

PLANNING DEPARTMENT

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

BOARD APPLICATION CHECKLIST

A Pre-Application meeting must be scheduled via CAP to obtain a plan case number and for board staff review of all submittals.

Pre-Application meetings for applications that do not require a traffic study are scheduled on a first come-first served basis and must occur no later than five (5) business days prior to CAP First submittal.

Applications requiring a traffic study must meet with the Transportation Department and peer reviewer thirty (30) calendar days prior to the CAP First Submittal deadline to determine the methodology for the traffic impact study and obtain the Transportation Department's checklist. Fifteen (15) days prior to the First submittal the applicant must submit the traffic study via CAP. Seven (7) days prior to First submittal the Transportation Department/Peer Reviewer will provide first round of comments to the applicant. The applicant must address the comments and submit revised traffic study/plans by the CAP First Submittal deadline including a narrative responding to Transportation/Peer Reviewer comments.

Incomplete, or submittals found to be insufficient will not be placed on a Board agenda.

Property address: 455 Lincoln Road Board: HPB Date: 06/04/2021

ITEM #	ITEM DESCRIPTION	REQUIRED
CAP FIRST SUBMITTAL To be uploaded online (CAP) by the applicant before 12:00 pm by First submittal deadline. ALL PLANS MUST BE DIMENSIONED AND LEGIBLE. INCLUDE A GRAPHIC SCALE.		
1	Application Fee and Peer review fees shall be paid after Pre-Application meeting and before the First submittal. It is the applicant's responsibility to make this payment, if an invoice is not generated by the CAP system, the applicant should contact staff prior to first submittal to be invoiced and make payment.	✓
a	Is the property the primary residence & homestead of the applicant/property owner? (If yes, provide office of the Property Appraiser Summary Report).	
2	Copy of signed and dated check list issued at Pre-Application meeting.	✓
3	Completed Board Application, Affidavits & Disclosures of Interest (original signatures).	✓
4	Signed and dated Letter of Intent. Letter must outline application details and identify hardships if Variances are requested. (see also Items # 42,43 and 44).	✓
5	Mailing Labels: Upload property owner's list and copy of original certified letter from provider. See #52 for submittal of Hard copy / originals of these items.	✓
6	Copies of all current or previously active Business Tax Receipts.	
7	School Concurrency Application for projects with a net increase in residential units (no SFH). Provide Planning Department - Miami Dade - School Concurrency Application for Transmittal	
8	Survey: Electronic version of original signed & sealed, dated no more than six months from date of application. Survey must provide: lot area, grade per Section 114-1 of the City Code. (If no sidewalk exists, provide the elevation of the crown of the road) and spot elevations.	✓
9	Architectural Plans and Exhibits (must be 11"x 17")	✓
a	Cover Sheet with bullet point scope of work, clearly labeled "First Submittal" and dated with First Submittal deadline date. Include copies of previous recorded board orders, if applicable.	✓

Property address: 455 Lincoln Road Board: HPB Date: 06/04/2021

ITEM #	ITEM DESCRIPTION	REQUIRED
b	Copy of the original survey included in plan package. See No. 8 above for survey requirements	✓
c	All Applicable Zoning Information (Use Planning Department zoning data sheet format).	✓
d	Context Location Plan, Min 8.5"x11" Color Aerial 1/2 mile radius, identifying project and showing name of streets. (no Google images)	✓
e	Full legal description of the property if not included in survey (for lengthy legal descriptions, attach as a separate document - label clearly).	✓
f	Existing FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable	
g	Proposed FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable.	
h	Site Plan (fully dimensioned with setbacks, existing and proposed, including adjacent right-of-way widths).	✓
i	Current color photographs, dated, Min 4"x 6" of project site and existing structures (no Google images)	✓
j	Current, color photographs, dated, Min 4"x6" of interior space (no Google images)	✓
k	Current color photographs, dated, Min 4"x 6" of context, corner to corner, across the street and surrounding properties with a key directional plan (no Google images)	✓
l	Existing Conditions Drawings (Floor Plans & Elevations with dimensions). Number of seats, furniture layout if applicable	✓
m	Demolition Plans (Floor Plans & Elevations with dimensions)	
n	Proposed Floor Plans and Roof Plan, including mechanical equipment plan and section marks. Plans shall indicate location of all property lines and setbacks.	✓
o	Proposed Elevations, materials & finishes noted (showing grade, base flood elevation, heights in NGVD values and free board if applicable)	✓
p	Proposed Section Drawings	✓
q	Color Renderings (elevations and three dimensional perspective drawings).	✓
10	Landscape Plans and Exhibits (must be 11"x 17")	
a	Landscape Plan - street and onsite - identifying existing, proposed landscape material, lighting, irrigation, raised curbs, tree survey and tree disposition plan, as well as underground and overhead utilities when street trees are required.	
b	Hardscape Plan, i.e. paving materials, pattern, etc.	
11	Copy of original Building Permit Card, & Microfilm, if available.	
12	Copy of previously approved building permits (provide building permit number) and/or Board Orders.	
13	Existing and Proposed detailed topographic survey depicting existing spot grades (NAVD) as well as all underground/overhead utilities and easements/agreements with recording data. See Part 1 / Section 1 / A. Surveying & Mapping Standards and submittal Requirements of the Public Works Manual. http://www.miamibeachfl.gov/publicworks/engineering/engineeringmanual.aspx?id=12920	
14	Vacant/Unoccupied structures or sites shall provide recent photographic evidence that the site and structure are secured and maintained. The applicant shall obtain and post a No Trespassing Sign from the City's Police Dept.	

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ITEM #	ITEM DESCRIPTION	REQUIRED
15	Historic Resources Report (This report shall include, but not be limited to, copy of the original Building Permit Card and subsequent modifications, Microfilm records, existing condition analysis, photographic and written description of the history and evolution of the original building on the site, all available historic data including original plans, historic photographs and permit history of the structure and any other related information on the property.	✓
16	Contextual Elevation Line Drawings, corner to corner, across the street and surrounding properties (dated).	
17	Line of Sight studies.	
18	Structural Analysis of existing building including methodology for shoring and bracing.	
19	Proposed exterior and interior lighting plan, including photometric calculations.	
20	Exploded Axonometric Diagram (showing second floor in relationship to first floor).	
21	Neighborhood Context Study. (Planning will provide guidance if necessary for application.)	
22	Required yards open space calculations and shaded diagrams.	
23	Required yards section drawings.	
24	Variance and/or Waiver Diagram	
25	Schematic signage program	
26	Detailed sign(s) with dimensions and elevation drawings showing exact location.	
27	Elevation drawings showing area of building façade for sign calculation (Building ID signs).	
28	Daytime and nighttime renderings for illuminated signs.	
29	Floor Plan Indicating area where alcoholic beverages will be displayed.	
30	Survey showing width of the canal (Dimension shall be certified by a surveyor)	
31	Site Plan showing total projection of structures from seawall, location and dimension of all structures inclusive of dock, mooring piles, boat lift, etc.	
32	DERM recommendation/preliminary approval. Docks or any structures shall have approval stamp from DERM or other regulatory agency before submitting for a variance. A letter from DERM or other agency, explaining specific requirements for the project is recommended.	
33	Technical specifications of the boat lift and/ or boat, ship of vessel to be docked or moored.	
34	Survey shall include spot elevations in rear yard and elevation points on the dune adjacent to the property. Provide highest elevation point on the dune within the property. Erosion control line and Bulkhead line shall be indicated if present.	
35	Scaled, signed, sealed and dated specific purpose survey (Alcohol License/Distance Separation) distance shown on survey with a straight line.	
36	Proposed Operational Plan: Include deliveries and trash pickup times, hours of operations, number of employees, security and restaurant menu (if applicable).	
37	Maneuvering plan for loading within the existing/proposed conditions, delivery and garbage trucks size (length and width).	
38	Traffic Study, Site plan(s) : Revised version and narrative addressing first round of comments from Transportation Department and peer review, provide a narrative. (See Transportation Department check list for requirements.)	
39	Sound Study report (Hard copy) with 1 CD.	
40	Site Plan (Identify streets and alleys)	
a	Identify: setbacks _____ Height _____ Drive aisle widths _____ Streets and sidewalks widths _____	

Property address: 455 Lincoln Road Board: HPB Date: 06/04/2021

ITEM #	ITEM DESCRIPTION	REQUIRED
b	# parking spaces & dimensions_____ Loading spaces locations & dimensions_____	
c	# of bicycle parking spaces_____	
d	Interior and loading area location & dimensions_____	
e	Street level trash room location and dimensions_____	
f	Delivery route_____ Sanitation operation_____ Valet drop-off & pick-up_____ Valet route in and out_____	
g	Valet route to and from _____ auto-turn analysis for delivery and sanitation vehicles_____	
h	Indicate any backflow preventer and FPL vault if applicable	
i	Indicate location of the area included in the application if applicable	
j	Preliminary on-street loading plan	
41	Floor Plan (dimensioned)	
a	Total floor area	
b	Identify # seats indoors_____ outdoors_____ seating in public right of way _____ Total_____	
c	Occupancy load indoors and outdoors per venue_____ Total when applicable_____	
42	The letter of Intent shall include and respond to all sea level rise and resiliency review criteria per section 133-50 of the City Code.	
43	The Letter of Intent for Variances shall include and respond to all review guidelines in the code as follows:	
a	Section 118-53 (d) of the City Code for each Variance.	
44	The Letter of Intent for Planning Board shall include and respond to all review guidelines in the code as follows:	
a	For Conditional Use -Section 118-192 (a)(1)-(7)	
b	CU - NIE and or outdoor Entertainment Establishments - Section 142-1362 (a)(1)-(9)	
c	CU - Mechanical Parking - Section 130-38 (3)(c)(i)(1)-(2) & (4)(a)-(k)	
d	CU - Structures over 50,000 SQ.FT. - Section 118-192 (b) (1)-(11)	
e	CU - Religious Institutions - Section 118-192 (c) (1)-(11)	
f	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	
Other	Details of canopy structure	✓
Other	Interior elevations and renderings of proposed ground level interior	✓
Other	Rendering of rooftop canopy from the SW corner of the intersection	✓

