



LEHTINEN SCHULTZ
RIEDI CATALANO
DE LA FUENTE
ATTORNEYS

Dexter Lehtinen
Thomas G. Schultz
Claudio Riedi
John Catalano
Bob de la Fuente

October 12, 2016

Thomas Mooney
Planning Director
City of Miami Beach
1700 Convention Center Dr.
2nd Floor
Miami Beach, FL 33139

*Re: Modification to Modified Conditional Use Permit, File No. 1361: 1236 Ocean Drive,
Miami Beach, FL*

Dear Mr. Mooney:

This law firm represents Il Giardino, LLC ("Il Giardino"), the new name of the entity operating the restaurant located at 1236 Ocean Drive. On behalf of Il Giardino, and pursuant to Paragraph 2 of the Modified Conditional Use Permit, dated May 22, 2012 ("MCUP"), we apply for a name change to the MCUP to Il Giardino, LLC. Il Giardino affirms its understanding of the conditions listed in the MCUP. It is important to note that the principal of Il Giardino, Imam Duz, managed the restaurant for Reta Ocean Drive, LLC. He is 100% owner of Il Giardino. Accordingly, while the name of the entity is changing, the individual who will continue running the restaurant remains the same. No operational changes are requested.

We look forward to appearing before the Planning Board at the December meeting. Please contact me with any questions you may have.

Sincerely,



Bob de la Fuente, Esq.
For the Firm

Encl.

cc: Il Giardino, LLC (via e-mail)

MIAMI BEACH

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

LAND USE BOARD HEARING APPLICATION

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

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

☒ OTHER Minor modification to change name of operator from
Reta Ocean Drive, LLC to Il Giardino, LLC

SUBJECT PROPERTY ADDRESS: 1236 Ocean Drive, Miami Beach, FL

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

FOLIO NUMBER (S) 02-3234-008-0390

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

NAME Il Giardino, LLC

ADDRESS 1236 Ocean Dr., Miami Beach, FL 33139

BUSINESS PHONE c/o 305.760.8540

CELL PHONE _____

E-MAIL ADDRESS c/o BdeLaFuente@LSRCF.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME 1236 Ocean Drive LLC

ADDRESS 1400 Broadway, 15th Floor, NYC, NY 10018

BUSINESS PHONE _____

CELL PHONE _____

E-MAIL ADDRESS _____

2. AUTHORIZED REPRESENTATIVE(S):

☒ ATTORNEY:

NAME Bob de la Fuente

ADDRESS 1111 Brickell Ave., Ste. 2200, Miami, FL 33131

BUSINESS PHONE 305.760.8540

CELL PHONE _____

E-MAIL ADDRESS BdeLaFuente@LSRCF.com

☐ AGENT:

NAME _____

ADDRESS _____

BUSINESS PHONE _____

CELL PHONE _____

E-MAIL ADDRESS _____

☒ CONTACT:

NAME Imam Duz

ADDRESS 1236 Ocean Dr., Miami Beach, FL 33139

BUSINESS PHONE _____

CELL PHONE _____

E-MAIL ADDRESS _____

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

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

NAME Imam Duz

ADDRESS 1236 Ocean Dr., Miami Beach, FL 33139

BUSINESS PHONE _____

CELL PHONE _____

E-MAIL ADDRESS _____

FILE NO. _____

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

Minor modification to change name of operator from Reta Ocean Dr., LLC
to Il Giardino, LLC.

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

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

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

PLEASE READ THE FOLLOWING AND ACKNOWLEDGE BELOW:

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

FILE NO. _____

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

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

☒ AUTHORIZED REPRESENTATIVE

SIGNATURE: _____

PRINT NAME: Bob de la Fuente, Esq.

