

MIAMI BEACH

PLANNING DEPARTMENT

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139

File No: _____
Date: _____
MCR No: _____
Amount: _____
Zoning Classification _____
(For Staff Use Only)

STANDARD APPLICATION FORM DEVELOPMENT REVIEW BOARD HEARING

1. The below listed applicant wishes to appear before the following City Development Review Board for a scheduled public hearing: NOTE: This application form must be completed separately for each applicable Board hearing a matter.

- | | |
|---|--|
| <input type="checkbox"/> BOARD OF ADJUSTMENT | <input type="checkbox"/> HISTORIC PRESERVATION BOARD |
| <input checked="" type="checkbox"/> DESIGN REVIEW BOARD | <input type="checkbox"/> PLANNING BOARD |
| <input type="checkbox"/> FLOOD PLAIN MANAGEMENT BOARD | |

NOTE: Applications to the Board of Adjustment will not be heard until such time as the Design Review Board, Historic Preservation Board and/or the Planning Board have rendered decisions on the subject project.

2. THIS REQUEST IS FOR:

- a. ☒ A VARIANCE TO A PROVISION(S) OF THE LAND DEVELOPMENT REGULATIONS (ZONING) OF THE CODE
- b. ☐ AN APPEAL FROM AN ADMINISTRATIVE DECISION
- c. ☒ DESIGN REVIEW APPROVAL
- d. ☐ A CERTIFICATE OF APPROPRIATENESS FOR DESIGN
- e. ☐ A CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A STRUCTURE
- f. ☐ A CONDITIONAL USE PERMIT
- g. ☐ A LOT SPLIT APPROVAL
- h. ☐ AN HISTORIC DISTRICT/SITE DESIGNATION
- i. ☐ AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OR ZONING MAP
- j. ☐ AN AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP
- k. ☐ TO REHAB, TO ADD TO AND / OR EXPAND A SINGLE FAMILY HOME
- l. ☐ OTHER: _____

3. NAME & ADDRESS OF PROPERTY: 1681-1683 West Avenue & 1698 Alton Road

LEGAL DESCRIPTION: Lots 9, 10, 12, 13, and 14 of Alton Beach Realty Company Subdivision, Plat Book 6 at Page 165

4. NAME OF APPLICANT 1681 Ventures, LLC

Note: If applicant is a corporation, partnership, limited partnership or trustee, a separate Disclosure of Interest Form (Pages 6-7) must be completed as part of this application.

<u>19501 Biscayne Blvd., Suite 400</u>	<u>Aventura</u>	<u>Florida</u>	<u>33180</u>
ADDRESS OF APPLICANT	CITY	STATE	ZIP

BUSINESS PHONE # (305) 914-8207 CELL PHONE # _____

E-mail address: rsoffer@turnberry.com

12. TOTAL GROSS FLOOR AREA OF NEW BUILDING (including required parking and all usable floor space) 165,183 SQ. FT.

13. TOTAL FEE: (to be completed by staff) \$ _____

PLEASE NOTE THE FOLLOWING:

- *Applications for any Board hearing(s) will not be accepted without payment of the required fee. All checks are to be made payable to: "City of Miami Beach."*
- *Public records notice: all documentation, application forms, maps, drawings, photographs, letters and exhibits will become a part of the public record maintained by the City of Miami Beach Planning Department and shall under Florida Statute, be disclosed upon proper request to any person or entity.*
- *In accordance with the requirements of Section 2-482 of the Code of the City of Miami Beach, any individual or group (Lobbyist) that has been, or will be, compensated to either speak in favor or against a project being presented before any of the City's Development Review Boards, shall be fully disclosed prior to the public hearing. All such individuals and/or groups must register with the City Clerk prior to the hearing.*
- *In accordance with Section 118-31 of the Code of the City of Miami Beach, all applicants shall, prior to the public hearing, fully disclose any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action (exclusive of all legal or professional design services). Such disclosure shall:*
 1. *Be in writing.*
 2. *Indicate to whom the consideration has been provided or committed.*
 3. *Generally describe the nature of the consideration.*
 4. *Be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board.*

In the event the applicable development review board determines that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and no application from said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.

