

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 _____

SUBJECT PROPERTY ADDRESS: 8 West Rivo Alto Drive, Miami Beach, FL 33139

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

FOLIO NUMBER (S) 02-3233-001-0010

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

NAME 8 West Rivo Alto, LLC

ADDRESS 8808 Twin Lake Drive, Boca Raton, FL 33496

BUSINESS PHONE _____

CELL PHONE (561) 702-4962

E-MAIL ADDRESS krosen@info-salesgroup.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME Same

ADDRESS _____

BUSINESS PHONE _____

CELL PHONE _____

E-MAIL ADDRESS _____

2. AUTHORIZED REPRESENTATIVE(S):

☒ ATTORNEY:

NAME Matthew Amster, Esq. & Michael W. Larkin, Esq. - Bercow Radell Fernandez & Larkin

ADDRESS 200 S. Biscayne Blvd. Suite 850 Miami, FL 33131

BUSINESS PHONE (305) 374-5300

CELL PHONE _____

E-MAIL ADDRESS MAmster@brzoninglaw.com & MLarkin@brzoninglaw.com

☐ AGENT:

NAME _____

ADDRESS _____

BUSINESS PHONE _____

CELL PHONE _____

E-MAIL ADDRESS _____

☒ CONTACT:

NAME Choeff Levy Fischman

ADDRESS 8425 Biscayne Blvd. Suite 201, Miami, FL 33138

BUSINESS PHONE (305) 434-8338

CELL PHONE _____

E-MAIL ADDRESS rchoeff@clfarchitects.com

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

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

NAME Choeff Levy Fischman

ADDRESS 8425 Biscayne Blvd. Suite 201, Miami, FL 33138

BUSINESS PHONE (305) 434-8338

CELL PHONE _____

E-MAIL ADDRESS rchoeff@clfarchitects.com

FILE NO. _____

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

Request for conditional use permit for 2 mechanical lifts inside garage of single-family home. See Letter of Intent for more details.

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

FILE NO. _____

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: Kenneth A. Rosow

FILE NO. _____

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF
COUNTY OF

I, N/A, 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, Kenneth Rosen, being duly sworn, depose and certify as follows: (1) I am the Manager (print title) of 8 West Rivo Alto, 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 1 day of Feb., 2017. The foregoing instrument was acknowledged before me by Kenneth Rosen, Manager of 8 West Rivo Alto, LLC, on behalf of such entity, who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP:

My Commission Expires:



NOTARY PUBLIC

Tiffanie Savain
PRINT NAME

FILE NO. _____

POWER OF ATTORNEY AFFIDAVITSTATE OF
COUNTY OF

I, Kenneth Rosen, being duly sworn and deposed, certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Michael W. Larkin, Matthew Amster & Ralph Choeff 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.

Kenneth Rosen, Manager

PRINT NAME (and Title, if applicable)

SIGNATURE

Sworn to and subscribed before me this 1 day of Feb., 2017. The foregoing instrument was acknowledged before me by Kenneth Rosen, Manager of 8 West Rivo Alto, 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

NOTARY PUBLIC

My Commission Expires



Tiffanie Savain
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.*

N/A

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. _____

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION

DISCLOSURE OF INTEREST

1. CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY

If the property that is the subject of the application is owned or leased by a corporation, partnership, or limited liability company, list ALL of the owners, shareholders, partners, managers, and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships, or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

8 West Rivo Alto, LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

Kenneth Rosen and Lisa Rosen as tenants by the entirety

94

Matthew Rosen

2

Justine Rosen

2

Jacob Rosen

2

Address for all: 8808 Twin Lake Drive, Boca Raton, FL 33496

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

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

FILE NO. _____

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION
DISCLOSURE OF INTEREST

2. TRUSTEE

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

N/A

TRUST NAME

NAME AND ADDRESS

% INTEREST

<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

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.	Ralph Choeff	8425 Biscayne Blvd. Suite 201, Miami, FL 33138	(305) 434-8338
b.	Michael W. Larkin	200 S Biscayne Blvd. Suite 850 Miami, FL 33131	(305) 374-5300
c.	Matthew Amster	200 S Biscayne Blvd. Suite 850 Miami, FL 33131	(305) 374-5300

