BERCOW
RADELL
FERNANDEZ
LARKIN +
TAPANES
ZONING, LAND USE AND
ENVIRONMENTAL LAW

200 S. Biscayne Boulevard

Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6231 office

305.377.6222 fax

MLarkin@brzoninglaw.com

VIA ELECTRONIC AND HARD COPY SUBMITTAL

July 31, 2023

Thomas Mooney, Planning Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

File No PB22-0540. Narrative Responses to Comments Issued by Planning Department and dated July 21, 2023

1. Provide a narrative response when addressing the following comments with page(s) location if applicable.
Response:
Response: Acknowledged. Please see below for responses.

2. Critical issue: As requested before and per email sent to the applicant on 1/20/23 the applicant needs to demonstrate compliance with the master CUP PB22-0551 aka PB17-0091 FKA 1609 conditions 11 (parking and maximum seats 592), 18 and 19. For this, the applicant needs to submit: A)Ground floor and second floor building floor plans showing the name of the current venues, name/number of each space and copies of the last issued BTRs, this is similar to the plans submitted by MCG architects (pages A1.01 and A1.02). These plans just need to be updated to include the proposed venue, all the venues must show the number of seats, and a chart shall be provided with all the venues, number of seats and total of seats for the whole building. B) Parking: the applicant shall demonstrate compliance for the required parking per master CUP, for this, provide the general building plans showing where is the location of the required parking spaces within the garage, number of parking spaces a chart with parking calculations for each venue with subtotals and totals shall be provided. Provide a separate file with these plans and charts, name the file: "MM-DD-

YYYY - Compliance with Master CUP plans". Without this the application cannot move forward.
Response: Acknowledged. Please see revised building plans dated July 31, 2023, and signed by Jennifer McCooney of MCG Studio Architecture.

3. You have been invoiced the NIE fee.
Response: Acknowledged. All invoices issued for this application have been paid. See CSS profile for PB22-0540.

4. LOI: clarify who is the applicant, the LOI list one entity, the application is listing two, revise and coordinate both docs.
Response: Acknowledged. Please see revised Letter of Intent.

5. LOI: The Property and the master CUP consists of three (3) parcels not one, see LOI submitted for the master CUP back in January. (Miami-Dade County Folio Nos. 02-3226-001-0060, 02-3226-001-0090 and 02-3226-001-0065). Revise.
Response: Acknowledged. Please see revised Letter of Intent.

6. LOI: provide the name/number of the space where the proposed venue is located, the previous CUP noted spaces 11 and 12 along 20 Street. This information should be also reflected on plans.
Response: Acknowledged. Please see revised Letter of Intent.

7. LOI: in addition to the NIE CUP Requirements , Regardless the occupancy load, the venue is also in front of the board per Master CUP condition 10: "Any additional dance hall, stand-alone bar, or entertainment establishment that may be proposed for this property, regardless of occupant load shall be reviewed by the Planning Board for a separate conditional use approval as agreed by the applicant", this statement shall be included on the LOI.
Response: Acknowledged. Please see revised Letter of Intent.

8. Prior land use approval document PB22-0540: there are some information that needs clarification, please revise: A) November 2015 : A1: The applicant, Park Place Development, LLC and Just Around the Corner, LLC requested modifications to a previously issued Conditional Use Permit. Specifically the applicants are requesting to modify a condition of the Modified Conditional Use Permit (MCUP) in order to allow entertainment establishments on Liberty Avenue and on 21st Street (File No. 1609). A2: The applicant, Sweet Liberty Brothers, LLC, requested Conditional Use approval for an entertainment establishment including frontage on Liberty Avenue, pursuant to the

requirements of the Master Conditional Use Permit for the property (PB File No. 1609) which requires that any additional entertainment establishment be reviewed by the Planning Board, regardless of occupant load (File No 2278). B) December 2015: The applicant, Bagatelle Miami, LLC., requested Conditional Use approval for an entertainment establishment, pursuant to the requirements of the Master Conditional Use Permit for the property (PB File No. 1609) which requires that any additional entertainment establishments be reviewed by the Planning Board, regardless of occupant load. (PB File No. 2277) C)November 2016 DOA: this CUP is no longer valid, this is where CVS is located, please confirm and include this on the history description.
Response: Acknowledged. Please see revised Letter of Intent.

9. Parking calculations req parking page A-1.0: revise calculations totals there is a bold number of 71 spaces that is incorrect and then a total for 85 which seems to be correct (32+53), revise.
Response: Acknowledged. Please see revised plans dated July 30, 2023, and signed by Jose Vargas of Genesis Fortune, LLC Consulting Engineering.

