

**From:** [Gonzalez, Elias](#)  
**To:** [Kallergis, Nick](#)  
**Cc:** [Saca, Paul](#)  
**Subject:** Re: Palau Sunset Harbor / Nahmad DRB appeal - ex parte communications  
**Date:** Monday, September 28, 2020 9:20:25 AM

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Hi Nick,

Certainly. Please see below and let me know if this wasn't what you were looking for:

Begin forwarded message:

**From:** Jackie Lalonde <[jacquelineplalonde@gmail.com](mailto:jacquelineplalonde@gmail.com)>  
**Date:** October 30, 2018 at 10:52:07 AM EDT  
**To:** <[mickysteinberg@miamibeachfl.gov](mailto:mickysteinberg@miamibeachfl.gov)>, <[rickyarriola@miamibeachfl.gov](mailto:rickyarriola@miamibeachfl.gov)>, <[marksamuelian@miamibeachfl.gov](mailto:marksamuelian@miamibeachfl.gov)>, <[johnaleman@miamibeachfl.gov](mailto:johnaleman@miamibeachfl.gov)>  
**Cc:** David Berger <[Bergerdav@aol.com](mailto:Bergerdav@aol.com)>, 'Scott Robins' <[scott@robinscompanies.com](mailto:scott@robinscompanies.com)>, <[davidmartinez@miamibeachfl.gov](mailto:davidmartinez@miamibeachfl.gov)>, Mina Samadi <[minasamadi@miamibeachfl.gov](mailto:minasamadi@miamibeachfl.gov)>  
**Subject:** PALAU - is for a temporary generator at the park

Folks,

Both the residents of Palau and the residents of Sunset Island 3&4 as represented by our Board President's myself, Jackie LALONDE and Linda Diamond would like to be certain that you are aware that we are adamantly opposed to any permit generator solutions for our neighborhoods.

In Sunset Island's case we had a special board meeting to address this very issue and unanimously voted to oppose any effort to install permanent generators.

We have contacted the CIP department and they too are aware of our position on this matter and are further in receipt of the board resolution.

Jackie

Begin forwarded message:

**From:** "PALAU.Linda" <[palau.linda@gmail.com](mailto:palau.linda@gmail.com)>  
**Date:** October 30, 2018 at 10:02:39 AM EDT

**To:** Jackie Lalonde <[jacquelineplalonde@gmail.com](mailto:jacquelineplalonde@gmail.com)>  
**Cc:** Marcela - Palau BOD <[sardi.palau@gmail.com](mailto:sardi.palau@gmail.com)>, Ben - Palau BOD <[london.palau@gmail.com](mailto:london.palau@gmail.com)>  
**Subject:** PALAU - is for a temporary generator at the park

Jackie - Please express our opinion at the City meeting today re: the generator for the park on Sunset 4. As the President of the Palau Sunset Harbor Association I would like it noted that we are in agreement with Sunset Island three and four's desire to have a temporary generator and to NOT have a permanent generator placed in the park. I have copied in my other two board members...we are all in agreement.

Sorry that we are unable to attend today.

Best,  
Linda Diamond  
President of Palau Sunset Harbour Association  
301-370/9911

V/r,

**MIAMIBEACH**

Elias Gonzalez

*Commission Aide—Commissioner Mark Samuelian*

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On Sep 27, 2020, at 5:50 PM, Kallergis, Nick  
<[NickKallergis@miamibeachfl.gov](mailto:NickKallergis@miamibeachfl.gov)> wrote:

Hi Elias,

Do you by any chance have a copy of the full text of the email from Jackie Lalonde to Commissioner Samuelian relating to the Palau appeal?

If so, please forward to Paul and me so we can ensure that the communications were made a part of the record for the appeal.

Thanks,  
Nick

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**From:** Matthew Amster <MAmster@brzoninglaw.com>

**Date:** Sunday, September 27, 2020 at 12:51 PM

**To:** Nick Kallergis <NickKallergis@miamibeachfl.gov>

**Cc:** Michael Larkin <MLarkin@brzoninglaw.com>, Graham Penn  
<GPenn@brzoninglaw.com>

**Subject:** Palau Sunset Harbor / Nahmad DRB appeal - ex parte communications

**[ THIS MESSAGE COMES FROM AN EXTERNAL EMAIL - USE CAUTION WHEN  
REPLYING AND OPENING LINKS OR ATTACHMENTS ]**

Nick, I hope you are well. In the ex parte communications for the DRB appeal made part of the public record, there is an email from Jackie Lalonde dated 9/15 that Commissioner Steinberg forwarded to you on 9/16 (see page 7 of 18 of the first attachment), however, there is no text associated with that email. Perhaps it was not fully included in the upload or it contained an attachment that was not included in the upload. Would you please forward to us what you received from Commissioner Steinberg? I note that Commissioner Samuelian also references receipt of an email from Jackie Lalonde (see the second attachment) but he only states received and does not include the actual email. Perhaps you also received the same from him or another Commissioner.

