

MIAMI BEACH

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

LAND USE BOARD HEARING APPLICATION

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

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

SUBJECT PROPERTY ADDRESS: 404 Washington Avenue, Miami Beach, Florida 33139

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

FOLIO NUMBER (S) 02-4203-009-1980

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

NAME 404 SB, LLC
 ADDRESS 265 Mt. Paran Road, Suite 106, Atlanta, Georgia 30327
 BUSINESS PHONE (404) 237-2060 CELL PHONE (404) 601-1342
 E-MAIL ADDRESS dabes@buckheadrestaurants.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME Dominion Partners, LP
 ADDRESS C/O The Trump Group, 4000 Island Boulevard, Aventura, Florida 33160
 BUSINESS PHONE 305-466-3337 CELL PHONE N/A
 E-MAIL ADDRESS JoeS@trumpgroup.com

2. AUTHORIZED REPRESENTATIVE(S):

☒ ATTORNEY:

NAME James E. Rauh, Esq., Greenspoon Marder, P.A.
 ADDRESS 1601 Washington Avenue, Suite 300, Miami Beach, Florida 33139
 BUSINESS PHONE (305) 789-2732 CELL PHONE (305) 510-4077
 E-MAIL ADDRESS james.rauh@gmlaw.com

☐ AGENT:

NAME _____
 ADDRESS _____
 BUSINESS PHONE _____ CELL PHONE _____
 E-MAIL ADDRESS _____

☐ CONTACT:

NAME _____
 ADDRESS _____
 BUSINESS PHONE _____ CELL PHONE _____
 E-MAIL ADDRESS _____

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

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

NAME Kevin Bailey, The Johnson Studio at Cooper Carry
 ADDRESS 191 Peachtree Street NE, Suite 2400, Atlanta, Georgia, 30303
 BUSINESS PHONE (404) 525-5400 CELL PHONE N/A
 E-MAIL ADDRESS kevin@johnsonstudio.com

FILE NO. _____

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

Modification of the Conditional Use Permit Under Planning Board File No. 2139 for a
Neighborhood Impact Establishment consisting of a restaurant with a patron occupant content of
more than 300 persons.

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

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

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

PLEASE READ THE FOLLOWING AND ACKNOWLEDGE BELOW:

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

FILE NO. _____

- 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 (Applicant)

SIGNATURE: _____

PRINT NAME: Ignatius Pano Karatassos, Manager of 404 SB, LLC

FILE NO. _____

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF
COUNTY OF

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

Not Applicable

SIGNATURE

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

Not Applicable

NOTARY PUBLIC

NOTARY SEAL OR STAMP

Not Applicable

PRINT NAME

My Commission Expires:

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

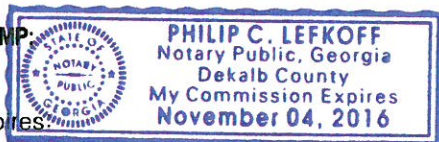
STATE OF GA
COUNTY OF DeKalb

I, Ignatius Pano Karatassos, being duly sworn, depose and certify as follows: (1) I am the Manager (print title) of 404 SB, LLC (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner or tenant of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (7) I am responsible for removing this notice after the date of the hearing.

[Signature]
SIGNATURE

Sworn to and subscribed before me this 16 day of June, 2016. The foregoing instrument was acknowledged before me by Ignatius Pano Karatassos, Manager of 404 SB, LLC, on behalf of such entity, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires

11/4/2016

[Signature]
NOTARY PUBLIC
Philip C. Lefkoff
PRINT NAME

FILE NO. _____

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____
 COUNTY OF _____

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

Not Applicable

SIGNATURE

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

Not Applicable

NOTARY SEAL OR STAMP

NOTARY PUBLIC

Not Applicable

My Commission Expires:

PRINT NAME

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

(Circle one)

STATE OF _____
 COUNTY OF _____

I, Mark Todes, being duly sworn, depose and certify as follows: (1) I am the Senior Vice President (print title) of Dominion Realty, 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.

