

MIAMI BEACH

PLANNING DEPARTMENT, 1700 CONVENTION CENTER DRIVE, 2ND FLOOR
MIAMI BEACH, FLORIDA 33139, WWW.MIAMIBEACHFL.GOV
305-673-7550

LAND USE BOARD HEARING APPLICATION

THE FOLLOWING APPLICATION IS SUBMITTED FOR REVIEW AND CONSIDERATION OF THE PROJECT DESCRIBED HEREIN BY THE LAND USE BOARD SELECTED BELOW. A SEPARATE APPLICATION MUST BE COMPLETED FOR EACH BOARD REVIEWING THE PROPOSED PROJECT.

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

SUBJECT PROPERTY ADDRESS: 1052 Ocean Drive CUC100, Miami Beach, Florida 33139

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

FOLIO NUMBER (S) 02-4203-302-0900

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

NAME Palace Bar LLC

ADDRESS 1052 Ocean Drive, Miami Beach, Florida 33139

BUSINESS PHONE (517) 230-6003

CELL PHONE N/A

E-MAIL ADDRESS thomasjdonall@yahoo.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME Nakash Strand LLC

ADDRESS 1400 Broadway, 15th Floor, New York, New York 10018

BUSINESS PHONE N/A

CELL PHONE N/A

E-MAIL ADDRESS N/A

2. AUTHORIZED REPRESENTATIVE(S):

☒ ATTORNEY:

NAME James E. Rauh, Esq., Greenspoon Marder, P.A.

ADDRESS 1601 Washington Avenue, Suite 300, Miami Beach, Florida 33139

BUSINESS PHONE 305-789-2732

CELL PHONE 305-510-4077

E-MAIL ADDRESS james.rauh@gmlaw.com

☐ AGENT:

NAME _____

ADDRESS _____

BUSINESS PHONE _____

CELL PHONE _____

E-MAIL ADDRESS _____

☒ CONTACT:

NAME Adrienne R. Grandolfo, Esq., Greenspoon Marder, P.A.

ADDRESS 1601 Washington Avenue, Suite 300, Miami Beach, Florida 33139

BUSINESS PHONE 305-789-2733

CELL PHONE N/A

E-MAIL ADDRESS adrienne.grandolfo@gmlaw.com

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

☒ ARCHITECT ☐ LANDSCAPE ARCHITECT ☐ ENGINEER ☐ CONTRACTOR ☐ OTHER: _____

NAME Jennifer McConney-Gayoso, MCG Architecture & Planning

ADDRESS 7580 Northeast 4th Court, Studio 100, Miami, Florida 33138

BUSINESS PHONE (305) 573-2728

CELL PHONE N/A

E-MAIL ADDRESS jennifer@mcg-architecture.com

FILE NO. PB17-0171

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

Conditional Use Permit for a Neighborhood Impact Establishment consisting of a restaurant with entertainment/dancing and a patron occupant content of 200 or more persons and an Open Air/Outdoor Entertainment Establishment. See also Letter of Intent.

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

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

- A SEPARATE DISCLOSURE OF INTEREST FORM MUST BE SUBMITTED WITH THIS APPLICATION IF THE APPLICANT OR OWNER IS A CORPORATION, PARTNERSHIP, LIMITED PARTNERSHIP OR TRUSTEE.
- ALL APPLICABLE AFFIDAVITS MUST BE COMPLETED AND THE PROPERTY OWNER MUST COMPLETE AND SIGN THE "POWER OF ATTORNEY" PORTION OF THE AFFIDAVIT IF THEY WILL NOT BE PRESENT AT THE HEARING, OR IF OTHER PERSONS ARE SPEAKING ON THEIR BEHALF.
- TO REQUEST THIS MATERIAL IN ALTERNATE FORMAT, SIGN LANGUAGE INTERPRETER (FIVE-DAY NOTICE IS REQUIRED), INFORMATION ON ACCESS FOR PERSONS WITH DISABILITIES, AND ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY CITY-SPONSORED PROCEEDINGS, CALL 305.604.2489 AND SELECT (1) FOR ENGLISH OR (2) FOR SPANISH, THEN OPTION 6; TTY USERS MAY CALL VIA 711 (FLORIDA RELAY SERVICE).

