

# 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: 1045 5th Street, 1031 5th Street, 527 Lenox Avenue &  
543 Lenox Avenue

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

FOLIO NUMBER (S) 02-4204-002-0040, 02-4203-009-7840, 02-4203-009-7850  
02-4204-002-0030

owner of 1045 5th Street, 527 Lenox Avenue & 543 Lenox Avenue

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

NAME MAC 1045 5TH ST, LLC (& MAC 1031 5TH ST, LLC - Contract Purchaser)  
 ADDRESS 1261 20th Street, Miami Beach, FL 33139  
 BUSINESS PHONE (305) 532-0433 CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS \_\_\_\_\_

OWNER IF DIFFERENT THAN APPLICANT: 1031 5th Street

NAME Carefree 5th Street, LLC  
 ADDRESS 1031 5th Street, Miami Beach, FL 33139  
 BUSINESS PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS \_\_\_\_\_

2. AUTHORIZED REPRESENTATIVE(S):

☒ ATTORNEY:

NAME Michael W. Larkin & Matthew Amster, Bercow Radell & Fernandez, PLLC  
 ADDRESS 200 S. Biscayne Blvd, Suite 850, Miami, FL 33131  
 BUSINESS PHONE (305) 374-5300 CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS mlarkin@brzoninglaw.com & mamster@brzoninglaw.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 Suria Yaffar, Zyscovich Architects  
 ADDRESS 100 Biscayne Blvd, Suite 2700, Miami, FL 33132  
 BUSINESS PHONE (305) 372-5222 CELL PHONE \_\_\_\_\_  
 E-MAIL ADDRESS suria@zyscovich.com

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

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

A new 4-level commercial building with greater than 50,000 square feet including enclosed and rooftop parking. See letter of intent for more details.

\_\_\_\_\_

\_\_\_\_\_

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



MAC 1045 5TH ST, LLC, owner of  
 1045 5th street, 527 Lenox  
 Avenue, 543 Lenox Avenue  
 & MAC 1031 5TH ST, LLC  
 (contract purchaser)

PRINT NAME: Michael Comras, Manager

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



OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF  
COUNTY OF

N/A

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

SIGNATURE

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

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires:

PRINT NAME

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

(Circle one)

STATE OF Florida  
COUNTY OF Miami Dade

I, Michael Comras, being duly sworn, depose and certify as follows: (1) I am the Manager (print title) of MAC 1045 5th St, LLC/MAC 1031 5TH ST, 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 19 day of July, 2016. The foregoing instrument was acknowledged before me by Michael Comras, Manager of MAC 1045 5th St, 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. MAC 1031 5TH ST, LLC

NOTARY SEAL OR STAMP:



LORRIE DIAMOND  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF048660  
Expires 10/5/2017

My Commission Expires:

NOTARY PUBLIC

Lorrie Diamond

PRINT NAME


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

POWER OF ATTORNEY AFFIDAVIT

STATE OF Florida  
COUNTY OF Miami Dade

I, Michael Comras, 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 Michael W. Larkin & Matthew Amster to be my representative before the HPB 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.

Michael Comras  
PRINT NAME (and Title, if applicable)

  
SIGNATURE

Sworn to and subscribed before me this 19 day of July, 20 16. The foregoing instrument was acknowledged before me by Michael Comras, Manager of MAC 1045 5th St, LLC/ who has produced as identification and/or is personally known to me and who did/did not take an oath. MAC 1031 5TH ST, LLC

**NOTARY SEAL OR STAMP**

### My Commission Expires



**LORRIE DIAMOND**  
**NOTARY PUBLIC**  
**STATE OF FLORIDA**  
**Comm# FF048660**  
**Expires 10/5/2017**

AC 1031 5TH ST, LLC  
*[Signature]*  
 NOTARY PUBLIC  
 Lorrie Diamond  
 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.\*

**FOR PROPERTY AT 1031 5TH STREET**

MAC 1031 5TH ST,LLC

NAME \_\_\_\_\_

DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

% OF STOCK

Michael Comras  
1261 20th Street,  
Miami Beach, FL 33139

100%

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.

- 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.
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THE AFOREMENTIONED IS ACKNOWLEDGED BY: OWNER OF THE SUBJECT PROPERTY **Carefree 5th Street, LLC**  
AUTHORIZED REPRESENTATIVE

SIGNATURE: \_\_\_\_\_

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

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

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF  
COUNTY OF

N/A

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

SIGNATURE

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

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires:

PRINT NAME

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

(Circle one)

STATE OF Florida

COUNTY OF Miami-Dade

I, Gary Marotta, being duly sworn, depose and certify as follows: (1) I am the Managing Member (print title) of Carefree 5th Street, 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 19 day of July, 2016. The foregoing instrument was acknowledged before me by Gary Marotta, \_\_\_\_\_ of Carefree 5th Street, 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:



LORRIE DIAMOND  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF048660  
Expires 10/5/2017

NOTARY PUBLIC

PRINT NAME

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

POWER OF ATTORNEY AFFIDAVITSTATE OF Florida  
COUNTY OF Miami Dade

I, Gary Marotta, 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 Michael W. Larkin & Matthew Amster to be my representative before the HPB 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.

Gary Marotta, Managing Member  
PRINT NAME (and Title, if applicable)

[Signature]  
SIGNATURE

Sworn to and subscribed before me this 19 day of July, 2016. The foregoing instrument was acknowledged before me by Gary Marotta, of \_\_\_\_\_ who has produced as identification and/or is personally known to me and who did/did not take an oath. Florida Driver License

NOTARY SEAL OR STAMP

My Commission Expires



LORRIE DIAMOND  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF048660  
Expires 10/5/2017

[Signature]  
NOTARY PUBLIC

Lorrie Diamond  
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.\*

**FOR PROPERTY AT 1031 5TH STREET**MAC 1031 5TH ST, LLC

NAME

DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

% OF STOCK

Michael Comras100%1261 20th StreetMiami Beach, FL 33139

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. \*

MAC 1045 5th St, LLC/MAC 1031 5TH ST, LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

Michael Comras, Manager, MAC 1045 5TH ST, LLC

100%

1261 20th Street, Miami

Beach, FL 33139

Michael Comras, Manager, MAC 1031 5TH ST, LLC

100%

1261 20th Street, Miami Beach, FL 33139

Carefree 5th Street, LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

Gary Marotta, Managing Member

50%

1031 5th Street, Miami Beach, FL 33139

Anthony Marotta, Managing Member

50%

1031 5th Street, Miami Beach, FL 33139

*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.\*

N/A

TRUST NAME

NAME AND ADDRESS

% INTEREST

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

*NOTE: Notarized signature required on page 9*

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

**3. COMPENSATED LOBBYIST:**

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

	NAME	ADDRESS	PHONE #
a.	<u>Michael W. Larkin</u>	<u>200 S. Biscayne Blvd, Suite 850</u>	<u>(305) 374-5300</u>
b.	<u>Matthew Amster</u>	<u>200 S. Biscayne Blvd, Suite 850</u>	<u>(305) 374-5300</u>
c.	<u>Michael Comras</u>	<u>1261 20th Street, Miami Beach</u>	<u>(305) 532-0433</u>
d.	<u>SuriaYaffar</u>	<u>100 Biscayne Blvd, Suite 2700</u>	<u>(305) 372-5222</u>

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

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

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

**APPLICANT AFFIDAVIT**

STATE OF  
COUNTY OF

I, Michael Comras, 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.

  
Manager, MAC 1045 5TH ST, LLC & MAC 1031 5TH ST, LLC SIGNATURE


Sworn to and subscribed before me this 19 day of July, 20 16. 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:



LORRIE DIAMOND  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF048660  
Expires 10/5/2017

  
NOTARY PUBLIC  
Lorrie Diamond  
PRINT NAME

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



**Exhibit A**

MC GUIRES SUB PB 6-83 LOTS 9, 10 & 11 BLK 98 &  
OCEAN BEACH ADDN NO 3 PB 2-81 LOT 12, 13 & 14 BLK 98.



