

# MIAMI BEACH

PLANNING DEPARTMENT, 1700 CONVENTION CENTER DRIVE, 2<sup>ND</sup> FLOOR  
MIAMI BEACH, FLORIDA 33139, WWW.MIAMI BEACHFL.GOV  
305-673-7550

## 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.

- ☐ BOARD OF ADJUSTMENT
  - ☐ VARIANCE FROM A PROVISION OF THE LAND DEVELOPMENT REGULATIONS
  - ☐ APPEAL OF AN ADMINISTRATIVE DECISION
- ☒ DESIGN REVIEW BOARD
  - ☐ DESIGN REVIEW APPROVAL
  - ☐ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY DRB.
- ☐ HISTORIC PRESERVATION BOARD
  - ☐ CERTIFICATE OF APPROPRIATENESS FOR DESIGN
  - ☐ CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A STRUCTURE
  - ☐ HISTORIC DISTRICT / SITE DESIGNATION
  - ☐ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY HPB.
- ☐ PLANNING BOARD
  - ☐ CONDITIONAL USE PERMIT
  - ☐ LOT SPLIT APPROVAL
  - ☐ AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OR ZONING MAP
  - ☐ AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP
- ☐ FLOOD PLAIN MANAGEMENT BOARD
  - ☐ FLOOD PLAIN WAIVER
- ☐ OTHER \_\_\_\_\_

SUBJECT PROPERTY ADDRESS: 421 E. San Marino Dr.

LEGAL DESCRIPTION: PLEASE ATTACH LEGAL DESCRIPTION AS "EXHIBIT A"

FOLIO NUMBER (S) 02-3232-003-0420

1. APPLICANT: ☒ OWNER OF THE SUBJECT PROPERTY ☐ TENANT ☐ ARCHITECT ☐ LANDSCAPE ARCHITECT  
☐ ENGINEER ☐ CONTRACTOR ☐ OTHER \_\_\_\_\_

NAME City National Bank of Florida, as Trustee under Land Trust No. 2401-3276-00

ADDRESS 25 W. Flager Street, Miami FL 33130

BUSINESS PHONE (305) 577-7294

CELL PHONE \_\_\_\_\_

E-MAIL ADDRESS LegalDepartment@citynational.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

BUSINESS PHONE \_\_\_\_\_

CELL PHONE \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

2. AUTHORIZED REPRESENTATIVE(S):

☐ ATTORNEY:

NAME Michael W. Larkin, Esq. & Matthew Amster, Esq., Bercow Radell Fernandez & Larkin, PLLC

ADDRESS 200 S. Biscayne Blvd, Suite 850, Miami, FL 33131

BUSINESS PHONE (305) 374-5300

CELL PHONE \_\_\_\_\_

E-MAIL ADDRESS mlarkin@brzoninglaw.com & mamster@brzoninglaw.com

☐ AGENT:

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

BUSINESS PHONE \_\_\_\_\_

CELL PHONE \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

☐ CONTACT:

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

BUSINESS PHONE \_\_\_\_\_

CELL PHONE \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

☒ ARCHITECT ☐ LANDSCAPE ARCHITECT ☐ ENGINEER ☐ CONTRACTOR ☐ OTHER: \_\_\_\_\_

NAME Ralph Choeff, Choeff Levy Fischman Architecture + Design

ADDRESS 8425 Biscayne Blvd Suite 201, Miami, FL 33138

BUSINESS PHONE (305) 434-8338

CELL PHONE \_\_\_\_\_

E-MAIL ADDRESS rchoeff@clfarchitects.com

FILE NO. \_\_\_\_\_

4. SUMMARY OF APPLICATION – PROVIDE BRIEF SCOPE OF PROJECT:

Design review approval of new single-family home replacing pre-1942 single-family home and associated waivers. See letter of intent for more details.