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

Property address: 455 Lincoln Road Board: HPB Date: 06/04/2021

ITEM #	ITEM DESCRIPTION	REQUIRED
FINAL SUBMITTAL (CAP & PAPER) Plans should be clearly labeled "Final Submittal" and dated with Final Submittal deadline date. Final Submittal Documents must be uploaded to the CAP and hard copies must be submitted to the Planning Department prior to 12:00 P.M. on final submittal deadline. Staff will review and issue a notice to proceed or to continue submittal to a future meeting if the application is found incomplete.		
45	Traffic Study, Site plan(s): This is the final traffic study including any modifications required to address comments from the City's Transportation Department. City's required permit by FDOT should be obtained prior to Final submittal (via CAP).	
	PAPER FINAL SUBMITTAL:	
46	Original application with all signed and notarized applicable affidavits and disclosures.	✓
47	Original of all applicable items.	✓
48	One (1) signed and sealed 11"X17" bound, collated set of all the required documents.	✓
49	14 collated copies of all required documents	✓
50	One (1) CD/DVD with electronic copy of entire final application package (plans, application, Letter of Intent, traffic/sound study, etc.) see CD/DVD formatting attached, for instructions.	✓
51	Traffic Study (Hard copy)	
52	Mailing Labels -2 sets of gummed labels and a CD including: Property owner's list and Original certified letter from provider.	✓

ADDITIONAL INFORMATION AND ACKNOWLEDGEMENTS

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

Michael W. Larkin

Applicant or Designee's Name



Applicant or Designee's Signature

6-4-2021

Date



MIAMIBEACH

PLANNING DEPARTMENT

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

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.

Application Information			
FILE NUMBER HPB19-0367		Is the property the primary residence & homestead of the applicant/property owner? <input type="checkbox"/> Yes <input type="checkbox"/> No (if "Yes," provide office of the property appraiser summary report)	
Board of Adjustment <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision <input type="checkbox"/> Modification of existing Board Order		Design Review Board <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
Planning Board <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Lot Split <input type="checkbox"/> Amendment to the Land Development Regulations or Zoning Map <input type="checkbox"/> Amendment to the Comprehensive Plan or Future Land Use Map <input type="checkbox"/> Modification of existing Board Order		Historic Preservation Board <input checked="" type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic District/Site Designation <input type="checkbox"/> Variance <input type="checkbox"/> Modification of existing Board Order	
<input type="checkbox"/> Other:			
Property Information – Please attach Legal Description as “Exhibit A”			
ADDRESS OF PROPERTY 455 Lincoln Road			
FOLIO NUMBER(S) 02-3234-005-0100			
Property Owner Information			
PROPERTY OWNER NAME LINCOLN DREXEL LTD LINCOLN DREXEL II LTD			
ADDRESS 1655 DREXEL AVE STE 208		CITY Miami	STATE FL
		ZIPCODE 33139	
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
Applicant Information (if different than owner)			
APPLICANT NAME Opereta Ciudad Del Sol, LLC			
ADDRESS 455 Lincoln Road		CITY Miami	STATE FL
		ZIPCODE 33139	
BUSINESS PHONE (305)377-6224	CELL PHONE	EMAIL ADDRESS	
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST Conditional use Permit for Rooftop Restaurant			

Project Information			
Is there an existing building(s) on the site?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If previous answer is "Yes", is the building architecturally significant per sec. 142-108?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the project include interior or exterior demolition?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Provide the total floor area of the new construction.		SQ. FT.	
Provide the gross floor area of the new construction (including required parking and all usable area).		SQ. FT.	
Party responsible for project design			
NAME Omar Morales		<input checked="" type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
ADDRESS 4300 SW 73 Avenue, Suite 106		CITY Miami	STATE FL
		ZIP CODE 33155	
BUSINESS PHONE (305) 443-4244	CELL PHONE	EMAIL ADDRESS Omar@formgroup.com	
Authorized Representative(s) Information (if applicable)			
NAME Michael W Larkin		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 200 South Biscayne Boulevard, Suite 850		CITY Miami	STATE FL
		ZIP CODE 33131	
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS MLarkin@BRzoninglaw.com	
NAME		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE
		ZIP CODE	
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE
		ZIP CODE	
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	

Please note the following information:

- 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 fees. All checks are to be made payable to the "City of Miami Beach".
- All disclosures must be submitted in CMB Application format and be consistent with CMB Code Sub-part A Section 2-482(c):
 - (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.
- 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 an application 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, engineers, landscape architects, 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.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, 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 service 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 form 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

Jeffrey Rosenberg

PRINT NAME

11/4/2015

DATE SIGNED

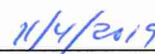
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- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the 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 an application 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, engineers, landscape architects, 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.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, 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 service 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 form 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 ☐ Authorized representative


SIGNATURE

PRINT NAME

DATE SIGNED

OWNER AFFIDAVIT FOR INDIVIDUAL OWNERSTATE OF FloridaCOUNTY OF Dade

I, Jefferey Paul Rosenberg, 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 remove 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: _____

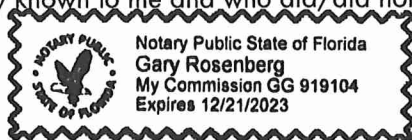
PRINT NAME**ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF FloridaCOUNTY OF Dade

I, Jefferey Paul Rosenberg, being first duly sworn, depose and certify as follows: (1) I am the President (print title) of Lincoln Drexel LTD (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 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 my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 4 day of NOVEMBER, 2019. The foregoing instrument was acknowledged before me by JEFFREY ROSENBERG, who has produced Persson's ID as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

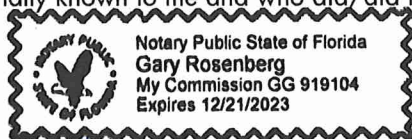
**NOTARY PUBLIC**My Commission Expires: 12/21/2023**PRINT NAME**

OWNER AFFIDAVIT FOR INDIVIDUAL OWNERSTATE OF FloridaCOUNTY OF Dade

I, Jefferey Paul Rosenberg, 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 remove this notice after the date of the hearing.

Sworn to and subscribed before me this 4 day of NOVEMBER, 2019. The foregoing instrument was acknowledged before me by JEFFREY ROSENBERG, who has produced PERSONALLY KNOWN as identification and/or is personally known to me and who did/did not take an oath.

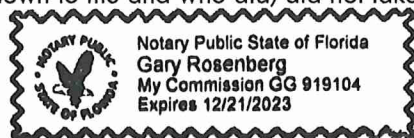
NOTARY SEAL OR STAMP

My Commission Expires: 12/21/2023**SIGNATURE****NOTARY PUBLIC****PRINT NAME**GARY ROSENBERG**ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF FloridaCOUNTY OF Dade

I, Jefferey Paul Rosenberg, being first duly sworn, depose and certify as follows: (1) I am the President (print title) of Lincoln Drexel II LTD (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 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 my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

Sworn to and subscribed before me this 4 day of NOVEMBER, 2019. The foregoing instrument was acknowledged before me by JEFFREY ROSENBERG, who has produced PERSONALLY KNOWN as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires: 12/21/23**SIGNATURE****NOTARY PUBLIC****PRINT NAME**GARY ROSENBERG

OWNER AFFIDAVIT FOR INDIVIDUAL OWNERSTATE OF FloridaCOUNTY OF Dade

I, Alan Miro Khoudari Abitbol, 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 remove 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: _____

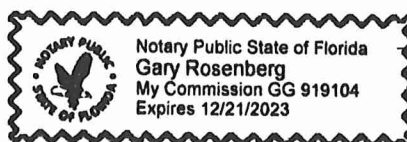
PRINT NAME**ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF FloridaCOUNTY OF Dade

I, Alan Miro Khoudari Abitbol, being first duly sworn, depose and certify as follows: (1) I am the authorized representative (print title) of Opereta Ciudad Del Sol, 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 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 my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 4 day of November, 2019. The foregoing instrument was acknowledged before me by ALAN KHODARI, who has produced PERSONALLY KNOWN 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: 12/21/23GARY ROSENBERG**PRINT NAME**

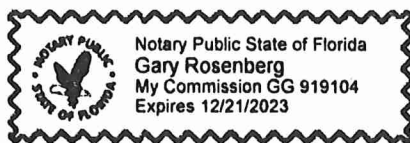
POWER OF ATTORNEY AFFIDAVITSTATE OF FloridaCOUNTY OF Dade

I, Alan Miro Khoudari Abitbol, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Bercow Radell Fernandez & Larkin to be my representative before the HPB Board. (3) 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. (4) I am responsible for remove this notice after the date of the hearing.

Alan Miro Khoudari Abitbol**PRINT NAME (and Title, if applicable)**[Signature]**SIGNATURE**

Sworn to and subscribed before me this 4 day of November, 2019. The foregoing instrument was acknowledged before me by ALAN KHOUDARI, who has produced PERSONALITY CARD as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires: 12/21/23[Signature]**NOTARY PUBLIC**GARY ROSENBERG**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 contact purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individuals(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.

