

# MIAMI BEACH

PLANNING DEPARTMENT, 1700 CONVENTION CENTER DRIVE, 2<sup>ND</sup> FLOOR  
MIAMI BEACH, FLORIDA 33139, [www.MIAMIBEACHFL.GOV](http://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
  - ☐ MENDMENT 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: 5840 North Bay Road  
\_\_\_\_\_  
\_\_\_\_\_

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

FOLIO NUMBER (S) 02-3215-003-0240  
\_\_\_\_\_

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

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

NAME NBR 5840, LP  
 ADDRESS 200 S. Biscayne Blvd., Suite 850, Miami, FL 33131  
 BUSINESS PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS \_\_\_\_\_

OWNER IF DIFFERENT THAN APPLICANT:

NAME Northeast America Development, LLC  
 ADDRESS 100 SW 2<sup>nd</sup> Street, 17<sup>th</sup> Floor, Miami, FL 33131  
 BUSINESS PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS \_\_\_\_\_

2. AUTHORIZED REPRESENTATIVE(S):

■ ATTORNEY:

NAME Monika Entin  
 ADDRESS 200 S. Biscayne Blvd., Suite 850, Miami, FL 33131  
 BUSINESS PHONE 305-374-5300 CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS MEntin@BRZoningLaw.com

■ ATTORNEY:

NAME Greg Fontela  
 ADDRESS 200 S. Biscayne Blvd., Suite 850, Miami, FL 33131  
 BUSINESS PHONE 305-374-5300 CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS GFontela@BRZoningLaw.com

■ CONTACT:

NAME Same as attorney  
 ADDRESS \_\_\_\_\_  
 BUSINESS PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS \_\_\_\_\_

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

■ ARCHITECT ☐ LANDSCAPE ARCHITECT ☐ ENGINEER ☐ CONTRACTOR ☐ OTHER \_\_\_\_\_

NAME Jason Adams – STRANG Architecture  
 ADDRESS 3326 Mary Street, Miami, FL 33133  
 BUSINESS PHONE 305-373-4990 CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS Jason@strang.design

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

## 4. SUMMARY OF APPLICATION - PROVIDE BRIEF SCOPE OF PROJECT:

Lot split

4A IS THERE AN EXISTING BUILDING(S) ON THE SITE

☐ YES ☒ NO

4B DOES THE PROJECT INCLUDE INTERIOR OR EXTERIOR DEMOLITION

☐ YES ☒ NO4C PROVIDE THE TOTAL FLOOR AREA OF THE NEW BUILDING (IF APPLICANT) N/A SQ. FT.4D PROVIDE THE TOTAL GROSS FLOOR AREA OF THE NEW BUILDING (INCLUDING REQUIRED PARKING AND ALL USABLE FLOOR SPACE). N/A SQ. FT.

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

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

## PLEASE READ THE FOLLOWING AND ACKNOWLEDGE BELOW:

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

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

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

THE AFOREMENTIONED IS ACKNOWLEDGED BY: ☒ OWNER OF THE SUBJECT PROPERTY

☐ AUTHORIZED REPRESENTATIVE

SIGNATURE: Edith Ann Barish  
Edith Ann Barish, Member

PRINT NAME: Northeast America Development, LLC f/k/a EA Development and Sales, LLC, a New York limited liability company

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

**OWNER AFFIDAVIT FOR INDIVIDUAL OWNER**

STATE OF \_\_\_\_\_

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

I, \_\_\_\_\_, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for removing this notice after the date of the hearing.

\_\_\_\_\_  
SIGNATURE

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

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

NOTARY SEAL OR STAMP

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

My Commission Expires:

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

STATE OF FloridaCOUNTY OF Miami-Dade

I, Edith Ann Barish, being duly sworn, depose and certify as follows: (1) I am the member (print title) of Northeast America Development, 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.

Edith Ann Barish  
SIGNATURE

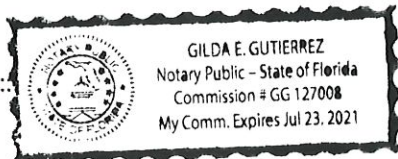
Sworn to and subscribed before me this 1 day of May, 2018. The foregoing instrument was acknowledged before me by Edith Ann Barish, who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.

Gilda E. Gutierrez  
NOTARY PUBLIC

NOTARY SEAL OR STAMP

Gilda E. Gutierrez  
PRINT NAME

My Commission Expires:



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



**OWNER AFFIDAVIT FOR INDIVIDUAL OWNER**

STATE OF \_\_\_\_\_

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

I, \_\_\_\_\_, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for removing this notice after the date of the hearing.

\_\_\_\_\_  
SIGNATURE

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

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

NOTARY SEAL OR STAMP

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

My Commission Expires:

**ALTERNATE CONTRACT PURCHASER AFFIDAVIT FOR CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY**

(Circle one)

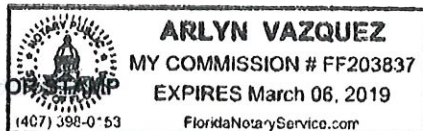
STATE OF FLCOUNTY OF MIAMI DADE

I, Kevin Flaherty, being duly sworn, depose and certify as follows: (1) I am the MANAGING PARTNER (print title) of NBR 5840, LP (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 contract purchaser 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 25 day of APRIL, 2018. 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 PUBLICARLYN VAZQUEZ\_\_\_\_\_  
PRINT NAMEMy Commission Expires: 3.6.19

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

**POWER OF ATTORNEY AFFIDAVIT**STATE OF FLCOUNTY OF MIAMI BEACH

I, Kevin Flaherty, being duly sworn, depose and 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 BRELL 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.

Kevin Flaherty, Managing Partner  
Print name (and Title, if applicable)

[Signature]  
SIGNATURE

Sworn to and subscribed before me this 25 day of APRIL, 2018. The foregoing instrument was acknowledged before me by KEVIN FLAHERTY, of SAVILE BAY CAPITAL, 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

ARLYN VAZQUEZMy Commission Expires 3.6.19

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.\*

NBR 5840, LP  
NAME

DATE OF CONTRACT

NAME, ADDRESS AND OFFICE

% OF STOCK

See Exhibit B  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

CITY OF MIAMI BEACH  
DEVELOPMENT REVIEW BOARD APPLICATION

DISCLOSURE OF INTEREST

1. CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY

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

**Northeast America Development, LLC, 100 SW 2<sup>nd</sup> Street, 17<sup>th</sup> Floor, Miami, FL 33131**

NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP
<u>Nick Moss</u>	<u>1%</u>
<u>Edith Ann Barish</u>	<u>99%</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

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

NOTE: Notarized signature required on page 9

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



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

**2. TRUSTEE**

If the property that is the subject of this application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.\*

TRUST NAME	
NAME AND ADDRESS	% OF INTEREST
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

*NOTE: Notarized signature required on page 9*

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

**3. COMPENSATED LOBBYIST:**

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

NAME	ADDRESS	PHONE #
a. <u>Monika Entin</u>	<u>200 S. Biscayne Blvd., Suite 850, Miami, FL 33131</u>	<u>305-374-5300</u>
b. <u>Greg Fontela</u>	<u>200 S. Biscayne Blvd., Suite 850, Miami, FL 33131</u>	<u>305-374-5300</u>
c. <u>Jason Adams</u>	<u>3326 Mary Street, Miami, FL 33133</u>	<u>305-373-4990</u>

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 FL

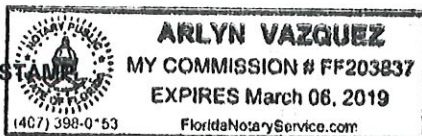
COUNTY OF MIAMI DADE

I, Kevin Flaherty, being 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.