FILE NO. _____

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF
COUNTY OF

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

SIGNATURE

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

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires:

PRINT NAME

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

(Circle one)

STATE OF
COUNTY OF

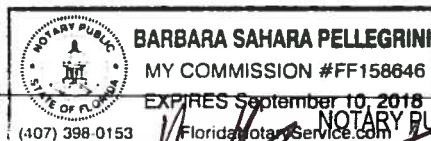
I, Imam Duz, being duly sworn, depose and certify as follows: (1) I am the Manager/Authorized person (title) of Il Giardino, LLC (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this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

SIGNATURE

Sworn to and subscribed before me this 10 day of October, 2016. The foregoing instrument was acknowledged before me by Imam Duz, Manager of Il Giardino, LLC, on behalf of such entity, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP:

My Commission Expires:



PRINT NAME

FILE NO. _____

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____
 COUNTY OF _____

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

SIGNATURE

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

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires:

PRINT NAME

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

(Circle one)

STATE OF _____
 COUNTY OF _____

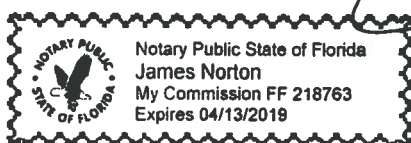
I, Salem Monayer being duly sworn, depose and certify as follows: (1) I am the MANAGER (print title) of 1236 Ocean Dr. LLC (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner or tenant of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (7) I am responsible for removing this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 10 day of October, 2016. The foregoing instrument was acknowledged before me by Salem Monayer MANAGER of 1236 Ocean Dr. LLC on behalf of such entity, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP:

My Commission Expires:

4/13/2019

NOTARY PUBLIC

PRINT NAME

FILE NO. _____

POWER OF ATTORNEY AFFIDAVITSTATE OF
COUNTY OF

I, Imam Duz, being duly sworn and deposed, certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Bob de la Fuente to be my representative before the Planning Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

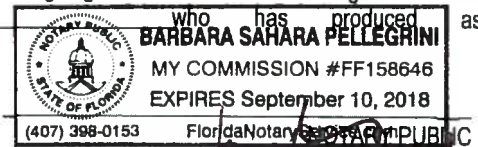
Imam Duz

PRINT NAME (and Title, if applicable)

SIGNATURE

Sworn to and subscribed before me this 10 day of October, 2014. The foregoing instrument was acknowledged before me by Imam Duz of as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires

PRINT NAME

CONTRACT FOR PURCHASE

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

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.

FILE NO. _____

POWER OF ATTORNEY AFFIDAVITSTATE OF
COUNTY OF

I, Salem Mounayyer, being duly sworn and deposed, certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Bob de la Fuente to be my representative before the Planning Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

Salem Mounayyer
PRINT NAME (and Title, if applicable)

[Signature]
SIGNATURE

Sworn to and subscribed before me this 11 day of October, 2011. The foregoing instrument was acknowledged before me by Salem Mounayyer, Manager of 1236 Ocean Drive LLC who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



[Signature]
NOTARY PUBLIC

Janina Julia Goode
PRINT NAME

My Commission Expires

09/27/2020CONTRACT FOR PURCHASE

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

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.

FILE NO. _____

1. CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY

Il Giardino, LLC (Applicant/Tenant)

1236 Ocean Drive LLC (Landlord)

NYC, NY

FILE NO.

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION
DISCLOSURE OF INTEREST

2. TRUSTEE

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

TRUST NAME

NAME AND ADDRESS

% INTEREST

<hr/>	<hr/>
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NOTE: Notarized signature required on page 9

FILE NO. _____

3. COMPENSATED LOBBYIST:

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

	NAME	ADDRESS	PHONE #
a.	Bob de la Fuente	1111 Brickell Ave., Ste. 2200 Miami	3057608540
b.	_____	_____	_____
c.	_____	_____	_____

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

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

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

APPLICANT AFFIDAVIT

STATE OF _____
COUNTY OF _____

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

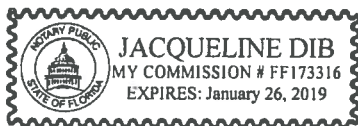
[Signature]
SIGNATURE

Sworn to and subscribed before me this 12th day of October, 20 16. The foregoing instrument was acknowledged before me by, who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

[Signature]
NOTARY PUBLIC

My Commission Expires:



Jacqueline Dib
PRINT NAME

FILE NO. _____

EXHIBIT A

Lots 4 and 5, Block 17, of Ocean Beach, FLA. Addition No. 2, according to the Plat thereof as recorded in Plat Book 2 at page 56 of the Public Records of Miami-Dade County, Florida.