- 4A. IS THERE AN EXISTING BUILDING(S) ON THE SITE ☒ YES ☐ NO
- 4B. DOES THE PROJECT INCLUDE INTERIOR OR EXTERIOR DEMOLITION ☒ YES ☐ NO
- 4C. PROVIDE THE TOTAL FLOOR AREA OF THE NEW BUILDING (IF APPLICABLE) \_\_\_\_\_ SQ. FT.
- 4D. PROVIDE THE TOTAL GROSS FLOOR AREA OF THE NEW BUILDING (INCLUDING REQUIRED PARKING AND ALL USEABLE FLOOR SPACE). \_\_\_\_\_ SQ. FT.

5. APPLICATION FEE (TO BE COMPLETED BY PLANNING STAFF) \$ \_\_\_\_\_

- 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 FEE. 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 A PROJECT 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, LANDSCAPE ARCHITECTS, ENGINEERS, 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.

FILE NO. \_\_\_\_\_

- IN ACCORDANCE WITH SEC.118-31. - DISCLOSURE REQUIREMENT. EACH PERSON OR ENTITY REQUESTING APPROVAL, RELIEF OR OTHER ACTION FROM THE PLANNING BOARD, DESIGN REVIEW BOARD, HISTORIC PRESERVATION BOARD (INCLUDING THE JOINT 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 SERVICES 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 FOREGOING 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 FROM 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

City National Bank of Florida, as Trustee under Land Trust No. 2401-3276-00

SIGNATURE: By: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

**Mario D. Carballo**

*Trust Officer*

CITY NATIONAL BANK OF FLORIDA EXECUTES THIS INSTRUMENT SOLELY AS TRUSTEE UNDER LAND TRUST NO. 2401-3276-00 AND NOT PERSONALLY AND NOT INDIVIDUALLY AND NO PERSONAL JUDGEMENT OR DECREE SHALL EVER BE SOUGHT OR OBTAINED AGAINST THE SAID BANK BY REASON OF THIS INSTRUMENT.

FILE NO. \_\_\_\_\_



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 removing 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  
 (Circle one)

STATE OF FLORIDACOUNTY OF MIAMI-DADE

Mario D. Carballo

I, \_\_\_\_\_, being duly sworn, depose and certify as follows: (1) I am the Trust Officer (print title) of City National Bank of Florida, as Trustee under\* (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 or tenant 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 the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (7) I am responsible for removing this notice after the date of the hearing.

\* Land Trust No. 2401-3276-00
  
 Mario D. Carballo SIGNATURE

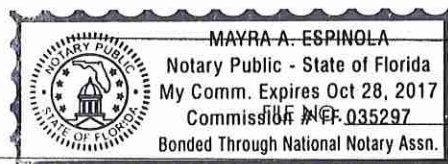
Sworn to and subscribed before me this 15 day of June, 2017. The foregoing instrument was acknowledged before me by Mario D. Carballo as Trust Officer of City National Bank\*, on behalf of such entity, who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.

\* of Florida, as Trustee under Land Trust No. 2401-3276-00

NOTARY SEAL OR STAMP:

  
 Mayra A. Espinola NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_  
 CITY NATIONAL BANK OF FLORIDA EXECUTES THIS INSTRUMENT SOLELY AS TRUSTEE UNDER LAND TRUST NO. 2401-3276-00 AND NOT PERSONALLY AND NOT INDIVIDUALLY AND NO PERSONAL JUDGEMENT OR DECREE SHALL EVER BE SOUGHT OR OBTAINED AGAINST THE SAID BANK BY REASON OF THIS INSTRUMENT.



PRINT NAME

## POWER OF ATTORNEY AFFIDAVIT

STATE OF FLORIDACOUNTY OF MIAMI-DADE

I, MARIO D. Carballo, being duly sworn and deposed, 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 Michael Larkin & Matthew Amster to be my representative before the DRB Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

Mario D. Carballo Trust Officer  
PRINT NAME (and Title, if applicable)

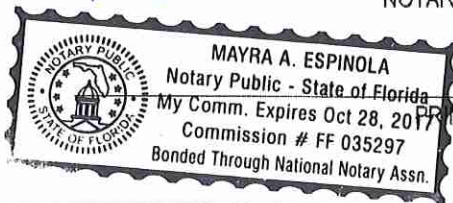
SIGNATURE

Sworn to and subscribed before me this 15 day of June, 2017. The foregoing instrument was acknowledged before me by Mario D. Carballo as Trust Officer of City National Bank of Florida\* who has produced as identification and/or is personally known to me and who did/did not take an oath.