[Signature]  
SIGNATURE

Sworn to and subscribed before me this 25 day of APRIL, 2018. 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



[Signature]  
NOTARY PUBLIC

ARLYN VAZQUEZ  
PRINT NAME

My Commission Expires: 3.0.19

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

# EXHIBIT A

## PROPERTY ADDRESS:

5840 North Bay Road Miami Beach, Florida 33140.

## LEGAL DESCRIPTIONS:

### (PARENT TRACT)

Lots 28 and 29, and the South  $\frac{2}{3}$  of Lot 27, in Block 1A, of LA GORCE GOLF SUBDIVISION; according to the Plat thereof as recorded in Plat Book 14, at Page 43, of the Public Records of Miami-Dade County, Florida.

### (PARCEL A)

The Northerly 97.5 feet of the following described property:

Lots 28 and 29, and the South  $\frac{2}{3}$  of Lot 27, in Block 1A, of LA GORCE GOLF SUBDIVISION; according to the Plat thereof as recorded in Plat Book 14, at Page 43, of the Public Records of Miami-Dade County, Florida.

### (PARCEL B)

Lots 28 and 29, and the South  $\frac{2}{3}$  of Lot 27, in Block 1A, LESS the Northerly 97.5 feet thereof, of LA GORCE GOLF SUBDIVISION; according to the Plat thereof as recorded in Plat Book 14, at Page 43, of the Public Records of Miami-Dade County, Florida.

## EXHIBIT B

### Disclosure of Interest for Contract Purchaser

#### **NBR 5840 LP**

18 Savile Row

London, United Kingdom, W1S 3PW

- **Miami Ventures II Corporation (95%)**

Unit 1210-1214

41 Heung Yip Road

Wong Chuk Hang, Hong Kong

- 465 Holdings Ltd. (100%)

Unit 1210-1214

41 Heung Yip Road

Wong Chuk Hang, Hong Kong

- Jamie Williams (100%)

Flat 19, 9/F

8 Mansfield Road

The Peak, Hong Kong

- **Kevin Flaherty (5%)**

30 Albert Embankment, Flat 33

London, UK, SE1 7GS





# BERCOW RADELL FERNANDEZ & LARKIN

ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6233  
E-Mail: GFontela@brzoninglaw.com

May 25, 2018

VIA HAND DELIVERY

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

Re: Revised Request for a Lot Split of the Property Located at 5840 North Bay Road  
in Miami Beach, Florida

Dear Tom:

This law firm represents NBR 5840, LP (the "Applicant"), the contract purchaser of the above-referenced property (the "Property"). Please consider this letter the Applicant's letter of intent in support of a lot split application to divide the existing building site into two individual building sites.

The Property. The Property is situated along North Bay Road fronting Biscayne Bay. Due to the shape of the coast line, the Property is irregularly shaped and narrower than many of the neighboring lots to the north and to the south. The Property is situated at a segment where the coast line is inverted. The Property is identified by Miami-Dade County Folio No. 02-3215-003-0240 and is located within the RS-2 Single-Family Residential zoning district. Collectively, the Property is approximately 37,895 square feet (0.87 acres) in size. The Property is currently vacant.

Lot Split Request. The Applicant is under contract to purchase the Property and is seeking to split it into two equal-sized lots - North Lot and South Lot. The dimensions of the resulting lots will be in compliance with the City's land development regulations. The proposed lots do not follow the platted lines on the Property because doing so would result in three (3) distinct lots that would fall short of the minimum lot sizes for the RS-2 district. Further, the resulting lots will be more compatible with the properties within the surrounding area. The winding coast line paired with the

winding North Bay Road makes it so that the Property is narrower than many of the neighboring lots to the north and the south. Nonetheless, the proposed lots are still sufficient in size and consistent with or larger than many of the surrounding lots to the east of the Property. The unit sizes of each of the proposed homes on the resulting split lots will be appropriately sized for the lot for the lot on which it sits.

Lot Split Review Criteria. According to Section 118-321.B. of the City of Miami Beach's Code of Ordinances (the "Code"), the Planning Board shall apply the following criteria to the review of any lot split application:

*(1) Whether the lots that would be created are divided in such a manner that they are in compliance with the regulations of these land development regulations.*

According to Section 142-105(b), the minimum lot size in the RS-2 zoning district is 18,000 square feet. The proposed resulting lots will be approximately 18,947.5 square feet each, which satisfy the minimum requirements required in the Code.

*(2) Whether the building site that would be created would be equal to or larger than the majority of the existing building sites, or the most common existing lot size, and of the same character as the surrounding area.*

The resulting building sites will be consistent with the existing building sites and of the same character as the surrounding area. The inversion of the coast line along the Property creates a scenario where the lot is narrower than many of the neighboring lots, yet the proposed lot split will still result in adequately sized lots.

*(3) Whether the scale of any proposed new construction is compatible with the as-built character of the surrounding area, or creates adverse impacts on the surrounding area; and if so, how the adverse impacts will be mitigated. To determine whether this criterion is satisfied, the applicant shall submit massing and scale studies reflecting structures and uses that would be permitted under the land development regulations as a result of the proposed lot split, even if the applicant presently has no specific plans for construction.*

The scale of the proposed homes are compatible with the as-built character of the surrounding area. In fact, if the Property were redeveloped as a single site, a significantly larger home could be constructed; this hypothetical single-site home would be incompatible with the surrounding area.

*(4) Whether the building site that would be created would result in existing structures becoming nonconforming as they relate to setbacks and other applicable regulations of these land development regulations, and how the resulting nonconformities will be mitigated.*

The Property is currently vacant. As such, there will be no resulting nonconformities.

*(5) Whether the building site that would be created would be free of encroachments from abutting buildable sites.*

The building sites created by the lot split will be free of encroachments from abutting buildable lots. There are no existing or proposed encroachments.

*(6) Whether the proposed lot split adversely affects architecturally significant or historic homes, and if so, how the adverse effects will be mitigated. The board shall have the authority to require the full or partial retention of structures constructed prior to 1942 and determined by the planning director or designee to be architecturally significant under subsection 142-108(a).*

The lot split does not adversely affect architecturally significant or historic homes. The Property is currently vacant.