NAME**DATE OF CONTRACT**

NAME, ADDRESS AND OFFICE

% OF STOCK

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.

**DISCLOSURE OF INTEREST
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.

Lincoln Drexel Ltd.

NAME OF CORPORATE ENTITY

57 NAME AND ADDRESS % OF OWNERSHIP

Morris Rappaport Irrevocable Trust

99%

9350 W. Bay Harbor Dr # 7C

Bay Harbor FL 33154 (see Trust disclosure)

Lincoln Drexel, Inc (General Partner)

1%

3921 A1ton Rd # 463

Miami Beach, FL 33140

Jeffrey Rosenbergs, President

Lincoln Drexel II, Ltd.

NAME OF CORPORATE ENTITY

NAME AND ADDRESS % OF OWNERSHIP

Ajelrose, Lp (a Nevada Ltd. Partnership)

99%

8700 SW 54 AVE, MIAMI FL 33143

Jeffrey Rosenbergs Revocable Trust

8700 SW 54 AVE M. AMI, FL 33143

(same) Lillian Rosenbergs. Revocable Trust

Rosenbergs G.P. Trust

8700 SW 54 AVE, MIAMI FL 33143

Lincoln Drexel B, LLC (General Partner)

1%

8700 SW 54 Ave, MIAMI FL 33143

Jeffrey Rosenbergs, mgr.

{ 49.5% of Ajelrose Lp

99.5% of Ajelrose, LP

1% of Ajelrose, LP

If there are additional corporate owners, list such owners, including corporate name and the name, address and percentage of ownership of each additional owner, on a separate page.

**DISCLOSURE OF INTEREST
TRUSTEE**

If the property that is the subject of the 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.

<u>Morris Rappert Irrevocable Trust</u>		
TRUST NAME		
D-7:	NAME AND ADDRESS	% INTEREST
	<u>Morris Rappert Revocable Trust</u>	<u>99%</u>
	<u>Morris Rappert, Trustee</u>	<u>100% (of M.R. Rev. Trust)</u>
	<u>9350 W. Bay Harbor Dr. #7C</u>	
	<u>Bay Harbor, FL 33154</u>	
	<u>Ajelrose Lp</u>	
By:	<u>Jeffrey Rosenberg Revocable Trust</u>	
	<u>Jeffrey Rosambers, Trustee</u>	
	<u>8700 SW 54 Ave, Miami FL 33143</u>	<u>49.5%</u>
	<u>Lillian Rosenberg Revocable Trust</u>	
	<u>Lillian Rosenberg, Trustee</u>	
	<u>8700 S.W. 54 Ave, Miami FL 33143</u>	<u>49.5%</u>
	<u>Rosenbers G.P. Trust</u>	
	<u>Jeffrey Rosambers, trustee</u>	<u>1%</u>
	<u>8700 SW 54 Ave, Miami FL 33143</u>	

DISCLOSURE OF INTEREST
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.

Opereta Ciudad Del Sol, LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

See attached.

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

If there are additional corporate owners, list such owners, including corporate name and the name, address and percentage of ownership of each additional owner, on a separate page.

DISCLOSURE OF INTEREST
TRUSTEE

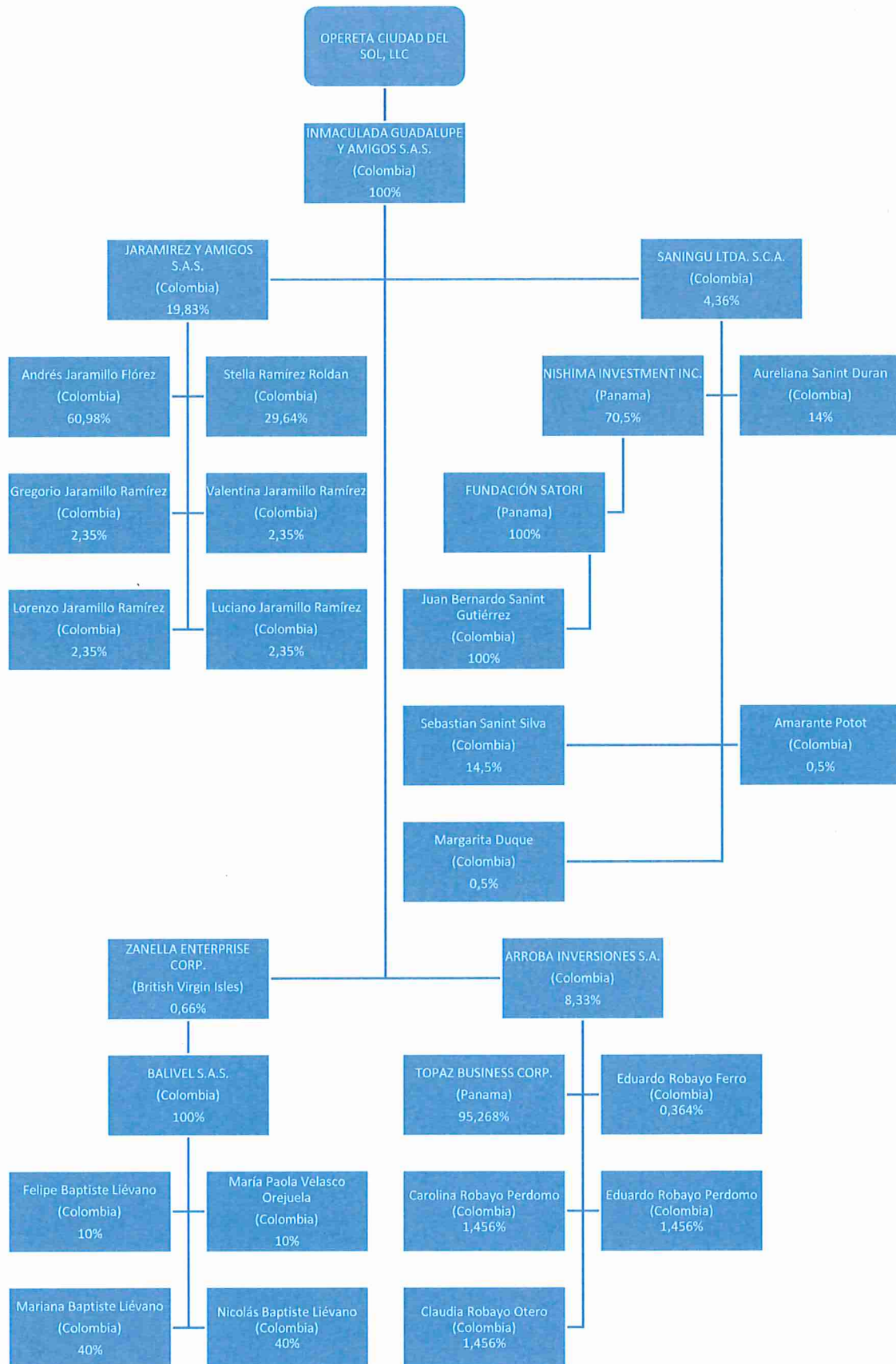
If the property that is the subject of the application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities,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

