

## Murphy, James

---

**From:** Maurice Luster Jr <mlusterjr@hotmail.com>  
**Sent:** Wednesday, August 30, 2017 7:05 PM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com; deenabellllewellyn@gmail.com; Levine, Philip; Aleman, John;  
Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen;  
Murphy, James  
**Cc:** cesarbuia@gmail.com  
**Subject:** Proposed Project 5775 Collins Avenue

My name is Maurice Luster Jr and I live at the Royal Embassy Condominium at 5750 Collins Ave Apt 11J with my wife and daughter. My condo faces east towards the ocean view between the former Marlboro House and the L'Excellence Condominium. The proposed construction would have a tremendous negative effect on the quality and value of our property.

One of the most important things I would like to say is that our investment in our property and the cumulative investment of others in this area is just as important as the big company proposing this gigantic project. We made the decision to purchase and remodel our property just over two years ago spending just over \$440,000. We were happy and content with the orientation of the Marlboro House as it was with no idea that it would ever change. It was a complete shock and huge disappointment on hearing the news of the proposed changes.

It is my hope that in your responsibility and task of making a decision on this matter you will take in consideration the little guys and we are many, that actually live in the area that would be effected by the enormous change being considered.

Other considerations that should be noted in this matter. The architect should be required to rotate the building orientation 90 degrees to preserve two important view corridors, which provide much needed light and air OR at a minimum, increase each side setback by 50%.

In addition, there must be direct pedestrian access from the sidewalk to the beach. There is precedence to allow for this, the Bath Club and Mei are prime examples, and the city's recently placed lifeguard tower at 57 Street should makes this request an easy decision.

Sincerely,

Maurice Luster Jr  
Property Owner Royal Embassy Condominium

Sent from my iPad

## Murphy, James

---

**From:** DJeleganza@aol.com  
**Sent:** Wednesday, August 30, 2017 9:07 AM  
**To:** jbodnar-drb@jbodnar.com  
**Cc:** ashley.condo@aol.com; kphang@bergersingerman.com; annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com; mike@nevillesteffens.com; Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen; Murphy, James; deenabellllewellyn@gmail.com  
**Subject:** (no subject)

August 29, 2017

**FILE COPY**

Dear Ashley Owners:

Last night I was visited by a neighbor who was going door to door on our block of Collins to communicate the intention of a developer, specifically the project at 5775 Collins.

Her number one concern is the orientation of the proposed structure, which will negatively impact the view of the ocean from those buildings directly across on the west side of Collins. Although I understand those residents wanting to still have their sliver of the view of the ocean, her more pressing topic to me was the thought of being able to gain an additional public beach access in the process of the development.

Right now, the public beach access for The Ashley is at 53rd and Collins at the Fire Station, or at 59th and Collins at Mei. Both of which are 3 blocks away in either direction. We have the opportunity to voice our needs for public access from the sidewalk at this site at 57th and Collins, which will only improve our property values if approved.

I am asking each of you to consider supporting this increased beach access. 57th and Collins already has a lifeguard station, it seems to me the the Design Review Board could be persuaded that this would be a neighborly thing to provide if there is some community interest and noise around the topic.

I have composed an e mail that you can cut and paste and send so that we are heard, or feel free to change and make it your own. In addition, you can attend the meeting at Miami Beach City Hall on **Tuesday, September 5 at 8:30AM**. The address is 1700 Convention Center Drive, Third Floor.

Thank you for your consideration in supporting this effort.

Heidi

### Emails to easily copy/paste

[jbodnar-drb@jbodnar.com](mailto:jbodnar-drb@jbodnar.com);  
[kphang@bergersingerman.com](mailto:kphang@bergersingerman.com);  
[annabeldh.drb@gmail.com](mailto:annabeldh.drb@gmail.com);  
[jturchin@turchinserver.com](mailto:jturchin@turchinserver.com);  
[ecamargoDRB@gmail.com](mailto:ecamargoDRB@gmail.com);  
[mike@nevillesteffens.com](mailto:mike@nevillesteffens.com)  
[philplevine@miamibeachfl.gov](mailto:philplevine@miamibeachfl.gov);  
[JohnAleman@miamibeachfl.gov](mailto:JohnAleman@miamibeachfl.gov);  
[micky@miamibeachfl.gov](mailto:micky@miamibeachfl.gov);  
[Ricky@miamibeachfl.gov](mailto:Ricky@miamibeachfl.gov);  
[joy@miamibeachfl.gov](mailto:joy@miamibeachfl.gov);  
[mgrieco@miamibeachfl.gov](mailto:mgrieco@miamibeachfl.gov);  
[kristen@miamibeachfl.gov](mailto:kristen@miamibeachfl.gov);  
[jamesmurphy@miamibeachfl.gov](mailto:jamesmurphy@miamibeachfl.gov)  
[deenabellllewellyn@gmail.com](mailto:deenabellllewellyn@gmail.com)

## Murphy, James

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**From:** Maurice Luster Jr <mlusterjr@hotmail.com>  
**Sent:** Wednesday, August 30, 2017 7:05 PM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com; deenabellllewellyn@gmail.com; Levine, Philip; Aleman, John;  
Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen;  
Murphy, James  
**Cc:** cesarbuia@gmail.com  
**Subject:** Proposed Project 5775 Collins Avenue

My name is Maurice Luster Jr and I live at the Royal Embassy Condominium at 5750 Collins Ave Apt 11J with my wife and daughter. My condo faces east towards the ocean view between the former Marlboro House and the L'Excellence Condominium. The proposed construction would have a tremendous negative effect on the quality and value of our property.

One of the most important things I would like to say is that our investment in our property and the cumulative investment of others in this area is just as important as the big company proposing this gigantic project. We made the decision to purchase and remodel our property just over two years ago spending just over \$440,000. We were happy and content with the orientation of the Marlboro House as it was with no idea that it would ever change. It was a complete shock and huge disappointment on hearing the news of the proposed changes.

It is my hope that in your responsibility and task of making a decision on this matter you will take in consideration the little guys and we are many, that actually live in the area that would be effected by the enormous change being considered.

Other considerations that should be noted in this matter. The architect should be required to rotate the building orientation 90 degrees to preserve two important view corridors, which provide much needed light and air OR at a minimum, increase each side setback by 50%.

In addition, there must be direct pedestrian access from the sidewalk to the beach. There is precedence to allow for this, the Bath Club and Mei are prime examples, and the city's recently placed lifeguard tower at 57 Street should makes this request an easy decision.

Sincerely,

Maurice Luster Jr  
Property Owner Royal Embassy Condominium

Sent from my iPad

Dear Miami Beach Design Review Board Members,

I am writing to express my interest in a direct pedestrian access, from the sidewalk to the beach, at the proposed development at 5775 Collins. The ocean belongs to all of us, not just those who purchased property adjacent to it. Without a pedestrian public access, our path to the ocean from this site is regarded as trespassing, which is not the intent, but is the unintended consequence when not provided for the community on Collins. There are no public parking lots anywhere close to this site, so the pedestrian access would primarily be used by the neighbors residing adjacent to this address.

There is precedence to allow for this, the Bath Club and Mei are good examples. The city recently placed a lifeguard tower at 57 Street which indicates that the City recognizes the need in this densely populated section of Collins. I respectfully request the Design Review Board Members consider this request favorably.

Thank you,  
David & Erika Sabo  
5640 Collins Avenue,  
Miami Beach FL 33140

## Murphy, James

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**From:** Save Collins <savecollinsavenue@gmail.com>  
**Sent:** Tuesday, August 29, 2017 8:24 PM  
**To:** Save Collins  
**Cc:** Murphy, James  
**Subject:** Facebook Page: @SaveCollinsAve

Good evening DRB member:

We would like to invite you to view the following Facebook page [www.facebook.com/savecollinsave](http://www.facebook.com/savecollinsave), which has over **700 follows** and has been very active within the Miami Beach community.

We hope you'll enjoy the posts, and even get a chuckle or two, which is all in good fun as this serious matter is truly near and dear to our heart. Help us maintain our slice of Collins Avenue by preserving two important view corridors and demanding the developer add public beach access.

Thank you for the good work you do for our hometown.

FILE COPY

## Murphy, James

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**From:** Ileana Oroza <ileanaoroza@gmail.com>  
**Sent:** Tuesday, August 29, 2017 8:40 PM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com; annabel delgado;  
jturchin@turchinserver.com; Elizabeth Camargo; Mike S; Deena Bell Llewellyn; Levine,  
Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco, Michael;  
Rosen Gonzalez, Kristen; Murphy, James  
**Subject:** 5775 Collins Ave.

Dear Miami Beach Design Review Board Members,

I am writing to express my deep concern over the proposed development at 5775 Collins Avenue. The building is huge and blocks the little bit of sunshine and air that now flows through from the ocean into Collins Avenue. We should be aiming for LESS of a Condo Canyon look, not more. The architect should be required to rotate the building orientation or increase each side setback by 50%.

Most importantly, the architects and developers should provide for pedestrian access from the sidewalk to the beach. As a resident, I know I would use that access a great deal, particularly now that the beach trail is being extended southward and there is a new lifeguard tower on 57th street. So would many of my neighbors. Let's work to increase the number of people that can use our beautiful natural resources with ease.

Thank you.

Regards,  
Ileana Oroza  
5750 Collins Ave. 9B  
Miami Beach, FL

FILE COPY

## Murphy, James

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**From:** Mark Bisnow <markbisnow@gmail.com>  
**Sent:** Wednesday, August 30, 2017 6:30 AM  
**To:** Murphy, James  
**Cc:** President MEI Condominium; Vice President MEI Condominium; MEI Manager; Dr. Z  
**Subject:** support for additional Mid-Beach public access (for Sept 5 Design Review Board hearing)

FILE COPY

To: Miami Beach Design Review Board

Thanks for the opportunity to comment. I'm a resident of Miami Beach, owning a unit at the Mei, 5875 Collins.

I'd like to voice the strongest support for public beach access at the redeveloped Marlborough House property.

It seems such an obvious principle: If there is to be a public beach, there ought to be ample access to it. The five very long blocks between 58th and 53rd are crying out for such access. The city's staff recommendation seems not only perfectly reasonable, but absolutely compelling.

But in addition, I have what may be three unique insights to offer:

1. My wife and I reside in the unit of the Mei closest to the public beach access next to our building. We are literally 20 feet from it, and haven't been disturbed in the least by people walking along it. Nor do we mind that some extra people find their way to our beach area. Besides the fact it should be their right as fellow citizens, we see the presence of more people as adding life and vitality to the area.
2. We also live part-time in Santa Monica, CA. We have often noted that Miami Beach seems more welcoming of the public to its beaches than parts of Los Angeles. Driving along Pacific Coast Highway, especially through Malibu, you can go long stretches without seeing the water or being able to get to it, though it's all theoretically public beach. In South Beach and much of Mid-Beach, by contrast, there seems to be access almost every block. However, there is one big exception we've noticed: There doesn't seem to be any beach access south of ours at the Mei until you get to the fire station around 53rd. It's kind of shocking. Miami Beach should be proud of its access and stand its ground to protect it. Please don't let future generations wonder what Miami Beach was thinking as we wonder today about Los Angeles.
3. I founded the largest commercial real estate publication in the US and in the process came to know many hundreds of developers. I find that most of them are actually very sensitive to community interests, or at least understanding of the need to balance private and public interests. I am quite surprised to hear that the re-developer of the Marlborough property would fight such a natural request as to provide beach access. I am told that when the Mei was being developed (before my time), the developer gladly offered such access.

Thanks very much. I am copying members of the Mei Board, which I believe concurs that additional points of beach access should be provided between the Mei and 53rd Street.

Mark Bisnow  
5875 Collins Ave #202  
Miami Beach, FL 33140



FILE COPY

## Murphy, James

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**From:** Lourdes Gomez <gomezlourdes1228@gmail.com>  
**Sent:** Tuesday, August 29, 2017 4:22 PM  
**To:** Murphy, James; Tackett, Deborah; kphang@bergersingerman.com; Grieco, Michael; jbodnar-drb@jbodnar.com; annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com; mike@nevillesteffens.com; deenabellllewellyn@gmail.com; Levine, Philip; Aleman, John  
**Subject:** 5775 Collins Avenue

Dear Miami Beach Design Review Board Members,

I am writing to express my deep concern over the proposed development at 5775 Collins Avenue as the orientation of the structure has a negative impact to the neighborhood. The architect should be required to rotate the building orientation 90 degrees to preserve two important view corridors, which provide much needed light and air OR at a minimum, increase each side setback by 50%.

In addition, there must be direct pedestrian access from the sidewalk to the beach. There is precedence to allow for this, the Bath Club and Mei are prime examples, and the city's recently placed lifeguard tower at 57 Street should makes this request an easy decision.

Thank you,

Lourdes M Gomez  
Royal Embassy Condominium  
Owner of Unit 3-F

## Murphy, James

---

**From:** WENDY UNGER <wendy328@bellsouth.net>  
**Sent:** Tuesday, August 29, 2017 3:52 PM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com; deenabellllewellyn@gmail.com; Levine, Philip; Aleman, John;  
Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen;  
Murphy, James  
**Cc:** 'Niambi Emanuel'  
**Subject:** 5775 Collins Avenue and the Collins Corridor

Dear Miami Beach Design Review Board Members,

I am writing to express my deep concern over the proposed development at 5775 Collins Avenue as the orientation of the structure has a negative impact to the neighborhood. The architect should be required to rotate the building orientation 90 degrees to preserve two important view corridors, which provide much needed light and air OR at a minimum, increase each side setback by 50%.

In addition, there must be direct pedestrian access from the sidewalk to the beach. There is precedence to allow for this, the Bath Club and Mei are prime examples, and the city's recently placed lifeguard tower at 57 Street should makes this request an easy decision.