\*as Trustee under Land Trust No. 2401-3276-00

NOTARY SEAL OR STAMP

CITY NATIONAL BANK OF FLORIDA EXECUTES THIS INSTRUMENT SOLELY AS TRUSTEE UNDER LAND TRUST NO. 2401-3276-00 AND NOT PERSONALLY AND NOT INDIVIDUALLY AND NO PERSONAL JUDGEMENT OR DECREE SHALL EVER BE SOUGHT OR OBTAINED AGAINST THE SAID BANK BY REASON OF THIS INSTRUMENT.



NOTARY PUBLIC

PRINT NAME

## 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 contract purchasers are corporations, partnerships, limited liability companies, trusts, 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. 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 is filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

FILE NO. \_\_\_\_\_



CITY OF MIAMI BEACH  
DEVELOPMENT REVIEW BOARD APPLICATION

DISCLOSURE OF INTEREST

**1. 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.\*

N/A

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

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NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

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*IF THERE ARE ADDITIONAL CORPORATE OWNERS, LIST ALL SUCH OWNERS, INCLUDING CORPORATE NAMES AND THE NAME, ADDRESS, AND PERCENTAGE OF OWNERSHIP OF EACH ADDITIONAL OWNER, ON A SEPARATE PAGE.*

*NOTE: Notarized signature required on page 9*

FILE NO. \_\_\_\_\_

CITY OF MIAMI BEACH  
DEVELOPMENT REVIEW BOARD APPLICATION  
DISCLOSURE OF INTEREST

**2. TRUSTEE**

If the property that is the subject of this 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.\*

TRUST NAME

NAME AND ADDRESS	% INTEREST
City National Bank of Florida, as Trustee under Land Trust No. 2401-3276-00	0%
25 West Flagler Street	
Miami, FL 33130	
Stanley Doobin & Nathalie Doobin	100%
c/o Bercow Radell Fernandez & Larkin, PLLC.	
200 S. Biscayne Blvd, Suite 850	
Miami, FL 33131	

*NOTE: Notarized signature required on page 9*

FILE NO. \_\_\_\_\_



**3. 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 #
a.	Michael W. Larkin	200 S. Biscayne Blvd, Suite 850, Miami	(305) 374-5300
b.	Matthew Amster	200 S. Biscayne Blvd, Suite 850, Miami	(305) 374-5300
c.	Ralph Choeff	8425 Biscayne Blvd Suite 201, Miami	(305) 434-8338

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

\*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country, or of any entity, the ownership interests of which are held in a limited partnership or other entity, consisting of more than 5,000 separate interests, where no one person or entity holds more than a total of 5% of the ownership interests in the entity.

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) ANY 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

CITY NATIONAL BANK OF FLORIDA EXECUTES THIS INSTRUMENT SOLELY AS TRUSTEE UNDER LAND TRUST NO. 2401-3276-00 AND NOT PERSONALLY AND NOT INDIVIDUALLY AND NO PERSONAL JUDGEMENT OR DECREE SHALL EVER BE SOUGHT OR OBTAINED AGAINST THE SAID BANK BY REASON OF THIS INSTRUMENT.