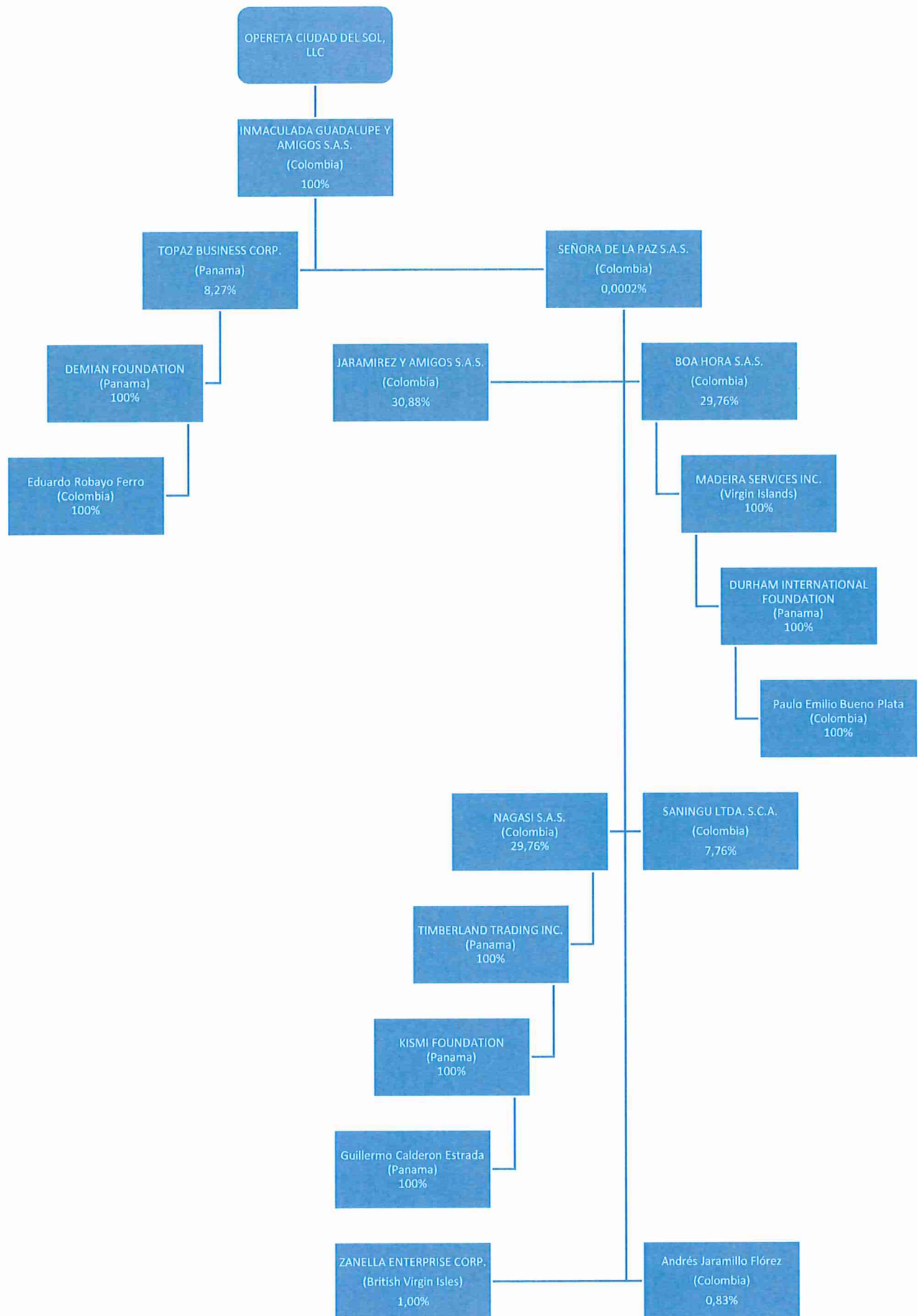
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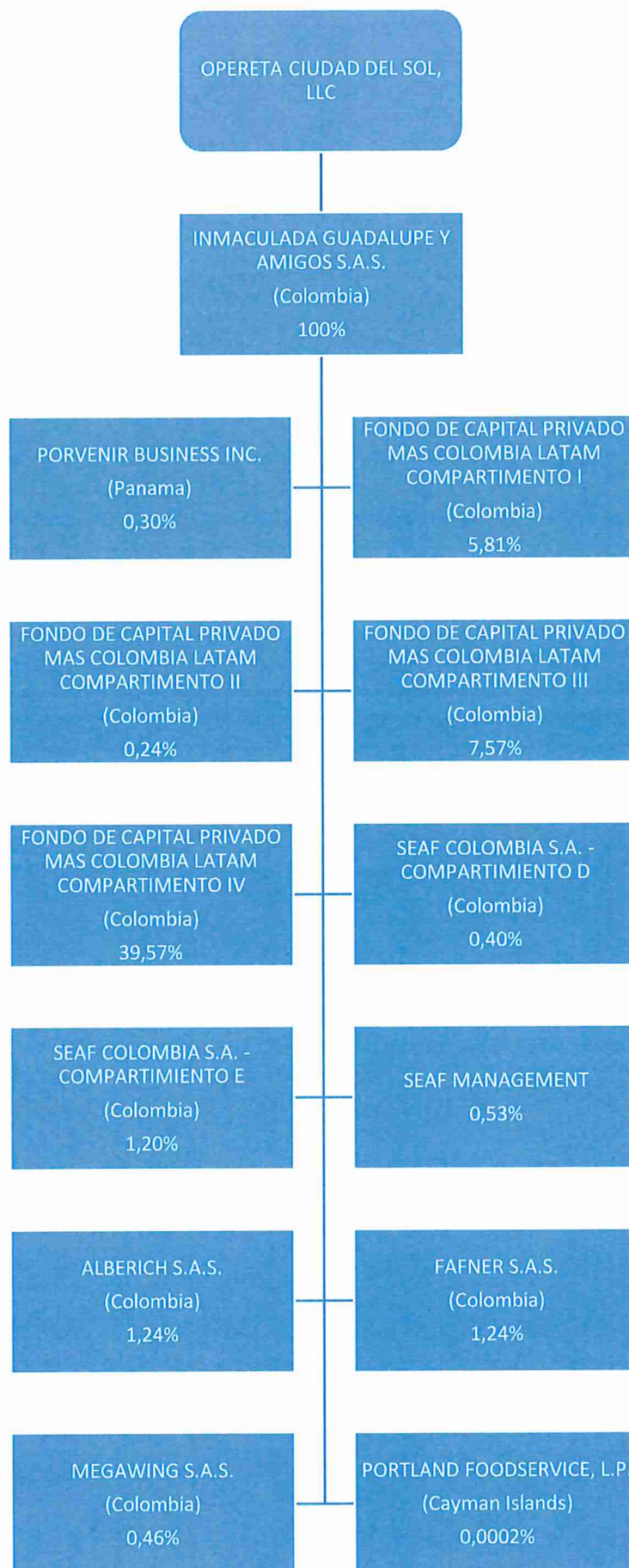
TRUST NAME	
NAME AND ADDRESS	% INTEREST

EXHIBIT B

DISCLOSURE OF INTEREST







Chia, Colombia. October 30th, 2019

TO WHOM IT MAY CONCERN:

Ref.: Certificate of Non-Disclosure of certain stockholders' information.

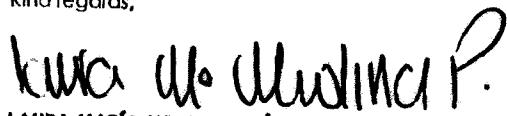
The undersigned, **LAURA MARÍA MEDINA PELÁEZ**, acting as Legal and Administrative Manager of **INMACULADA GUADALUPE Y AMIGOS S.A.S.**, a corporation organized and existing under the laws of Colombia, who in turn acts as sole shareholder of **OPERETA CIUDAD DEL SOL, LLC**, a corporation organized and existing under the laws of the State of Florida, certifies that the following stockholders of the Company I'm acting in behalf of, do not reveal the information of certain stockholders up to the final beneficiaries due to their internal disclosure policies:

Stockholder	TIN	Nationality
Porvenir Business Inc.	900.030.633-5	Colombia
Fondo de Capital Privado MAS Colombia Latam Compartimiento I	900.429.297-8 (001)	Colombia
Fondo de Capital Privado MAS Colombia Latam Compartimiento II	900.543.214-4	Colombia
Fondo de Capital Privado MAS Colombia Latam Compartimiento III	900.429.297-8 (003)	Colombia
Fondo de Capital Privado MAS Colombia Latam Compartimiento IV	900.429.297-8 (004)	Colombia
Alberich S.A.S.	900.479.245-9	Colombia
Fafner S.A.S	900.479.252-0	Colombia
Megawing S.A.S.	901.189.813-1	Colombia
SEAF Colombia S.A. - Compartimiento D	900.055.571-5	Colombia
SEAF Colombia S.A. - Compartimiento E	900.055.571-1	Colombia
SEAF Management	EIN 52-2249866	United States

Please do not hesitate to contact us if there are any doubts about the content of this document.

Thank you in advance for your cooperation.

Kind regards,



LAURA MARÍA MEDINA PELÁEZ
C.C. 1.020.717.843 de Bogotá, D.C.
Legal and Administrative Manager
INMACULADA GUADALUPE Y AMIGOS S.A.S.

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
Michael W Larkin	200 South Biscayne Boulevard, Suite 850	
Roberto Behar	200 South Biscayne Boulevard, Suite 850	

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

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) AN 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**

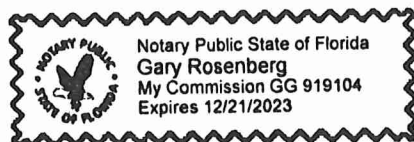
COUNTY OF Dade

I, Alan Miro Khoudari Abitbol, being first duly sworn, depose and certify as follows: (1) I am the applicant or representative of the applicant. (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.

SIGNATURE

Sworn to and subscribed before me this 4 day of November, 2019. The foregoing instrument was acknowledged before me by Alan KHODARI, who has produced Personal known as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires: 12/31/23

NOTARY PUBLIC

6 Any respondent

PRINT NAME _____

Exhibit A

Legal Description

Lot 1, in Block 3, of "LINCOLN ROAD SUBDIVISION", according to the plat thereof, as recorded in Plat Book 34, at Page 66, of the Public Record of Miami-Dade County, Florida.

Property Address: 455 Lincoln Road, Miami Beach, FL 33139



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6236 office
305.377.6222 fax
mamster@brzoninglaw.com

VIA ELECTRONIC SUBMITTAL

July 6, 2021

Deborah Tackett, Historic Preservation & Architecture
Officer
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: **HPB19-0367** Certificate of Appropriateness for
455 Lincoln Road, Miami Beach, Florida

Dear Ms. Tackett,

This firm represents Opereta Ciudad Del Sol, LLC (the "Applicant"), the tenant and operator of the proposed new "Qudres" restaurant located at 455 Lincoln Road¹ (the "Property"). Please consider this letter the Applicant's letter of intent in connection with a Certificate of Appropriateness for the Property.

Description of Property. The Miami-Dade County Property Appraiser has assigned Folio No. 02-3234-005-0100 to this Property. See Exhibit A, Property Appraiser Summary Report. The Property is approximately 4,987 square feet in size, and located on the northeast corner of Lincoln Road and Drexel Avenue. It is located in the CD-3 Commercial High Intensity zoning district, the Flamingo Park Local Historic District, and in the Miami Beach Architectural District in the National Register of Historic Districts. The New World Symphony and Soundscape Park are located to the north of Property. There are existing retail stores and restaurant establishments to the east and west of the Property, as part of the Lincoln Road Mall. It is important to note that the Property has frontages on Drexel and Lincoln Lane

¹ The Property is also associated with the address 1655 Drexel Avenue.

North, which are both part of City projects to become pedestrian streets. According to the Miami Beach Historic Properties Database, the existing structure on the Property is classified as Contributing within the Flamingo Park Local Historic District. See below Figure 1, Historic Properties Database Excerpt.