Thank you,

FILE COPY

*Wendy Unger Schapira*  
5750 Collins Avenue 12A  
Miami Beach FL 33140-2340  
(305) 772-7369  
[wendy328@bellsouth.net](mailto:wendy328@bellsouth.net)

## Murphy, James

---

**From:** Ashley Board <ashley.condo@aol.com>  
**Sent:** Tuesday, August 29, 2017 3:00 PM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com; Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky;  
Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen; Murphy, James;  
deenabellllewellyn@gmail.com  
**Subject:** Fwd: Proposed Pedestrian Beach Access- 57th and Collins  
**Attachments:** ASHLY CONDO MIAMI DESIGN.pdf

Please see attached request from Abraham Stern unit owner #2A- Ashley Condominium

-----Original Message-----

From: sp dovy <spdovy@gmail.com>  
To: Ashley Board <ashley.condo@aol.com>  
Sent: Tue, Aug 29, 2017 1:06 pm  
Subject: Re: Proposed Pedestrian Beach Access- 57th and Collins

FILE COPY

Dear Miami Beach Design Review Board Members,

I am writing to express my interest in a direct pedestrian access, from the sidewalk to the beach, at the proposed development at 5775 Collins. The ocean belongs to all of us, not just those who purchased property adjacent to it. Without a pedestrian public access, our path to the ocean from this site is regarded as trespassing, which is not the intent, but is the unintended consequence when not provided for the community on Collins. There are no public parking lots anywhere close to this site, so the pedestrian access would primarily be used by the neighbors residing adjacent to this address.

There is precedence to allow for this, the Bath Club and Mei are good examples. The city recently placed a lifeguard tower at 57 Street which indicates that the City recognizes the need in this densely populated section of Collins. I respectfully request the Design Review Board Members consider this request favorably.

Thank you,



Abraham Stern

5640 Collins Avenue, #2A

**Murphy, James**

**FILE COPY**

**From:** Ashley Board <ashley.condo@aol.com>  
**Sent:** Tuesday, August 29, 2017 3:07 PM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com; Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky;  
Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen; Murphy, James;  
deenabellllewellyn@gmail.com  
**Subject:** Fwd: Proposed Pedestrian Beach Access- 57th and Collins

Please see request from Rachel Halpern, Unit owner #7D at the Ashley Condominium

-----Original Message-----

**From:** Rachel Halpern <rachel.halpern@yahoo.com>  
**To:** ashley.condo <ashley.condo@aol.com>  
**Sent:** Tue, Aug 29, 2017 2:42 pm  
**Subject:** Re: Proposed Pedestrian Beach Access- 57th and Collins

Appreciate you working hard at improvements that benefit us all...would love that beach access walkway...is there an email address to send that very well written letter? Best regards, Rachel

Sent from Yahoo Mail on Android

Dear Miami Beach Design Review Board Members,

I am writing to express my interest in a direct pedestrian access, from the sidewalk to the beach, at the proposed development at 5775 Collins. The ocean belongs to all of us, not just those who purchased property adjacent to it. Without a pedestrian public access, our path to the ocean from this site is regarded as trespassing, which is not the intent, but is the unintended consequence when not provided for the community on Collins. There are no public parking lots anywhere close to this site, so the pedestrian access would primarily be used by the neighbors residing adjacent to this address.

There is precedence to allow for this, the Bath Club and Mei are good examples. The city recently placed a lifeguard tower at 57 Street which indicates that the City recognizes the need in this densely populated section of Collins. I respectfully request the Design Review Board Members consider this request favorably.

Thank you,  
Rachel Halpern  
5640 Collins Avenue, #7D

**Murphy, James**

---

**From:** Rebecca O <beckyorand@gmail.com>  
**Sent:** Monday, August 28, 2017 4:48 PM  
**To:** Murphy, James  
**Subject:** Letter from William H Cary in Support of Concerned Residents Regarding 5775 Collins Avenue Project  
**Attachments:** DRB 5775 Collins .docx

Dear Mr. Murphy,

Mr. Cary requested that the attached letter be included in the materials for consideration by the Design Review Board at the upcoming meeting to be held on September 5th regarding the 5775 Collins Avenue project. It is my understanding that the hard copy of materials may have already been distributed to the Board members, but that we still have time for you to e-mail Mr. Cary's letter to the Board members with a copy to the City Commissioners prior to the September 5th meeting.

Thank you for your attention to this matter. If any further action is required on my part with respect to distribution of this letter, please let me know.

Regards,

Rebecca Orand  
5750 Collins Avenue, No. 9H  
Miami Beach, FL 33140

**FILE COPY**

William H. Cary  
P.O. Box 846, Arroyo Seco  
New Mexico 87514

September 5, 2017

Design Review Board  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, Florida 33139

Re: DRB File No. 170-0131  
5775 Collins Avenue

Dear Design Review Board Members,

As former City of Miami Beach Assistant Planning Director, as well as staff to the Design Review Board and the Historic Preservation Board for twenty years, it is a pleasure to submit this letter of recommendation in full support of the Planning Department's carefully constructed, September 5, 2017, Staff Report & Recommendation for DRB File No. 17-0131, for 5775 Collins Avenue.

A careful review of the proposed plans for the construction of a new ocean-side (18) story residential building to replace the existing (12) story Marlborough House clearly reveals that the proposed structure and its orientation are inconsistent with the Design Review Board's established viewpoint with regard to the development of large scale waterfront residential properties for more than twenty years.

After evaluating the highly negative impact of numerous large residential projects that were constructed on the City's waterfronts during the 1970s through mid 1990s both the Design Review and Historic Preservation boards determined that no such development should be approved for large residential buildings on the waterfront with an orientation whereby the length of the building broadsides the waterfront, seriously diminishing and degrading light, breeze, and view corridors from interior properties to the water. The proposed 5775 Collins Avenue project directly contradicts these established objectives and fails to comply with Design Review Criteria numbers 5, 6, 7, 12, and 15, as so clearly stated in the Staff Report. The proposed project site plan is not in conformity with environmentally sound design standards for coastal properties, does not enhance the appearance of surrounding properties, does not allow for good pedestrian sightlines and view corridors to the ocean, and is not sensitive to a unique tropical marine setting. There can be no doubt that the proposed 18 story tower, as currently oriented and designed, will clearly and unnecessarily obstruct and diminish the quality of life for nearby interior properties' residents located on the west side of Collins Avenue as well as for adjacent properties.

Additionally, the proposed project fails to acknowledge and address the City's master plan for the Middle Beach Recreation Corridor in that it does not provide critically needed public pedestrian access through the site from Collins Avenue to the City Beachwalk scheduled for completion in 2018. This will not only deny convenient access to the oceanfront for so many neighboring properties but could also make the beachwalk less safe and less used by the public for which it is designed. The Mei Condominium and Bath Club projects, in Middle Beach, have provided very successful public pedestrian connections to the waterfront through their properties, as have many other recent waterfront residential projects throughout the city. The provision of public pedestrian beachwalk access through the 5775 Collins Avenue site is clearly in the greater interest of public convenience and future public safety along this extraordinary section of Atlantic Ocean beach.

I fully concur with the Planning Department's recommendation that the application be continued to a later date to allow the applicant and architects generous time to re-orient the proposed 18 story tower perpendicular to the ocean-front, along with recommended design refinements and the provision of a well-landscaped public pedestrian access corridor to the future City Beachwalk.

Thank you for your consideration of my shared concerns.

Sincerely,

*William H. Cary*

William H. Cary



## Murphy, James

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**From:** Rebecca O <beckyorand@gmail.com>  
**Sent:** Tuesday, August 29, 2017 9:35 AM  
**To:** Murphy, James  
**Subject:** Lifeguard Association Letter Supporting Beach Access to 5700 Block of Collins Avenue Lifeguard Tower - 5775 Collins Avenue Project  
**Attachments:** Miami Beach Letter.pdf

Dear Mr. Murphy,

Attached is a letter from the United States Lifeguard Association (USLA) that supports beach access at the 5700 block of Collins Avenue lifeguard tower. The letter states that the odds of drowning on a USLA guarded beach are 1 in 18 million.

Please include beach access as part of the 5775 Collins Avenue project so this recently added lifeguard tower can serve its purpose - to protect Miami Beach residents and visitors enjoying our public beaches in the Mid-Beach area.

I again request that this letter be distributed to the Design Review Board members, with a copy to the City Commissioners, prior to the September 5th DRB meeting.

Thank you for your attention to this matter. If any further action is required on my part with respect to distribution of this letter, please let me know.

Regards,

Rebecca Orand  
5750 Collins Avenue, No. 9H  
Miami Beach, FL 33140



SOUTHEAST  
REGION

# *United States Lifesaving Association*

## *Southeast Region*

PO Box 2456 ♦ Hallandale Beach, Florida 33008 ♦ Tel: 866-FOR-USLA (866-367-8752)

[www.uslaser.org](http://www.uslaser.org)

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August 29, 2017

### EXECUTIVE BOARD

**Gerry Falconer**  
*Miami Beach*  
President

**Jim McCrady**  
*Ft. Lauderdale*  
Vice President

**Jeremy Watkins**  
*St. Johns County*  
Secretary

**Jo Wagenhals**  
*Pompano Beach*  
Treasurer

**Joe McManus**  
*Indian River County*  
Advisor

**Alan Holt**  
*Volusia County*  
Delegate

**Eisen Witcher**  
*Brevard County*  
Delegate

**Mark Swanson**  
*Volusia County*  
Delegate

**Chris Nowvskie**  
*Miami Beach*  
Delegate

The United States Lifesaving Association (USLA) is America's professional association of beach and open water rescuers. The USLA works the incidence of death and injury in the aquatic environment through public education, national lifeguard standards, training programs, promotion of lifeguard readiness and other means.

The USLA promotes the philosophy to "*Swim Near A Lifeguard*". Access to public bathing beaches should be in lifeguarded surveilled areas. The odds of drowning on a USLA guarded beach are 1 in 18 million. Therefore, any beach access should be at a lifeguard stationed beach.

The USLA-Southeast Region (USLA-SER), which covers the southeast United States, has been successful in promoting this philosophy throughout the State of Florida. Due to these efforts drowning fatalities rate have dropped in the State.

Thank you,  
James Hamilton McCrady V  
*USLA-SER Vice President*

## Murphy, James

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**From:** massimiliano bruni <brnmax@yahoo.com>  
**Sent:** Tuesday, August 29, 2017 12:58 PM  
**To:** jbodnar-drb@jbodnar.com; jturchin@turchinserver.com; annabeldh.drb@gmail.com; kphang@bergersingerman.com; ecamargoDRB@gmail.com; mike@nevillesteffens.com; deenabellllewellyn@gmail.com; Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen; Murphy, James  
**Subject:** Save our view

Good afternoon,

[ **FILE COPY**

My name is Massimiliano Bruni, Im the owner of the apartment 14k at Royal Embassy 5750 Collins Ave

I'm writing this email to express all my disappointment and to opposed to the proposed development of the Marlborough House (5775 Collins Avenue).

Buying the apartment with the ocean view in November 2016 it has been a realization of a life time dream. I worked very hard to save money and finally be able to afford it and only after 6 months from the purchase I received the heart breaking news that the view of the ocean will soon be obstructed.

I feel that's not fair to all the people that lives in this neighborhood. There are several buildings that will be severely affected by this project.

I'm asking to the members of the design review board to be aware that the project should keep similar footprint of the actual Marlborough House to avoid a swath of property value and view of the neighboring buildings, to include the Royal Embassy, L'Excellence, Villa Di Mare, 5700 Seacost and 5838 Collins Avenue.

In addition, please take into consideration that the proposed structure don't seems to be compatible with the environment and adjacent Structures, and it does NOT enhance the appearance of the surrounding properties and because of It's orientation and massing the proposed structure DETERIORATES important view corridors.

I really hope that the Design Review Board will take into consideration all those factors when they will evaluate the proposal of this project.

Regards

**MIAMI PERSONAL TRAINING**

***Sports Performance - Fitness - Nutrition – Rehab – Meal Delivery***

**Max Bruni**  
**Owner / President**

*NSCA Strength & Conditioning Specialist*  
*Personal Fitness Trainer*  
*Functional Movement System Certified*  
*Postural Specialist*

**Cell 305.299.7478**  
**[www.miamipersonaltraining.org](http://www.miamipersonaltraining.org)**

## Murphy, James

---

**From:** Rebecca O <beckyorand@gmail.com>  
**Sent:** Tuesday, August 29, 2017 11:10 AM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com; annabel delgado; jturchin@turchinserver.com; Elizabeth Camargo; Mike S; Deena Bell Llewellyn  
**Cc:** Murphy, James; Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Rosen Gonzalez, Kristen; Malakoff, Joy; Grieco, Michael  
**Subject:** Please Stop the Current Gargantuan Construction Plans for 5775 Collins Avenue (Marlborough House) in Miami Beach - DRB17-0131

Ladies and Gentlemen,

FILE COPY

I am sending this e-mail as a follow-up to my prior e-mail sent to the Design Review Board (DRB) on May 26, 2017, regarding the proposed demolition and construction of a new gargantuan building at 5775 Collins Avenue (Marlborough House). For over 25 years, I have owned and occupied as my principal residence Unit 9H at the Royal Embassy at 5750 Collins Avenue, which is located across the street from the Marlborough House.

In addition to my prior e-mail, I also attended and spoke at the June DRB meeting regarding this project. At that time, the DRB continued this matter to the upcoming September 5, 2017 meeting to allow the developer of the project sufficient time to both address concerns raised in the Staff's detailed June report and meet with neighbors of the Marlborough House to address their concerns. Based on my understanding of the revised plans submitted by the developer, I do not see where the developer has addressed any of the substantive design issues articulated by the Staff in its June report. Also, it appears that all of these concerns, plus some new ones, are in the Staff's September report to the DRB. Nor am I aware that the developer has reached out to individual owners who have voiced concerns, such as myself, to address our concerns.

And although this may not be in the DRB's jurisdiction, I also implore that no demolition of the current building take place until the developer has submitted new building plans that address the Staff's concerns. We are in the middle of hurricane season, still in turtle nesting season, there could be potentially disastrous impact on ocean life and foundations of surrounding buildings, and flooding issues. Just turn on the news and see what is happening in the Houston area - just from rivers and bayous.