- *When the applicable Boards reach a decision, a Final Order will be issued stating the Board's decision and any conditions imposed therein. The Final Order must be recorded in the Office of the Recorder of Miami-Dade County; the original shall remain on file with the board clerk/secretary. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded Final Order being tendered along with the construction plans.*

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice) or 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

PLEASE COMPLETE ONE OR MORE OF THE FOLLOWING THREE AFFIDAVITS, AS APPLICABLE. NOTE: THE PROPERTY OWNER MUST FILL OUT AND SIGN THE "POWER OF ATTORNEY" PORTION IF THEY WILL NOT BE PRESENT AT THE HEARING, OR IS HAVING OTHER PERSONS SPEAK ON THEIR BEHALF.

ALTERNATE OWNER AFFIDAVIT FOR
CORPORATION or PARTNERSHIP

(Circle one)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, ROCK SOFFER being duly sworn, depose and say that I am a PRINCIPAL of 1681 WEST VENTURES, LLC and as such, have been authorized by such entity to file this application that all answers to the questions in the application and all sketches, data and other supplementary matter attached to and made a part of the application are true and correct to the best of our knowledge and belief; that the corporation is the owner/tenant of the property described herein and is the subject matter of the proposed hearing. We understand this application must be completed and accurate before a hearing can be advertised. I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a NOTICE OF PUBLIC HEARING on the property as required by law and I take the responsibility of removing this notice after the date of hearing.

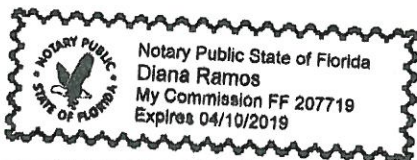
ROCK SOFFER
PRINT NAME

[Signature]
SIGNATURE

Sworn to and subscribed before me this 24 day of August, 2015. The foregoing instrument was acknowledged before me by R. Soffer, who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires:



[Signature]
Diana Ramos
NOTARY PUBLIC
PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR
CORPORATION or PARTNERSHIP

(Circle one)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, ROCK SOFFER being duly sworn, depose and say that I am a PRINCIPAL of 1698 ALTON ROAD VENTURES, LLC and as such, have been authorized by such entity to file this application that all answers to the questions in the application and all sketches, data and other supplementary matter attached to and made a part of the application are true and correct to the best of our knowledge and belief; that the corporation is the owner/tenant of the property described herein and is the subject matter of the proposed hearing. We understand this application must be completed and accurate before a hearing can be advertised. I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a NOTICE OF PUBLIC HEARING on the property as required by law and I take the responsibility of removing this notice after the date of hearing.

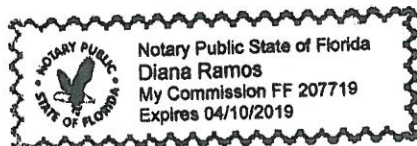
ROCK SOFFER
PRINT NAME

[Signature]
SIGNATURE

Sworn to and subscribed before me this 24 day of August, 2015. The foregoing instrument was acknowledged before me by R. Soffer, who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires:



[Signature]
Diana Ramos
NOTARY PUBLIC
PRINT NAME

POWER OF ATTORNEY AFFIDAVIT

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

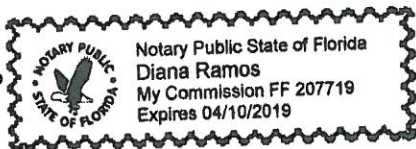
I, ROCK SOFFER being duly sworn, being duly sworn and depose say that I am the owner or representative of the owner of the described real property and that I am aware of the nature and effect of the request for DESIGN REVIEW APPROVAL relative to the subject property, which request is hereby made by me OR I am hereby authorizing BERCOW, RADELL, & FERNANDEZ, PLLC to be my representative before the DESIGN REVIEW Board. I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a NOTICE OF PUBLIC HEARING on the property as required by law and I take the responsibility of removing this notice after the date of hearing.