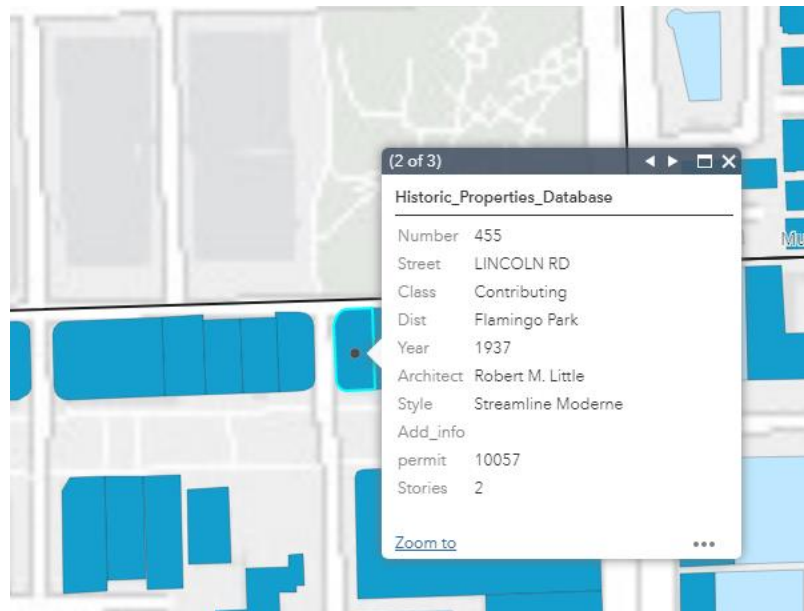


Figure 1, Historic Properties Database Excerpt

Existing Structure. The Historic Resources Report, prepared by Heritage Architectural Associates and included in the application materials, provides that the Property was originally developed in 1937 with a two-story commercial structure. The mixed-use building contained retail units on the ground floor and offices on the upper level. The mezzanine level was then constructed in 1944. Consistently thereafter, the structure has experienced various internal renovations for a variety of tenants. Some of the exterior renovations included canvas awnings and a barrel-tile pent roof above the ground floor, which was unpermitted and later removed.

The latest tenant was 5 Napkin Burger in 2011. The renovations included build-out of the interior, which included all new electrical, plumbing, and mechanical. The entrance was relocated back to the southwest corner of the building. The exterior was also slightly renovated, including windows, doors, awnings, and signage. In February of 2015, there was a kitchen fire and the building has been unoccupied since. The Applicant is eager to bring a world-renowned restaurant to this prominent intersection.

Prior Approvals. In 2018, the Applicant obtained Certificate of Appropriateness approval from the Historic Preservation Board ("HPB") for the introduction of an active

roof deck, including elevator and stair enclosures. See Exhibit B, HPB18-0255 Final Order. The elevator and stair enclosures to the roof have been seamlessly constructed. The current application for a Certificate of Appropriateness is consistent with conditions provided in the HPB18-0255 Final Order. However, the Applicant is seeking clarification of Condition I.C.4.iii, which provides an exception for exterior speakers at the roof deck if "associated with a distributed sound system for ambient, background music only, which does not interfere with normal conversation."

In January of 2020, the Applicant obtained Conditional Use Permit approval from the Planning Board for a Neighborhood Impact Establishment with indoor entertainment for an occupancy that exceeds 200 persons. See Exhibit C, PB19-0330 Final Order. The Planning Board approved the indoor entertainment, which is an integral aspect of the restaurant's experience. The Planning Board did not grant any rooftop entertainment, and all music must be kept to ambient levels. The current application for a Certificate of Appropriateness is consistent with the conditions provided in the PB18-0330 Final Order.

Proposed Project. Andres Carne De Res is a unique Colombia-based concept, serving traditional Colombian cuisine, complemented by a vibrant, world class exquisite design and upscale ambience. Andres Carne De Res is made up of an experienced team with many successes in Latin America and plans to bring that success to the heart of Miami Beach within the Lincoln Road Mall.

The Applicant is seeking to operate a 288 seat restaurant, consistent with the approved roof deck and outdoor bar counter (the "Project"). The estimated valuation of the Project is \$400,000.00. Entrance to the restaurant will be through the existing entrance on Lincoln Road. The building will be entirely occupied by the single restaurant tenant. There is seating on the ground floor, back of house offices and storage on the mezzanine level, seating on the third floor, and additional seating on the roof deck. Additionally, there are an existing fifty-four (54) sidewalk café seats directly south of the structure on Lincoln Road.

Rooftop activation, with proper protection from the elements, is a necessary feature for a modern restaurant experience in Miami Beach. The proposed canopy and seating on the roof deck are setback approximately fourteen (14) feet from the south building edge along Lincoln Road and over seven and a half (7.5) feet from the west building edge along Drexel Avenue, and the bar counter is centrally located. This ensure a minimal visual impact and reduces potential sound overflow to the public right of way. The perimeter of the roof deck dining area will be lined with planters and greenery, which will soften the existing metal railing. The canopy structure is made from aluminum with

a white paint finish and the awning will be a retractable fabric in a Silica Dune color. Additionally, all lighting fixtures, fans, and micro speakers for ambient music will be permanently affixed to the canopy structure and contribute to the esthetic of the roof deck dining experience.

Compliance with Certificate of Appropriateness Criteria. The Project satisfies the applicable criteria for the renovation and preservation of the historic structure with interior renovations and rooftop canopy structure. The design, scale, and massing of the building remains sensitive to and compatible with the surrounding area, which contains similarly retrofitted historic buildings. The proposed renovations maintain the Streamline Modern exteriors. The interior and rooftop renovations will have a minimal impact from the public right of way and will allow for the necessary upgrades.

Roof Deck Speakers. The Project includes micro speakers for ambient music only that are permanently affixed to the canopy structure. The Applicant is seeking confirmation that this complies with Condition I.C.4.iii provided in the HPB18-0255 Final Order. We believe the condition provided a specific exception for exterior speakers associated with a distributed sound system for ambient, background music only, and the proposed micro speakers on the roof deck are consistent with the exception. However, in order to ensure clarity of this Certificate of Appropriateness, the Applicant is requesting a modification of Condition I.C.4.iii provided in the HPB18-0255 Final Order as follows:

iii. The micro speakers, which are associated with a distributed sound system for ambient, background music only and permanently affixed to the canopy structure on the roof deck are consistent ~~Unless inconsistent with Section 142-336 of the City Code, Any other exterior speakers, except those required to address Building and Life Safety Codes and those associated with a distributed sound system for ambient, background music only, which does not interfere with normal conversation,~~ shall not be permitted at the roof deck, unless a Conditional Use Permit is approved by the Planning Board for outdoor entertainment. An acoustic plan certified by an acoustic engineer for the proposed distributed sound system shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

Variance Request. The Project substantially complies with the City of Miami Beach Code of Ordinances (the "City Code"). The requested Variance is necessary to accommodate the fullest rooftop restaurant dining experience and ensure efficient operation of the restaurant. Pursuant to Section 142-334(2) of the City Code, accessory

outdoor bar counters in the CD-3 may not be operated or utilized between 12:00 a.m. and 8:00 a.m. In order to fully realize its renovations, and due to the Property's confining characteristics, the Applicant requests a variance of Section 142-334(2) to operate the accessory outdoor bar counter until 3:00 a.m. (the "Variance").

Satisfaction of Hardship Criteria. The Variance requested satisfies the hardship criteria pursuant to Section 118-353(d) of the City Code, 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;

For all variances, there are special conditions and circumstances that exist which are peculiar to the land and uses, such as the historic preservation of the interior public space and exterior of the building. This is an existing historic building with three frontages and no room to expand for a larger tenant. It is located within the Lincoln Road Mall and has been vacant for six (6) years. The success of a modern restaurant is based on the experience offered. Based on the surrounding conditions and current hospitality market, the rooftop activation with canopy and bar counter, and allowing operation of the bar counter until 3:00 a.m. is vital to the preservation of the structure and restaurant's success. These circumstances are peculiar to this historic building.

2. The special conditions and circumstances do not result from the action of the applicant;

The special circumstances, in this case, do not result from the actions of the Applicant. The building is a contributing commercial structure in a local historic district and located in a prominent portion of the City. City and Miami-Dade County records note that the structure has had a revolving door of tenants and interior renovations since construction in 1937. The Applicant's goal is to make the operation of the restaurant use successful and provide the best experience for patrons.

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 City Code allows other similarly situated property owners, renovating historic properties, to seek similar variances to accommodate sensitive and accessible development. The Variance ensures that the Project can compete in the hospitality

market and allow for a variety of dining experiences. Introduction of the rooftop canopy and use of the bar counter are needed features. These are not special privileges, but rather necessary for the preservation of the structure and longevity of the tenant. Moreover, in order to have a smooth operation of the establishment, it is vitally important to have both operations and closing of the indoor and outdoor bars working cohesively.

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 the land development regulations would deprive the Applicant rights enjoyed by other properties in the same zoning district. The Project, with a successful, well-known tenant, will positively contribute to the Lincoln Road atmosphere.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure

The Variance request is the minimum variation of the City Code that will make possible the reasonable use of the Property. The Applicant is proposing to keep all entertainment within the building, and the Planning Board approved only ambient noise on the rooftop. It is operationally unsound to end service on the rooftop at midnight. The additional time is the minimum variance needed to allow for sufficient use of the rooftop bar counter.

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

Granting of the Variance will be in harmony with the general intent and purpose of these land development regulations, and preservation of structures with historical significance in local historic districts. The proposed modifications are intended to serve the guests and have a minimal impact in the area.