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

PROPERTY: 1236 Ocean Drive
Reta Ocean Drive, LLC

FILE NO: 1361

IN RE: The application by Reta Ocean Drive, LLC requesting a modification to the existing Conditional Use for an outdoor entertainment establishment in order to change the name of the restaurant and the name of the owner/operator.

LEGAL

DESCRIPTION: Lots 4 and 5, Block 17, of Ocean Beach, FLA. Addition no. 2, according to the Plat thereof as recorded in Plat Book 2 at page 56 of the Public Records of Miami-Dade County, Florida.

MEETING DATE: May 22, 2012

MODIFIED CONDITIONAL USE PERMIT

The applicant, Reta Ocean Drive, LLC, filed an application with the Planning Director for a modification of a previously approved Conditional Use Permit for an outdoor entertainment establishment in order to change the name of the restaurant and the name of the owner/operator. Notice of the request for Conditional Use 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 record for this matter:

That the property in question is located in the MXE, Mixed Use Entertainment Zoning District;

That the intended Use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

That structures and Uses associated with the request are consistent with the Ordinance;

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

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values if the following conditions are met.

8.3.

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendation, that the modification to the previously approved Conditional Use Permit as requested and set forth above be GRANTED, subject to the conditions previously approved as well as the additional conditions below (strikethrough signifies deleted language; underline signifies new language):

1. The Planning Board shall maintain jurisdiction of this Modified Conditional Use Permit. The Board reserves the right to modify the Conditional Use approval at the time of the progress report, in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for further progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
2. This Modified Conditional Use Permit is issued to Reta Ocean Drive, LLC for the restaurant now known as Mia Bella Roma. Any change of operator or ownership shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Any substantive change in the operation from a restaurant shall require review and approval by the Planning Board as an amendment to this Modified Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board within 90 days of the change in ownership or operator to affirm their understanding of the conditions listed, herein.
3. Music, whether live or recorded, amplified or non-amplified, shall not be played at a volume that is defined as entertainment, i.e. louder than ambient background music (defined as at a level that does not interfere with normal conversation). Special "teen night" promotions and "all-ages" events are prohibited. The sound system's maximum volume shall be limited to the volume which is permitted by the Noise Ordinance. No third party sound system shall be allowed; only the house sound system shall be used. Following installation and testing, the sound system shall be locked and password protected, so that its volume can never be changed by a person other than an owner or the restaurant Manager on Duty (MOD) or to a volume which would violate the City's Noise Ordinance. The house sound system, shall, in all respects, be installed, tested, and operated so that it complies with the specifications and requirements of the April 11, 2011 proposal by The Audio Bug, Inc. and with this Modified Conditional Use Permit, and a report on such installation, testing, and compliance, shall be submitted to staff for review and approval no later than 30 days prior to the July 26, 2011 Board hearing.
4. All components of the house sound system shall at all times have the locations and the orientations identified in the April 11, 2011 report by the Audio Bug, Inc.
5. In addition to the limitations set forth in condition number 3 above, the hours of live music shall be limited to 11:00 P.M. on weekdays, and midnight on Friday, Saturday and Sunday. Pre-recorded background music may be played the rest of the time.
6. The Planning Board shall retain the right to call the operators back before them and modify the hours of operation should there be complaints about unreasonably loud, excessive, unnecessary, or unusual noise.