PLEASE READ THE FOLLOWING AND ACKNOWLEDGE BELOW:

- APPLICATIONS FOR ANY BOARD HEARING(S) WILL NOT BE ACCEPTED WITHOUT PAYMENT OF THE REQUIRED FEE. ALL CHECKS ARE TO BE MADE PAYABLE TO THE "CITY OF MIAMI BEACH".
- PUBLIC RECORDS NOTICE – ALL DOCUMENTATION, SUBMITTED FOR THIS APPLICATION IS CONSIDERED A PUBLIC RECORD SUBJECT TO CHAPTER 119 OF THE FLORIDA STATUTES AND SHALL BE DISCLOSED UPON REQUEST.
- IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 2-482 OF THE CODE OF THE CITY OF MIAMI BEACH, ANY INDIVIDUAL OR GROUP THAT WILL BE COMPENSATED TO SPEAK OR REFRAIN FROM SPEAKING IN FAVOR OR AGAINST A PROJECT BEING PRESENTED BEFORE ANY OF THE CITY'S LAND USE BOARDS, SHALL FULLY DISCLOSE, PRIOR TO THE PUBLIC HEARING, THAT THEY HAVE BEEN, OR WILL BE COMPENSATED. SUCH PARTIES INCLUDE: ARCHITECTS, LANDSCAPE ARCHITECTS, ENGINEERS, CONTRACTORS, OR OTHER PERSONS RESPONSIBLE FOR PROJECT DESIGN, AS WELL AS AUTHORIZED REPRESENTATIVES ATTORNEYS OR AGENTS AND CONTACT PERSONS WHO ARE REPRESENTING OR APPEARING ON BEHALF OF A THIRD PARTY; SUCH INDIVIDUALS MUST REGISTER WITH THE CITY CLERK PRIOR TO THE HEARING.

FILE NO. PB17-0171

- IN ACCORDANCE WITH SEC.118-31. - DISCLOSURE REQUIREMENT. EACH PERSON OR ENTITY REQUESTING APPROVAL, RELIEF OR OTHER ACTION FROM THE PLANNING BOARD, DESIGN REVIEW BOARD, HISTORIC PRESERVATION BOARD (INCLUDING THE JOINT DESIGN REVIEW BOARD/HISTORIC PRESERVATION BOARD), OR THE BOARD OF ADJUSTMENT SHALL DISCLOSE, AT THE COMMENCEMENT (OR CONTINUANCE) OF THE PUBLIC HEARING(S), ANY CONSIDERATION PROVIDED OR COMMITTED, DIRECTLY OR ON ITS BEHALF, FOR AN AGREEMENT TO SUPPORT OR WITHHOLD OBJECTION TO THE REQUESTED APPROVAL, RELIEF OR ACTION, EXCLUDING FROM THIS REQUIREMENT CONSIDERATION FOR LEGAL OR DESIGN PROFESSIONAL SERVICES RENDERED OR TO BE RENDERED. THE DISCLOSURE SHALL: (i) BE IN WRITING, (ii) INDICATE TO WHOM THE CONSIDERATION HAS BEEN PROVIDED OR COMMITTED, (iii) GENERALLY DESCRIBE THE NATURE OF THE CONSIDERATION, AND (iv) BE READ INTO THE RECORD BY THE REQUESTING PERSON OR ENTITY PRIOR TO SUBMISSION TO THE SECRETARY/CLERK OF THE RESPECTIVE BOARD. UPON DETERMINATION BY THE APPLICABLE BOARD THAT THE FOREGOING DISCLOSURE REQUIREMENT WAS NOT TIMELY SATISFIED BY THE PERSON OR ENTITY REQUESTING APPROVAL, RELIEF OR OTHER ACTION AS PROVIDED ABOVE, THEN (i) THE APPLICATION OR ORDER, AS APPLICABLE, SHALL IMMEDIATELY BE DEEMED NULL AND VOID WITHOUT FURTHER FORCE OR EFFECT, AND (ii) NO APPLICATION FROM SAID PERSON OR ENTITY FOR THE SUBJECT PROPERTY SHALL BE REVIEWED OR CONSIDERED BY THE APPLICABLE BOARD(S) UNTIL EXPIRATION OF A PERIOD OF ONE YEAR AFTER THE NULLIFICATION OF THE APPLICATION OR ORDER. IT SHALL BE UNLAWFUL TO EMPLOY ANY DEVICE, SCHEME OR ARTIFICE TO CIRCUMVENT THE DISCLOSURE REQUIREMENTS OF THIS SECTION AND SUCH CIRCUMVENTION SHALL BE DEEMED A VIOLATION OF THE DISCLOSURE REQUIREMENTS OF THIS SECTION.
- WHEN THE APPLICABLE BOARD REACHES A DECISION A FINAL ORDER WILL BE ISSUED STATING THE BOARD'S DECISION AND ANY CONDITIONS IMPOSED THEREIN. THE FINAL ORDER WILL BE RECORDED WITH THE MIAMI-DADE CLERK OF COURTS. THE ORIGINAL BOARD ORDER SHALL REMAIN ON FILE WITH THE CITY OF MIAMI BEACH PLANNING DEPARTMENT. UNDER NO CIRCUMSTANCES WILL A BUILDING PERMIT BE ISSUED BY THE CITY OF MIAMI BEACH WITHOUT A COPY OF THE RECORDED FINAL ORDER BEING INCLUDED AND MADE A PART OF THE PLANS SUBMITTED FOR A BUILDING PERMIT.

