



**Town of Surfside  
Special Town Commission Meeting  
Quasi-Judicial Hearing  
AGENDA**

**January 19, 2017**

**5 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

*Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.*

*Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.*

*Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.*

**1. Opening**

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**

**2. Quasi-Judicial Hearings**

*Please be advised that the following items on the Agenda are Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker 's Card indicating the agenda item number on which you would like to comment. You must be sworn before addressing the Town Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Town Commission will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any members of the Town Commission. Town Commission members must also do the same.*

- A. ASRR Suzer 8955 LLC – 8955 Collins Avenue, 8926 Collins Avenue and 8943 Harding Avenue – Guillermo Olmedillo, Town Manager**

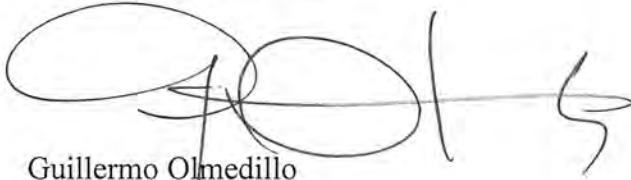
**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE TO PERMIT THE DEVELOPMENT OF PROPERTY LOCATED ON THE EAST AND WEST SIDES OF COLLINS AVENUE WITH THE ADDRESSES OF 8955 COLLINS AVENUE AND 8926 COLLINS AVENUE AND 8943 HARDING AVENUE FOR 16 CONDOMINIUM UNITS AND A PARKING STRUCTURE AND RECREATIONAL AMENITIES WITH CONDITIONS OF APPROVAL; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

- B. Caton Realty Holdings, LLC – 9300-9380 Collins Avenue – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN TO PERMIT THE DEVELOPMENT OF PROPERTY LOCATED ON THE WEST SIDE OF COLLINS AVENUE BETWEEN 93RD STREET AND 94TH STREET WITH THE ADDRESSES OF 9300-9380 COLLINS AVENUE FOR 68 TOWNHOUSE UNITS WITH CONDITIONS OF APPROVAL; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

### 3. Adjournment

Respectfully submitted,



Guillermo Olmedillo  
Town Manager

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THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT [www.townofsursidefl.gov](http://www.townofsursidefl.gov).

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



## Town of Surfside Commission Communication

**Agenda Date:** January 19, 2017

**Subject:** 8955 Collins Avenue

**From:** Guillermo Olmedillo, Town Manager  
Sarah Sinatra Gould, AICP, Town Planner

### Table of Contents:

1. Development Impact Committee
2. Application and Letter of Intent
3. Valet Operations Analysis
4. Voluntary Proffer
5. Resolution
6. Site Plan Package

### REQUEST:

Carter McDowell, Esq. of Bilzin, Sumberg, counsel for the owner, Asrr Suzer, 8955 LLC. is proposing a site plan to develop a 12 story tower located at 8955 Collins Avenue. The proposed condominium building will include 16 units comprised 3, 4, 5 and 6 bedrooms. The project includes residential units on the east side of Collins Avenue and a parking structure with a tennis court on the west side of Collins Avenue located at 8926 Collins Avenue with a driveway on 8943 Harding Avenue.

The initial site plan application was submitted on May 31, 2016. Staff confirmed that the package was complete and scheduled a Development Review Group (DRG) meeting for June 20, 2016. The purpose of this meeting is for Town staff to indicate to the applicant where the project, as presented, fails to meet code requirements and may present negative impacts to the rest of the surrounding properties. Members of DRG include Planning, Engineering, Landscape Architecture, Survey, Traffic Engineering, Police, Town Administration and Building. 65 comments were provided to the applicant at this meeting. The applicant then revised the site plan and resubmitted a package on July 11, 2016 and a second DRG meeting was held on July 25, 2016.

The Development Impact Committee (DIC) consisting of the Town Manager, Town Attorney's Office, Town Planner, Building Official, Police Captain, Landscape Reviewer, Public Works Director, TEDACS Director and Parks and Recreation Director met in publicly advertised,

televised session on September 1, 2016 to discuss this application. The applicant proffered \$160,000 to the Town to offset impacts from the project, which equates to \$10,000 per unit. The fee is based on their analysis of other Miami-Dade jurisdictions impact fees, which would have resulted in less funding.

The total gross acreage of the site is 1.35 acres, which would permit 130 units. The code requires a 15% reduction in density for aggregated properties, meaning, if a property is split between more than one site and the owner wants the benefit of amalgamating that property, the property will be subject to a 15% overall density reduction. This results in the permitted density of 110 units, due to the properties on the west being aggregated. The applicant is demolishing 58 existing units and replace these units with 16 condominium units. The prior site's 58 units were mostly 1 and 2 bedroom units and the proposed condominium includes 57 bedrooms. This is a decrease of 42 units from the existing conditions. The proposed application results in 150,812 square feet of construction, compared to the pre-demolition building area of 38,938 square feet.

The Design Review Board heard the application at their October 27, 2016 meeting. The Board unanimously recommended approval to the Planning and Zoning Board with one additional condition, which is to limit the hours of operation on the tennis court to no later than 9pm. The Planning and Zoning Board unanimously recommended approval of that recommendation to the Town Commission.

#### **STAFF RECOMMENDATION**

**Recommendation:** The application meets the code requirements, and the design has addressed all technical concerns discussed during the DRG and DIC meetings. Staff recommends approval of the site plan application subject to the acceptance of the Development Conditions.

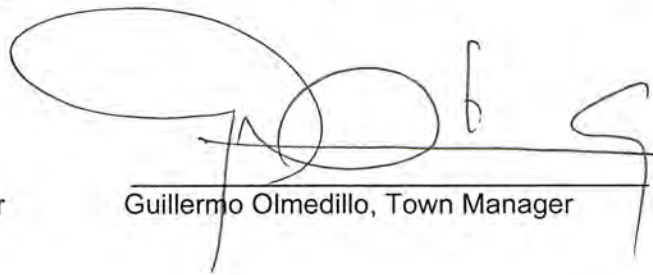
**Budget Impact:** The applicant is proposing a \$160,000 voluntary proffer to mitigate off-site impacts resulting from the project.

**Growth Impact:** The property has a maximum density permitted of 110 units. The project includes 16 new condominium units, replacing 58 units. The existing site has 58 units made up of primarily one and two bedroom units and the proposed has 57 bedrooms. The project includes 42 less units than the existing conditions to offset the impacts of growth and number of bedrooms in the proposed site plan is slightly less than the existing.

**Staff Impact:** The applicant has funded the review through the cost recovery process and the building permit review will be funded through the building permit fees.



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager

**SITE PLAN INFORMATION:**

Address	8955 Collins Avenue
General Location	East and west side of Collins Avenue, south of 90 <sup>th</sup> Street
Property Size	East Parcel: .80 gross acres West Parcel: .55 gross acres
Zoning District	East Parcel: H120 West Parcel: H40
Adjacent Zoning Districts	East Parcel: H120 to the north and south, H40 to the west West Parcel: H40 & H30 to the north, H40 & H30 to the south, H30C and H30B to the west, and H120 to the east
Future Land Use	East Parcel: High Density Residential/Tourist West Parcels: Moderate High Density Residential
Density Permitted	East Parcel: 109 units per acre West Parcel: 79 units per acre Total: 130 X 15% reduction = 110 units permitted
Number of units proposed	East Parcel: 16 dwelling units West Parcel: 0 dwelling units TOTAL: 16 units proposed
Number of parking spaces	East Parcel: 0 spaces West Parcel: 53 spaces TOTAL Provided: 49 spaces TOTAL Required: 34 spaces

**ZONING CODE, APPLICABLE REQUIREMENTS**

**Sec. 90.42**

Minimum Unit Sizes	Minimum Required	Proposed
One-bedroom	800 square feet	N/A – none provided

Two-bedroom	950 square feet	N/A – none provided
Three-bedroom	1150 square feet	3,153 square feet
Four- six bedrooms	N/A	7,100 square feet

**Sec. 90.43**

Maximum Building Heights	Maximum Required	Proposed
H120	120 feet maximum	120 feet
H40	40 feet maximum	35 feet
H30C	30 feet max	0 feet – No vertical structure is proposed on the H30C property, only a parking ramp.

**Sec. 90.44**

Modification of Height	Maximum Permitted		Proposed	Must be of high architectural quality integral to the design of the building
H120	20ft	30% of roof area	20 feet	The mechanical equipment, rooftop decks and parapet walls meet these criteria.
H40	12 ft.	10% of roof area	12 feet	
H30C	3 feet	10% of roof area	0 feet	

**Sec. 90.45(b)**

Setbacks	Minimum Required		Proposed
H120	Front (Collins Avenue)	40 ft	40 ft
	Rear (Beach)	30ft	141 ft
	Setback from platted bulkhead line	20 ft	21 ft
	Side	10 ft	10 ft
H40	Front (Collins Avenue)	20 ft	20 ft
	Side	10ft	10 ft
	Rear	10 ft	10 ft
H30C	Front (Harding Avenue)	20 ft	20 ft

	Side	10 ft	10 ft
	Rear	N/A	

**Sec. 90.47**

<b>Yards generally, allowable projections</b>	<b>Required</b>	<b>Proposed</b>
H120 - Projections of balconies features into required yards	Maximum 8 feet for front, secondary and rear and 5 feet for interior side	6 foot 9 inch front encroachment and 3 foot 8 inch side encroachment
H30C & H40 – Projection of open, unenclosed building entrance porches, platforms, stairs or paved terraces,	Maximum 6 feet and the encroachments shall not provide less than a 24-inch setback to the property line.	No encroachments proposed.

**Sec. 90.47.8**

<b>Cantilevered Canopy</b>	<b>Required</b>	<b>Proposed</b>
Cantilevered canopy will be permitted in the required front yard, subject to the following	Must be completely supported (cantilevered) from the main structure	Supported (cantilevered) from main structure.
	Minimum 65% transparent	Canopy is more than 65% transparent
	Maximum frontage of 30 feet in width	30 feet proposed
	Maximum 20 foot extension into front setback	Extends 18 feet, 6 inches into setback
	Shall not extend into any side setback area	Does not extend into side setback area

**Sec. 90.49**

<b>Lot Standards</b>	<b>Required</b>	<b>Proposed</b>
Minimum Lot width	50 feet	East Parcel: 100 ft West Parcel fronting Collins: 150 ft West Parcel fronting Harding: 50 ft
Minimum Pervious area	20%	East Parcel: 27% West Parcel: 26%



**Sec. 90-49.4. - Structured parking garages.**

	<b>Required</b>	<b>Proposed</b>
<b>Overall form</b>	For every 50 feet of a building wall in any direction, there shall be a three-foot minimum change in wall plane.	North/South elevation= 50' with 15' change in wall plane  West elevation= 38'-4" with 15' change in wall plane
	For every 100 feet of a building wall parallel to the public right of way, there shall be a minimum ten-foot wide and minimum three-foot deep separation of wall plane	Minimum ten-foot wide and minimum three-foot deep separation of wall plane.
	Façade treatments fronting a public right-of-way shall provide architectural treatments consistent with and compatible to those across the public right-of-way or abutting properties and consistent with immediate buildings.	Façade treatments fronting a public right-of-way will have architectural treatments consistent with and compatible to those across the public right-of-way or abutting properties and consistent with immediate buildings
	For the first ten feet of height along all blank walls, a minimum of 80 percent landscape coverage, such as a vine or hedges, shall be installed and maintained.	80 percent landscape coverage for first 10 feet
	For façades above the first ten feet, a minimum of 50 percent landscape coverage, such as vines or planters, shall be installed and maintained.	50 percent landscape above first 10 feet
	All vegetative coverage shall be maintained and watered appropriately to sustain health and coverage indefinitely without adverse impact to the structure.	All vegetative coverage will be maintained and be watered appropriately to sustain health and coverage indefinitely without adverse impact to the structure
	Service areas and mechanical equipment associated with a primary use are permitted.	Mechanical equipment room proposed in parking structure
	<b>Ground floor level façade</b>	Façades shall not provide wall openings greater than eight feet in any direction, except for ingress and egress purposes. All wall openings, except for ingress and egress purposes, shall be separated by a minimum five-foot wide wall.

**Sec. 90.50.1(2)**

<b>Architecture</b>	<b>Required</b>	<b>Proposed</b>
All elevations for new structures and multi-story additions (additions greater than fifteen (15) feet in height)	Minimum of 10% wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades.	East and west buildings both meet or exceed 10% wall openings
Roof materials are limited as follows:	<ul style="list-style-type: none"> <li>a. Clay Tile; or</li> <li>b. White concrete tile; or</li> <li>c. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the Design Review Board;</li> <li>d. Architecturally embellished metal if granted approval by the Design Review Board; or</li> <li>e. Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board.</li> </ul>	<p>Roof deck of east building will be a private roof terrace for the penthouse and will consist of a pool.</p> <p>The west building will include a tennis court on the roof.</p>

**Sec. 90.50.2 (3)**

<b>Roof Deck Provisions</b>	<b>Required</b>	<b>Proposed</b>
Roof Decks are limited to	a. Maximum 70% of the aggregate roof area;	50%
	b. Shall not exceed the maximum roof height required by any abutting property's zoning designation;	120 feet
	c. Minimum setback of 10 feet from the roofline on all sides	10 feet

**Sec. 90.61.1**

<b>Paving in front and rear yards in H40 Districts</b>	<b>Required</b>	<b>Proposed</b>
Front setbacks, amount that may be paved with any type of material that is not readily permeable by rainwater and groundwater.	Maximum 50% paved	24% paved
Front Yard Landscaping	Minimum 30%	Approximately 76%
Rear Yard Landscaping	Minimum 20%	24%

**Sec. 90.67.2**

	<b>Required</b>	<b>Proposed</b>
<b>Underground utilities</b>	All utilities including telephone, cable, and electrical systems shall be installed underground.	The lines will be installed underground and have developed their landscaping plans accordingly.

**Sec. 90.77(c)**

	<b>Minimum Required</b>	<b>Proposed</b>
<b>Off-Street Parking</b>	34 Spaces	East Parcel: 0 West Parcel: 49 TOTAL: 49

**Sec. 90.83**

<b>Off-Street Loading</b>	<b>Minimum Required</b>	<b>Proposed</b>
Multifamily, 20,000-100,000 sq ft	The gross leasable area is less than 100,000, therefore 1 loading space is required	1 space on site

**Sec. 90.91**

<b>Vegetative Provisions</b>	<b>Minimum Required</b>	<b>Proposed</b>
Xeriscape in pervious area	50%	87%

**Sec. 90.91.2**

<b>Buffers</b>	<b>Application meets or exceeds all requirements.</b>
Landscape buffer adjacent to streets and abutting properties	

**Sec. 90.93**

<b>Open Space</b>	<b>Application meets or exceeds all requirements.</b>
Landscaping along all buildings and structures, shrubs and trees required in open space	

# **DEVELOPMENT IMPACT COMMITTEE REPORT**

## **DEVELOPMENT IMPACT COMMITTEE MEETING**

The Development Impact Committee (DIC)\* met on September 1, 2016 to discuss the application for the 8955 Collins Avenue (“the Project”). The DIC meeting was attended by the following:

Staff Attendees:           Guillermo Olmedillo, Town Manager  
                                  Joe Kroll, Public Works Director  
                                  Linda Miller, Town Attorney  
                                  Jane Graham, Assistant Town Attorney  
                                  Nancy Stroud, Consulting Attorney  
                                  Sarah Sinatra Gould, Town Planner  
                                  Bill Tesauro, Landscape Reviewer  
                                  Chief Allen, Police  
                                  Ross Prieto, Building Official

Applicant Attendees:  
                                  Nathan Feldman, Owner’s Representative  
                                  Carter McDowell, Attorney, Bilzin Sumberg  
                                  Carly Grimm, Attorney, Bilzin Sumberg  
                                  Matt Picard, Architect, Kobi Karp  
                                  Kemal Muskara, Architect, Kobi Karp  
                                  Walter Lugo, Engineer, Ocean Engineering  
                                  Laura Rogers, Landscape Architect, Enea  
                                  Carolina Monterio, Landscape Architect, Enea

Citizen Attendees (who signed in): None

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**\*NOTE:** The DIC meetings are televised on the Town’s Channel 77 and are well on the Town’s website and posted on Town Hall.