As identified in my prior e-mail, and I believe consistent with concerns raised by the Staff, my three primary issues are:

1. The building should be rotated and current ocean corridors retained. The proposed orientation of the new building runs parallel to Collins Avenue, rather than east west as does the Marlborough House. This destroys current ocean corridors by more than 50%, with accompanying diminution of light and ocean breezes, and will cast shadows on neighboring buildings and Collins Avenue. The new building should be rotated and current ocean corridors retained.

2. No additional level of underground parking should be added. The Marlborough House is located in a high risk area for sea rise. Adding another subterranean level of parking will endanger human lives and property (specifically for people like me living across the street). And we rely heavily on tourism. Allowing a new development with additional subterranean parking right on the beach

could be an embarrassing headline for Miami Beach in the event of a storm surge event. We must take steps to mitigate sea rise, not exacerbate it.

3. Public access to the beach should be added. This is a public beach, not a private beach. Over 700 nearby residents would benefit from public access. With the recently added lifeguard tower and the new boardwalk connection scheduled to be completed next year, residents and visitors should be able to enjoy our City's greatest asset - the beach. And this access should come with safety provided by the lifeguard tower. According to Ocean Rescue data, almost 5,000 preventions emanated from the 57th Street lifeguard station last year.

I welcome new development in my community, but it must comply with rules and regulations, and create a positive, not negative impact on our Mid-Beach neighborhood.

I respectfully request that the redevelopment plans as submitted by the developer be denied, and this matter be continued until at least December 5th, as recommended by the Staff.

Rebecca Orand  
5750 Collins Avenue, No. 9H  
Miami Beach, Florida 33140

**Murphy, James**

---

**From:** Stiefelmann Outlook <stiefelmann@outlook.com>  
**Sent:** Tuesday, August 29, 2017 11:00 AM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com; deenabellllewellyn@gmail.com; Levine, Philip; Aleman, John;  
Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen;  
Murphy, James  
**Subject:** 5775 COLLINS AVENUE

Dear Miami Beach Design Review Board Members,

I am writing to express my deep concern over the proposed development at 5775 Collins

Avenue as the orientation of the structure has a negative impact to the neighborhood. The architect should be required to rotate the building orientation 90 degrees to preserve two important view corridors, which provide much needed light and air OR at a minimum, increase each side setback by 50%.

In addition, there must be direct pedestrian access from the sidewalk to the beach. There is precedence to allow for this, the Bath Club and Mei are prime examples, and the city's recently placed lifeguard tower at 57 Street should makes this request an easy decision.

Thank you,

GIOVANNI & RONISE STIEFELMANN  
5750 COLLINS AVE, #7K  
MIAMI BEACH, FL 33140

**Murphy, James**

---

**From:** Giovanni Stiefelmann <gstiefelmann@gmail.com>  
**Sent:** Tuesday, August 29, 2017 10:56 AM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com; deenabellllewellyn@gmail.com; Levine, Philip; Aleman, John;  
Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen;  
Murphy, James  
**Subject:** 5775 COLLINS AVE

Dear Miami Beach Design Review Board Members,

I am writing to express my deep concern over the proposed development at 5775 Collins

Avenue as the orientation of the structure has a negative impact to the neighborhood. The architect should be required to rotate the building orientation 90 degrees to preserve two important view corridors, which provide much needed light and air OR at a minimum, increase each side setback by 50%.

In addition, there must be direct pedestrian access from the sidewalk to the beach. There is precedence to allow for this, the Bath Club and Mei are prime examples, and the city's recently placed lifeguard tower at 57 Street should makes this request an easy decision.

Thank you,

RONISE STIEFELMANN  
5750 COLLINS AVE, #7K  
MIAMI BEACH, FL 33140



**Murphy, James**

---

**From:** Giovanni <gstiefelmann@hotmail.com>  
**Sent:** Tuesday, August 29, 2017 10:54 AM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com; deenabellllewellyn@gmail.com; Levine, Philip; Aleman, John;  
Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen;  
Murphy, James  
**Subject:** REF: 5750 COLLINS AVE

Dear Miami Beach Design Review Board Members,

I am writing to express my deep concern over the proposed  
development at 5775 Collins

Avenue as the orientation of the structure has a negative impact to the  
neighborhood. The architect should be required to rotate the building  
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the beach. There is precedence to allow for this, the Bath Club  
and Mei are prime examples, and the city's recently  
placed lifeguard tower at 57 Street should makes this  
request an easy decision.

Thank you,

GIOVANNI STIEFELMANN  
5750 COLLINS AVE, #7K  
MIAMI BEACH, FL 33140

## Murphy, James

---

**From:** E MINGUILLON <peructo1@bellsouth.net>  
**Sent:** Tuesday, August 29, 2017 10:45 AM  
**To:** jbodnar-drb@jbodnar.com; annabeldh.drb@gmail.com; Aleman, John; Rosen Gonzalez, Kristen; Murphy, James; deenabellllewellyn@gmail.com  
**Subject:** Proposed Pedestrian Beach Access- 57th and Collins  
**Importance:** Low

FILE COPY

Dear Miami Beach Design Review Board Members,

I am writing to express my interest in a direct pedestrian access, from the sidewalk to the beach, at the proposed development at 5775 Collins. The ocean belongs to all of us, not just those who purchased property adjacent to it. Without a pedestrian public access, our path to the ocean from this site is regarded as trespassing, which is not the intent, but is the unintended consequence when not provided for the community on Collins. There are no public parking lots anywhere close to this site, so the pedestrian access would primarily be used by the neighbors residing adjacent to this address.

There is precedence to allow for this, the Bath Club and Mei are good examples. The city recently placed a lifeguard tower at 57 Street which indicates that the City recognizes the need in this densely populated section of Collins. I respectfully request the Design Review Board Members consider this request favorably.

Thank you,  
Eduardo Minguillon  
5640 Collins Avenue, # 6 D

## Murphy, James

---

**From:** Joseph DiBella <joe@thedibellas.com>  
**Sent:** Tuesday, August 29, 2017 10:37 AM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com; Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky;  
Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen; Murphy, James;  
deenabellllewellyn@gmail.com; jbodnar-drb@jbodnar.com;  
kphang@bergersingerman.com; annabeldh.drb@gmail.com;  
jturchin@turchinserver.com; ecamargoDRB@gmail.com; mike@nevillesteffens.com;  
Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco,  
Michael; Rosen Gonzalez, Kristen; Murphy, James; deenabellllewellyn@gmail.com  
**Cc:** Françoise  
**Subject:** Proposed Pedestrian Beach Access- 57th and Collins

Dear Miami Beach Design Review Board Members,

I am writing to express my interest in a direct pedestrian access, from the sidewalk to the beach, at the proposed development at 5775 Collins. The ocean belongs to all of us, not just those who purchased property adjacent to it. Without a pedestrian public access, our path to the ocean from this site is regarded as trespassing, which is not the intent, but is the unintended consequence when not provided for the community on Collins. There are no public parking lots anywhere close to this site, so the pedestrian access would primarily be used by the neighbors residing adjacent to this address.

There is precedence to allow for this, the Bath Club and Mei are good examples. The city recently placed a lifeguard tower at 57 Street which indicates that the City recognizes the need in this densely populated section of Collins. I respectfully request the Design Review Board Members consider this request favorably.

Thank you,  
Joseph & Françoise DiBella  
5640 Collins Avenue, #8E

## Murphy, James

---

**From:** JEFF SCHOCK <jeffschock@mac.com>  
**Sent:** Tuesday, August 29, 2017 9:45 AM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com; Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky;  
Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen; Murphy, James;  
deenabellllewellyn@gmail.com  
**Cc:** Heidi Caine  
**Subject:** direct pedestrian access, from the sidewalk to the beach, at the proposed development at 5775 Collins.

Dear Miami Beach Design Review Board Members,

I am writing to express my interest in a direct pedestrian access, from the sidewalk to the beach, at the proposed development at 5775 Collins. The ocean belongs to all of us, not just those who purchased property adjacent to it. Without a pedestrian public access, our path to the ocean from this site is regarded as trespassing, which is not the intent, but is the unintended consequence when not provided for the community on Collins. There are no public parking lots anywhere close to this site, so the pedestrian access would primarily be used by the neighbors residing adjacent to this address.

There is precedence to allow for this, the Bath Club and Mei are good examples. The city recently placed a lifeguard tower at 57 Street which indicates that the City recognizes the need in this densely populated section of Collins. I respectfully request the Design Review Board Members consider this request favorably.

Thank you,  
Jeff Schock & Jennifer Frommer  
5640 Collins Avenue, #7A

**Murphy, James**

---

**From:** GABRIEL FAILLACE <gf@miami-gsm.com>  
**Sent:** Tuesday, August 29, 2017 9:33 AM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
 annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
 mike@nevillesteffens.com; deenabellllewellyn@gmail.com; Levine, Philip; Aleman, John;  
 Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen;  
 Murphy, James  
**Cc:** Niambi Emanuel  
**Subject:** Development at 5775 Collins Avenue

Dear Miami Beach Design Review Board Members,

I am writing to express my deep concern over the proposed development at 5775 Collins Avenue as the orientation of the structure has a negative impact to the neighborhood. The architect should be required to rotate the building orientation 90 degrees to preserve two important view corridors, which provide much needed light and air OR at a minimum, increase each side setback by 50%.

In addition, there must be direct pedestrian access from the sidewalk to the beach. There is precedence to allow for this, the Bath Club and Mei are prime examples, and the city's recently placed lifeguard tower at 57 Street should makes this request an easy decision.

Thank you,

**Gabriel Faillace**  
 MIAMI-GSM LLC  
 T. +1.305.613.1754  
[gf@miami-gsm.com](mailto:gf@miami-gsm.com)

**miami-gsm** ll

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## Murphy, James

---

**From:** Ely Chocron <myecmail@gmail.com>  
**Sent:** Tuesday, August 29, 2017 10:04 AM  
**Subject:** Proposed project at 5775 Collins

Dear Miami Beach Design Review Board Members,

I am writing to express my deep concern over the proposed development at 5775 Collins Avenue as the orientation of the structure has a negative impact to the neighborhood. The architect should be required to rotate the building orientation 90 degrees to preserve two important view corridors, which provide much needed light and air OR at a minimum, increase each side setback by 50%.

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Thank you very much,  
Regards,  
Orna

**Murphy, James**

---

**From:** Ely Chocron <myecmail@gmail.com>  
**Sent:** Tuesday, August 29, 2017 10:04 AM  
**Subject:** Proposed project at 5775 Collins

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Regards,  
Orna

[ FILE COPY



## Murphy, James

---

**From:** JEFF SCHOCK <jeffschock@mac.com>  
**Sent:** Tuesday, August 29, 2017 9:45 AM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com; Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky;  
Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen; Murphy, James;  
deenabellllewellyn@gmail.com  
**Cc:** Heidi Caine  
**Subject:** direct pedestrian access, from the sidewalk to the beach, at the proposed development  
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There is precedence to allow for this, the Bath Club and Mei are good examples. The city recently placed a lifeguard tower at 57 Street which indicates that the City recognizes the need in this densely populated section of Collins. I respectfully request the Design Review Board Members consider this request favorably.

Thank you,  
Jeff Schock & Jennifer Frommer  
5640 Collins Avenue, #7A

## Murphy, James

---

**From:** GABRIEL FAILLACE <gf@miami-gsm.com>  
**Sent:** Tuesday, August 29, 2017 9:33 AM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com; deenabellllewellyn@gmail.com; Levine, Philip; Aleman, John;  
Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen;  
Murphy, James  
**Cc:** Niambi Emanuel  
**Subject:** Development at 5775 Collins Avenue

Dear Miami Beach Design Review Board Members,

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Thank you,

**Gabriel Faillace**  
MIAMI-GSM LLC  
T. +1.305.613.1754  
[gf@miami-gsm.com](mailto:gf@miami-gsm.com)

**miami-gsm** ll

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Think Green; do you really need to print this email?

## **Murphy, James**

---

**From:** Isabel Entenza <ientenza@bellsouth.net>  
**Sent:** Saturday, August 26, 2017 4:34 PM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargodrb@gmail.com;  
mike@nevillesteffens.com; deenabellllewellyn@gmail.com; Murphy, James  
**Cc:** Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco,  
Michael; Rosen Gonzalez, Kristen; Cesar Buia; Melissa Berthier  
**Subject:** New Development at 5775 Collins Avenue  
**Importance:** Low

What makes our area of Collins avenue special to visitors and residents alike is the view of the ocean and sea breeze. For long-term Miami Beach residents like myself, we value this over all else. What's the appeal of living in this street, if our view will be a piece of concrete? Might as well move to Brickel. I appeal to your sense of community not to give in to the developers of the new mammoth building they're trying to erect..they could very well alter the orientation of the building to allow for ocean view and breeze.

Also, what's the use of having a life guard tower in front of us, when the residents of the area don't have access to it..and have to drive to go to the beach or walk several blocks when the ocean is in front of us, but we can't access it. I can't understand why the new owners are trying to deny an access to the beach, which others such as the Mei and Bath House have been kind enough to allow beach access to benefit their neighbors.

Please don't let the new owners of the old Marlborough House destroy the beauty and enchantment of Collins Avenue.

Thank you,

**Isabel Entenza**  
**Royal Embassy Condominium**  
**Apt. 10-H**

## Murphy, James

---

**From:** Janna Maes <janna@jannamaes.com>  
**Sent:** Friday, August 25, 2017 4:46 PM  
**To:** Jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com  
**Cc:** Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco,  
Michael; Rosen Gonzalez, Kristen; Murphy, James; SaveCollinsAvenue@gmail.com  
**Subject:** DRB17-0131, 5775 Collins Avenue

As neighbors of 5775 Collins Avenue, formerly known as the Marlboro House, we are concerned about the size and impact of the proposed redevelopment of that property. We along with many of the other residents of this mid-beach community value the ocean views, sunshine, breezes, and beach access we enjoy by living in Miami Beach. Many from around the world come visit our slice of paradise to enjoy, however briefly, what we have chosen as our permanent homes.