Sea Level Rise and Resiliency Criteria. The proposed single-family homes resulting from the lot split will advance the sea level rise and resiliency criteria in Section 133-50(a) as follows:

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

The Applicant will provide a recycling or salvage plan during permitting.

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

The Applicant proposes hurricane impact windows.

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

Operable windows will be provided.

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

The Applicant will provide appropriate landscaping at the Property. Proposed species include native and Florida-friendly plants appropriate for the area, including salt tolerant species.

- (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.**

The Applicant has considered the elevation of the right-of-way and surrounding properties, and plans to grade the front and side yards appropriately to remain compatible with the existing conditions, while slowly sloping-up as you get closer to the home in order to adapt to future raised elevations. The property will slope from the existing front yard elevation and gradually arrive at the first floor slab. The Applicant will work with the Public Works Department to further address sea level rise projections with respect to the right-of-way connections.

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

The Applicant has taken into consideration the raising of public rights-of-ways and has designed the proposed home accordingly. The additional 1' of freeboard used to elevate the home will allow raising of the front yard to address the future raising of the streets.

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

Proper precautions will be taken to ensure the critical mechanical and electrical systems are located above base flood elevation.

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

This is not applicable as the Property is vacant and the lot split application will result in construction of two (2) new single family homes.



- (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 of 54 of the City Code.**

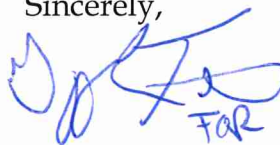
No wet or dry flood proofing will be necessary as all habitable space will be located above base flood elevation plus City of Miami Beach Freeboard of 1'.

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

The Applicant has incorporated Shallow Retention Areas ("SRAs") to direct and collect rainwater on the proposed plan. At time of permitting, the Applicant will engage the services of a civil engineer to analyze and provide the subsurface drainage design. Accordingly, a water retention system will be provided

Conclusion. We believe that the approval of the application will permit the development of two beautiful single-family homes on the Property that will be compatible with the character of the residential neighborhood. We look forward to your favorable review of the application. If you have any questions or comments in the interim, please give me a call at 305-374-5300

Sincerely,



Greg Fontela



**rdr miami** | rio development resources

public hearing notification packages: lists of property owners within a specific radius + radius maps + mailing labels  
mailouts + site posting

**rdrmiami.com | diana@rdrmiami.com | 305.498.1614**

April 19, 2018

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

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

**SUBJECT:** 5840 N Bay Road, Miami Beach, FL 33140

**FOLIO NUMBER:** 02-3215-003-0240

**LEGAL DESCRIPTION:** LA GORCE GOLF SUB PB 14-43 LOTS 28-29 & S 2/3 OF LOT 27  
BLK 1-A

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

Sincerely,

---

Diana B. Rio

Total number of property owners without repetition: **24, including 0 international**

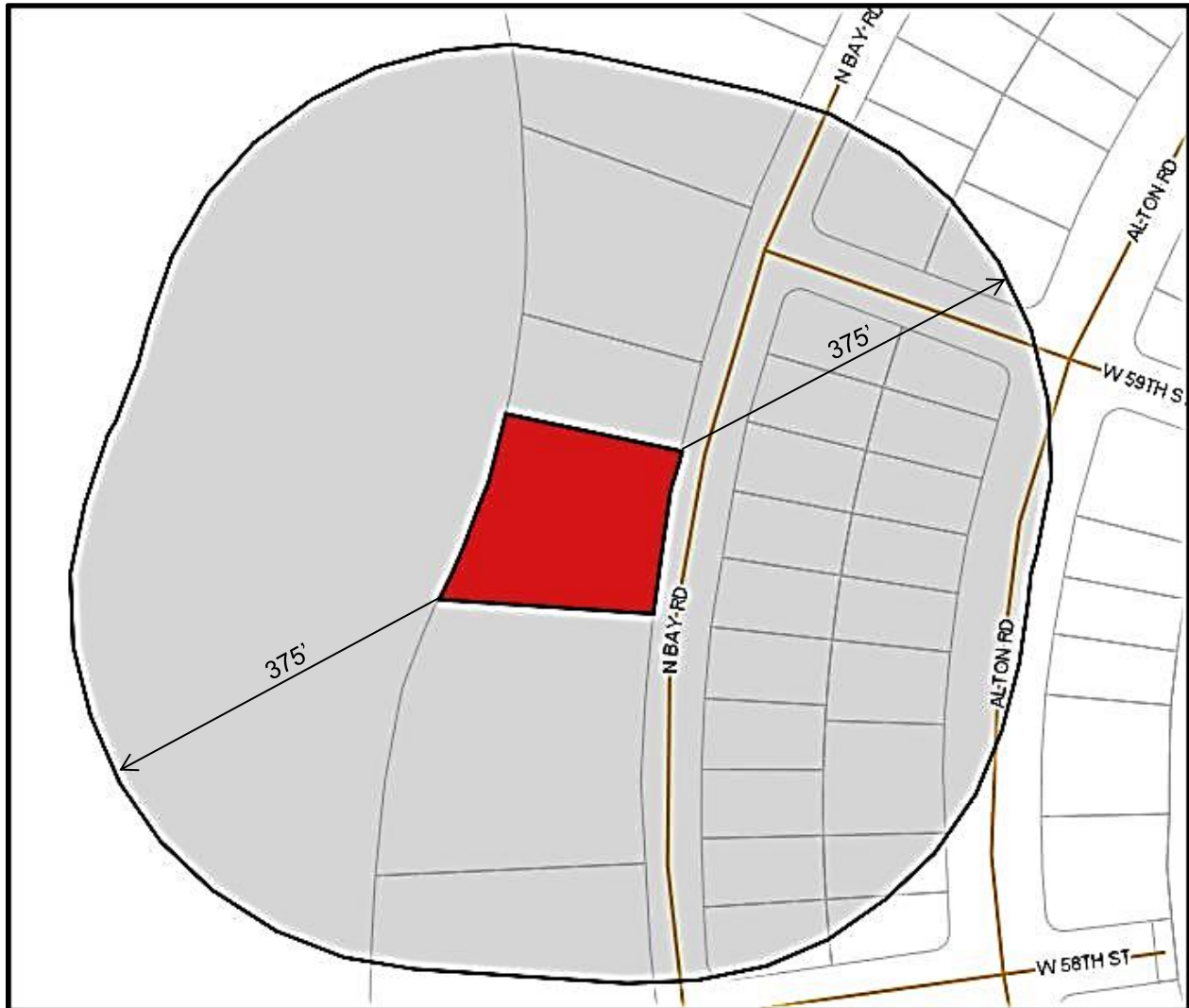


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public hearing notification packages: lists of property owners within a specific radius + radius maps + mailing labels  
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## 375' RADIUS MAP