Trust Officer of\*

**Mario D. Carballo**

being first duly sworn, depose and certify as follows: (1) I am applicant, ~~XXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~ (2) This application and all information submitted in support of this application, including disclosures, sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. \*City National Bank of Florida, as Trustee under Land Trust No. 2401-3276-00

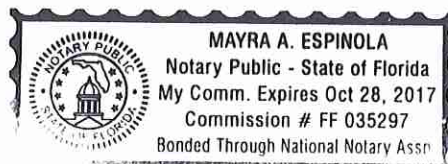
SIGNATURE

Sworn to and subscribed before me this 15 day of June, 2017. 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:



**Mayra A. Espinola**

PRINT NAME

FILE NO. \_\_\_\_\_

Exhibit A  
Legal Description

Lot 13 and lot 14 of Block 3 of "San Marino Island", according to the plat thereof filed for record and recorded in Plat Book 9 at Page 22 of the Public Records of Miami-Dade County, Florida.



# BERCOW RADELL FERNANDEZ & LARKIN

ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6236  
E-Mail: MAMster@brzoninglaw.com

## VIA ELECTRONIC SUBMITTAL AND HAND DELIVERY

July 6, 2017

Thomas Mooney, Planning Director  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

Re: Design Review and Waiver Approvals for the Property Located at 421 E.  
San Marino Drive, Miami Beach, Florida

Dear Tom:

This law firm represents City National Bank of Florida, as Trustee under Land Trust No. 2401-3276-00 (the "Applicant"), the owner of the above-referenced property (the "Property"). Please consider this letter the Applicant's letter of intent in support of design review and waiver approvals by the Design Review Board ("DRB") for a single-family home on the Property. The Applicant does not request any variances.

The Property. The Property is a wedge-shaped 24,938 square foot waterfront lot located on the northeast side of San Marino Island and is in the RS-3, Single Family Residential Zoning District. The Property is identified by Miami-Dade County Folio No. 02-3232-003-0420. The Property currently contains a 4,438 square foot single-family residence that was constructed in 1939. Notably, the Property has a width of 175' at the front property line and increases to 350' at the rear property line.

Description of Proposed Development. The Applicant proposes to demolish the existing house and construct an exquisitely-designed new modern residence of approximately 11,421 square feet in size. The proposed home will be 2-stories with stone finishes, glass fenestration and beautiful lush landscaping. The garage will only be 1-story and will be at a lower elevation than the main house.

As is preferred in the City, the garage door will not face the street. The main house is centrally located, meeting or exceeding the required side and rear setbacks. Notably, the front setback for the 2-story portion is approximately double that required at 60'-7½" and the vast majority of the rear of the 2-story portion generously exceeds the required rear setback by approximately 15'. A 1-story accessory guest house will be located at the southeastern area of the Property and complies with all setbacks. A pool will be located in the rear yard. Extensive landscaping, inclusive of the substantial preservation of the existing trees along the south property line and substantial new plantings will beautify the Property and the neighborhood and provide excellent screening for the adjacent properties.

The proposed new home complies with the City of Miami Beach Code (the "Code") requirements for unit size and lot coverage. The size of the proposed home is approximately 11,680 square feet (46.8% of the lot size), which is significantly below the allowable 50% unit size limit. The lot coverage is approximately 28.4%, which is below the 30% allowed. The proposed second floor is 94.6%, however, when the 1-story accessory structure is factored in, especially because it is adjacent to the main house, the second floor is only 80.3% of the first floor volume, which is an exceedance of only 10.3% above of the maximum of 70%. Finally, the height of the home is 26', just 2 feet over the permitted 24'.

Waiver Requests. The Applicant respectfully requests DRB approval of the following 2 waivers:

1. 94.6% second floor volume where 70% maximum pursuant to Code Section 142-105(b)(4)c.; and
2. A building height of 26' where a maximum building height of 24' for flat roofs is permitted pursuant to City Code Section 142-105(b)(1).

Regarding the first request, the proposed home will only have a modest increase over the preferred amount. The intent of the second floor area volume requirement is to reduce the scale and massing of the 2-story portion of the home and the Applicant has very effectively addressed this. The 2-story portion is setback substantially farther than required from the front property line (approximately double the minimum). The Property meets the expansive side setbacks and due to the large size of the lot the proposed second story will not be out of scale with the neighborhood. The liberal setbacks provided substantially reduce the scale and massing of the home. The impact of the size of the second floor is further reduced by the numerous architectural articulations offering variety and change throughout the elevations. In addition, lush landscaping will



beautify and screen the home from the neighbors. Therefore, the entire design significantly reduces the size of the home and matches the character of the neighborhood.