DIRECT LINE: (305) 377-6236  
E-Mail: MAmster@BRZoningLaw.com

**VIA ELECTRONIC SUBMITTAL & HAND DELIVERY**

October 24, 2016

Deborah Tackett, Preservation & Design Manager  
Planning Department  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

Re: Request for Certificate of Appropriateness and Variances for the BLVD at Lenox Project located at 1045 5<sup>th</sup> Street, 1031 5<sup>th</sup> Street, 527 Lenox Avenue & 543 Lenox Avenue, Miami Beach, Florida – **REVISED Letter of Intent**

Dear Debbie:

This law firm represents MAC 1045 5<sup>th</sup> Street, LLC and MAC 1031 5<sup>th</sup> Street, LLC<sup>1</sup> (the “Applicants”) in their application concerning the four (4) adjacent parcels located at 1045 5<sup>th</sup> Street, 1031 5<sup>th</sup> Street, 527 Lenox Avenue & 543 Lenox Avenue (collectively the “Property”). Please consider this letter the Applicant’s revised letter of intent in support of a Certificate of Appropriateness for Demolition and Design and associated variances for a new retail development at the Property known as the “BLVD at Lenox,” including an explanation of updated plans to address staff and neighborhood comments. This beautifully designed project will revitalize this major thoroughfare of the City by providing much needed daytime uses and eliminate the slum and blight of the existing nightclub and exotic car rental.

Property Description. The Property is located along the major 5<sup>th</sup> Street corridor, a major commercial Boulevard and gateway to the City. It is comprised of approximately 43,500 square feet (approximately 1 acre) located on the northeast corner of the intersection of Lenox Avenue and 5<sup>th</sup> Street. The Property’s four (4) parcels are identified by Miami-Dade County Folio Nos. 02-4204-002-0040, 02-4204-002-0030, 02-4203-009-7840 and 02-4203-009-7850. The Property is located within the Ocean Beach Historic District. The Property is zoned C-PS2, Commercial Performance Standard, General Mixed-use

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<sup>1</sup> Contract purchaser of 1031 5<sup>th</sup> Street.

Commercial ("C-PS2"), a zoning district allowing a wide range of commercial uses as a main permitted use.

The Property is currently improved with two buildings fronting 5<sup>th</sup> Street, neither of which are listed as "contributing" buildings in the City's Historic Properties Database. The building at 1045 5<sup>th</sup> Street was constructed in 1990 and currently operates as a nightclub. The building at 1031 5<sup>th</sup> Street was constructed in 1926 and currently contains an exotic car rental use. The two parcels at the north of the Property contain surface parking for the existing uses. These existing uses are ill-suited for the neighborhood and encourage a majority of nighttime uses and as such create a blighted condition during the day and discourage pedestrian activity along this vital City commercial Boulevard.

A large five (5)-story commercial development neighbors the Property to the west. Retail development neighbors the Property to the east. A five (5)-story mixed-use office building lies to the south of the Property across 5<sup>th</sup> Street. Two (2)-story multifamily buildings neighbor the Property to the northeast and north. The Flamingo Park Neighborhood is located to the north of the Property.

Proposed Development Program for the BLVD at Lenox. 5<sup>th</sup> Street is a major artery of the City that the Applicants envision as a gateway commercial area benefitting residents and welcoming visitors. The City also recognizes the importance of this area with its plans for mass transit. Unfortunately, in its present state, the area only has a patchwork of quality commercial projects and a more cohesive network of pedestrian-friendly uses is hindered in part by such ill-suited mainly nighttime uses as exist on the Property. The Applicants' plan for a new, well-designed retail development on the Property will move the City forward towards a gateway experience that will benefit residents and visitors alike.

The Applicants propose a 4-story development on the Property consisting of multiple retail stores and structured parking that will better serve the neighborhood by providing quality daytime uses. The first two (2) levels of the structure will serve as solely retail, except for ramps at the north and east to access internal parking. The third level will have retail along the south and west, and parking in the interior. There will be two (2) additional levels of parking on the fourth floor and the rooftop level, which is open-air. The majority of the parking fronting each of 5<sup>th</sup> Street and Lenox Avenue will be lined with retail uses and the remaining will be screened with decorative design features utilizing a variety of materials.



The Applicants are quite sensitive to the surrounding uses. A large portion of the east façade has been setback above the second level to appropriately reduce the scale and massing near the residential uses located to the northeast of the Property. The east façade has been further refined with a painted and textured pattern to soften the appearance of the buildings for the nearby neighbors.

The BLVD at Lenox will have pedestrian access all along 5<sup>th</sup> Street and Lenox Avenue, with a grand circulation core that embraces the prominent intersection and announces the entrance to this retail establishment. Rather than enclose this valuable corner with glass for retail establishments, the Applicants have instead created a focal point for the development for pedestrians. The core will have open air stairs and elevators facing Lenox Avenue, and an open air escalator located further back that accesses the retail levels. The openness embraces the outdoors for the shopping experience. Further, all these areas are connected by an active court on all levels that encourage walking to and from the retail uses. The open air court varies in size on each level, but on average provides for approximately 1,500 square feet of open air circulation between the street, the retail and the parking garage. In addition, an area of 67 square feet immediately north of the stairs is completely open to the sky from the ground level.

The streetscapes will provide welcome pedestrian experiences with wide promenades and canopy trees for shade. The Applicants will maintain the existing 19 foot wide sidewalk on 5<sup>th</sup> Street and supplement the 2 existing trees, each of which are approximately 35 feet tall, with 3 new green buttonwood trees that will be planted at 20 feet in height. The Applicants will expand the existing condition on Lenox Avenue by pushing in the ground level retail façade by 12 inches to provide 9'6" along the retail elevation and 10'6" by the open court of the core circulation area. This promenade will also have planters and 8 new gumbo limbo trees that will be planted at 20 feet in height. Notably, the proposed sidewalk widths meet or exceed the existing conditions at many other places in the City, including the Sunset Harbor Garage, and all new trees will be planted 8' taller than the minimum required height of 12'.

Vehicular access to the parking garage will be located at the northern end of the Property on Lenox Avenue. The Applicants propose right-in, right-out and left-in from Lenox Avenue. Left-out requires further study due to the existing Alton and 5<sup>th</sup> project located to the west. For the left-in, which has been thoroughly analyzed by a traffic engineer, the existing center median on Lenox Avenue will need to be removed and replaced by a dedicated left turn lane, subject to review and approval by the City's Transportation and Public Works Departments. We note that the median and the trees will most-likely be removed when the City raises the street in the near future.



The parking will be self-parking using an electronic ticketing and payment system with a proposed ticket booth located at the top of the ramp at the third level. This location provides over 300 feet of stacking before the right-of-way of Lenox Avenue. There will not be any valet. Also, there are no tandem parking spaces and mechanical lifts. All required parking will be provided on-site.

Loading and trash collection will take place through the one-way alley at the east side of the Property. The loading area will be entirely within the private property.

The Applicants separately filed for Planning Board approval of a conditional use permit for new construction in excess of 50,000 square feet. We anticipate being heard by the Planning Board on November 15, 2016.

Sustainability and Resiliency. The Applicants are building for the future by addressing sustainability and resiliency issues now. The building design takes into account the serious concerns of sea-level rise and flooding by utilizing both freeboard (specifically 4'1") and a 3' height variance to properly distribute height into all levels of the building. First, the building and the streetscapes have been designed for the existing condition and the City's plan to raise Lenox Avenue by 1 foot in the next few years. Second, the building has also been designed with extra height in the first floor to accommodate future increases in the height of the adjacent roadways. In the unlikely event that the roads are raised to the 4'1" of freeboard and the first floor must be raised to that height, the building will still provide for appropriate retail uses. The ground floor will have an adequate interior ceiling height of 9'2" and the exterior design will not be diminished. Rather, the second floor framing will highlight this level and make it appear to float above the ground floor.