THE AFOREMENTIONED IS ACKNOWLEDGED BY: ☐ OWNER OF THE SUBJECT PROPERTY
☒ AUTHORIZED REPRESENTATIVE

SIGNATURE: _____

Thomas J. Donall

PRINT NAME: Thomas J. Donall, Manager of Palace Bar LLC

FILE NO. PB17-0171

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____
 COUNTY OF _____

I, Not Applicable, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for removing this notice after the date of the hearing.

Not Applicable

SIGNATURE

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

NOTARY SEAL OR STAMP

Not Applicable

NOTARY PUBLIC

My Commission Expires:

PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR
 CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY

(Circle one)

STATE OF Florida
 COUNTY OF Miami-Dade

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

Thomas J. Donall
 SIGNATURE

Sworn to and subscribed before me this 28th day of November, 2017. The foregoing instrument was acknowledged before me by Thomas J. Donall, Manager of Palace Bar LLC, on behalf of such entity, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP:

Michele Rennert
 NOTARY PUBLIC

My Commission Expires:



PRINT NAME

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF
COUNTY OF

I, Not Applicable, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for removing this notice after the date of the hearing.

Not Applicable

SIGNATURE

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

Not Applicable

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires:

PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR
CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY
(Circle one)

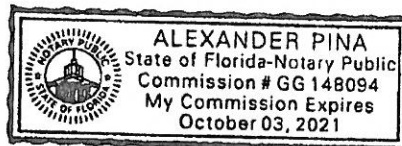
STATE OF
COUNTY OF

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

SIGNATURE

Sworn to and subscribed before me this 6 day of Dec., 2017. The foregoing instrument was acknowledged before me by Salem Mounayyer, Manager of Nakash Strand LLC, on behalf of such entity, who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP:



My Commission Expires:

Oct. 03, 2021

NOTARY PUBLIC

Alexander Pina

PRINT NAME

FILE NO. PB17-0171

POWER OF ATTORNEY AFFIDAVIT

STATE OF Florida
COUNTY OF Miami-Dade

I, Thomas J. Donall, being duly sworn and deposed, certify as follows : (1) I am the tenant or representative of the tenant of the real property that is the subject of this application. (2) I hereby authorize Palace Bar LLC, James E. Rauh, Esq. & Greenspoon Marder, P.A. to be my representative before the Planning Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

Thomas J. Donall, Manager of Palace Bar LLC

PRINT NAME (and Title, if applicable)

SIGNATURE

Thomas J. Donall

Sworn to and subscribed before me this 28th day of November, 2017. The foregoing instrument was acknowledged before me by Thomas J. Donall, Manager of Palace Bar LLC 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

Michele Rennert

My Commission Expires

PRINT NAME



CONTRACT FOR PURCHASE

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

Not Applicable

Not Applicable

NAME

DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

% OF STOCK

Not Applicable

Not Applicable

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

FILE NO. PB17-0171

POWER OF ATTORNEY AFFIDAVITSTATE OF
COUNTY OF

I, Salem Mounayyer, being duly sworn and deposed, certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Alfredo Gonzalez, Esq. & Greenberg Traurig P.A. to be my representative before the Planning Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

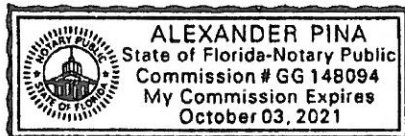
Salem Mounayyer, Manager of Nakash Strand LLC