**SUBJECT:** 5840 N Bay Road, Miami Beach, FL 33140

**FOLIO NUMBER:** 02-3215-003-0240

**LEGAL DESCRIPTION:** LA GORCE GOLF SUB PB 14-43 LOTS 28-29 & S 2/3 OF LOT 27  
BLK 1-A

Name	Address	City	State	Zip	Country
5800 NORTH BAY ROAD MIAMI LLC	PO BOX 778	NEW YORK	NY	10013	USA
5812 ALTON RD LLC	5150 N MIAMI AVE	MIAMI	FL	33127	USA
AMBASSA HOLDINGS INC C/O CHRISTIAN DE BERDOUARE	10800 BISCAYNE BLVD #820	NORTH MIAMI	FL	33161	USA
BARRY GIBB &W LINDA	5820 NORTH BAY ROAD	MIAMI BEACH	FL	33140-2043	USA
CURT DYER & BRUCE BENDER	5900 ALTON RD	MIAMI BEACH	FL	33140-2025	USA
DOS DEVELOPMENT LLC	6000 COLLINS AVE # 334	MIAMI BEACH	FL	33140	USA
EA DEVELOPMENT AND SALES LLC C/O JEFFREY WEISS	2121 PONCE DE LEON BLVD 1100	CORAL GABLES	FL	33134	USA
ERWIN SREDNI	5848 N BAY ROAD	MIAMI BEACH	FL	33140	USA
FRANCESCO SEMERARO	5839 N BAY RD	MIAMI BEACH	FL	33140-2036	USA
GERMAN M VALENCIA YOLANDA VALENCIA	5835 NORTH BAY ROAD	MIAMI BEACH	FL	33140	USA
GUILLERMO L FONT &W ISELA	5828 ALTON RD	MIAMI BEACH	FL	33140-2023	USA
HSBC BANK USA NATL ASSOC TRS C/O OCWEN LOAN SERVICING LLC FREMONT HOME LOAN TR	1661 WORTHINGTON RD STE 100	WEST PALM BEACH	FL	33409	USA
JAMES W MOORE &W KATHY M KASSNER	5905 NO BAY RD	MIAMI BEACH	FL	33140-2037	USA
JEREMY J BAROUH AMANDA B BAROUH	5801 N BAY RD	MIAMI BEACH	FL	33140	USA
JOEL M ELLISON TRACEY S ELLISON	5832 ALTON RD	MIAMI BEACH	FL	33140	USA
JOSE B ALEMAN & JOHN WORMWOOD	5824 ALTON RD	MIAMI BEACH	FL	33140-2023	USA
MARTIN P LABROSSE &W KAREN LEA	5842 ALTON RD	MIAMI BEACH	FL	33140-2023	USA
MB LEGACY HOLDINGS LLC	7512 DR PHILLIPS BOULEVARD 50 224	ORLANDO	FL	32819	USA
OLIVER BEAUMONT BUCKWELL ADEL HATTEM	5800 ALTON RD	MIAMI BEACH	FL	33140	USA
RODERICK KING SCHERAZADE KING	5808 ALTON RD	MIAMI BEACH	FL	33140	USA
SCOTT BENNETT	5845 N BAY RD	MIAMI BEACH	FL	33140-2036	USA
STEVEN J GREEN TRS KIMBERLY GREEN 2014 TRUST	5855 N BAY RD	MIAMI BEACH	FL	33140	USA
WILLIAM FARKAS &W BETH	5851 N BAY RD	MIAMI BEACH	FL	33140-2036	USA
WILLIAM THOMAS HARRIS III TR & C/O SPIELMAN KOENIGSBERG & PARKER RICHARD L KOENIGSBERG TR	1745 BROADWAY 18 FL	NEW YORK	NY	10019	USA



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WILLIAM THOMAS HARRIS III TR &  
C/O SPIELMAN KOENIGSBERG &  
PARKER RICHARD L KOENIGSBERG TR  
1745 BROADWAY 18 FL  
NEW YORK, NY 10019

DESIGN REVIEW BOARD  
City of Miami Beach, Florida

MEETING DATE: February 03, 2015

FILE NO: 23124

**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  
2/19/15  
(Signature of Planning Director or Designee) (Date)

Personally known to me or Produced ID: \_\_\_\_\_

*Teresa Maria*  
Notary Public, State of Florida at Large

Printed Name: TERESA MARIA

My Commission Expires: (Seal) 12-2-17

This document contains 5 pages.



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

PROPERTY: 5840 North Bay Road

APPLICANT: Barish Family Investments LLC

LEGAL: Lots 28 and 29 and 2/3 of lot 27 of Block 1A of the LaGorce Golf  
Subdivision, according to Plat thereof as recorded in Plat Book 14, Page  
43 of the Public Records of Miami-Dade County, Florida.

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

**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 9 and 11 in Section 118-251 of the Miami Beach Code.
- B. The project would be consistent with the criteria and requirements of section 118-251 if  
the following conditions are met:

1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. The final design details of all exterior surface materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - b. Hardwired speakers shall not be permitted on the roof deck.
  - c. All roof top lighting shall be located below the parapet level, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - d. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
  - e. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit
2. A revised landscape plan, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
  - a. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
  - b. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of the Public Works Department.
  - c. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
  - d. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
  - e. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, slamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
  - f. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers, and how they are screened with landscape

material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

- g. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit

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. No variance(s) were filed as part of this application.

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

- A. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. 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.
- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. 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 "New Residence", as prepared by DOMO Architecture + Design dated December 08, 2014, modified in accordance with the conditions set forth in this Order and staff review and approval.

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

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

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

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

Dated this 6<sup>th</sup> day of February, 20 15.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

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

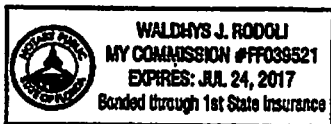
STATE OF FLORIDA )

)SS

COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of February, 20 15 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: 7-24-17

Approved As To Form:  
City Attorney's Office:

[Signature] ( 2/15/2015 )

Filed with the Clerk of the Design Review Board on 2-6-2015 ( WJR )

F:\PLAN\DRB\DRB15\02-03-2015\FEB Final Orders\DRB 23124 5840 N Bay Rd.FEB15.fo.docx

Planning Department, 1700 Convention Center Drive 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139, www.miamibeachfl.gov  
305.673.7550

Property address: 5840 N Bay Road Board: PB Date: 4/9/2018

## BOARD APPLICATION CHECK LIST

A Pre-Application meeting must be scheduled via CAP to obtain a plan case number and for board staff review of all submittals.
Pre-Application meetings for applications that do not require a traffic study are scheduled on a first come-first served basis and must occur no later than five(5) business days prior to CAP First submittal.
Applications requiring a traffic study must meet with Planning, Transportation, and peer reviewer sixty (60) days* prior to First submittal deadline to determine the methodology for the traffic impact study. This meeting is considered the "Pre-Application meeting" and must be scheduled via CAP to obtain a plan case number for review and payment of fees. Thirty (30) days before First submittal, applicant must provide the traffic study via CAP (see Transportation Department's requirements check list). The Transportation Department/Peer Reviewer will submit first round of comments 15 days prior to First submittal. Applicant must address comments and submit revised traffic study/plans for CAP First submittal deadline.
<b>Incomplete, or submittals found to be insufficient will not be placed on a Board agenda.</b>