Notably, the BLVD at Lenox is building now for these future changes in conditions, but the existing surrounding developments, such as the 5<sup>th</sup> and Alton project to the west, will not be able to adapt to significant increases in the street heights, and as such may be severely impacted by such circumstances. We also note that even if this unlikely situation were to be confronted, perhaps many decades from now, technological advances will certainly have been made to provide an array of different solutions so that raising the first floor to such a height may not be necessary.

The Applicants are also embracing numerous green building concepts and plan to provide, among other features, energy efficient windows, sustainable materials, grand sidewalk widths with shade trees and walkable tree cells, an activated court and

circulation core, numerous bicycle racks, keeping mechanical equipment off the rooftop, high-efficiency lighting, and reflective rooftop surface to reduce heat gain. Incorporation of these features will benefit the operation of the project and the City for years to come and serve to encourage other developers to do the same.

Summary of Revisions. Since the original submittal for the October 11<sup>th</sup> HPB meeting, the Applicants have continued to meet with Planning staff and have also reached out to neighbors, including a meeting with the Flamingo Park Neighborhood Association. The revised plans address staff and neighbor concerns and include the following:

- East elevation and renderings – previous blank areas of the east façade have been replaced with an inviting painted and textured pattern to soften the appearance for the nearby neighbors
- Increased sidewalk widths along the retail elevations on Lenox Avenue by 12 inches to increase the pedestrian promenade to 9'6" and clarification that 10'6" width will front Lenox Avenue along the core element
- Clarification of tree counts, types and heights on 5<sup>th</sup> Street and Lenox Avenue, notably 3 new green buttonwoods at 20' tall on 5<sup>th</sup> Street and 8 new gumbo limbos at 20' tall on Lenox Avenue.
- Freeboard – provide rendering of worst case scenario of raising first floor to 4'1" freeboard height in the extremely unlikely event the streets must be raised to that height (note: surrounding developments, such as 5<sup>th</sup> and Alton, will not be able to accommodate this substantial street height increase)
- Clarification of the active open court area of the core element highlighting the open air areas and portion completely open to the sky along Lenox Avenue
- Updated plans showing revised garage entry/exit with 2 divided lanes, textured surface to slow vehicles for safety, and left turn lanes on Lenox Avenue

Appropriateness of Development. The BLVD at Lenox will benefit the surrounding community by beautifying the Property and enhancing the pedestrian experience on 5<sup>th</sup> Street and Lenox Avenue. The Proposed Development will provide needed daytime retail uses and parking to a major corridor of Miami Beach, which will complement and service the surrounding office and residential uses. The tasteful architecture and enhanced pedestrian experience will attract retailers and spur daytime foot traffic. The design also accommodates existing conditions, the planned raising of Lenox Avenue by 1 foot in the next few years and potential significant future raising of the adjacent roadways without detracting from the practical use or aesthetic design of the



building. In all cases, the building will remain compatible with the fabric of the surrounding community.

The nearby area contains numerous buildings of similar or greater scale and massing. The buildings to the west and south of the Property are both five (5) stories and larger than the development proposed for the Property. Notably, the project at 5<sup>th</sup> and Alton is substantially larger in breadth and height as it takes up an entire City block. The proposed building and façade articulation, accented with wood, painted stucco and metal elements, proposed by the Applicants will ensure a beautiful development that is compatible with the surrounding buildings and uses. The Applicants have taken careful steps to design the structure in a way that minimizes scale and massing towards the residential neighbors to the north and northeast, with landscaping and setting back the upper floors of the east façade, respectively. Additionally, the loading areas and all loading activities will occur off-street within the Property.

Description of Variance Requests. The Applicant respectfully requests the following variances:

1. Height Variance - A variance to allow for a building height of fifty-three (53) feet where a maximum height of fifty (50) feet is allowed ("Height Variance").
2. Open Court Variance - A variance from the requirement of Section 142-699(c) to provide zero (0) feet of open court area where three (3) square feet for every linear foot of lot frontage are required ("Open Court Variance").

Satisfaction of Hardship Criteria. The Applicant's requests satisfy all hardship criteria as follows:

- (1) **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;**

The Applicant has designed the building for the existing conditions, short-term conditions with the City planning to raise Lenox Avenue by 1 foot in the next few years and long-term conditions for situations where the adjacent roadways may be raised even higher. The Height Variance is needed to address the breadth of the potential future conditions that effect this Property. The Applicant is accommodating a larger first floor height to account for flooding considerations now and in the future, but also needs to have additional height in the second floor to make the building work throughout all of

the varying conditions over the years. In particular, the first floor height is proposed to be eighteen feet and six inches (18'6") to provide for flexibility with consideration of the future raising of the adjacent streets and sidewalks, which may result in having to raise the ground level of the proposed structure up to the freeboard amount provided of 4'1". The increased height of the proposed first floor will allow for future raising of the ground level without eliminating the viability of the first floor. The interior ceiling height will still allow 9'2" clear space, which is quite adequate for retail services. Further, by granting the additional height to be distributed throughout the building, the design and function will not be negatively impacted in the unlikely situation of having to raise the first floor to the freeboard provided.

Regarding the Open Court Variance, the Applicant has a challenging site with a one-way alley on the east, the need to provide all required parking and 5 loading spaces on the Property and the existence of an expansive sidewalk of 19 feet fronting 5<sup>th</sup> Street. While the project does not contain a completely open court, the defining entry core at the southwest corner of the building has open areas at the ground level and 3<sup>rd</sup> and 4<sup>th</sup> floors, a completely open air stair from ground floor to roof and an area south of the stairs of 67 square feet that is open to the sky. This entry core, which is the focal point of the building at the prominent intersection acts like an open court. This active open area, which averages approximately 1,500 square feet at each level, assists with breaking up the scale and massing of the south elevation and southwest corner, while still allowing the Applicant to provide the required parking and loading to develop this Property. Further, the Applicant has pushed back the ground level retail along Lenox Avenue to provide for a wider pedestrian experience of 9'6". All retail entrances are recessed and both the south and west façades have varying architectural elements that provide movement and break solid planes in the building design.

**(2) The special conditions and circumstances do not result from the action of the applicant;**

The Applicant did not create the need to raise the streets to protect from sea-level rise and flooding issues. The streets adjacent to the Property are slated to be raised due to the initiative of the City of Miami Beach. The Applicant proposal accommodates near-term plans, and attempts to remain flexible for further raising of streets and sidewalks, while still maintaining the proposed development, both the design and function, as viable.

The Applicant is addressing strict parking and loading requirements set by the City while still providing sufficient commercial space to activate the 5<sup>th</sup> Street and Lenox Avenue



frontages. The existing expansive sidewalk does not result from any action of the Applicant.

- (3) **Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;**

The approval of the requested Height Variance will only serve to bring the Property into parity with similarly situated sites, which have been or will be burdened with the same floodplain considerations which are outside of the Applicant's control. Granting the requested variance will simply allow the Applicant to accommodate pedestrian and vehicular access to the Property in the same manner that other lands, buildings and structures in the zoning district are accessible in a manner that provides today for changing future conditions.

The intent and purpose of Section 142-699(c) of the Code is to break up the scale and massing of the building. Granting of the Open Court Variance will not confer any special privilege on the Applicant, as the proposed development will contain significant architectural variety on the south façade and a large open area at southwest corner of the building averaging 1,500 square feet on each level, all of which will serve the same purpose intended by the Code. The approval of the Open Court Variance will acknowledge that the project as designed complies with the intent of the Code section.

