

## MIAMI BEACH

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

### LAND USE BOARD HEARING APPLICATION

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

☐ BOARD OF ADJUSTMENT

- ☐ VARIANCE FROM A PROVISION OF THE LAND DEVELOPMENT REGULATIONS
- ☐ APPEAL OF AN ADMINISTRATIVE DECISION

☐ DESIGN REVIEW BOARD

- ☐ DESIGN REVIEW APPROVAL
- ☐ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY DRB.

☐ HISTORIC PRESERVATION BOARD

- ☐ CERTIFICATE OF APPROPRIATENESS FOR DESIGN
- ☐ CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A STRUCTURE
- ☐ HISTORIC DISTRICT / SITE DESIGNATION
- ☐ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY HPB.

☒ PLANNING BOARD

- ☒ CONDITIONAL USE PERMIT
- ☐ LOT SPLIT APPROVAL
- ☐ AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OR ZONING MAP
- ☐ AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP

☐ FLOOD PLAIN MANAGEMENT BOARD

- ☐ FLOOD PLAIN WAIVER

☐ OTHER \_\_\_\_\_

SUBJECT PROPERTY ADDRESS: 2000 Collins Avenue, Miami Beach, Florida 33139

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

FOLIO NUMBER (S) 02-3226-001-0060

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

NAME DOA Miami Beach, LLC

ADDRESS 8950 Southwest 74th Court, Suite 1704, Miami, Florida 33156

BUSINESS PHONE (305) 670-7645

CELL PHONE N/A

E-MAIL ADDRESS jeff@ctcorpoffice.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME Parc Place Development LLC

ADDRESS 26 Harbor Park Drive, Port Washington, New York, 11050

BUSINESS PHONE (516) 626-5610

CELL PHONE N/A

E-MAIL ADDRESS KGhaytanchi@sandata.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 Doug Preston, Norberto Rosenstein Architect

ADDRESS 126 South Federal Highway, #202, Dania Beach, Florida 33004

BUSINESS PHONE (954) 922-6551

CELL PHONE (954) 560-0693

E-MAIL ADDRESS dpreston@rosensteinarchitect.com

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

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

**Modification for Change of Owner/Operator for the Conditional Use Permit Under Planning Board File No. 2074 for a Neighborhood Impact Establishment. See also Letter of Intent.**

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

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

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

## PLEASE READ THE FOLLOWING AND ACKNOWLEDGE BELOW:

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

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

- 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: \_\_\_\_\_

PRINT NAME: Jeffrey S. Boerner, Director of DOA Miami Beach, 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.

NOTARY SEAL OR STAMP

Not Applicable

NOTARY PUBLIC

Not Applicable

My Commission Expires:

PRINT NAME

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

(Circle one)

STATE OF FloridaCOUNTY OF Miami Dade

Jeffrey S. Boerner

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

SIGNATURE

Sworn to and subscribed before me this 3<sup>rd</sup> day of Aug, 2016. The foregoing instrument was acknowledged before me by Jeffrey S. Boerner, Director of DOA Miami Beach, 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:

NOTARY PUBLIC

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 New York  
COUNTY OF Nassau

I, Bert E. Brodsky, being duly sworn, depose and certify as follows: (1) I am the Managing Member (print title) of 4 B's Realty Collins Avenue, 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.

\*Managing Member of Parc Place Development, LLC

SIGNATURE

Sworn to and subscribed before me this 8<sup>th</sup> day of Sept, 20\_\_\_\_. The foregoing instrument was acknowledged before me by Bert E. Brodsky, Managing Member of 4 B's Realty Collins Avenue, 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.

\*Managing Member of Parc Place Development, LLC

NOTARY SEAL OR STAMP:

My Commission Expires:

DONNA E. GEHRICH  
Notary Public, New York  
No. 02GE6600086  
Qualified in Nassau County  
Commission Expires June 11, 2019

NOTARY PUBLIC

PRINT NAME

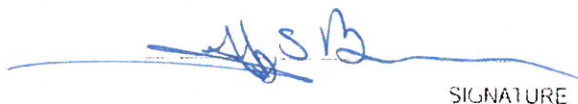
FILE NO. \_\_\_\_\_

**POWER OF ATTORNEY AFFIDAVIT**STATE OF Florida  
COUNTY OF Miami-Dade

I, Jeffrey S. Boerner, 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. & 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.