ITEM #	FIRST SUBMITTAL (VIA CAP) ** To be uploaded online (CAP) by the applicant before 5:00 pm by First submittal deadline. ALL PLANS MUST BE DIMENSIONED AND LEGIBLE. INCLUDE A GRAPHIC SCALE.	Required
1	Application Fee and Peer review fees shall be paid after Pre-Application meeting and before the First submittal. It is the applicant's responsibility to make this payment, if an invoice is not generated by the CAP system, the applicant should contact staff prior to first submittal to be invoiced and make payment.	✓
2	Copy of signed and dated check list issued at Pre-Application meeting.	✓
3	Completed Board Application, Affidavits & Disclosures of Interest (original signatures).	✓
4	Signed and dated Letter of Intent. <b>Letter must outline application details and identify hardships if Variances are requested.</b> (see also Items # 42,43 and 44).	✓
5	Mailing Labels: Upload property owner's list and copy of original certified letter from provider. See #52 for submittal of Hard copy / originals of these items.	✓
6	Copies of all current or previously active Business Tax Receipts.	
7	School Concurrency Application for projects with a net increase in residential units (no SFH). Provide Planning Department - Miami Dade - School Concurrency Application for Transmittal	
8	Survey: Electronic version of original signed & sealed, dated no more than six months from date of application. Survey must provide: lot area, grade per Section 114-1 of the City Code. (If no sidewalk exists, provide the elevation of the crown of the road) and spot elevations.	✓
9	<b>Architectural Plans and Exhibits (must be 11"x 17")</b>	✓
a	Cover Sheet with bullet point scope of work, clearly labeled "First Submittal" and dated with First Submittal deadline date. <b>Include copies of previous recorded board orders, if applicable.</b>	✓
b	Copy of the original survey included in plan package. See No. 8 above for survey requirements	✓
c	All Applicable Zoning Information (Use Planning Department zoning data sheet format).	✓
d	Context Location Plan, Min 8.5"x11" Color Aerial 1/2 mile radius, identifying project and showing name of streets. (no Google images)	✓
e	Full legal description of the property if not included in survey (for lengthy legal descriptions, attach as a separate document - label clearly).	✓
f	Existing FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable	✓
g	Proposed FAR Shaded Diagrams(Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable.	✓
h	Site Plan (fully dimensioned with setbacks, existing and proposed, including adjacent right-of-way widths).	✓

**\* 60 day lead time for projects including traffic studies is necessary to ensure completion of review and required corrections by Final submittal deadline. Applications cannot be scheduled without evaluated and corrected traffic studies.**

Indicate N/A If Not Applicable

Initials: \_\_\_\_\_

Planning Department, 1700 Convention Center Drive 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)  
305.673.7550

**Property address:** 5840 N Bay Raod

i	Current color photographs, dated, Min 4"x 6" of project site and existing structures (no Google images)	✓
j	Current, color photographs, dated, Min 4"x6" of interior space (no Google images)	✓
k	Current color photographs, dated, Min 4"x 6" of context, corner to corner, across the street and surrounding properties with a key directional plan (no Google images)	✓
l	Existing Conditions Drawings (Floor Plans & Elevations with dimensions). Number of seats, furniture layout if applicable	✓
m	Demolition Plans (Floor Plans & Elevations with dimensions)	
n	Proposed Floor Plans and Roof Plan, including mechanical equipment plan and section marks. Plans shall indicate location of all property lines and setbacks.	✓
o	Proposed Elevations, materials & finishes noted (showing grade, base flood elevation, heights in NGVD values and free board if applicable)	✓
p	Proposed Section Drawings	✓
q	Color Renderings (elevations and three dimensional perspective drawings).	✓
10	<b>Landscape Plans and Exhibits (must be 11"x 17")</b>	✓
a	Landscape Plan - street and onsite - identifying existing, proposed landscape material, lighting, irrigation, raised curbs, tree survey and tree disposition plan, as well as underground and overhead utilities when street trees are required.	✓
b	Hardscape Plan, i.e. paving materials, pattern, etc.	
11	Copy of original Building Permit Card, & Microfilm, if available.	
12	Copy of previously approved building permits. (provide building permit number).	
13	Existing and Proposed detailed topographic survey depicting existing spot grades (NAVD) as well as all underground/overhead utilities and easements/agreements with recording data. See Part 1 / Section 1 / A. Surveying & Mapping Standards and submittal Requirements of the Public Works Manual. <a href="http://www.miamibeachfl.gov/publicworks/engineering/engineeringmanual.aspx?id=12920">http://www.miamibeachfl.gov/publicworks/engineering/engineeringmanual.aspx?id=12920</a>	
14	Vacant/Unoccupied structures or sites shall provide recent photographic evidence that the site and structure are secured and maintained. The applicant shall obtain and post a No Trespassing Sign from the City's Police Dept.	
15	Historic Resources Report (This report shall include, but not be limited to, copy of the original Building Permit Card and subsequent modifications, Microfilm records, existing condition analysis, photographic and written description of the history and evolution of the original building on the site, all available historic data including original plans, historic photographs and permit history of the structure and any other related information on the property.	
16	Contextual Elevation Line Drawings, corner to corner, across the street and surrounding properties (dated).	
17	Line of Sight studies.	
18	Structural Analysis of existing building including methodology for shoring and bracing.	
19	Proposed exterior and interior lighting plan, including photometric calculations.	
20	Exploded Axonometric Diagram (showing second floor in relationship to first floor).	
21	Neighborhood Context Study. (Planning will provide guidance if necessary for application.)	
22	Required yards open space calculations and shaded diagrams.	
23	Required yards section drawings.	
24	Variance and/or Waiver Diagram	
25	Schematic signage program	
26	Detailed sign(s) with dimensions and elevation drawings showing exact location.	
27	Elevation drawings showing area of building façade for sign calculation (Building ID signs).	
28	Daytime and nighttime renderings for illuminated signs.	