- (4) **Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;**

A literal interpretation of the provisions of these land development regulations would work an unnecessary and undue hardship on the Applicant. The City of Miami Beach has proposed plans to raise the street and sidewalk adjacent to the Property and will likely do it more than once in the future. The requested Height Variance will allow the Applicant to adapt the proposed development of the Property to accommodate the raising of the street. The increased height of the structure is needed to ensure that vehicular access will be feasible today, before the changing future conditions. Addressing the future need to raise the ground level of the Property requires that the proposed development be constructed at the height requested to not negatively impact

the design and function of the building, while still addressing sea-level rise and flooding issues.

A literal interpretation of Section 142-699(c) of the Code would require a single 450 feet open court area on the south elevation of the proposed building where there is already an expansive 19' sidewalk. This would deprive the Applicant of a viable development to service the community with retail and all required parking and loading. In the alternative, the Applicant proposes to provide a significantly larger active open air court area, averaging 1,500 square feet per level and including 67 square feet completely open to the sky from the ground level. This design, including significant architectural variety, including changes in plane, on the south and west elevations, and setting back the ground level retail facing Lenox Avenue to increase the pedestrian experience to 9'6" satisfies the intent of the Code requirement while allowing for viable development that will benefit the surrounding area.

**(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;**

The Height Variance request is the minimum variance necessary to allow for the proposed development while still accounting for the need to accommodate access to the structure in light of the City's intention to raise the adjacent roads and sidewalks in the short- and long-term. The proposed development only provides for four (4) stories, where five (5) stories are allowed, and does so in order to ensure that an increased height can exist for the first floor to accommodate the future raising of the ground level without compromising the viability of the retail on the ground floor. The additional height will be distributed now throughout the building to ensure that the design and function remain viable for as yet unknown amount of raising the adjacent streets, while still allowing for viable ground floor retail in the unlikely event the streets are raised to freeboard provided of 4'1". In that scenario, the interior ceiling height of the ground floor will be 9'2".

The Open Court Variance request is the minimum variance necessary to allow for the proposed development while still satisfying the intent of the Code and allowing for successful redevelopment of the Property to serve the community. The architectural variety, open air areas at the southwest corner, averaging 1,500 square feet per level, and the increased sidewalk width along Lenox Avenue meet the intent and purposes of the Code to reduce the scale and massing as an open court is meant to achieve.



- (6) **The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and**

The Height Variance will not be injurious to the area or otherwise detrimental to the public welfare. On the contrary, this variance will allow for the proposed development to be compatible with the plans to raise the adjacent streetscape multiple times in the future. The variance will be in harmony with the intent of the land development regulations to account for sea-level rise and flooding issues by giving flexibility for the ground level of the structure to maintain its viability with potential to adjust the ground level in accordance with freeboard standards provided in the land development regulation. Notably, the 5<sup>th</sup> and Alton project located to the west is significantly taller than the Proposed Development.

The Open Court Variance will allow the Project to be in harmony with the intent and purpose of the Code as the proposed structure is designed to break up the scale and massing of the building, while allowing convenient locations for public access. The southwest corner of the building is fully open air and functions like an open court that breaks up the scale and massing of the building. Further, the design of the building contains significant architectural variety on the south and west façades, such as multiple entrances, lots of glazing, eyebrows, and the utilization of various materials and screening elements, that will also break up the massing. Also assisting in this regard is the increased sidewalk width on Lenox Avenue.

- (7) **The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or anytime prior to the board of adjustment voting on the applicant's request.**

This variances requested are consistent with the City's comprehensive plan and do not reduce the levels of service as set forth in the plan.

Practical Difficulty. Sea-level rise and flooding concerns create a challenge to any developer and the City's plans to raise streets in the short- and long-term further complicate development of a project that can properly adapt to ever changing conditions. For the BLVD at Lenox, the Applicants have to design for existing conditions, the City's plan to raise Lenox Avenue by 1 foot in the near future and the probable raising of both

Deborah Tackett, Preservation & Design Manager

October 24, 2016

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adjacent streets in the years to come. These conditions present a practical difficulty and the architects are utilizing freeboard and the height variance to address these wide ranging conditions to ensure that The BLVD at Lenox will remain a viable retail development.

Further, the Code regulation for an open court is quite rigid, requiring the open court on 5<sup>th</sup> Street. This regulation and the existing conditions present a practical difficulty that the Applicants have resolved. The 5<sup>th</sup> Street frontage of the Property already enjoys an expansive pedestrian promenade of 19' and the intent of the regulation is to reduce the scale and massing of the building. The BLVD at Lenox provides significant architectural articulation on both street elevations that effectively reduces the scale and massing of the building. The core element of the building at the southwest corner of the Property provides a significant open air court that welcomes pedestrian traffic and encourages walking to the retail stores. The active court contains on average 1,500 square feet of open air space and 67 square feet of space open to the sky, all of which breaks up the scale and massing of the building. Moreover, the Applicants have pushed in the ground floor retail elevation along Lenox Avenue by 12 inches to provide a generous 9'6" pedestrian experience, complete with numerous shade trees.

Conclusion. We believe that the approval of the proposed requests will promote quality infill redevelopment on the Property, replacing the ill-suited nightclub and exotic car rental that exist today with neighborhood-friendly daytime retail uses in a beautifully designed building. The BLVD at Lenox is compatible with the surrounding properties and will revitalize the area by encouraging daytime pedestrian activity along this vital commercial corridor. We look forward to your favorable review of the Project. Please contact me on my direct line at (305) 377-6236 should you have any questions or concerns.

Sincerely,



Matthew Amster

cc: Michael Comras  
Michael W. Larkin, Esq.  
Gregory Fontela, Esq.

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

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1700 Convention Center Drive  
Miami Beach, Florida 33139-1819

TRADE NAME: IVY GROUP, LLC / DBA IVY NIGHTCLUB  
IN CARE OF: KEVIN HARDY  
ADDRESS: 1532 WASHINGTON AVE  
MIAMI BEACH, FL 33139-7801

RECEIPT NUMBER: RL-10007320  
Beginning: 10/01/2015  
Expires: 09/30/2016  
Parcel No: 0242040020040

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

**TRADE ADDRESS: 1045 5TH ST**

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

Storage Locations

CERTIFICATE OF USE	910
SQUARE FOOTAGE	191
# OF SEATS	191
NIGHTCLUB LOAD FEE	520
OCCUPANCY LOAD	520
C_U # OF UNITS	191
ALC BEV, THROUGH 5AM	Y
DANCE_ENT W_ ALCOHOL	Y

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MIAMI BEACH, FL 33139-1819

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PERMIT No 1525

KEVIN HARDY  
1045 5TH ST  
MIAMI BEACH, FL 33139-6504





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

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1700 Convention Center Drive  
Miami Beach, Florida 33139-1819

TRADE NAME: ELITE BARTENDING SCHOOL, LLC  
IN CARE OF: AUSTIN GAGNON  
ADDRESS: 1504 BAY RD, APT 715  
MIAMI BEACH, FL 33139-3270

RECEIPT NUMBER: RL-10002831  
Beginning: 10/01/2015  
Expires: 09/30/2016  
Parcel No: 0242040020040

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: 1045 5TH ST**

Code	Certificate of Use/Occupation
015700	PRIVATE SCHOOL

CERTIFICATE OF USE Private School FF	9999 Y
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AUSTIN GAGNON  
1045 5TH ST  
MIAMI BEACH, FL 33139-6504



**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: APS PARKING SERVICES LLC

LICENSE NUMBER: RL-10000482

IN CARE OF: FREDDY DIAZ

Beginning: 10/01/2015

ADDRESS: 1059 NE 204TH LN  
MIAMI, FL 33179-2533

Expires: 09/30/2016

Parcel No: 0242040020040

**TRADE ADDRESS: 1045 5TH ST**

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

A certificate of Use Occupational License 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 license 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 license are obtained prior to the opening of the new location.