Jeffrey S. Boerner, Director

PRINT NAME (and Title if applicable)



SIGNATURE

Sworn to and subscribed before me this 31<sup>st</sup> day of Aug., 2016. The foregoing instrument was acknowledged before me by Jeffrey S. Boerner, Director of DOA Miami Beach, 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

Christina M. Lloyd

NOTARY PUBLIC

Christina M. Lloyd

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 individual and/or corporate entities. \*

Not Applicable

NAME

Not Applicable

DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

% OF STOCK

Not Applicable

Not Applicable

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

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



STATE OF New York **POWER OF ATTORNEY AFFIDAVIT**  
COUNTY OF Nassau

I, Bert E. Brodsky, 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 DOA Miami Beach, LLC, James E. Rauh, Esq. & Greenpoint Murders 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.

Bert E. Brodsky, Managing Member of 4 B's Realty Collins Avenue, LLC\*

PRINT NAME (and Title, if applicable)

\*Managing Member of Parc Place Development, LLC

SIGNATURE

Sworn to and subscribed before me this 8<sup>th</sup> day of Sept, 2016. The foregoing instrument was acknowledged before me by Bert E. Brodsky, Managing Member of 4 B's Realty Collins Avenue, LLC\* who has produced as identification and/or is personally known to me and who did/did not take an oath.

\*Managing Member of Parc Place Development, LLC

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires

DONNA E. GEHNRIK  
Notary Public, State of New York  
No. 02GE6060086  
Qualified in Nassau County  
Commission Expires June 11, 2019

PRINT NAME

**CONTRACT FOR PURCHASE**

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

Not Applicable

NAME

Not Applicable

DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

% OF STOCK

Not Applicable

Not Applicable

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

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

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.\*

DOA Miami Beach, LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

See Exhibit "B"

% OF OWNERSHIP

See Exhibit "B"

Parc Place Development, LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

See Exhibit "C"

% OF OWNERSHIP

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
Not Applicable

% INTEREST
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 Florida  
COUNTY OF Miami-Dade

I, Jeffrey S. Boerner, 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.

Jeffrey S. Boerner  
Jeffrey S. Boerner, Director of DOA Miami Beach, LLC  
SIGNATURE

Sworn to and subscribed before me this 31<sup>st</sup> day of Aug, 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

Christina M. Lloyd

NOTARY PUBLIC

My Commission Expires:

Christina M. Lloyd

PRINT NAME



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

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

LOT 1,2,3,4 AND THE EAST 25.5 FEET OF LOT 6, BLOCK C OF AMENDED MAP OF OCEAN FRONT PROPERTY OF MIAMI BEACH IMPROVEMENT COMPANY SUBDIVISION AS RECORDERD IN PLAT BOOK 5, PAGE 7, 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.\*

DOA MIAMI BEACH, LLC

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CORPORATION NAME	
<u>NAME AND ADDRESS</u>	<u>% OF STOCK</u>
<b>DOA MIAMI BEACH, LLC</b>	
A.C. Waney Flat 16 46 Lowndes Square London SW1X9J, United Kingdom	28.8%
Linia 8950 Southwest 74 <sup>th</sup> Court, Suite 1704 Miami, Florida 33156	21.1%
Nahita International Inc. 874 Walker Road City of Dover City of Kent Delaware 19904	34.2%
Karl Waney 8950 Southwest 74 <sup>th</sup> Court, Suite 1704 Miami, Florida 33156	5.3%
Tom Mur Flat 4 Arundel Court Jubilee Place London SW3 3TJ, United Kingdom	5.3%

Arman Naqi 5.3%  
8950 Southwest 74<sup>th</sup> Court, Suite 1704  
Miami, Florida 33156

**LINIA, LLC**

Arun K. Puri 68.320%  
8950 Southwest 74<sup>th</sup> Court, Suite 1704  
Miami, Florida 33156

Yoshina R. Puri 10.0%  
8950 Southwest 74<sup>th</sup> Court, Suite 1704  
Miami, Florida 33156

Jaz Krishan Puri 21.680%  
8950 Southwest 74<sup>th</sup> Court, Suite 1704  
Miami, Florida 33156

**NAHITA INTERNATIONAL INC.**

Nahita UK Ltd. 100%  
c/o Cooley Services Limited Dashwood  
69 Old Broad Street  
London Ec2M 1QS, United Kingdom

**NAHITA UK LTD.**

Dream International BV 100%  
Oranje Nassaulaan  
12 1075 AN Amsterdam  
The Netherlands

**DREAM INTERNATIONAL BV**

Dream International Corp. 100%  
Oranje Nassaulaan  
12 1075 AN Amsterdam  
The Netherlands

**DREAM INTERNATIONAL CORP.**

Nahita Restoran Isletmeciligi ve Yatirim A.S. 100%  
Dream Buyukhanli Plaza Dikilitas Mahallesi Uzengi Sokak No. 8  
Besiktas/Instanbul



