



# WEISS SEROTA HELFMAN COLE & BIERMAN

AT THE CROSSROADS OF BUSINESS, GOVERNMENT & THE LAW

CLIFFORD A. SCHULMAN, PARTNER  
[CSchulman@wsh-law.com](mailto:CSchulman@wsh-law.com)

April 29, 2016

**Via Hand Delivery**

Mr. Thomas R. Mooney  
Planning Director  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, FL 33139

**Re: Letter of Intent / Normandy Ventures, LLC/ Property located at 25-135 N. Shore Drive / Removal of Design Review Board (DRB) Order (File No. 23147) Condition Number II(c)1.a. (the "Condition")**

Dear Mr. Mooney:

On behalf of Normandy Ventures, LLC (the "Applicant"), the owner of the approximately 1.95 acre property located at the above referenced address (the "Property") we respectfully submit this letter of intent in connection with your Department's rules and regulations for filing a DRB Application in the City of Miami Beach (the "City"). In 2005, the DRB approved (DRB File No. 18464) a site plan on the Property, which comprised of seven (7) 4-story buildings and 43 townhomes. The development was partially constructed, but was not completed as a result of the downturn in the economy, which led to the approved site plan and building permits expiring. In 2012, the DRB re-approved the site plan (DRB File No. 22929) as originally designed and permitted.

On January 30, 2015, the Applicant filed a DRB Application to construct 15 docks slips (8 slips on the Indian Creek waterway (the "Eastside") and 7 on the Normandy Waterway (the "Southside")) to serve the development. After review and consideration, the Applicant decided to withdraw the Southside docks and related variance. On April 7, 2015, the DRB (File No. 23147) approved the Eastside Variance, but included the Condition, over the Applicant's objection, that requires any future docking or mooring on the Southside be subject to review and approval of the DRB.<sup>1</sup>

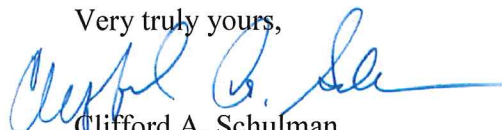
<sup>1</sup> We strongly believe that the DRB did not have jurisdiction to impose the Condition because: (1) the Applicant withdrew the Southside from the application; and (2) the Condition is inconsistent with the City Code of Ordinances requirements that allow as of right docks to be reviewed and approved administratively without DRB review. Accordingly, the Applicant is filing this application, with reservations.

Mr. Thomas R. Mooney  
April 29, 2016  
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After hearing the concerns of the DRB and the public, the Applicant has redesigned the docks on the Southside to be "as of right" pursuant to the City's Code of Ordinances (the "City Code"). In addition, the Applicant has agreed to reduce the number of docks on the Southside from 7 to 4. Given that the docks are as of right, the City Code no longer requires review by the DRB. Therefore, we respectfully request that the Condition be removed and that the Applicant may proceed with review and approval of an as of right development plan for the docks.

Thank you for your consideration of this application. We look forward to your favorable review. If we can provide you with additional information or documents, please do not hesitate to contact me at (305) 854-0800.

Very truly yours,



Clifford A. Schulman

CAS/mea/2180.002



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

5. NAME OF PROPERTY OWNER (IF DIFFERENT FROM #4, OTHERWISE, WRITE "SAME") Same

*If the owner of the property is not the applicant and will not be present at the hearing, the Owner/Power of Attorney Affidavit (Page 4) must be filled out and signed by the property owner. In addition, if the property owner is a corporation, partnership, limited partnership or trustee, a separate Disclosure of Interest Form (Pages 6 - 7) must be completed.*

1125 17th Street, Suite 1510 Denver, CO 80202

ADDRESS OF PROPERTY OWNER CITY STATE ZIP

BUSINESS PHONE # CELL PHONE #

E-mail address:

6. NAME OF ARCHITECT, LANDSCAPE ARCHITECT, ENGINEER, CONTRACTOR OR OTHER PERSON RESPONSIBLE FOR PROJECT DESIGN

N/A

NAME (please circle one of the above) ADDRESS CITY STATE ZIP

BUSINESS PHONE # CELL PHONE #

E-mail address:

7. NAME OF AUTHORIZED REPRESENTATIVE(S), ATTORNEY(S), OR AGENT(S) AND/OR CONTACT PERSON:

a. Cliff Schulman, WSH, 2525 Ponce de Leon Blvd., #700, Coral Gables, Florida 33134