Appreciate your help!

Thanks,

Matt

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<Fwd\_\_Item\_R9E\_Commission\_Meeting.pdf>

<Email\_re\_-\_Samuelian\_voicemail\_from\_Jackie\_Lalonde.pdf>

**From:** [Trofino, Tathiane](#)  
**To:** [Kallergis, Nick](#); [Saca, Paul](#)  
**Subject:** FW: Dejavu all over again!!!! This was Settled!!! Sunset Islands 3&4 Response  
**Date:** Monday, September 28, 2020 10:13:53 AM  
**Attachments:** [SunsetIslands \(5\).pdf](#)  
[ATT00001.htm](#)

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Good morning Nick,

Please see the email below. It is the only email I found on Commissioner Steinberg's inbox that came from Jacqueline Lalonde.

Best Regards,

Tati



**Tathiane Trofino**

***Aide to Commissioner Micky Steinberg***

OFFICE OF MAYOR AND COMMISSION

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**From:** Jacqueline Lalonde <Jacqueline.Lalonde@RaymondJames.com>

**Sent:** Tuesday, September 15, 2020 4:08 PM

**To:** Steinberg, Micky <MickySteinberg@miamibeachfl.gov>; Michael Gongora <MGongora@beckerlawyers.com>; Gelber, Dan <DanGelber@miamibeachfl.gov>; Arriola, Ricky <RickyArriola@miamibeachfl.gov>; Richardson, David <DavidRichardson@miamibeachfl.gov>; Meiner, Steven <StevenMeiner@miamibeachfl.gov>; Samuelian, Mark <Mark@miamibeachfl.gov>; ricky@rickyarriola.com

**Cc:** jacquelineplalonde@gmail.com

**Subject:** Dejavu all over again!!!! This was Settled!!! Sunset Islands 3&4 Response

**[ THIS MESSAGE COMES FROM AN EXTERNAL EMAIL - USE CAUTION WHEN REPLYING AND OPENING LINKS OR ATTACHMENTS ]**

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This petition has collected  
76 signatures  
using the online tools at [ipetitions.com](https://ipetitions.com)

Printed on 2019-06-21

## Oppose Palau rooftop change of use - Time Sensitive

### About this petition

As homeowners on Sunset Island 3&4, we oppose the applicants request to the DRB to modify the terms of use of the Palau rooftops.

Our Association has spent enormous energy and funds to protect our single family neighborhood from the negative encroachment of rooftop decks. We have a legally binding agreement with Palau that was negotiated prior to the construction of the building to prohibit out door uses and to protect our neighborhood from privacy invasion, noise, lighting and sounds. We have the right to quiet enjoyment.

The City (DRB & Commissioner's) approved our right and was party to this agreement. We oppose the modification and request the DRB dismiss the modification outright as it will create outdoor rooms which only serve to destroy the tranquil single family area in which we live.

## Signatures

1. Name: Krista Kelley on 2019-06-05 20:32:20  
Comments:  

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2. Name: Christina Getty on 2019-06-05 20:37:38  
Comments:  

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3. Name: Dana Kaufman on 2019-06-05 20:43:08  
Comments:  

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4. Name: Maria dAlmeida Bastos on 2019-06-05 20:48:21  
Comments:  

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5. Name: Rob Holston on 2019-06-05 20:48:48  
Comments:  

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6. Name: Alejandro Nestares on 2019-06-05 20:49:25  
Comments: As homeowners on Sunset Island 3&4, we oppose the applicants request to the DRB to modify the terms of use of the Palau rooftops.  
  
Our Association has spent enormous energy and funds to protect our single family neighborhood from the negative encroachment of rooftop decks. We have a legally binding agreement with Palau that was negotiated prior to the construction of the building to prohibit out door uses and to protect our neighborhood from privacy invasion, noise, lighting and sounds. We have the right to quiet enjoyment.  
  