*General Partner of Dominion Partners, LP

Mark Todes

SIGNATURE

Sworn to and subscribed before me this 15 day of JUNE, 2016. The foregoing instrument was acknowledged before me by Mark Todes, Senior Vice President of Dominion Realty, LLC*, on behalf of such entity, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

*General Partner of Dominion Partners, LP

NOTARY SEAL OR STAMP:

Carol Barbarino

NOTARY PUBLIC

My Commission Expires:

CAROL BARBARINO
 NOTARY PUBLIC, State of New York
 No. 24-01BA4731977
 Qualified in Kings County
 Cert. Filed in New York County
 Commission Expires Jan. 31, 2019

CAROL BARBARINO

PRINT NAME

FILE NO. _____

POWER OF ATTORNEY AFFIDAVIT

STATE OF GA.
 COUNTY OF DeKalb

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

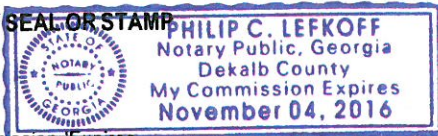
Ignatius Pano Karatassos, Manager of 404 SB, LLC

PRINT NAME (and Title, if applicable)

SIGNATURE

Sworn to and subscribed before me this 16 day of June, 2016. The foregoing instrument was acknowledged before me by Ignatius Pano Karatassos, Manager of 404 SB, LLC who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires

11/4/2016

NOTARY PUBLIC

Philip C. Lefkoff

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, stock holders, beneficiaries, or partners. If any of the contract purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities. *

Not Applicable

NAME

NAME, ADDRESS, AND OFFICE

Not Applicable

Not Applicable

DATE OF CONTRACT

% OF STOCK

Not Applicable

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

FILE NO. _____

POWER OF ATTORNEY AFFIDAVIT

STATE OF _____

COUNTY OF _____

I, Mark Todes, being duly sworn and deposed, certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize 404 SB, LLC, James E. Rauh, Esq. & Greenspoon Marder, P.A. to be my representative before the Planning Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

Mark Todes, Senior Vice President of Dominion Realty, LLC*

PRINT NAME (and Title, if applicable)

*General Partner of Dominion Partners, LP

SIGNATURE

Sworn to and subscribed before me this 15 day of JUNE, 20 16. The foregoing instrument was acknowledged before me by Mark Todes, Senior Vice President of Dominion Realty, LLC* who has produced as identification and/or is personally known to me and who did/did not take an oath.

*General Partner of Dominion Partners, LP

NOTARY SEAL OR STAMP

CAROL BARBARINO
NOTARY PUBLIC, State of New York
No. 24-01BA4731977
Qualified in Kings County
Cert. Filed in New York County
Commission Expires Jan. 31, 20 19

My Commission Expires

NOTARY PUBLIC

PRINT NAME

CONTRACT FOR PURCHASE

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

Not Applicable

Not Applicable

NAME

DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

% OF STOCK

Not Applicable

Not Applicable

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

FILE NO. _____

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.*

404 SB, LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

See Exhibit "B"

See Exhibit "B"

Dominion Partners, LP

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

See Exhibit "C"

See Exhibit "C"

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

NOTE: Notarized signature required on page 9

FILE NO. _____

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION
DISCLOSURE OF INTEREST

2. TRUSTEE

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

TRUST NAME

NAME AND ADDRESS	% INTEREST
Not Applicable	Not Applicable
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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.	James E. Rauh, Esq.	1601 Washington Avenue, Suite 300	(305) 789-2732
b.		Miami Beach, Florida 33139	
c.			