The proposed redevelopment of the 5775 property will have a number of negative impacts to our mid-beach community and our collective quality of life:

1. The size of the proposed structure is out of scope compared to the other buildings in the community.
2. Replacing the current 12 story structure with an 18 story structure will block the sunrises and reduce the light current residents enjoy in the morning. In addition, it will cast shadows on the beach earlier in the afternoon for those enjoying the ocean and beach.
3. The width of the building will affect the beautiful views and ocean breezes that were, in many cases, the deciding factors to reside in this area of Miami Beach.
4. The proposal to excavate for two levels of subterranean parking seems questionable in the face of growing evidence of climate change and the undeniable impact of sea level rise on Miami Beach.

We, along with many in our neighboring condominium communities, are not against new development. In fact, development done in a thoughtful, community-centric manner can benefit everyone. The current proposal for 5775 Collins Avenue seems to benefit only the developer and the future residents of the building while disregarding the impact on those who have already chosen to make this stretch of mid-beach our home.

To mitigate the damaging impact of the out of scope proposal for 5775, we propose the following for your consideration:

1. Reduce the height of the new building.
2. Rotate the building 90 degrees, as recommended by the City of Miami Beach, so as not to block our ocean views, and to allow more sunshine and ocean breezes through to the rest of Miami Beach.
3. Eliminate the second subterranean parking level.
4. Include a public beach access for the residents across Collins Avenue.

Thank you for the opportunity to present our views and for your thoughtful consideration of them.

Janna

*Janna K. Maes*  
Janna K. Maes  
EWM Referral Services  
5700 Collins Avenue  
Number 3-L  
Miami Beach, FL 33140  
305.793.1602  
[janna@jannamaes.com](mailto:janna@jannamaes.com)

## Murphy, James

---

**From:** james@jamesmaes.com  
**Sent:** Friday, August 25, 2017 4:28 PM  
**To:** Jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com  
**Cc:** Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco,  
Michael; Rosen Gonzalez, Kristen; Murphy, James; SaveCollinsAvenue@gmail.com;  
james@jamesmaes.com; Janna Maes  
**Subject:** DRB17-0131, 5775 Collins Avenue

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3. Eliminate the second subterranean parking level.
4. Include a public beach access for the residents across Collins Avenue.

Thank you for the opportunity to present our views and for your thoughtful consideration of them.

Regards,  
James Maes  
5700 Collins Avenue, #3L  
Miami Beach, FL



## Murphy, James

---

**From:** Manoel Oliveira <oliveira@fiu.edu>  
**Sent:** Thursday, August 24, 2017 10:28 AM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com; Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky;  
Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen; Murphy, James  
**Cc:** Cesar Buia (cesarbuia@gmail.com); Melissa Berthier; Candy Sicle (csicle@gmail.com);  
Ines Oliveira  
**Subject:** 5775 Collins Ave. Building Construction

Dear Miami Beach Design Board Members:

As September 5<sup>th</sup> rapidly approaches for your next public hearing meeting, I feel compelled, as a resident of Miami Beach, to express my strong and emotional appeal to you in assessing the filed petition for a new building at 5775 Collins Ave.

In a time when most real estate developments are driven by sheer corporate financial gains, our community is disquieted by the prospect of having a gigantic residential condominium replacing our warm and homely Marlboro House neighboring building. We are deeply concerned that this project will significantly contribute to an already existing trend of transforming the historically charming and seducing Miami Beach into a heartless Concrete Jungle that will harbor the comfort and pleasure of a few at the sacrifice of lowering the widespread communal joy of living in a sea-watered tropical paradise.

Specifically, I would like to plea for your consideration of very simple items suggested by your own City Staff, in their assessment of the proposed construction project:

- That the new building be rotated by 90 degrees or that it implement a 50% increase in its side setbacks, so that ocean views are not completely taken away from that entire Collins Avenue neighborhood;
- That a public beach access be guaranteed, so that the community maintains some contact with the water that enamored us all into moving into the neighborhood.

Your consideration to the points raised here are profoundly appreciated. I will see you all September 5<sup>th</sup>.

Respectfully,

**Manoel Oliveira, Ph.D.**  
5750 Collins Ave #PH-B  
Miami Beach, FL

## Murphy, James

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**From:** Theodora Schweigert <theodora.schweigert@gmail.com>  
**Sent:** Thursday, August 24, 2017 7:10 AM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; mike@nevillesteffens.com;  
Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco,  
Michael; Rosen Gonzalez, Kristen; Murphy, James  
**Cc:** niambi.royalembassy@gmail.com; yenssy.royalembassy@gmail.com  
**Subject:** Project 5775 Collins Avenue, Miami Beach

Dear Miami Beach Design Review Board and City Commission,

We refer to our email of June 2, 2017, in which we expressed our serious concerns about the proposed 5775 Collins Avenue project. As far as we are aware, the planning for the building project remained unchanged, so our concerns are still valid. Particularly the negative influence on the overall site plan and design resulting from the alignment of the building should be avoided.

The developer should be required to rotate the building orientation 90 degrees to preserve two important view corridors for the neighbourhood, which provide much needed light and air OR at a minimum, increase each side setback by 50%.

Additionally a further beach access should be required because there is no access at a very long distance between Mej House and Indian Beach Park, particularly there is no access near the lifeguard tower at 57 Street. The Bath Club and the Mei are precedences to allow for this.

Thank you and kind regards

Werner and Theodora Schweigert  
5750 Collins Avenue

**Murphy, James**

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**From:** Mooney, Thomas  
**Sent:** Tuesday, August 22, 2017 1:20 PM  
**To:** Boutsis, Eve; Murphy, James  
**Subject:** FW: LETTER TO THE DRB REGARDING MARLBOROUGH HOUSE SITE DEVELOPMENT

FYI

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**From:** Nanlieb@aol.com [mailto:Nanlieb@aol.com]  
**Sent:** Tuesday, August 22, 2017 11:57 AM  
**To:** [jbodner@jbodner.com](mailto:jbodner@jbodner.com); [phang@bergersingerman.com](mailto:phang@bergersingerman.com); [annabeldh.drb@gmail.com](mailto:annabeldh.drb@gmail.com); [jturchin@turchinserver.com](mailto:jturchin@turchinserver.com); [ecamargodrb@gmail.com](mailto:ecamargodrb@gmail.com); [mike@nevillesteffens.com](mailto:mike@nevillesteffens.com)  
**Cc:** [philip@mayorphililevine.com](mailto:philip@mayorphililevine.com); [ricky.arriola@inktel.com](mailto:ricky.arriola@inktel.com); Malakoff, Joy; Grieco, Michael; Aleman, John; Rosen Gonzalez, Kristen; Steinberg, Micky; Morales, Jimmy; Mooney, Thomas; [ryanbarras@gmail.com](mailto:ryanbarras@gmail.com)  
**Subject:** LETTER TO THE DRB REGARDING MARLBOROUGH HOUSE SITE DEVELOPMENT

My husband and I moved to a Mid-Beach Bayside apartment in June, 2016. While the neighborhood is wonderful, it has a major flaw- created in the 1970s when poor zoning policy was in effect. When our 5 grandchildren visit, their first request is to go across the street to the beach. We were shocked to find they would have to walk about three long, hot concrete blocks in the summer heat with not one bit of shade.

I would certainly be at the September 5 DRB meeting, but we are not in town. Therefore, I am sending this letter to strongly encourage you to require the developer to provide a connection from Collins to the ocean. The city has required properties along the Bay to provide a walkway. It seems to follow that providing view corridor and access for residents and visitors to walk to the beach is a minimal request. The Beach Club and MEI have set the standard by providing beach access. Otherwise, what public amenities will the developer of the Marlborough House offer to the public?

The DRB has the ability to require the beach connection. According to the staff report it states, "CONSISTENCY WITH THE RECREATION AND OPEN SPACE ELEMENTS OF THE COMPREHENSIVE PLAN 1.5, WATERFRONT ACCESS IN RESIDENTIAL DEVELOPMENT, PUBLIC PEDESTRIAN ACCESS TO ALL SHORELINES AND THE OCEAN FRONT SHALL BE REQUIRED, IN COMPLIANCE WITH APPLICABLE LAW. "

In addition, the DRB Guideline #12 states, "The property structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area which creates or maintains important view corridors" The proposed project is a wall to wall concrete building, almost twice the size of the original Marlborough with no public beach access.

When "Millionaire's Row" began developing, single family homes were demolished to build the apartment buildings. There was no development at that time on the west side of Collins. It was poor planning, to say the least, that the code did not require beach connections. I can only think walkways were not included to keep the "millionaires" thinking they had a private beach.

Well, those days of private beaches are over. It is time to recognize the fact that a change needs to be made to enhance the ability for people to get to the ocean, our city's greatest public asset. The Marlborough site is the place to start.

Nancy Liebman

## Murphy, James

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**From:** oOFOOnChIOo alvarez quintana <fonchi\_156@hotmail.com>  
**Sent:** Wednesday, August 23, 2017 4:05 PM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargodrb@gmail.com;  
mike@nevillesteffens.com; deenabellllewellyn@gmail.com  
**Cc:** Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco,  
Michael; Rosen Gonzalez, Kristen; Murphy, James  
**Subject:** Letter of opposition for building design at 5775 Collins Ave  
**Attachments:** DESIGN REVIEW CRITERIA- Important Arguments- Focus on highlighted points.docx;  
ATT00001.htm

Dear members of the Design Review Board, Miami Beach Mayor and Miami Beach Commission,

As a Miami Beach resident for the last 8 years , I want to express you the following:

I. I am opposed to the proposed development of the Marlborough House (5775 Collins Avenue) as it should be more in line with the building's original footprint to avoid a swath of property value and view losses in our building, and that of the neighboring buildings, to include the Royal Embassy, L'Excellence, Villa Di Mare, 5700 Seacost and 5838 Collins Avenue.

In addition, I ask that you look closely at the three Design Review Board criteria points 6, 7 and 12 (see attached) when you evaluate the new proposed development as it seems to explicitly contradict this criteria:

6. The proposed structure does NOT indicate sensitivity to NOR is it compatible with the environment and adjacent Structures, and it does NOT enhance the appearance of the surrounding properties

7. Particular attention should be given to SWIM SAFETY by allowing easier access to a city-manned lifeguard tower and the impact of loss of VIEW corridors should be considered.

12. The proposed structure has an orientation and massing that is NOT sensitive to NOR compatible with the building site and surrounding area with neither creates nor maintains, but DETERIORATES important view corridors.

II. I highly encourage the placement of a public beach access point on the developer's dime. The city recently put a lifeguard tower in front of the Marlborough House and that safety benefit should be accessible and close to all residents.

I would like to thank you in advance for taking my concerns in consideration.

With kind regards,

Alfonso Alvarez

5757 Collins Ave

Miami Beach, FL 33140

## Murphy, James

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**From:** paula latorre <latorrepaula170@hotmail.com>  
**Sent:** Wednesday, August 23, 2017 3:51 PM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com; deenabellllewellyn@gmail.com  
**Cc:** Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco,  
Michael; Rosen Gonzalez, Kristen; Murphy, James  
**Subject:** Fw: Letter of opposition for building design at 5775 Collins Ave  
**Attachments:** DESIGN REVIEW CRITERIA- Important Arguments- Focus on highlighted points.docx

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**From:** paula latorre <latorrepaula170@hotmail.com>  
**Sent:** Wednesday, May 31, 2017 1:21 PM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com; annabeldh.drb@gmail.com;  
jturchin@turchinserver.com; ecamargoDRB@gmail.com; mike@nevillesteffens.com; deenabellllewellyn@gmail.com  
**Cc:** philiplevine@miamibeachfl.gov; JohnAleman@miamibeachfl.gov; micky@miamibeachfl.gov;  
Ricky@miamibeachfl.gov; joy@miamibeachfl.gov; mgrieco@miamibeachfl.gov; kristen@miamibeachfl.gov;  
jamesmurphy@miamibeachfl.gov  
**Subject:** Letter of opposition for building design at 5775 Collins Ave

Dear members of the Design Review Board, Miami Beach Mayor and Miami Beach Commission,

As a Miami Beach resident for the last 12 years , I want to express you the following:

I. I am opposed to the proposed development of the Marlborough House (5775 Collins Avenue) as it should be more in line with the building's original footprint to avoid a swath of property value and view losses in our building, and that of the neighboring buildings, to include the Royal Embassy, L'Excellence, Villa Di Mare, 5700 Seacost and 5838 Collins Avenue.

In addition, I ask that you look closely at the three Design Review Board criteria points 6, 7 and 12 (see attached) when you evaluate the new proposed development as it seems to explicitly contradict this criteria:

6. The proposed structure does NOT indicate sensitivity to NOR is it compatible with the environment and adjacent Structures, and it does NOT enhance the appearance of the surrounding properties

7. Particular attention should be given to SWIM SAFETY by allowing easier access to a city-manned lifeguard tower and the impact of loss of VIEW corridors should be considered.

12. The proposed structure has an orientation and massing that is NOT sensitive to NOR compatible with the building site and surrounding area with neither creates nor maintains, but DETERIORATES important view corridors.

II. I highly encourage the placement of a public beach access point on the developer's dime. The city recently put a lifeguard tower in front of the Marlborough House and that safety benefit should be accessible and close to all residents.

I would like to thank you in advance for taking my concerns in consideration.

With kind regards,

Paula Latorre  
5700 Collins Ave.

## Murphy, James

---

**From:** Ryan Brukardt <ryan.brukardt@gmail.com>  
**Sent:** Tuesday, August 22, 2017 12:55 AM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; mike@nevillesteffens.com;  
Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco,  
Michael; Rosen Gonzalez, Kristen; Murphy, James; ecamargoDRB@gmail.com  
**Cc:** niambi.royalembassy@gmail.com; Daniela Brukardt  
**Subject:** Save Collins Ave!