**NAHITA RESTORAN ISLETMECİLİĞİ VE YATIRIM A.Ş.**

Dogus Holding Maslak Ayazaga Cad. No: 2 Sariyer/Istanbul	100%
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**DOGUS HOLDING**

Deniz Sahenk Maskal Ayazaga Cad.No:2 Sariyer/Istanbul	17.296%
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Ferit F. Sahenk Maskal Ayazaga Cad.No:2 Sariyer/Istanbul	32.520%
--	---------

Filiz Sahenk Maskal Ayazaga Cad.No:2 Sariyer/Istanbul	30.435%
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Dogus Arastirma Gelistirme Ve Mus Hizm Maskal Ayazaga Cad.No:2 Sariyer/Istanbul	10.265%
---	---------

Dogus Otom Servis Tic A.Ş. Maskal Ayazaga Cad.No:2 Sariyer/Istanbul	3.689%
---	--------

Antur Turizm A.Ş. Maskal Ayazaga Cad.No:2 Sariyer/Istanbul	0.450%
--	--------

Dogus Sigorta Maskal Ayazaga Cad.No:2 Sariyer/Istanbul	0.539%
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Garanti Turizm Maskal Ayazaga Cad.No:2 Sariyer/Istanbul	4.684%
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Dogus Turizm Sag. Yat. Ve Isl Maskal Ayazaga Cad.No:2 Sariyer/Istanbul	0.090%
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Dogus Oto Pazarlama Ve Tic A S Maskal Ayazaga Cad.No:2 Sariyer/Istanbul	0.031%
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Dogus Nakliyat Ve Tic A S  
Maskal Ayazaga Cad.No:2  
Sariyer/Istanbul

0.001%

**EXHIBIT "C"**  
**DISCLOSURE OF INTEREST**  
**PARC PLACE DEVELOPMENT, LLC**

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

**DISCLOSURE OF INTEREST**

**1. CORPORATION**

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

**PARC PLACE DEVELOPMENT, LLC**  
CORPORATION NAME

<b>Name and Address</b>	<b>% of Ownership</b>
<b>Parc Place Development, LLC</b>	
4B's Realty Collins Avenue, LLC 26 Harbor Park Drive Port Washington, New York 11050	60%
POP Development, LLC 26 Harbor Park Drive Port Washington, New York 11050	40%
<b>4B's Realty Collins Avenue, LLC</b>	
Bert E. Brodsky 26 Harbor Park Drive Port Washington, New York 11050	100%
<b>POP Development, LLC</b>	
Bert E. Brodsky 26 Harbor Park Drive Port Washington, New York 11050	60%
BSI South Beach, LLC 26 Harbor Park Drive Port Washington, New York 11050	40%
<b>BSI South Beach, LLC</b>	
The David Craig Brodsky 2010 Family Irrevocable Trust (FL) 26 Harbor Park Drive Port Washington, New York 11050	25%
The Jessica Heather Miller 2010 Family Irrevocable Trust (FL) 26 Harbor Park Drive Port Washington, New York 11050	25%

EXHIBIT "C"  
DISCLOSURE OF INTEREST  
PARC PLACE DEVELOPMENT, LLC

Page 2 of 2

The Jeffrey Holden Brodsky 2010 Family Irrevocable Trust (FL)	25%
26 Harbor Park Drive	
Port Washington, New York 11050	

The Lee Jared Brodsky 2010 Family Irrevocable Trust (FL)	25%
26 Harbor Park Drive	
Port Washington, New York 11050	

**The David Craig Irrevocable Trust**

David Craig Brodsky	100%
26 Harbor Park Drive	
Port Washington, New York 11050	

**The Jessica Heather Brodsky Irrevocable Trust**

Jessica Heather Miller	100%
26 Harbor Park Drive	
Port Washington, New York 11050	

**The Jeffrey Holden Brodsky Irrevocable Trust**

Jeffrey Holden Brodsky	100%
26 Harbor Park Drive	
Port Washington, New York 11050	

**The Lee Jared Brodsky Irrevocable Trust**

Lee Jared Brodsky	100%
26 Harbor Park Drive	
Port Washington, New York 11050	

September 28, 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: Revised Letter of Intent for the Modification of the Conditional Use Permit  
("CUP") Issued Under Planning Board File No. 2074 to the Change the  
Owner/Operator for the restaurant located at the southeast corner of the property  
located 2000 Collins Avenue, Miami Beach, Florida 33139 ("Restaurant")

---

Dear Chair and Planning Board Members:

Our Law Firm represents DÔA Miami Beach, LLC (the "Applicant"), the new tenant of the Restaurant space identified on the architectural plans submitted with this application, which previously operated as the former "Barezzito" restaurant. The Planning Board previously approved a CUP for this Restaurant space for a Neighborhood Impact Establishment ("NIE"), consisting of an alcoholic beverage establishment and restaurant, which also operates as an entertainment establishment and dance hall, with a patron occupant content of 200 or more persons, a copy of which is attached hereto. The Applicant intends to operate its "DÔA" restaurant concept at the Restaurant as more fully described in the collective application materials. Please allow this letter, as well as the enclosed DÔA Restaurant Operations Plan included with the application materials, to serve as the Applicant's Letter of Intent ("LOI") in connection with this application to modify the CUP to change the owner/operator of the Restaurant.