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 any time prior to the board of adjustment voting on the applicant's request.

Reintroduction of the restaurant use, and incorporating a modest rooftop canopy and outdoor bar counter is consistent with the Comprehensive Plan and permitted by the CD-3 regulations. The purpose of the CD-3 is to provide development opportunities for and to enhance the desirability and quality of existing and/or new medium intensity commercial areas that serve the entire City. The permitted uses specifically includes eating and drinking establishments, such as the Project. The Applicant is proposing a beautiful and innovative design that maintains the interior and exterior historic significance of the commercial structure, while incorporating modern restaurant features.

Granting of the Variance is necessary for the design and function of the site, and do not reduce levels of service along major thoroughfares. The Project ensures that patrons can enjoy the roof deck at the vibrant and upscale restaurant.

Practical Difficulty. Pursuant to Article 1, Section 2 of the Related Special Acts, variances can be approved where there are practical difficulties in the way of carrying out the strict letter of the zoning ordinance relating to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Denial of the opportunity to operate the outdoor bar counter until 3:00 a.m. creates a practical difficulty in the use of the land and the historic preservation of the Property.

Granting the requested Variance is consistent with similar variances in the area, such as variances granted along Lincoln Road at the Albion Hotel and Mila restaurant. However, the circumstances in the present are unique in that the outdoor bar counter has already been approved by the HPB, the Planning Board has reviewed and approved the operations of the Project, and the outdoor bar counter is centrally located on the rooftop of the structure and buffered with landscaping and a canopy. Enforcing the strict letter of the zoning ordinance would deprive the Applicant of the ability to operate a restaurant and roof deck on the Property, which is consistent with the area of modern restaurants and entertainment establishments. Moreover, the Variance is vital to the smooth operation of the restaurant, and dining experience. As a result, the strict enforcement of the land development regulations would produce practical difficulties on the Applicant.

The CD-3 district contemplates establishments which allow patrons to avail themselves of Miami Beach's ambiance both indoors and outdoors. A rooftop terrace

along Lincoln Road is the ideal location to enjoy the City's cultural uniqueness. Further, the rooftop terrace is significantly setback and well landscaped, which reduces the impact of the outdoor use of the Property on the surrounding area. Accordingly, the requested Variance is in harmony with the spirit of the zoning ordinance and will not be a detriment to the neighborhood. In addition, there will be no entertainment on the rooftop. As such, this request will not negatively affect neighbors, and thus, meets the intent of the Code.

Sea Level Rise and Resiliency Criteria. The Project advances the sea level rise and resiliency criteria in Section 133-50(a) of the City Code, as follows:

1. A recycling or salvage plan for partial or total demolition shall be provided.

A recycling and salvage plan for the partial demolition proposed will be provided at permitting.

2. Windows that are proposed to be replaced shall be hurricane proof impact windows.

New windows will be hurricane proof impact windows.

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

The Applicant will provide, where feasible, passive cooling systems.

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

Any new landscaping provided will be resilient.

5. Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.

Sea level rise projections are being considered.

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

This is a renovation of a historic commercial building. The ground floor areas will be maintained.

7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

All mechanical and electrical systems will be located above base flood elevation.

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

This is an interior renovation of a historic commercial building. The ground floor areas will be maintained.

9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

This is an interior renovation of a historic commercial building. The ground floor areas will be maintained. Wet or dry flood proofing systems will be provided.

10. Where feasible and appropriate, water retention systems shall be provided.

Where feasible, water retention systems will be provided.

11. Cool pavement materials or porous pavement materials shall be utilized.

These materials will be utilized where any new pavement is proposed.

12. The design of each project shall minimize the potential for heat island effects on-site.

The Applicant proposes a cooling canopy structure to provide a non-airconditioned amenity space for patrons.

Conclusion. The Applicant seeks approval of a Certificate of Appropriateness for interior renovation of the interior public space, design and installation of a rooftop canopy, approval of exterior micro speakers, and extension of the hours of operation for the outdoor bar counter. The associated requests of this Certificate of Appropriateness application will allow the Applicant to better serve patrons seeking an upscale experience on Lincoln Road.

We respectfully request your recommendation of approval of the Applicant's requests. If you have any questions or comments with regard to the application, please give me a call at (305) 377-6231.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized, flowing line that starts with a small loop and ends with a horizontal stroke.

Michael Larkin

cc: Emily K. Balter



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 6/14/2021

Property Information	
Folio:	02-3234-005-0100
Property Address:	455 LINCOLN RD Miami Beach, FL 33139-7735
Owner	LINCOLN DREXEL II LTD LINCOLN DREXEL LTD
Mailing Address	1655 DREXEL AVE STE 208 MIAMI, FL 33139 USA
PA Primary Zone	6600 COMMERCIAL - LIBERAL
Primary Land Use	1229 MIXED USE- STORE/RESIDENTIAL : MIXED USE - COMMERCIAL
Beds / Baths / Half	0 / 0 / 0
Floors	2
Living Units	0
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	8,112 Sq.Ft
Lot Size	4,987 Sq.Ft
Year Built	1937



Assessment Information			
Year	2020	2019	2018
Land Value	\$9,974,000	\$9,974,000	\$9,974,000
Building Value	\$2,915	\$2,782	\$2,843
XF Value	\$0	\$0	\$0
Market Value	\$9,976,915	\$9,976,782	\$9,976,843
Assessed Value	\$9,976,915	\$9,976,782	\$4,151,791

Benefits Information				
Benefit	Type	2020	2019	2018
Non-Homestead Cap	Assessment Reduction			\$5,825,052

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description	
LINCOLN RD SUB A PB 34-66 LOT 1 BLK 3 LOT SIZE 47,500 X 105 OR 17647-2771 0597 4	

Taxable Value Information			
	2020	2019	2018
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$9,976,915	\$9,976,782	\$4,151,791
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$9,976,915	\$9,976,782	\$9,976,843
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$9,976,915	\$9,976,782	\$4,151,791
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$9,976,915	\$9,976,782	\$4,151,791

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
01/17/2018	\$0	30859-2232	Corrective, tax or QCD; min consideration
05/01/1997	\$0	17647-2771	Sales which are disqualified as a result of examination of the deed
08/01/1975	\$290,000	00000-00000	Sales which are qualified
10/01/1973	\$250,000	00000-00000	Sales which are qualified

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

**HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida**

MEETING DATE: September 17, 2018

FILE NO: HPB18-0225

PROPERTY: 455 Lincoln Road

APPLICANTS: Lincoln Drexel, LTD and Lincoln Drexel II, LTD

LEGAL: Lot 1, Block 3, of the Lincoln Road Subdivision A, According to the Plat Thereof, as Recorded in Plat Book 34, Page 66, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the introduction of active roof deck including new rooftop elevator and stair enclosures.

ORDER

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

I. Certificate of Appropriateness

- A. The subject site is located within the Flamingo Park Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
 - 1. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
 - 2. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
 - 3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code.
 - 4. Is not consistent with Sea Level Rise and Resiliency Review Criteria (1) in Section 133-50(a) of the Miami Beach Code.
 - 5. Is consistent with Certificate of Appropriateness Criteria for Demolition in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:

Page 2 of 6
HPB18-0225

Meeting Date: September 17, 2018

1. A business tax receipt shall be issued for an outdoor café with a minimum of 30 seats for the rooftop portion of the property prior to the approval of any accessory outdoor bar counter pursuant to Section 142-1109 of the City Code.
2. The commercial space at the ground level along Drexel Avenue and Lincoln Lane North shall contain an active use.
3. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. Final details the proposed roof deck and elevator and stairway structure, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. The ground level keystone shall be restored/replaced with new keystone that matches the original material, to the greatest extent possible, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. Any lighting, fans, televisions, heaters or similar fixtures proposed to be located on the roof level shall be located so that they are not be visible from the public right of way, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - d. Exterior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. Intensive 'white', color changing, flashing, blinking or similar lighting shall not be permitted on the roof level or ground level, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
4. The Applicant agrees to the following operational conditions for any and all permitted primary and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations.
 - a. OUTDOOR CONDITIONS
 - i. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced. Owner agrees to include the rules and regulations set forth in these conditions in any lease, contract or assignment.
 - ii. Exterior speakers, except those required to address Building and Life Safety Codes, shall not be permitted at the ground level of the property.



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HPB18-0225

Meeting Date: September 17, 2018

- iii. Unless inconsistent with Section 142-336 of the City Code, exterior speakers, except those required to address Building and Life Safety Codes and those associated with a distributed sound system for ambient, background music only, which does not interfere with normal conversation, shall not be permitted at the roof deck, unless a Conditional Use Permit is approved by the Planning Board for outdoor entertainment. An acoustic plan certified by an acoustic engineer for the proposed distributed sound system shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- b. NOISE CONDITIONS
 - i. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended, shall be deemed a violation of this approval and subject the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code, and subject the applicant to the review provided for in the first sentence of this subparagraph.
- c. OPERATIONAL CONDITIONS
 - i. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Doors shall remain closed and secured when not in active use.


In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.

II. Variance(s)

- A. No request for variances has been filed as a part of the application.

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

III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.
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HPB18-0225

Meeting Date: September 17, 2018

- B. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- C. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street. The proposed backflow preventer facing Michigan Avenue shall be relocated.
- D. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- G. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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.
- J. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

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

PROVIDED, the applicant shall build substantially in accordance with the plans "Lincoln Drexel Building" as prepared by Charles H. Benson & Associates Architects, dated July 6, 2018, as



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 HPB18-0225
 Meeting Date: September 17, 2018

approved by the Historic Preservation Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

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

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this 20 day of September, 2018.