7. The receipt of a written warning pursuant to section 46-158, Code of the City of Miami Beach, Florida, or a notice of violation of section 46-152, Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended and as these sections may in the future be renumbered, shall be deemed a violation of this Modified Conditional Use Permit and subject to the remedies as described in section 118-194, Code of the City of Miami Beach, Florida.
8. The applicant shall be responsible for maintaining the frontage and exterior of the building and the property in excellent condition, including keeping the sidewalk, curb and gutter in front of the building in a clean and sanitary condition, free of all refuse, at all times. When sweeping the sidewalks, the personnel doing the sweeping shall ensure that they do not merely push the refuse in front of another building, but pick up all trash and dispose of it appropriately. In addition, at the end of business each day sidewalks shall be swept and hosed down.
9. The existing awnings at the first level of the east elevation have not been permitted and shall be removed. New awnings, composed of woven fabric, with a low profile and minimum pitch, may be permitted; the final details, dimensions, color, material, location and method of attachment of any awnings shall be subject to Certificate of Appropriateness approval.
10. ~~Both canopy structures and fixtures underneath them, within the central courtyard, shall be either removed or brought into compliance with the City Code subject to the review and approval by staff. The veranda structure connecting the two structures in the middle of the courtyard shall be removed. Any replacement shall obtain a Certificate of Appropriateness prior to installation.~~
11. Any sign that may be desired shall be submitted to staff for review and approval.
12. The applicant shall complete the installation of the awnings and sprinkler system and advise staff before the July 24, 2012 meeting. Staff shall in turn notify the Board informally.
13. Within a reasonable time after receipt of this Modified Conditional Use Permit, as signed and issued by the Planning Director, the applicant shall record it in the Public Records of Miami-Dade County at the expense of the applicant and return it to the Planning Department.
14. The establishment and operation of this Modified 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 114-7 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
15. The applicant shall satisfy code violations, outstanding liens, past due City bills, if any, to the satisfaction of the City prior to the issuance of this Modified Conditional Use permit before a Modified Certificate of Use/Business Tax Receipt is approved.

16. Street flyers and handouts shall not be permitted, including handbills from third-party promotions. Violation of this condition shall be deemed a violation of this Modified Conditional Use Permit and subject to the remedies as described in Sec. 118-194 of the City Code.
17. 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.
18. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

Dated this 27th day of June, 2012.

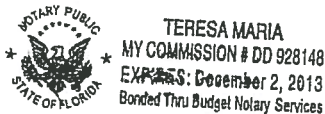
PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: Richard G. Lorber

Richard G. Lorber, AICP, LEED AP
Acting Planning Director
FOR THE CHAIRMAN

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 27th day of June, 2012, by Richard G Lorber, AICP, LEED AP, Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



Teresa Maria

Notary:

Print Name TERESA MARIA

Notary Public, State of Florida

My Commission Expires: 12-2-13

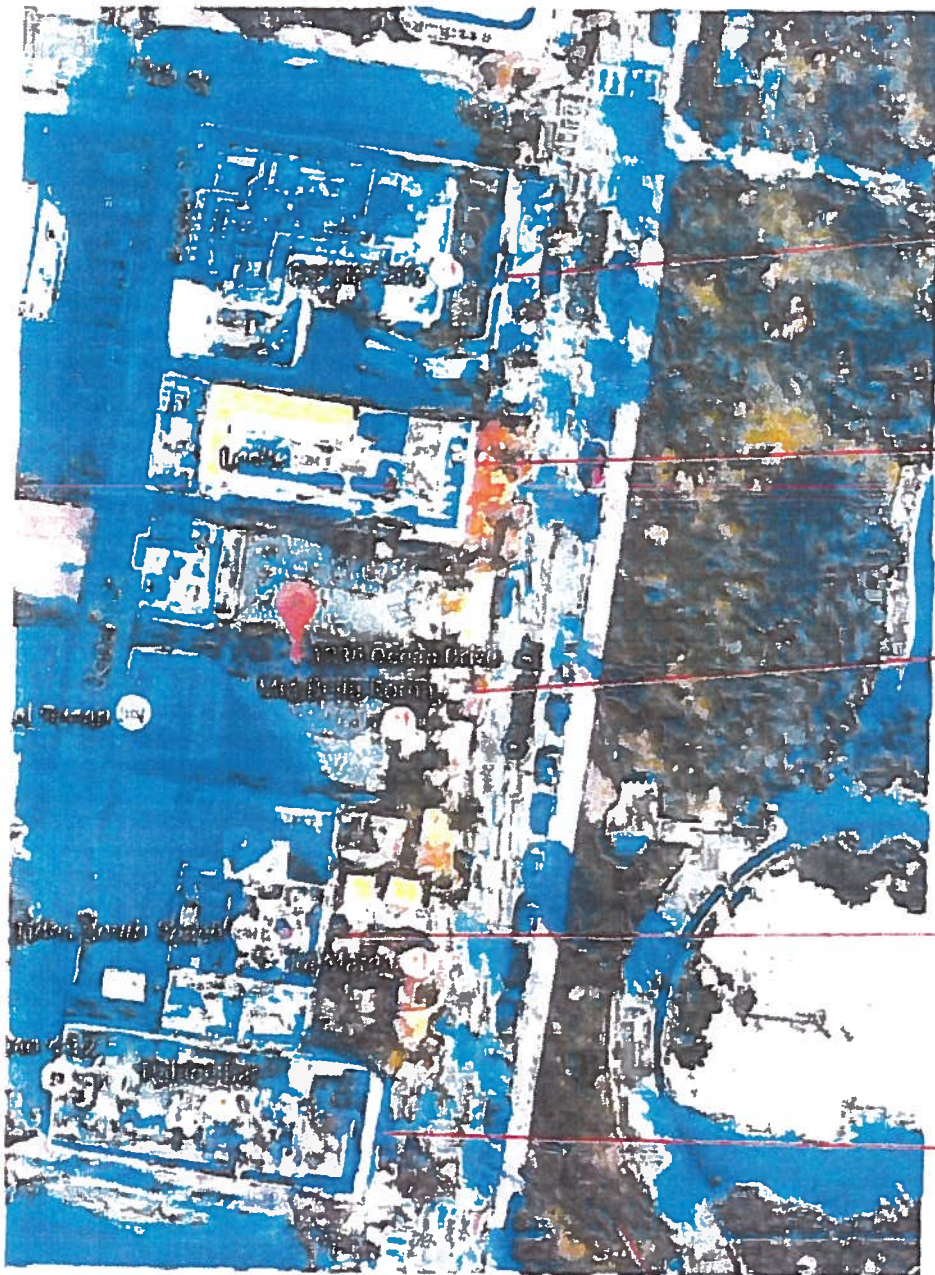
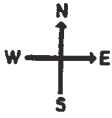
{NOTARIAL SEAL}

Commission Number: DD 928148

Approved As To Form:

Legal Department (Heed 6-25-12)