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, Kenneth Rosen, Manager, 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

Sworn to and subscribed before me this 1 day of Feb, 2017. 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:



Tiffany Savain
PRINT NAME

FILE NO. _____

Exhibit A

Legal Description: Lot 1 in Block 1, of "RIVO ALTO ", according to the Plat thereof, as recorded in Plat Book 7, at Page 74, of the Public Records of Miami-Dade County, Florida.
and 8 foot strip of land contiguous to the South boundary line of Lot 1 of Block 1 of RIVO ALTO according to the plat thereof recorded in Plat Book 7, at page 74 of the Public Record of Dade County, Florida, lying between the Southerly extension of the East and West boundary lines of Lot 1, Block 1
TOGETHER WITH all littoral, riparian and shore rights thereunto belonging or in and wise pertaining.



BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

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

VIA ELECTRONIC SUBMITTAL & HAND DELIVERY

February 13, 2017

Thomas Mooney, Planning Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Request for Conditional Use Permit for Mechanical Parking Lifts for the
Single-Family Home Located at 8 West Rivo Alto Drive

Dear Tom:

This law firm represents 8 West Rivo Alto, LLC (the "Applicant") in its application for a Conditional Use Permit to incorporate the use of mechanical parking lifts within the existing garage of the single-family home located at 8 West Rivo Alto Drive (the "Property").

Property Description. The Property is located in the RS-3 Zoning district and is not within a historic district. The Property is comprised of approximately 14,069 square feet with a two-story single-family structure of 7,026 square feet standing upon it. The Design Review Board (DRB) approved the single-family home in 2014. See attached DRB Order. The Applicant obtained a building permit and construction is at the very tail end of completion. See Building Permit B1500796.

Mechanical Parking Lifts. The Applicant seeks to incorporate mechanical parking lifts enclosed in the existing parking garage on the Property. The existing parking garage currently allows for the parking of two (2) vehicles. The incorporation of two (2) mechanical parking lifts into the existing garage will allow for the parking of four (4) vehicles. The lifts do not require any changes to the exterior of the home and cannot be viewed from the outside.

Conditional Use Permit Request. In accordance with Section 130-38(4) of the Code, any use of mechanical parking devices requires conditional use

approval. As such, the Applicant requests a Conditional Use Permit to incorporate mechanical parking lifts into the existing parking garage on the Property.

- (i) General Guidelines for Conditional Uses. Pursuant to Section 118-191(a), review and approval of conditional uses includes evaluation of the proposed use in relation to the following guidelines:

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

The incorporation of mechanical parking lifts into the existing garage will have no effect on the use of the Property. The Property has always been utilized as a single-family residence, which is consistent with the RS-3 designation for the area in which the Property is located.

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

The incorporation of mechanical parking lifts into the existing garage will have no effect on the use of the Property. The Property will continue to be used as a single-family home.

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

The Applicant already obtained approval from the DRB for the design of the single-family home and its garage in 2014 and has been permitted and constructed in accordance with this design. The proposal to incorporate mechanical parking devices into the existing garage is consistent with the land development regulations as it is consistent with the already approved structures and uses on the Property.

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

The incorporation of mechanical parking within the existing garage will have no effect on the public health, safety, morals, and general welfare.

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

The existing single-family structure on the Property already has adequate off-street parking. The inclusion of the mechanical parking devices within the garage will provide for additional off-street parking to serve the Property.

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

The mechanical parking lifts will be located within the enclosed structure of the garage and will have no impact on the surrounding property, persons and neighborhood values.

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

The Property is located within the RS-3 Zoning district which allows for single-family residences as the sole main permitted use.

- (ii) Satisfaction of Mechanical Parking Review Criteria. The Applicant's request satisfies the mechanical parking review criteria and guidelines as described in Section 130-38(4):

(1) Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood.

The incorporation of mechanical parking lifts within the existing garage will not require any new proposed structures. The mechanical parking lifts will have no effect on the surrounding neighborhood. As such, the continued use of the Property as a single-family home will remain compatible with the surrounding neighborhood.

(2) Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood.