The following were discussed:

1. The applicant shall provide an easement for the use of the hardpack.
2. The valets must go around the block rather than attempting to cross Collins from the garage exit on the west side of the property directly to the east side of Collins.

The applicant proposed a \$160,000 contribution to the Town.

# **APPLICATION AND LETTER OF INTENT**

May 27, 2016

Sarah Sinatra  
Town Planner  
Town of Surfside  
9293 Harding Avenue  
Surfside, FL 33154

Re: **Letter of Intent for Site Plan Approval for Property Located at 8955 Collins Avenue, Surfside, Florida**

Dear Ms. Sinatra:

This firm represents ASRR Suzer 8955 LLC, the applicant ("Applicant") and owner of the property located at approximately 8955 Collins Avenue in the Town Surfside (the "Property"), more particularly described in Exhibit "A" attached hereto. The Applicant respectfully requests site plan approval for a proposed residential condominium to be located on the Property (the "Project").

The Project consists of two corresponding structures to the east and west of Collins Avenue. The 12-story, 104,515 square-foot structure to the east will contain 16 residential units and associated amenities. This structure will replace an existing condominium with approximately 40 residential units, greatly reducing the density and traffic generation of the site. The Project's 63 parking spaces will be provided in the four-story, 48,162 square-foot west structure along with recreational uses and related facilities.

Thoughtfully designed by Citterio-Viel & Partners and Kobi Karp Architecture and Interior Design, the Project's massing is articulated with a series of terraces, creating beautiful outdoor spaces while allowing the building to step back from neighboring structures. The use of prestigious materials, natural stone, bronze-colored finishes, and glass respects the historical context of Surfside while offering contemporary structures that will enhance the aesthetic value of the surrounding Collins Avenue corridor.

The Applicant is not aware of any variances or additional zoning approvals necessary for this Project. Based on the foregoing, the Applicant respectfully requests site plan approval from the Town of Surfside. Please do not hesitate to contact me should you have any questions or need additional information.

Sincerely,

  
for Carter N. McDowell

CNM:BSBPA



DRB Meeting	___/___/20__
Application / Plans Due	___/___/20__



**TOWN OF SURFSIDE  
MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION**

A complete submittal includes all items on the "Multifamily and Non-Residential Site-Plan Application Submission Checklist" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.

<b>PROJECT INFORMATION</b>	
OWNER'S NAME	ASRR SUZER 8955 LLC
PHONE / FAX	917-902-6876
AGENT'S NAME	Husein Sonaka
ADDRESS	201 Madison Avenue, 27th Fl, New York, NY 10016
PHONE / FAX	212-971-0111
PROPERTY ADDRESS	8955 Collins Avenue, Surfside, FL 33154
ZONING CATEGORY	H120, H40, and H30c.
DESCRIPTION OF PROPOSED WORK	Applicant is seeking site plan approval for a residential condominium.

<b>INTERNAL USE ONLY</b>			
Date Submitted	_____	Project Number	_____
Report Completed	_____	Date	_____
Fee Paid	\$ _____		

<b>ZONING STANDARDS</b>	Required	Provided
Plot Size		Multiple zoning designations included
Setbacks (F/R/S)		in project site - Please refer to plans
Lot Coverage		for zoning data.
Height	_____	_____
Pervious Area	_____	_____

 _____ SIGNATURE OF OWNER	_____ DATE	 _____ SIGNATURE OF AGENT	5/4/16 _____ DATE
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**TOWN OF SURFSIDE**  
**MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION**  
**PLANNING AND ZONING BOARD Rules and Procedures (June 2002)**

The Planning and Zoning Board shall generally meet the last **Thursday** of each month at 7:00 pm. at Town Hall.

Plans and completed applications (including all supporting documentation) must be submitted to the Building Department at least 21 days prior to the meeting, with the payment of applicable fees (example: \$200.00 for Plan Review for Zoning), at which time they will be considered. Incomplete plans and applications will not be processed.

The applicant or duly authorized agent (per ownership affidavit) must be present at the meeting. If there are no applications for consideration by the Planning and Zoning Board, the monthly meeting may be cancelled at the discretion of the Chairman of the Board.

Please advise the name of the Representative who will attend the hearing on behalf of this application:

*Alex Sapir*

NAME OF REPRESENTATIVE

*5/4/16*

DATE

**OWNER AFFIDAVIT FOR  
CORPORATION OR PARTNERSHIP**

STATE OF New York  
COUNTY OF New York

I, Alex Sapir President, being duly sworn, depose and say that I am the Owner of the property located at 8955 Collins Ave, more particularly described on Exhibit A and Bilzin Sumberg Beana Price & Axelrod LLP has been authorized by such entity to file this application with the Town of Surfside, Florida.; the application and all sketches, data and other supplementary matter attached to and made a part of the application are true and correct to the best of our knowledge and belief. We understand this application must be completed and accurate before a hearing can be advertised. I also hereby authorize the Town of Surfside to enter the subject property for the purpose of posting a NOTICE OF PUBLIC HEARING on the property as required by law and I take the responsibility of removing this notice after the date of hearing.

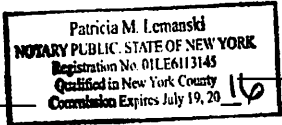
Alex Sapir  
PRINT NAME

[Signature]  
SIGNATURE

Sworn to and subscribed before me this 4 day of May, 2016. The foregoing instrument was acknowledged before me by Alex Sapir, who has produced \_\_\_\_\_ as identification and/or is personally known to me and who did/did not take an oath.

[Signature]  
NOTARY PUBLIC

NOTARY SEAL OR STAMP



My Commission Expires: \_\_\_\_\_

PRINT NAME

**Owner Affidavit: Survey**

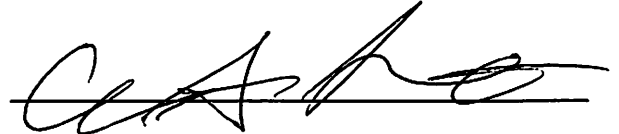
STATE OF NEW YORK  
COUNTY OF NEW YORK

I, Alex Sapir, being duly sworn, depose and say that I am an Officer of ASRR Suzer 8955 LLC, a Delaware Limited Liability Company, which is the Owner of the property located at 8955 Collins Avenue, 8926 Harding Avenue and 8943 Harding Avenue, in the Town of Surfside, Florida, 33154 (collectively, the "Property"), more particularly described in Exhibit "A", and that no changes to said Property have occurred since the completion of the attached survey, prepared by Fortin, Leavy, Skiles, Inc, dated 12/28/15 + updated 5/26/16, that would affect the accuracy of or information contained in said survey.

ASRR Suzer 8955 LLC  
a Delaware Limited Liability Company

By: Alex Sapir  
Title: Officer

Sworn to and subscribed before me this 25<sup>th</sup> day of May, 2016. The foregoing instrument was acknowledged before me by Alex Sapir, Officer of ASRR Suzer 8955 LLC, a Delaware Limited Liability Company, who has produced Drivers License as identification and/or is personally known to me and who did/did not take an oath.



NOTARY PUBLIC

NOTARY SEAL OR STAMP

JAMIE SHOSHANA NEMATZADEH

PRINT NAME



My Commission Expires: 1/13/18

# **VALET OPERATIONS ANALYSIS**



**Memorandum**

To: Eric Czerniejewski, P.E., ENV SP  
Town of Surfside

From: Adrian K. Dabkowski, P.E., PTOE   
Cory D. Dorman, E.I. 

Date: August 4, 2016

**Subject: 8955 Collins Avenue  
Valet Operations Analysis**

Kimley-Horn and Associates, Inc. has prepared a valet operations analysis for the proposed redevelopment located at 8955 Collins Avenue. Currently, the site proposed for redevelopment is occupied by 56 condominium units including 40 units as part of the Winter Garden Condominiums, 14 units at 8926 Collins Avenue, and 2 units at 8943 Harding Avenue. The redevelopment proposes a reduction of 40 condominium units for a total redevelopment program of 16 condominium units. Please note that the surface parking lot directly across Collins Avenue from 8955 Collins Avenue will be redeveloped to serve as a parking garage for the 8955 Collins Avenue redevelopment. The surface parking lot currently serves the existing 8955 Collins Avenue development. A site plan is included in Attachment A. The following sections summarize our analysis.

**VALET SERVICE AND OPERATIONS**

The 8955 Collins Avenue redevelopment will be served by one (1) porte-cochere for resident/guest valet drop-off and pick-up. The porte-cochere is located along the east side of Collins Avenue at the main entrance of the redevelopment with a storage capacity of three (3) vehicle spaces. A by-pass lane will also be provided. Please note that a loading zone is provided within the by-pass lane. It is expected that the by-pass lane may be blocked intermittently for deliveries throughout the day. However, it is expected that deliveries will occur at off-peak times and not affect peak hour valet operations.

Self-parking is provided on-site at the existing development and will be provided as part of the proposed redevelopment. Therefore, it was assumed that 10.0 percent (10.0%) of the redevelopment's residents will self-park. All remaining passenger (residents and guests) vehicles, with the exception of taxis/shared-rides arriving to the redevelopment will be valet parked at the proposed parking garage located directly across Collins Avenue from 8955 Collins Avenue. Figure 2 contained in Attachment A, provides a graphic illustration of the proposed valet routes to and from the parking garage. Please note that the proposed valet drop-off route will direct vehicles north on Collins Avenue, west on 91<sup>st</sup> Street, and south on Harding Avenue to the proposed parking garage. The proposed valet pick-up route will direct vehicles north on Collins Avenue, west on 90<sup>th</sup> Street, south on Harding Avenue, east on 89<sup>th</sup> Street, and north on Collins Avenue. These proposed valet routes are expected to minimize weaving along northbound Collins Avenue.

## **TRIP GENERATION**

A trip generation analysis was conducted using the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 9<sup>th</sup> Edition for the proposed redevelopment plan. The analysis utilized ITE Land Use Code (LUC) 230 (Residential Condominium/Townhouse) for the existing and proposed condominium units.

Trip generation rates were examined for the weekday A.M. peak hour (one hour between 7:00 A.M. and 9:00 A.M.), weekday P.M. peak hour (one hour between 4:00 P.M. and 6:00 P.M.), weekday P.M. peak hour of generator, and weekend peak hour of generator. A 42.6 percent (42.6%) taxi/shared-ride trip reduction factor was determined based on data collected for the Cadillac Hotel in Miami Beach. The Cadillac Hotel includes hotel and restaurant land uses. As the proposed redevelopment consists of residential uses only, a 10 percent (10%) taxi/shared-ride trip reduction factor was applied to the proposed trip generation. Detailed data is contained in Attachment B. Additionally, a 10 percent (10%) self-park reduction factor was applied to the proposed trip generation to account for the arriving residents who will not valet park. The trip generation calculations indicate that the proposed redevelopment will generate 10 valet trips during the weekday A.M. peak hour and 11 valet trips during the weekday P.M. peak hour. The valet analysis was prepared for the highest demand trip generation condition and typical demand trip generation condition.

### **Highest Demand Condition**

A highest demand condition was examined for the redevelopment which is assumed to be equal to the highest trip generation scenario. The porte-cochere located along the east side of Collins Avenue is expected to generate 11 valet trips of which 7 enter the site and 4 exit the site during the weekday P.M. peak hour. Detailed trip generation calculations are included in Attachment B.

### **Typical Demand Condition**

An average demand condition was also examined which is assumed to be equal to 25 percent (25%) of the highest demand scenario which accounts for more typical traffic conditions outside of the highest demand condition. The porte-cochere located along the east side of Collins Avenue is expected to generate three (3) valet trips of which two (2) enter the site and one (1) exits the site during the weekday P.M. peak hour. Detailed trip generation calculations are included in Attachment B.

## **VALET OPERATIONS ANALYSIS**

The valet queuing operations analysis was performed based on the methodology outlined in ITE's *Transportation and Land Development*, 1988. The analysis was performed to determine if valet operations could accommodate vehicular queues without blocking travel lanes on Collins Avenue. Valet operations were analyzed for the number of valet attendants and required vehicle stacking for the redevelopment proposed traffic.

### **Proposed Valet Assumptions**

The queuing analysis used the multiple-channel waiting line model with Poisson arrivals and exponential service times. The queuing analysis is based on the coefficient of utilization,  $\rho$ , which is the ratio of the average vehicle arrival rate over the average service rate multiplied by the number of channels.

Valet attendants will be stationed at the Collins Avenue porte-cochere and will walk/run to and from the proposed parking garage. Valet drop-off trip service time was calculated based on the time it would take a valet parking attendant to obtain and park a drop-off vehicle at the proposed parking garage. Valet pick-up trip service time was calculated based on the time it would take a valet parking attendant to bring a parked vehicle back to a patron at the valet stations for pick-up.

The calculated average service time for vehicles valeted from the porte-cochere on Collins Avenue is 4.5 minutes for valet drop-off and 4.4 minutes for valet pick-up. Detailed trip length calculations are included in Attachment C.

If the coefficient of utilization (average service rate/valet attendant service capacity) is greater than one ( $> 1$ ), the calculation methodology does not yield a finite queue length. This result indicates overcapacity conditions for the valet area. The valet attendant service capacity is the number of total trips a valet attendant can make in a one-hour period multiplied by the number of valet attendants.

The analysis determined the required queue storage,  $M$ , which is exceeded  $P$  percent of the time. This analysis seeks to ensure that the queue length does not exceed the storage provided at a level of confidence of 99 percent (99%). Three (3) vehicle drop-off/pick-up spaces are provided based on the attached site plan for the porte-cochere valet drop-off/pick-up located along Collins Avenue.

### Proposed Valet Analysis

An iterative approach was used to determine the number of valet attendants required to accommodate the proposed redevelopment demand during the analysis hour and ensure that the 99<sup>th</sup> percentile valet queue does not extend beyond the designated valet service area. Detailed valet analysis worksheets are provided in Attachment D.

Results of the highest demand condition valet operations analysis demonstrate that two (2) valet attendants would be required so that the vehicle drop-off/pick-up storage would not be exceeded. Results of the typical demand conditions valet operations analysis demonstrate that one (1) valet attendant would be required so that the vehicle drop-off/pick-up storage would not be exceeded.