Indicate N/A If Not Applicable

Initials: 

Planning Department, 1700 Convention Center Drive 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139, www.miamibeachfl.gov  
305.673.7550

**Property address:** 5840 N Bay Raod

29	Floor Plan Indicating area where alcoholic beverages will be displayed.	
30	Survey showing width of the canal (Dimension shall be certified by a surveyor)	
31	Site Plan showing total projection of structures from seawall, location and dimension of all structures inclusive of dock, mooring piles, boat lift, etc.	
32	DERM recommendation/preliminary approval. Docks or any structures shall have approval stamp from DERM or other regulatory agency before submitting for a variance. A letter from DERM or other agency, explaining specific requirements for the project is recommended.	
33	Technical specifications of the boat lift and/ or boat, ship of vessel to be docked or moored.	
34	Survey shall include spot elevations in rear yard and elevation points on the dune adjacent to the property. Provide highest elevation point on the due within the property. Erosion control line and Bulkhead line shall be indicated if present.	
35	Scaled, signed, sealed and dated specific purpose survey (Alcohol License/Distance Separation) distance shown on survey with a straight line.	
36	Proposed Operational Plan: Include deliveries and trash pickup times, hours of operations, number of employees, security and restaurant menu (if applicable).	
37	Maneuvering plan for loading within the existing/proposed conditions, delivery and garbage trucks size (length and width).	
38	Traffic Study, Site plan(s) : Revised version addressing first round of comments from Transportation Department and peer review. (See Transportation Department check list for requirements.)	
39	Sound Study report (Hard copy) with 1 CD.	
<b>40</b>	<b>Site Plan (Identify streets and alleys)</b>	
a	Identify: setbacks _____ Height _____ Drive aisle widths _____ Streets and sidewalks widths _____	
b	# parking spaces & dimensions _____ Loading spaces locations & dimensions _____	
c	# of bicycle parking spaces _____	
d	Interior and loading area location & dimensions _____	
e	Street level trash room location and dimensions _____	
f	Delivery route _____ Sanitation operation _____ Valet drop-off & pick-up _____ Valet route in and out _____	
g	Valet route to and from _____ auto-turn analysis for delivery and sanitation vehicles _____	
h	Indicate any backflow preventer and FPL vault if applicable	
i	Indicate location of the area included in the application if applicable	
j	Preliminary on-street loading plan	
<b>41</b>	<b>Floor Plan (dimensioned)</b>	
a	Total floor area	
b	Identify # seats indoors _____ outdoors _____ seating in public right of way _____ Total _____	
c	Occupancy load indoors and outdoors per venue _____ Total when applicable _____	
<b>42</b>	<b>The letter of Intent shall include and respond to all sea level rise and resiliency review criteria per section 133-50 of the City Code.</b>	✓
<b>43</b>	<b>The Letter of Intent for Variances shall include and respond to all review guidelines in the code as follows:</b>	
a	Section 118-353 (d) of the City Code for each Variance.	
<b>44</b>	<b>The Letter of Intent for Planning Board shall include and respond to all review guidelines in the code as follows:</b>	
a	For Conditional Use -Section 118-192 (a)(1)-(7)	
b	CU -Entertainment Establishments - Section 142-1362 (a)(1)-(9)	
c	CU - Mechanical Parking - Section 130-38 (3)(c )(i)(1)-(2) & (4)(a)-(k)	
d	CU - Structures over 50,000 SQ.FT. - Section 118-192 (b) (1)-(11)	
e	CU - Religious Institutions - Section 118-192 (c) (1)-(11)	

Indicate N/A If Not Applicable

Initials:

Planning Department, 1700 Convention Center Drive 2<sup>nd</sup> Floor  
 Miami Beach, Florida 33139, www.miamibeachfl.gov  
 305.673.7550

Property Address: 5840 N Bay Road

f	For Lot Splits - Section 118-321 (B) (1)-(6). Also see application instructions	✓
	<i>Notes: The applicant is responsible for checking above referenced sections of the Code. If not applicable write N/A</i>	

**\*\*ADDITIONAL INFORMATION AS MAY BE REQUIRED AT THE PRE-APPLICATION MEETING**

ITEM #	<b>FINAL SUBMITTAL (via CAP)</b>
	Revised and/or supplemented documents and drawings to address staff comments. Plans should be clearly labeled "Final Submittal" and dated with Final Submittal deadline date. Upload documents online (via CAP) before 5:00 pm on final submittal deadline. Staff will review and issue a notice to proceed to Paper Final submittal or to continue submittal to a future meeting if the application is found incomplete.
45	Traffic Study, Site plan(s): This is the final traffic study including any modifications required to address comments from the City's Transportation Department. City's required permit by FDOT should be obtained prior to Final submittal (via CAP).

ITEM #	PAPER FINAL SUBMITTAL:	Required
46	Original application with all signed and notarized applicable affidavits and disclosures.	✓
47	Original of all applicable items.	✓
48	One (1) signed and sealed 11"X17" bound, collated set of all the required documents.	✓
49	14 collated copies of all required documents	✓
50	One (1) CD/DVD with electronic copy of entire final application package (plans, application, Letter of Intent, traffic/sound study, etc.) see CD/DVD formatting attached, for instructions.	✓
51	Traffic Study (Hard copy)	✓
52	Mailing Labels -2 sets of gummed labels and a CD including: Property owner's list and Original certified letter from provider.	✓

**ADDITIONAL INFORMATION AND ACKNOWLEDGEMENTS**

- A. Other information/documentation required for First submittal will be identified during Pre-Application meeting but may be modified based on further analysis.
- B. It is the responsibility of the applicant to confirm that documents submitted via CAP, Paper Submittal sets (14 copies), and electronic version on CD are consistent with each other and legible.
- C. Plan revisions and supplemental documentation will not be accepted after the Final Submittal deadline
- D. All documents required for Board applications must be submitted in an electronic format (PDF) via CD in the manner prescribed herein. The CD is considered the "Formal Submission", and must include the electronic version of all hard copy documents associated with the application. A new Updated CD will be required if any modifications are made before or after hearing. Failure to comply with the aforementioned may result in a rehearing before the applicable board at the applicant's expense.
- E. Please note that the applicant will be required to submit revised plans pursuant to applicable Board Conditions no later than 60 days after Board Approval. (If applicable)



Applicant's or designee's signature

4/9/2018

Date

Indicate N/A If Not Applicable

Initials: 



### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
- (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.
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
- (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 of 54 of the City Code.
- (10) Where feasible and appropriate, water retention systems shall be provided.

# MIAMIBEACH

## PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: [www.miamibeachfl.gov/planning](http://www.miamibeachfl.gov/planning)

### DESIGN REVIEW BOARD CAP SUBMITTAL FILE NAMING

All PDF files must be named with the submittal deadline date and the type of document in the following format 'MM-DD-YYYY Document Name'. For example, if the deadline for first submittal is October 29, 2017 the file name would be '10-29-2017 Application'. Use this naming format for first and final CAP submittals. The uploaded file retains the name as it has been saved on your computer. The file name cannot be changed and the file cannot be deleted once it is uploaded.

Please use names for the most common types of files. If the document type is not listed below, please use a document name that clearly identifies the file.