Code	Certificate of Use/Occupation
020700	VALET PARKING

# OF LOCATIONS	24
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**Additional Information**

- 0 (Zero) Street

- 1045 5th St - Play #38440
- 235 23rd St - Mokai #42458
- 1424 Alton Rd - Drunken Dragon LLC - #90713
- 1426-A Alton Rd - Foxhole #63201
- 1450 Collins Ave- Senor Frogs #89919
- 1510 Collins Ave - Parisian Hotel #91381
- 224 Española Way - Amami Restaurant #80919
- 448 Española Way - Tapas Y Tintos
- 1415 Euclid Av - Temple House, #71763
- 320 Lincoln Rd - SET #40820
- 1445 Penn Av - Tantra #62622
- 1216 Wash Av - Miami Slims #73655
- 1235 Wash Av - ICON # 59840
- 1342 Wash Av - Jazid #98242
- 1437 Wash Av - Axis #72496
- 1438 Wash Av - Clay Hotel
- 1439 Wash Av - Axis #72496

**Storage Locations**

- 630 Alton Rd - RL 10004420
- 650 Alton Rd- RL 10004056
- 1401 Alton Rd- RL-05000213
- 1435 Alton Rd-RL-10005829
- 1501 Alton Rd-RL-10005970
- 1511 Alton Rd - RL06002485
- 400 Collins Ave - RL-10000347
- 721 Alton Rd - RL 04002578
- 1501 Collins Ave -RL 10003588

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FREDDY R. DIAZ  
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MIAMI, FL 33179-2533



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1700 Convention Center Drive  
Miami Beach, Florida 33139-1819

TRADE NAME: APS PARKING SERVICES LLC

LICENSE NUMBER: RL-10000482

IN CARE OF: FREDDY DIAZ

Beginning: 10/01/2015

ADDRESS: 1059 NE 204TH LN  
MIAMI, FL 33179-2533

Expires: 09/30/2016

Parcel No: 0242040020040

**TRADE ADDRESS: 1045 5TH ST**

- 1443 Wash Av - Osteria Del Teatro
- 1445 Wash Av - Cameo
- 1448 Wash Av - Sushi Yama #50638
- 1500 Wash Av - Five Guys Burger #28619
- 1532 Wash Av - Dream
- 1311 Wash Av - Antica Roma Trattoria #91212

1420 Washington Ave - RL-10001670

426 Euclid Ave - RL-10005839

1681 Lenox Ave - RL-10000137

800 Lincoln - RL-0000472 (00077181)

1111 Lincoln Rd - RL99000957

2231 Prairie Ave - RL10000482

930 Washington Ave - RL-93177490

1681 West Ave - RL-10006345

1424 Drexel Ave - RL-10001671

1501 Collins Ave - RL-10003588

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FREDDY R. DIAZ  
1059 NE 204TH LN  
MIAMI, FL 33179-2533





**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: CAREFREE LIFESTYLES INC.  
IN CARE OF: GARY MAROTTA  
ADDRESS: 21136 HELMSMOA DR  
MIAMI, FL 33180

RECEIPT NUMBER: RL-05000063  
Beginning: 10/01/2015  
Expires: 09/30/2016  
Parcel No: 0242040020030

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**

No storage of limousines outdoors.  
Must be indoors or screened.  
No signs on cars.

**Storage Locations**

**TRADE ADDRESS: 1031 5TH ST**

Code	Certificate of Use/Occupation
001703	AUTOMOBILE/TRUCK: SUB RENTAL AGENCY (NO C
001705	AUTOMOBILE FOR HIRE: LIMOUSINE SERVICE

CERTIFICATE OF USE	400
C_U # OF UNITS	1700
AUTO_TRUCK_SUB_RENT	Y
Limousine Service	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

GARY MAROTTA  
1301 ALTON RD  
MIAMI BEACH, FL 33139-3811



**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: CAREFREE PROPERTIES, INC.  
IN CARE OF: DAVID MAROTTA  
ADDRESS: 1031 5TH ST  
MIAMI BEACH, FL 33139-6504

RECEIPT NUMBER: RL-05000104  
Beginning: 10/01/2012  
Expires: 09/30/2013  
Parcel No: 0242040020030

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

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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: 1031 5TH ST**

Code	Certificate of Use/Occupation
000670	REAL ESTATE BROKERAGE FIRM, CORP

CERTIFICATE OF USE	9999
C_U # OF UNITS	0
RealEst Brokerage FF	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

CAREFREE PROPERTIES, INC  
1029 5TH ST  
MIAMI BEACH, FL 33139-6504



Name	Address	City	State	Zip	Country
1019 FIFTH STREET EQUITIES LLC C/O TIME EQUITIES INC 1019 FIFTH STREET TEA LLC	55 5 AVE 15 FL	NEW YORK	NY	10003	USA
GATEWAY MB LLC	140 WEST 86 ST 4A	NEW YORK CITY	NY	10024	USA
NINA BERNSTEIN	53 COLGATE RD	GREAT NECK	NY	11023	USA
MICHAEL CORTICCHIA ANNA MARIA CORTICCHIA	33 06 92 ST 1N	JACKSON HEIGHTS	NY	11372	USA
CIERVO PROPERTIES LLC	234 MOSHER AVE	WOODMERE	NY	11598	USA
FIFTH & ALTON (EDENS) LLC	1221 MAIN ST #1000	COLUMBIA	SC	29201	USA
GIG VAOI FIFTH AND LENOX LLC	3390 PEACHTREE RD STE 1200	ATLANTA	GA	30326	USA
MANUEL ANGEL ACOSTA ELSA A CAMPOS JTRS SARA CAMPOS JTRS	16857 NW 91 CT	HIALEAH	FL	33018	USA
ARTHUR D POROSOFF	5201 BLUE LAGOON DR STE 100	MIAMI	FL	33126	USA
MONTIGNY AND PARTNERS LLC	44 W FLAGLER ST 2300	MIAMI	FL	33130	USA
SCULL INVESTMENT LLC	848 BRICKELL AVE #PH1	MIAMI	FL	33131	USA
TOPLOCATION INC	150 SE 2 AVE #1010	MIAMI	FL	33131	USA
PADOVA CONSTRUCTION LLC	2601 SOUTH BAYSHORE DR #700	COCONUT GROVE	FL	33133	USA
629 LENOX HOLDINGS LLC	2800 BISCAYNE BLVD PH FLOOR	MIAMI	FL	33137	USA
GEORGE FRANKLIN PARRIS	160 NE 55 ST 10	MIAMI	FL	33137	USA
LEEMAN ACQUISITION COMPANY LLC	711 NW 23 TERR SUITE 100	MIAMI	FL	33137	USA
MICHAEL CHOLOBEL	4300 BISCAYNE BLVD 205	MIAMI	FL	33137	USA
1725 JAMES AVE NO 26 LLC	1354 WASHINGTON AVE STE 223	MIAMI BEACH	FL	33139	USA
560 MICHIGAN AVENUE CORP	245 18 ST # 603	MIAMI BEACH	FL	33139	USA
AET INVESTMENTS LLC	551 MICHIGAN AVE 223	MIAMI BEACH	FL	33139	USA
AET INVESTMENTS LLC	551 MICHIGAN AVE 125	MIAMI BEACH	FL	33139	USA
AHMED ALASHWAH LYNNE MARLETTE	601 MICHIGAN AVE #5	MIAMI BEACH	FL	33139	USA
AHMED ALASHWAH	601 MICHIGAN AVE UNIT 2	MIAMI BEACH	FL	33139	USA
ALBERT STRIGNANO	1003 6 ST 3	MIAMI BEACH	FL	33139	USA
ALDEA LLC	551 MICHIGAN AVE 225	MIAMI BEACH	FL	33139	USA
ALDEA LLC	557 MICHIGAN AVE 215	MIAMI BEACH	FL	33139	USA
ALE REAL ESTATE LLC	850 OCEAN DR #203	MIAMI BEACH	FL	33139	USA
ARNAUD KOSZOWSKI	544 MICHIGAN AVE 10	MIAMI	FL	33139	USA
BENJAMIN CHAOUAT	611 MICHIGAN AVE #2	MIAMI BEACH	FL	33139	USA
CARIBE LIFE CORP	557 MICHIGAN AVE 222	MIAMI BEACH	FL	33139	USA
CARIBE LIFE CORP	557 MICHIGAN AVE 112	MIAMI BEACH	FL	33139	USA
CITY OF MIAMI BEACH ATTN: CITY MANAGER	1700 CONVENTION CENTER DR	MIAMI BEACH	FL	33139	USA
CLAUDE IMAZ	557 MICHIGAN AVE 212	MIAMI BEACH	FL	33139	USA
CLAUDE IMAZ	551 MICHIGAN AVE 121	MIAMI BEACH	FL	33139	USA
DESIRE GROUP LLC	557 MICHIGAN AVE 214	MIAMI BEACH	FL	33139	USA
GERARD GAUBE	1406 MICHIGAN AVE	MIAMI BEACH	FL	33139	USA
JOSEPHINE F TADDEO	544 MICHIGAN AVE 12	MIAMI BEACH	FL	33139	USA
LORE USA LLC	860 COLLINS AVE	MIAMI BEACH	FL	33139	USA
MAC 1045 5TH ST LLC	1261 20 ST	MIAMI BEACH	FL	33139	USA

