



## Planning Board Application - 1120 Bay Drive.pdf

DocVerify ID: A3B09965-211A-4A51-9DA5-45D594EBBC1F  
Created: May 08, 2023 07:31:04 -8:00  
Pages: 9  
Electronic Notary: Yes / State: FL

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### E-Signature Summary

**E-Signature Notary: Yeidy Montesino (ymp)**

May 08, 2023 07:43:00 -8:00 [0A5B99B36545] [74.220.90.117]  
ymontesino@brzoninglaw.com



# MIAMI BEACH

## PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: [www.miamibeachfl.gov/planning](http://www.miamibeachfl.gov/planning)

### LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

Application Information			
FILE NUMBER PB23-0599			
<input type="radio"/> <b>Board of Adjustment</b> <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision		<input type="radio"/> <b>Design Review Board</b> <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance	
<input checked="" type="radio"/> <b>Planning Board</b> <input type="checkbox"/> Conditional use permit <input checked="" type="checkbox"/> Lot split approval <input type="checkbox"/> Amendment to the Land Development Regulations or zoning map <input type="checkbox"/> Amendment to the Comprehensive Plan or future land use map		<input type="radio"/> <b>Historic Preservation Board</b> <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic district/site designation <input type="checkbox"/> Variance	
<input type="checkbox"/> <b>Other:</b>			
Property Information – Please attach Legal Description as “Exhibit A”			
ADDRESS OF PROPERTY 1120 Bay Drive, Miami Beach, Florida 33141			
FOLIO NUMBER(S) 02-3210-013-2170			
Property Owner Information			
PROPERTY OWNER NAME Bay Drive Realty LLC			
ADDRESS 15055 Biscayne Blvd., 15 Floor		CITY North Miami	STATE FL
BUSINESS PHONE 786-629-3144		ZIP CODE 33181	
CELL PHONE		EMAIL ADDRESS dsalas@solemia.com	
Applicant Information (if different than owner)			
APPLICANT NAME SAME AS ABOVE			
ADDRESS		CITY	STATE
BUSINESS PHONE		CELL PHONE	ZIP CODE
EMAIL ADDRESS			
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST Lot split of triple lot into three lots following originally platted lot lines.			



Project Information			
Is there an existing building(s) on the site?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the project include interior or exterior demolition?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Provide the total floor area of the new construction.		13,200	SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).		13,200	SQ. FT.
Party responsible for project design			
NAME CMA Design Studio, Inc. - Jose Silva		<input checked="" type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
ADDRESS 232 Andalusia Ave, Ste. 101		CITY Coral Gables	STATE FLORIDA
		ZIPCODE 33134	
BUSINESS PHONE 3054484200	CELL PHONE	EMAIL ADDRESS jsilva@cmadsi.com	
Authorized Representative(s) Information (if applicable)			
NAME Matthew Amster		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 200 South Biscayne Blvd., Suite 300		CITY Miami	STATE FL
		ZIPCODE 33131	
BUSINESS PHONE 305-374-5300	CELL PHONE	EMAIL ADDRESS Mamster@brzoninglaw.com	
NAME Nicholas Rodriguez-Caballero		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 200 South Biscayne Blvd., Suite 300		CITY Miami	STATE FL
		ZIPCODE 33131	
BUSINESS PHONE 305-374-5300	CELL PHONE	EMAIL ADDRESS nrodriguez@brzoninglaw.com	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE
		ZIPCODE	
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	

**Please note the following information:**

- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).



**Please read the following and acknowledge below:**

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the forgoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.
- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

☒ Owner of the subject property☐ Authorized representative

DocuSigned by:

*Arnold Lehman*

1C093E8401384A0...

**SIGNATURE**

\*Vice President of Stone Manager Corp.,  
Manager of Bay Drive Realty LLC

Arnold Lehman\*

**PRINT NAME**

5-8-2023

**DATE SIGNED**

**OWNER AFFIDAVIT FOR INDIVIDUAL OWNER**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for remove this notice after the date of the hearing.

**SIGNATURE**

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The foregoing instrument was acknowledged before me by \_\_\_\_\_, who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

**NOTARY PUBLIC**

My Commission Expires: \_\_\_\_\_

**PRINT NAME****ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF Florida

\*VP of Stone Manager Corp.,  
Manager of Bay Drive Realty, LLC

COUNTY OF Miami-Dade

I, Arnold Lehman\*, being first duly sworn, depose and certify as follows: (1) I am the authorized signatory (print title) of Bay Drive Realty LLC (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

DocuSigned by:

Arnold Lehman

TC093E8401384A0...