The mechanical parking lifts will have no effect on the surrounding neighborhood. As such, the continued use of the Property as a single-family home will remain compatible with the surrounding neighborhood.

- (3) Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.**

The proposed use of mechanical parking will be located in the existing garage and thus does not result in an increase in density or intensity.

- (4) Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view.**

The proposed mechanical parking lifts will be located completely within the existing enclosed garage that exists on the Property, and thus will not be visible from exterior view.

- (5) In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings; whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit owner.**

Not applicable as this will serve a single-family dwelling.

- (6) In cases where mechanical parking lifts are used for valet parking; whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues.**

Not applicable as this will not be used for valet parking.

- (7) Whether a traffic study has been provided that details the ingress, egress and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way.**

Not applicable as this will serve a single-family dwelling.

- (8) Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided.**

Not applicable as this will serve a single-family dwelling.

- (9) In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed.**

Not applicable as this will serve a single-family dwelling.

- (10) Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.**

The proposed use of mechanical parking will be located within the existing garage attached to the single-family structure. The DRB approved the single-family home and garage, which have been constructed accordingly. The mechanical lifts will have no adverse impacts on the neighboring residential uses.

- (11) Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect will be addressed.**

There will be no cumulative effect from the proposed facility with adjacent and nearby structures.

Conclusion. The incorporation of the mechanical parking lifts completely inside the existing garage will have no adverse impact and will maintain the character of the neighborhood. We look forward to your favorable review of the request. Please contact me on my direct line at (305) 377-6236 should you have any questions or concerns.

Sincerely,



Matthew Amster

Attachment

cc: Greg Fontela, Esq.



CFM 2015R0154633
OR Bk 29531 Pgs 2298 - 23021 (5pgs)
RECORDED 03/10/2015 15:39:03
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: August 05, 2014

FILE NO: 23072

PROPERTY: 8 West Rivo Alto Drive

CERTIFICATION

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT
IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON
FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.
CITY OF MIAMI BEACH

(Signature of Planning Director or Designee) 8-15-14
(Date)

Personally known to me or Produced ID:

Teresa Maria
Notary Public, State of Florida at Large

Printed Name: TERESA MARIA
My Commission Expires: (Seal) 12-2-17

This document contains 5 pages.

TERESA MARIA
MY COMMISSION # FF 042188
EXPIRES: December 2, 2017
Bonded Third Degree Notary Services



LEGAL: Lot 1, in Block 1, of "Rivo Alto", according to the plat thereof filed for record and recorded in Plat Book 7, at Page 74 of the Public Records of Miami-Dade County, Florida; together with a 8 foot strip of land contiguous to the South boundary line of said lot, lying between the Southerly extension of the East and West boundary lines of lot 1, block 1.

IN RE: The Application for Design Review Approval for the construction of a new two-story single family home to replace an existing pre-1942 architecturally significant two-story home, to be demolished.

ORDER

The applicant, 8 West Rivo Alto LLC, filed an application with the City of Miami Beach Planning Department for Design Review Approval.

The City of Miami Beach Design Review 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:

- A. 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 is inconsistent with Design Review Criteria 3, 5, 6, and 9 in Section 118-251 of the Miami Beach Code.
- B. The project would be consistent with the criteria and requirements of section 118-251 if the following conditions are met:
 1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

- a. The 70% limitation for the second floor volume shall be waived as proposed.
 - b. The proposed roof height for the center portion of the two-story volume shall be limited to **26'-0"** when measured from BFE and the east and west side portions of the main structure shall not exceed a maximum height of **24'-0"**, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. Additional fenestration shall be incorporated on the west façade, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - d. The interior side open space requirement may be waived as proposed. The basin of the reflective pools proposed within the open space requirement shall not exceed adjusted grade in elevation.
 - e. 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.
 - f. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following.
- a. The applicant shall fully screen the pool equipment and mechanical equipment areas located at the southeast portion of the property with a clusia hedge to block views from and mitigate noise impacts towards the residence to the east, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. Direct pedestrian access to the site from the street and sidewalk shall be provided to the main entrance, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - c. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by staff.