Dear Miami Beach Design Review Board and City Commission:

Thank you for your service on these Boards and Commissions... I am certain that it is a huge effort to take in all of the input that you receive from various sources in an effort to make very big city planning decisions.

I wanted to write a quick note and express my concern over the proposed development at 5775 Collins Avenue. I believe that the orientation of the structure has a negative impact on the overall site plan and design (as noted in the City's Planning Department Staff Report & Recommendation).

Through their attorney's comments at previous planning meetings, it seems that the developers seem intent on doing things that will only benefit their potential residents vs. what is good for the ENTIRE community. In my view, the developer should be required to rotate the building orientation 90 degrees to preserve two important view corridors for the ENTIRE neighborhood's benefit.

We also value direct pedestrian access from the sidewalk to the beach which in my understanding is not part of the plans that the developer has laid out.

Again, thank you for your consideration of all views and your service to the ENTIRE community of Miami Beach.

Thank you,  
Ryan Brukardt  
Owner, 5750 Collins Avenue, #9K



## Murphy, James

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**From:** Analia Furrer <analiafurrer@yahoo.com>  
**Sent:** Monday, August 21, 2017 9:20 PM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; mike@nevillesteffens.com;  
Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco,  
Michael; Rosen Gonzalez, Kristen; Murphy, James; ecamargoDRB@gmail.com  
**Subject:** Save Collins Please!!!!  
**Importance:** Low

Dear Miami Beach Design Review Board Members,

I couldn't imagine I would be writing this email 7 years ago when I decided to buy an apartment in this neighborhood. As you can guess, I am also writing to express my big concern and disagreement over the proposed development at 5775 Collins Avenue as the orientation of the structure has a negative impact on the overall site plan and design, as expertly detailed in the city's Planning Department Staff Report & Recommendation.

The architect should be required to rotate the building orientation 90 degrees to preserve two important view corridors for the neighborhood, which provide much needed light and air OR at a minimum, increase each side setback by 50%.

In addition, there must be direct pedestrian access from the sidewalk to the beach. There is precedence to allow for this, the Bath Club and Mei are prime examples, and the city's recently placed lifeguard tower at 57 Street should makes this request an easy decision.

Thank you,

Rosa Analia Furrer  
5700 Collins Avenue, #12a  
Miami Beach, 33140

Sent from my iPad

## **Murphy, James**

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**From:** Adriana Cardinale <a.cardinale50@gmail.com>  
**Sent:** Monday, August 21, 2017 2:08 PM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; mike@nevillesteffens.com;  
Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco,  
Michael; Rosen Gonzalez, Kristen; Murphy, James  
**Subject:** 5775 Collins Ave Project

Dear Miami Beach Design Review Board and City Commission:

I am writing to express my deep concern over the proposed development at 5775 Collins Avenue as the orientation of the structure has a negative impact on the overall site plan and design, as expertly detailed in the city's Planning Department Staff Report & Recommendation.

The developer should be required to rotate the building orientation 90 degrees to preserve two important view corridors for the neighborhood, which provide much needed light and air OR at a minimum, increase each side setback by 50%.

In addition, there must be direct pedestrian access from the sidewalk to the beach. There is precedence to allow for this, the Bath Club and Mei are prime examples, and the city's recently placed lifeguard tower at 57 Street should makes this request an easy decision.

Thank you,  
Ruben Gross & Adriana Cardinale  
5750 Collins Avenue, # 12 G

## Murphy, James

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**From:** nelson perez <nperezmateu@hotmail.com>  
**Sent:** Monday, August 21, 2017 12:41 PM  
**To:** bodnar-drb@jbodnar.com; kphang@bergersingerman.com; annabeldh.drb@gmail.com; jturchin@turchinserver.com; mike@nevillesteffens.com; Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen; Murphy, James

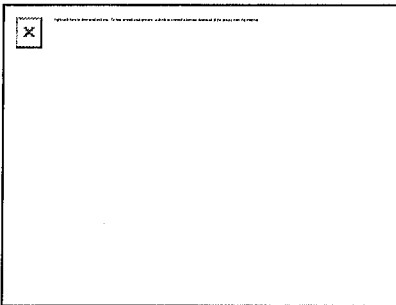
Dear Miami Beach Design Review Board and City Commission:

I am writing to express my deep concern over the proposed development at 5775 Collins Avenue as the orientation of the structure has a negative impact on the overall site plan and design, as expertly detailed in the city's Planning Department Staff Report & Recommendation.

The developer should be required to rotate the building orientation 90 degrees to preserve two important view corridors for the neighborhood, which provide much needed light and air OR at a minimum, increase each side setback by 50%.

In addition, there must be direct pedestrian access from the sidewalk to the beach. There is precedence to allow for this, the Bath Club and Mei are prime examples, and the city's recently placed lifeguard tower at 57 Street should makes this request an easy decision.

Thank you,  
NAME Nelson Perez Mateu and Alicia Aloise  
5750 Collins Avenue, # 12 H



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## Murphy, James

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**From:** Boutsis, Eve  
**Sent:** Monday, August 21, 2017 11:23 AM  
**To:** Murphy, James  
**Subject:** FW: 5775 Collins Avenue

# MIAMI BEACH

**Eve A. Boutsis**, *Chief Deputy City Attorney*

OFFICE OF THE CITY ATTORNEY  
1700 Convention Center Drive, Miami Beach, FL 33139  
Tel: 305-673-7470 Ext 6471 / Fax # 305-673-7002

[www.miamibeachfl.gov](http://www.miamibeachfl.gov)

*We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.*

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**From:** Steinberg, Micky  
**Sent:** Sunday, August 20, 2017 6:59 PM  
**To:** Boutsis, Eve  
**Subject:** FW: 5775 Collins Avenue

---

**From:** Eda Valero-Figueira [recomienzo@icloud.com]  
**Sent:** Sunday, August 20, 2017 5:47 PM  
**To:** [jbodnar-drb@jbodnar.com](mailto:jbodnar-drb@jbodnar.com)  
**Cc:** Levine, Phillip; Arriola, Ricky; Aleman, John; Steinberg, Micky; Grieco, Michael; Rosen Gonzalez, Kristen; Murphy, James  
**Subject:** 5775 Collins Avenue

I attended the June 5th meeting of the Design Review Board, and am appreciative of your openness to the concerns of the community regarding the proposed development of 5775 Collins Avenue. Thank you!

Development will happen no matter what, I know. However, I want the best development to happen in this area. The proposed building, at 5775 Collins Avenue, is very contemporary and not in tune with the design of buildings in this section of Collins. The structure represents a significant change to the character of this area, where even The Mei, our tallest and most luxurious building, is not as overwhelming in design as what is proposed here. The size of the proposed structure is overpowering and the design ostentatious, definitely not even related to what we have in this area.

I am struck by the indifference to our concerns and the recommendations of the City expressed by the developer's attorney. Even if the structure is not rotated by the proposed 90 degrees, the current plan reduces the light and air we get from the beach to a very significant degree. The side setbacks proposed are less than half of those we currently have, and they should be increased to a more reasonable size. I can understand luxury, but do not believe it should exist at a cost to the neighborhood.

The fairly recent addition of a lifeguard station at the 57th Street level was very welcomed. It would be of great benefit to all if we had a beach access walkway at this level, so that we could enjoy the advantage of having such a tower. In addition, walking to either of the current beach access points in our neighborhood presents a hardship when we have to carry a beach umbrella, a chair, and any other beach paraphernalia. For our many senior citizens, in particular, this is a significant challenge (I speak from experience). I am surprised that we don't have a mandate for all new beachside buildings to include a beach access walkway. It really is not that much to ask, particularly when you take the currently proposed structure into consideration.

I am deeply disturbed by the proposed project, and truly appreciate your cooperation on this matter as well as your attention to neighborhood concerns.

Thanks, again!

Sincerely,

Eda Valero-Figueira  
5700 Collins Avenue, #3N  
Miami Beach FL 33140  
305 868-7144

## Murphy, James

**From:** Corina Biton <CBiton@BloqUV.com>  
**Sent:** Thursday, August 17, 2017 3:34 PM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; mike@nevillesteffens.com;  
Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco,  
Michael; Rosen Gonzalez, Kristen; Murphy, James  
**Subject:** 5775 collins

Dear Miami Beach Design Review Board Members,

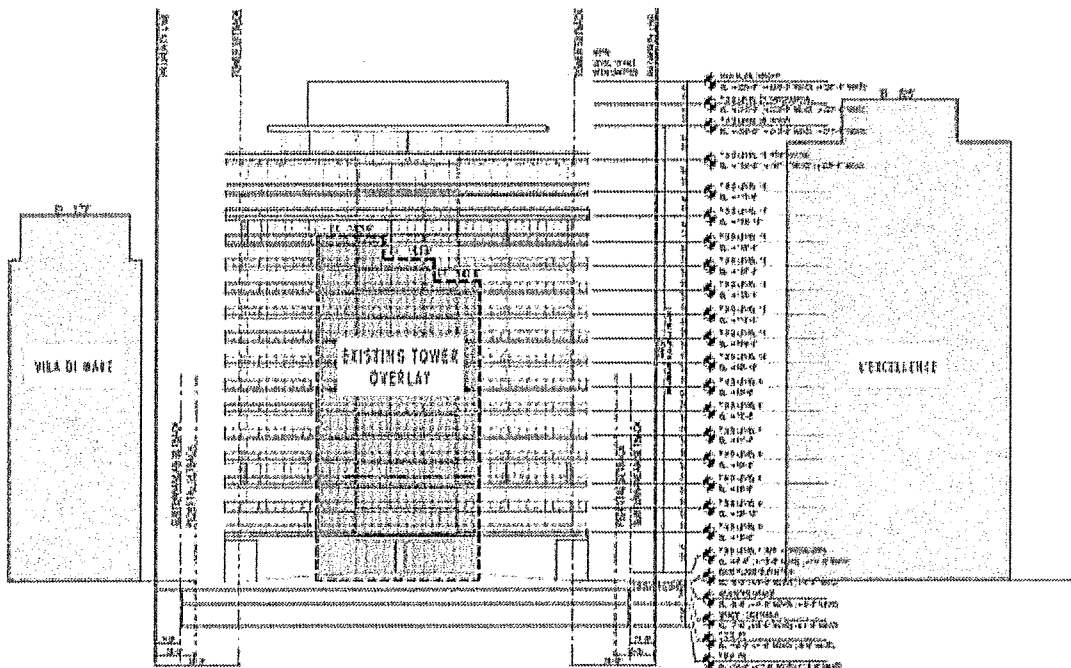
I am writing to express my deep concern over the proposed development at 5775 Collins Avenue as the orientation of the structure has a negative impact on the overall site plan and design, as expertly detailed in the city's Planning Department Staff Report & Recommendation.

The architect should be required to rotate the building orientation 90 degrees to preserve two important view corridors for the neighborhood, which provide much needed light and air OR at a minimum, increase each side setback by 50%.

In addition, there must be direct pedestrian access from the sidewalk to the beach. There is precedence to allow for this, the Bath Club and Mei are prime examples, and the city's recently placed lifeguard tower at 57 Street should makes this request an easy decision.

Thank you,  
Corina Biton  
5700 Collins Avenue, 8J

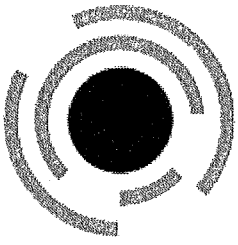
This is the change proposed



WEST ELEVATION - OVERLAY

2017.07.17 AD-09

ARQUITECTONICA



**bloq·UV<sup>®</sup>**

Corina Biton  
President  
BloqUV  
1815 NE 146 St  
North Miami Beach, FL 33181  
(O)305.635.8777  
(c) 305.720.6505

## Murphy, James

---

**From:** Susan E. Connolly <seconn@bellsouth.net>  
**Sent:** Thursday, August 17, 2017 7:09 AM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com; Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky;  
Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen; Murphy, James  
**Subject:** Design Review of 5775 Collins Avenue - consideration of views and access

Dear Miami Beach Design Review Board and City Commission:

I am writing to express my concern over the proposed development at 5775 Collins Avenue as the orientation of the structure has a negative impact on the overall site plan and design, as expertly detailed in the city's Planning Department Staff Report & Recommendation

The developer should be required to rotate the building orientation 90 degrees to preserve two important view corridors for the neighborhood, which provide much needed light and air OR at a minimum, increase each side setback by 50%. Other alternative strategies are welcomed for reducing the "full blockage effect" the building would create to residents on the other side of Collins Ave.

In addition, there must be direct pedestrian access from the sidewalk to the beach. There is precedence to allow for this, the Bath Club and Mei are prime examples, and the city's recently placed lifeguard tower at 57 Street should makes this request an easy decision.

While Miami Beach continues to maximize the occupancy per acre, let's remember what drew us here or keeps us here – the stunning views and access to the beautiful surroundings of ocean beaches and inland waterways.

Thank you for your consideration,  
Susan Connolly  
5750 Collins Avenue, 14D

---

Susan E Connolly  
[seconn@bellsouth.net](mailto:seconn@bellsouth.net)  
(305) 790-5275



**Murphy, James**

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**From:** Marnie Paikin <paikin@nas.net>  
**Sent:** Wednesday, August 16, 2017 3:00 PM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com; Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky;  
Malakoff, Joy; Rosen Gonzalez, Kristen; Murphy, James  
**Subject:** Design Review Board Meeting - Sept 5 - re 5775 Collins Avenue

DRB Board and City Commissioners,

For almost 50 years our family has been at 5750 Collins Avenue. On September 5, you will make a decision that could not only affect our remaining years but could also shake our faith in the commitment to principles for Miami Beach.

5775 Collins Avenue has a proposal before you that would not only block totally our view of the ocean, but would cut drastically the sunlight and ocean breeze to the buildings in our area. At a minimum, there should be a beach access entry near a lifeguard tower. The proposal is an affront to your own design guidelines and criteria which I trust you will defend by asking for modifications to the proposal.

I urge you to give full consideration to the issues at stake.