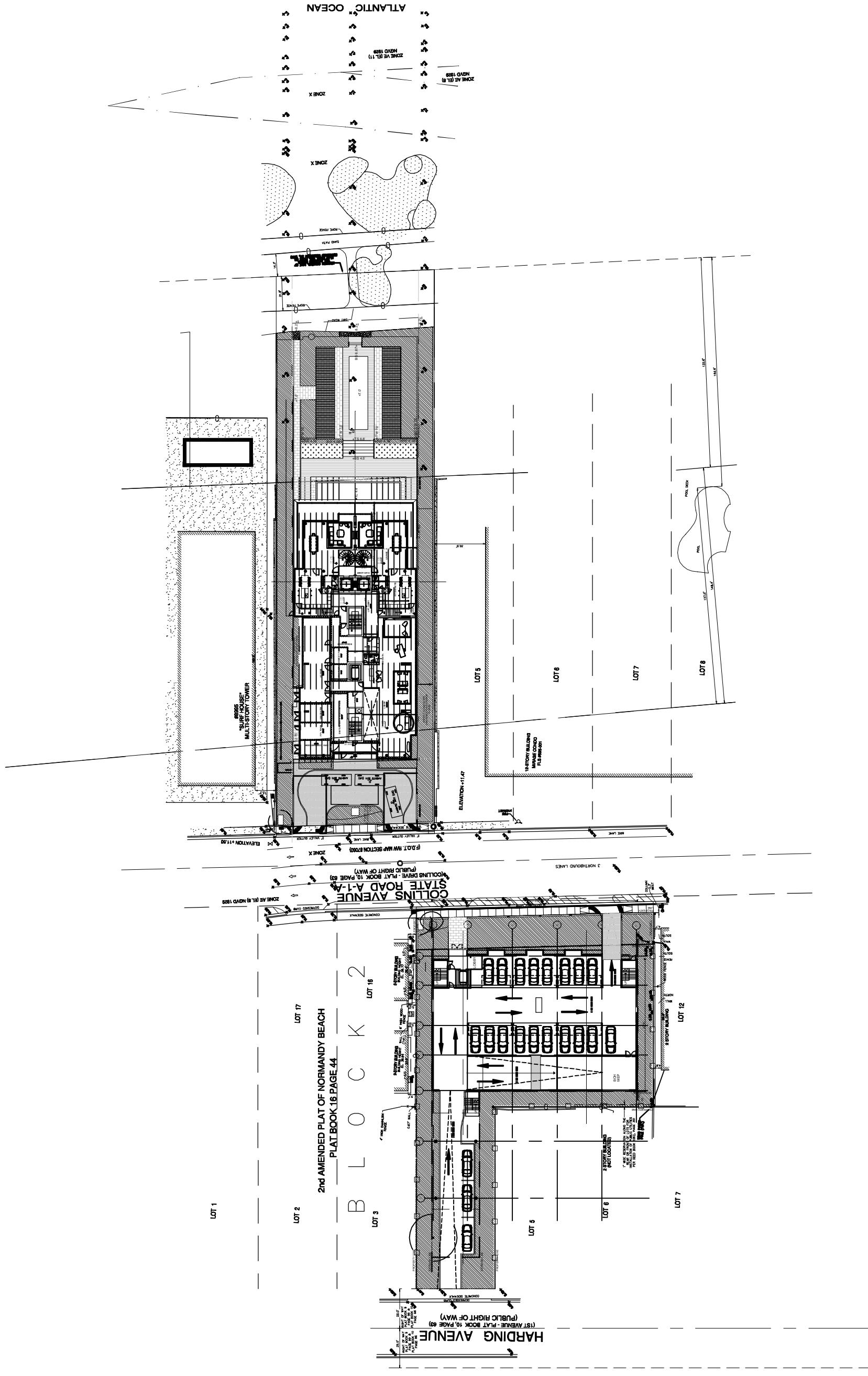
### Proposed Valet Conclusion

Based on the valet operations analysis performed, it was determined that the 99<sup>th</sup> percentile valet queues will not extend beyond the valet service area onto Collins Avenue. Based upon the conservative assumptions applied to the typical and highest traffic demand conditions, it was estimated that one (1) or two (2) valet attendants may be required during peak periods. It should be noted that projected vehicular volumes and estimated valet processing times were conservatively assumed in the analysis. If it is determined that valet processing times can be performed more efficiently and/or actual traffic volumes are lower than projected, a reduced number of valet attendants may be adequate to serve the site.

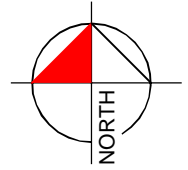
K:\FTL\_TPTO\043792000- 8955 Collins Avenue\correspondence\valet\Valet Operations Analysis.docx

## **Attachment A**





# SITE PLAN



NOT TO SCALE



LEGEND

- ← RESIDENT/GUEST DROP-OFF VALET ROUTE
- ← RESIDENT/GUEST PICK-UP VALET ROUTE

FIGURE 2  
PROPOSED VALET ROUTING  
8955 COLLINS AVENUE

**Kimley»Horn**

## **Attachment B**

**PROPOSED WEEKDAY AM PEAK HOUR TRIP GENERATION**

ITE TRIP GENERATION CHARACTERISTICS		DIRECTIONAL DISTRIBUTION		GROSS VOLUMES		INTERNAL CAPTURE		EXTERNAL TRIPS		PASS-BY CAPTURE		NET NEW EXTERNAL TRIPS									
		ITE Edition	ITE Code	Scale	ITE Units	In	Out	Percent	IC Trips	In	Out	Percent	PB Trips	In	Out	Total					
1	Residential Condominium/Townhouse	9	230	16	du	2	10	0.0%	0	2	10	0.0%	0	2	10	12					
2																					
3																					
4																					
5																					
6																					
7																					
8																					
9																					
10																					
11																					
12																					
13																					
14																					
15																					
						<b>Total:</b>				2	10	0.0%	0	2	10	12	0.0%	0	2	10	12

ITE Land Use Code 230 Rate or Equation  $LN(Y) = 0.8 * LN(X) + 0.26$

	IN	OUT	TOTAL
PROPOSED TRIP GENERATION	2	10	12
10.0% TAXI/SHARED-RIDE REDUCTION	0	1	1
PROPOSED PERSONAL VEHICLE TRIPS	2	9	11
10.0% SELF-PARK REDUCTION	0	1	1
PROPOSED VALET TRIPS	2	8	10

**PROPOSED WEEKDAY PM PEAK HOUR TRIP GENERATION**

ITE TRIP GENERATION CHARACTERISTICS		DIRECTIONAL DISTRIBUTION		GROSS VOLUMES		INTERNAL CAPTURE		EXTERNAL TRIPS		PASS-BY CAPTURE		NET NEW EXTERNAL TRIPS				
		ITE Edition	ITE Code	Scale	ITE Units	In	Out	Percent	IC Trips	In	Out	Percent	PB Trips	In	Out	Total
1	Residential Condominium/Townhouse	9	230	16	du	9	4	0.0%	0	9	4	0.0%	0	9	4	13
2																
3																
4																
5																
6																
7																
8																
9																
10																
11																
12																
13																
14																
15																
						<b>Total:</b>				9	4	0.0%	0	9	4	13

ITE Land Use Code 230  
 Rate or Equation  
 $LN(Y) = 0.82 * LN(X) + 0.32$

	IN	OUT	TOTAL
PROPOSED TRIP GENERATION	9	4	13
10.0% TAXI/SHARED-RIDE REDUCTION	1	0	1
PROPOSED PERSONAL VEHICLE TRIPS	8	4	12
10.0% SELF-PARK REDUCTION	1	0	1
PROPOSED VALET TRIPS	7	4	11

Hotel and Restaurant Valet Drop-off and Pick-up Traffic Data Summary  
Friday October 22, 2010

Hotel Valet Area Observations									
Time	Hotel Pick-up Maximum Queue	Hotel Pick-Up Volume	Hotel Pick-Up Peak Hour Volume	Hotel Drop-off Maximum Queue	Hotel Drop-off Volume	Hotel Drop-Off Peak Hour Volume	Total Hotel Volume		Total Hotel Peak Hour Volume
18:00	0	0		3	18		18		
18:15	2	4		2	3		7		
18:30	2	6		3	7		13		
18:45	4	23	40	4	13	37	36		77
19:00	3	9		1	3		12		
19:15	2	6		2	7		13		
19:30	1	2		3	14		16		
19:45	0	0		2	4		4		
20:00	1	3		2	7		10		
20:15	1	3		1	2		5		
20:30	3	11		2	7		18		
20:45	3	13		2	6		19		

Restaurant Valet Area Observations						
Time	Restaurnt Pick-up Maximum Queue	Restaurant Pick-Up Volume	Restaurant Pick-Up Peak Hour Volume	Restaurant Drop-off Maximum Queue	Restaurant Drop-off Volume	Restaurant Drop-off Peak Hour Volume
18:00	5	17		0	0	
18:15	4	13		2	7	8
18:30	3	9		0	0	
18:45	3	18		0	0	
19:00	4	15		1	1	
19:15	4	14		1	1	
19:30	5	18		1	1	
19:45	6	27		1	2	
20:00	5	18	81	1	1	
20:15	5	15		0	0	
20:30	5	15		0	1	
20:45	6	33		0	0	

Taxi vs Valet Trips									
Time	Valet Pick-up Trips	Valet Drop-off Trips	Total Valet Trips	Taxi Pick-up Trips	Taxi Drop-off Trips	Total Taxi Pick-up Trips	Total Site Pick-up Trips	Total Site Drop-off Trips	Total Site Trips
18:00	1	11	12	16	7	23	17	18	35
18:15	5	6	11	12	4	16	17	10	27
18:30	3	3	6	12	4	16	15	7	22
18:45	32	10	42	9	3	12	41	13	54
19:00	17	1	18	7	3	10	24	4	28
19:15	12	5	17	8	3	11	20	8	28
19:30	12	12	24	8	3	11	20	15	35
19:45	20	4	24	7	2	9	27	6	33
20:00	10	4	14	11	4	15	21	8	29
20:15	3	1	4	15	1	16	18	2	20
20:30	15	4	19	11	4	15	26	8	34
20:45	35	2	37	11	4	15	46	6	52

Taxi Trips Observed 42.6%

## **Attachment C**

8955 Collins Avenue Parking Garage Calculated Average Travel Time			
VALET DROP-OFF			
VEHICLE TRAVEL TIME		VALET ATTENDANT TRAVEL TIME	
Travel Times (Assume 15 mph speed)		Travel Times (Assume 5 ft/s speed)	
To Valet Garage (In vehicle)		Return from Valet Garage (Walk/Run) to Valet Area	
Distance	Travel Time	Distance	Travel Time
0.4564 miles	1.8 minutes	0.0966 miles	1.7 minutes
Controlled Delay	1.0 Minutes		
Total Time	4.5 Minutes		

8955 Collins Avenue Parking Garage Calculated Average Travel Time			
VALET PICK-UP			
VALET ATTENDANT TRAVEL TIME		VALET ATTENDANT TRAVEL TIME	
Travel Times (Assume 5 ft/s speed)		Travel Times (Assume 15 mph speed)	
To Valet Garage (Walk/Run)		Return from Valet Garage (In Vehicle) to Valet Area	
Distance	Travel Time	Distance	Travel Time
0.0966 miles	1.7 minutes	0.4367 miles	1.7 minutes
Controlled Delay	1.0 Minutes		
Total Time	4.4 Minutes		



## **Attachment D**

## Proposed Weekend (Highest Demand Condition) Peak Hour of Generator

Porte-Cochere: 8955 Collins Avenue to Parking Garage

Arrival Rate	
IN	OUT
7	4

Number of Valet Attendants (N) = 2  
 Level of Confidence = 0.99  
 Storage Provided On-Site = 3 vehicles  
 Total Entering and Exiting Vehicles(q) = 11 veh/hr  
 Service Capacity per N (60 mins/Service Rate) (Q) = 13.44 veh/hr/pos  
 Average Service Rate (t) = 4.46 mins/veh  
 rho (t/Q) = 0.409

Service Rate	
IN	OUT
4.50	4.40

Control Delay =	min
N	
1	
2	
3	

N-1	
0	P(n=0)= 1.000
1	P(n=1)= 0.818
2	P(n=2)= 0.000

Expected (avg.) number of vehicles in the system	E(m)=	0.16
Expected (avg.) number of vehicles waiting in queue	E(n)=	0.98
Mean time in the queue	E(w)=	0.90 mins
Mean time in system	E(t)=	5.36 mins

Proportion of customers who wait (P) (E(w) > 0)= 23.76%  
 Probability of a queue exceeding a length (M) P(x > M)= 1.00%

Queue length which is exceeded 1.00% of the times is equal to 0.1 vehicles

## Proposed Weekend (Typical Demand Condition) Peak Hour of Generator

Porte-Cochere: 8955 Collins Avenue to Parking Garage

Arrival Rate	
IN	OUT
2	1

Number of Valet Attendants (N) = 1  
 Level of Confidence = 0.99  
 Storage Provided On-Site = 5 vehicles

Total Entering and Exiting Vehicles(q) = 3 veh/hr  
 Service Capacity per N (60 mins/Service Rate) (Q) = 13.43 veh/hr/pos  
 Average Service Rate (t) = 4.47 mins/veh  
 rho (t/Q) = 0.223

Service Rate	
IN	OUT
4.50	4.40

Control Delay =	min
	N
	1
	2

N-1

0	P(n=0)=	1.000
1	P(n=1)=	0.000

Expected (avg.) number of vehicles in the system	E(m)=	0.06
Expected (avg.) number of vehicles waiting in queue	E(n)=	0.29
Mean time in the queue	E(w)=	1.28 mins
Mean time in system	E(t)=	5.75 mins

Proportion of customers who wait (P) (E(w) > 0)= 22.33%  
 Probability of a queue exceeding a length (M) P(x > M)= 1.00%

Queue length which is exceeded 1.00% of the times is equal to 0.1 vehicles

# **VOLUNTARY PROFFER**

Carter N. McDowell  
Tel 305-350-2355  
Fax 305-351-2239  
cmcdowell@bilzin.com

October 7, 2016

Guillermo Olmedillo  
Town Manager  
Town of Surfside  
9293 Harding Avenue  
Surfside, FL 33154

**Re: Voluntary Proffer for ASRR Suzer Project at 8955 Collins Avenue**  
**Project No.: 08-1763.26**

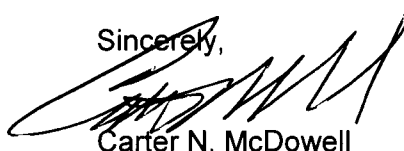
Dear Mr. Olmedillo:

This firm represents ASRR Suzer 8955 LLC, the applicant ("Applicant") and owner of the property located at 8955 and 8926 Collins Ave and 8943 Harding Avenue in the Town Surfside (the "Property"). As you are aware the Applicant has applied for site plan approval for the development of a residential condominium on the Property (the "Project").

The Project consists of two structures to the east and west of Collins Avenue. The primary 12-story condominium structure located on the eastern lots will contain 16 residential units and associated amenities. This structure will replace the former Winter Garden condominium, which contained approximately 44 residential units. The secondary three-story structure, located on the western lots, will provide the Project's 49 parking spaces along with recreational uses and related facilities.