- d. Any fence or gate at the front of the property shall be designed in a manner consistent with the home's architecture, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board
 - e. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of staff.
 - f. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
 - g. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
 - h. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - i. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - j. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
- 3. The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board
 - 4. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
 - 5. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit
 - 6. 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.



7. 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.
8. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
9. 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.

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 adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-9, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "Residence on Rivo Alto Island", as prepared by **Choeff + Levy PA** signed June 23, 2014, modified in accordance with the conditions set forth in this Order and staff review and approval.

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 Design Review 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 Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes 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. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit 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 Design Review Approval will expire and become null and void.

In accordance with Section 118-264 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.

Dated this 12th day of AUGUST, 20 14.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
THOMAS R. MOONEY, AICP
PLANNING DIRECTOR
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 12th day of
AUGUST 20 14 by Thomas R. Mooney, Planning Director, Planning
Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the
Corporation. He is personally known to me.



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

[Signature]
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 12-2-17

Approved As To Form:

City Attorney's Office: [Signature] (8-12-14)

Filed with the Clerk of the Design Review Board on 8-13-14 ()

[Signature]



zoning public notification packages | lists of property owners within a specific radius + radius maps + mailing labels
rdmiami.com | diana@rdmiami.com | 305.498.1614

November 22, 2016

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

Re: Property Owners List within 375 feet of:

SUBJECT: 8 W Rivo Alto Drive, Miami Beach, FL 33139

FOLIO NUMBER: 02-3233-001-0010

LEGAL DESCRIPTION: RIVO ALTO AMD PB 7-74 LOT 1 & 8FT STRIP ADJ ON BAY BLK 1
AND PROP INT IN & TO COMMON ELEMENTS NOT DEDICATED TO PUBLIC

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 the file in Miami-Dade County Property Appraisers' Office.

Sincerely,

Rio Development Resources, LLC

Diana B. Rio

Total number of property owners without repetition: **22**

Rio Development Resources, LLC ("RDR") has used its best efforts in collecting the information published in this report and the findings contained in the report are based solely and exclusively on information provided by you and information gathered from public records and that local government. By acceptance of this report, you agree to hold RDR harmless and indemnify RDR from any and all losses, damages, liabilities and expenses which can be claimed against RDR caused by or related to this report.