HISTORIC PRESERVATION BOARD
 THE CITY OF MIAMI BEACH, FLORIDA

BY 
 DEBORAH TACKETT
 CHIEF OF HISTORIC PRESERVATION
 FOR THE CHAIR

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

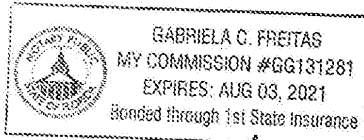
The foregoing instrument was acknowledged before me this 20th day of

Page 6 of 6

HPB18-0225

Meeting Date: September 17, 2018

September 2018 by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.



[Signature]
 NOTARY PUBLIC

Miami-Dade County, Florida

My commission expires: 8-3-21

Approved As To Form: *[Signature]*

City Attorney's Office: *[Signature]* (9/18/18)

Filed with the Clerk of the Historic Preservation Board on *[Signature]* (9/20/18)

**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA****PROPERTY:** 455 Lincoln Road**FILE NO.** PB 19-0330**IN RE:** An application for a conditional use permit for a Neighborhood Impact Establishment with Entertainment with an occupant content in excess of 200 persons, pursuant to Chapter 118, Article IV and Chapter 142, Article V of the City Code.**LEGAL DESCRIPTION:** LOT 1, Block 3, of "Lincoln Road Subdivision", according to the Plat thereof as recorded in Plat book 34, at Page 66, of the Public Records of Miami-Dade County.**MEETING DATE:** January 28, 2020**CONDITIONAL USE PERMIT**

The applicant, Opereta Ciudad Del Sol, LLC, requested a Conditional Use Permit, pursuant to Chapter 118, Articles IV and V, for a Neighborhood Impact Establishment (NIE) with a combined maximum occupant content in excess of 200 persons with entertainment, pursuant to Section 142, Article V. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

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 of the record for this matter:

That the property in question is located in the CD-3, Commercial High Intensity District zoning district; and

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

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

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

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 recommendations, as approved by the Planning Board, and accepted by the applicant, that a Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions:

1. This Conditional Use Permit is issued to Opereta Ciudad Del Sol, LLC, as owner/operator of Andres Carne De Res for a Neighborhood Impact Establishment, consisting of an over 200 seat food service establishment with entertainment. Any change of operator or fifty percent (50%) or more stock ownership shall require the new owners or operators to submit an affidavit, approved by City, to the City of Miami Beach Planning Department transferring approval to the new owners and/or operators and acknowledging acceptance of all conditions established herein, prior to the issuance of a new Business Tax Receipt.
2. The Board hereby imposes and the Applicant agrees to the following operational conditions for all permitted and accessory uses, and the applicant shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment:
 - a. As proposed by the applicant, the project authorized by this Conditional Use Permit includes the creation and operation of the proposed 288 seat restaurant, plus a sidewalk café, with the criteria listed below:
 - i. The outdoor roof top may operate until 4:00 AM daily. The rooftop bar shall not be utilized or operated after 12:00 AM, unless a variance for extended hours is granted.
 - ii. Up to 223 seats may be located in the indoor area, as proposed.
 - iii. Up to 65 seats may be located in the outdoor bar area on the roof top, as proposed.
 - iv. Background music played at a volume that does not interfere with normal conversation may be permitted in the outdoor areas including the ground level and the rooftop. Entertainment shall not be permitted in the outdoor areas.
 - v. The restaurant shall comply with the Lincoln Road Requirements, per section 142-336 of the City Code, which regulate the requirements for both indoors and outdoor speakers.
 - vi. A DJ or live performance may play music in the indoor portions of the

- restaurant only. The music may start at 10:00 AM and shall not operate past 4:00 AM.
- vii. Full meals shall be available during all hours that entertainment is occurring.
 - viii. Speakers, except for life-safety purposes, may not be installed within twenty (20') feet of the main entrance, within the interior of the premises.
 - ix. The house sound system shall be installed and set in such a manner as to limit the acoustical output of the system and have password protected security on all controls at all times. The equipment and installation plan for the sound system, including the location of all speakers and sound level controls shall be submitted for the review and approval of the Planning Department. Before entertainment is approved and added to the Business Tax Receipt (BTR), a field visit with the applicants and Planning staff shall be required to verify the sound system operations.
 - x. All operable windows shall be closed at all times that entertainment is occurring.
 - xi. Televisions, and projectors shall not be located anywhere in the exterior areas of the property.
 - xii. After normal operating hours the establishment shall remain closed and no patrons or other persons, other than those employed by the establishment, shall remain therein between the establishment's closing time and 7:00 AM.
- b. Deliveries may only occur between 8:00 AM and 5:00 PM, daily.
 - c. Delivery trucks shall only be permitted to load and unload in the designated loading zones along Lincoln Lane.
 - d. Delivery trucks shall not be allowed to idle in loading zones.
 - e. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
 - f. Trash collections may occur daily between 8:00 AM and 5:00 PM.
 - g. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.
 - h. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that more than one pick-up of garbage per day will not be necessary. A high-level trash/garbage compacting device shall be located in an air-conditioned trash/garbage holding room within the facility.
 - i. Garbage dumpster covers shall be closed at all times except when in active use.

- j. Outdoor cooking anywhere on the premises is prohibited. Kitchen and other cooking odors shall be contained within the premises. Owner agrees to install an exhaust system, if required by code, for the kitchens on the premise that will substantially reduce grease and smoke that would otherwise escape to the surrounding area. This may include the installation of a fan in connection with kitchen exhaust systems within the interior of the building in order to reduce noise levels at the exhaust outlet substantially in compliance with the plans as approved or in the alternative any such exhaust system shall be located along the west side of the property not directly adjacent to the southernmost or northernmost property lines.
 - k. Exterior speakers for fire and life safety purposes, and background ambient music played at a volume that does not interfere with normal conversation may be permitted.
 - l. Street flyers and handouts shall not be permitted, including handbills from third-party promotions.
 - m. As proposed by the applicant, ushers/security staff shall be onsite between 5:00 PM and 4:00 AM. Security staff shall monitor patron circulation and occupancy levels in order to adjust crowds according to occupant loads.
 - n. Patrons shall not be allowed to queue on any public rights-of-way or on the exterior of the premises. Security staff shall monitor the crowds to ensure that they do not interfere with the free-flow of pedestrians on the public sidewalk.
 - o. The Operator shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalks, curb and gutter and around the perimeter of the property in excellent condition, keeping these areas in a clean condition, free of all refuse, at all times.
- 3. The Applicant shall coordinate with the Parking Department to submit a comprehensive Transportation Demand Management (TDM) Plan to the Transportation Department for review and approval prior to receiving a Temporary Certificate of Occupancy
 - 4. The Applicant shall assign personnel to manage loading operations to reduce potential conflicts with pedestrians in crosswalks.
 - 5. The Planning Board shall retain the right to call the owner or operator, both now and in the future, back before the Board and modify this Conditional Use Permit, including the hours of operation and/or the occupant load of the restaurant, as well as modifications to the parking operations, should there be valid complaints or violations (as determined by Code Compliance) about valet operations and loud, excessive, unnecessary, or unusual noise.
 - 6. The applicant shall address the following Concurrency and Parking requirements, as applicable:
 - a. A Method of Transportation (MOT) shall be submitted to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
 - b. Prior to the issuance of a building permit, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed

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- necessary, by paying its fair share cost, as may be determined as determined by the Concurrency Management Division.
- c. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs, if required, shall be paid prior to the issuance of any Building Permit.
 - d. Prior to the issuance of a Building Permit, calculations for required parking for the project shall be determined by the Planning Department. A final determination for the required parking shall be conducted prior to the issuance of a Certificate of Occupancy or Business Tax Receipt, whichever comes first. If required, a one-time fee in lieu of providing the required parking on site, as determined by staff, shall be paid prior to the issuance of the Certificate of Occupancy.
7. 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.
 8. 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).
 9. 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.
 10. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval.
 11. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application.
 12. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
 13. The executed Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant and returned to the Planning Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
 14. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise

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available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.

15. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
16. The applicant agrees and shall be required to provide access to areas subject to this Conditional Use Permit (not private residences or hotel rooms) for inspection by the City (i.e. Planning Department, Code Compliance Department, Building Department, and Fire Department staff), to ensure compliance with the terms and conditions of this Conditional Use Permit. Failure to provide access may result in revocation of the Conditional Use Permit.