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


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

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

APPLICANT AFFIDAVIT

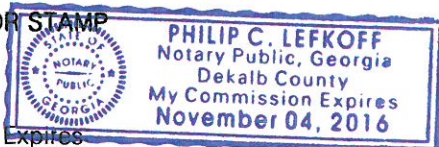
STATE OF GA
COUNTY OF Dekalb

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


Ignatius Pano Karatassos, Manager of 404, SB LLC
SIGNATURE

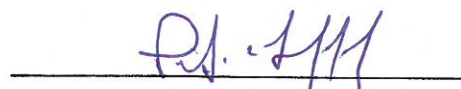
Sworn to and subscribed before me this 16 day of June, 2016. The foregoing instrument was acknowledged before me by, who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires

11/4/2016


NOTARY PUBLIC

Philip C. Lefkoff
PRINT NAME

FILE NO. _____

EXHIBIT "A"
LEGAL DESCRIPTION

Lots 3, 4 and 5, Block 49, OCEAN BEACH, FLA. ADDITION NO. 3, according to the Plat thereof, as recorded in Plat Book 2, at Page 81 of the Public Records of Miami-Dade County, Florida.

EXHIBIT "B"

DISCLOSURE OF INTEREST

1. CORPORATION

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

404 SB, LLC

CORPORATION NAME	
<u>NAME AND ADDRESS</u>	<u>% OF STOCK</u>
404 SB, LLC	
ANP, LP 265 Pharr Road Atlanta, Georgia 30305	100%
ANP, LP	
Pano I. Karatassos 3802 Wieuca Terrace Atlanta, Georgia 30342	33.33333333333333%
Anne Symbas 5360 Mount Vernon Parkway Atlanta, Georgia	33.33333333333333%
Niko Karatassos 5830 Long Grove Drive Atlanta, Georgia 30328	33.33333333333333%

EXHIBIT "C"
DISCLOSURE OF INTEREST
DOMINION PARTNERS, LP

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION

DISCLOSURE OF INTEREST

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), trusts 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.*

Dominion Partners, LP
CORPORATION NAME

Name and Address	% of Ownership
------------------	----------------

Dominion Partners, LP

Dominion Realty, LLC c/o Trump Group 4000 Island Boulevard, PH #2 Aventura, Florida 33160	50 %
----------------------------------------------------------------------------------------------------	------

Beleggingsmaatschappij De Lange Velden, BV 49 % (Cross Reference Name: Investment Company The Long Fields) Schiphol Boulevard 181 1118 BG Schiphol Holland	
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Dominion/K Realty, LLC Schiphol Boulevard 181 1118 BG Schiphol Holland	1 %
---------------------------------------------------------------------------------	-----

Dominion Realty, LLC

Trump Holdings, LLC c/o Trump Group 4000 Island Boulevard, PH #2 Aventura, Florida 33160	20 %
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Julius Trump c/o Trump Group 4000 Island Boulevard, PH #2 Aventura, Florida 33160	40 %
--------------------------------------------------------------------------------------------	------

Eddie Trump c/o Trump Group	40 %
--------------------------------	------

4000 Island Boulevard, PH #2
Aventura, Florida 33160
Trump Holdings, LLC

Julius Trump 50 %
c/o Trump Group
4000 Island Boulevard, PH #2
Aventura, Florida 33160

Eddie Trump 50 %
c/o Trump Group
4000 Island Boulevard, PH #2
Aventura, Florida 33160

Dominion/K Realty, LLC

Beleggingsmaatschappij De Lange Velden, BV 100 %
Schiphol Boulevard 181
1118 BG Schiphol
Holland

Beleggingsmaatschappij De Lange Velden, BV

Himalaya Vastgoed BV 100 %
Schiphol Boulevard 181
1118 BG Schiphol
Holland

Himalaya Vastgoed BV

Kroonenberg Groep BV 100 %
Schiphol Boulevard 181
1118 BG Schiphol
Holland

Kroonenberg Groep BV

Stichting Administratiekantoor Jacob Kroonenberg 100 %
Schiphol Boulevard 181
1118 BG Schiphol
Holland