44 RIVO ALTO LLC C/O DLA PIPER LLP
200 S BISCAYNE BLVD 2500
MIAMI, FL 33131

60WRIVOALTO LLC
20398 BLAUER RD
SARATOGA, CA 95070

8 WEST RIVO ALTO LLC
5201 CONGRESS AVE # 150
BOCA RATON, FL 33487

ANDREW P BAROWSKY
PO BOX 398510
MIAMI BEACH, FL 33239-8510

ARE TRAASDAHL
3135 SHERIDAN AVE
MIAMI BEACH, FL 33140

ARNOLD BLAUSTEIN &W DONNA
18 W RIVO ALTO DR
MIAMI BEACH, FL 33139-1254

ARTHUR BOREN &W VICKI P
31 E RIVO ALTO DR
MIAMI BEACH, FL 33139-1243

BRUCE A KATZEN &W DIANE W
11 E RIVO ALTO RD
MIAMI BEACH, FL 33139

CARLOS LEON SUZANNE WILKINSON LEON
55 E RIVO ALTO DR
MIAMI BEACH, FL 33139

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

DANIEL VON RABENAU TR
49 W RIVO ALTO DR
MIAMI BEACH, FL 33139-1253

FERNANDO DE ARAUJO MACHADO HELLEN
CRISTINA LUCHI
48 E RIVO ALTO DR
MIAMI BEACH, FL 33139

JOHN GARDINER
28 W RIVO ALTO DR
MIAMI BEACH, FL 33139-1254

JOSE A SANTOS JR &W MARLENE M
20 E RIVO ALTO DR
MIAMI BEACH, FL 33139-1244

JOSE A SANTOS JR &W MARLENE M & JOSE
A SANTOS SR &W MIRIAM V
10 E RIVO ALTO DR
MIAMI BEACH, FL 33139-1244

KIP AMAZON &W BARBARA
22 W RIVO ALTO DR
MIAMI BEACH, FL 33139-1254

LAWRENCE A GORDICH
15 E RIVO ALTO DR
MIAMI BEACH, FL 33139-1243

LUMAR LLC C/O BARBARA M K DE JIMENEZ
LUIS E JIMENEZ
47 EAST 67 STREET APT 5A
NEW YORK, NY 10065

MALCOLM ROSS BULLOCK AMANDA
RICHARDS BULLOCK
40 W RIVO ALTO DR
MIAMI BEACH, FL 33139

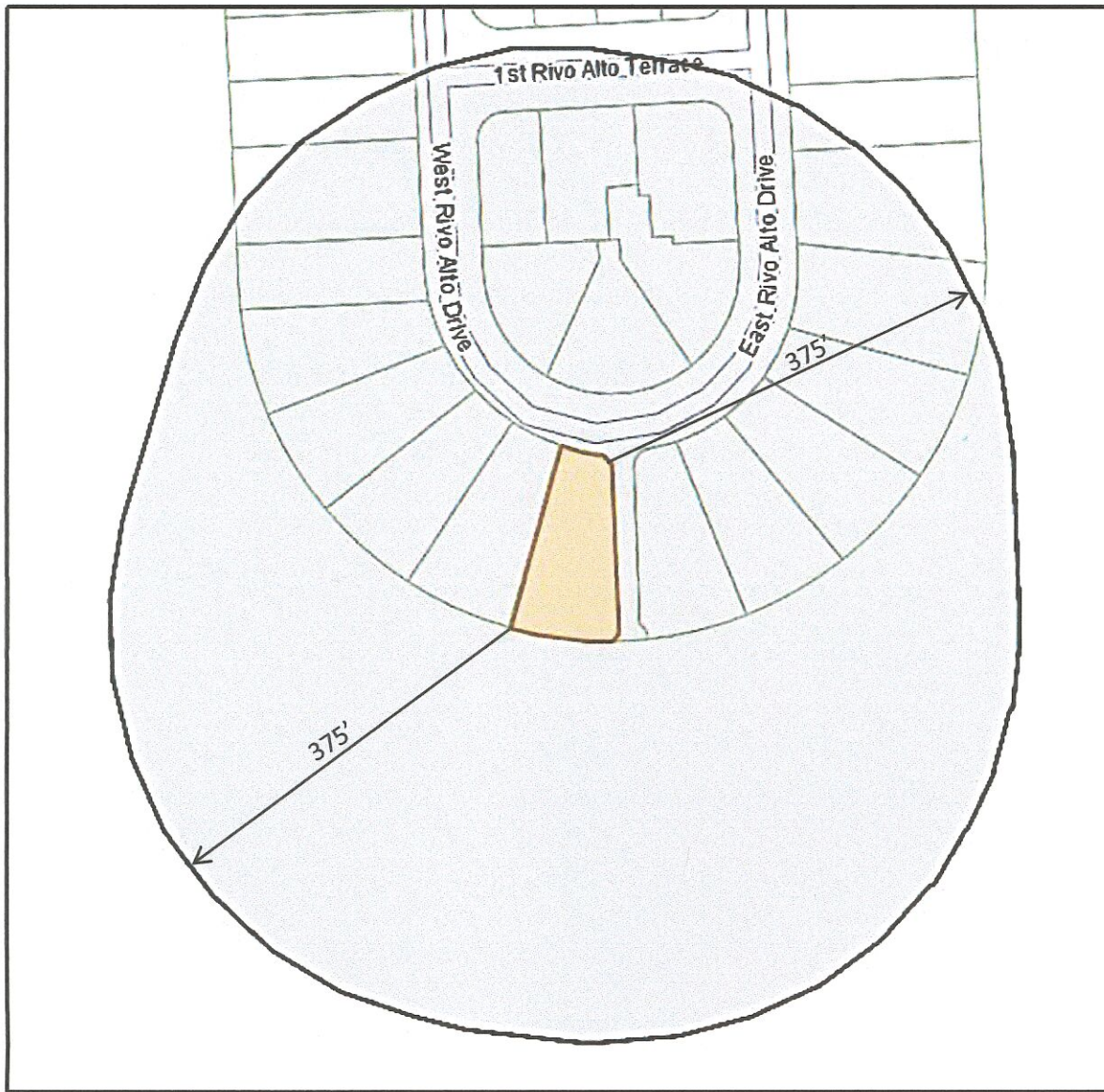
PETER S SCHRADER TRS PETER S
SCHRADER LIVING TRUST MARINA AMORIM
ASSUMPACAO NEVES
31 W RIVO ALTO DR
MIAMI BEACH, FL 33139