The City (DRB & Commissioner's) approved our right and was party to this agreement. We oppose the modification and request the DRB dismiss the modification outright as it will create outdoor rooms which only serve to destroy the tranquil single family area in which we l  

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7. Name: Ricardo Malfitano on 2019-06-05 20:51:40  
Comments:  

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8. Name: jeff brandon on 2019-06-05 21:05:16  
Comments: oppose  

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9. Name: RICHARD STOLLENWERCK on 2019-06-05 21:05:58  
Comments:  

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10. Name: Cheryl Kaufman on 2019-06-05 21:15:17  
Comments:  

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11. Name: Apostolos Peristeris on 2019-06-05 21:18:51  
Comments: I oppose petition
- 
12. Name: Francesco Senis on 2019-06-05 21:30:35  
Comments:
- 
13. Name: Gabriela Ghilino on 2019-06-05 21:35:17  
Comments:
- 
14. Name: David Haber on 2019-06-05 21:48:35  
Comments:
- 
15. Name: Madeline Reisler on 2019-06-05 22:02:07  
Comments:
- 
16. Name: Chuck Adams on 2019-06-05 22:04:39  
Comments:
- 
17. Name: Jesus Lopez on 2019-06-05 22:21:00  
Comments: I Oppose Petition
- 
18. Name: candy lindsay on 2019-06-05 23:15:18  
Comments: Oppose
- 
19. Name: Anonymous on 2019-06-05 23:16:05  
Comments: Oppose
- 
20. Name: Rajeev Ramsinghani on 2019-06-05 23:33:50  
Comments: live right behind the project. The units are very close to the seawall unlike Adjacent Sunset Harbour town houses. It is invasive as it is. Any further it will be right on my face. this will open up the gate way to similar project close to the seawall and encroaching on adjacent properties.They are higher than any of the properties on the Canal in that area Now they want to expand further closer to the water.Absolutely no.It's a total glass building. It's right on your face. There's already lack of privacy.
- 
21. Name: Kadiyala on 2019-06-06 00:29:37  
Comments: Oppose
- 
22. Name: Smith on 2019-06-06 00:31:02  
Comments: Oppose
- 
23. Name: Jeremy Gardner on 2019-06-06 01:36:31  
Comments:

- 
24. Name: Jan on 2019-06-06 01:38:22  
Comments: Oppose
- 
25. Name: Luis Marrero on 2019-06-06 02:01:49  
Comments:
- 
26. Name: Lawrence Kaufman on 2019-06-06 03:18:44  
Comments: owner of 1530 W 22 St
- 
27. Name: Paulo César Salles Vasques on 2019-06-06 13:25:44  
Comments:
- 
28. Name: Pedro gonzalez on 2019-06-06 14:23:08  
Comments: Oppose
- 
29. Name: Anne Berman on 2019-06-06 17:00:59  
Comments:
- 
30. Name: Brian Berman on 2019-06-06 17:05:53  
Comments:
- 
31. Name: Tony Rodriguez on 2019-06-06 17:27:00  
Comments: Oppose
- 
32. Name: Scott Robins on 2019-06-06 17:50:19  
Comments:
- 
33. Name: Brian D Fink on 2019-06-06 19:49:34  
Comments: Oppose
- 
34. Name: Paula F M Vasques on 2019-06-06 22:08:14  
Comments:
- 
35. Name: Carol Lang on 2019-06-07 14:49:32  
Comments:
- 
36. Name: Terry Bienstock on 2019-06-07 14:51:05  
Comments: Oppose
- 
37. Name: Athena Bradway on 2019-06-09 12:37:44  
Comments:

- 
38. Name: Sigrid Huth on 2019-06-10 14:31:13  
Comments:
- 
39. Name: Phillip Muskat on 2019-06-10 16:27:35  
Comments: I am next-door to Rajeev and also one of the the #1 home owners that would be affected since it is my home that is directly in front of the proposed project. I concur with his comments as well.
- 
40. Name: Lee Monahan on 2019-06-10 18:42:59  
Comments:
- 
41. Name: Harold Melcher on 2019-06-11 01:08:26  
Comments: Opposed.
- 
42. Name: Jackie Lalonde on 2019-06-11 17:10:05  
Comments: It is imperative that the DRB keep the goal posts where they are. We must be able to rely on decisions that were made and not be forced to continually revisit agreements.
- 
43. Name: LEONHARD KURTEN on 2019-06-11 18:34:40  
Comments:
- 
44. Name: cindy berger on 2019-06-11 19:15:39  
Comments: a sad day when our city considers changes to a legally binding agreement.
- 
45. Name: Irmtraud Kurten on 2019-06-11 19:16:39  
Comments:
- 
46. Name: David Berger on 2019-06-11 19:37:15  
Comments: This application to the DRB for change of use terrible for the Sunset Islands and we urge the DRB to deny the application. Keep the following things in mind. Rooftop use restrictions in the areas facing the Sunset Islands was contemplated in the original development and it vehemently rejected. It was originally opposed by the DRB and by City Planning staff. It was hard fought with the developer of Palau who agreed to change his plans and accept the original DRB restrictions as reflected in the final plans and the DRB Order. The rooftop use restrictions were negotiated into the final approved plans, which was only about 6 years ago. There is no hardship to this homeowner whatsoever - this penthouse unit was purchased with full knowledge of the original DRB Order and the rooftop restrictions. It was known to their attorneys. The architect for Palau, who was Kobi Karp, presented himself to the DRB at the time and publicly assured everyone there would be no use of the rooftop facing the Sunset Islands. Property values on the Islands will be devalued. The serene nature of our Islands risk permanent disruption. This current DRB application covers the entire rooftop, not just the use by the applicant. The DRB must deny this change of use application.