As the Town has not adopted its own impact fees, in lieu of those impact fees for the Project, as part of its application for Site plan approval the Applicant hereby proffers to make a voluntary contribution of \$10,000 per condominium unit, totaling \$160,000, to the Town of Surfside prior to the issuance of the main building permit for the construction of the Project. The Applicant suggests that these funds be used for recreational improvements to the beach and along the shoreline or pedestrian improvements along the southern portion of Collins Avenue, but leaves the final determination as to the use of these funds for capital improvements to the discretion of the Town Commission. Please do not hesitate to contact me should you have any questions or need additional information.

Sincerely,



Carter N. McDowell

CNM

cc: Sarah Sinatra Gould  
Linda Miller, Esq

MIAMI 5174335.2 82110/47752

# RESOLUTION

**RESOLUTION NO. 17-Z-0\_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE TO PERMIT THE DEVELOPMENT OF PROPERTY LOCATED ON THE EAST AND WEST SIDES OF COLLINS AVENUE WITH THE ADDRESSES OF 8955 COLLINS AVENUE AND 8926 COLLINS AVENUE AND 8943 HARDING AVENUE FOR 16 CONDOMINIUM UNITS AND A PARKING STRUCTURE AND RECREATIONAL AMENITIES WITH CONDITIONS OF APPROVAL; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

**I. RECITALS.**

**WHEREAS**, ASRR SUZER 8955, LLC (“Applicant”), Owners of the properties located at 8955 Collins Avenue and 8926 Collins Avenue and 8943 Harding Avenue, Surfside, FL 33154, with a general location of the east and west sides of Collins Avenue south of 90th Street, Surfside, FL, (the “Property”) submitted an application to the Town of Surfside, Florida (the “Application”) on May 4, 2016, requesting site plan approval for a development of a 12 story tower, housing 16 condominiums and associated amenities and a 3 story parking structure with recreational uses and related facilities; and

**WHEREAS**, the project replaces approximately 58 dwelling units of a previously demolished condominium known as Winter Gardens; and

**WHEREAS**, the project proposes to reduce the total number of existing dwelling units (58) by a net of 42 units for a total of 16 dwelling units, and slightly fewer total bedrooms; and

Plans are on file and may be examined in the Building Department entitled “8955 Collins,” which plans may be modified at a public hearing (hereinafter referred to as the “Plans”) prepared by Kobi Karp Architecture and Interior Design and consisting of 94 Plan sheets.

**Legal Description:**                   **See attached Attachment “A” “Legal Description”**

**ADDRESS:**                           8955 Collins Avenue and 8926 Collins Avenue and  
8943 Harding Avenue, Surfside, FL 33154

**WHEREAS**, on September 1, 2016, the Town’s Development Impact Committee, after notice posted on the Town’s website, met in a televised meeting, reviewed the

Application and made discussed the application and provided guidance to the Applicant regarding the criteria set forth in the Town's Zoning Code; and

**WHEREAS**, on October 27, 2016, the Planning & Zoning Board, at a duly noticed and televised quasi-judicial public hearing, after reviewing the Application and hearing from its professional staff, the Applicant, and members of the public, considered the requirements of the Town Zoning Code and the Application's consistency with the Town of Surfside's Comprehensive Plan and recommended the Application for approval with conditions by the Town Commission; and

**WHEREAS**, on January 19, 2017, the Town Commission, at a duly noticed and televised quasi-judicial public hearing, reviewed the Application and hearing from its professional staff, the Applicant, and members of the public, and considering the recommendation of the Planning & Zoning Board, the requirements of the Town Zoning Code, the Application's consistency with the Town of Surfside's Comprehensive Plan and the substantial competent evidence presented at the hearing.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPLICABLE TO APPLICANT, ITS SUCCESSORS AND/OR ASSIGNS, AS FOLLOWS:**

**II. INCORPORATION OF RECITALS AND FINDINGS OF FACT.**

- A. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.
- B. The Town Commission finds that the proposed Site Plan is in compliance with the requirements and criteria set forth in the applicable Town Code and the Comprehensive Plan, as approved with conditions as stated below.

**III. APPROVAL AND CONDITIONS OF APPROVAL.**

- A. The Applicant's request for approval of the site plan, consisting of 16 condominium units with a 105,277 square foot residential building on the east lot and a 45,535 square foot parking structure with a tennis court on the west lot is approved with conditions.
- B. The following are conditions of approval:
  - 1. The Applicant, its successors and assigns shall comply with all Town laws, ordinances, and resolutions at the time of approval of the site plan.
  - 2. The underground utilities on the approved site plan shall be installed without alternatives. The Applicant shall demonstrate that the underground



utilities will be accommodated in the configuration proposed prior to a foundation permit.

3. The Applicant voluntarily proffers \$160,000 to the Town to address impacts on the infrastructure, to be payable prior to the issuance of the foundation permit for the construction of the Project.
4. All voluntary proffers and commitments made to the Town of Surfside pursuant to the Resolution, including but not limited to those described in these Conditions, shall be binding upon Applicant, its heirs, successors and assigns, and, as to payments, shall be due and payable, or in the event of an action, shall be performed, in strict compliance with the manner and within the time frames set forth in these Conditions and any change in ownership, or modification of the site plan or design, whether substantial or minor in nature, shall not excuse the performance or the payments, all of which are part of the Conditions subject to which the Applicant's request for site plan approval were granted.
5. Sand excavated seaward of the Coastal Construction Control Line shall be subject to the "Beach Sand Quality" regulations pursuant to Chapter 34, Division 2 of the Town's Code of Ordinances.
6. In the event the Applicant obtains a building permit and the permit expires, it shall be required to comply with Section 14.55 entitled "Vacant lots or buildings" of the Town of Surfside Code, including but not limited to the posting of a bond to defray the cost the Town may incur if required to secure and maintain the site, if necessary, and as may be required by the Building Official.
7. The Applicant for this purpose shall provide a bond not to exceed five percent of the construction cost, as required by the Town Building Official. These funds shall be used to secure property and the construction site in the event construction is abandoned, or ceases prior to completion.
8. A bond or equivalent amount of cash, in an amount not to exceed five percent of the construction cost, shall be posted to repair or replace public property damaged during the construction of the project, pursuant to the terms of Section 14.30 of the Town Code. The final determination regarding what property shall be replaced will be in the reasonable determination of the Director of Public Works. The Director of Public Works and the Building Official shall determine the amount jointly. The bond or cash equivalent shall be posted prior to the issuance of the foundation permit. The bonding requirements of this condition and the immediately preceding condition may be satisfied by posting one bond that covers both conditions.

9. The Applicant shall maintain an interactive website during construction and provide for a maximum of 24 hour response complaint/response mechanism for nearby property owners. The website URL will be advertised by the Applicant to Town residents.
10. The Applicant shall comply with calculating the cost of construction and auditing procedures pursuant to Town of Surfside Ordinance No. 16-1656.
11. The Applicant shall maintain all landscaping materials on site in good condition, replacing diseased, dying or dead plant material as necessary so as to present a healthy and orderly appearance at all times. A bond in the amount and duration determined by the Town Manager or designee shall be posted to ensure the survival of landscaping material for one or more years after the Certificate of Occupancy is issued.
12. The Applicant shall improve the public sidewalks with pavers with the design approved by the Town Manager or designee.
13. The Applicant agrees to design the project to be LEED silver certifiable.
14. The Applicant shall submit plans for the construction of an appropriate barrier between the construction site and adjoining properties in order to minimize blowing of sand and dust and construction debris. The Applicant shall comply with the regulations of the Code of the Town of Surfside relating to construction site operations including construction hours and fencing. The Applicant will use its good faith efforts to minimize vibration and noise during construction of the project. Applicant and/or its contractors will assign personnel during construction to minimize sand, dust and debris from vehicles entering Collins Avenue and/or Harding Avenue from the construction site.
15. Sixty days prior to submittal of its request for a demolition permit, Applicant shall submit a demolition plan to Town Manager and Town Building Official that meets all Federal, State, and local requirements and that recycles a minimum of eighty percent (80%) of the demolition material.
16. The Applicant shall provide a chain link construction fence with a windscreen, as required by the Town Code. The windscreen shall display a rendering of the project and be maintained in good condition throughout the construction process until the Certificate of Occupancy is issued.
17. The Applicant shall meet all requirements of the Department of Public Works for the location and design of trash containers prior to the issuance of a building permit. All service roll gates shall be at least 15 feet high and shall be of a decorative design to enhance the aesthetics of the building.

18. The Applicant shall meet all requirements of the Department of Public Works and Miami-Dade County for storm drainage services.
19. The Applicant shall present evidence of a Construction Parking Plan for the provision of off-street parking outside of Town limits or on Applicant's property within the Town, for construction workers during the period of construction of the approved project prior to the issuance of a building permit. The Applicant and the Applicant's general contractor shall direct all workers not to park their vehicles in residential neighborhoods or lease parking spaces from Town residents or park in Town parking lots and Town parking metered spaces. The Construction Parking Plan shall be reviewed and if found satisfactory and approved by the Town Manager prior to the issuance of a building permit.
20. The Applicant and the Applicant's contractors are responsible to enforce the Construction Parking Plan with all employees, contractors and subcontractors. The Applicant shall be fined five hundred dollars (\$500) for each parking ticket issued to construction workers for parking in residential neighborhoods or Town public parking while working on the construction site (limit of one fine per vehicle per day). The construction parking plan shall provide the following:
  - (a) The Applicant agrees that all contractor and subcontractor agreements applicable to this development shall include a separate clause prohibiting construction workers from parking on residential streets or public parking lots and that Applicant shall submit the proposed clause for the approval of the Town Manager or Town Manager Designee within 45 days of the effective date of this Resolution.
  - (b) Applicant shall provide monthly reports to the Town Manager of any problems or complaints with regard to workers parking their vehicles in residential neighborhoods.
  - (c) If the Town Manager deems necessary, the Applicant shall provide more frequent reports and develop additional preventive measures to protect the residential neighborhoods.
21. Any change in ownership of the current property owner, up to and including the turnover of ownership to the condominium association, greater than twenty percent (20%) shall be fully disclosed in writing to the Town Manager and Town Attorney immediately upon said change occurring. Any change of ownership of the project shall not extend or modify any of the dates for payment or performance included in this Resolution or in any related

agreements referenced in this Resolution nor shall any change of ownership modify or excuse or extend any of the payment obligations contained in this Resolution or in any related agreements referenced in this Resolution. All payment obligations and performance obligations of any kind set forth in this Resolution and in these Conditions are binding on the Applicant, its heirs, successors and assigns.

22. The Applicant shall only apply for a Certificate of Occupancy from the Town once compliance with all terms and conditions of this Development Order are met and documented. The Certificate of Occupancy shall be subject to cancellation upon violation of any of the Conditions, in accordance with the law.
23. The Applicant will provide a perpetual, irrevocable easement in favor of the public encumbering the eastern area of the Property, including the area commonly referred to as the “hardpack” with public access up to the Erosion Control Line which includes the beach walking path and the dune (“the “Easement”). The Easement shall be executed by the Applicant prior to the Town Commission approval of the Application and held in escrow by Bilzen Sumberg Baena Price & Axelrod, LLP. Upon the Applicant’s election to proceed under the approval of the Application, the Easement shall be released from escrow and recorded by the Applicant in the Public Records of Miami-Dade County (Attachment “B”).
24. The applicant shall provide a Unity of Title in a form acceptable to the Town Attorney for all parcels included in the site plan to the Town prior to the issuance of the first building permit.
25. The Applicant shall provide water/sewer fees to the Town of Surfside in the amount prescribed in Town Code Section 78-83 and calculated using all fixtures in the buildings. Said fee shall be paid at the issuance of a Building Permit and there shall be no offset for existing fixtures if such offset is prohibited by law. The Applicant shall ensure the Town’s water/sewer infrastructure is ready to receive the approved utility connections referenced in Condition 2 above. At the option of the Town, the Town may allow the Applicant to construct improvements to the Town water/sewer infrastructure and provide a partial credit to the Applicant on the basis of one-half the reasonable cost of improvements.
26. The Applicant shall provide the Town with a detailed schedule for the construction of the project (the “Construction Schedule”) within sixty (60) days of approval of the Application by the Town Commission. Any modification shall be submitted in the same manner.

27. The operation of the tennis courts will be limited to hours no later than 9 p.m. daily.

**IV. SEVERABILITY CLAUSE.**

In the event any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no way affect the remaining portions of this Resolution, which shall remain full force and effect.

**V. EFFECTIVE DATE.**

This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2017.

Motion by \_\_\_\_\_,

Second by \_\_\_\_\_.

FINAL VOTE ON ADOPTION

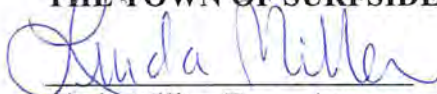
Commissioner Daniel Gielchinsky \_\_\_\_\_  
Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Tina Paul \_\_\_\_\_  
Vice Mayor Barry Cohen \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra Novoa, MMC  
Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICENCY FOR THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Linda Miller, Town Attorney

STATE OF FLORIDA                    )  
COUNTY OF MIAMI-DADE         )

I, Sandra Novoa, MMC, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No.17-Z-\_\_\_\_\_ adopted by the Town Commission at its meeting held on the \_\_\_\_\_ day of January, 2017.  
Issued: \_\_\_\_\_

\_\_\_\_\_  
Sandra Novoa, MMC, Town Clerk

# ATTACHMENT "A"

## Legal Description of Property

Lots 3 and 4 in Block 1A of "2nd Amended Plat of Normandy Beach" according to the Plat thereof as recorded in Plat Book 16 at Page 44 of the Public Records of Miami-Dade County, Florida.

AND

A parcel of land lying East of Block 1-A, "2nd Amended Plat of Normandy Beach" according to the Plat thereof as recorded in Plat Book 16 at Page 44 of the Public Records of Miami-Dade County, Florida; and lying West of the Erosion Control Line as shown on establishment of EROSION CONTROL LINE, according to the Plat thereof, as recorded in Plat Book 105, Page 62, of said Public Records, and Lying South of the Easterly extension of the North line of Lot 3 of said Block 1-A; and lying Northerly of the Easterly extension of the South line of Lot 4 of said Block 1-A.

AND

Lots 13, 14, and 15, LESS the East 10 feet thereof, Block 2, SECOND AMENDED PLAT OF NORMANDY BEACH, according to the Plat thereof, recorded in Plat Book 16, Page 44, of the Public Records of Miami-Dade County, Florida.

AND

Lot 4, Block 2, SECOND AMENDED PLAT OF NORMANDY BEACH, according to the Plat thereof, recorded in Plat Book 16, Page 44, of the Public Records of Miami-Dade County, Florida.

Prepared by and Return To:  
Carter N. McDowell, Esq.  
Bilzin Sumberg Baena Price & Axelrod, LLP  
1450 Brickell Avenue, Suite 2300  
Miami, FL 33131

**GRANT OF PERPETUAL BEACH ACCESS EASEMENT AGREEMENT**

THE GRANT OF PERPETUAL BEACH ACCESS EASEMENT AGREEMENT (the "Agreement") is made as of November 10, 2016 by ASRR SUZER 8955 LLC, a Delaware limited liability company ("Grantor") and the TOWN OF SURFSIDE, FLORIDA, a municipal corporation under the laws of the State of Florida ("Grantee").