RIVO45 LLC
45 E RIVO ALTO DR
MIAMI BEACH, FL 33139

VINOD KUMAR &W NITA
36 W RIVO ALTO DR
MIAMI BEACH, FL 33139-1254

Name	Address	City	State	Zip	Country
44 RIVO ALTO LLC C/O DLA PIPER LLP	200 S BISCAYNE BLVD 2500	MIAMI	FL	33131	USA
60WRIVOALTO LLC	20398 BLAUER RD	SARATOGA	CA	95070	USA
8 WEST RIVO ALTO LLC	5201 CONGRESS AVE # 150	BOCA RATON	FL	33487	USA
ANDREW P BAROWSKY	PO BOX 398510	MIAMI BEACH	FL	33239-8510	USA
ARE TRAASDAHL	3135 SHERIDAN AVE	MIAMI BEACH	FL	33140	USA
ARNOLD BLAUSTEIN &W DONNA	18 W RIVO ALTO DR	MIAMI BEACH	FL	33139-1254	USA
ARTHUR BOREN &W VICKI P	31 E RIVO ALTO DR	MIAMI BEACH	FL	33139-1243	USA
BRUCE A KATZEN &W DIANE W	11 E RIVO ALTO RD	MIAMI BEACH	FL	33139	USA
CARLOS LEON SUZANNE WILKINSON LEON	55 E RIVO ALTO DR	MIAMI BEACH	FL	33139	USA
CITY OF MIAMI BEACH CITY HALL	1700 CONVENTION CENTER DR	MIAMI BEACH	FL	33139	USA
DANIEL VON RABENAU TR	49 W RIVO ALTO DR	MIAMI BEACH	FL	33139-1253	USA
FERNANDO DE ARAUJO MACHADO HELLEN CRISTINA LUCHI	48 E RIVO ALTO DR	MIAMI BEACH	FL	33139	USA
JOHN GARDINER	28 W RIVO ALTO DR	MIAMI BEACH	FL	33139-1254	USA
JOSE A SANTOS JR &W MARLENE M	20 E RIVO ALTO DR	MIAMI BEACH	FL	33139-1244	USA
JOSE A SANTOS JR &W MARLENE M & JOSE A SANTOS SR &W MIRIAM V	10 E RIVO ALTO DR	MIAMI BEACH	FL	33139-1244	USA
KIP AMAZON &W BARBARA	22 W RIVO ALTO DR	MIAMI BEACH	FL	33139-1254	USA
LAWRENCE A GORDICH	15 E RIVO ALTO DR	MIAMI BEACH	FL	33139-1243	USA
LUMAR LLC C/O BARBARA M K DE JIMENEZ LUIS E JIMENEZ	47 EAST 67 STREET APT 5A	NEW YORK	NY	10065	USA
MALCOLM ROSS BULLOCK AMANDA RICHARDS BULLOCK	40 W RIVO ALTO DR	MIAMI BEACH	FL	33139	USA
PETER S SCHRADER TRS PETER S SCHRADER LIVING TRUST MARINA AMORIM ASSUMPACAO NEVES	31 W RIVO ALTO DR	MIAMI BEACH	FL	33139	USA
RIVO45 LLC	45 E RIVO ALTO DR	MIAMI BEACH	FL	33139	USA
VINOD KUMAR &W NITA	36 W RIVO ALTO DR	MIAMI BEACH	FL	33139-1254	USA

375' RADIUS MAP



SUBJECT: 8 W Rivo Alto Drive, Miami Beach, FL 33139

FOLIO NUMBER: 02-3233-001-0010

LEGAL DESCRIPTION: RIVO ALTO AMD PB 7-74 LOT 1 & 8FT STRIP ADJ ON BAY BLK 1
AND PROP INT IN & TO COMMON ELEMENTS NOT DEDICATED TO PUBLIC