Stichting Administratiekantoor Jacob Kroonenberg

Mary Kroonenberg 22 %
Van Leijenberghlaan 60
1082 GM Amsterdam

Anneke Kroonenberg 22 %
Cannenburg 17
1081 GT Amsterdam

Lesley Bamberger 19 %

Amsteldijk Noord 167
1183 TK Amsterdam

Sylvia Bamberger
Richard Wagnerstraat 10
1071 VV Amsterdam

18 %

Gordon Fernandes
Rietzangerweg 19
1111 VG Diemen

19 %

**CITY OF MIAMI BEACH
BUSINESS TAX RECEIPT**

1700 Convention Center Drive
Miami Beach, Florida 33139-1819

TRADE NAME: THE ITALIAN JOB MIAMI, LLC / SIENA TAVERN
IN CARE OF:
ADDRESS: 404 Washington Ave
MIAMI BEACH, FL 33139-6618

LICENSE NUMBER: RL-10007474
Beginning: 10/01/2015
Expires: 09/30/2015
Parcel No: 0242030091980

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

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

This Receipt may be transferred:

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

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

Additional Information

Storage Locations

TRADE ADDRESS: 404 Washington Ave

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

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

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

THE ITALIAN JOB MIAMI, LLC / SIENA TAVERN
404 Washington Ave
MIAMI BEACH, FL 33139-6618



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

1700 Convention Center Drive
Miami Beach, Florida 33139-1819

TRADE NAME: DRAGON
IN CARE OF: LINDA CHODOROW
ADDRESS: 19925 NE 39TH PL, APT 701
AVENTURA, FL 33180

RECEIPT NUMBER: RL-95209553
Beginning: 10/01/2011
Expires: 09/30/2012
Parcel No: 0242030091980

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

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

This Receipt may be transferred:

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

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

Additional Information

Storage Locations

TRADE ADDRESS: 404 WASHINGTON AVE, STE 620

Code	Certificate of Use/Occupation
000700	ALCOHOL BEV. (NO LATER THAN 2AM)
016400	RESTAURANT / BARS

CERTIFICATE OF USE	900
# OF SEATS	486
OCCUPANCY LOAD	390
C_U # OF UNITS	486
ALC BEV, THROUGH 2AM	Y

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

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

DRAGON/CHINA GRILL SOBE
404 WASHINGTON AVE, STE 620
MIAMI BEACH, FL 33139-6606



June 20, 2016

Via Hand Delivery

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

Re: Letter of Intent for the Modification of the Conditional Use Permit Under
Planning Board File No. 2139 for a Neighborhood Impact Establishment for
Lobster Bar Sea Grille at 404 Washington Avenue

Dear Chair and Board Members:

Our Law Firm represents 404 SB, LLC ("Applicant"), the new tenant of the restaurant space (the "Restaurant Premises") located at 404 Washington Avenue, Miami Beach, Florida 33139, identified on the architectural plans submitted with this application, previously operated as the former "Siena Tavern" restaurant. Please allow this letter to serve as the Applicant's letter of intent ("LOI") in connection with this application for a Modification to the Conditional Use Permit for a Neighborhood Impact Establishment ("NIE") under Planning Board File No. 2139. The Applicant intends to operate its "Lobster Bar Sea Grille" restaurant concept at the Restaurant Premises as more fully described in the collective application materials, which consists of a restaurant with an occupant content of more than 300 persons, as defined as a NIE under §142-1361 and §142-1362 of the City Code.

Description of Restaurant Premises. The Restaurant Premises is located within the building described as 404 Washington Avenue ("Property"), which is generally bounded by Fifth Street to the North, Fourth Street to the South, Euclid Avenue to the West, and Washington Avenue to the East. The Property contains multiple commercial tenants, including office and other commercial uses, as well as an on-site parking garage containing required parking for those uses. The Property is located within the CPS-2 (Commercial General Mixed Use) zoning district, which is designed to accommodate a range of business, commercial, office and hotel uses, as well as medium to high density residential development pursuant to performance standards which control the permissible type, density or intensity, and mix of development. The

Restaurant Premises was previously operated as 420 seat restaurant known as "Siena Tavern." There are *no* residential uses located on the Property and most other commercial tenants typically vacate the building by approximately 7:00 p.m.