**RECITALS**

**WHEREAS**, Grantor is the owner of that certain real property situated, lying and being in the Town of Surfside, Miami-Dade County, Florida more particularly described in Exhibit "A" attached hereto and made apart hereof (the "Property"); and

**WHEREAS**, the Grantor intends to develop a condominium and related improvements on the Property (the "Project") in accordance with the site plan prepared by Kobi Karp Architecture and Interior Design, Citterio-Viel & Partners, and Enea Garden Design, dated October 11, 2016, which was approved by the Town pursuant to Resolution \_\_\_\_\_ on November \_\_\_\_, 2016 (the "Site Plan"); and

**WHEREAS**, Grantee is a municipal corporation authorized under its charter to provide for the general welfare of the people of the Town of Surfside, Florida and in order to provide for the general welfare it deems it necessary to obtain a non-exclusive perpetual easement over and across and the non-exclusive right to utilize that portion of the Property described in Exhibit "B" attached hereto and made a part hereof (the "Easement Parcel") for public recreational uses, as hereinafter provided.

**NOW THEREFORE**, in consideration of ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor and Grantee agree as follows:

1. **Recitals**. The Recitals to this Agreement are true and correct and hereby incorporated by reference and made a part hereof.
2. **Grant of Easement**. Grantor hereby grants and conveys to Grantee a non-exclusive easement over and across and the non-exclusive right to utilize for public beach and recreation uses the Easement Parcel.



3. Improvements by Grantor and Grantee. Grantor and Grantee shall not construct any improvements within the Easement Parcel, other than the sand roadway within the Hard Pack Area, as hereinafter defined.
4. Maintenance of Easement Parcel. Grantee, at its sole cost and expense, shall maintain the Easement Parcel in good condition and repair, as currently maintained by Grantee.
5. Hard Pack Parcel. That portion of the Easement Parcel more particularly described in Exhibit "C" attached hereto and made a part hereof (the "Hard Pack Parcel") is currently improved with a hard pack sand roadway running north and south (the "Hard Pack Area"). Grantor and Grantee agree not to obstruct the Hard Pack Area except as permitted pursuant to Section 7 below.
6. Restrictions. The Easement Parcel shall be used by Grantee and Grantor only for lawful purposes in conformance with all applicable laws and no use or operation shall be made, conducted or permitted which is in violation of any applicable law.
7. Temporary Construction. Grantor reserves the right to utilize the Easement Parcel as reasonably necessary in connection with the construction and maintenance of the Project provided such construction activities shall not unreasonably interfere with the use of the Easement Parcel. Prior to undertaking any construction that utilizes the Easement Parcel, Grantor shall obtain all permits and approvals required by all applicable governmental agencies, including the Town of Surfside, Florida, Miami-Dade County, Florida and the State of Florida.
8. Representation of Grantor. Grantor represents and warrants to Grantee that:
  - A. Grantor owns fee simple title to the Easement Parcel free and clear of all liens and encumbrances other than taxes and assessments which are not now due and payable.
  - B. Grantor is a duly formed company in good standing in the State of Florida.
  - C. Grantor is duly authorized to execute and deliver this Agreement and all company action required to authorize the execution of this Agreement by Rotem Rosen and Danny Avidan as authorized signatories on behalf of Grantor has been taken.
  - D. This Agreement is the valid and binding obligation of Grantor enforceable in accordance with its terms.
9. Condominium Association. Grantor covenants and agrees that this Agreement shall be binding upon the condominium association and the condominium association shall become the successor Grantor.
10. Covenant Running with Land. All covenants, conditions, restrictions, reservations and other provisions contained in this Agreement shall constitute covenants

running with the land and shall be binding on the parties hereto and their successors or assigns.

11. Public Access. The Easement Parcel shall be used in perpetuity for the uses herein authorized; provided, however, that Grantee may determine by resolution of the Town of Surfside, Florida after a duly advertised public hearing that it is in the best interest of the health, safety and welfare of the public to discontinue such use, in whole or part, in which case the Grantee shall execute an amendment or termination of this Agreement, as appropriate. This Agreement may not be terminated, modified or amended except by an instrument in writing signed by the parties.
12. Limitation of Liability. To the extent applicable, the easement granted by Grantor pursuant to this Agreement is for outdoor recreational purposes in accordance with Section 375.251, Florida Statutes and Grantor's liability shall be limited in accordance with the provisions of that statute, to the extent applicable.
13. No Joint Venture. Nothing in this Agreement shall be deemed or construed by either party or by any third person to create the relationship of principal and agent or of limited or general partners or of joint ventures or of any other association or agency relationship between the parties.
14. Entire Agreement. This Agreement contains the complete understanding and agreement of the parties hereto with respect to the easements granted herein, and all prior representations, negotiations, and understandings are superseded hereby.
15. Headings. The section headings are for convenience only and do not define, modify or limit any of the terms and provisions hereof. The parties hereto acknowledge that the terms and provisions of this Agreement have been fully negotiated between the parties and that each party has been afforded the opportunity to engage, if such party desires, legal counsel to assist in the preparation, negotiation, and drafting of this Agreement. Accordingly, the terms and provisions of this Agreement shall not be interpreted for or against either party as the drafting party. The terms "herein", "hereby", "hereof", "hereto", "hereunder" and any similar terms refer to this Agreement in its entirety and not solely to the particular section or paragraph in which the term is used.

[Signatures appear on following pages]

Signed, witnessed, executed and acknowledged this 31 day of October, 2016.

WITNESSES:

GRANTOR:

Allison Davis

Signature

Allison Davis

Print Name

Isabelle Bassalian

Signature

Isabelle Bassalian

Print Name

**ASRR SUZER 8955 LLC**, a Delaware limited liability company

By:

[Signature]

Name: Rotem Rosen

Title: Authorized Signatory

STATE OF NEW YORK     )  
  ) SS  
COUNTY OF NEW YORK    )

The foregoing instrument was acknowledged before me this 31 day of October, 2016, by Rotem Rosen as an Authorized Signatory of ASRR Suzer 8955 LLC, a Delaware limited liability company. Personally Known \_\_\_\_\_ or Produced Identification \_\_\_\_\_. Type of Identification Produced: \_\_\_\_\_.

Patricia M. Lemanski  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01LE6113145  
Qualified in New York County  
Commission Expires July 19, 2020

[Signature]

Print or Stamp Name: \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
Commission No.: N/A  
My Commission Expires:

Signed, witnessed, executed and acknowledged this 31 day of October, 2016.

WITNESSES:

GRANTOR:

[Signature]  
Signature

**ASRR SUZER 8955 LLC**, a Delaware limited liability company

Allison Davis  
Print Name

By: [Signature]  
Name: Danny Avidan  
Title: Authorized Signatory

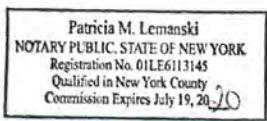
[Signature]  
Signature

Isabelle Bassalian  
Print Name

STATE OF NEW YORK     )  
  ) SS  
COUNTY OF NEW YORK    )

The foregoing instrument was acknowledged before me this 31 day of October, 2016, by Danny Avidan as an Authorized Signatory of ASRR Suzer 8955 LLC, a Delaware limited liability company. Personally Known  or Produced Identification . Type of Identification Produced: \_\_\_\_\_

[Signature]  
Print or Stamp Name: \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
Commission No.: N/A  
My Commission Expires: \_\_\_\_\_



**JOINDER BY LENDER**

BANK LEUMI USA, New York banking corporation, and beneficiary under that certain Negative Pledge from ASRR SUZER 8955 LLC, a Delaware limited liability company, recorded at the Office of the County Clerk of Miami-Dade County as CFN 20160284046 Book 30075 Pages 4135-4141 and covering all/or a portion of the property described in the foregoing Beach Access Easement Agreement, does hereby acknowledge that the terms of this Beach Access Easement Agreement are and shall be binding upon the undersigned and its successors and assigns.

Witnesses:

[Signature]

Print name: Christopher Greys

[Signature]

Print name: Chad Polito

**BANK LEUMI USA**, New York corporation

By: [Signature]

Print Name: Roland M. Castellan

Print Title: Vice President

Date: 10/31/2016

STATE OF New York

COUNTY OF New York

The foregoing instrument was acknowledged before me on October 31, 2016, by Roland Castellan the Vice President of BANK LEUMI USA, a New York corporation, on behalf of the bank. He/she is personally known to me or has produced \_\_\_\_\_ as identification.

SEAL Diana DeCastro  
Notary Public, State of New York  
No. 01DE6334862  
Qualified in New York County  
Commission Expires Dec. 21, 2019

[Signature]  
Notary Public, State of New York  
Print Name: Diana De Castro  
Commission Expires: 12/21/19

ATTEST:

GRANTEE:

**TOWN OF SURFSIDE**, a Florida municipal corporation

\_\_\_\_\_  
Sandra Novoa, CMC  
Town Clerk

APPROVED AS TO FORM LEGALITY  
FOR USE AND RELIANCE OF THE  
TOWN OF SURFSIDE, FLORIDA

\_\_\_\_\_  
Guillermo Olmedillo  
Town Manager

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Date

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

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by Guillermo Olmedillo as Town Manager of the Town of Surfside, a Florida municipal corporation. He is personally known \_\_\_\_ or produced identification \_\_\_\_\_. Type of identification produced: \_\_\_\_\_.

\_\_\_\_\_  
Print or Stamp Name:  
Notary Public, State of \_\_\_\_\_  
Commission No.: N/A  
My Commission Expires:

**EXHIBIT "A"**

**Legal Description of Property**

Lots 3 and 4 in Block 1A of "2nd Amended Plat of Normandy Beach" according to the Plat thereof as recorded in Plat Book 16 at Page 44 of the Public Records of Miami-Dade County, Florida.

AND

A parcel of land lying East of Block 1-A, "2nd Amended Plat of Normandy Beach" according to the Plat thereof as recorded in Plat Book 16 at Page 44 of the Public Records of Miami-Dade County, Florida; and lying West of the Erosion Control Line as shown on establishment of EROSION CONTROL LINE, according to the Plat thereof, as recorded in Plat Book 105, Page 62, of said Public Records, and Lying South of the Easterly extension of the North line of Lot 3 of said Block 1-A; and lying Northerly of the Easterly extension of the South line of Lot 4 of said Block 1-A.

AND

Lots 13, 14, and 15, LESS the East 10 feet thereof, Block 2, SECOND AMENDED PLAT OF NORMANDY BEACH, according to the Plat thereof, recorded in Plat Book 16, Page 44, of the Public Records of Miami-Dade County, Florida.

AND

Lot 4, Block 2, SECOND AMENDED PLAT OF NORMANDY BEACH, according to the Plat thereof, recorded in Plat Book 16, Page 44, of the Public Records of Miami-Dade County, Florida.

## EXHIBIT "B"

### LEGAL DESCRIPTION: Easement Area

A portion of land lying East of Lots 3 and 4, Block 1-A, SECOND AMENDED PLAT OF NORMANDY BEACH, according to the Plat thereof, as recorded in Plat Book 16 at Page 44, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Lot 3; thence N 86°56'03" E along the North line of said Lot 3 and its Easterly extension thereof for 311.62 feet to the Point of Beginning of the hereinafter described Easement Area; thence continue N 86°56'03" E along said Easterly extension of the North line of Lot 3 for 36.15 feet; thence S 05°35'53" E along the Erosion Control Line of the Atlantic Ocean, according to the plat thereof, as recorded in Plat book 105 at Page 62, of said Public Records of Miami-Dade County, Florida for 100.09 feet; thence S 86°56'03" W along the Easterly extension of the South line of said Lot 4 for 36.62 feet; thence N 07°01'39" W for 15.20 feet; thence N 06°24'13" W for 35.16 feet; thence N 03°16'16" W for 15.17 feet; thence N 02°13'42" W for 20.81 feet; thence N 05°16'05" W for 5.37 feet; thence N 09°09'29" W for 8.43 feet to the Point of Beginning.

### SURVEYOR'S NOTES:

- This site lies in Section 35, Township 52 South, Range 42 East, Town of Surfside, Miami-Dade County, Florida.
- Bearings hereon are referred to an assumed value of S 04°25'48" E for the East right of way line of Collins Avenue.
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #2016-053.

### SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on October 31, 2016, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper"

FORTIN, LEAVY, SKILES, INC., LB3653

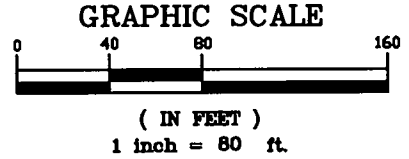
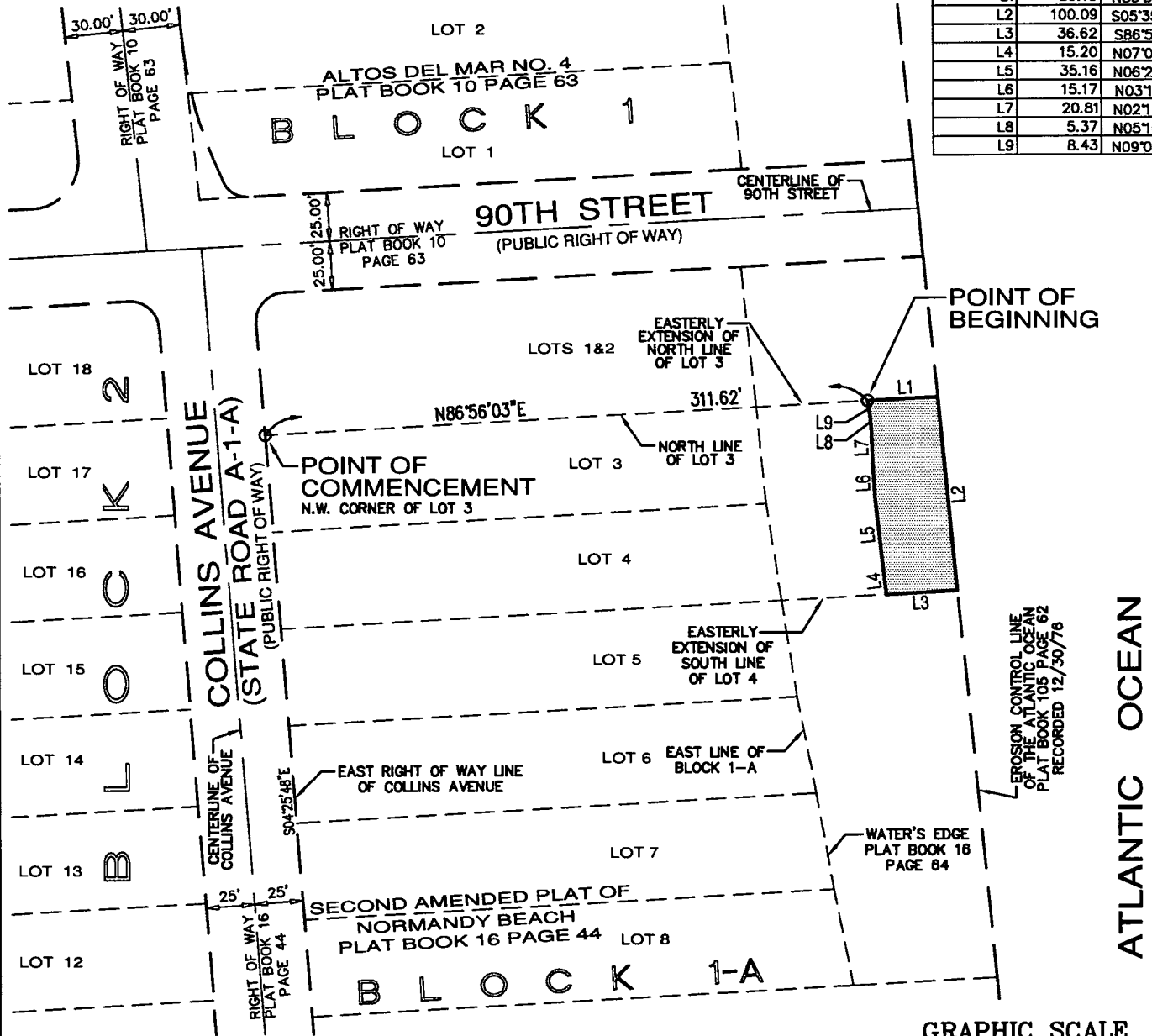
By: \_\_\_\_\_  
Daniel C. Fortin, For The Firm  
Surveyor and Mapper, LS2853  
State of Florida.