**II GIARDINO: 1236 OCEAN DRIVE: CONTEXT PHOTOS
KEY**



1. The Carlyle Hotel
1250 Ocean Drive

2. The Leslie Hotel
1244 Ocean Drive

3. Subject Property
II Giardino
1236 Ocean Drive

4. The Tides
1220 Ocean Drive

5. The Palace
1200 Ocean Drive

6. Lummus Park



1. The Carlyle Hotel
1250 Ocean Drive
October 25, 2016



2. The Leslie Hotel
1244 Ocean Drive
October 25, 2016



3. Subject Property
Il Giardino
1236 Ocean Drive
October 25, 2016



4. The Tides
1220 Ocean Drive
October 25, 2016



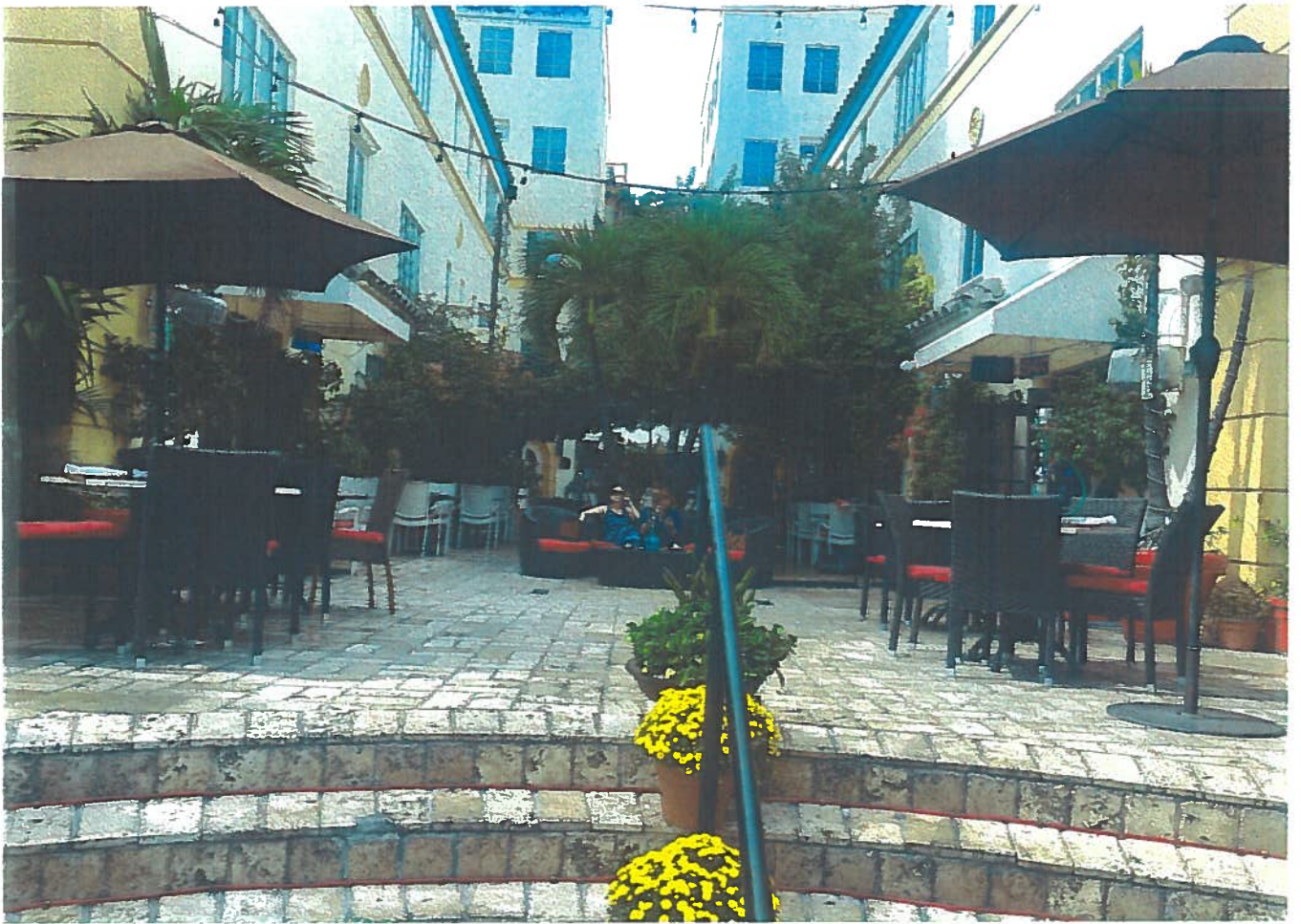
5. The Palace
1200 Ocean Drive
October 25, 2016



