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October 5, 2018

Mr. Kevin Klopp, Director
City of Hallandale Beach
Development Services Department
400 South Federal Highway
Hallandale Beach, FL 33009

Re: Application for Alcohol Beverage Distance Waiver for Casa de Montecristo at 801 N. Federal Highway

Dear Mr Klopp:

Casa de Montecristo ("Applicant") proposes to operate a cigar lounge at 801 N. Federal Highway ("Premises") and proposes to serve beer, wine and liquor for on premise consumption through a Florida Division of Alcoholic Beverage type 4-COP alcohol beverage license. Please allow this letter to serve as Applicant's statement for a waiver request of the City of Hallandale Beach Code of Ordinances ("Code") requirements as provided for in Section 5-6 concerning distance separations for alcohol beverage establishments, which reads as follows:

Sec. 5-6. - Distances between businesses and from schools, churches and public parks.

(b) Interbusiness distances.

- (1) No place of business licensed to sell beer with consumption on the premises; beer and wine with consumption on the premises; or beer, wine and liquor with consumption on the premises may be located within 1,000 feet, measured by the most direct route from main entrance to main entrance, of a place of business where there is already an establishment licensed in any of these three categories.
- (2) No place of business licensed to sell beer, wine and liquor with consumption off the premises may be located within 600 feet, measured by the most direct route from main entrance to main entrance, of another place of business licensed to sell beer, wine and liquor with consumption off the premises, nor may it be located within 1,000 feet, measured by the most direct route from main entrance to main entrance, of any of the types of businesses enumerated in subsection (b)(1) of this section.

(c) Exception. The provisions of subsection (b) of this section shall not apply to restaurants. Any business licensed to sell alcoholic beverages within the categories specified in subsection (b) of this section may be located within 1,000 feet of a restaurant selling alcoholic beverages, measured by the most direct route from main entrance to main entrance; and a restaurant selling alcoholic beverages may be located within 1,000 feet of such businesses.

(d) Church, school and public park distances: No establishment other than that specified in subsection (g) hereof may sell any alcoholic or other intoxicating beverage within 500 feet of a public park or within 1,000 feet of a church, school or property owned by a church or school and designated for use as a church or school. In order for a church or school to put on notice a property owner of its intention to erect a structure on a site, it must submit an affidavit to the city clerk setting forth the legal description of its property, affirming that the property is owned by the church, and which affidavit shall state the intention of the church to build a structure on the site. For the purposes of this section, the distances shall be determined by the most direct route from the main entrance of the establishment to the nearest property line of the church, school or public park.

Pursuant to Section 5-6 of the Code, no place of business licensed to sell beer, wine and liquor with consumption on the premises may be located within 1,000 feet of a place of business where there is already an establishment licensed in any of these three categories or within 500 feet of a public park or within 1,000 feet of a church, school or property owned by a church or school and designated for use as a church or school.

According to the Liquor Survey prepared O'Brien Suitor & O'Brien, there are other alcoholic establishments within the 1,000 feet, but there are no parks, churches or schools within the radius distance requirements.

Section 5-6(h) of the Code provides that city commission may grant a waiver to this provision. Section 5-6(h) reads as follows:

(h) Waivers

(1) The city commission may grant a waiver to any of the provisions contained in this section, subject to the following limitations:

a. The applicant shall file an application and pay an application fee. Such fee is on file in the development services department.

This fee, effective October 1, 2018, of \$500, plus the administrative fee of \$45 has been paid.

b. The city commission must hold a public hearing with prior written notice by certified mail being given to the affected parties. With respect to a waiver from the establishment separation requirement, the notice shall be to any such establishment within the specified distance. With respect to the separation requirements from churches and schools, notice shall be sent to the church or school, as appropriate. With respect to public schools, notice shall be sent to the principal and to the school board of the county.

The Town shall send the appropriate certified mailings and a public hearing will be held.

c. All waivers granted are subject to revocation by the city commission if adverse effects on the affected parties result.

The Applicant is aware and understands this.

- d. The applicant is required to demonstrate that the granting of the waiver will not have any substantial or material adverse effect on the parties sought to be protected by the particular provision sought to be varied, and that the spirit and intent of this section will not be violated.