Regarding the second request, although the Property is zoned RS-3, which requires a minimum lot area of 10,000 square feet, the Property's size is more analogous to RS-1 and RS-2 zoned properties that have minimum lot areas of 30,000 square feet and 18,000 square feet, respectively. In fact, at almost 25,000 square feet, the Property is almost two and a half times the size of the minimum RS-3 zoned lot, and its lot area is more comparable to RS-1 or RS-2 zoned properties, which permit a height of 28' for flat roofs. Further, the siting of the home provides for generous setbacks and extensive landscaping that will buffer the new home from the neighboring properties. As such, the Property can accommodate a larger scale than typically-sized RS-3 zoned lots. Specifically, the Property can adequately accommodate the slightly larger scale of 26' in height while being consistent with the surrounding neighborhood.

Conclusion. Granting this design review application and associated waivers will permit the development of a beautifully-designed modern single-family home that is compatible with the surrounding neighborhood. We look forward to your favorable review of the application. If you have any questions or comments in the interim, please give me a call at 305-377-6236.

Sincerely,



Matthew Amster

cc: Michael W. Larkin, Esq.  
Maritza Haro, Esq.



public notification packages | lists of property owners within a specific radius + radius maps + mailing labels  
www.rdrmiami.com | diana@rdrmiami.com | 305.498.1614

March 10, 2017

City of Miami Beach  
Planning Department  
1700 Convention Center Dr.  
Miami Beach, FL 33139

**Re: Property Owners List within 375 feet of:**

**SUBJECT:** 421 E San Marino Drive, Miami Beach, FL 33139

**FOLIO NUMBER:** 02-3232-003-0420

**LEGAL DESCRIPTION:** SAN MARINO ISLAND PB 9-22 LOTS 13 & 14 BLK 3

This is to certify that the attached ownership list, map and mailing labels are a complete and accurate representation of the real estate property and property owners within 375 feet radius of the external boundaries of the subject property listed above, including the subject property. This reflects the most current records on the file in Miami-Dade County Property Appraisers' Office.

Sincerely,

Rio Development Resources, LLC

---

Diana B. Rio

Total number of property owners without repetition: **30**

*Rio Development Resources, LLC ("RDR") has used its best efforts in collecting the information published in this report and the findings contained in the report are based solely and exclusively on information provided by you and information gathered from public records and that local government. By acceptance of this report, you agree to hold RDR harmless and indemnify RDR from any and all losses, damages, liabilities and expenses which can be claimed against RDR caused by or related to this report.*