Lobster Bar Sea Grille. Lobster Bar Sea Grille ("Lobster Bar") is one of the newest restaurant concepts from the national award-winning Buckhead Life Restaurant Group. The first Lobster Bar was opened in 2013 in Fort Lauderdale, Florida. Buckhead Life Restaurant Group operates twelve (12) restaurants throughout Georgia and Florida. Each of its restaurants has its own style, atmosphere, and flavor.

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

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

Satisfied. The Applicant has provided a detailed operational and business plan (included in the Operations Plans with the application materials), which addresses Lobster Bar Sea Grille's hours of operation, number of employees required to effectively operate the restaurant, menu items, goals of the business and other operational characteristics pertinent to the application. Siena Tavern was previously approved and licensed to operate until 5:00 a.m. The Applicant is proposing a reduction in operating hours until 2:00 a.m.

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

Satisfied. As explained in the Applicant's Parking Plan (included in the Operations Plans with the application materials), the Property contains an on-site parking garage, where the valet operator for the restaurant will park vehicles for patrons. Also included within the application materials is information explaining the vast nationwide professional experience of the on-site parking garage and valet operator, Laz Parking. The Applicant's unique ability to provide required parking for the restaurant on-site and have vehicles for patrons valet parked within the same structure where the venue is located is in stark contrast to many other hospitality uses that provide zero parking. In addition, there are a host of other self-parking options for patrons in the immediate area, including surface parking lots and garages. However, even considering those parking accommodations, the venue is located within an area of the City where patrons can easily walk instead of drive (and the Applicant anticipates many patrons will walk or take public transportation, such as a taxi).

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

Satisfied. The Applicant's Crowd Control Plan is included in the Operations Plans with the application materials. The venue is designed to accommodate a sufficient number of patrons

so that those patrons waiting to gain entry do **not** have to wait within the public right-of-way. The outdoor seating area along Washington Avenue and the interior waiting areas contain ample space for those patrons waiting to gain entry to the restaurant. As such, the Applicant will ensure a clear path is maintained along the public right of way for pedestrians.

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

Satisfied. The Security Plan (included in the Operations Plans with the application materials) explains that the building in which the restaurant is located has on-site security with a security officer stationed in the lobby. The security guard's duties include scheduled patrols throughout the parking garage, leased office areas, common areas and exterior perimeter checks. The building in which the restaurant is located is managed by Taylor & Mathis, a professional real estate management company with vast experience (as explained in their Firm Profile attached). In addition, there are security cameras throughout the building, which include monitoring the on-site parking garage ingress and egress. The building's security personnel are on site daily, from 7:00 a.m. to 11:00 p.m. Normal business hours are Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 2:00 p.m. Access to leased portions of the building after normal business hours, is possible through secured card keys only. The Applicant's staff will enforce patron age restrictions.

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

Satisfied. The Traffic Circulation Plan (included in the Operations Plans with the application materials) explains the proposed establishment is the same use as the previously existing restaurant known as "Siena Tavern," except **the proposed establishment will have less seats**. Siena Tavern was licensed to operate as a restaurant with 420 seats whereas the proposed establishment will have only 348 seats, evidencing a reduction in patrons and resulting traffic from the previous restaurant use. As recited above, the building in which the restaurant is located contains an on-site parking garage containing required parking for the restaurant and the operator of the on-site parking garage, Laz Florida Parking, will also provide valet service to the patrons of the restaurant. The valet pick-up / drop-off will be located near the front entrance of the restaurant along Washington Avenue. The valet will drive the vehicles just a short distance south down Washington Avenue turning right on Fourth Street where the entrance to the on-site parking garage is located (on the south side of the building along Fourth Street). When patrons are ready to leave the restaurant, the valet will retrieve the cars from the on-site parking garage, turning right onto Fourth Street, driving the vehicles a short distance down Fourth Street to turn right onto Euclid Avenue, turning right onto Fifth Street, then finally turning right onto Washington Avenue to arrive at the valet pick-up / drop-off near the front entrance of the restaurant. The use of the on-site parking garage in conjunction with the valet operation will mitigate the impact of projected traffic, if any, on the immediate neighborhood.