Yours very truly,

Marnie and Larry Paikin  
11G  
5750 Collins Ave.  
Miami Beach

## Murphy, James

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**From:** Orna Beer <ornis1976@gmail.com>  
**Sent:** Wednesday, August 16, 2017 10:22 AM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; mike@nevillesteffens.com;  
Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco,  
Michael; Rosen Gonzalez, Kristen; Murphy, James  
**Subject:** Development at 5775 Collins Avenue

Dear Miami Beach Design Review Board and City Commission:

I am writing to express my deep concern over the proposed development at 5775 Collins Avenue as the orientation of the structure has a negative impact on the overall site plan and design, as expertly detailed in the city's Planning Department Staff Report & Recommendation.

The developer should be required to rotate the building orientation 90 degrees to preserve two important view corridors for the neighborhood, which provide much needed light and air OR at a minimum, increase each side setback by 50%.

In addition, there must be direct pedestrian access from the sidewalk to the beach. There is precedence to allow for this, the Bath Club and Mei are prime examples, and the city's recently placed lifeguard tower at 57 Street should make this request an easy decision.

Thank you,  
Orna Beer  
5750 Collins Avenue, #4D  
Miami Beach, FL 33140

## Murphy, James

---

**From:** Rosaura Dominguez <rosaura15@gmail.com>  
**Sent:** Tuesday, August 15, 2017 11:16 PM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; mike@nevillesteffens.com;  
Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco,  
Michael; Rosen Gonzalez, Kristen; Murphy, James  
**Subject:** 5775 Collins Avenue

Dear Miami Beach Design Review Board Members,

I am writing to express my deep concern over the proposed development at 5775 Collins Avenue as the orientation of the structure has a negative impact on the overall site plan and design, as expertly detailed in the city's Planning Department Staff Report & Recommendation.

The architect should be required to rotate the building orientation 90 degrees to preserve two important view corridors for the neighborhood, which provide much needed light and air OR at a minimum, increase each side setback by 50%.

In addition, there must be direct pedestrian access from the sidewalk to the beach. There is precedence to allow for this, the Bath Club and Mei are prime examples, and the city's recently placed lifeguard tower at 57 Street should makes this request an easy decision.

Since we move to Miami Beach back in 1974 always look at this part of Collins ave ( Millionaires Road) as a beautiful place to live and in 1995 we got our condo at 5700 Collins ave and now looks like we are losing all the air and light.

Thank you,

Rosaura Dominguez  
5700 Collins Ave apt 4M  
Miami Beach Fl. 33140

## Murphy, James

---

**From:** Yves Doucet <yves.mgv@gmail.com>  
**Sent:** Tuesday, August 15, 2017 11:41 AM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; ecamargoDRB@gmail.com;  
mike@nevillesteffens.com; Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky;  
Malakoff, Joy; Grieco, Michael; Rosen Gonzalez, Kristen; Murphy, James  
**Subject:** Building at 5775 Collins Avenue

Dear Miami Beach Design Review Board Members,

I am writing to express my deep concern over the proposed development at 5775 Collins Avenue as the orientation of the structure has a negative impact on the overall site plan and design, as expertly detailed in the city's Planning Department Staff Report & Recommendation.

The architect should be required to rotate the building orientation 90 degrees to preserve two important view corridors for the neighborhood, which provide much needed light and air OR at a minimum, increase each side setback by 50%.

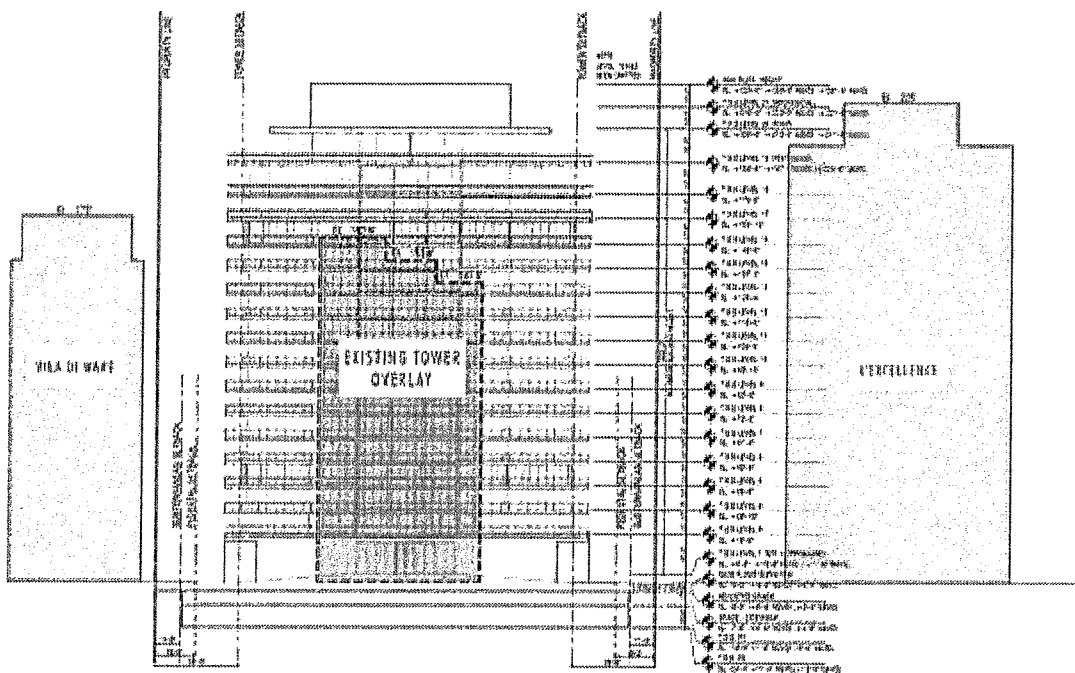
In addition, it is of utmost importance to provide direct direct pedestrian access from the sidewalk to the beach. There is precedence to allow for this, the Bath Club and Mei are prime examples, and the city's recently placed lifeguard tower at 57 Street should makes this request an easy decision.

Thank you,

Yves J DOUCET, Palm Tree Cove

5700 Collins Avenue, #9G

This is the change proposed



WEST ELEVATION - OVERLAY

2017.07.17 AQ-09

NO ARCHITECTURAL OR ENGINEERING RESPONSIBILITY IS ASSUMED BY THE ARCHITECT FOR ANY AND ALL CONSTRUCTION OF THE PROJECT. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

ARQUITECTONICA



Garanti sans virus. [www.avast.com](http://www.avast.com)

## Murphy, James

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**From:** Scott@ <Surfrider Miami atlarge2@miami.surfrider.org>  
**Sent:** Thursday, August 10, 2017 8:36 PM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com;  
annabeldh.drb@gmail.com; jturchin@turchinserver.com; mike@nevillesteffens.com;  
Levine, Philip; Murphy, James  
**Subject:** NEW Beach access point at 5775 Collins

Hello MB Design Review Board members-

I am a board member and past chairman of the Miami chapter of the Surfrider Foundation, and currently live at 5838 Collins Ave.

I have seen the chatter on FB about the proposed new condo at 5775 Collins and would like to provide input.

There are limited beach access points in mid beach, and an additional walkway along the south side of this property would be a perfect place and time to install one. In this area, the only access points/walkways from Collins to the beach are located at Allison Park at 65th, around 61st between The Bath Club and the Maison Grande Condo, next to the Mei Condo at 5875 Collins, with the next one all the way at the parking lot at 5301 Collins next to the fire station. All of the local residents on the west side of Collins must make the long walk to either 5301 or 5875, which can be a long haul for children and beach equipment. So adding another beach access point at 5775 seems logical and a perfect opportunity with the new project and design. Please mandate that the developer include this in their plans.

I have also seen much discussion about the design of the building on FB. Several new buildings have been constructed in this area in the past 5-10 years and seem to generally be reasonable in design and aesthetics. Please do not allow this new project to be excessive in that regard, and both fit in with surrounding architecture as well as provide sustainable aspects. I totally understand desire for large balconies, but in my opinion, length is more important than width, and 6-12 inches of width will not make that much difference in floor space use of a balcony.

Furthermore, shortly after Mayor Levine took office, he touted that he wanted Miami Beach to be the greenest city in the U.S. Well we have made some large strides in that regard, but there have been other pressing issues for the city to give higher priority. We need to be planning, in the long range, 30-50 years out, to be the Venice of the U.S. due to anticipated sea level rise and extreme weather expected from climate change. We need to make all new project going into Miami Beach much more environmentally friendly, and self sustainable, with integrated sources of alternative energy and forward thinking design in terms of parking space, water use and retention, etc. It is my hope that the Design Review Board will be mandating these types of characteristics in all new construction, or they will have limited success.

I hope to attend the meeting on this project on Sept 5 and look forward to hearing your decisions.

Regards,

Scott Stripling | Surfrider Foundation Miami Chapter | 787.565.4486

## Murphy, James

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**From:** Save Collins <savecollinsavenue@gmail.com>  
**Sent:** Thursday, July 13, 2017 1:52 PM  
**To:** Save Collins  
**Subject:** Fwd: 5775Collins

Please see the resident email below that we have been asked to forward along.

----- Forwarded message -----

**From:** **David Friedman** <d.friedman@louisnewman.com>  
**Date:** Tue, Jul 11, 2017 at 6:18 PM  
**Subject:** 5775Collins  
**To:** Niambi Emanuel Royal Embassy <niambi.royalembassy@gmail.com>, Cesar Buia <cesarbuia@gmail.com>  
**Cc:** Krunch <thekrunchster@yahoo.com>, savecollinsavenue@gmail.com

Dear honored members of DRB and respected Miami Beach government officials;

I'm aware that you've received many emails with regards to the proposed huge tower at 5775 Collins Ave. I would like to add my wife's and my own , thoughts and feelings to the chorus of protests that have already been voiced.

We are currently "snowbirds" who come very often to MB.

We have just come to visit for the July 4 holiday and have realized , with horror, what is being planned across the street from our building at 5750 Collins Ave.

Although, our condo faces the bay , we are nevertheless deeply concerned about the impact on our property , and neighborhood, this overwhelming development will have.

It will cast a shadow across the entire immediate area.

The volume of new residents and their vehicles, will increase the already existing traffic congestion, pollution and noise.

Instead of feeling that we live in beautiful Miami Beach , we will feel like we live in Manhattan!

We love and will miss the sun , the ocean breeze and the bright Miami sky.

We are hoping to soon retire and make 5750 our primary home.

It's also very important for us to have easy access to the beach, for which their plan doesn't provide.

We understand the developer has invested lots of money and is looking forward to a nice return, but it should not be at OUR expense.

We thank you for your kind consideration of our deep concerns.



We greatly appreciate your efforts and service to our wonderful town .

You have been doing a commendable job, under at times, difficult and complicated circumstances. We are confident that you will once again do so , with regard to 5775 Collins Ave.

Thanks again ,

David and Karen Friedman  
5750 Collins Ave.  
Apt 3B

David Friedman  
Louis Newman & Co/JBA  
Sent from my iPhone 7+  
Mobile (516) 220-5531

David Friedman  
Louis Newman & Co/JBA  
Sent from my iPhone 7+  
Mobile (516) 220-5531

David Friedman  
Louis Newman & Co/JBA  
Sent from my iPhone 7+  
Mobile (516) 220-5531

## Murphy, James

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**From:** Cesar Buia <cesarbuia@gmail.com>  
**Sent:** Wednesday, July 12, 2017 5:05 PM  
**To:** Murphy, James  
**Subject:** Fwd: 5775Collins

James  
my apologies - I just noticed I missed you  
best regards  
cesar

----- Forwarded message -----

From: **Cesar Buia** <cesarbuia@gmail.com>  
Date: Wed, Jul 12, 2017 at 12:02 PM  
Subject: Fwd: 5775Collins  
To: [jbodnar-drb@jbodnar.com](mailto:jbodnar-drb@jbodnar.com), [kphang@bergersingerman.com](mailto:kphang@bergersingerman.com), annabel delgado <[annabeldh.drb@gmail.com](mailto:annabeldh.drb@gmail.com)>, [jturchin@turchinserver.com](mailto:jturchin@turchinserver.com), Elizabeth Camargo <[ecamargoDRB@gmail.com](mailto:ecamargoDRB@gmail.com)>, Mike S <[mike@nevillesteffens.com](mailto:mike@nevillesteffens.com)>, Deena Bell Llewellyn <[deenabellllewellyn@gmail.com](mailto:deenabellllewellyn@gmail.com)>  
Cc: [JohnAleman@miamibeachfl.gov](mailto:JohnAleman@miamibeachfl.gov), [micky@miamibeachfl.gov](mailto:micky@miamibeachfl.gov), [Rickym@miamibeachfl.gov](mailto:Rickym@miamibeachfl.gov), [joy@miamibeachfl.gov](mailto:joy@miamibeachfl.gov), [mgrieco@miamibeachfl.gov](mailto:mgrieco@miamibeachfl.gov), "Rosen Gonzalez, Kristen" <[kristen@miamibeachfl.gov](mailto:kristen@miamibeachfl.gov)>, "Levine, Philip" <[PhilipLevine@miamibeachfl.gov](mailto:PhilipLevine@miamibeachfl.gov)>, David Friedman 3-B <[d.friedman@louisnewman.com](mailto:d.friedman@louisnewman.com)>

All  
I have been asked to forward this message to you all  
thank you and regards  
cesar buia

----- Forwarded message -----

From: **David Friedman** <[d.friedman@louisnewman.com](mailto:d.friedman@louisnewman.com)>  
Date: Tue, Jul 11, 2017 at 6:18 PM  
Subject: 5775Collins  
To: Niambi Emanuel Royal Embassy <[niambi.royalembassy@gmail.com](mailto:niambi.royalembassy@gmail.com)>, Cesar Buia <[cesarbuia@gmail.com](mailto:cesarbuia@gmail.com)>  
Cc: Krunch <[thekrunchster@yahoo.com](mailto:thekrunchster@yahoo.com)>, [savecollinsavenue@gmail.com](mailto:savecollinsavenue@gmail.com)

I've tried numerous times to email to the people whose emails are listed on the postcard. All bounce back.