Dated this 12th day of FEBRUARY, 2020.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

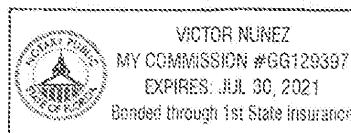
BY: Michael Belush
Michael Belush, AICP
Chief of Planning and Zoning
for Chairman

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 12th day of February, 2020, by Michael Belush, Chief of Planning & Zoning for the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]



Notary:
Print Name:
Notary Public, State of Florida
My Commission Expires: July 30, 2021
Commission Number: 66129397

Approved As To Form: Nick Callegaris (2/11/2020)
Legal Department

Filed with the Clerk of the Planning Board on Jessie Guly (2/12/2020)

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rdr miami | public hearing notification services

certified lists of property owners within a specific radius + radius maps + mailing labels + mailouts + notice of public hearing site posting
rdrmiami.com | diana@rdrmiami.com | 305.498.1614

June 2, 2021

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

Re: Property owners within 375 feet of:

SUBJECT: 455 Lincoln Road, Miami Beach, FL 33139

FOLIO NUMBER: 02-3234-005-0100

LEGAL DESCRIPTION: LINCOLN RD SUB A PB 34-66 LOT 1 BLK 3 - Please see boundary survey for full Legal Description

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

Sincerely,

Diana B. Rio

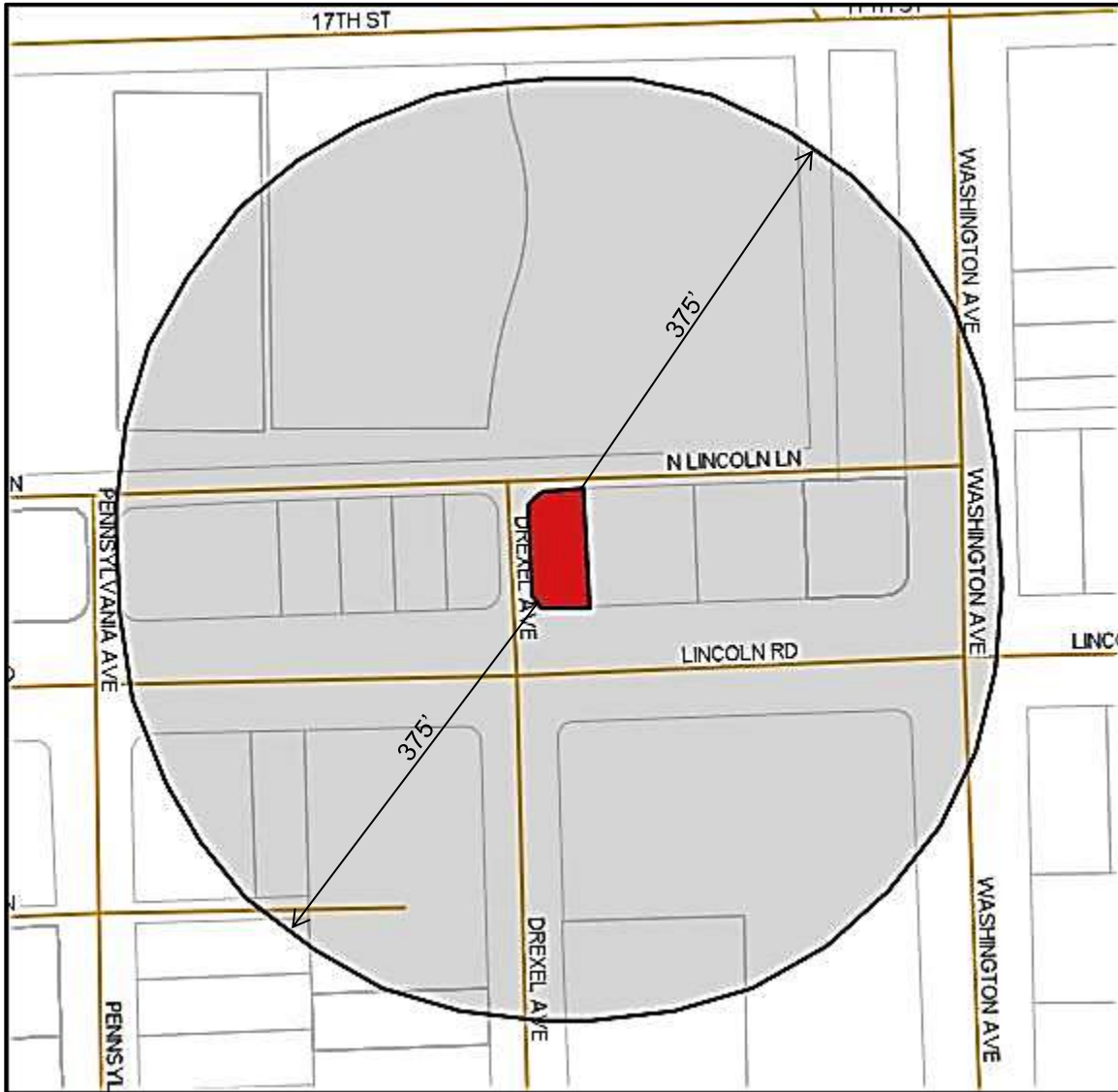
Total number of property owners without repetition: **23, including 2 international**



rdr miami | public hearing notification services

certified lists of property owners within a specific radius + radius maps + mailing labels + mailouts + notice of public hearing site posting
rdrmiami.com | diana@rdrmiami.com | 305.498.1614

375' RADIUS MAP



SUBJECT: 455 Lincoln Road, Miami Beach, FL 33139

FOLIO NUMBER: 02-3234-005-0100

LEGAL DESCRIPTION: LINCOLN RD SUB A PB 34-66 LOT 1 BLK 3 - Please see boundary survey for full Legal Description

Name	Address	City	State	Zip	Country
MARIA GRAZIA BOLDROCCHI	VIA PAOLO GIOVIO 9	MILANO 20144			ITALY
ROBERTO POLILLO	VIA ANDREA PONTI 15	MILANO 20143			ITALY
420 LINCOLN RD DEVELOPMENT LLC	420 LINCOLN RD STE 330	MIAMI BEACH	FL	33139	USA
420 LINCON ROAD DEVELOPMENT LLC % PLC REAL ESTATE HOLDINGS INC	420 LINCOLN RD #2D	MIAMI BEACH	FL	33139	USA
433 LINCOLN ROAD LLC	1244 SIXTH STREET	SANTA MONICA	CA	90401	USA
530 LINCOLN OWNER LLC	801 GRAND AVE	DES MOINES	IA	50392	USA
ALTONSTAR LLC C/O SOUTH BEACH TRISTAR CAPITAL	1407 BROADWAY 41 FL	NEW YORK	NY	10018	USA
BARTHELEMY GARNIER CHARLOTTE JONCQUIERT	1616 DREXEL AVE 4	MIAMI BEACH	FL	33139	USA
CITY OF MIAMI BEACH	FLA BAY SHORE CLUB COURSE	MIAMI	FL	33125	USA
CITY OF MIAMI BEACH	1700 CONVENTION CENTER DR	MIAMI BEACH	FL	33139	USA
CITY OF MIAMI BEACH NEW WORLD SYMPHONY LESSEE	500 17 ST	MIAMI BEACH	FL	33139	USA
EUROAMERICAN GROUP INC	407 LINCOLN RD PH-N	MIAMI BEACH	FL	33139	USA
J BERENS & SONS DEV CORP INC	9623 E BROADVIEW DR	BAY HARBOR ISLANDS	FL	33154	USA
LINCOLN 511 LLC % JENEL MGMT CORP	275 MADISON AVE STE 702	NEW YORK	NY	10016	USA
LINCOLN DREXEL II LTD LINCOLN DREXEL LTD	1655 DREXEL AVE STE 208	MIAMI BEACH	FL	33139	USA
MED PROPERTIES OF MIAMI BEACH INC % SHAUL ZISLIN	4100 NORTH 28 TERRACE	HOLLYWOOD	FL	33020	USA
MIAMI BEACH COMMUNITY CH INC	1620 DREXEL AVE	MIAMI BEACH	FL	33139	USA
MIAMI BEACH FED SAV & LOAN ASSOC % NC1-001-03-81	101 N TRYON ST	CHARLOTTE	NC	28255	USA
RDB&J INVESTMENTS LLC	560 LINCOLN RD STE 204	MIAMI BEACH	FL	33139-2906	USA
SABRINA 1616 INC	3370 MARY STREET	MIAMI	FL	33133	USA
SRA LINCOLN THEATER LLC	5345 PINE TREE DR	MIAMI BEACH	FL	33140	USA
THE DENISON CORP % DR D QUITTNER	560 LINCOLN RD STE 204	MIAMI BEACH	FL	33139	USA
TOROLUPA INC	525 LINCOLN RD	MIAMI BEACH	FL	33139-2913	USA

MARIA GRAZIA BOLDROCCHI
VIA PAOLO GIOVIO 9
MILANO 20144
ITALY

ROBERTO POLILLO
VIA ANDREA PONTI 15
MILANO 20143
ITALY

420 LINCOLN RD DEVELOPMENT LLC
420 LINCOLN RD STE 330
MIAMI BEACH, FL 33139

420 LINCON ROAD DEVELOPMENT LLC
% PLC REAL ESTATE HOLDINGS INC
420 LINCOLN RD #2D
MIAMI BEACH, FL 33139

433 LINCOLN ROAD LLC
1244 SIXTH STREET
SANTA MONICA, CA 90401

530 LINCOLN OWNER LLC
801 GRAND AVE
DES MOINES, IA 50392

ALTONSTAR LLC
C/O SOUTH BEACH TRISTAR CAPITAL
1407 BROADWAY 41 FL
NEW YORK, NY 10018

BARTHELEMY GARNIER
CHARLOTTE JONCQUIERT
1616 DREXEL AVE 4
MIAMI BEACH, FL 33139

CITY OF MIAMI BEACH
FLA BAY SHORE CLUB COURSE
MIAMI, FL 33125

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

CITY OF MIAMI BEACH
NEW WORLD SYMPHONY LESSEE
500 17 ST
MIAMI BEACH, FL 33139

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407 LINCOLN RD PH-N
MIAMI BEACH, FL 33139

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9623 E BROADVIEW DR
BAY HARBOR ISLANDS, FL 33154

LINCOLN 511 LLC
% JENEL MGMT CORP
275 MADISON AVE STE 702
NEW YORK, NY 10016

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MIAMI BEACH, FL 33139

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CHARLOTTE, NC 28255

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MIAMI BEACH, FL 33139-2906

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MIAMI BEACH, FL 33139-2913