PRINT NAME (and Title, if applicable)

SIGNATURE

Sworn to and subscribed before me this 6 day of Dec., 2017. The foregoing instrument was acknowledged before me by Salem Mounayyer Manager of Nakash Strand LLC 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

Oct. 03, 2021

NOTARY PUBLIC

Alexander Pina

PRINT NAME

CONTRACT FOR PURCHASE

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

Not Applicable

NAME

Not Applicable

DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

% OF STOCK

Not Applicable

Not Applicable

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

FILE NO. PB17-0171

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION

DISCLOSURE OF INTEREST

1. CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY

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

Palace Bar LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

See Exhibit "B"

See Exhibit "B"

Nakash Strand LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

See Exhibit "C"

See Exhibit "C"

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

NOTE: Notarized signature required on page 9

FILE NO. PB17-0171

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION
DISCLOSURE OF INTEREST

2. TRUSTEE

If the property that is the subject of this application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*
Not Applicable

TRUST NAME

NAME AND ADDRESS	% INTEREST
<u>Not Applicable</u>	<u>Not Applicable</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTE: Notarized signature required on page 9

FILE NO. PB17-0171

3. COMPENSATED LOBBYIST:

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

	NAME	ADDRESS	PHONE #
a.	James E. Rauh, Esq.	1601 Washington Avenue, Suite 300	305-789-2732
b.		Miami Beach, Florida 33139	
c.			

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

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

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

APPLICANT AFFIDAVIT

STATE OF Florida
COUNTY OF Miami-Dade

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

Thomas J. Donall
Thomas J. Donall, Manager of Palace Bar LLC
SIGNATURE

Sworn to and subscribed before me this 28th day of November, 2017. The foregoing instrument was acknowledged before me by, who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires:

Michele Rennert
NOTARY PUBLIC
MICHELE RENNERT
Commission # FF 929437
Expires October 20, 2019
Bonded Thru Troy Fain Insurance 800-888-8888
PRINT NAME

FILE NO. PB17-0171

EXHIBIT "A"
LEGAL DESCRIPTION

CONDOMINIUM UNIT CU-C100, OF THE STRAND ON OCEAN DRIVE CONDOMINIUM, TOGETHER WITH AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, RECORDED IN OFFICIAL RECORDS BOOK 23668, PAGE 2131, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AS AMENDED FROM TIME TO TIME.

EXHIBIT "B"

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.*

PALACE BAR LLC

CORPORATION NAME

NAME AND ADDRESS

% OF STOCK

PALACE BAR LLC

Thomas J. Donall
1052 Ocean Drive
Miami Beach, Florida 33139

100%

EXHIBIT "C"

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.*

NAKASH STRAND LLC

CORPORATION NAME	
<u>NAME AND ADDRESS</u>	<u>% OF STOCK</u>
NAKASH STRAND LLC	
The Joseph Nakash 2005 Trust 1400 Broadway, 15 th Floor New York, New York, 10018	33 1/3%
The Ralph Nakash 2005 Trust 1400 Broadway, 15 th Floor New York, New York, 10018	33 1/3%
The Avi Nakash 2005 Trust 1400 Broadway, 15 th Floor New York, New York, 10018	33 1/3%
THE JOSEPH NAKASH 2005 TRUST	
Sole Beneficiary: Joseph Nakash 1400 Broadway, 15 th Floor New York, New York, 10018	100%
THE RALPH NAKASH 2005 TRUST	
Sole Beneficiary: Ralph Nakash 1400 Broadway, 15 th Floor New York, New York, 10018	100%
THE AVI NAKASH 2005 TRUST	
Sole Beneficiary: Avi Nakash 1400 Broadway, 15 th Floor New York, New York, 10018	100%

**CITY OF MIAMI BEACH
CERTIFICATE OF USE, ANNUAL FIRE FEE, AND BUSINESS TAX RECEIPT**

1700 Convention Center Drive
Miami Beach, Florida 33139-1819

TRADE NAME: PALACE BAR LLC
IN CARE OF: THOMAS J DONALL
ADDRESS: 1052 Ocean Dr
MIAMI BEACH, FL -331390000

LICENSE NUMBER: BTR003457-12-2017

Beginning: 12/18/2017

Expires: 09/30/2018

Parcel No: 0242033020001

TRADE ADDRESS: 1052 Ocean Dr

A penalty is imposed for failure to keep this Business Tax Receipt exhibited conspicuously at your place of business.