MICHAEL TRAINOR	544 MICHIGAN AVE UNIT 6	MIAMI BEACH	FL	33139	USA
MICHIGAN 551 PROPERTY LLC	557 MICHIGAN AVE 111	MIAMI BEACH	FL	33139	USA
PADOVA CONSTRUCTION LLC	1007 6 ST APT 5	MIAMI BEACH	FL	33139	USA
RAYLA G JACUNDA JTRS ARNE BREMER JTRS	1100 WEST AVE #326	MIAMI BEACH	FL	33139	USA
SANDRA MARTINEZ	544 MICHIGAN AVE #5	MIAMI BEACH	FL	33139	USA
SHADOW ME LLC	557 MICHIGAN AVE 115	MIAMI BEACH	FL	33139	USA
STRIPEY LLC	557 MICHIGAN AVE 113	MIAMI BEACH	FL	33139	USA
SUZANNE CAMILLE JOLY FABRICE JOLY	551 MICHIGAN AVE 122	MIAMI BEACH	FL	33139	USA
TIAPASIL LLC	557 MICHIGAN AVE 213	MIAMI BEACH	FL	33139	USA
TOWER TRADING SAGL	557 MICHIGAN AVE 114	MIAMI BEACH	FL	33139	USA
ULISES LLC	551 MICHIGAN AVE 123	MIAMI BEACH	FL	33139	USA
VINICIUS LLC	551 MICHIGAN AVE 124	MIAMI BEACH	FL	33139	USA
CELESTE RENEE VEZOLLES	2642 COLLINS AVE #507	MIAMI BEACH	FL	33140	USA
HAMIA LLC	610 MICHIGAN AVE #2	MIAMI BEACH	FL	33140	USA
RG MICHIGAN 2014 LLC	11251 NW 20 ST STE 106	MIAMI	FL	33172	USA
LULAV SQUARE APARTMENTS LP	2206 JO-AN DR	SARASOTA	FL	34231	USA
LEO KINGSTON	2239 NW 39 ST	OKLAHOMA CITY	OK	73112	USA
LEO KINGSTON	PO BOX 12920	OKLAHOMA CITY	OK	73157	USA
GUY GERBER	8671 WHILSHIRE BLVD 4TH FLR	LOS ANGELES	CA	90211	USA
GARRETT ZOELLER	1200 NW MARSHALL ST#1606	PORTLAND	OR	97209	USA
624 MICHIGAN LLC	212 NE 24th St # 3	Miami	FL	33137-4508	USA
LINNEA JOHNSON	610 MICHIGAN AVE 3	MIAMI BEACH	FL	33139-6064	USA
PHILIP R MELTING FAMILY TRUST	251 AMHERST ST	BROOKLYN	NY	11235	USA
FERNANDEZ PROPERTIES INC	PO BOX 191511	MIAMI BEACH	FL	33119	USA
SANZ MANAGEMENT INC	762 SW 18 AVE	MIAMI	FL	33135	USA
EDW A MCCARTHY-ARCHBISHOP	9401 BISC BLVD	MIAMI	FL	33138	USA
EDW A MCCARTHY-ARCHBISHOP BISHOP OF DIOCESE	9401 BISC BLVD	MIAMI	FL	33138	USA
CITY OF MIAMI BEACH	1700 CONVENTION CENTER DR	MIAMI BEACH	FL	33139	USA
FELICIA DRIGGS EST OF	544 MICHIGAN AVE #8	MIAMI BEACH	FL	33139	USA
LYSA PHAN JTRS THU PHAN JTRS	600 MICHIGAN AVE APT 1	MIAMI BEACH	FL	33139	USA
NF FIFTH ST LLC & BK FIFTH ST LLC	1665 WASHINGTON AVE 4TH FL	MIAMI BEACH	FL	33139	USA
SARA E HERNANDEZ	619 MICHIGAN AVE 6	MIAMI BEACH	FL	33139	USA
MICHAEL E HUGHES	9160 BYRON AVE	SURFSIDE	FL	33154	USA
SUNSHINE GASOLINE DISTRIBUTORS INC	1650 NW 87 AVE	MIAMI	FL	33172	USA
EDUARDO HANONO	717 NW 131 AVE	MIAMI	FL	33182	USA
1000 FIFTH ST CORPORATION C/O CHRISTOPHER LANGEN	PO BOX 398570	MIAMI BEACH	FL	33239	USA
FLORIDA POWER & LIGHT CO ATTN PROPERTY TAX DEPT	700 UNIVERSE BLVD, PSX/JB	JUNO BEACH	FL	33408	USA
KAREN D GALLOWAY	16321 PACIFIC COAST HWY UNIT #A	PACIFIC PALISADES	CA	90272	USA
LILIA R HERRERA	10351 NW 127 ST	HIALEAH GARDENS	FL	33018-6011	USA
GILBERTO BROTONS &W VIVIAN	619 MICHIGAN AVE UNIT 3	MIAMI BEACH	FL	33139-6048	USA

KENT FRANK CELIA FRANK	619 MICHIGAN AVE #1	MIAMI	FL	33139-6048	USA
MIGUEL FONSECA	619 MICHIGAN AVE UNIT 5	MIAMI BEACH	FL	33139-6048	USA
NELLIE DAHER CHIARA J SOLLOA	619 MICHIGAN AVE #4	MIAMI BEACH	FL	33139-6048	USA
ROBIN ROSENBAUM	619 MICHIGAN AVE #2	MIAMI BEACH	FL	33139-6048	USA
ERICA A PORTER	612 MICHIGAN AVE #7	MIAMI BCH	FL	33139-6086	USA
SANDRA VARELA	601 MICHIGAN AVE #3	MIAMI	FL	33139-6089	USA
FRYD FAMILY ASSOCIATES LTD	523 MICHIGAN AVE	MIAMI BEACH	FL	33139-6317	USA
532 MICHIGAN AVE LLC	945 PENNSYLVANIA AVE	MIAMI BEACH	FL	33139-6318	USA
ILONA LAZANYI	544 MICHIGAN AVE #3	MIAMI BEACH	FL	33139-6330	USA
RUSSELL F EVICK	544 MICHIGAN AVE APT 2	MIAMI BEACH	FL	33139-6330	USA
TRACEY WEST	544 MICHIGAN AVE #7	MIAMI BEACH	FL	33139-6330	USA
ROBERT M YOUNG JR	544 MICHIGAN AVE #14	MIAMI BEACH	FL	33139-6350	USA
CAREFREE 5TH ST LLC	1031 5 ST	MIAMI BEACH	FL	33139-6504	USA
VINCENZO AMADDEO TR	524 WASHINGTON AVE #311	MIAMI BEACH	FL	33139-6666	USA
ROBERT J BORRELLO &W ISABEL I	2045 N BAY RD	MIAMI BEACH	FL	33140-4564	USA
DAVID REDLER & ADELA SMOLARCHIK	800 NORTH SHORE DR	MIAMI BEACH	FL	33141-2438	USA
MELI INVESTMENT CORP	6500 SW 67 AVE	MIAMI	FL	33143-3112	USA
RICHARD B CARMEL (TR)	12555 BISCAYNE BLVD # 800	NO MIAMI	FL	33181-2522	USA