Description of the Property. The building in which the Restaurant is located is a multilevel structure developed for multiple uses, including existing retail, condo-hotel, entertainment, and restaurant uses. The Restaurant is located at the southeast corner of the site as depicted on the site plan included with the architectural plans submitted with this application.

Boca Raton | Denver | Ft. Lauderdale | Las Vegas | Miami | Miami Beach | Naples | New York  
Orlando | Port St. Lucie | San Diego | Tallahassee | Tampa | West Palm Beach



The property in which the Restaurant is located is within the CD-3 (Commercial, High Intensity) zoning district, which is designed to accommodate a highly concentrated business core in which activities serving the entire City are located, and Neighborhood Impact Establishments are permitted as conditional uses within that zoning district.

Restaurant Premises. The Restaurant was previously fully licensed and operated as a 220 seat full service restaurant with dancing and entertainment, as indicated by the prior tenant's Conditional Use Permit and Business Tax Receipt & Certificate of Use included with the application materials.

DÔA Restaurant Concept. DÔA is a true neighborhood styled eatery with an Asian Cantina concept, serving high quality chef driven LatAsian cuisine, which features flavors unique to Asian influenced cuisine born in Latin America. Affordable, casual and approachable, DÔA will be open seven days of the week for unique offerings in dinner, weekend brunch, and late night dining.

The Applicant's proposed operation of DÔA Restaurant satisfies the criteria set forth under the NIE review guidelines pursuant to §142-1362(a) of the City Code's Land Development Regulations as follows:

**(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/business plan within the enclosed DÔA Restaurant Operations Plans submitted with this application, which addresses the 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.

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

**Satisfied.** DÔA's patrons will be serviced by the building's existing valet parking operation, which is contained in the parking garage on site. Self-parking is not allowed in the garage. There are fifty-five (55) parking spaces allotted to this restaurant within the parking garage on-site. In addition to the on-site parking garage, there are a host of other parking options for patrons in the immediate area. Even considering the foregoing parking accommodations made available to restaurant patrons, the Applicant anticipates many patrons will either walk from nearby hotels or take public transportation, along with those patrons who are already guests staying within this hotel, thereby further reducing the demand for parking and potential impact on traffic.

**(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.** DÔA will have both security staff and a hostess present every evening to assist

in directing the flow of people. *See also* Security Plan contained in the DÔA Restaurant Operations Plans submitted with this application.

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

**Satisfied.** The Security Plan is contained in the DÔA Restaurant Operations Plans submitted with this application and also includes enforcement of 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 valet operation which will be servicing DÔA's patrons takes place entirely within the adjacent parking garage located on site. There will not be a separate valet operation located on 20<sup>th</sup> Street.

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

**Satisfied.** The Restaurant's Sanitation Plan is included in the enclosed DÔA Operational Plans and includes the Applicant's use of the existing sanitation facilities located within the building, which are designed to serve the commercial uses within the site and consist of an air conditioned trash room and sufficient trash containers.

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

**Satisfied.** Although the Applicant will have a DJ, the entertainment program will be significantly less intense than that of the prior operator, Barezzito. DÔA will provide patrons with a true dining experience while enjoying music at a less intensive level. Furthermore, the "entertainment" component of the Restaurant is completely contained within the interior of the venue and the outdoor seating will only have background music.

**(8) Proximity of proposed establishment to residential uses:**

**Satisfied.** The Restaurant is not directly adjacent to any residential uses to the east, west, north or south. The condominium-hotel located within the structure is licensed by the City of Miami Beach as such. Although there are condo-hotel units located above the Restaurant, the majority of the units are located on the opposite side of the site along 21<sup>st</sup> Street, where the entrance to the condo-hotel is located, and therefore the Restaurant is physically separated from most of the units within the structure.

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

**Satisfied.** The Restaurant was previously fully licensed and operated as a 220 seat full service restaurant with dancing and entertainment, as indicated by the prior tenant's Conditional

Use Permit and Business Tax Receipt & Certificate of Use included with the application materials. In light of the foregoing, DÔA's operations are not anticipated to have any adverse effect when other adjacent pre-existing uses are considered.