0075 LLC C/O VINCENT L PERSIANI  
801 BRICKELL KEY BLVD #1803  
MIAMI, FL 33131

ALEXANDRE BERENBAUM  
110 SAN MARINO TERR  
MIAMI BEACH, FL 33139

ANTOINE BONA  
115-3 SAN MARINO TERR  
MIAMI BEACH, FL 33139

BRETT HOLLAND ALEXANDER HOLLAND  
300 E SAN MARINO DR  
MIAMI BEACH, FL 33139

CARINO SAN MARINO LLC  
1749 NE MIAMI COURT #608  
MIAMI, FL 33132

CITY NATIONAL BANK OF FLORIDA TRS LAND  
TRUST NO 2401 3276 00  
25 W FLAGLER ST  
MIAMI, FL 33130

DORIS A PARDO TRS DORIS A PARDO  
REVOCABLE TRUST  
416 WEST SAN MARINO DR  
MIAMI BEACH, FL 33139

FRANCISCO J VILLASANTE ALINA C  
VILLASANTE  
324 W SAN MARINO DR  
MIAMI BEACH, FL 33139

HENRIQUE DA FONTE ROBERTA BRENNAND  
DA FONTE  
303 E SAN MARINO DR  
MIAMI BEACH, FL 33139

JODI L TIMNA  
400 E SAN MARINO DR  
MIAMI BEACH, FL 33139

LARRY D BAILEY TRS C/O LBD CONSULTING  
OAKTREE REVOCABLE TRUST  
1030 15 ST UBI STE 373  
WASHINGTON, DC 20005

MICHAEL COMRAS  
410 WEST SAN MARINO DR  
MIAMI BEACH, FL 33139

RICARDO PUGGINA  
309 E SAN MARINO DR  
MIAMI BEACH, FL 33139

RUDY WEISSENBERG  
424 E SAN MARINO DR  
MIAMI BEACH, FL 33139

SCOTT VAN RIXEL MONICA CAROLINA VAN  
RIXEL  
330 E SAN MARINO DR  
MIAMI BEACH, FL 33139

THOMAS A CHRISTOPHER TRS  
CHRISTOPHER FAMILY TRUST BARBARA A  
CHRISTOPHER TRS  
450 ALTON RD #2705  
MIAMI BEACH, FL 33139

