

Stef USA, Inc. d/b/a  
The Gaythering

CONDITIONS OF APPROVAL FOR THE PROPERTY LOCATED AT: 1409 LINCOLN ROAD

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The Applicant/Operator agrees to the following operational conditions for the pool deck area to be constructed in the outdoor courtyard space, along the southern façade of the property, adjacent to Lincoln Road, and shall bind themselves, their lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational requirements and/or limitations.

I. POOL T OPERATIONAL CONDITIONS

- i. The hours of operaton for the pool area shall be as follows:

**Pool Hours**

Sundays - Saturdays | 7:00 AM - 11:00 PM

- ii. Once the pool has closed, the gate surrounding the space will remained locked until opening hours the next morning. Any outdoor furniture in the space, will be secured in such a fashion that they are not usable by pasersby.
- iii. No food or beverage service will be available to guests in the the pool deck area.

II. NOISE CONDITIONS

- i. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended, shall be deemed a violation of this approval and subject the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code, and subject the applicant to the review provided for in the first sentence of this subparagraph.
- ii. Applicant agrees that the placement or use in the outdoor pool area of exterior loudspeakers, fixed or portable shall be prohibited.
- iii. No speakesrs shall be affixed to the exterior of the Property.

- iv. All DJ and/or live entertainment shall only occur within the interior of the property.
- v. Sound attenuating design elements shall be installed wherever possible surrounding the pool deck in order to minimize any spillover of sound to residential properties located across Lincoln Road, in a manner consistent with the limits and requirements of the City Code.

### III. APPLICABILITY

The conditions of approval for variance are binding on the applicant/operators, and all successors in interest and assigns. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest or equivalent, 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

## Betty Llerena

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**From:** Soto, Luis <LuisSoto@miamibeachfl.gov>  
**Sent:** Wednesday, July 19, 2017 10:22 AM  
**To:** Monika Entin  
**Cc:** Andres Arcila (andres@naturalficial.com); Murphy, James; Sotelo-Chotel, Fernanda; Gianeli Mestre; Mowry, Bruce  
**Subject:** RE: 1409 Lincoln Road  
**Attachments:** Conceptual Plans 161031.pdf; DCP West 2NORTH 161231.docx

Hi Monika, it is great that we are coordinating at early stages of the West Avenue Improvement Project which includes all perimeter roads surrounded by this property. To give a status on the West Avenue Improvements project, we just executed the contract with a design builder. Within a few days, we will issue notice to proceed to start the design phase. The construction phase is expected to begin early next year.

At this time, I can only provide the conceptual plans and the conceptual profile of the roads. Please note that elevations are based on NAVD and not NGVD. Also, this information will most likely change once the actual design gets underway.

Thanks

MIAMIBEACH  
Luis Soto, P.E.,  
Assistant City Engineer  
PUBLIC WORKS DEPARTMENT, Engineering Division  
1700 Convention Center Drive, Miami Beach, FL 33139  
Tel: 305-673-7080 XT 6924 Cell 786-717-2010 luissoto@miamibeachfl.gov  
Fax: 305-673-7028 / www.miamibeachfl.gov

-----Original Message-----

From: Monika Entin [mailto:mentin@brzoninglaw.com]  
Sent: Friday, July 14, 2017 10:21 PM  
To: Soto, Luis  
Cc: Andres Arcila (andres@naturalficial.com); Murphy, James; Sotelo-Chotel, Fernanda; Gianeli Mestre  
Subject: RE: 1409 Lincoln Road

Hi Luis,

A pleasure to make your acquaintance. As I explained below, my office represents the owner of the above captioned property with respect to the addition of a pool in the courtyard. Based upon communications with your department, we understand that the City is Planning to raise that area of Lincoln Road, in the near future. Therefore, the proposed design takes that into consideration. I have attached a copy of the proposed plans for your review.

Please let us know whether you would like to meet and discuss this matter or whether you can provide us with information regarding the City's proposed project and timeline.

Thank you for your time.

Best regards,  
Monika

-----Original Message-----

From: Buell, Roger [mailto:RogerBuell@miamibeachfl.gov]

Sent: Friday, July 14, 2017 5:02 PM

To: Monika Entin <mentin@brzoninglaw.com>

Cc: Andres Arcila (andres@naturalficial.com) <andres@naturalficial.com>; Murphy, James <JamesMurphy@miamibeachfl.gov>; Sotelo-Chotel, Fernanda <FernandaSotelo@miamibeachfl.gov>; Gianeli Mestre <gmestre@brzoninglaw.com>; Soto, Luis <LuisSoto@miamibeachfl.gov>

Subject: RE: 1409 Lincoln Road

Monika,

I would love to assist you and your client in this process, however, I'm no longer at the City of Miami Beach.

Luis Soto is the chief engineer in charge of the West Avenue project and should be able to assist in trying to tie this private project in with the public project.

Roger

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From: Monika Entin [mentin@brzoninglaw.com]

Sent: Friday, July 14, 2017 8:46 AM

To: Buell, Roger

Cc: Andres Arcila (andres@naturalficial.com); Murphy, James; Sotelo-Chotel, Fernanda; Gianeli Mestre

Subject: 1409 Lincoln Road

Good morning Roger,

I hope that this email finds you well.

Please note that my office represents the owner of the above captioned property. Currently, we are working to develop a pool in the property's courtyard. Based upon communications with your department, we understand that the City is Planning to raise that area of Lincoln Road, in the near future. Therefore, the proposed design takes that into consideration. I have attached a copy of the proposed plans for your review.

We would love the opportunity to have a dialogue with you to confirm the time-table for the future City work and to coordinate efforts. Please let us know when would work best for you, for a brief call or meeting. Although I will be out of town starting this afternoon until the 25th, my team is more than capable of proceeding in my absence.

Best regards,  
Monika

Monika H. Entin

Bercow Radell Fernandez & Larkin

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