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

Satisfied. The Sanitation Plan (included in the Operations Plans with the application materials) explains that the building in which the restaurant is located contains an air conditioned trash room, which was utilized by the former "Siena Tavern" restaurant. Lobster Bar will utilize that same trash room, located on the West side of the building, which has a sufficient capacity to accommodate the proposed restaurant operation. The restaurant operator will contract directly with a sanitation company for waste removal.

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

Satisfied. A sound study was not required to be submitted with the application as the Applicant is not proposing to have entertainment. The Applicant has submitted a Sound System Confirmation Report at the request of the Planning Staff to confirm the exterior speakers, which will play light background music, will comply with the City of Miami Beach noise ordinance.

(8) Proximity of proposed establishment to residential uses:

Satisfied. The nearest residential uses to the proposed establishment are across Euclid Avenue (on the back side of the Property opposite the main entrance to the Restaurant Premises), and therefore, based on the Applicant's proposed operation of the restaurant, Lobster Bar Sea Grille should not have an adverse impact on any residential uses.

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

Satisfied. The proposed establishment is the same use as the previously existing use within the Restaurant Premises (which was "Siena Tavern" restaurant), except the proposed establishment will have less seats. Siena Tavern was licensed to operate as a restaurant with 420 seats whereas the proposed establishment will have only 348 seats. All of the adjacent pre-existing uses within the Property are commercial. The main entrance to the Restaurant Premises is located on the corner of Fifth Street and Washington Avenue. The uses across Washington Avenue to the East of the Restaurant Premises are all commercial, including restaurants, bars and retail establishments. The uses across Fifth Street to the North are also commercial, including a surface parking lot and bank. The uses across Euclid Avenue to the West of the Property (on the back side of the building opposite the main entrance to the Restaurant Premises) include a mixture of commercial and residential uses, including a surface parking lot, apartment buildings, and an office/retail space for lease. The uses to the South of the Restaurant Premises (within the same Property) are commercial. The entrance to the on-site parking garage is located on the South side of the Property and the use across Fourth Street to the South of the Property is commercial (the Villa Italia Hotel). Based on the Applicant's proposed operation of the venue in relation to its location along the Fifth Street commercial corridor, the cumulative effect of the proposed establishment and the adjacent pre-existing uses should not have any adverse impact on the surrounding area.

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

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

Satisfied. Neighborhood Impact Establishments are permitted as conditional uses within the CPS-2 (Commercial General Mixed Use) zoning district, which is designed to accommodate a range of business, commercial, office and hotel uses, as well as medium to high density residential development pursuant to performance standards which control the permissible type, density or intensity, and mix of development. The uses sought herein are consistent with the City's Comprehensive Plan for this area and the Future Land Use Map category of CPS-2.

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

Satisfied. The proposed establishment is the same use as the previously existing use within the Restaurant Premises (which was "Siena Tavern" restaurant), except the proposed establishment will have less seats. Siena Tavern was licensed to operate as a restaurant with 420 seats whereas the proposed establishment will have only 348 seats. Neighborhood Impact Establishments are permitted as conditional uses within the CPS-2 (Commercial General Mixed Use) zoning district, which is designed to accommodate a range of business, commercial, office and hotel uses, as well as medium to high density residential development pursuant to performance standards which control the permissible type, density or intensity, and mix of development.

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

Satisfied. The Applicant in this case is *not* building any new structures in conjunction with the planned use and the proposed establishment is the same use as the previously existing use within the Restaurant Premises (which was "Siena Tavern" restaurant), except the proposed establishment will have less seats. Siena Tavern was licensed to operate as a restaurant with 420 seats whereas the proposed establishment will have only 348 seats .

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

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

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

Satisfied. As recited in the Applicant's Parking Plan (included in the Operations Plans with the application materials), the Property contains an on-site parking garage, where the valet

operator for the restaurant will park vehicles for patrons. The Applicant's unique ability to provide required parking for the restaurant and have vehicles for patrons valet parked within the same structure where the venue is located is in stark contrast to many other hospitality uses that provide zero parking. In addition, there are a host of other self-parking options for patrons in the immediate area, including surface parking lots and garages. However, even considering those parking accommodations, the venue is located within an area of the City where patrons can easily walk instead of drive (and the Applicant anticipates patrons will walk or take public transportation, such as a taxi).