In addition to satisfying the NIE review guidelines criteria set forth above, the Applicant's proposed operation of the Restaurant satisfies the standard Conditional Use Review Guidelines pursuant to §118-192 of the City 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 permits as conditional uses within the CD-3 (Commercial, High Intensity) zoning district, which is designed to accommodate a highly concentrated business core in which activities serving the entire City are located. *Sec. 142-331, City Code.* The main permitted uses in this zoning district are "commercial uses, apartments, apartment/hotels, alcoholic beverage establishments, and religious institutions..." *Sec. 142-332, City Code.* The uses sought herein are consistent with the City's Comprehensive Plan for this area and the Future Land Use Map category of CD-3.

**(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 space (which was "Barezzito"). Neighborhood Impact Establishments are permitted as conditional uses within the CD-3 (Commercial, High Intensity) zoning district, which is designed to accommodate a highly concentrated business core in which activities serving the entire City are located. The structure contains a parking garage, which will provide parking for patrons of the Restaurant.

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

**Satisfied.** Neighborhood Impact Establishments are permitted as conditional uses within the CD-3 (Commercial, High Intensity) zoning district, which is designed to accommodate a highly concentrated business core in which activities serving the entire City are located.

**(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 uses and controlled operation of the venue are consistent with the City's Land Development Regulations and 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 enclosed DÔA Operational Plans, the building in which the Restaurant is located is connected to a structure

containing a parking garage, which will supply parking for the patrons of the Restaurant. There are fifty-five (55) spaces allotted to this restaurant use. In addition to those parking spaces allotted for the Restaurant's patrons in the connected parking structure, there are a host of other parking options for patrons in the immediate area, including a surface parking lot located east of Collins Avenue directly adjacent to 21st Street. Also, the proposed restaurant is located within an area of the City containing multiple hotel and resort uses, and therefore the Applicant anticipates many patrons will either walk from nearby hotels or take public transportation, along with those patrons who are already guests staying within this hotel, thereby further reducing the demand for parking and potential impact on traffic.

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

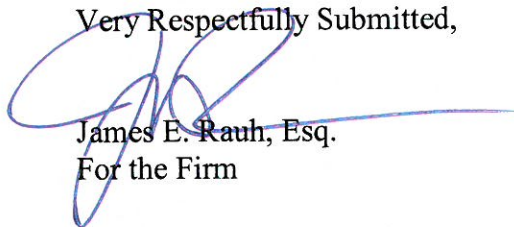
**Satisfied.** The Applicant has designed its operation to ensure the restaurant will not have any adverse impact on surrounding property, persons and neighborhood values. As set forth in the cumulative application materials, the Applicant has provided for necessary safeguards in the DÔA Restaurant Operations Plan.

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

**Satisfied.** The Restaurant was previously fully licensed and operated as a 220 seat full service restaurant with dancing and entertainment, as indicated by the prior tenant's Conditional Use Permit and Business Tax Receipt & Certificate of Use included with the application materials. As such, DÔA's restaurant operations are not anticipated to have any negative impact on the surrounding neighborhood.

In light of the foregoing, and the cumulative application materials submitted herewith, we respectfully request your favorable review and approval of this application.

Very Respectfully Submitted,



James E. Rauh, Esq.  
For the Firm

enclosures

**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: O ENTERTAINMENT GROUP USA LLC D/B/A BAREZZITO  
IN CARE OF: ANA LUISA GONZALEZ  
ADDRESS: 2555 COLLINS AVE, PH 208  
MIAMI BEACH, FL 33140-4778

RECEIPT NUMBER: RL-10006285  
Beginning: 10/01/2013  
Expires: 09/30/2014  
Parcel No:

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**

11am- 1am hours for outdoor cafe  
outdoor cafe shall not have entertainment

**Storage Locations**

**TRADE ADDRESS: 2000 COLLINS AVE, STE 8**

Code	Certificate of Use/Occupation
000701	ALCOHOL BEV. (NO LATER THAN 5AM)
005805	DANCE HALL/ENTERT. W/ALCOHOL
005825	NIGHT CLUB LOAD FEE
016400	RESTAURANT / BARS

CERTIFICATE OF USE	900
SQUARE FOOTAGE	220
# OF SEATS	220
NIGHTCLUB LOAD FEE	275
OCCUPANCY LOAD	275
C_U # OF UNITS	220
ALC BEV, THROUGH 5AM	Y
DANCE_ENT W_ ALCOHOL	Y

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

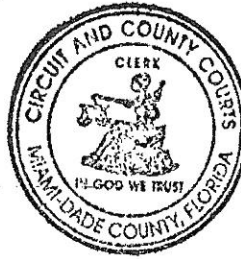
PRESORTED  
FIRST CLASS  
U.S. POSTAGE  
PAID  
MIAMI BEACH, FL  
PERMIT No 1525