Kindly forward on our behalf to the proper individuals. Thanks

Dear honored members of DRB and respected Miami Beach government officials;

I'm aware that you've received many emails with regards to the proposed huge tower at 5775 Collins Ave.

I would like to add my wife's and my own , thoughts and feelings to the chorus of protests that have already been voiced.

We are currently "snowbirds" who come very often to MB.

We have just come to visit for the July 4 holiday and have realized , with horror, what is being planned across the street from our building at 5750 Collins Ave.

Although, our condo faces the bay , we are nevertheless deeply concerned about the impact on our property , and neighborhood, this overwhelming development will have.

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It's also very important for us to have easy access to the beach, for which their plan doesn't provide.

We understand the developer has invested lots of money and is looking forward to a nice return, but it should not be at OUR expense.

We thank you for your kind consideration of our deep concerns.

We greatly appreciate your efforts and service to our wonderful town .

You have been doing a commendable job, under at times, difficult and complicated circumstances. We are confident that you will once again do so , with regard to 5775 Collins Ave.

Thanks again ,

David and Karen Friedman  
5750 Collins Ave.  
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Sent from my iPhone 7+  
Mobile (516) 220-5531

David Friedman  
Louis Newman & Co/JBA  
Sent from my iPhone 7+  
Mobile (516) 220-5531

## Murphy, James

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**From:** Matthew Abramowitz <matthewabramowitz@gmail.com>  
**Sent:** Wednesday, July 12, 2017 8:12 AM  
**To:** Murphy, James  
**Subject:** 5775 Collins

Hi James,

I want to thank you for deferring action at the June 7th meeting regarding the new building proposed at 5775 Collins Avenue. I am the current owner at 5700 Collins avenue (Apt 6N) which faces the ocean and the new proposed building will directly block our view of the ocean. I understand the June 7th meeting was a bit contentious and I know how frustrating those meeting can get - so thank you for handling it well!

With that being said (and the fact that I cannot attend meeting due to work), please know that I am completely against the new construction if it will obstruct our view (and that of all residents facing the ocean on the North side of the building) and not provide additional beach access.

Please feel to reach out with any questions or concerns,

Thanks in advance for your time in regards to this matter.

Thanks,  
Matt Abramowitz

## Murphy, James

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**From:** Melissa Berthier <mail4melissa@gmail.com>  
**Sent:** Monday, August 28, 2017 10:09 PM  
**To:** jbodnar-drb@jbodnar.com; kphang@bergersingerman.com; annabel delgado;  
jturchin@turchinserver.com; Mike S; Deena Bell Llewellyn; Elizabeth Camargo  
**Cc:** Levine, Philip; Aleman, John; Steinberg, Micky; Arriola, Ricky; Malakoff, Joy; Grieco,  
Michael; Rosen Gonzalez, Kristen; Murphy, James  
**Subject:** A Final Plea- 5775 Collins Avenue

Dear Miami Beach Design Review Board members,

I am once again reaching out to you with a final plea to consider requiring the new owner of 5775 Collins Avenue to change their proposed orientation, which is destructive to the preservation of view corridors, light and air in the city's Mid Beach oceanfront environment. In addition, public beach access must be created to follow the city's Comprehensive Plan that rightfully places a high value on waterfront pedestrian access. As we can all appreciate, the ocean is this city's greatest public asset. Couple this with the existing lifeguard tower at 57 Street, and this request seems like a no brainer.

I would also like to share that I have NOT been personally approached by the developer's team until this past Saturday as I was leaving a restaurant in Downtown Miami with my two young daughters. I was stopped by a gentleman that was eating at a nearby table, whom I had never seen nor communicated with. He called me by my name and identified himself as working for the 5775 Collins developer. The brief exchange initially rattled me, as I was left wondering how this person recognized me.

In addition, the Bercow Radell Fernandez & Larkin group made the following public records request a few weeks back: "a record request to receive all of the e-mails and letters you have received on 5775 Collins Avenue, particularly any e-mails from Melissa Berthier."

I am not certain the benefit of specifically mentioning my name, and I suppose it could be read as an intimidation technique as I am also (and proudly) a City of Miami Beach employee. I am confident the attorneys will follow up with an additional public records request and I look forward to them reading this email.

I write this note to each of you with more determination than ever for wanting something beautiful and responsible to be built at 5775 Collins that will not obliterate two important view corridors and that will allow for a public beach entrance, lifeguard tower benefits and easy access to the upcoming beachwalk for hundreds of families. It is also a shame that the developer's team did not heed the DRB's advice on June 6 to engage with the neighborhood. They've had three months, but clearly more time is needed on their end.

Thank you for your time and consideration, it is much appreciated.

Sincerely,  
Melissa Berthier  
5750 Collins Avenue, 16J

**Murphy, James**

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**From:** heidi Caine <honor.caine@gmail.com>  
**Sent:** Tuesday, August 29, 2017 8:38 AM  
**To:** heidi Caine  
**Subject:** Public Beach Access Request- 5775 Collins Development Project

August 29, 2017

Dear Miami Beach Design Review Board Members,

I am writing to express my interest in a direct pedestrian access, from the sidewalk to the beach, at the proposed development at 5775 Collins. The ocean belongs to all of us, not just those who purchased property adjacent to it. Without a pedestrian public access, our path to the ocean from this site is regarded as trespassing, which is not the intent, but is the unintended consequence when not provided for the community on Collins. There are no public parking lots anywhere close to this site, so the pedestrian access would primarily be used by the neighbors residing adjacent to this address.

There is precedence to allow for this, the Bath Club and Mei are good examples. The city recently placed a lifeguard tower at 57 Street which indicates that the City recognizes the need in this densely populated section of Collins. I respectfully request the Design Review Board Members consider this request favorably.

Thank you.

Honor Caine  
President Ashley Condominium Association

***Heidi Caine***  
***5640 Collins Avenue #4C***  
***Miami Beach, FL***  
***33140***  
***786-942-6427***  
***Honor.caine@gmail.com***

# SAVAGE ∞ LEGAL

2121 PONCE DE LEON BOULEVARD, SUITE 900  
CORAL GABLES, FLORIDA 33134  
WWW.SAVAGELEGAL.COM

Paul C. Savage  
Tel. 305.444.7188  
Fax 305.444.7186  
Paul@SavageLegal.Com

August 31, 2017

**BY EMAIL (jmurphy@miamibeachfl.gov)**

Design Review Board  
c/o James Murphy  
Chief of Urban Design  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, Florida 33139

**Re: DRB File No. 17-0131 on the Project Proposed at 5775 Collins Avenue, Miami Beach, Florida (the "Project")**

Dear Honorable Members of the Design Review Board and Mr. Murphy:

I am writing on behalf of the Royal Embassy Condominium Association, Inc. ("Royal Embassy") in opposition to the Application and Project referred to above. We agree with the sound analysis of the City's Professional Staff and their recommendation that this item be continued for further modifications to the design to bring it into compliance with the City's development regulations.

The Royal Embassy building is well within the 375-foot notice mail-out radius for the application, and is in fact situated to the immediate West of the proposed project, separated by approximately 140 feet of right-of-way on Collins Avenue. *See Composite Exhibit A*. No other property faces as much direct East-West views of the proposed project across Collins Avenue. *Id.*

Despite Staff's sound recommendations based on the governing Comprehensive Plan and Code requirements, all of which have been clearly and repeatedly enunciated in several iterations of the Staff Report, the Applicants inexplicably remain recalcitrant, and keep flatly asserting that all requirements are met. As the latest Staff Report points out, at least three significant issues of non-compliance are presented by the current design, each will be discussed here, in turn.

**I. The City's Governing Comprehensive Plan Mandates that Public Pedestrian Access to the Oceanfront "Shall be Required."**

As the "constitution" of the City's land development regulations, the City's Comprehensive Plan serves as the City's highest source of land development regulation. *E.g., Citrus County v. Halls River Development*, 8 So. 3d 413, 420 (Fla. 5th DCA 2009) ("The comprehensive plan is similar to a constitution for all future development within the governmental boundary."). The City's Comprehensive Plan is a creature of statute. *See* §163.3161, *et. seq.*, Fla.



Stat. (2016) (Community Planning Act). The City's Comprehensive Plan is in fact required by statute. §163.3167(2), Fla. Stat. (2016) ("Each local government shall maintain a comprehensive plan."). The State's Community Planning Act provides in the legislative intent recitations: "It is the intent of this act that adopted comprehensive plans shall have the legal status set out in this act and that no public or *private development shall be permitted* except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act." §163.3161(6), Fla. Stat. (2016) (emphasis added).

The Florida Statutes specifically require that each local government include a comprehensive plan policy element going to public access to beaches, as follows: "A recreation and open space element indicating a comprehensive system of public and private sites for recreation, including, but not limited to, natural resources, parks and playgrounds, parkways, beaches and *public access to beaches*, open spaces, waterways, and other recreational facilities." §163.3177(6)(d), Fla. Stat. (2016) (emphasis added). Moreover, the comprehensive plan for the State of Florida itself includes an express policy to "ensure the public's right to reasonable access to beaches." §187.201(8)(b)(2), Fla. Stat. (2016).

Review of the pending application for consistency with the City of Miami Beach's Comprehensive Plan is part of the regulatory charge of the City's Professional Staff and this Board, as is reflected on page 3 of the latest Staff Report. Unfortunately, the proposed project's lack of public pedestrian beach access renders it hopelessly *inconsistent* with the Comprehensive Plan. The most relevant provisions are from Chapter 7: Recreation and Open Space Element, as follows:

**Policy 1.5.** Waterfront access in residential development: Public pedestrian access to Biscayne Bay, all shorelines, *and the oceanfront shall be required*, in compliance with applicable law, in the review of proposed residential developments.

**Policy 1.6.** Pedestrian Access to Shoreline: Public pedestrian access shall be required in compliance with applicable law incident to the development of properties for nonresidential uses *unless waived at the time of plan review* whether at any of the land use boards or staff approval.

Comprehensive Plan at Page ROS-1 (emphases added) (Selected Provisions of the Comprehensive Plan are attached hereto as Composite **Exhibit B**).

First and foremost, the requirement for residential development is mandatory. The pedestrian access requirement in Policy 1.5 is prefaced with the word "shall," and the Florida Supreme Court has held, unremarkably, that "shall" when used in statutes or regulations is mandatory, in accordance with that word's plain and obvious meaning. *E.g., Smith v. State*, 204 So. 3d 18, 21 (Fla. 2016).

Second, this mandatory requirement may not be waived or decided on a case-by-case basis. The text in Policy 1.5 governing residential development, on the one hand, and the language in the very next Policy 1.6 governing non-residential development, on the other hand, evidences a purposeful and knowing legislative intent to allow for a waiver for non-residential projects, but *not* to allow any waiver of the mandatory requirement for residential developments.

Under this City's statutorily-mandated Zoning "Constitution," the pedestrian access requirement "shall" be imposed for the benefit of all citizens and imposed upon all new residential projects, whether on "Biscayne Bay" or "all shorelines," and consequently must be followed and implemented for this project as well.

Finally, the Comprehensive Plan's beach access Policy is in place to further and protect critical rights of the citizens of Miami Beach, and it was duly adopted for the benefit and protection of all of the citizens of Miami Beach. The residents of the City of Miami Beach have every political and legal expectation that it will be enforced. The public policy underpinning this critical requirement is not merely academic. As page 9 of the report by the City's Professional Staff points out, the five residential buildings on the western side of Collins Avenue represent approximately *715 families* who will benefit from the correct application of the City's Comprehensive Plan Policy 1.5 requiring pedestrian oceanfront access. Finally, the addition of a beach access point at this location dovetails with the City's recent addition of its lifeguard tower immediately behind the proposed project.

## **II. The Proposed Orientation of the Applicant's Building Destroys View, Light, and Breeze Corridors Contrary to the Design Criteria and Guidelines.**

Page 9 of the Staff Report discusses the requirements of the Design Review Criteria going to the preservation of view corridors from Collins Avenue, and from the Atlantic Ocean, as well as to allow "sunlight and ocean breezes." In fact, page 14 of the Design *Guidelines* titled "Oceanfront and Bayfront" provides as the very first requirement: "Buildings should provide view/light/breeze corridors to the ocean or bay." **Exhibit C.**

The applicant has been repeatedly admonished for replacing the existing East/West oriented Marlborough House (which presently affords ample view and breeze corridors) with its proposed North/South oriented project, as it contributes to the much maligned and detested "condo canyon" effect of walling off the Atlantic Ocean. Yet, they stubbornly refuse to modify the design. While the enforcement of this Criterion is for the benefit of all of the citizenry, including those who may enjoy an East/West view from boating on the Atlantic Ocean, this requirement is particularly critical to my clients, who reside just across Collins Avenue to the immediate West of the proposed project.

The City's Professional Staff, who possess special expertise in the construction and application of the Code-based Design Criteria, have in their Report identified Criterion Nos. 5, 6, 8, 9, 12, 15 and 19 as *not satisfied* by the current version of the application. We adopt and assert each of these reasons for following the Staff Recommendation to continue this application. The Staff Report, of course, constitutes substantial competent evidence in support of the Board's decision.

## **III. The Proposed Subterranean Parking Garage Makes the City *Less* Resilient to Impacts From Sea Level Rise.**

The Design Review Criteria in the City's controlling Code was recently amended to add the following additional criterion No. 19, providing: "The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable." The referenced

criteria for recommendations include: "(1) whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections; and (2) whether the proposal will increase the resiliency of the City with respect to sea level rise."

A subterranean parking garage situated in a building fronting the Atlantic Ocean and lying directly across Collins Avenue from my clients' homes presents an unacceptable risk of flooding in the event of sea level rise or storm surge event. Instead of increasing sea level rise resiliency and safety as required by the new Criterion No. 19, the proposed design unacceptably diminishes both. With the increasing danger of flooding posed by sea level rise, storm surge, and rain events, as so recently demonstrated by Hurricane Harvey in Texas, the proposed underground garage wastes a unique opportunity to harden our infrastructure against these dangers, instead of increasing risk and vulnerabilities to this and nearby properties. In fact, the Staff Report states on pages 6 and 7 that the application does *not* comply with Sea Level Rise and Resiliency Criteria.