NAME ADDRESS CITY STATE ZIP

BUSINESS PHONE # 305-854-0800 CELL PHONE #

E-mail address: cschulman@wsh-law.com

b. NAME ADDRESS CITY STATE ZIP

BUSINESS PHONE # CELL PHONE #

E-mail address:

c. NAME ADDRESS CITY STATE ZIP

BUSINESS PHONE # CELL PHONE #

E-mail address:

**NOTE: ALL ARCHITECTS, LANDSCAPE ARCHITECTS, ENGINEERS, CONTRACTORS OR OTHER PERSONS RESPONSIBLE FOR PROJECT DESIGN, AS WELL AS AUTHORIZED REPRESENTATIVE(S), ATTORNEY(S), OR AGENT(S) AND/OR CONTACT PERSONS, WHO ARE REPRESENTING OR APPEARING ON BEHALF OF A THIRD PARTY, UNLESS SOLELY APPEARING AS AN EXPERT WITNESS, ARE REQUIRED TO REGISTER AS A LOBBYIST WITH THE CLERK, PRIOR TO THE SUBMISSION OF AN APPLICATION.**

8. SUMMARY OF PROPOSAL: See Letter of Intent.

9. IS THERE AN EXISTING BUILDING(S) ON THE SITE? YES (X) NO ( )

10. WILL ALL OR ANY PORTION OF THE BUILDING(S) INTERIOR AND/OR EXTERIOR, BE DEMOLISHED? [ ] YES (X) NO

11. TOTAL FLOOR AREA (FAR) OF NEW BUILDING (if applicable): \_\_\_\_\_ N/A \_\_\_\_\_ SQ. FT.

12. TOTAL GROSS FLOOR AREA OF NEW BUILDING (including required parking and all usable floor space) \_\_\_\_\_ N/A \_\_\_\_\_ 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 COLORADO

CITY AND COUNTY OF DENVER

I, Harvey B. Allon, duly sworn, depose and say that I am the CEO of Braddock Financial LLC, a Delaware limited liability company, which is the Manager of Blake St. Real Estate Investors VIII GP, LLC, a Delaware limited liability company, which is the General Partner of Blake St. Real Estate Investors VIII, LP, a Delaware limited partnership, which is the Managing Member of Normandy Ventures, LLC, a Florida limited liability company, 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 such Florida limited liability company 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, in such capacity, 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 take the responsibility of removing this notice after the date of hearing.

NORMANDY VENTURES, LLC a Florida limited liability company

By: Blake St. Real Estate Investors VIII, LP, a Delaware limited partnership, its Managing Member

By: Blake St. Real Estate Investors VIII GP, LLC, a Delaware limited liability company, its General Partner

By: Braddock Financial LLC, a Delaware limited liability company, its Manager

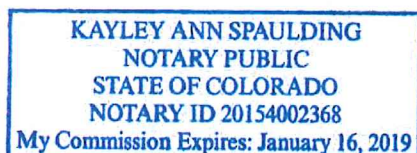
By: [Signature]

Name: Harvey B. Allon

Title: CEO

Sworn to and subscribed before me this 27<sup>th</sup> day of April, 2016 The foregoing instrument was acknowledged before me by Harvey B. Allon, as CEO of Braddock Financial LLC, a Delaware limited liability company, as Manager of Blake St. Real Estate Investors VIII GP, LLC, a Delaware limited liability company, as General Partner of Blake St. Real Estate Investors VIII, LP, a Delaware limited partnership, as Managing Member of Normandy Ventures, LLC, a Florida limited liability company, on behalf of such Florida limited liability company, who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP:



Kayley Ann Spaulding

NOTARY PUBLIC

Kayley Ann Spaulding

PRINT NAME

My Commission Expires: 1/16/2019

**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.\*

Normandy Venturers, LLC

CORPORATION NAME

NAME AND ADDRESS

% OF STOCK

Blake Street Real Estate Investors VIII, LP

100%

1125 17th Street, Suite 1510

Denver, CO 80202

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***

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

**DISCLOSURE OF INTEREST**

**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.\*

<hr/> TRUST NAME	
NAME AND ADDRESS	% OF STOCK
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**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.\*

<hr/> PARTNERSHIP or LIMITED PARTNERSHIP NAME	
NAME AND ADDRESS	% OF STOCK
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***NOTE: Notarized signature required on page 8***



#### 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. Clifford Schulman, 2525 Ponce de Leon Blvd., Suite 700, Coral Gables, FL		305-854-0800
b. Penny Cutt, Coastal Systems, 464 S. Dixie Highway, Coral Gables, FL 33146		(305) 661-3655
c. _____		

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

SEE ATTACHED APPLICANT AFFIDAVIT

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

NOTARY SEAL OR STAMP

\_\_\_\_\_  
NOTARY PUBLIC

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

My Commission Expires:

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 COLORADO

COUNTY OF DENVER

I, Harvey B. Allon, duly sworn, depose and say that I am the CEO of Braddock Financial LLC, a Delaware limited liability company, which is the Manager of Blake St. Real Estate Investors VIII GP, LLC, a Delaware limited liability company, which is the General Partner of Blake St. Real Estate Investors VIII, LP, a Delaware limited partnership, which is the Managing Member of Normandy Ventures, LLC, a Florida limited liability company, (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.

