



MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: July 24, 2012

FROM: Richard G. Lorber, AICP, LEED AP
Acting Planning Director

SUBJECT: File No. 1875 – 619-623 Washington Avenue Karma f/k/a Anhvee
Restaurant/Lounge

PROGRESS REPORT

As previously reported, 100% of the stocks of MAJ Management, LLC and Cameo's South Beach, LLC, the entities managing and operating Karma, now re-named "Rachel's Steakhouse and Cabaret," were purchased by Mr. Douglas Bangle, who is currently operating the establishment. As Mr. Bangle was known to have been the operator of adult entertainment establishments in Central Florida, staff was concerned that this establishment was being converted into an adult entertainment establishment without the proper approvals. Subsequently, staff of the Planning Department, City Attorney's Office and City Manager's Office has met with Mr. Bangle and Mr. Gerald K. Schwartz, his attorney. Staff went over the rules contained in the City Code with respect to adult entertainment and partial nudity in alcoholic beverage establishments, and reached some level of understanding as to what operational characteristics Mr. Bangle was proposing.

As described by Mr. Bangle, his establishment's dancers do not fall under the definition of partial nudity, above, as they wear adhesive body tape and elaborate body paint which covers the lower portion of their breasts, thus not constituting the typical "pasties" that are considered partial nudity by the Miami Beach code. Staff also pointed out that simulation thereof is also considered partial nudity, and Mr. Bangle acknowledged that the body tape and paint should not be used to simulate the nipple or areola. As part of the meeting, the City Attorney's Office wrote a clarification that both Mr. Bangle and staff have agreed to, which reads:

"The use of the following would not constitute "partial nudity" under Chapter 6 of the City Code: The use of adhesive tape or other equivalent method of covering the nipple, areola, and breast below (measured 4-8 o'clock), with paint that covers and does not simulate the covered body parts."

With that understanding, staff has also reached out to the Code Compliance Division to alert them to the distinction, and request that the location be monitored for compliance. To date, no violations have been issued.

At the April 24, 2012 progress report, the board approved the modification of the Conditional Use Permit; however due to an oversight, the modified Permit had not been drafted until very recently. Attached is the executed modified Permit.

STAFF RECOMMENDATION

Since no violations have been issued and it appears that the establishment is operating in accordance with the approved Permit, staff believes that no further progress report is necessary. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board, at which time the Board reserves the right to modify the Conditional Use approval in a non-substantive manner, to impose additional conditions to address possible problems, and to determine the timing and need for future progress reports.

RGL/ML

c: Gary Held, First Assistant City Attorney

F:\PLAN\PLB\2012\4-24-2012\1875 - 619-623 Washington Ave rpt.docx

ZONING SITE MAP