A Business Tax Receipt issued under this article does not waive or supersede other City laws, does not constitute City approval of a particular business activity and does not excuse the licensee from all other laws applicable to the licensee's business.

This Receipt may be transferred:

A. Within 30 days of a bonafide sale, otherwise a complete annual payment is due.

B. To another location within the City if proper approvals and the

Additional Information

OCC LOAD : 199

Storage Locations

Code	Business Type
95000701	ALCOHOL BEV. (NO LATER THAN 5AM)
95016400	RESTAURANT / BARS

Restaurants/Bars: #Chairs	203
---------------------------	-----

FROM: CITY OF MIAMI BEACH
1700 CONVENTION CENTER DRIVE
MIAMI BEACH, FL 33139-1819

PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
MIAMI BEACH, FL
PERMIT No 1525

PALACE BAR LLC
1052 Ocean Dr
MIAMI BEACH, FL -331390000

3313900001

THE BACK OF THIS DOCUMENT CONTAINS A WATERMARK

CITY OF MIAMI BEACH
CERTIFICATE OF USE, ANNUAL FIRE FEE, AND BUSINESS TAX RECEIPT

1700 Convention Center Drive
Miami Beach, Florida 33139-1819

TRADE NAME: 1052 LLC DBA AMARILLO C/O Anthony Arrighi
IN CARE OF: 1052 LLC DBA AMARILLO C/O Anthony Arrighi
ADDRESS: 1052 Ocean Dr
MIAMI BEACH, FL 33139-5014

LICENSE NUMBER: RL-10006831
Beginning: 11/17/2017
Expires: 01/16/2018
Parcel No. 02 2033020900

Code	Business Type
95016400	RESTAURANT / BARS
95000701	ALCOHOL BEV. (NO LATER THAN 5AM)
Restaurants/Bars: #Chairs	
203	

A penalty is imposed for failure to keep this Business Tax Receipt exhibited conspicuously at your place of business.

A Business Tax Receipt issued under this article does not waive or supersede other City laws, does not constitute City approval of a particular business activity and does not excuse the licensee from all other laws applicable to the licensee's business.

This Receipt may be transferred:

A. Within 30 days of a bonafide sale, otherwise a complete annual payment is due.

B. To another location within the City, if proper approvals and the Additional Information

Storage Locations

FROM: CITY OF MIAMI BEACH
1700 CONVENTION CENTER DRIVE
MIAMI BEACH, FL 33139-1819

PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
MIAMI BEACH, FL
PERMIT No 1525

1052 LLC DBA AMARILLO C/O Anthony Arrighi
1052 Ocean Dr
MIAMI BEACH, FL 33139-5014

CITY OF MIAMI BEACH
CERTIFICATE OF USE, ANNUAL FIRE FEE, AND BUSINESS TAX RECEIPT

1700 Convention Center Drive
Miami Beach, Florida 33139-1819

TRADE NAME: 1052 LLC DBA AMARILLO % Anthony Arriighi
IN CARE OF: 1052 LLC DBA AMARILLO % Anthony Arriighi
ADDRESS: 1052 Ocean Dr
MIAMI BEACH, FL 33139-5014

LICENSE NUMBER: RL-10006831
Beginning: 10/01/2016
Expires: 09/30/2017
Parcel No: 0232340080130

A penalty is imposed for failure to keep this Business Tax Receipt exhibited conspicuously at your place of business.

A Business Tax Receipt issued under this article does not waive or supersede other City laws, does not constitute City approval of a particular business activity and does not excuse the licensee from all other laws applicable to the licensee's business.

This Receipt may be transferred:

A. Within 30 days of a bonafide sale, otherwise a complete annual payment is due.

B. To another location within the City if proper approvals and the Additional Information

Storage Locations

TRADE ADDRESS: 1052 Ocean Dr

Code	Business Type
95016400	RESTAURANT / BARS
95000701	ALCOHOL BEV. (NO LATER THAN 5AM)

Restaurants/Bars: #Chairs	203
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FROM: CITY OF MIAMI BEACH
1700 CONVENTION CENTER DRIVE
MIAMI BEACH, FL 33139-1819

PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
MIAMI BEACH, FL
PERMIT No 1525