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

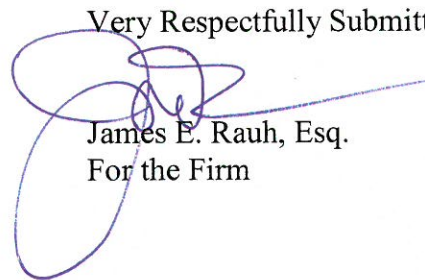
Satisfied. As set forth in the cumulative application materials, the proposed use and controlled operation of the venue will not adversely affect the public health, safety, morals, and general welfare. In addition, the Applicant has provided for necessary safeguards in its Operations Plans attached hereto,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

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

Satisfied. There are no other Neighborhood Impact Establishments, consisting of restaurants with 300 or more persons, within the immediate area of the Restaurant Premises. Further, the safeguards included in the Operations Plans attached hereto will ensure there is no negative impact on the surrounding neighborhood. The Applicant's proposed use is unique and should serve to improve the surrounding neighborhood.

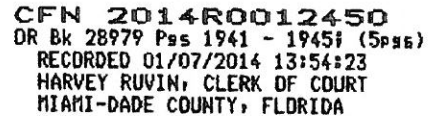
Conclusion. In light of the foregoing, and the application materials submitted herewith, we respectfully request the Planning Board's approval of this application.

Very Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'James E. Rauh', is written over the typed name. The signature is stylized with loops and a long horizontal stroke extending to the right.

James E. Rauh, Esq.
For the Firm

Enclosures



Page 1 of 5

IT IS THEREFORE 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 is adopted herein, including the staff recommendation, that a Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions to which the applicant has agreed:

1. This Conditional Use Permit is issued to The Italian Job Miami, LLC, as operator of this Neighborhood Impact Establishment consisting of a restaurant and alcoholic beverage establishment, with occupant content over 300 persons, and no entertainment. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest, or the equivalent, shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein.
2. The patron occupant load shall be determined by the Fire Marshall. The applicant shall obtain a final occupant load from the City before the issuance of a Business Tax Receipt. This Conditional Use Permit authorizes a total of approximately 462 seats (315 interior and 147 exterior).
3. Prior to the issuance of a building permit for the project, the applicant shall submit an operational plan and narrative for all portions of the project, which shall be subject to the review and approval of staff. At a minimum, such operational plan and narrative shall include the following:
 - a. A complete business/operation plan that includes more details of the operation, as well as security and crowd control, shall be submitted to staff for review and approval prior to the CO or issuance of the BTR, whichever occurs first.
 - b. Security staff shall take measures to strictly enforce patron age restrictions in the City Code around the clock.
 - c. Any "wet T-shirt," "thong", "bikini" or similar type of events shall be prohibited.
 - d. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
 - e. The applicant shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalk and the areas of the street adjacent to the property at all times. When sweeping the sidewalk in front of the establishment, the personnel doing the sweeping shall ensure that they do not merely push the refuse in front of another building, but pick up all trash and dispose of it appropriately. In addition, at the end of business each day sidewalks shall be swept and hosed down.
 - f. The location of deliveries and trash collection shall be indicated on the Building Permit plans, subject to the review and approval of staff.
 - g. The applicant shall submit to Planning staff for review and approval a delivery plan and waste removal plan, including the hours of operation, which does not negatively impact the residents across the street, prior to the issuance of a building permit. No trash pick-up shall be permitted before 8:00 AM on weekdays and 9:00 AM on weekends.
 - h. All trash containers shall utilize rubber wheels, as well as a path consisting of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.