NORMANDY VENTURES, LLC a Florida limited liability company

By: Blake St. Real Estate Investors VIII, LP, a Delaware limited partnership, its Managing Member

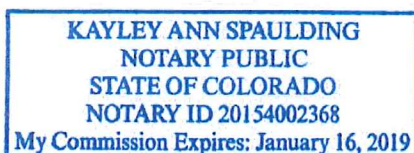
By: Blake St. Real Estate Investors VIII GP, LLC, a Delaware limited liability company, its General Partner

By: Braddock Financial LLC, a Delaware limited liability company, its Manager

By: [Signature]  
Name: Harvey B. Allon  
Title: CEO

Sworn to and subscribed before me this \_\_\_\_\_ day of April, 2016 The foregoing instrument was acknowledged before me by Harvey B. Allon, as CEO of Braddock Financial LLC, a Delaware limited liability company, as Manager of Blake St. Real Estate Investors VIII GP, LLC, a Delaware limited liability company, as General Partner of Blake St. Real Estate Investors VIII, LP, a Delaware limited partnership, as Managing Member of Normandy Ventures, LLC, a Florida limited liability company, on behalf of such Florida limited liability company, who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP:



Kayley Ann Spaulding  
NOTARY PUBLIC  
Kayley Ann Spaulding  
PRINT NAME  
My Commission Expires: 1/16/2019

# EXHIBIT A

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

MEETING DATE: April 07, 2015

FILE NO: 23147

PROPERTY: 25-135 North Shore Drive

APPLICANT: Normandy Ventures LLC

LEGAL: See attached Exhibit 'A'.

IN RE: The Application for Design Review Approval for variances to exceed the maximum projection into the waterway in order to construct a total of 8 piers including the mooring of 15 vessels at the south and east sides of the new seven (7) building, 4-story townhome development.

**CERTIFICATION**

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT  
IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON  
FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.

CITY OF MIAMI BEACH

(Signature of Planning Director or Designee) (Date)

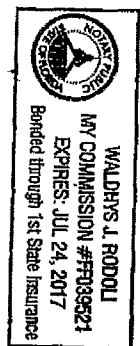
Personally known to me or Produced ID:

Waldhys J. Rodoli  
Notary Public, State of Florida at Large

Printed Name: Waldhys J. Rodoli

My Commission Expires: (Seal)

9 WJR  
This document contains ~~XX~~ pages.



**ORDER**

The applicant filed an application with the City of Miami Beach Planning Department for Design Review Approval and for one or more variances.

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

**I. Design Review Approval**

- A. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is inconsistent with Design Review Criteria 3 in Section 118-251 of the Miami Beach Code.
- B. The project would be consistent with the criteria and requirements of section 118-251 if

the following conditions are met:

1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. A copy of all pages of the recorded Supplemental Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
  - b. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.

**In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.**

## II. Variance(s)

A. The applicant filed an application with the Planning Department for the following variance(s):

1. A. A variance to exceed by a range from 1.7% (4.3') to 6.6% (13') the maximum 15% projection into a waterway that exceeds 100 feet in width in order to permit the construction of four docks and mooring piles including the docking of eight vessels with a projection ranging from 16.7% (40.2') to 21.6% (42.2') into the Indian Creek canal with a width that ranges from approximately 195.3' to 239.9'.
- B. A variance to exceed by a range from 0.2' to 2.2' the maximum permitted 40 feet projection into a waterway that exceeds 100 feet in width in order to permit the construction of four docks and mooring piles including the docking of eight vessels with a projection ranging from 40.2' to 42.2' into the Indian Creek canal.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board of Adjustment finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That 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;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That 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.

C. The Board hereby grants the requested variances and imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. The applicant shall comply with the following standards and operational conditions, which shall be submitted to and approved by staff as part of the permitting process:

- a. That any future dock or mooring structure proposed within Normandy Waterway canal along the south side of the subject property, shall be subject to the review and approval of the Design Review Board.
- b. The subject dock and mooring structures shall be for the sole use of the townhomes. Any type of sub-leasing, or the commercial use of the dock and mooring structures shall be prohibited.
- c. The subject dock and mooring structures shall be for the sole use of the townhomes. Any type of sub-leasing, or the commercial use of the dock and mooring structures shall be prohibited.
- d. All marine vessels shall be required to meet the required side yard setbacks at all times.