WEST SAN MARINO LLC  
555 BRYANT ST # 347  
PALO ALTO, CA 94301

CESAR VALDESUSO  
431 EAST SAN MARINO DR  
MIAMI BEACH, FL 33139-1109

CITY OF MIAMI BEACH FLA CITY HALL  
1700 CONVENTION CENTER DR  
MIAMI BEACH, FL 33139

DAVID P MARTIN  
315 E SAN MARINO DR  
MIAMI BEACH, FL 33139-1107

E H BUCHANAN  
400 WEST SAN MARINO DR  
MIAMI BEACH, FL 33139-1136

JONATHAN D NITKIN  
321 E SAN MARINO DR  
MIAMI BEACH, FL 33139-1107

JORGE L PEREZ  
4201 COLLINS AVE #1203  
MIAMI BEACH, FL 33139

LUIS O DOMINGUEZ &W MARITZA  
427 E SAN MARINO DR  
MIAMI BEACH, FL 33139-1109

MARIA GIL  
409 E SAN MARINO DR  
MIAMI BEACH, FL 33139

MARITA STAVROU  
420 W SAN MARINO DR  
MIAMI BEACH, FL 33139-1136

OMARA MANDEL  
315 W SAN MARINO DR  
MIAMI BEACH, FL 33139

PAUL M ZIMMERMAN RACHEL ZIMMERMAN  
325 E SAN MARINO DR  
MIAMI BEACH, FL 33139

PILAR CORREDOR  
301 W SAN MARINO DR  
MIAMI BEACH, FL 33139-1133

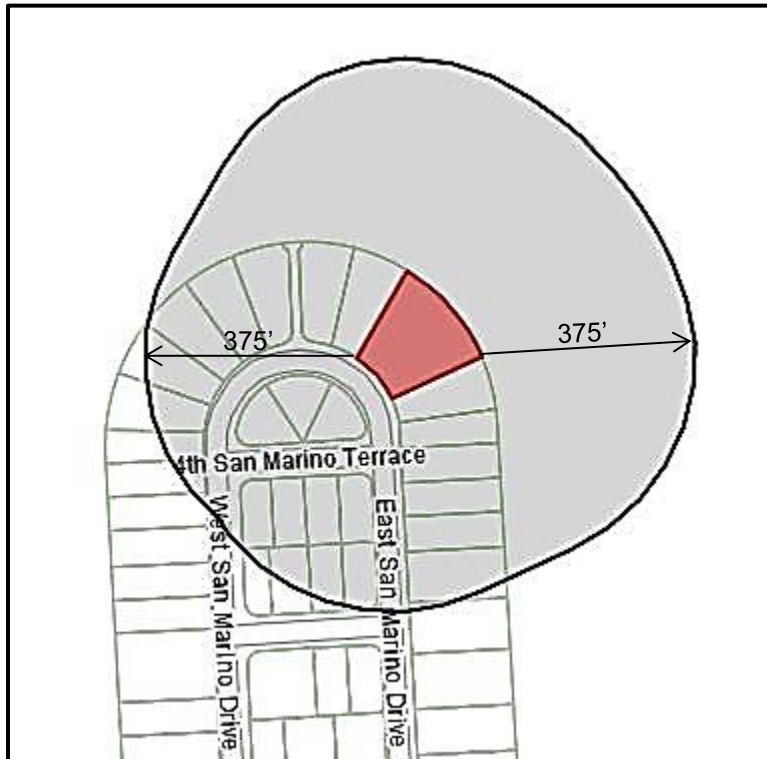
RUSSELL M BREINER &W NAOMI  
114 4 TERR SAN MARINO  
MIAMI BEACH, FL 33139

Name	Address	City	State	Zip	Country
0075 LLC C/O VINCENT L PERSIANI	801 BRICKELL KEY BLVD #1803	MIAMI	FL	33131	USA
ALEXANDRE BERENBAUM	110 SAN MARINO TERR	MIAMI BEACH	FL	33139	USA
ANTOINE BONA	115-3 SAN MARINO TERR	MIAMI BEACH	FL	33139	USA
BRETT HOLLAND ALEXANDER HOLLAND	300 E SAN MARINO DR	MIAMI BEACH	FL	33139	USA
CARINO SAN MARINO LLC	1749 NE MIAMI COURT #608	MIAMI	FL	33132	USA
CITY NATIONAL BANK OF FLORIDA TRS LAND TRUST NO 2401 3276 00	25 W FLAGLER ST	MIAMI	FL	33130	USA
DORIS A PARDO TRS DORIS A PARDO REVOCABLE TRUST	416 WEST SAN MARINO DR	MIAMI BEACH	FL	33139	USA
FRANCISCO J VILLASANTE ALINA C VILLASANTE	324 W SAN MARINO DR	MIAMI BEACH	FL	33139	USA
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MICHAEL COMRAS	410 WEST SAN MARINO DR	MIAMI BEACH	FL	33139	USA
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RUSSELL M BREINER &W NAOMI	114 4 TERR SAN MARINO	MIAMI BEACH	FL	33139	USA



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www.rdrmiami.com | diana@rdrmiami.com | 305.498.1614

## 375' RADIUS MAP



**SUBJECT:** 421 E San Marino Drive, Miami Beach, FL 33139

**FOLIO NUMBER:** 02-3232-003-0420

**LEGAL DESCRIPTION:** SAN MARINO ISLAND PB 9-22 LOTS 13 & 14 BLK 3



CFN 2014RD626357  
OR Bk 29302 Pgs 0285 - 2901 (6pgs)  
RECORDED 09/09/2014 12:08:37  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

**DESIGN REVIEW BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: August 05, 2014

FILE NO: 23070

PROPERTY: 421 E. San Marino Drive

LEGAL: Lot 13 and lot 14 of Block 3 of "San Marino Island", according to the plat thereof filed for record and recorded in Plat Book 9 at Page 22 of the Public Records of Miami-Dade County, Florida.

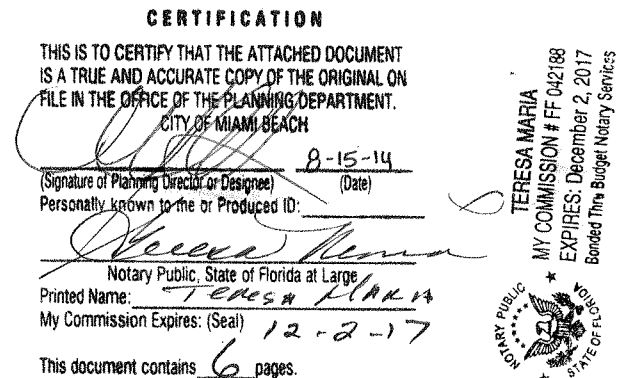
IN RE: The Application for Design Review Approval for the construction of a new two-story home, to replace an existing pre-1942 architecturally significant one-story home, to be demolished.