Document Name	Description
Application	Completed Land Use Board Application form including Exhibit A
LOI	Letter of Intent
Checklist	Pre-application Checklist
Labels	Mailing Labels, List of Property Owners, Certified Letter and Map
BTR	Copies of Previous Business Tax Receipts
Survey	Recent Signed and Sealed Survey
Plans	Architectural Plans and Exhibits
Landscape	Landscaping Plans and Exhibits
Microfilm	Building Card and Microfilm
Traffic	Traffic Study
Sound	Sound Study

**All pages of a document must be uploaded in one PDF file. Do not upload individual pages of a document. Documents that have not been revised from first to final submittal do not have to be re-uploaded.**

## 2018 SCHEDULE OF LAND USE BOARD MEETINGS

All meetings are held in the Commission Chambers, Third Floor, Miami Beach City Hall unless otherwise noticed. Please note that only complete applications are scheduled for consideration by Land Use Boards and the number of applications placed on an agenda may not exceed 15 in order to allow sufficient time for the applicants to present, and the board to duly consider each item during the scheduled meeting. Complete applications will be scheduled for the next available agenda on a first come – first serve basis unless the applicant requests to be scheduled on a future agenda. The timeline represented herein may be extended if application is incomplete or submittals not made on a timely manner.

DESIGN REVIEW BOARD, BOARD OF ADJUSTMENT & HISTORIC PRESERVATION BOARD									
PRE-APP MEETING NO LATER THAN	NEW FILE FEE PAY-BY DATE	CAP FIRST SUBMITTAL	COMMENTS ISSUED	FINAL SUBMITTAL (CAP & PAPER)	NOTICE TO PROCEED ISSUED	AGENDA FINALIZED & ALL FEES MUST BE PAID BY	MEETING DATE		
							DRB	BOA	HPB
10/19/17	10/23/17	10/24/17	11/02/17	11/09/17	11/16/17	11/18/17	01/02/18	01/05/18	01/09/18
11/13/17	11/17/17	11/20/17	12/01/17	12/08/17	12/18/17	12/20/17	02/06	02/02	02/13
12/11/17	12/15/17	12/18/17	12/29/17	01/05/18	01/15/18	01/17/18	03/06	03/02	03/12
01/08/18	01/12/18	01/15/18	01/26/18	02/02	02/12	02/14	04/03	04/06	04/10
02/05	02/09	02/12	02/23	03/02	03/12	03/14	05/01	05/04	05/08
03/12	03/16	03/19	03/30	04/06	04/16	04/18	06/05	06/01	06/11
04/09	04/13	04/16	04/27	05/04	05/14	05/16	07/03	07/06	07/10
AUGUST RECESS									
06/11	06/15	06/18	06/29	07/06	07/16	07/18	09/04	09/07	09/17
07/09	07/13	07/16	07/27	08/03	08/13	08/15	10/02	10/05	10/09
08/13	08/17	08/20	08/31	09/07	09/17	09/19	11/06	11/02	11/09
09/10	09/14	09/17	09/28	10/05	10/15	10/17	12/04	12/07	12/11

PLANNING BOARD							
PRE-APP MEETING NO LATER THAN	NEW FILE FEE PAY-BY DATE	CAP FIRST SUBMITTAL	COMMENTS ISSUED	FINAL SUBMITTAL (CAP & PAPER)	NOTICE TO PROCEED ISSUED	AGENDA FINALIZED & ALL FEES MUST BE PAID BY	MEETING DATE
11/09/17	11/13/17	11/14/17	11/23/17	11/30/17	12/07/17	12/11/17	01/23/18
12/01/17	12/08/17	12/11/17	12/22/17	12/29/17	01/08/18	01/10/18	02/27
12/29/17	01/05/18	01/08/18	01/19/18	01/26/18	02/05/18	02/07/18	03/27
01/19	01/26	01/29	02/09	02/16	02/26	02/28	04/17
02/23	03/02	03/05	03/16	03/23	04/02	04/04	05/22
03/30	04/06	04/09	04/20	04/27	05/07	05/09	06/26
04/27	05/04	05/07	05/18	05/25	06/04	06/06	07/24
AUGUST RECESS							
06/29	07/06	07/09	07/20	07/27	08/06	08/08	09/25
07/27	08/03	08/06	08/17	08/24	09/03	09/05	10/23
08/31	09/07	09/10	09/21	09/28	10/08	10/10	11/27
09/21	09/28	10/01	10/12	10/19	10/29	10/31	12/18

# PLAN CORRECTIONS REPORT (PB18-0206)

**PLAN ADDRESS:** N 5840 N Bay Rd  
Miami Beach, FL -331402043

**PARCEL:** 0232150030240

**APPLICATION DATE:** 04/09/2018

**SQUARE FEET:** 0

**DESCRIPTION:** lot split

**EXPIRATION DATE:**

**VALUATION:** \$0.00

## CONTACTS

### Name

### Company

### Address

Applicant

Gregory Fontela

Bercow Radell Fernandez & Lai

MONIKA ENTIN

## Plan Review

**Version: 1**

**Date Received: 05/09/2018**

**Date Completed: 05/21/2018**

### 1. Planning Department Review - Fail

Tui Munday Ph: email: [tmunday@miamibeachfl.gov](mailto:tmunday@miamibeachfl.gov)

Comments: Staff First Submittal Review Comments  
Comments Issued: May 21, 2018 | TUI

LOI: Please address the sea level rise and resiliency criteria from CMB 133-50. **see revised LOI**

LOI and Plans: Please confirm that the two lots will be exactly equal in size. If they are slightly different, please indicate on the LOI and the zoning legend in the plans. **confirmed -- see revised LOI and plans**

Photographs: Please provide arrows on the key plan indicating the angle of the photographs.

Please find attached our comments; you will also receive these comments plus any other comments (Administrative, Landscape and transportation if applicable) from your CAP account shortly.

Provide the above information for Final submittal (CAP and Paper) by Friday May 25, 2018 before 1:00 pm. Provide a narrative and label electronic files as: Final submittal date Date (MM-DD-YYYY) – file name.

The official application is what is submitted in CAP and is the responsibility of the applicant to upload accurate information and the electronic files coordinates with the paper submittal.

Paper submittal: submit original set (original application, letter of intent, survey, plans, color photographs and any other applicable items); 14 copies (collated sets) and the CD with the proper format to the attention of: Victor Nunez.

Staff will review this Final submission and let you know if it is moving forward for the July meeting on June 04, 2018.

These comments have been provided as a preliminary review of the documents and plans submitted and are subject to additions and/or deletions pending further review.

### 2. Planning Admin Review - Fail

Victor Nunez Ph: email: [VictorNunez@miamibeachfl.gov](mailto:VictorNunez@miamibeachfl.gov)

Comments: Application form is missing page 6 power of attorney from Edith Ann Barish. Also, you must complete the power of attorney affidavit page that Kevin Flaherty signed.  
Please include addresses for the disclosure. **see revised application**

**DROP OFF FINAL PAPER SUBMITTAL BEFORE 12PM - May 25**

The following fees are outstanding (tentative)

1. Advertisement - \$1,500
  2. Board Order Recording - \$100
  3. Posting - \$100
  4. Courier - \$70
  5. Mail Label Fee (\$4 per mailing label) \$ 96
- Total Outstanding Balance = \$ 1,866

Comments Issued: May 18, 2018

In addition to the fees and AFTER receiving approval/confirmation to proceed, the following shall be provided to the Department no later than May 25th Final Paper submittal deadline:

- One (1) original application (Proper signed and notarized affidavits and Disclosures must be provided).
- One (1) original Letter of Intent.
- One (1) original set of architectural plans signed, sealed and dated.
- One (1) original signed, sealed and dated Survey.
- Any additional information/documents provided
- 14 collated sets including copies of all the above: application form, letter of intent, plans, and any additional information/documents provided (plans and survey should be 11x17).
- Mailing labels must be provided including Letter certifying the labels, radius map, gummed labels, and Labels CD done with the proper Excel format specified by the Planning Department.
- A CD/DVD containing a digital version of the documents and plans submitted. The CD must be in the proper format specified by the Planning Department (each document must be less than 15MB).