- i. All trash rooms shall be air conditioned and sound-proofed in a manner to be approved by staff. The doors to the trash rooms shall remain closed and secured when not in use and all trash dumpsters shall be closed at all times except when in use.
 - j. Except as may be required for fire or building code/Life Safety Code purposes, no speakers of any kind, shall be affixed to, installed, or otherwise located on the exterior of the premises within the boundaries of the project.
 - k. Only ambient background music at a level that would not interfere with normal conversation shall be played in the interior of the premises. The restaurant manager shall maintain control of the music volume at all times.
 - l. Security staff shall monitor patron circulation and occupancy levels during the hours of operation.
 - m. No patrons shall be allowed to queue on the sidewalk or public right-of-way.
 - n. The applicant shall obtain approval from the City's Parking Department to use the area along Washington Avenue in front of the establishment for valet drop-off and pick-up and loading. Loading may occur in the curb cut adjacent to the trash room on Euclid Avenue only between 12:00 PM and 6:00 PM.
 - o. The applicant shall work out an agreement with the City's Parking Department to designate a no parking-loading zone area on the Washington Avenue side of the venue.
 - p. Special events pursuant to the Miami Beach City Code, associated with the proposed establishment, shall not be held on the premises.
 - q. The hours of operation shall be limited to 5:00 AM and may be reduced, but the kitchen shall remain open during all hours of operation.
 - r. The sidewalk café on 5th Street shall close at 2:00 AM.
 - s. After normal operating hours the establishment shall remain closed and no patrons or other persons, other than those employed by the establishment, shall remain therein between closing and 9:00 AM.
 - t. All trash pick-up shall occur from the designated area adjacent to the trash room on Euclid Avenue.
 - u. Any person or entity operating pursuant to this conditional use permit shall post the operating conditions identified in the permit or the full conditional use permit in a conspicuous place in or about the premises where it may be seen upon inspection by any official of the city. For failure to do so, such person or entity may be issued a notice of violation and fined as if it were operating without the conditional use permit, as if it were not issued.
4. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. Within ninety (90) days of the issuance of the TCO or CO for the project, or the date of commencement of operation

5. of the establishment, whichever is later, the operator shall make a progress report to the Planning Board. The Board reserves the right to modify the conditions of this approval at the time of a progress report, in a non-substantive manner, including modifications to the hours of operation, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
6. The Planning Board shall retain the right to call the owner or operator back before them and make modifications to this Conditional Use Permit should there be valid complaints about loud, excessive, unnecessary, or unusual noise. Nothing in this provision shall be deemed to limit the right of the Planning Board to call back the owner or operator for other reasons and for other modifications of this Conditional Use Permit.
7. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns. 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.
8. The City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management Division shall make the determination of the project's fair-share mitigation cost. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.
9. The applicant shall obtain a Certificate of Occupancy prior to the issuance of a Business Tax Receipt.
10. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of an occupational license to operate this entertainment establishment.
11. Without in any manner limiting the general rights of the Planning Director or the Planning Board to recall the owner or operator or to modify this Conditional Use Permit, the Planning Board shall retain the right to call the owner or operator back before them and modify the hours of operation or the occupant load should there be valid complaints about loud, excessive, unnecessary, or unusual noise.
12. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, Code of the City of Miami Beach, Florida.
13. This 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.

13. Within a reasonable time after applicant's receipt of this Conditional Use Permit as signed and issued by the Planning Director, the applicant shall record it in the Public Records of Miami-Dade County at applicant's expense and then return the recorded instrument to the Planning Department. No building permit, certificate of use, certificate of occupancy, certificate of completion, or occupational license shall be issued until this requirement is satisfied.
14. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
15. 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.

Dated this 18th day of December, 2013.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: *Richard G. Lorber*

Richard G. Lorber, Acting Planning Director, AICP,
LEED AP For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 18th day of December, 2013, by Richard G. Lorber, AICP, LEED AP, Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]



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

Notary: *Teresa Maria*

Print Name: Teresa Maria

Notary Public, State of Florida

My Commission Expires: 12-2-17

Commission Number: FF042188

Approved As To Form:

Legal Department

gfield 12-9-13

Filed with the Clerk of the Planning Board on (12/19/13) *JS*

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PB 2139 - 404 Washington Avenue

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