<b>Drawn By</b> MAP	<b>LEGAL DESCRIPTION, NOTES &amp; CERTIFICATION</b>	<b>Date</b> 10/31/16
<b>Cad. No.</b> 130345		<b>Scale</b> NOT TO SCALE
<b>Ref. Dwg.</b> 2016-053		<b>Job. No.</b> 161331
<b>Plotted:</b> 10/31/16 11:12a		<b>Dwg. No.</b> 1016-090-1
	<b>FORTIN, LEAVY, SKILES, INC.</b> CONSULTING ENGINEERS, SURVEYORS & MAPPERS FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653 180 Northeast 168th. Street / North Miami Beach, Florida. 33162 Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com	<b>Sheet</b> 1 of 3



# EXHIBIT "B"

LINE TABLE		
LINE	LENGTH	BEARING
L1	36.15	N86°56'03"E
L2	100.09	S05°35'53"E
L3	36.62	S86°56'03"W
L4	15.20	N07°01'39"W
L5	35.16	N06°24'13"W
L6	15.17	N03°16'16"W
L7	20.81	N02°13'42"W
L8	5.37	N05°16'05"W
L9	8.43	N09°09'29"W



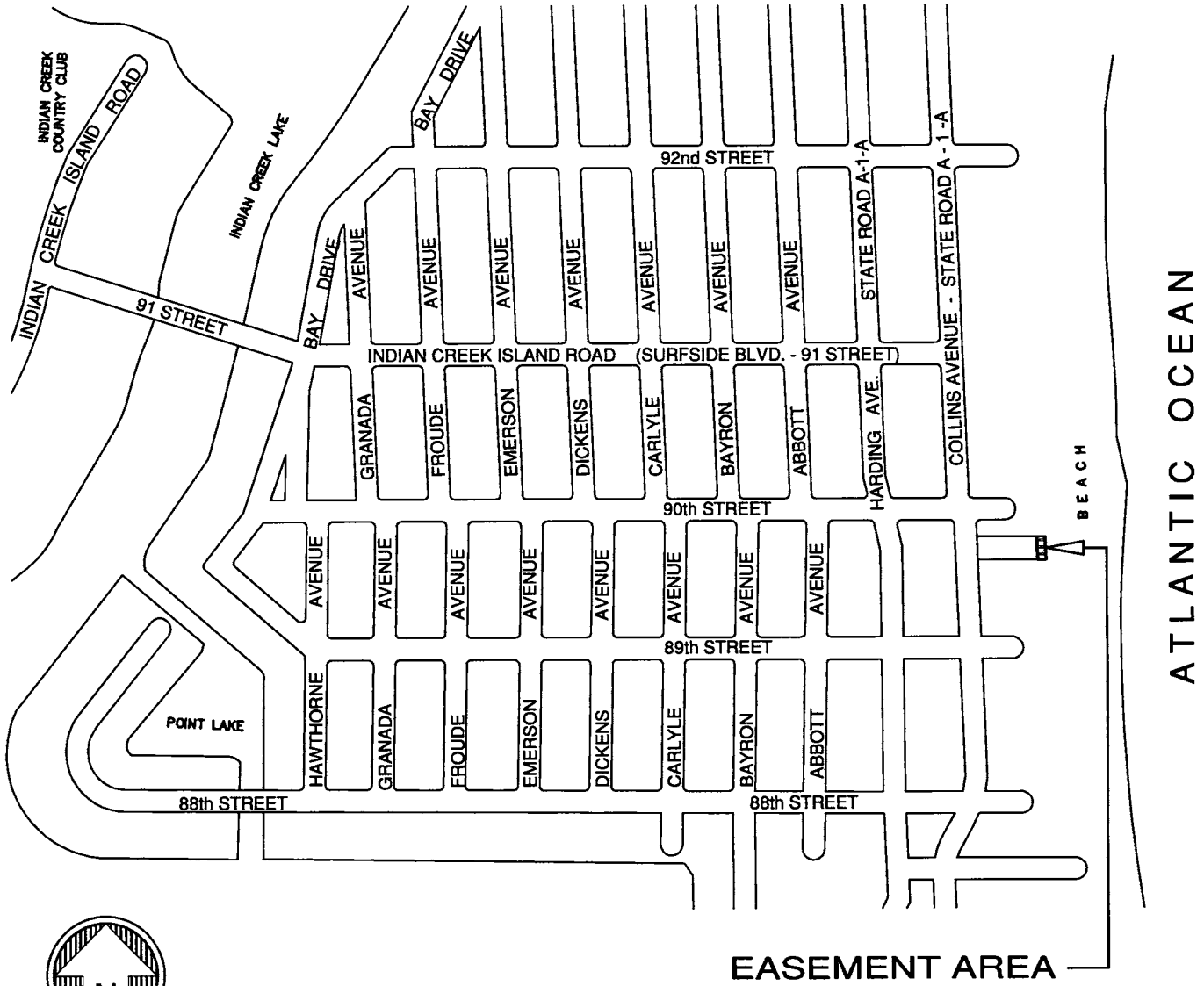
Drawn By	MAP
Cad. No.	130345
Ref. Dwg.	2016-053
Plotted:	10/31/16 11:20

**SKETCH OF DESCRIPTION**

**FORTIN, LEAVY, SKILES, INC.**  
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS  
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653  
 180 Northeast 168th. Street / North Miami Beach, Florida. 33162  
 Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	10/31/16
Scale	1"=80'
Job. No.	161331
Dwg. No.	1016-090-1
Sheet	2 of 3

EXHIBIT "B"



EASEMENT AREA

Drawn By	MAP
Cad. No.	130345
Ref. Dwg.	2016-053
Plotted:	10/31/16 11:12

**LOCATION SKETCH**

**FORTIN, LEAVY, SKILES, INC.**  
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS  
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653  
 180 Northeast 168th. Street / North Miami Beach, Florida. 33162  
 Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	10/31/16
Scale	NOT TO SCALE
Job. No.	161331
Dwg. No.	1016-090-1
Sheet	3 of 3

## EXHIBIT "C"

### LEGAL DESCRIPTION: Hard Pack Area

A portion of land lying East of Lots 3 and 4, Block 1-A, SECOND AMENDED PLAT OF NORMANDY BEACH, according to the Plat thereof, as recorded in Plat Book 16 at Page 44, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Lot 3; thence N 86°56'03" E along the North line of said Lot 3 and its Easterly extension thereof for 311.62 feet to the Point of Beginning of the hereinafter described Hard Pack Area; thence continue N 86°56'03" E along said Easterly extension of the North line of Lot 3 for 14.24 feet; thence S 05°29'47" E for 33.57 feet; thence S 06°02'00" E for 66.53 feet; thence S 86°56'03" W along the Easterly extension of the South line of said Lot 4 for 15.16 feet; thence N 07°01'39" W for 15.20 feet; thence N 06°24'13" W for 35.16 feet; thence N 03°16'16" W for 15.17 feet; thence N 02°13'42" W for 20.81 feet; thence N 05°16'05" W for 5.37 feet; thence N 09°09'29" W for 8.43 feet to the Point of Beginning.

### SURVEYOR'S NOTES:

- This site lies in Section 35, Township 52 South, Range 42 East, Town of Surfside, Miami-Dade County, Florida.
- Bearings hereon are referred to an assumed value of S 04°25'48" E for the East right of way line of Collins Avenue.
- Lands shown hereon were not abstracted for easements and/or rights-of-way of records.
- This is not a "Boundary Survey" but only a graphic depiction of the description shown hereon.
- Dimensions shown hereon are based on Fortin, Leavy, Skiles, sketch #2016-053.

### SURVEYOR'S CERTIFICATION:

I hereby certify that this "Sketch of Description" was made under my responsible charge on October 31, 2016, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

"Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper"

FORTIN, LEAVY, SKILES, INC., LB3653

By: \_\_\_\_\_  
Daniel C. Fortin, For The Firm  
Surveyor and Mapper, LS2853  
State of Florida.

Drawn By	MAP
Cad. No.	130345
Ref. Dwg.	2016-053
Plotted:	10/31/16 11:12a

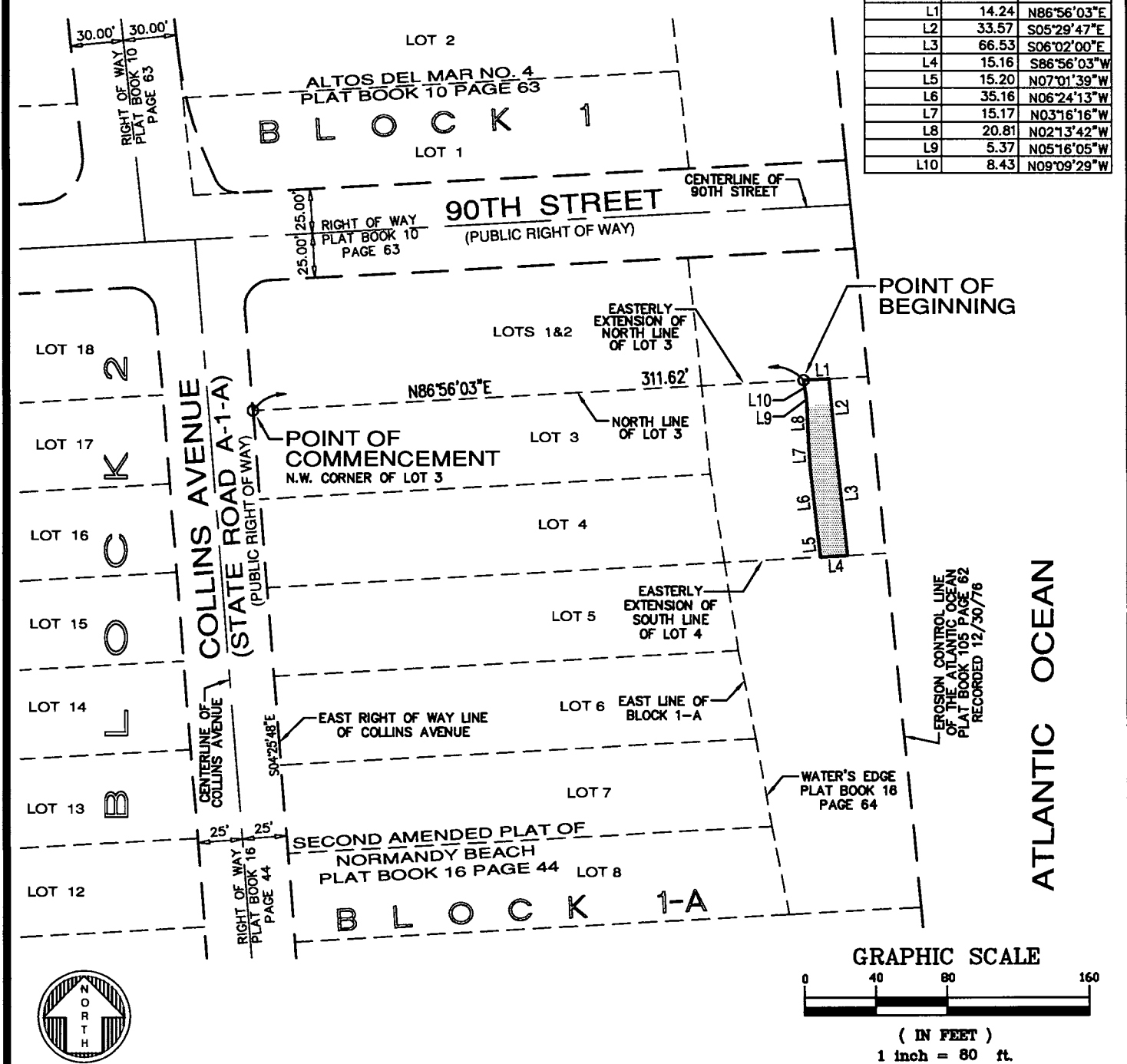
### LEGAL DESCRIPTION, NOTES & CERTIFICATION

**FORTIN, LEAVY, SKILES, INC.**  
CONSULTING ENGINEERS, SURVEYORS & MAPPERS  
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653  
180 Northeast 168th. Street / North Miami Beach, Florida. 33162  
Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	10/31/16
Scale	NOT TO SCALE
Job. No.	161331
Dwg. No.	1016-090-2
Sheet	1 of 3

# EXHIBIT "C"

LINE TABLE		
LINE	LENGTH	BEARING
L1	14.24	N86°56'03"E
L2	33.57	S05°29'47"E
L3	66.53	S06°02'00"E
L4	15.16	S86°56'03"W
L5	15.20	N07°01'39"W
L6	35.16	N06°24'13"W
L7	15.17	N03°16'16"W
L8	20.81	N02°13'42"W
L9	5.37	N05°16'05"W
L10	8.43	N09°09'29"W



Drawn By	MAP
Cad. No.	130345
Ref. Dwg.	2016-053
Plotted:	10/31/16 11:12

**SKETCH OF DESCRIPTION**

**FORTIN, LEAVY, SKILES, INC.**  
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS  
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653  
 180 Northeast 168th. Street / North Miami Beach, Florida. 33162  
 Phone: 305-653-4493 / Fax 305-651-7152 / Email fls@flssurvey.com

Date	10/31/16
Scale	1"=80'
Job. No.	161331
Dwg. No.	1016-090-2
Sheet	2 of 3

EXHIBIT "C"



HARD PACK AREA

ATLANTIC OCEAN

Drawn By	MAP
Cad. No.	130345
Ref. Dwg.	2016-053
Plotted:	10/31/16 11:12a

LOCATION SKETCH

**FORTIN, LEAVY, SKILES, INC.**  
 CONSULTING ENGINEERS, SURVEYORS & MAPPERS  
 FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653  
 180 Northeast 168th. Street / North Miami Beach, Florida. 33162  
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Date	10/31/16
Scale	NOT TO SCALE
Job. No.	161331
Dwg. No.	1016-090-2
Sheet	3 of 3

# **SITE PLAN PACKAGE**

**AVAILABLE FOR  
REVIEW IN THE  
CLERK'S OFFICE**



# Town of Surfside Commission Communication

**Agenda Date:** January 19, 2017

**Subject:** 9300-9380 Collins Avenue Townhomes

**From:** Guillermo Olmedillo, Town Manager  
Sarah Sinatra Gould, AICP, Town Planner

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1. Site Plan Report
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7. Traffic Statement and Traffic Engineering Response
8. Site Plan Package

**REQUEST:**

The agent for the applicant, Neisen Kasdin of Akerman, LLP on behalf of the owner, Caton Realty Holdings LLC is proposing a site plan for the construction of 68 townhouse units generally located on the west side of Collins Avenue between 93<sup>rd</sup> Street and 94<sup>th</sup> Street with the addresses of 9300-9380 Collins Avenue. There were approximately 100 multifamily units within this property. The units have either already been demolished or will be demolished. The facade of the building at 9340 Collins Avenue will remain to function as the lobby for the townhouses. This building has been designated historic by Miami Dade County. The staff report from the Miami Dade Office of Historic Preservation detailing the conditions of approval from the County is included in this report.