### 3. Planning Landscape Review - Fail

Ricardo Guzman Ph: email: [RicardoGuzman@miamibeachfl.gov](mailto:RicardoGuzman@miamibeachfl.gov)

Comments: General Correction : Review #1

- 1- Update architectural renderings to showcase landscape plans as proposed.
- 2- When planted in clusters or in a row, required canopy shade trees should be spaced in a manner that would permit and enhance their natural growth habit and canopy spread. Canopy shade trees which are counted as required, shall not be planted with the intent to create a topiary form or hedge. Please revisit spacing / layout of Bay Rum and Pigeon Plum trees.

- 3- North site / landscape plan appears to be deficient with the number of required trees in the rear yard.
- 4- Planting key 'RX' is not identified on plant list. Please note that only sod and canopy shade trees are permitted within the public ROW. If a landscape edge is desired in front of the wall, please set the wall back from front property line and provide planting in private property.
- 5- Do not include Screw Pine as part of the total 'canopy shade trees' provided.
- 6- Provide a Tree Report prepared by a Certified Arborist for all of the canopy shade trees scheduled for removal with a DBH of 6" or greater

MIAMIBEACH  
Ricardo Guzman, Senior Planner  
PLANNING DEPARTMENT  
1700 Convention Center Drive, Miami Beach, FL 33139  
Tel: 305-673-7000 x6113 / Fax: 305-673-7559/ [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

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# REVISION NARRATIVE

May 24, 2018

**TO** Mr. Ricardo Guzman / Miami Beach Planning + Zoning

**RE** NBR 5840 North Parcel / PB Comments dated 05.21.18

Dear Mr. Ricardo Guzman:

Included please find a **Revision Narrative for NBR 5840 North Parcel**. Please note that the landscape plans have been revised under the second municipal submittal dated 05.24.18. Thank you for your assistance and please contact me with any questions or comments. Regards,

Chris Cawley, RLA, ASLA  
305.979.1585

1. **COMMENT:** When planted in clusters or in a row, required canopy shade trees should be spaced in a manner that would permit and enhance their natural growth habit and canopy spread. Canopy shade trees which are counted as required, shall not be planted with the intent to create a topiary form or hedge. Please revisit spacing / layout of Bay Rum and Pigeon Plum trees.

**RESPONSE:** Please note that the spacing of the Bay Rum Trees and Pigeon Plum Trees has been increased. Additionally, please note that the Bay Rum Trees in the front Garden are no longer being counted towards the minimum trees requirements. All tree requirements per Miami Beach Landscape ordinance have been met and exceeded. See Sheet L-1 Landscape Plan

2. **COMMENT:** North site / landscape plan appears to be deficient with the number of required trees in the rear yard.

**RESPONSE:** Please note that 2 Clusia Rosea Trees and 2 Pigeon Trees have been provided in the rear garden, meeting and exceeding the minimum rear yard requirement. See Sheet L-1 Landscape Plan and L-2 Landscape Notes + Details

3. **COMMENT:** Planting key 'RX' is not identified on plant list. Please note that only sod and canopy shade trees are permitted within the public ROW. If a landscape edge is desired in front of the wall, please set the wall back from front property line and provide planting in private property

**RESPONSE:** The plant list has been updated to include RX / Lady palms. Please note that the previously proposed Lady Palms in the ROW have been removed. Only Sod and Street Trees are being proposed in the ROW. See Sheet L-1 Landscape Plan and L-2 Landscape Notes + Details



**REVISION NARRATIVE PAGE 2**

**NBR 5840 North Parcel / PB Comments dated 05.21.18**

4. **COMMENT:** Do not include Screw Pine as part of the total 'canopy shade trees' provided.

**RESPONSE:** Please note that the previously proposed Screw Pine has been eliminated and replaced with a Senegal Date Palm. Please note that the Senegal Date Palm is not being counted towards the canopy tree requirement. See Sheet L-1 Landscape Plan and L-2 Landscape Notes + Details

5. **COMMENT:** Provide a Tree Report prepared by a Certified Arborist for all of the canopy shade trees schedule for removal with a DBH of 6" or greater

**RESPONSE:** Please refer to arborist report by Jeremy Chancey of Bartlett Tree Experts dated May 6, 2018

# REVISION NARRATIVE

May 24, 2018

**TO** Mr. Ricardo Guzman / Miami Beach Planning + Zoning

**RE** NBR 5840 South Parcel / PB Comments dated 05.21.18

Dear Mr. Ricardo Guzman:

Included please find a **Revision Narrative for NBR 5840 South Parcel**. Please note that the landscape plans have been revised under the second municipal submittal dated 05.24.18. Thank you for your assistance and please contact me with any questions or comments. Regards,

Chris Cawley, RLA, ASLA  
305.979.1585

1. **COMMENT:** When planted in clusters or in a row, required canopy shade trees should be spaced in a manner that would permit and enhance their natural growth habit and canopy spread. Canopy shade trees which are counted as required, shall not be planted with the intent to create a topiary form or hedge. Please revisit spacing / layout of Bay Rum and Pigeon Plum trees.

**RESPONSE:** Please note we have reduced the number of proposed Pigeon Plum Trees and increased their spacing in order to provide adequate space for their future canopy growth.  
See Sheet L-1 Landscape Plan

2. **COMMENT:** Provide a Tree Report prepared by a Certified Arborist for all of the canopy shade trees schedule for removal with a DBH of 6" or greater

**RESPONSE:** Please refer to arborist report by Jeremy Chancey of Bartlett Tree Experts dated May 6, 2018

# NEPTUNE NORTH & SOUTH RESIDENCES

5840 N Bay Road  
Miami Beach, FL

Folio# 02-3215-003-0240

Revision #1  
05/25/2018



Landscape Review [Record By Guzman, Ricardo]		
COMMENT	LOCATION	RESPONSE
1- Update architectural renderings to showcase landscape plans as proposed.	A-21 A-36	See North House Perspectives Sheet A-21 & A-36
PLANING [RECORDED BY: GUZMAN, RICARDO]		
COMMENT	LOCATION	RESPONSE
2- Please confirm that the two lots will be exactly equal in size.	A-6 A-7	Please note we have included lot size area for both lots under the lot coverage zoning diagrams, and zoning data sheets.