47.	Name: Inga Luksza Senis	on 2019-06-11 22:48:36	Comments:
48.	Name: Agnes M Gray	on 2019-06-12 00:24:14	Comments:
49.	Name: keith gray	on 2019-06-12 01:19:06	Comments:
50.	Name: Anton Dreesmann	on 2019-06-12 04:37:32	Comments:
51.	Name: Alan Rosefelde	on 2019-06-12 09:37:35	Comments:
52.	Name: Greg mirmelli	on 2019-06-12 10:26:50	Comments:
53.	Name: Rony Seikaly	on 2019-06-12 10:51:35	Comments:
54.	Name: Robert Gonzalez	on 2019-06-12 11:50:40	Comments: Palau agreed prior to the construction of the building to prohibit out door uses and to protect our neighborhood from privacy invasion, noise, lighting and sounds. The intent of this rooftop party space is to increase the resale value of the property with complete disregard to the confines of the building they bought into and it's neighbors.
55.	Name: Carolina Beltran	on 2019-06-12 11:55:01	Comments:
56.	Name: Elyse khoudari	on 2019-06-12 11:57:36	Comments:
57.	Name: Gary Weiner	on 2019-06-12 12:01:21	Comments:
58.	Name: Donald M Abrashoff	on 2019-06-12 14:05:52	Comments:
59.	Name: Stephanie Oka Freed	on 2019-06-12 15:05:41	Comments:

- 
60. Name: Zagury alain on 2019-06-12 15:31:04  
Comments: Oppose
- 
61. Name: Charles Porter on 2019-06-12 15:52:27  
Comments: oppose. totally contrary to the agreements entered into by Palau
- 
62. Name: Andrew Moriber on 2019-06-12 16:44:11  
Comments: I am opposed to the request. It will diminish the quality of life on the Sunset Islands.
- First, for an item in the nature of a variance, which this is, there needs to be a unique and peculiar hardship, without which the property owner will be denied any reasonable use of the property. See Allstate Mortgage Corporation of Florida v City of Miami Beach 308 So.2d 629 (Fla 3DCA, 1975).
- Second, when a change to a previous zoning result (in this case the original development order) is sought, the applicant must show a significant change in circumstances, relative to the property, not a particular owner's desires.
- The developer made concessions to the scope of the development which is sought in return from other concessions from the Sunset Island 3&4 Homeowners' Association. The present owner is bound by the agreement of its predecessor in interest which cannot be changed without the agreement of the Association
- 
63. Name: Craig Garmendia on 2019-06-12 18:27:13  
Comments:
- 
64. Name: Melissa Sheppard-Broad on 2019-06-12 21:11:54  
Comments:
- 
65. Name: Marjory sheppard on 2019-06-12 21:12:59  
Comments:
- 
66. Name: Gregory Baskin on 2019-06-13 02:45:29  
Comments: Oppose
- 
67. Name: Andrew James Casino on 2019-06-13 18:46:31  
Comments:
- 
68. Name: Caroline Casino on 2019-06-13 18:46:59  
Comments:

- 
69. Name: Juan Cappello on 2019-06-14 13:40:30  
Comments: As homeowners on Sunset Island 3&4, we oppose the applicants request to the DRB to modify the terms of use of the Palau rooftops.
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70. Name: Chad oppenheim on 2019-06-17 03:17:34  
Comments:
- 
71. Name: Joe Comesana on 2019-06-17 12:54:15  
Comments:
- 
72. Name: Starr Gutman on 2019-06-17 15:05:15  
Comments:
- 
73. Name: Irene Brendon on 2019-06-17 15:45:03  
Comments:
- 
74. Name: Micheal Kerr on 2019-06-17 18:13:40  
Comments:
- 
75. Name: Jud Laird on 2019-06-18 20:10:48  
Comments:
- 
76. Name: karyn robinson on 2019-06-20 23:58:11  
Comments: I oppose - no changes to Palau rooftops
-