**ORDER**

The applicant, West San Marino LLC, filed an application with the City of Miami Beach Planning Department for Design Review Approval.

The City of Miami Beach Design Review Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 3, 5, 9, and 11 in Section 118-251 of the Miami Beach Code.
- B. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:
  1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
    - a. The proposed active roof deck shall not exceed six inches above the main roofline and shall not exceed a combined deck area of 25% of the



*gm*

- enclosed floor area immediately one floor below, regardless of deck height.
- b. The proposed roof height measured from BFE of **28'-0"** for the two-story volumes may be granted.
  - c. The Applicant shall fully screen the mechanical equipment area located on the south side of the residence with landscape material to prevent views from the adjacent residence to the south in a manner to be reviewed and approved by staff. The Applicant shall install all available noise-attenuating devices to the air conditioning units that meet manufacturer specifications, and if providing a generator, installing a generator with its own sound enclosure, to mitigate sound from impacting the adjacent residence to the south, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - d. The Applicant shall modify the configuration of the second floor master bedroom windows located at the southeast portion of the residence above the ground floor office to clerestory, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - e. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
  - f. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following.
- a. Direct pedestrian access to the site from the street and sidewalk shall be provided to the main entrance, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - b. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by staff.
  - c. The existing fishtail palms (currently containing dense foliage and an approximate minimum height of 30 feet) located along the south side of the subject property shall be retained in order to create a buffering effect with the adjacent property to the south. During construction of the

proposed home the Applicant will ensure that measures will be taken to protect the fishtail palms and that the neighboring property will be screened in an appropriate manner to ensure privacy. The applicant shall enter into a restrictive covenant, running with the land, form approved by the City Attorney and the Planning Director, that provides in the event the fishtail palms are ever damaged as a result of extreme weather or some other event, the property owner agrees to replace the damaged fishtail palms with new fishtail palms of equivalent foliage and height within sixty (60) days of such damage occurring.

- d. The Applicant shall provide additional landscaping to the south of the office of this portion of the residence that thoroughly blocks views of the entire office area from the adjacent residence to the south in a manner to be reviewed and approved by staff. The applicant shall enter into a restrictive covenant, running with the land, form approved by the City Attorney and the Planning Director, that provides that the property owner shall maintain all the landscaping shown on the hearing approved plan, including the additional landscaping in front of the office as described above, and replace as necessary with equivalent foliage within sixty (60) days of any damage resulting from extreme weather or some other event.
- e. Any fence or gate at the front of the property shall be designed in a manner consistent with the home's architecture, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- f. Each of the proposed water features surrounding the residence shall contain, at a minimum, a water pump system that will maintain the water circulating at all times and prevent water stagnation.
- g. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of staff.
- h. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- i. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- j. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The





location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

- I. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
3. The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board
4. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
5. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit
6. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
7. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
8. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
9. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations which were adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-9, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "421 East San Marino Drive", as prepared by **LSS Leroy Street Studio** signed and sealed, and landscape plans by **Raymond Jungles** dated June 23, 2014, modified in accordance with the conditions set forth in this Order and staff review and approval.



No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance as set forth in this Order have been met. The issuance of Design Review Approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the Design Review Approval will expire and become null and void.

In accordance with Section 118-264 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code.

Dated this 12<sup>th</sup> day of AUGUST, 2014.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: 

THOMAS R. MOONEY, AICP  
PLANNING DIRECTOR  
FOR THE CHAIR

STATE OF FLORIDA )

)SS

COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of AUGUST 2014 by Thomas R. Mooney, Planning Director, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.







TERESA MARIA  
MY COMMISSION # FF 042188  
EXPIRES: December 2, 2017  
Bonded Third Budget Notary Services

NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: 12-2-17

Approved As To Form:  
City Attorney's Office: *[Signature]* ( 8-12-14 )

Filed with the Clerk of the Design Review Board on 8-13-14 ( WJH )

*gm*