For all of the foregoing reasons, and all of the reasons set forth in all iterations of the Staff Report, as well as all of the public comment and letters placed into the public record in opposition to this application, we respectfully request that the Board follow the recommendation of the City's Professional Staff and *continue* this application so that the applicants can undertake the work necessary to bring the application within the clear confines of the City's Comprehensive Plan, Design Criteria, Design Guidelines, Sea Level Rise and Resiliency Criteria, and all other applicable land development regulations.

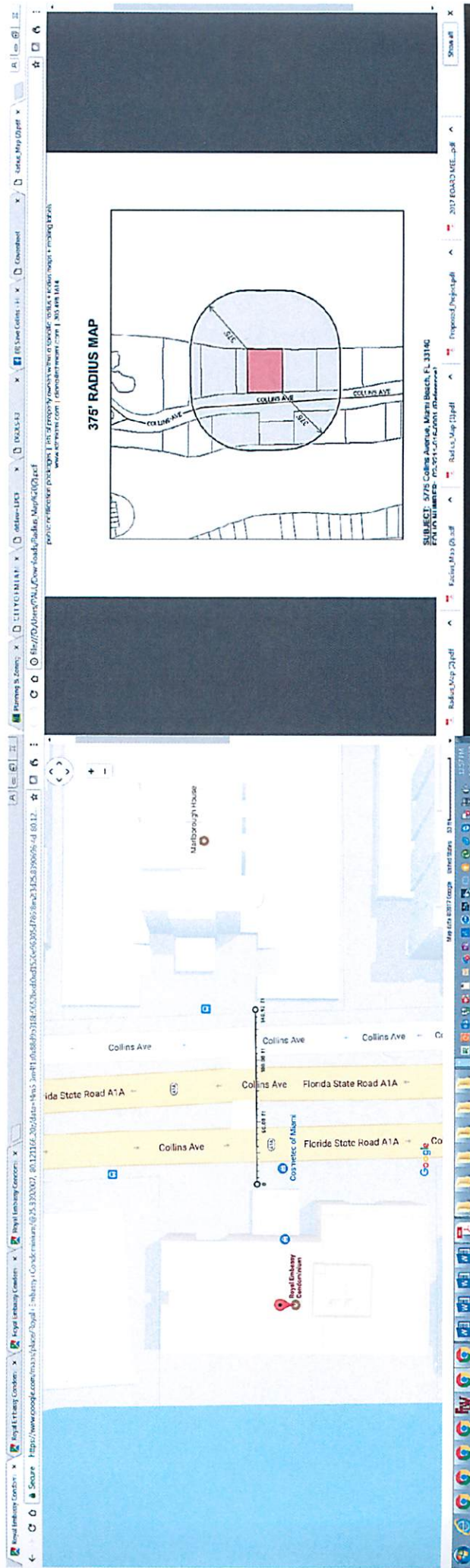
Sincerely,

A handwritten signature in blue ink, appearing to read "Paul C. Savage", with a long horizontal flourish extending to the right.

Paul C. Savage, Esq.

cc: Royal Embassy Condominium, Inc.

## **COMPOSITE EXHIBIT A**





[illegible]

## **COMPOSITE EXHIBIT B**

# **CONSERVATION/COASTAL ZONE MANAGEMENT**

## **GOAL:**

**Provide public improvements and restrict development activities that would damage or destroy coastal resources, protect human life and limit public expenditures in areas subject to destruction by natural disasters in a manner maintaining or improving the marine and terrestrial animal habitats, vegetation, land, air, water, and the visual, aesthetic quality of Miami Beach for present and projected, future populations.**

## **OBJECTIVE 1: BEACH AND DUNES**

Use established standards so that there are zero new man-made structures which adversely impact beach or dune system; also restore altered beaches or dunes by implementing the following policies.

### **Policy 1.1**

Continue cooperative program with U.S. Army Corps of Engineers for beach re-nourishment when it becomes necessary. Where beach restoration or re-nourishment is necessary, the project should be designed and managed to minimize damage to the offshore grass flats, terrestrial and marine animal habitats and dune vegetation.

### **Policy 1.2**

Beaches shall be stabilized when necessary by the County program of planting appropriate dune vegetation; pedestrian impacts shall be minimized by providing on-grade footpaths where feasible. All subsequent activities on or bordering the restored beach shall be compatible with beach maintenance; the City will continue to cooperate with the County.

### **Policy 1.3**

The City shall not issue permits (when it has jurisdiction) for borrow areas for beach restoration or re-nourishment projects to be located in areas that directly affect offshore reefs or grass flats.



**Policy 1.4**

Discourage non-water oriented activities and developments from encroaching on beach front parks, new beach areas and dunes by continuing to designate the beach as a Conservation-Protected Area on the Future Land Use Map.

**Policy 1.5**

The City shall apply for State and Federal grants to include shoreline features such as pedestrian walkways which are designed to minimally impact beach or dune systems on public property; ensure the public access requirements of the Coastal Zone Management Act, as amended, and continue to provide development regulations and incentives for such features on private property in the Land Development Regulations of the City Code.

**Policy 1.6**

The use of causeways, road rights-of-way and canal easements at shorelines shall continue to be expanded to provide public access for water-dependent and water-related activities and to protect public access to beaches re-nourished with public funds.

**Policy 1.7**

Coordinate with local, state, and federal agencies regarding mandates for no further dredging or filling that may result in the destruction of grass/algal flats, hard bottom or other benthic communities shall be permitted in any waters within the City limits of Miami Beach.

**Policy 1.8**

Water conserving irrigation and other landscape practices such as xeriscape shall be incorporated into the Design Review Board guidelines where public water is used to water lawns, golf courses and landscaped green spaces.

## **RECREATION AND OPEN SPACE ELEMENT**

### **GOAL:**

**Develop and Maintain a Comprehensive System of Parks and Recreational Open spaces to Meet the Needs of the Existing and Future Population by Maximizing the Potential Benefits of Existing Facilities and Open Space While Encouraging the Preservation and Enhancement of the Natural Environment.**

### **OBJECTIVE 1: WATERFRONT PARKS**

Preserve beach parks and complete a program of improved park access to water-related recreation activities and facilities.

#### **Policy 1.1**

Complete the beachfront park walkway promenade system along the Atlantic Ocean.

#### **Policy 1.2**

Improve the Collins Canal as a pedestrian linear park and boating waterway through the proposed City Center/Historic Village Redevelopment Area program.

#### **Policy 1.3**

Preserve and enhance the new beachfront access and parking facility at Pier Park.

#### **Policy 1.4**

The City shall continue to replant and maintain Brittany Bay Park as necessary with native or other appropriate vegetation in order to maintain a clear view of Indian Creek Waterway from the Park.

#### **Policy 1.5**

Waterfront access in residential development: Public pedestrian access to Biscayne Bay, all shorelines, and the oceanfront shall be required, in compliance with applicable law, in the review of proposed residential developments.

#### **Policy 1.6**

Pedestrian Access to Shoreline: Public pedestrian access shall be required in compliance with applicable law incident to the development of properties for non-residential uses unless waived at the time of plan review whether at any of the land use boards or staff approval.

**OBJECTIVE 2: LEVEL OF SERVICE STANDARDS**

Ensure that parks and recreational facilities are adequately and efficiently provided by enforcing the following level of service standards and related guidelines through the concurrency management system.

**Policy 2.1**

The National Recreation and Park Association's suggested minimum requirement for recreation and open space ten (10) acres of recreation and open space per one thousand (1,000) permanent and seasonal<sup>1</sup> residents is established as the minimum Level of Service Standard for the entire system to ensure adequate provisions are maintained for the projected population.

**Policy 2.2**

For recreational facilities only, the minimum Level of Service Standard shall be 6.0 acres per one thousand (1,000) permanent and seasonal<sup>2</sup> residents; this requirement excludes public landscape open space and the Atlantic beachfront area.

**Policy 2.3**

The minimum level-of service standard for each facility type shall be based on a minimum number of units per population, permanent and seasonal,<sup>3</sup> by specific facility types as follows:

Facility Type	Minimum Number Required
Swimming Pool	1 per 50,000 persons
Golf Course (min. 9 holes)	1 per 50,000 persons
Basketball Court	1 per 7,000 persons
Tennis court	1 per 3,000 persons
Multiple-Use Court's (shuffle, bocce, etc.)	1 per 4,000 persons
Designated Field Area (baseball, Softball, soccer, etc.)	1 per 10,000 persons
Tot Lots	1 per 10,000 persons
Vitacourse	1 per 40,000 persons
Boat Ramp	1 per 100,000 persons
Outdoor Amphitheater	1 per 50,000 persons
Activity Building for Multiple Uses	1 per 10,000 persons

**Policy 2.4**

The city should continue to update the parks' master plan to address capacity improvement deficiencies.

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<sup>1</sup> As the seasonal population primarily utilizes private recreation and open space facilities, 20 per cent of the actual total seasonal population is used to determine demand for public recreation and open space facilities.

<sup>2</sup> See footnote 1 above.

<sup>3</sup> See footnote 1 above.

### **OBJECTIVE 3: COORDINATION OF PUBLIC AND PRIVATE RESOURCES**

The City of Miami Beach shall continue to work with public agencies, such as Metro-Dade County Department of Environmental Resources Management, the Army Corps of Engineers, the Florida Department of Environmental Protection and private sector organizations and corporations, through the zoning process, to enhance and improve existing recreation/open space facilities in Miami Beach.

#### **Policy 3.1**

The City should continue to improve landscaping along 17<sup>th</sup> Street and other streets entering into convention center district as a part of the new redevelopment project in this area.

#### **Policy 3.2**

A landscaping program shall be included as part of the repaving and other improvements to the Alton Road corridor south of Dade Boulevard.

#### **Policy 3.3**

Continue to provide specific private open space definitions and requirements in the Land Development Regulations of the City Code.

#### **Policy 3.4**

The City of Miami Beach shall inform Miami-Dade County and the Army Corps of Engineers when maintenance re-nourishment of the beach is necessary.

#### **Policy 3.5**

The City of Miami Beach shall continue to use the Land Development Regulations of the City Code as standards and incentives which encourage private sector development projects to landscape required open space, develop private recreation facilities on site, and through the impact fee requirement, contribute to the enhancement of adjacent public recreation and open space.

#### **Policy 3.6**

The City of Miami Beach shall continue to apply for grant funds from various sources, including Federal, State and County agencies and private providers, for the improvement of public recreation and open space, including, but not limited to nature trails or boardwalks, greenways, waterway trails, interpretive displays, educational programs, wildlife observation areas, or picnic areas.

#### **Policy 3.7**

The City of Miami Beach shall support State landscape and recreational improvements on the causeways connecting Miami Beach to the mainland, including I-195 (the Julia Tuttle Causeway) and I-395 (the MacArthur Causeway).



#### **OBJECTIVE 4: OPEN SPACE**

To require open space in conjunction with every new public and private sector development project (measurability dependent upon development applications).

##### **Policy 4.1**

The City Land Development Regulations shall continue to provide side, front and rear minimum setback requirements to insure that all non-commercial development projects have property available for recreation and open space.

##### **Policy 4.2**

The Land Development Regulations of the City Code shall continue to provide some open space in conjunction with all new commercial development projects through setback or other requirements.

##### **Policy 4.3**

The City of Miami Beach public property shall continue to be subject to the open space and setback requirements of adjacent private properties pursuant to the Land Development Regulations of the City Code.

##### **Policy 4.4**

The Recreation and Open space Future Land Use category shall continue to be used to preserve the ocean beach and adjacent parks, the City's principal open space/passive park resource system.

##### **Policy 4.5**

To ensure environmental sustainability, protection of natural areas and quality of urban life the city shall continue to protect publicly accessible urban greenspace and scenic open space vistas.

## **OBJECTIVE 5: PUBLIC ACCESS CORRIDORS**

To develop a network of greenways, scenic open space vistas, beachfront promenades, bicycle and pedestrian trails, and multi-purpose public access corridors to waterways, the beach and outdoor recreational opportunities in order to preserve natural ecosystems and to enhance the quality of urban life.

### **Policy 5.1**

The City shall continue to implement the Atlantic Greenway Corridor Initiative which includes, but is not limited to, implementing the following projects: the Indian Creek Greenway Corridor; North Beach Recreational Corridor, Bath Club Historic Site Corridor and Scenic Vista; Beach Walk Corridor; Dade Boulevard Corridor; Collins Canal Reconstruction; Venetian Way Corridor; Lummus Park Corridor; South Beach Corridor; South Pointe Corridor and Bay Walk Corridor.

### **Policy 5.2**

The City shall acquire and display interpretive signage throughout the City's greenways to provide historical, cultural and environmental information about the area to the general public.

## **EXHIBIT C**

## OCEANFRONT AND BAYFRONT

1. Buildings should provide view/light/breeze corridors to the ocean or bay.
2. Building pedestal should not form a continuous sheer wall along the beach. Decorative surfaces, multi-level decks, berming and sufficient setbacks shall reduce the impact of the pedestal.
3. Because of greater viewing distances and the high visibility, it is particularly important that buildings be designed with a distinctive form. Stepped form and distinctive roof lines create a more interesting skyline and increase building recognition.
4. Pool decks should include landscaping to provide shade and tropical image.
5. All oceanfront projects should include a dune district landscape plan. This plan should:
  - a. utilize native/adaptive oceanfront species
  - b. wood or wood-like construction only
  - c. lighting
  - d. retain the beach character, sod should not extend seaward of the bulkhead line.
6. Where possible, projects are encouraged to provide walkways along the rear of the property which can be integrated into the City's Bicycle and Walkway Plan. When necessary, security measures are permitted; however, views towards the bay and ocean are encouraged to be as open as possible.