**SIGNATURE**

Sworn to and subscribed before me this 8 day of May, 2023. The foregoing instrument was acknowledged before me by Arnold Lehman, who has \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

**NOTARY PUBLIC**My Commission Expires: 1-24-2025

Yeidy Montesino Perez

**PRINT NAME**

Yeidy Montesino Perez  
Commission # HH 084273  
Notary Public - State of Florida  
My Commission Expires Jan 24, 2025

Notary Stamp 2023/05/08 07:43:00 PST

0A5B99836545



**POWER OF ATTORNEY AFFIDAVIT**

STATE OF Florida

COUNTY OF Miami-Dade

I, Arnold Lehman, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Bercow Radell Fernandez Larl to be my representative before the Planning Board. (3) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (4) I am responsible for remove this notice after the date of the hearing.

Arnold Lehman, Authorized Signatory

**PRINT NAME (and Title, if applicable)**

DocuSigned by:

Arnold Lehman

1C093E8401384A0...

**SIGNATURE**

Sworn to and subscribed before me this 8 day of May, 20 23. The foregoing instrument was acknowledged before me by Arnold Lehman, who has identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires: 1-24-2025

Signed on 2023/05/08 07:43:00 -8:00

**NOTARY PUBLIC**

Yeidy Montesino Perez

**PRINT NAME**

**\*Matthew Amster and Nicholas Rodriguez**

**CONTRACT FOR PURCHASE**

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries or partners. If any of the contact purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individuals(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.

N/A

**NAME**

**DATE OF CONTRACT**

NAME, ADDRESS AND OFFICE

% OF STOCK

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application if filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.



**DISCLOSURE OF INTEREST**  
**CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**

If the property that is the subject of the application is owned or leased by a corporation, partnership or limited liability company, list ALL of the owners, shareholders, partners, managers and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

Bay Drive Realty LLC

**NAME OF CORPORATE ENTITY**

NAME AND ADDRESS	% OF OWNERSHIP
Please see Exhibit B	

**NAME OF CORPORATE ENTITY**

NAME AND ADDRESS	% OF OWNERSHIP

If there are additional corporate owners, list such owners, including corporate name and the name, address and percentage of ownership of each additional owner, on a separate page.

**DISCLOSURE OF INTEREST**  
**TRUSTEE**

If the property that is the subject of the application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

N/A	
TRUST NAME	
NAME AND ADDRESS	% INTEREST



**COMPENSATED LOBBYIST**

Pursuant to Section 2-482 of the Miami Beach City Code, all lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Please list below any and all persons or entities retained by the applicant to lobby City staff or any of the City's land development boards in support of this application.

NAME	ADDRESS	PHONE
<u>Jeffrey Bercow</u>	<u>200 South Biscayne Blvd., Suite 300, Miami, FL</u>	<u>305-374-5300</u>
<u>Nicholas Rodriguez-Caballero</u>	<u>200 South Biscayne Blvd., Suite 300, Miami, FL</u>	<u>305-374-5300</u>
<u>Jose Silva</u>	<u>232 Andalusia Ave, Ste. 101</u>	<u>305 448 4200</u>

Additional names can be placed on a separate page attached to this application.

**APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) AN APPROVAL GRANTED BY A LAND DEVELOPMENT BOARD OF THE CITY SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND (2) APPLICANT'S PROJECT SHALL COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE CITY, STATE AND FEDERAL LAWS.**

**APPLICANT AFFIDAVIT**

STATE OF Florida

COUNTY OF Miami-Dade

I, Arnold Lehman, being first duly sworn, depose and certify as follows: (1) I am the applicant or representative of the applicant. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

Signed by:  
Arnold Lehman

1C093E8401384A0...  
**SIGNATURE**

Sworn to and subscribed before me this 8 day of May, 2023. The foregoing instrument was acknowledged before me by Arnold Lehman, who has produced identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

**Yeidy Montesino Perez**  
**Commission # HH 084273**  
Notary Public - State of Florida  
My Commission Expires Jan 24, 2025

My Commission Expires: 1-24-2025

[Signature]  
Signed on 2023/05/08 07:43:00 -8:00

**NOTARY PUBLIC**

Yeidy Montesino Perez

**PRINT NAME**



**EXHIBIT A**

Legal Description

**Lots 9, 10, and 11, Block 13, Ocean Side Section of the Isle of Normandy, according to the map or plat thereof, as recorded in Plat Book 25, Page 60, of the Public Records of Miami-Dade County, Florida.**

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**Exhibit B**  
**Disclosure of Interest**

**JL Pauline Tucker 2010 GST Trust**

- Trustee: LeFrak Trust Company, 105 North Market Street, Suite 801, Wilmington, Delaware 19801
- Beneficiaries:
- James. T. Lefrak, his spouse, and issue, 105 North Market Street, Suite 801, Wilmington, Delaware 19801 (100%)

**Bay Drive Realty LLC**

- Sole Member: JL Pauline Tucker 2010 GST Trust, 40 W 57 Street, New York, NY 10019 (100%)

All individuals holding a 5% or greater interest in the applicant entity have been disclosed.