1019 FIFTH STREET EQUITIES LLC C/O  
TIME EQUITIES INC 1019 FIFTH STREET  
TEA LLC  
55 5 AVE 15 FL  
NEW YORK, NY 10003

GATEWAY MB LLC  
140 WEST 86 ST 4A  
NEW YORK CITY, NY 10024

NINA BERNSTEIN  
53 COLGATE RD  
GREAT NECK, NY 11023

MICHAEL CORTICCHIA ANNA MARIA  
CORTICCHIA  
33 06 92 ST 1N  
JACKSON HEIGHTS, NY 11372

CIERVO PROPERTIES LLC  
234 MOSHER AVE  
WOODMERE, NY 11598

FIFTH & ALTON (EDENS) LLC  
1221 MAIN ST #1000  
COLUMBIA, SC 29201

GIG VAOI FIFTH AND LENOX LLC  
3390 PEACHTREE RD STE 1200  
ATLANTA, GA 30326

MANUEL ANGEL ACOSTA ELSA A CAMPOS  
JTRS SARA CAMPOS JTRS  
16857 NW 91 CT  
HIALEAH, FL 33018

ARTHUR D POROSOFF  
5201 BLUE LAGOON DR STE 100  
MIAMI, FL 33126

MONTIGNY AND PARTNERS LLC  
44 W FLAGLER ST 2300  
MIAMI, FL 33130

SCULL INVESTMENT LLC  
848 BRICKELL AVE #PH1  
MIAMI, FL 33131

TOPLOCATION INC  
150 SE 2 AVE #1010  
MIAMI, FL 33131

PADOVA CONSTRUCTION LLC  
2601 SOUTH BAYSHORE DR #700  
COCONUT GROVE, FL 33133

629 LENOX HOLDINGS LLC  
2800 BISCAYNE BLVD PH FLOOR  
MIAMI, FL 33137

GEORGE FRANKLIN PARRIS  
160 NE 55 ST 10  
MIAMI, FL 33137

LEEMAN ACQUISITION COMPANY LLC  
711 NW 23 TERR SUITE 100  
MIAMI, FL 33137

MICHAEL CHOLOBEL  
4300 BISCAYNE BLVD 205  
MIAMI, FL 33137

1725 JAMES AVE NO 26 LLC  
1354 WASHINGTON AVE STE 223  
MIAMI BEACH, FL 33139

560 MICHIGAN AVENUE CORP  
245 18 ST # 603  
MIAMI BEACH, FL 33139

AET INVESTMENTS LLC  
551 MICHIGAN AVE 223  
MIAMI BEACH, FL 33139

AET INVESTMENTS LLC  
551 MICHIGAN AVE 125  
MIAMI BEACH, FL 33139

AHMED ALASHWAH LYNNE MARLETTE  
601 MICHIGAN AVE #5  
MIAMI BEACH, FL 33139

AHMED ALASHWAH  
601 MICHIGAN AVE UNIT 2  
MIAMI BEACH, FL 33139

ALBERT STRIGNANO  
1003 6 ST 3  
MIAMI BEACH, FL 33139

ALDEA LLC  
551 MICHIGAN AVE 225  
MIAMI BEACH, FL 33139

ALDEA LLC  
557 MICHIGAN AVE 215  
MIAMI BEACH, FL 33139

ALE REAL ESTATE LLC  
850 OCEAN DR #203  
MIAMI BEACH, FL 33139

ARNAUD KOSZOWSKI  
544 MICHIGAN AVE 10  
MIAMI, FL 33139

BENJAMIN CHAOUAT  
611 MICHIGAN AVE #2  
MIAMI BEACH, FL 33139

CARIBE LIFE CORP  
557 MICHIGAN AVE 222  
MIAMI BEACH, FL 33139

CARIBE LIFE CORP  
557 MICHIGAN AVE 112  
MIAMI BEACH, FL 33139

CITY OF MIAMI BEACH ATTN: CITY  
MANAGER  
1700 CONVENTION CENTER DR  
MIAMI BEACH, FL 33139

CLAUDE IMAZ  
557 MICHIGAN AVE 212  
MIAMI BEACH, FL 33139

CLAUDE IMAZ  
551 MICHIGAN AVE 121  
MIAMI BEACH, FL 33139

DESIRE GROUP LLC  
557 MICHIGAN AVE 214  
MIAMI BEACH, FL 33139

GERARD GAUBE  
1406 MICHIGAN AVE  
MIAMI BEACH, FL 33139

JOSEPHINE F TADDEO  
544 MICHIGAN AVE 12  
MIAMI BEACH, FL 33139

LORE USA LLC  
860 COLLINS AVE  
MIAMI BEACH, FL 33139

MAC 1045 5TH ST LLC  
1261 20 ST  
MIAMI BEACH, FL 33139

MICHAEL TRAINOR  
544 MICHIGAN AVE UNIT 6  
MIAMI BEACH, FL 33139

MICHIGAN 551 PROPERTY LLC  
557 MICHIGAN AVE 111  
MIAMI BEACH, FL 33139

PADOVA CONSTRUCTION LLC  
1007 6 ST APT 5  
MIAMI BEACH, FL 33139

RAYLA G JACUNDA JTRS ARNE BREMER  
JTRS  
1100 WEST AVE #326  
MIAMI BEACH, FL 33139

SANDRA MARTINEZ  
544 MICHIGAN AVE #5  
MIAMI BEACH, FL 33139

SHADOW ME LLC  
557 MICHIGAN AVE 115  
MIAMI BEACH, FL 33139

STRIPEY LLC  
557 MICHIGAN AVE 113  
MIAMI BEACH, FL 33139

SUZANNE CAMILLE JOLY FABRICE JOLY  
551 MICHIGAN AVE 122  
MIAMI BEACH, FL 33139

TIAPASIL LLC  
557 MICHIGAN AVE 213  
MIAMI BEACH, FL 33139

TOWER TRADING SAGL  
557 MICHIGAN AVE 114  
MIAMI BEACH, FL 33139

ULISES LLC  
551 MICHIGAN AVE 123  
MIAMI BEACH, FL 33139

VINICIUS LLC  
551 MICHIGAN AVE 124  
MIAMI BEACH, FL 33139

CELESTE RENEE VEZOLLES  
2642 COLLINS AVE #507  
MIAMI BEACH, FL 33140

HAMIA LLC  
610 MICHIGAN AVE #2  
MIAMI BEACH, FL 33140

RG MICHIGAN 2014 LLC  
11251 NW 20 ST STE 106  
MIAMI, FL 33172

LULAV SQUARE APARTMENTS LP  
2206 JO-AN DR  
SARASOTA, FL 34231

LEO KINGSTON  
2239 NW 39 ST  
OKLAHOMA CITY, OK 73112

LEO KINGSTON  
PO BOX 12920  
OKLAHOMA CITY, OK 73157

GUY GERBER  
8671 WHILSHIRE BLVD 4TH FLR  
LOS ANGELES, CA 90211

GARRETT ZOELLER  
1200 NW MARSHALL ST#1606  
PORTLAND, OR 97209

624 MICHIGAN LLC  
212 NE 24th St # 3  
Miami, FL 33137-4508

LINNEA JOHNSON  
610 MICHIGAN AVE 3  
MIAMI BEACH, FL 33139-6064

PHILIP R MELTING FAMILY TRUST  
251 AMHERST ST  
BROOKLYN, NY 11235

FERNANDEZ PROPERTIES INC  
PO BOX 191511  
MIAMI BEACH, FL 33119

SANZ MANAGEMENT INC  
762 SW 18 AVE  
MIAMI, FL 33135

EDW A MCCARTHY-ARCHBISHOP  
9401 BISC BLVD  
MIAMI, FL 33138

EDW A MCCARTHY-ARCHBISHOP BISHOP  
OF DIOCESE  
9401 BISC BLVD  
MIAMI, FL 33138

CITY OF MIAMI BEACH  
1700 CONVENTION CENTER DR  
MIAMI BEACH, FL 33139

FELICIA DRIGGS EST OF  
544 MICHIGAN AVE #8  
MIAMI BEACH, FL 33139

LYSA PHAN JTRS THU PHAN JTRS  
600 MICHIGAN AVE APT 1  
MIAMI BEACH, FL 33139

NF FIFTH ST LLC & BK FIFTH ST LLC  
1665 WASHINGTON AVE 4TH FL  
MIAMI BEACH, FL 33139

SARA E HERNANDEZ  
619 MICHIGAN AVE 6  
MIAMI BEACH, FL 33139

MICHAEL E HUGHES  
9160 BYRON AVE  
SURFSIDE, FL 33154

SUNSHINE GASOLINE DISTRIBUTORS INC  
1650 NW 87 AVE  
MIAMI, FL 33172

EDUARDO HANONO  
717 NW 131 AVE  
MIAMI, FL 33182

1000 FIFTH ST CORPORATION C/O  
CHRISTOPHER LANGEN  
PO BOX 398570  
