permitted, and no smoke machines may be employed. No dancing shall be permitted on the patio or other outdoor areas; dancing shall be limited to the inside of the building.
5. The volume of recorded music shall be controlled by the restaurant management only; DJs shall be prohibited from manipulating volume controls. Non-compliance with this condition shall be deemed a violation of the Permit and subject to the remedies as described in Sec. 118-194 of the City Code.
6. The hours of operation for the live entertainment shall be from 10:00 a.m. to 11:00 p.m. Sunday through Thursdays; and 10:00 a.m. to 12:00 midnight Fridays and Saturdays.
7. Violation of the Miami-Dade County Code Section 21-28 (a/k/a "noise ordinance") shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in Sec. 118-194 of the City Code.
8. The applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if required, by paying its fair share cost, as determined by the Transportation/Concurrency Management Division.
9. The applicant shall be responsible for maintaining the areas adjacent to the facility in excellent condition, including keeping the sidewalk, curb and gutter in front of the building in a clean and sanitary condition, free of all refuse at all times.
10. Queuing or gathering of pedestrians on the sidewalk in front of the establishment in order to listen to the musical performance without entering the premises shall be prohibited. In the event that there is queuing of people on the sidewalk restricting the free-flow of pedestrians, the operator shall be required to have staff take action to remove such crowds from the sidewalk and shall not be permit the crowd to spill uncontrolled into the street area.

11. The clear pedestrian path on the sidewalk in front of the establishment shall be no less than that which is required by the City's Sidewalk Cafe Ordinance. In the event that there is queuing of patrons in this area which impedes the clear path, the operator shall be required to remove tables and chairs from the sidewalk area to allow the free flow of pedestrian traffic.
12. The outdoor music performance approved by this Conditional Use permit shall be accessory to the normal operation of the restaurant operated by the applicant at this location. Tables and chairs with food and beverage service must be present on the front porch area at all times during any music performance.
13. This Conditional Use Permit shall be recorded in the Public Records of Dade County at the expense of the applicant.
14. 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.

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 114-7 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 permit.

Dated this 30TH day of MARCH, 2004.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
Jorge G. Gomez, AICP, Planning Director
FOR THE CHAIRMAN

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 30TH day of MARCH, 2004, by Jorge G. Gomez, AICP, 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}



Charles A Taft
My Commission DD233174
Expires July 17, 2007

Notary: [Signature]
Print Name: CHARLES A. TAFT
Notary Public, State of Florida
My Commission Expires:
Commission Number:

Approved As To Form:
Legal Department (9/26/04 3-29-04)

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