Page 4 of 6  
 Meeting Date: April 07, 2015  
 DRB File No. 23147

- e. Pursuant to Section 66-113 of the City Code, a vessel shall not be docked or moored so that its projection into the waterway would be beyond the maximum permissible linear projection from the seawall approved herein.
  - f. The only lights permitted shall be those required by Miami Dade County Department of Regulatory and Economic Resources, Environmental Resources Management (RER), the U.S. Coast Guard, and any other permitting agency for navigational safety, including but not limited to navigational reflectors on the mooring piles. One electric light equipped with a motion sensor may be installed at the terminal platform for security purposes. Any required lights and reflectors shall be indicated on the permit plans and shall be subject to the review and approval of staff prior to the issuance of a building permit.
  - g. The design of any handrails shall be submitted to staff for review and approval prior to the issuance of a building permit.
  - h. All lighting associated with, but not limited to, the deck, vessel or marine structures shall be installed in such a manner so as to minimize glare and reflection on surrounding properties and not to impede navigation. All lighting shall be erected so as to direct light only on the premises on which they are located, and shall be contained within the subject area.
  - i. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
2. The project shall receive final approval by all county, state or federal permitting agency as may be required.

**The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.**

**III. General Terms and Conditions applying to both 'I. Design Review Approval' and 'II. Variances' noted above.**

- A. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- B. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

Page 5 of 6  
Meeting Date: April 07, 2015  
DRB File No. 23147

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- D. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- E. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

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

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "East Side Seawall and south Side Piers for: Normandy Ventures LLC Normandy Isles East Dock Facility" signed and sealed by James F. Biagi, professional engineer and plans entitled 'Exhibit 1', dated 02/17/15 and 'Exhibit 2', dated 02/19/15, modified in accordance with the conditions set forth in this Order and staff review and approval.

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

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

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

Page 6 of 6  
 Meeting Date: April 07, 2015  
 DRB File No. 23147

any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the Design Review Approval will expire and become null and void.

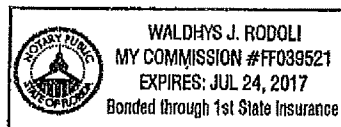
Dated this 13<sup>th</sup> day of April, 2015.

DESIGN REVIEW BOARD  
 THE CITY OF MIAMI BEACH, FLORIDA

BY:   
 DEBORAH J. TACKETT  
 DESIGN AND PRESERVATION MANAGER  
 FOR THE CHAIR

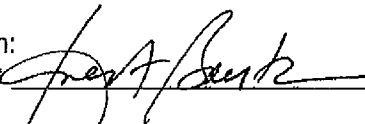
STATE OF FLORIDA )  
 )SS  
 COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of April, 2015 by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



Waldhys J. Rodoli  
 NOTARY PUBLIC  
 Miami-Dade County, Florida  
 My commission expires: 7-24-2017

Approved As To Form:  
 City Attorney's Office

 ( 4/13/2015 )

Filed with the Clerk of the Design Review Board on 4-13-2015 ( WJA )

EXHIBIT A

LEGAL DESCRIPTION OF LAND

(Page 1 of 3)

Parcel 1:

Southeasterly half of Lot 8, Block 57, of NORMANDY GOLF COURSE SUBDIVISION, according to the Plat thereof, recorded in Plat Book 44, at Page 62, of the Public Records of Miami-Dade County, Florida.

Parcel 2:

That part of Lot 9, in Block 57, of NORMANDY GOLF COURSE SUBDIVISION, according to the Plat thereof, recorded in Plat Book 44, at Page 62, of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

Begin at the point where the dividing line between Lots 8 and 9 of Block 57 of said subdivision intersects the Northeasterly line of North Shore Drive for the Point of Beginning; thence run in a Southeasterly direction along the Northeasterly line of said North Shore Drive, a distance of 50 feet to a point; thence run in a Northeasterly direction along a line parallel to the Southeasterly line of said Lot 9, a distance of 170 feet more or less, to the Southwesterly shore of Indian Creek; thence run in a Northwesterly direction along the Southwesterly shore of Indian Creek, a distance of 50 feet to the most Northerly corner of the said Lot 9; thence run in a Southwesterly direction along the Northwesterly line of said Lot 9, a distance of 170 feet more or less, to the Northeasterly line of North Shore Drive, which is the point of beginning.