It is important to note that the requirements for a waiver are certainly less than are required for a variance. Your prior Mayor and Commission understood this and amended Section 5-6 to provide for a waiver and not a variance via Ordinance Number 2012-17, which was passed and adopted on August 1, 2012.

The property is located in the Central RAC zoning in the RAC Corridor. A variety of commercial uses are permitted in this district, including Alcoholic beverage establishments and Restaurants, which are both permitted uses. The purpose and intent of the Central RAC district is to guide the redevelopment of land within the boundaries of the RAC land use category on the comprehensive plan's future land use map and the surrounding properties into a vibrant area that provides a mix of uses within a pedestrian-friendly environment to meet the daily needs of workers, residents, and visitors.

In fact, pursuant to the purpose and intent of Sec. 32-195 RAC Corridor subdistrict standards, the RAC Corridor subdistrict is the most intense subdistrict in the RAC, accommodating a wide range of uses, including major employment, shopping, civic, and entertainment destinations as well as residential uses. Located along wide, existing commercial corridors, this subdistrict is to have the largest scale of redevelopment in order to create a vibrant, pedestrian-friendly, mixed-use district. Casa de Montecristo will spur this redevelopment as hoped and planned for by the Code.

Casa de Montecristo will play a critical role in providing a place for patrons to go before and after dinner. Cigar Lounges have made a strong comeback in the United States recently as the industry is experiencing a rebirth. Demand for premium cigars continues to rise and the increased popularity of cigars has developed a strong cigar lounge culture in the United States. As United States relations with Cuba improve over the next five years, this industry is expected to continue growing in popularity and draw in more affluent consumers

People will come in to relax and leave everything behind. There will be a very diverse, interesting group of people who will come. The camaraderie of a cigar lounge like Casa de Montecristo is key because it offers customers a comfortable venue with leather chairs, televisions and intricate exhaust systems. "There's certainly a trend in recent years of high-end lounges and clubs opening," says David Savona, executive editor of Cigar Aficionado. "In the old days, a cigar shop was strictly a place to go in, buy a cigar, and leave. Nowadays, shops have evolved into more of a cigar lounge where people tend to meet their friends and linger." Cigar lounges are great places to build community unity as a social activity where everyone can feel comfortable. As cigar aficionados have said, "Where else can you have a bricklayer and a physicist sit down and immediately have common ground? There's no pressure on any front. When you walk in that door, it doesn't matter who you are, where you're from in life. Everybody in here is on an even playing field. There are people from all walks of life that become friends because they met here; if they had met somewhere

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else they would have never become friends because they look different, they talk different, they walk different, they come from different backgrounds. But cigar lounges really bring people together."

Thus, the granting of the waiver will not have any substantial or material adverse effect on the parties sought to be protected, especially since there are no churches, parks or schools within the radius distance. In fact, the spirit and intent of the Code will not be violated, but will actually be promoted by the establishment of Casa de Montecristo to spur redevelopment to change the area into a vibrant area that provides a mix of uses to meet the daily needs of workers, residents, and visitors as explained above.

Moreover, Casa de Montecristo plans to be actively involved in the Hallandale community, as it has done in all of its locations. In Boca Raton, Casa de Montecristo sponsors charities, holds fundraisers and participates in many local events, such as food or beer festivals, car shows etc. In fact, a "Smoking Greek Cigar Night" raised over \$15,000.00 for the Boca Raton Police Foundation, Family Promise of South Palm Beach County, Inc., Place of Hope, Golden Bell Education Foundation and Florence Fuller Child Development Center. Additionally, an annual "Light Up the Night" to benefit Junior Achievement raised over \$30,000.00 for the children of Broward County. Casa de Montecristo also intends to join the Hallandale Beach Chamber of Commerce.

As all requirements under Section 5-6(h) to grant a waiver are met and because Casa de Montecristo will be a great community business that will spur redevelopment to change the area into a vibrant area that provides a mix of uses to meet the daily needs of workers, residents, and visitors as provided for under the central RAC zoning district, we respectfully request Staff support and approval by the City Commission of this waiver request.

Please contact me directly at 561-820-0391 should you have any questions or need additional information.

Very truly yours,



Jason S. Mankoff, Esquire