The Development Impact Committee (DIC) met in an open, advertised, televised session on May 23, 2016 to discuss this application. The applicant made proffers to the Town and impacts of the project to the Town were discussed.

The proposed 68 units are three story structures with roof top amenities and forecourts in the fronts of the units. The historic structure will serve as the lobby to the building and a plaque will be affixed to the front of the structure identifying the building as historic.

### **PLANNING & ZONING BOARD MEETING**

The application was heard by the Planning and Zoning Board on July 18, 2016 and it was unanimously recommended for approval by the Board, however, the Board did request that the Applicant meet with neighbors to address their concerns. The neighboring property owners who attended the Planning and Zoning Board meeting expressed concerns over the proposed development. The neighbors had serious concerns about the limitation of air flow due to the building length, the potential of glass reflecting into their properties, the potential of seismic impacts from the construction and numerous additional concerns. The Applicant has met with the neighbors and has offered conditions outlined in the attachment titled "Letter Requesting a Commission Date."

Staff is not aware if the neighbors have accepted these conditions. Further, the applicant has not provided a break or wind tunnel, which is one of the concerns from the neighbors. Lastly, the neighbors have requested a 12 foot tall construction fence. The code limits the height of construction fences to eight feet. Therefore, the applicant shall not exceed the height by eight feet.

### **STAFF RECOMMENDATION**

**Recommendation:** The proposed project meets the requirements of the Town Code, therefore, Staff recommends approval of the application accepting the conditions of approval proposed in the Resolution.

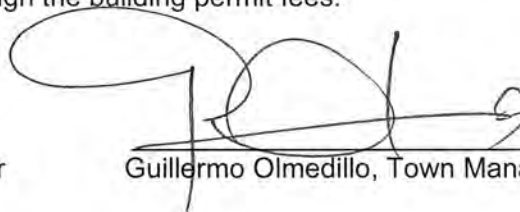
**Budget Impact:** The developer has proffered voluntary contributions listed in the attached memo to mitigate off-site impacts. The total contribution is \$131,000.

**Growth Impact:** The proposed development will have a total of 304,444 gross square feet replacing 81,014 gross square feet that has or will be demolished for an overall increase of 223,430 gross square feet. The maximum density of the property will permit 135 units. The applicant is proposing 68 units, however 100 units were previously existing on this property. Of those units some have already been demolished and the remainder will be demolished during the construction of the townhouses.

**Staff Impact:** The applicant has funded the review through the cost recovery process and the building permit review will be funded through the building permit fees.



\_\_\_\_\_  
Sarah Sinatra Gould, AICP, Town Planner



\_\_\_\_\_  
Guillermo Olmedillo, Town Manager



# **SITE PLAN REPORT**

**SITE PLAN INFORMATION:**

Address	9300-9380 Collins Avenue
General Location	West side of Collins Avenue between 93 <sup>rd</sup> and 94 <sup>th</sup> Streets
Property Size	TOTAL: 2.89 gross acres
Zoning District	H40
Adjacent Zoning Districts	H40 & Municipal to the north, south and west H120 to the east
Future Land Use	Moderate Density Residential Tourist and Parking
Density Permitted	58 dwelling units per acre X 2.73 acres = 158 units X 15%(reduction in density based on aggregation)  TOTAL PERMITTED= 135 dwelling units
Density Proposed	TOTAL PROPOSED: 68 dwelling units
Number of parking spaces	TOTAL Provided: 155 spaces  TOTAL Required: 155 spaces

**ZONING CODE, APPLICABLE REQUIREMENTS****Sec. 90.42**

Minimum Unit Sizes	Minimum Required	Proposed
Two-bedroom	950 square feet	1,695 square feet
Three-bedroom	1150 square feet	1,625 square feet

**Sec. 90.43**

Maximum Building Heights	Maximum Required	Proposed
H40	40 feet maximum	40 feet

**Sec. 90.44**

Modification of Height	Maximum Permitted	Proposed	Must be of high architectural quality integral to the design of the building
H40	12 ft. 10% of roof area	9.8% of roof 12 feet	The mechanical equipment, rooftop decks and parapet walls meet these criteria.

**Sec. 90.45(b)**

<b>Minimum Required Setbacks</b>		<b>Proposed</b>
Front (Collins Avenue)	20 ft	20 ft
Side (93 <sup>rd</sup> and 94 <sup>th</sup> Streets)	10ft – H40 district	10 ft
Rear	10 ft	10 ft

**Sec. 90.47.1 Yards generally, allowable projections**

<b>Required</b>	<b>Proposed</b>
Every part of a required yard shall be open to the sky, except ordinary projections of sills, cornices, roof eaves and ornamental features may project not more than 24 inches into any required yard.	Projections not proposed

**Sec. 90.49**

<b>Lot Standards</b>	<b>Required</b>	<b>Proposed</b>
Minimum Lot width	50 feet	560 Feet
Minimum Pervious area	20%	20%

**Sec. 90.50.1(2)**

<b>Architecture</b>	<b>Required</b>	<b>Proposed</b>
All elevations for new structures and multi-story additions (additions greater than fifteen (15) feet in height)	Minimum of 10% wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades.	Project meets or exceed 10% wall openings
Roof materials are limited as follows:	<ul style="list-style-type: none"> <li>a. Clay Tile; or</li> <li>b. White concrete tile; or</li> <li>c. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color is granted approval by the Design Review Board;</li> <li>d. Architecturally embellished metal if granted approval by the Design Review Board; or</li> <li>e. Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board.</li> </ul>	Roof deck includes a community pool as well as separate roof top terraces for the individual units.

**Sec. 90.50.2 (3)**

<b>Roof Deck Provisions</b>	<b>Required</b>	<b>Proposed</b>
Roof Decks are limited to	a. Maximum 70% of the aggregate roof area;	64 %
	b. Shall not exceed the maximum roof height required by any abutting property's zoning designation;	40 feet
	c. Minimum setback of 10 feet from the roofline on all sides	10 feet with railing provided

**Sec. 90.51(1)**

<b>Maximum frontage of buildings</b>	<b>Required</b>	<b>Proposed</b>
H40	For every 75 feet, a minimum 6 foot change in wall plane.	After 75 feet there is a 6 foot horizontal change in wall plane

**Sec. 90.61.1**

<b>Paving in front and rear yards in H30 &amp; H40 Districts</b>	<b>Required</b>	<b>Proposed</b>
Front setbacks, amount that may be paved with any type of material that is not readily permeable by rainwater and groundwater.	Maximum 50% paved	25%
Front Yard Landscaping	Minimum 30%	57%
Rear Yard Landscaping	Minimum 20%	50%

**Sec. 90.67.2**

	<b>Required</b>	<b>Proposed</b>
<b>Underground utilities</b>	All utilities including telephone, cable, and electrical systems shall be installed underground.	The lines will be installed underground.

**Sec. 90.77(c)**

<b>Off-Street Parking</b>	<b>Minimum Required</b>	<b>Proposed</b>
	155 Spaces	155 Spaces

**Sec. 90.83**

<b>Off-Street Loading</b>	<b>Minimum Required</b>	<b>Proposed</b>
Multifamily building 20,000 – 100,000 square feet	2 space on site	2 spaces

**Sec. 90.91**

<b>Vegetative Provisions</b>	<b>Minimum Required</b>	<b>Proposed</b>
Xeriscape in pervious area	40%	40%

**Sec. 90.91.2**

<b>Buffers</b>	
Landscape buffer adjacent to streets and abutting properties	<b>Application meets or exceeds all requirements.</b>

**Sec. 90.93**

<b>Open Space</b>	<b>Application meets or exceeds all requirements.</b>
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# **DEVELOPMENT IMPACT COMMITTEE REPORT**

## **DEVELOPMENT IMPACT COMMITTEE MEETING**

The Development Impact Committee (DIC)\* met on May 23, 2016 to discuss the application for the 9300-9380 Collins Avenue ("the Project"). The DIC meeting was attended by the following:

Staff Attendees:           Guillermo Olmedillo, Town Manager  
                                  Joe Kroll, Public Works Director  
                                  Linda Miller, Town Attorney  
                                  Jane Graham, Assistant Town Attorney  
                                  Nancy Stroud, Consulting Attorney  
                                  Melissa Baum, Legal Intern  
                                  Sarah Sinatra Gould, Town Planner  
                                  Bill Tesauro, Landscape Reviewer  
                                  Captain Yero, Police  
                                  Tim Millan, Parks and Recreation Director  
                                  Ross Prieto, Building Official  
                                  Duncan Tavares, Director of Tourism, Economic Development &  
                                  Community Services

Applicant Attendees:       Menachem Boymelgreen, Owner  
                                  Neisen Kasdin, Akerman, LLP  
                                  Matthew Barnes, Akerman, LLP  
                                  Alfonso Jurado, Arquitectonica  
                                  Talia Giannone, Arquitectonica

Citizen Attendees (who signed in): None

No additional conditions were suggested as a part of this application.

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**\*NOTE:** The DIC meetings are televised on the Town's Channel 77 and are well on the Town's website and posted on Town Hall.

The following proffers were discussed:

1. A recorded covenant that states that the landscaping material and designed approved per the site plan shall not be modified without a site plan amendment. Materials may be changed out due to maintenance, but shall be reinstalled with the same materials per the approved site plan.
2. The fencing approved on the site plan encroaching into the buffer shall not be modified without a site plan amendment.
3. The underground utilities on the approved site plan shall be installed without alternatives. The applicant shall demonstrate the underground utilities will be accommodated in the configuration proposed prior to a foundation permit.
4. The applicant shall install a plaque on the exterior of the historic building notifying the public of the historic designated building.

The applicant proposed a \$45,000 contribution to the Town.

# **RESOLUTION**



**RESOLUTION NO. 17-Z-0\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN TO PERMIT THE DEVELOPMENT OF PROPERTY LOCATED ON THE WEST SIDE OF COLLINS AVENUE BETWEEN 93RD STREET AND 94TH STREET WITH THE ADDRESSES OF 9300-9380 COLLINS AVENUE FOR 68 TOWNHOUSE UNITS WITH CONDITIONS OF APPROVAL; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

**I. RECITALS.**

**WHEREAS**, CATON REALTY HOLDING, LLC (“Applicant”), Manager of the properties located at 9300, 9316, 9322, 9340, 9348, 9364, 9372, 9380 Collins Avenue, Surfside, FL 33154, with a general location of the west side of Collins Avenue between 93th Street and 94th Street, Surfside, FL, (the “Property”) submitted an “Application” on February 17, 2016, requesting site plan approval from the Town of Surfside, Florida for a development of 68 townhouse units on behalf of multiple owners; and

**WHEREAS**, the Property is currently developed with 100 multifamily units which are proposed to be or have been demolished; and the building façade at 9340 Collins Avenue has been designated as historic by the Miami-Dade County Historic Preservation Board and it will remain and function as the lobby for the townhouse development; and

**WHEREAS**, plans are on file and may be examined in the Building Department entitled “9300-9380 Collins Avenue,” which plans may be modified at a public hearing (hereinafter referred to as the “Plans”) prepared by Arquitectonica consisting of Plan sheets A0.000, A0.101, A0.102, A0.103, A0.104, A0.105, A0.106, A1.100, A1.101, A1.102, A1.103, A1.104, A1.105, A2,101, A3,101, A4.101, R1.101, R1.102, R1.103, R1.104, R1.105, C-1, C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8, C-9, C-10, C-11, TD-1, L-1, L-2, L-3, L-4, L-5, L-6, L-7, L-8, IRR-1, IRR-2, IRR-3.

**Legal Description:** See attached Attachment “A” “Legal Description”

**ADDRESS:** 9300, 9316, 9322, 9340, 9348, 9364, 9372, 9380 Collins Avenue, Surfside, FL 33154

**WHEREAS**, on May 23, 2016, the Town’s Development Impact Committee, after notice posted on the Town’s website, met in a televised meeting, reviewed the Application and discussed the application and provided guidance to the Applicant regarding the criteria set forth in the Town’s Zoning Code; and

**WHEREAS**, on July 18, 2016, the Planning & Zoning Board, at a duly noticed and televised quasi-judicial public hearing, after reviewing the Application and hearing from its professional staff, the Applicant, and members of the public, considered the

requirements of the Town Zoning Code and the Application's consistency with the Town of Surfside Comprehensive Plan and recommended the Application for approval with conditions by the Town Commission; and

**WHEREAS**, on January 19, 2017 the Town Commission, at a duly noticed and televised quasi-judicial public hearing, reviewed the Application from its professional staff, the Applicant, and members of the public, and considering the recommendation of the Planning & Zoning Board, the requirements of the Town Zoning Code, the Application's consistency with the Town of Surfside's Comprehensive Plan, and the substantial competent evidence presented at the hearing.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPLICABLE TO APPLICANT, ITS SUCCESSORS AND/OR ASSIGNS, AS FOLLOWS:**

**I. INCORPORATION OF RECITALS AND FINDINGS OF FACT.**

**A.** All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.

**B.** The Town Commission finds that the proposed Site Plan as conditioned is in compliance with the requirements and criteria set forth in the applicable Town Code and the Comprehensive Plan, and approves the Site Plan with conditions of approval as stated below.

**III. APPROVAL AND CONDITIONS OF APPROVAL.**

**A.** The Applicant's request for approval of the site plan, consisting of 68 townhouse units, is granted with conditions.

This approval incorporates the conditions of approval as provided in the staff report from the Miami-Dade County Office of Historic Preservation, attached as Attachment "B" hereto and made a part hereof.

**B.** The following are conditions of approval:

1. The Applicant, its successors and assigns shall comply with all Town laws, ordinances, and resolutions at the time of approval of the site plan.
2. A recorded covenant that states that the landscaping material and design approved per the site plan shall not be modified without a site plan amendment. Materials may be changed out due to maintenance, but shall be reinstalled with the same materials per the approved site plan.
3. The aluminum fence parallel to Collins Avenue approved on the site plan encroaching into the buffer shall not be modified without a site plan amendment.