All of the above lying and being in Section 3, Township 53 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida.

Parcel 3:

The Northwesterly one-half (NW 1/2) of Lot 8, Block 57, of NORMANDY GOLF COURSE SUBDIVISION, according to the Plat thereof, recorded in Plat Book 44, at Page 62, of the Public Records of Miami-Dade County, Florida.

EXHIBIT A

(Page 2 of 3)

Parcel 1:

Part of Lot 9, Block 57, NORMANDY GOLF COURSE SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 44, at Page 62, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Begin at the point where the dividing line between Lots 8 and 9 of Block 57 of said subdivision intersects the Northeastern line of North Shore Drive; thence run in a Southeasterly direction along the Northeastern line of said North Shore Drive a distance of 50 feet to the Point of Beginning; thence run in a Northeastern direction along a line parallel to the Southeasterly line of said Lot 9, a distance of 170 feet, more or less, to the Southwesterly shore of Indian Creek; thence run in a Southeasterly direction along the Southwesterly shore of Indian Creek a distance of 50 feet to the most Easterly corner of said Lot 9; thence run in a Southwesterly direction along

the Southeasterly line of the said Lot 9, a distance of 170 feet, more or less, to the Northeastern line of North Shore Drive; thence run in a Northwesterly direction along the Northeastern line of North Shore Drive a distance of 50 feet to the Point of Beginning.

Parcel 2:

Northwesterly 100 feet of Southeasterly 303 feet of Tract 8, NORTH ISLE OF NORMANDY, according to the Plat thereof, as recorded in Plat Book 40, at Page 36, of the Public Records of Miami-Dade County, Florida, and being more specifically described as follows:

Begin at a point where the Northeastern line of North Drive intersects the Southeasterly line of Tract 8, of NORTH ISLE OF NORMANDY, according to the Plat thereof, recorded in Plat Book 40, at Page 36, of the Public Records of Miami-Dade County, Florida; thence Northwesterly along the Northeastern line of North Drive, a distance of 203 feet to the Place of Beginning; thence continue along the Northeastern line of North Drive 100 feet; thence Northeastern parallel to the Southeasterly line of Tract 8, of NORTH ISLE OF NORMANDY, a distance of 170 feet to a point on the Northeastern line of Tract 8; thence Southeasterly along a Northeastern line of Tract 8, a distance of 100 feet to a point; thence Southwesterly parallel to the Southeasterly line of Tract 8, to the Place of Beginning.

EXHIBIT A

(Page 3 of 3)

Parcel 3:

Northwesterly 100 feet of Southeasterly 203 feet of Tract 8, NORTH ISLE OF NORMANDY, according to the Plat thereof, as recorded in Plat Book 40, at Page 36, of the Public Records of Miami-Dade County, Florida, and being more specifically described as follows:

Begin at the Southwest corner of Tract 8, thence run Northwesterly along the Westerly line of Tract 8 for 103 feet to a Point of Beginning; thence continue along the Westerly line of Tract 8 for 100 feet; thence at right angle run Northeasterly 170 feet to a point on the bulkhead; thence run Southeasterly along the bulkhead 100 feet to a point; thence run Southwesterly at right angles 170 feet to a Point of Beginning.

Parcel 4:

The Southeasterly 103 feet of Tract 8 of NORTH ISLE OF NORMANDY, according to the Plat thereof, recorded in Plat Book 40, Page 36, of the Public Records of Miami-Dade County, Florida, described as follows:

Begin at a point where the Northeasterly Line of North Drive intersects the Southeasterly Line of Tract 8 and the Northerly line of Normandy Waterway of NORTH ISLE OF NORMANDY, according to the Plat thereof, recorded in Plat Book 40, Page 36, of the Public Records of Miami-Dade County, Florida; thence Northwesterly along the Northeasterly line of North Drive a distance of 103 feet to a point; thence Northeasterly parallel to the Southeasterly line of Tract 8 of NORTH ISLE OF NORMANDY a distance of 170 feet to a point located on the Northeasterly line of Tract 8 of NORTH ISLE OF NORMANDY; thence Southeasterly along the Northeasterly line of Tract 8 of NORTH ISLE OF NORMANDY a distance of 53 feet to a point; said point being the beginning of a circular curve; thence in a Southerly and Southwesterly direction along a circular curve having a radius of 50 feet and a central angle of 90 degrees for an arc distance 78.54 feet located on the Southeasterly line of Tract 8 of NORTH ISLE OF NORMANDY; thence Southwesterly along the Southeasterly line of Tract 8 of NORTH ISLE OF NORMANDY a distance of 120 feet to a point of beginning.