1052 LLC DBA AMARILLO % Anthony Arriighi
1052 Ocean Dr
MIAMI BEACH, FL 33139-5014

3313950141

CITY OF MIAMI BEACH
CERTIFICATE OF USE, ANNUAL FIRE FEE, AND BUSINESS TAX RECEIPT

1700 Convention Center Drive
Miami Beach, Florida 33139-1819

TRADE NAME: 1052 OCEAN DRIVE LLC
IN CARE OF: ANTONIO RIZZI
ADDRESS: 6767 COLLINS AVE, APT 1102
MIAMI BEACH, FL 33141-3265

RECEIPT NUMBER: RL-10000657
Beginning: 10/01/2012
Expires: 09/30/2013
Parcel No: 0242033020001

A penalty is imposed for failure to keep this Business Tax Receipt exhibited conspicuously at your place of business.

A certificate of Use / Business Tax Receipt issued under this article does not waive or supersede other City laws, does not constitute City approval of a particular business activity and does not excuse the licensee from all other laws applicable to the licensee's business.

This Receipt may be transferred:

A. Within 30 days of a bonafide sale, otherwise a complete annual payment is due.

B. To another location within the City if proper approvals and the Receipt are obtained prior to the opening of the new location.

Additional Information

Inside area: 138 persons
Outside area: 60 persons.

All entertainment shall occur in the interior spaces with doors and windows closed.

Storage Locations

TRADE ADDRESS: 1052 OCEAN DR

Code	Certificate of Use/Occupation
000701	ALCOHOL BEV. (NO LATER THAN 5AM)
005805	DANCE HALL/ENTERT. W/ALCOHOL
016400	RESTAURANT / BARS

CERTIFICATE OF USE	900
SQUARE FOOTAGE	203
# OF SEATS	203
OCCUPANCY LOAD	198
C_U # OF UNITS	203
ALC BEV, THROUGH 5AM	Y
DANCE_ENT W_ ALCOHOL	Y

FROM: CITY OF MIAMI BEACH
1700 CONVENTION CENTER DRIVE
MIAMI BEACH, FL 33139-1819

PRESORTED
FIRST CLASS
U.S. POSTAGE
PAID
MIAMI BEACH, FL
PERMIT No 1525

ANTONIO RIZZI
1052 OCEAN DR
MIAMI BEACH, FL 33139-5014



December 29, 2017

Via Hand Delivery

Honorable Chair and Members of the Planning Board
Planning & Zoning Department
City of Miami Beach
1700 Convention Center Drive, Second Floor
Miami Beach, Florida 33139

Re: Letter of Intent for a Conditional Use Permit for a Neighborhood Impact Establishment and Open Air/Outdoor Entertainment Establishment for Palace at 1052 Ocean Drive, CUC100, Miami Beach, Florida ("Restaurant")

Dear Chair and Board Members:

Our Law Firm represents Palace Bar LLC (the "Applicant"), the tenant of the restaurant space located on the ground floor at 1052 Ocean Drive, CUC100, Miami Beach, Florida 33139 ("Property") in this application for a Conditional Use Permit for a Neighborhood Impact Establishment ("NIE") and an Open Air/Outdoor Entertainment Establishment ("OEE") pursuant to §142-1361 and §142-1362 of the City Code. Attached hereto as Exhibit "A," please find a copy of the legal description of the commercial unit associated with this application. Please allow this letter, as well as the enclosed operations plan, to serve as the Applicant's Letter of Intent ("LOI") in connection with the foregoing application.

The Applicant recently acquired the business at the Property and until recently operated the Palace at 1200 Ocean Drive with a Conditional Use Permit under Planning Board File No. 1901, a copy of which is enclosed with the application materials. For years, Palace has provided friendly and personal food and beverage service to its local patrons and the many tourists who visit the area. This application seeks to essentially relocate the Palace from 1200 Ocean Drive to this new location.

The Restaurant is fully licensed and permitted as a two hundred and three (203) seat restaurant. A copy of the City of Miami Beach Business Tax Receipt is enclosed with the application materials. The Applicant is not seeking to increase the seat count or the square footage of the Restaurant, but is only seeking to add indoor and outdoor entertainment to host its female impersonator or "drag queen" shows which have been a mainstay on Ocean Drive for over twenty years.

The Restaurant is located within the MXE (Mixed Use Entertainment District) zoning district, which is designed to encourage the substantial restoration of existing structures and allow for new construction.