ANA LUISA GONZALEZ  
2000 COLLINS AVE  
MIAMI BEACH, FL 33139





**PLANNING BOARD  
CITY OF MIAMI BEACH, FLORIDA**



**CFN 2012R0708349**  
DR Bk 28300 Pgs 2150 - 2153; (4pgs)  
RECORDED 10/04/2012 13:25:20  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

**PROPERTY:** 2000 Collins Avenue Units 6, 7, 8, & 10

**FILE NO.** 2074

**IN RE:** The application by O Entertainment Group USA, LLC., requesting Conditional Use approval to operate a Neighborhood Impact Establishment pursuant to Sections 118-192 and 142-1361 of the City Code consisting of a restaurant and alcoholic beverage establishment, which is also operating as an entertainment establishment and dance hall, with an occupant content of 200 or more persons, as determined by the chief fire marshal.

**LEGAL DESCRIPTION:** Lot 1, 2, 3, 4 and the east 25.5 feet of Lot 6, Block C of amended map of Ocean Front Property of Miami Beach Improvement Company subdivision as recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida

**MEETING DATE:** August 28, 2012

**CONDITIONAL USE PERMIT**

The applicant, O Entertainment Group USA, LLC., filed an application with the Planning Director for a Conditional Use Permit pursuant to Sections 118-192 and 142-1361 of the Land Development Regulations of the City Code, to operate a restaurant and alcoholic beverage establishment, which is also operating as an entertainment establishment and dance hall, with an occupant content of 200 or more persons, as determined by the chief fire marshal.

The Planning Board of the City of Miami Beach 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:

That the property in question is located in the CD-3, Commercial high intensity zoning district

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That 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;

That structures and uses associated with the request are consistent with the Land Development Regulations;

That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

**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. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 90 days from the issuance of the BTR. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, 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).
2. This Conditional Use Permit is issued to O Entertainment Group USA, LLC, as operator of this Neighborhood Impact Establishment consisting of an alcoholic beverage establishment, entertainment establishment, and dance hall with an approximate total occupant content of 269 persons. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein.
3. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest or equivalent, shall require review and approval by the Planning Board as a modification to this Conditional Use Permit.
4. 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.
5. The hours of operation shall be as proposed by the applicant, 11:00 AM to 5:00 AM for the interior dining area and 11:00 AM to 1:00 AM for the outdoor café, as required in the Landlord's CUP.
6. There shall be no entertainment in the outdoor café, only background music played at a volume that does not interfere with normal conversation.
7. The patron occupant content shall be as proposed, or as determined by the Fire Marshall, whichever is lower. The applicant shall obtain a final occupant content certificate from the City before the issuance of a Business Tax Receipt.
8. Security staff shall take measures to strictly enforce patron age restrictions in the City Code around the clock.
9. ~~The sound system and sound attenuation measures shall be implemented as per~~ recommendations of the sound study performed by Donald Washburn of The Audio Bug Inc, dated June 4, 2012. A final sound transmission report which includes the performance of sound systems and sound attenuation devices tested at night, under real conditions, including the interior of the residential units above the applicant's leased space, subject to the applicant's reasonable effort to gain access, shall be submitted to staff for review and approval prior to the issuance of a Certificate of Use or Business Tax Receipt.

10. Business identification signs shall be limited to sign copy indicating the name of the establishment only, subject to historic preservation staff review and approval.
11. Wall mounted speakers shall be strictly prohibited on the exterior walls.
12. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
13. Prior to the issuance of a building permit, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as determined by the Transportation/Concurrency Management Division.
14. The applicant shall obtain a Certificate of Occupancy prior to the issuance of a Business Tax Receipt.
15. 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. 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.
16. Any queuing of patrons shall occur within the property or inside the restaurant only. Security staff shall monitor the crowds to ensure that they do not obstruct the sidewalk.
17. Security staff shall monitor patron circulation and occupancy levels.
18. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a Business Tax Receipt to operate this entertainment establishment.
19. 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 (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise.
20. 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.
21. 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.
22. 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 or certificate of completion shall be issued until this requirement has been satisfied.

23. 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.
24. 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 15<sup>th</sup> day of October, 2012.

STATE OF FLORIDA, COUNTY OF DADE

I HEREBY CERTIFY that this is a true copy of the original filed in this office on OCT 04 2012 day of April

WITNESS my hand and Official Seal

HARVEY RUVIN, CLERK of Circuit and County Courts

By [Signature] DC



PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
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 15<sup>th</sup> day of October, 2012, by Richard G. Lorber, 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.