MIAMI BEACH, FL 33239

FLORIDA POWER & LIGHT CO ATTN  
PROPERTY TAX DEPT  
700 UNIVERSE BLVD, PSX/JB  
JUNO BEACH, FL 33408

KAREN D GALLOWAY  
16321 PACIFIC COAST HWY UNIT #A  
PACIFIC PALISADES, CA 90272

LILIA R HERRERA  
10351 NW 127 ST  
HIALEAH GARDENS, FL 33018-6011

GILBERTO BROTONS &W VIVIAN  
619 MICHIGAN AVE UNIT 3  
MIAMI BEACH, FL 33139-6048

KENT FRANK CELIA FRANK  
619 MICHIGAN AVE #1  
MIAMI, FL 33139-6048

MIGUEL FONSECA  
619 MICHIGAN AVE UNIT 5  
MIAMI BEACH, FL 33139-6048

NELLIE DAHER CHIARA J SOLLOA  
619 MICHIGAN AVE #4  
MIAMI BEACH, FL 33139-6048

ROBIN ROSENBAUM  
619 MICHIGAN AVE #2  
MIAMI BEACH, FL 33139-6048

ERICA A PORTER  
612 MICHIGAN AVE #7  
MIAMI BCH, FL 33139-6086

SANDRA VARELA  
601 MICHIGAN AVE #3  
MIAMI, FL 33139-6089

FRYD FAMILY ASSOCIATES LTD  
523 MICHIGAN AVE  
MIAMI BEACH, FL 33139-6317

532 MICHIGAN AVE LLC  
945 PENNSYLVANIA AVE  
MIAMI BEACH, FL 33139-6318

ILONA LAZANYI  
544 MICHIGAN AVE #3  
MIAMI BEACH, FL 33139-6330

RUSSELL F EVICK  
544 MICHIGAN AVE APT 2  
MIAMI BEACH, FL 33139-6330

TRACEY WEST  
544 MICHIGAN AVE #7  
MIAMI BEACH, FL 33139-6330



ROBERT M YOUNG JR  
544 MICHIGAN AVE #14  
MIAMI BEACH, FL 33139-6350

CAREFREE 5TH ST LLC  
1031 5 ST  
MIAMI BEACH, FL 33139-6504

VINCENZO AMADDEO TR  
524 WASHINGTON AVE #311  
MIAMI BEACH, FL 33139-6666

ROBERT J BORRELLO &W ISABEL I  
2045 N BAY RD  
MIAMI BEACH, FL 33140-4564

DAVID REDLER & ADELA SMOLARCHIK  
800 NORTH SHORE DR  
MIAMI BEACH, FL 33141-2438

MELI INVESTMENT CORP  
6500 SW 67 AVE  
MIAMI, FL 33143-3112

RICHARD B CARMEL (TR)  
12555 BISCAYNE BLVD # 800  
NO MIAMI, FL 33181-2522



# Application Check List

## MIAMI BEACH

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

Page 1 of 3

Address: **1045 5th St**  
File Number:

Date: **6/23/15**

### 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 ALL PLANS MUST BE DIMENSIONED AND LEGIBLE. INCLUDE A GRAPHIC SCALE	Required	Provided
1	<b>Documents:</b>		
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	<del>School Concurrency Application, for projects with a net increase in residential units (no SFH)</del>	X	
8	<b>Plans:</b>		
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)	X	
14	Proposed FAR Shaded Diagrams(Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams)	X	
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	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)	X	
20	Demolition Plans (Floor Plans & Elevations with dimensions)	X	
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 <b>w/SIR impact of street elevation showing site as well as bldg.</b>	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.	X	
25	Hardscape Plan, i.e. paving materials, pattern, etc.	X	
26	Color Renderings (elevations and three dimensional perspective drawings)	X	
27	<b>* Signage plan</b>	X	

Indicate N/A If Not Applicable

Initials:

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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)	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	X	
34	Exploded Axonometric Diagram (showing second floor in relationship to first floor)		
35	Neighborhood Context Study		
36	Open Space calculations and shaded diagrams	X	
37	Proposed Operational Plan	X	
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	X	
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	<b>Site Plan (Identify streets and alleys)</b>	X	
a	Identify: setbacks <u>✓</u> Height <u>✓</u> Drive aisle widths <u>✓</u> Streets and sidewalks widths <u>✓</u>		
b	# parking spaces & dimensions <u>✓</u> Loading spaces locations & dimensions <u>✓</u>		
c	# of bicycle parking spaces <u>✓</u>		
d	Interior and loading area location & dimensions <u>✓</u>		
e	Street level trash room location and dimensions <u>✓</u>		
f	Delivery route <u>✓</u> Sanitation operation <u>✓</u> Valet drop-off & pick-up <u>✓</u> Valet route in and out <u>✓</u>		
g	Valet route to and from <u>✓</u> auto-turn analysis for delivery and sanitation vehicles <u>✓</u>		
45	<b>Floor Plan (dimensioned)</b>		
a	Total floor area <u>✓</u>		
a	Identify # seats indoors <u>✓</u> outdoors <u>✓</u> seating in public right of way <u>✓</u> Total <u>✓</u>		
b	Occupancy load indoors and outdoors per venue <u>✓</u> Total when applicable <u>✓</u>		

Indicate N/A If Not Applicable

 = Planning Board additional items  
 = HPB

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**Address:**

**File Number:**

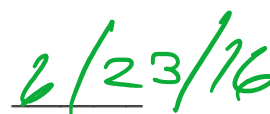
46	In the Letter of Intent for Planning Board include and respond to all review guidelines in the code as follows:		
47	For Conditional Use -Section 118-192 (a)(1)-(7) + (b)(1)-(11)	X	
48	CU -Entertainment Establishments - Section 142-1362 (a)(1)-(9)		
49	CU - Mechanical Parking - Section 130-38 (3)(c)(i)(1)-(2)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

ITEM #	FINAL SUBMITTAL CHECK LIST:	Required	Provided
53	One (1) signed and sealed 11"X17" unbound 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

Indicate N/A If Not Applicable

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