10. Checklist item #10 and 11b: Survey: provide a recent signed and sealed survey for the whole site, (this venue is part of a larger site).
Response: Acknowledged. Please see revised survey dated July 27, 2023, signed by Geoffrey Leiter of Leiter, Perez, and Associates, Inc.

11. Checklist item #11: plans and exhibits must be in 11x17 format, the plans presented are setup to 36x24, please revise, adjust text, dimensions, title blocks. Plans must be printed in 11x17 and they should be checked for legibility and scale. This set of plans are for Land Use Board approval not for permit approval, there are a lot of technical information/details that are not necessary for this stage. Without this the application cannot move forward. separate the zoning data sheet, parking calculations total amount of seats and occupancy load info in a separate page. As a reference see link of a recent approved application plans.
Response: Acknowledged. Please see revised survey dated July 27, 2023, signed by Geoffrey Leiter of Leiter, Perez, and Associates, Inc.

12. Checklist item #11c: Provide CMB zoning data sheet
Response: Acknowledged. Please see CMB commercial zoning data sheet..

13. Site plan: A-1.1 CVS location is incorrect, and It shall include the buildings that are part of this site, see plans from MCG architects.

Response: Acknowledged. Please see revised building plans dated July 31, 2023, and signed by Jennifer McCooney of MCG Studio Architecture and revised plans dated July 30, 2023, and signed by Jose Vargas of Genesis Fortune, LLC Consulting Engineering. Both firms consulted and determined the correct location for CVS and coordinated site plans.

14. Checklist item #11k: missing provide images and key directional plan, maximum of 6 images per page.
Response: Acknowledged. Please see revised plans dated July 30, 2023, and signed by Jose Vargas of Genesis Fortune, LLC Consulting Engineering.

15. Plans: The lobby on the ground floor seems to be small, the applicant shall explore the possibility to enlarge this space, please provide where is the reception area, waiting area /host area on the ground floor and or second floor. There shall be sufficient space for patrons to wait inside either on the second floor or ground floor. Provide dimensions for the ground floor lobby.
Response: Acknowledged. Please see revised plans dated July 30, 2023, and signed by Jose Vargas of Genesis Fortune, LLC Consulting Engineering.

16. Operational plan: Hours of operation: there is no valid CUP for this space, remove any reference to condition Number 5. from (PB19-071 Aka File N0 2042 Ora Night club). Just state the proposed hours of operations.
for the ground floor lobby.
Response: Acknowledged. Please see revised Operational plan dated July 31, 2023.

17. Operational plan: remove timeline page
Response: Acknowledged. Please see revised Operational plan dated July 31, 2023.

18. OP – Staffing levels: Remove any reference to a nightclub, per LOI, this is proposed to be a lounge cocktail bar. Revise and/or clarify the request on all documents.
Response: Acknowledged. Please see revised Operational plan dated July 31, 2023.

19. OP - Crowd control: remove any reference to condition No 8 of the CUP, there is no valid CUP for this location, just state the proposed crowd control plan. Please note that staff will not be in favor of placing Stanchions or letting patrons queue on the sidewalk, patrons should be organized inside the property. The applicant shall explore the possibility to enlarge the lobby on the ground floor, it seems too small to accommodate the patrons.
Response: Acknowledged. Please see revised Operational plan dated July 31, 2023. The Applicant will contain all queuing and patron entry processes within the proposed venue.

The Project does not plan on requiring outdoor queuing but has provided plans in case atypical conditions would lead to outdoor queuing.

20. OP - Crowd control: maximum occupancy: plans show 462 not 452 revise.
Response: Acknowledged. Please see revised Operational plan dated July 31, 2023.

21. OP – Deliveries, remove reference to Condition 15, just state what is proposed.
Response: Acknowledged. Please see revised Operational plan dated July 31, 2023.

22. OP – Noise attenuation plan: it seems that the applicant is keeping the same sound system, but this needs to be modified since there are no operations on the ground floor level as was previously approved, please clarify.
Response: Acknowledged. Please see revised Operational plan dated July 31, 2023.

23. These comments have been provided as a preliminary review of outstanding issues and are subject to additions and/or deletions pending further review before the meeting date and during building permit review. These comments do not constitute final zoning comments or final zoning approval of the project.
Response: Acknowledged.

24. Please provide the above information for Final submittal by July 31, 2023, before 12:00 pm. Provide a narrative and label electronic files as: 'MM-DD-YYYY Document Name'. please contact. Miriam Herrera
Response: Acknowledged. Please see final submittal package submitted electronically and via hard copy.