ROCK SOFFER
PRINT NAME

[Signature]
SIGNATURE

Sworn to and subscribed before me this 24 day of August, 2015. The foregoing instrument was acknowledged before me by R. Soffer of _____ who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires

[Signature]
NOTARY PUBLIC
Diana Ramos
PRINT NAME

CONTRACT FOR PURCHASE

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether the purchaser is a corporation, trustee or partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries or partners. Where the principal officers, stockholders, beneficiaries or partners consist of another corporation, trust, partnership or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships or trusts, list all individuals and/or complete the appropriate disclosure clause above.*

NAME

DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

% OF STOCK

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the dates of final public hearing, a supplemental disclosure of interest shall be filed.

**CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION**

DISCLOSURE OF INTEREST

1. CORPORATION

If the property which is the subject of the application is owned or leased by a CORPORATION, list ALL of the stockholders, and the percentage of stock owned by each. Where the stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

See Exhibit A

CORPORATION NAME

NAME AND ADDRESS

% OF STOCK

CORPORATION NAME

NAME AND ADDRESS

% OF STOCK

IF THERE ARE ADDITIONAL CORPORATIONS, LIST OTHERS, INCLUDING CORP. NAME(S) AND EACH INDIVIDUAL STOCKHOLDER'S NAME, ADDRESS, OFFICE AND PERCENTAGE OF STOCK, ON A SEPARATE PAGE.

NOTE: Notarized signature required on page 8

2. TRUSTEE

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. Where the beneficiary/beneficiaries consist of corporations(s), another trust(s), partnership(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

TRUST NAME	
NAME AND ADDRESS	% OF STOCK

3. PARTNERSHIP/LIMITED PARTNERSHIP

If the property which is the subject of the application is owned or leased by a PARTNERSHIP or LIMITED PARTNERSHIP, list the principals of the partnership, including general and limited partners. Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

PARTNERSHIP or LIMITED PARTNERSHIP NAME	
NAME AND ADDRESS	% OF STOCK

NOTE: Notarized signature required on page 8

4. COMPENSATED LOBBYIST:

4. COMPENSATED LOBBYIST:

The City of Miami Beach Code sub-section 118-31 requires the disclosure of any individual or group which has been, or will be, compensated to either speak in favor of or against a project being presented before any of the City's Development Review Boards, or not to speak at all. Please list below all persons or entities encompassed by this section.

NAME	ADDRESS	PHONE #
a. Carlos Touzet	65 NW 24th Street, Unit 108, Miami, Florida 33127	(305) 789-2870
b. Michael Larkin	200 S. Biscayne Blvd., Suite 850 Miami, FL	(305) 374-5300
c. Michael Marrero	200 S. Biscayne Blvd., Suite 850 Miami, FL	(305) 374-5300

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

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

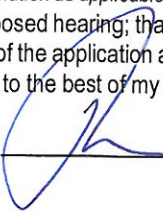
APPLICANT HEREBY ACKNOWLEDGES THAT ANY APPROVAL GRANTED BY THE BOARD SO APPLIED TO, SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND THAT THE PROJECT MUST ALSO COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE LAW.

APPLICANT AFFIDAVIT

STATE OF FLORIDA

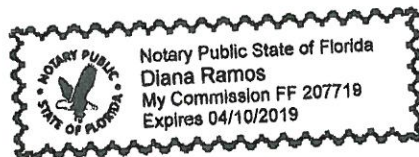
COUNTY OF MIAMI-DADE

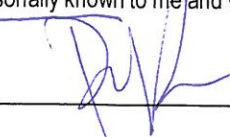
I, ROCK SOFFER / 1681 VENTURES, LLC, (list name of corporation and office designation as applicable) being first duly sworn, depose and say that I am the applicant, or the representative of the applicant, for the subject matter of the proposed hearing; that all the answers to the questions in this application and all sketches, data and other supplementary matter attached to and made a part of the application and the disclosure information listed on this application is a full disclosure of all parties of interest in this application are true and correct to the best of my knowledge and belief.