6. Lummus Park
October 25, 2016



Project Site
October 12, 2016



Project Site
October 24, 2016



Project Site
October 24, 2016



**Project Site
October 24, 2016**



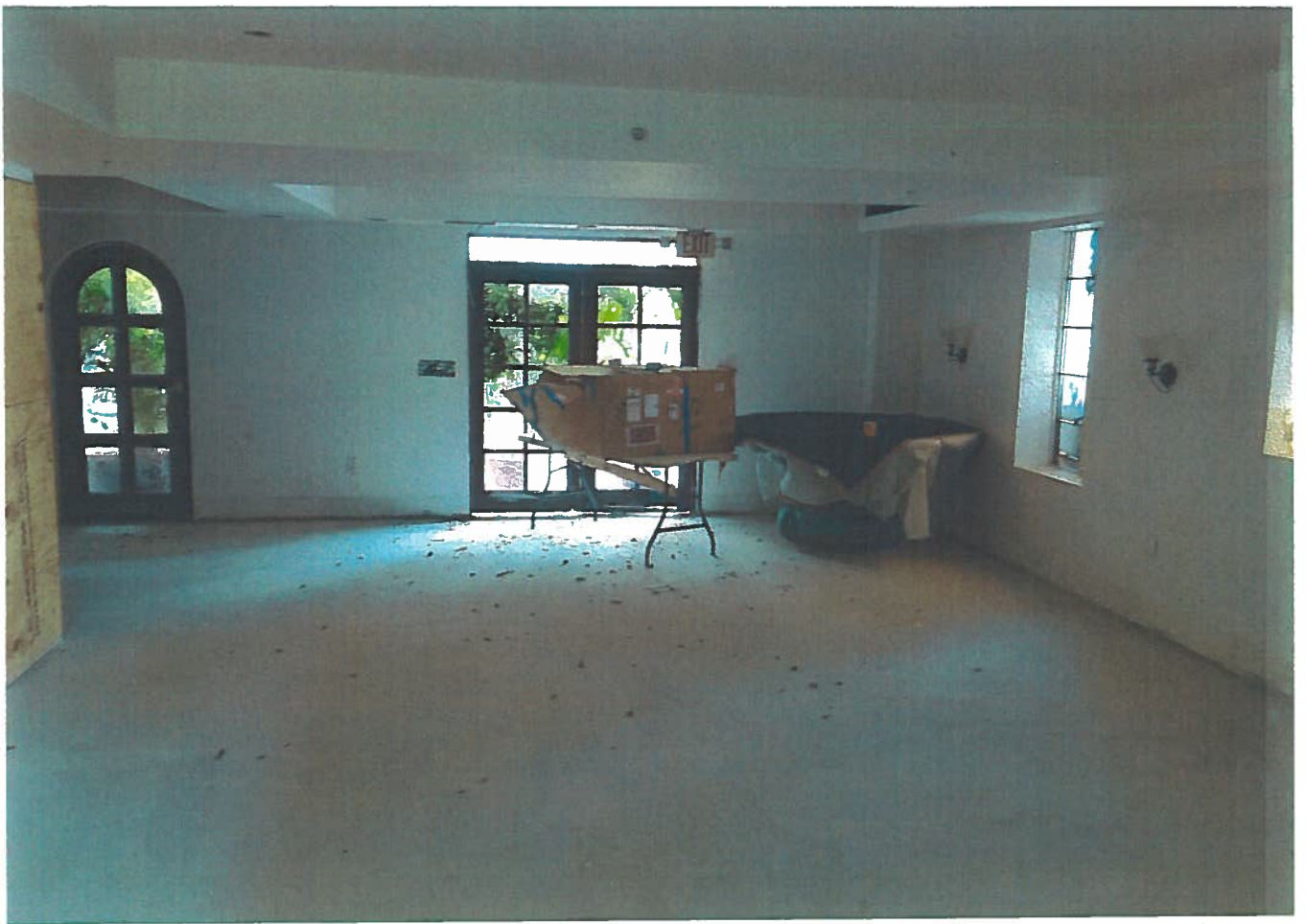
**Project Site
October 24, 2016**



Project Site
October 24, 2016



Interior
10-27-2016



Interior
10-27-2016