Neighborhood Impact Establishment Criteria. In addition to the other materials submitted with this application, the following supplemental information relating to this request is provided pursuant to §142-1362(a) of the City Code's Land Development Regulations:

(1) An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application:

Satisfied. The Applicant has provided a detailed operational and business plan (included in the Operations Plans with the application materials), which addresses the hours of operation, number of employees required to effectively operate the food and beverage operations, menu items, goals of the business, and other operational characteristics pertinent to the application.

(2) A parking plan which fully describes where and how the parking is to be provided and utilized:

Satisfied. Parking for the patrons of the restaurant shall be by self-park. There are ample meters along Ocean Drive, Collins Avenue, and Washington Avenue as well as the cross roads to accommodate restaurant patrons. Further, there are several areas along Ocean Drive which offer valet parking, including the valet provided by the building.

In addition to the neighboring metered parking, there are surface parking-lots and other parking garages located within the immediate area for use by restaurant patrons. However, even considering those parking accommodations, the venue is located within an area of the City where patrons can easily walk instead of drive and the applicant anticipates many patrons will walk or take an Uber.

(3) An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises will be controlled:

Satisfied. This venue provides Palace with a substantial performance area for the shows to occur on private property, except for the "catwalk" area as depicted on the enclosed architectural plans. Further, the Applicant's staff will be posted during performances at the north and south ends of the property to ensure the free flow of pedestrian traffic along Ocean Drive.

(4) A security plan for the establishment and any parking facility, including enforcement of patron age restrictions:

Satisfied. Enclosed with the application materials, please find a detailed security plan entitled Palace Individual Security Position Procedures. The Applicant's staff will specifically enforce patron age restrictions.

(5) A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated:

Satisfied. Parking for the patrons of the restaurant shall be by self-park. There are ample meters along Ocean Drive, Collins Avenue, and Washington Avenue as well as the cross roads to accommodate restaurant patrons. Further, there are several areas along Ocean Drive which offer valet parking, including the valet provided by the building.

In addition to the neighboring metered parking, there are surface parking-lots and other parking garages located within the immediate area for use by restaurant patrons. However, even considering those parking accommodations, the venue is located within an area of the City where patrons can easily walk instead of drive and the applicant anticipates many patrons will walk or take an Uber.

(6) A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment:

Satisfied. The Sanitation Plan (included in the Operations Plans with the application materials) explains that the Applicant will utilize the buildings enclosed trash room, which is located on the west side of the building as indicated on the architectural plans submitted with the enclosed application. The existing trash room has sufficient capacity to accommodate the proposed operations. Trash is picked up seven (7) days a week from approximately 7:00 a.m. to 12:00 p.m.

(7) A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance:

Satisfied. The Applicant has engaged Edward Duggar & Associates to conduct a sound impact analysis and recommend sound mitigation measures to ensure the entertainment at the restaurant complies with the City's noise ordinance and does not create any adverse impact on the immediate neighborhood. The entertainment component of the restaurant will consist of performers dressed like celebrities who dance and lip sync to popular sing along songs. These performances will take place both inside the restaurant and outdoors. The Acoustic Study submitted by the Applicant's sound consultant confirms the indoor and outdoor entertainment at Palace will comply with the requirements of the Code of the City of Miami Beach Article IV – Noise as the sound input can be controlled by management and the outdoor speakers are located beneath an awning structure at a substantial distance from the property boundary. *See* Acoustic Study.

(8) Proximity of proposed establishment to residential uses:

Satisfied. The Restaurant is fully licensed and permitted as a two hundred and three (203) seat restaurant. The Applicant is not seeking to increase the seat count or the square footage of the Restaurant, but is only seeking to add indoor and outdoor entertainment to host its female impersonator or “drag queen” shows which have been a mainstay on Ocean Drive for over twenty years. The Applicant's operations are not anticipated to have any adverse effect on the surrounding residential uses.

(9) Cumulative effect of proposed establishment and adjacent pre-existing uses:

Satisfied. The Applicant's operations are not anticipated to have any adverse effect when the pre-existing uses are considered.

Standard Conditional Use Criteria. In addition to the other materials submitted with this application, the following information is submitted in accordance with the conditional use review guidelines under §118-192 of the City's Code's Land Development Regulations.