SIGNATURE

Sworn to and subscribed before me this 24 day of August, 2015. The foregoing instrument was acknowledged before me by R. Soffer, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



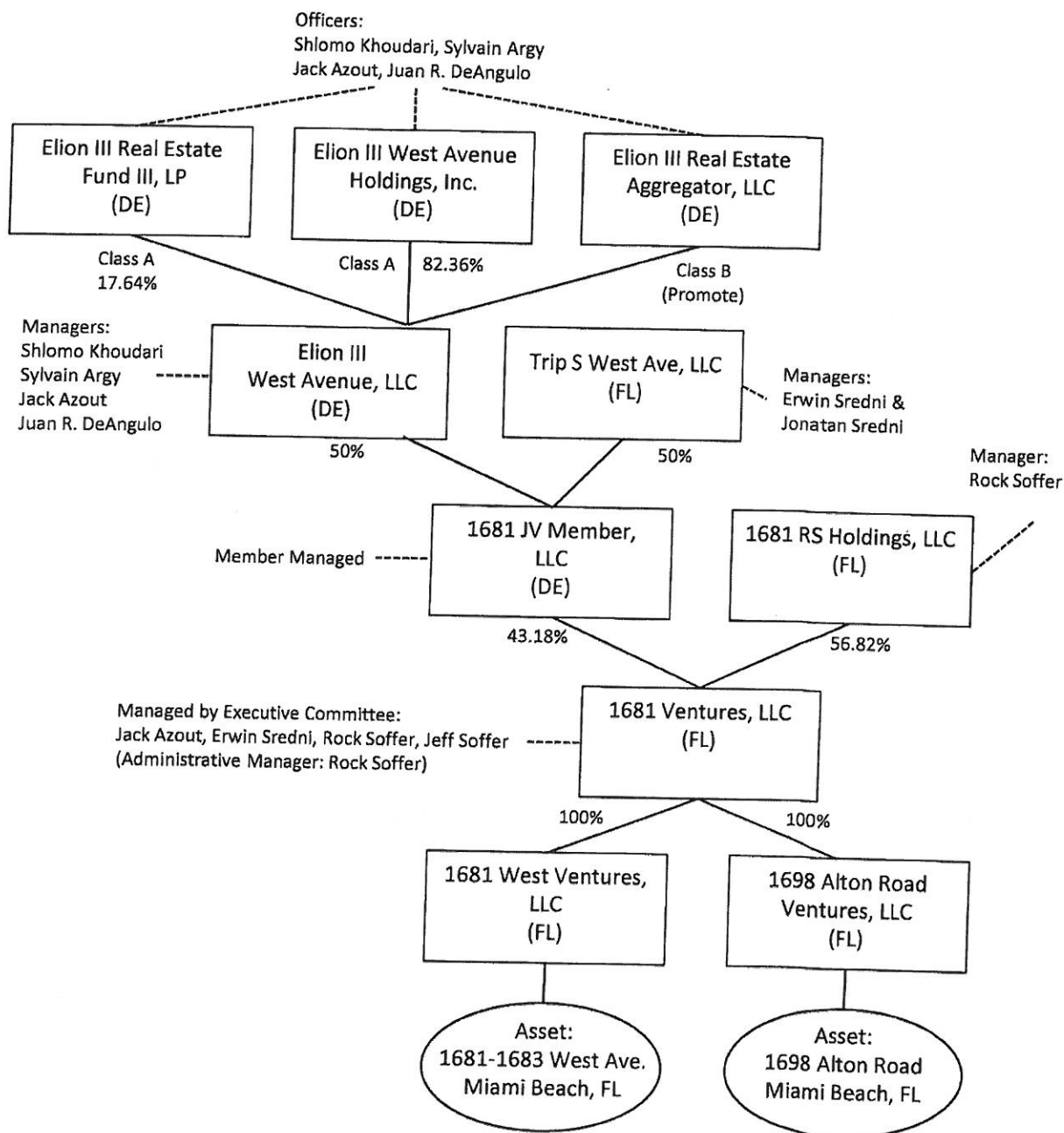

NOTARY PUBLIC
Diana Ramos
PRINT NAME

My Commission Expires:

F:\PLAN\5ALL\FORMS\DEVELOPMENT REVIEW BOARD APPLICATION JUL 2013.DOCX

Exhibit A

1681 Ventures, LLC Structure Chart



For the following entities:

- 1681 Ventures, LLC
- 1681 West Ventures, LLC
- 1698 Alton Road Ventures, LLC
- 1681 RS Holdings, LLC

The registered business address is:

19501 Biscayne Boulevard, Suite 400
Aventura, FL 33180
(305) 914-8207

All other listed entities listed in this exhibit have a registered address of:

2875 NE 191st Street, Suite 800
Aventura, FL 33180
(305) 933-3538



BERCOW RADELL & FERNANDEZ

ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6238
E-Mail: MMarrero@BRZoningLaw.com

VIA HAND DELIVERY

March 14, 2016

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

Re: Design Review Approval for the Property located at 1681 West Avenue

Dear Tom:

This law firm represents 1681 Ventures, LLC (the "Applicant") in its application concerning the parcels located at 1681-1683 West Avenue and 1698 Alton Road (the "Property"). Please consider this letter the Applicant's letter of intent in support of a design review approval before the Design Review Board.

Property Description. The Property is located on 17th Street between West Avenue and Alton Road, and is identified by Miami-Dade County folio nos.: 02-3234-017-0200, 02-3233-017-0040 and 02-3233-017-0030. The Property is comprised of 39,318 square feet or approximately 0.90 acres, and currently serves as a surface parking lot and the former Shell gas service station. The Applicant recently submitted an application, identified as Planning Board File No. 2284, seeking conditional use approval for the construction of a project exceeding 50,000 square feet.

Proposed Development Program. The Applicant is proposing a five-story mixed-use 78,620 square foot structure including a ground floor commercial space, featuring a grocery store with additional retail units. Above the ground floor commercial uses, the 2nd through 4th floors will contain 204 parking spots serving the constituent uses, including a surplus of 13 parking spaces above the parking requirement. The 2nd and 3rd parking levels will be creatively screened by a breathtaking vegetated wall and attractive dimensional screen. The 4th and 5th floors will contain 36 residential units situated along the north, east, and west elevations. The 5th floor will also contain an open-air garden and waterfall pond which open up onto

the rooftop amenity deck, which features a verdant garden, grill area, pool deck and infinity pool.

Besides adding to the area's parking supply, the Applicant will provide an internalized, enclosed loading area—a significant improvement compared to existing retailers' current use of Alton Court for loading space. In addition to the green roof and façades, the project proposes a lively landscape plan with thatch palms, live oak and cassia trees surrounding the Property.

Variance Request. A mixed-use commercial, residential project with on-site parking is consistent with the goals of the comprehensive plan, and the proposed project is predominantly compliant with the regulations for the CD-2 zoning district. However, the Applicant does seek a height variance and several setback variances from the Code:

1. A variance to the maximum permitted height in the CD-2 zoning district.
Maximum: 60'-0" / Proposed: 63'-0"
2. A variance to reduce the required pedestal rear setback for commercial uses.
Minimum: 5'-0" / Proposed: 0'-0"
3. A variance to reduce the required pedestal front setback for residential uses fronting Alton Road. Minimum: 20'-0" / Proposed: 0'
4. A variance to reduce the required pedestal front setback for residential uses fronting West Avenue. Minimum: 20'-0" / Proposed: 0'
5. A variance to reduce the required tower front setback for residential uses fronting Alton Road. Minimum: 33'-0" / Proposed: 0'
6. A variance to reduce the required tower front setback for residential uses fronting West Avenue. Minimum: 33'-0" / Proposed: 0'
7. A variance to reduce the required pedestal street side setback for residential uses fronting 17 Street. Minimum: 12'-0" / Proposed: 0'
8. A variance to reduce the required pedestal sum of the side setbacks for residential uses. Minimum: 24'-0" / Proposed: 0'
9. A variance to reduce the required tower street side setback for residential uses fronting 17 Street. Minimum: 12'-0" / Proposed: 0'
10. A variance to reduce the required tower sum of the side setbacks for residential uses on the south side. Minimum: 25'-4" / Proposed: 0'

Without the variances the building height is limited to 60'-0" and the building would be unable to have the commercial floors be aligned with the higher residential floors.