TERESA MARIA  
MY COMMISSION # DD 928148  
EXPIRES: December 2, 2013  
Bonded Thru Budget Notary Services

[NOTARIAL SEAL]

Notary:

Print Name: TERESA MARIA

Notary Public, State of Florida

My Commission Expires: 12-2-13

Commission Number: DD 928148

Approved As To Form:

Legal Department (Filed 10-1-12)

F:\PLAN\SPLB\2012\8-28-2012\2074 - 2000 COLLINS - BAREZZITO\2074 - CUP.docx

MIAMI-DADE COUNTY CLERK OF COURT  
RECORDS DEPARTMENT  
22 N.W. 1ST STREET  
MIAMI, FL 33128

DATE:10/04/2012  
TIME:01:25:20 PM  
RECEIPT:3113876

TERMINELLO & TERMINELLO, P.A.  
REF: 786-276-2343

ITEM -01 AGR 01:25:20 PM  
FILE:20120708349 BK/PG:028300/2150  
RECORDING FEE 35.50  
COPIES 4.00  
CERTIFICATION 2.00  
Sub. Total 41.50

AMOUNT DUE:	\$41.50	
PAID CASH:	\$6.00	
PAID CHECK:	\$35.50	
Check #:5498		\$35.50
TOTAL PAID:	\$41.50	

REC BY:MICHAEL  
DEPUTY CLERK



# MIAMI BEACH

Planning Department, 1700 Convention Center Drive  
Miami Beach, Florida 33139, www.miamibeachfl.gov  
305.673.7550

Page 1 of 3

Address: 2000 Collins Ave

File Number: 2074

Date:

8/19/16

## BOARD APPLICATION CHECK LIST

A pre-application meeting must be scheduled with Board staff to review all submittals. Pre-application meetings are scheduled on a first come first serve basis and must occur no later than five (5) business days PRIOR to the First Submittal deadline. Incomplete or submittals found to be insufficient will not be placed on a Board agenda.

ITEM #	FIRST SUBMITTAL CHECK LIST	Required	Provided
	<b>ALL PLANS MUST BE DIMENSIONED AND LEGIBLE. INCLUDE A GRAPHIC SCALE</b>		
1	Make an appointment with Board Liaison at least 2 days in advance of the submittal deadline	X	
2	Completed Board Application, Affidavits & Disclosures of Interest (original signatures)	X	
3	Copies of all current or previously active Business Tax Receipts	X	
4	Letter of Intent with details of application request, hardship, etc.	X	
5	Application Fee	X	
6	Mailing Labels - 2 sets and a CD including: Property owner's list and Original certified letter from provider.	X	
7	School Concurrency Application, for projects with a net increase in residential units (no SFH)		
8	Provide four (4), 11"x17" collated sets, two (1) of which are signed & sealed, to include the following:	X	
9	Cover Sheet with bullet point scope of work, clearly labeled "First Submittal" and dated with First Submittal deadline date	X	
10	All Applicable Zoning Information (see Zoning Data requirements)	X	
11	Location Plan, Min 4"x 6" Aerial 1/2 mile radius, colored with streets and project site identified	X	
12	Survey (original signed & sealed) dated less than 6 months old at the time of application (lot area shall be provided by surveyor), identifying grade (if no sidewalk, provide a letter from Public Works, establishing grade), spot elevations and Elevation Certificate	X	
13	Existing FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams)		
14	Proposed FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams)	N/A	
15	Site Plan (fully dimensioned with setbacks, existing and proposed, including adjacent right-of-way widths)	X	
15a	Indicate any backflow preventer and FPL vault if applicable	not X	
16	Current color photographs, dated, Min 4"x 6" of project site and existing structures (no Google images)	X	
17	Current, dated color photographs, min 4"x6" of interior space (no Google images)		
18	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)	X	
19	Existing Conditions Drawings (Floor Plans & Elevations with dimensions)		
20	Demolition Plans (Floor Plans & Elevations with dimensions)		
21	Proposed Floor Plans and Roof Plan, including mechanical equipment plan and section marks	X	
22	Proposed Elevations, materials & finishes noted (showing grade, base flood elevation, heights in NGVD values and free board if applicable)	X	
23	Proposed Section Drawings	not X	
24	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.	not X	
25	Hardscape Plan, i.e. paving materials, pattern, etc.	not X	
26	Color Renderings (elevations and three dimensional perspective drawings)	X	

Indicate N/A If Not Applicable

Initials:



# MIAMI BEACH

Page 2 of 3

Planning Department, 1700 Convention Center Drive  
Miami Beach, Florida 33139, www.miamibeachfl.gov  
305.673.7550

Address:

File Number:

ITEM #	FIRST SUBMITTAL ADDITIONAL INFORMATION AS MAY BE REQUIRED AT THE PRE APPLICATION MEETING	Required	Provided
27	Vacant or 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 Department		
28	Copy of original Building Permit Card, & Microfilm, if available		
29	Historic Resources Report (This report shall include, but shall not be limited to, copy of the original Building Permit Card and any subsequent evolution, Microfilm, 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)		
30	Contextual Elevation Line Drawings, corner to corner, across the street and surrounding properties (dated)	not X	
31	Line of Sight studies		
32	Structural Analysis of existing building including methodology for shoring and bracing		
33	Proposed exterior and interior lighting plan, including photometric calculations		
34	Exploded Axonometric Diagram (showing second floor in relationship to first floor)		
35	Neighborhood Context Study	not X	
36	Open Space calculations and shaded diagrams		
37	Proposed Operational Plan		
38	Traffic Study (Hard copy), Site plan(s) and AutoCAD in 3 CDs, including calculations for peer review. Send digital version as an attachment via e mail to: Xfalconi@miamibeachfl.gov		
39	Sound Study report (Hard copy) with 1 CD		
40	Set of plans 24"x 36" (when requested by staff)		
41	Copies of previous Recorded Final Orders		
42	Location Plan, Aerial or survey indicating width of canals (Dimension shall be certified by a surveyor)		
43	Scaled, signed, sealed and dated specific purpose survey (Alcohol License/Distance Separation)		
44	Site Plan (Identify streets and alleys)		
a	Identify: setbacks ____ Height ____ Drive aisle widths ____ (Streets and sidewalks widths) ____	X	
b	# parking spaces & dimensions ____ Loading spaces locations & dimensions ____	X	
c	# of bicycle parking spaces ____		
d	Interior and loading area location & dimensions ____		
e	Street level trash room location and dimensions ____	X	
f	Delivery route ____ Sanitation operation ____ Valet drop-off & pick-up ____ Valet route in and out ____	X	
g	Valet route to and from ____ auto-turn analysis for delivery and sanitation vehicles ____	X	
45	Floor Plan (dimensioned)		
a	Total floor area ____	X	
a	Identify # seats indoors ____ outdoors ____ seating in public right of way ____ Total ____	X	
b	Occupancy load indoors and outdoors per venue ____ Total when applicable ____	X	

Indicate N/A If Not Applicable

Initials: MB

# MIAMI BEACH

Planning Department, 1700 Convention Center Drive  
Miami Beach, Florida 33139, www.miamibeachfl.gov  
305.673.7550

Address:

File Number:

46	In the Letter of Intent for Planning Board include and respond to all review guidelines in the code as follows:		
47	For Conditional Use -Section 118-192 (a)(1)-(7) + (b)(1)-(11)	X	
48	CU -Entertainment Establishments - Section 142-1362 (a)(1)-(9)	X	
49	CU - Mechanical Parking - Section 130-38 (3)(c)(i)(1)-(2) & (4)(a)-(k)		
50	CU - Structures over 50,000 SQ.FT. - Section 118-192(b) (1)-(11)		
51	CU - Religious Institutions - Section 118-192 (c) (1)-(11)		
52	For Lot Splits - Section 118-321 (B) (1)-(6). Also see application instructions		
Notes: The applicant is responsible for checking above referenced sections of the Code. If not applicable write N/A			

ITEM #	FINAL SUBMITTAL CHECK LIST:	Required	Provided
53	One (1) signed and sealed 11"x17" bound collated set of all the required documents , as revised and/or supplemented to address Staff comments. Plans should be clearly labeled "Final Submittal" and dated with Final Submittal deadline date. With a CD of this document 11"x17" as a PDF compatible with Adobe 8.0 or higher at 300 DPI resolution.	X	
54	14 collated copies of all the above documents	X	
55	One (1) CD/DVD with electronic copy of entire final application package	X	

## NOTES:

- A. Other information/documentation required for first submittal will be identified during pre-application meeting.
- B. Is the responsibility of the applicant to make sure that the sets, 14 copies and electronic version on CD are consistent.
- C. Plan revisions and supplemental documentation will not be accepted after the Final Submittal deadline
- D. ALL DOCUMENTS ARE TO BE PDF'D ON TO A MASTER DISK, WHICH DISK SHALL BE CONSIDERED THE OFFICIAL FILE COPY TO BE USED AT HEARING. ALL MODIFICATIONS, CORRECTIONS, OR ALTERATIONS MUST BE REFLECTED ON THE MASTER DISK. APPLICANT CERTIFIES COMPLIANCE WITH THE FOREGOING. FAILURE TO COMPLY MAY RESULT IN A REHEARING BEFORE THE APPLICABLE BOARD
- 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, as applicable.

  
APPLICANT'S OR DESIGNEE'S SIGNATURE

  
Date