(1) The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

Satisfied. A restaurant is a permitted use, and the NIE and OEE components are permitted as a conditional use, in the MXE zoning district. Further, these uses are consistent with the comprehensive plan future land use designation of the Restaurant of MXE.

(2) The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

Satisfied. Parking for the patrons of the restaurant shall be by self-park. There are ample meters along Ocean Drive, Collins Avenue, and Washington Avenue as well as the cross roads to accommodate restaurant patrons. Further, there are several areas along Ocean Drive which offer valet parking, including the valet provided by the building.

In addition to the neighboring metered parking, there are surface parking-lots and other parking garages located within the immediate area for use by restaurant patrons. However, even considering those parking accommodations, the venue is located within an area of the City where patrons can easily walk instead of drive and the applicant anticipates many patrons will walk or take an Uber.

(3) Structures and uses associated with the request are consistent with the land development regulations.

Satisfied. The restaurant is a permitted use, and the NIE and OEE components are permitted as a conditional use, in the MXE zoning district. Further, these uses are consistent with the comprehensive plan future land use designation of the Restaurant within the MXE.

(4) The public health, safety, morals, and general welfare will not be adversely affected.

Satisfied. As set forth in the cumulative application materials, the proposed use and controlled operation of the venue will not adversely affect the public health, safety, morals, and general welfare.

(5) Adequate off-street parking facilities will be provided.

Satisfied. Parking for the patrons of the restaurant shall be by self-park. There are ample meters along Ocean Drive, Collins Avenue, and Washington Avenue as well as the cross roads to accommodate restaurant patrons. Further, there are several areas along Ocean Drive which offer valet parking, including the valet provided by the building.

In addition to the neighboring metered parking, there are surface parking-lots and other parking garages located within the immediate area for use by restaurant patrons. However, even considering those parking accommodations, the venue is located within an area of the City where patrons can easily walk instead of drive and the applicant anticipates many patrons will walk or take an Uber.

(6) Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

Satisfied. As set forth in the cumulative application materials, the proposed use and controlled operation of the venue will not adversely affect the public health, safety, morals, and general welfare. In addition, the Applicant has provided for necessary safeguards in its Operations Plans attached hereto, providing for the protection of surrounding the properties, persons and neighborhood values.

(7) The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

Satisfied. The Restaurant is fully licensed and permitted as a two hundred and three (203) seat restaurant. The Applicant is not seeking to increase the seat count or the square footage of the Restaurant, but is only seeking to add indoor and outdoor entertainment to host its female impersonator or "drag queen" shows. The safeguards included in the Operations Plans attached hereto will ensure there is no

negative impact on the surrounding neighborhood. The Applicant's proposed use is unique and should serve to improve the surrounding neighborhood.

Below please find the Applicant's responses to each of the Sea Level Rise and Resiliency Review Criteria pursuant to §133-50 of the City Code's Land Development Regulations.

- (1) A recycling or salvage plan for partial or total demolition shall be provided.**

Not Applicable.

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.**

Not Applicable.

- (3) Where feasible and appropriate, passive cooling systems, such as operable windows shall be provided.**

Not Applicable.

- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**

Not Applicable.

- (5) Whether adopted sea level rise projections in the Southeast Florida regional Climate Action Plan, as may be revised from time to time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.**

Not Applicable.

- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public right-of-ways and adjacent land.**

Not Applicable.

- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.**

Not Applicable.

- (8) Existing buildings shall be, where reasonable feasible and appropriate, elevated to base flood elevation.**

Not Applicable.

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter 54 of the City Code.**

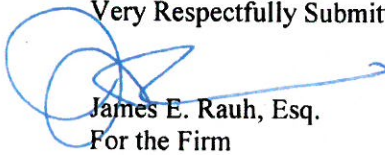
Not Applicable.

(10) **Where feasible and appropriate, water retention systems shall be provided.**

Not Applicable.

Conclusion. In light of the foregoing, and the application materials submitted herewith, we respectfully request the Planning Board's approval of this application.

Very Respectfully Submitted,

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by a horizontal line that ends in a small hook.

James E. Rauh, Esq.
For the Firm

Enclosures

EXHIBIT "A"
LEGAL DESCRIPTION

CONDOMINIUM UNIT CU-C100, OF THE STRAND ON OCEAN DRIVE CONDOMINIUM, TOGETHER WITH AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, RECORDED IN OFFICIAL RECORDS BOOK 23668, PAGE 2131, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AS AMENDED FROM TIME TO TIME.