Pursuant to Sec. 118-353 of the Code, in order to authorize any variance from the land development regulations, the Design Review Board must find that:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;**

The Property consists of a large aggregation of land along the bustling Alton Road corridor and located at one of the City's busiest intersections. In order to amass an underutilized parcel of land stretching the width of one city block, with a project that otherwise observes all other development parameters, it is necessary to increase the height of the structure to provide sufficient parking, and to allow for reduced setbacks in order to realize the potential of a successful retail project. Additionally, rise sea levels have further complicated the development and thus trigger the need for additional height.

The Property is zoned CD-2, and the proposed setbacks would be generally consistent with the CD-2 regulations for commercial uses. However, since the project is mixed-use, the upper residential floors are required to have a different setback. Architecturally, this causes issues with the building and thus necessitates the requested setback variances in order to normalize the building volume.

- (2) The special conditions and circumstances do not result from the action of the applicant;**

Recognizing the inherent issues with traffic, circulation, and parking at the Alton and 17th intersection, the Applicant has specifically designed a building suited for this unique Property. The tall height of the lower floors and the façades alive with vegetation provide for an activated street scene welcoming to pedestrians and passersby. Allowing the Applicant to construct a building slightly taller than permitted by the Code enables the Property to provide excess parking to address the area deficit. Further, the mixed use nature of the project requires the reduction of the setbacks in the ground floor so that the retail is inviting and promotes a better pedestrian experience. As for the setbacks, it is generally the inconsistency between the setback requirements for the commercial and residential uses that is triggering the need for the variances.

- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;**

The Property would not benefit from a special privilege that is not already possessed by other nearby properties. On the contrary, the land development regulations permit variances in useful and practical circumstances that advance sound planning objectives. Through its innovative architecture, context-appropriate density, and diversity of mixed uses, this project typifies responsible infill development and placemaking.

- (4) Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;**

Several adjacent properties have been granted similar variances, even on a larger scale. Given the project's contribution to alleviating the parking problem plaguing the Alton Road corridor, accommodation of the Applicant's modest request is reasonable and within the spirit of the variance process.

- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;**

The dense, mixed-use project will serve to beautify the highly visible Alton and 17th intersection and enhance the public space. The upscale grocery store intended as anchor tenant will provide additional choice and convenience for the abundant multifamily residential uses nearby. The apartment units will offer an exciting new residential option in a vibrant neighborhood whose residential population increases every year.

- (6) The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and**

The Applicant is not proposing any harmful neighborhood impact establishment or undesirable use that results in added noise or nuisance to the neighborhood. A commercial grocer and additional housing and parking that serve Miami Beach residents will contribute to, rather than adversely impact, this important area.

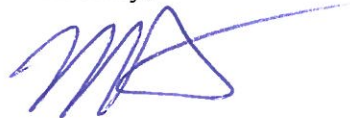
- (7) The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.**

Mr. Thomas Mooney
March 14, 2016
Page 5

The Property is located along the Alton Road commercial corridor, where a larger intensity of uses is encouraged by the Code. With the incorporation of traffic studies, intelligent design, and sufficient parking and loading, the project as proposed is consistent with the policies of the comprehensive plan.

Conclusion. We believe that approval of the proposed request will promote quality development that addresses increasing demand for residential and commercial uses in the Lincoln West neighborhood. The responsible operation and management of the Property will ensure that the Project exemplifies thoughtful planning and well-designed development. We look forward to your favorable review of the Project. Please contact me on my direct line at (305) 377-6238 should you have any questions or concerns.

Sincerely,



Michael J. Marrero