4. The underground utilities on the approved site plan shall be installed per the plans on file and any change requires Town Commission approval. The Applicant shall demonstrate that the underground utilities will be accommodated in the configuration proposed prior to a foundation permit.
5. The Applicant shall install a plaque on the exterior of the historic building notifying the public of the historic designated building.
6. Applicant shall meet with the neighboring property owners and provide a place to locate seismic monitors at their neighbors' properties to measure the impact of construction on neighboring properties.
7. Applicant shall provide prominence to the historic building with paint treatments, landscaping and applicable fencing and utilize site triangles to improve the visual exposure of the historic structure.
8. Applicant shall emphasize articulation for the entire façade with the application of a revised contrasting paint scheme.
9. Applicant shall provide samples of glass, wood and materials to be used in this project prior to the Town Commission meeting.
10. Applicant shall provide updated perspective renderings which include the project and the location of neighboring properties for the Town Commission meeting.
11. Applicant shall improve the public sidewalks with pavers with the design approved by the Town Manager or designee. Applicant shall plant the shade trees closer to the sidewalk for the purpose of providing shade.
12. Applicant shall explore options for air flow from the ocean and through the building length.
13. The Applicant offers the following voluntary proffers to the Town, and the Town accepts the proffers, to be paid prior to the issuance of the foundation permit for the construction of the Project:
  - i. Replacement of two police vehicles at \$35,000 each for a total of \$70,000
  - ii. Big Belly Solar trash receptacles, total of \$22,500
  - iii. One new dog station at the Paws Up Dog Park, total of \$8,000
  - iv. The Town may reallocate up to \$30,500 from the voluntary proffers as identified in Condition 13(i-iii) herein to Parks and Recreation or the Community Center
  - v. Applicant proffers an additional \$30,500 to be used for Parks and Recreation or the Community Center

14. All voluntary proffers and commitments made to the Town of Surfside pursuant to the Resolution, including but not limited to those described in these Conditions, shall be binding upon Applicant, its heirs, successors and assigns, and, as to payments, shall be due and payable, or in the event of an action, shall be performed, in strict compliance with the manner and within the time frames set forth in these Conditions and any change in ownership, or modification of the site plan or design, whether substantial or minor in nature, shall not excuse the performance or the payments, all of which are part of the Conditions subject to which the Applicant's request for site plan approval were granted.
15. In the event the Applicant obtains a building permit and the permit expires, it shall be required to comply with Section 14.55 entitled "Vacant lots or buildings" of the Town of Surfside Code, including but not limited to the posting of a bond to defray the cost the Town may incur if required to secure and maintain the site, if necessary, and as may be required by the Building Official.
16. The Applicant for this purpose shall provide a bond not to exceed five percent of the construction cost, as required by the Building Official. These funds shall be used to secure property and the construction site in the event construction is abandoned, or ceases prior to completion.
17. A bond or equivalent amount of cash, in an amount not to exceed five percent of the construction cost, shall be posted to repair or replace public property damaged during the construction of the project, pursuant to the terms of Section 14.30 of the Town Code. The final determination regarding what property shall be replaced will be in the reasonable determination of the Director of Public Works. The Director of Public Works and the Building Official shall determine the amount jointly. The bond or cash equivalent shall be posted prior to the issuance of the foundation permit. The bonding requirements of this condition and the immediately preceding condition may be satisfied by posting one bond that covers both conditions.
18. The Applicant shall maintain an interactive website during construction and provide for a maximum of 24 hour response complaint/response mechanism for nearby property owners. The website URL will be advertised by the Applicant to Town residents.
19. The Applicant shall comply with calculating the cost of construction and auditing procedures pursuant to Town of Surfside Ordinance No. 16-1656.
20. The Applicant shall maintain all landscaping materials on site in good condition, replacing diseased, dying or dead plant material as necessary so as to present a healthy and orderly appearance at all times. A bond in the amount and duration determined by the Town Manager or designee shall be posted to

ensure the survival of landscaping material for one or more years after the Certificate of Occupancy is issued.

21. The Applicant agrees to design the project to be LEED silver certifiable.
22. The Applicant shall submit plans for the construction of an appropriate barrier between the construction site and adjoining properties in order to minimize blowing of sand and dust and construction debris. The Applicant shall comply with the regulations of the Code of the Town of Surfside relating to construction site operations including construction hours and fencing. The Applicant will use its good faith efforts to minimize vibration and noise during construction of the project. Applicant and/or its contractors will assign personnel during construction to minimize sand, dust and debris from vehicles entering Collins Avenue and/or Harding Avenue from the construction site.
23. Sixty days prior to submittal of its request for a demolition permit, Applicant shall submit a demolition plan to Town Manager and Town Building Official that meets all Federal, State, and local requirements and that recycles a minimum of eighty percent (80%) of the demolition material.
24. The Applicant shall provide a chain link construction fence with a windscreen, as required by the Town Code. The windscreen shall display a rendering of the project and be maintained in good condition throughout the construction process until the Certificate of Occupancy is issued.
25. The Applicant shall meet all requirements of the Department of Public Works for the location and design of trash containers prior to the issuance of a building permit. All service roll gates shall be at least 15 feet high and shall be of a decorative design to enhance the aesthetics of the building.
26. The Applicant shall meet all requirements of the Department of Public Works and Miami-Dade County for storm drainage services.
27. The Applicant shall present evidence of a Construction Parking Plan for the provision of off-street parking outside of Town limits or on Applicant's property within the Town, for construction workers during the period of construction of the approved project prior to the issuance of a building permit. The Applicant and the Applicant's general contractor shall direct all workers not to park their vehicles in residential neighborhoods or lease parking spaces from Town residents or park in Town parking lots and Town parking metered spaces. The Construction Parking Plan shall be reviewed and if found satisfactory and approved by the Town Manager prior to the issuance of a building permit.
28. The Applicant and the Applicant's contractors are responsible to enforce the Construction Parking Plan with all employees, contractors and subcontractors.

The Applicant shall be fined five hundred dollars (\$500) for each parking ticket issued to construction workers for parking in residential neighborhoods or Town public parking while working on the construction site (limit of one fine per vehicle per day). The construction parking plan shall provide the following:

(a) The Applicant agrees that all contractor and subcontractor agreements applicable to this development shall include a separate clause prohibiting construction workers from parking on residential streets or public parking lots and that Applicant shall submit the proposed clause for the approval of the Town Manager or designee within 45 days of the effective date of this Resolution.

(b) Applicant shall provide monthly reports to the Town Manager of any problems or complaints with regard to workers parking their vehicles in residential neighborhoods.

(c) If the Town Manager deems necessary, the Applicant shall provide more frequent reports and develop additional preventive measures to protect the residential neighborhoods.

29. Any change in ownership of the current property owner, up to and including the turnover of ownership to the condominium association, greater than twenty percent (20%) shall be fully disclosed in writing to the Town Manager and Town Attorney immediately upon said change occurring. Any change of ownership of the project shall not extend or modify any of the dates for payment or performance included in this Resolution or in any related agreements referenced in this Resolution nor shall any change of ownership modify or excuse or extend any of the payment obligations contained in this Resolution or in any related agreements referenced in this Resolution. All payment obligations and performance obligations of any kind set forth in this Resolution and in these Conditions are binding on the Applicant, its heirs, successors and assigns.
30. The Applicant shall only apply for a Certificate of Occupancy from the Town once compliance with all terms and conditions of this Development Order are met and documented. The Certificate of Occupancy shall be subject to cancellation upon violation of any of the Conditions, in accordance with the law.
31. The applicant shall provide a Unity of Title in a form acceptable to the Town Attorney for all parcels included in the site plan to the Town prior to the issuance of the first foundation permit.
32. The Applicant shall provide water/sewer fees to the Town of Surfside in the amount prescribed in Town Code Section 78-83 and calculated using all

fixtures in the buildings. Said fee shall be paid at the issuance of a Building Permit and there shall be no offset for existing fixtures if such offset is prohibited by law. The Applicant shall ensure the Town's water/sewer infrastructure is ready to receive the approved utility connections referenced in Condition 4. At the option of the Town, the Town may allow the Applicant to construct improvements to the Town water/sewer infrastructure and provide a partial credit to the Applicant on the basis of one-half the reasonable cost of improvements.

33. The Applicant shall provide the Town with a detailed schedule for the construction of the project (the "Construction Schedule") within sixty (60) days of approval of the Application by the Town Commission. Any modification shall be submitted in the same manner.

**IV. SEVERABILITY CLAUSE.**

In the event any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no way affect the remaining portions of this Resolution, which shall remain full force and effect.

**V. EFFECTIVE DATE.**

This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Motion by \_\_\_\_\_

Second by \_\_\_\_\_

**FINAL VOTE ON ADOPTION**

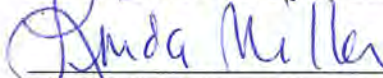
Commissioner Daniel Gielchinsky \_\_\_\_\_  
Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Tina Paul \_\_\_\_\_  
Vice Mayor Barry Cohen \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra Novoa, MMC  
Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR  
THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Linda Miller, Town Attorney

STATE OF FLORIDA                    )  
COUNTY OF MIAMI-DADE        )

I, Sandra Novoa, MMC, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No.17-Z-\_\_\_\_\_ adopted by the Town Commission at its meeting held on the \_\_\_\_\_ day of January, 2017.

Issued: \_\_\_\_\_

\_\_\_\_\_  
Sandra Novoa, MMC  
Town Clerk



Attachment "A"

Legal Description:

LOTS 1 THROUGH 12 AND LOT 19, INCLUSIVE, BLOCK 3, "ALTOS DEL MAR NO 5", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 92, OR THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA.

# ATTACHMENT "B"



miamidade.gov

Regulatory and Economic Resources Department  
Office of Historic Preservation  
111 NW 1<sup>st</sup> Street, Mailbox 114 • 12<sup>th</sup> Floor  
Miami, Florida 33128  
T 305-375-4958

February 26, 2016

9340 Collins Avenue LLC  
3921 Alton Road, Suite 138  
Miami Beach, FL 33140

RE: Renovation of Bougainvillea Apartments, Special COA #2016-03-S

Dear Property Owner:

On February 24, 2016, the Miami-Dade County Historic Preservation Board approved the Special Certificate of Appropriateness (COA) application for the renovation and incorporation of Bougainvillea Apartments, located at 9340 Collins Avenue, Surfside, FL, into a new development, provided the following conditions are met:

1. The Property Owner shall, in collaboration with County Historic Preservation Staff, produce a high-quality heritage tourism brochure focused on the history of the Town of Surfside, to be completed and available for distribution prior to the final Certificate of Occupancy of the development.
2. The Property owner shall provide a publically accessible gallery and interpretive exhibit space, either within the 9340 building or at another suitable, publically accessible space within the Town, including Town Hall or the Community Center. Exhibits shall include historical photographs, memorabilia, timelines, and other materials to adequately educate residents and visitors on Surfside's history and development. Property Owner shall collaborate with County Historic Preservation Staff as to the content of the exhibit.
3. If any discrepancy exists between the plans and the elevations or renderings, actual construction shall defer to the plans.
4. Project layout shall provide a minimum of 8 feet, and preferably 10 feet, between the outermost north and south edges of the historic structure and the enclosed forecourts/patios.

The Miami-Dade County Office of Historic Preservation thanks you for your submittal of the required COA application. COA approvals are valid for one year. If the work approved in this COA has not begun by February 24, 2017, contact our office to apply for an extension. Please do not hesitate to contact us with any additional questions.

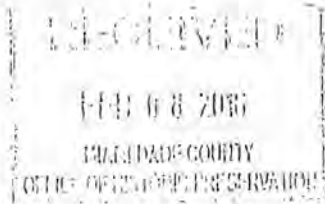
Sincerely,

A handwritten signature in black ink that reads "Sarah K. Cody".

Sarah K. Cody

Historic Preservation Planner  
Miami-Dade County

Cc: Mr. Matthew A. Barnes, AICP, Akerman LLP  
Sarah Sinatra Gould, Town Planner, Surfside



OFFICE OF HISTORIC AND ARCHAEOLOGICAL RESOURCES  
 111 NW 1<sup>st</sup> STREET, MAILBOX 695  
 MIAMI, FL 33128  
 (305) 375-4958

APPLICATION FOR A  
**CERTIFICATE OF APPROPRIATENESS (COA)**

For Historically Designated Properties, or Properties within Historic Districts

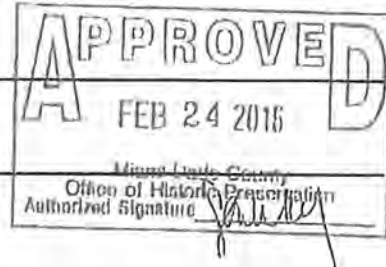
**I. PROPERTY INFORMATION** INFORMACIÓN DE LA PROPIEDAD

ADDRESS (Dirección) 9340 Collins Avenue CITY (Ciudad) Surfside ZIP (Zip) 33154

SITE DESIGNATION NAME (if applicable) (Nombre del Edificio) Bougainvillea Apartments

DISTRICT NAME (if applicable) (Nombre del Distrito) not applicable

FOLIO NUMBER (Número de Folio) 14-2235-006-0260



**II. APPLICANT INFORMATION** INFORMACIÓN DEL SOLICITANTE

NAME OF OWNER (Nombre de Dueño) 9340 Collins Ave, LLC PHONE (teléfono) 786-802-7980

ADDRESS (Dirección) 3921 Alton Road, Suite 138 Miami Beach, FL 33140 EMAIL (correo electrónico) mboymelgreen@gmail.com

NAME OF APPLICANT (if other than owner) (Nombre del Solicitante) Akerman, LLP - Neisen Kasdin

CONTACT PHONE (Teléfono) 305-374-5600 EMAIL neisen.kasdin@akerman.com

APPLICANT IS:  OWNER (Dueño)  RENTER/LEASEE (Inquilino)  CONTRACTOR (Contratista)  LEGAL AGENT (Representante legal)

**FOR OFFICE USE ONLY**  
*Solamente por uso de oficina*

APPLICATION# 2016-03-S DATE RECEIVED 2/14/16 STAFF INITIALS SKC  
 ("R" for Regular, "S" for Special)

APPROVED APPROVAL DATE 2/24/16  
 DENIED  
 APPROVED WITH CONDITIONS BOARD DATE 2/24/16  
 (see attached conditions sheet)



**III. PROJECT TYPE TIPO DE PROYECTO**

PLEASE CHECK ALL THAT APPLY:

*(Por favor marque todos que aplican)*

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> New Construction <i>(construcción nueva)</i>         | <input type="checkbox"/> Paint <i>(pintura)</i>                                |
| <input type="checkbox"/> Restoration/Rehabilitation <i>(restauración)</i>                | <input type="checkbox"/> Repairing Existing <i>(reparación)</i>                |
| <input checked="" type="checkbox"/> Relocation/Moving a Structure <i>(traslado)</i>      | <input type="checkbox"/> Landscaping <i>(arcas verdes)</i>                     |
| <input type="checkbox"/> Demolition <i>(demolición)</i>                                  | <input type="checkbox"/> Interior Work Only<br><i>(Únicamente el interior)</i> |
| <input type="checkbox"/> Excavation/<br>Ground Disturbing Activities <i>(excavación)</i> |  |

**IV. PROJECT DESCRIPTION DESCRIPCIÓN DE PROYECTO**

Please describe in detail the proposed project, including any new construction, demolition, the removal or replacement of existing materials, and all other proposed changes to the current structure. Attach an additional sheet if necessary.

*Por favor describa el proyecto en detalle. Adjuntar pagina adicional si es necesario. Por favor describir el proyecto en ingles.*

See enclosed cover letter.

**CHECK ANY STRUCTURAL SYSTEMS OR ELEMENTS THAT WILL BE AFFECTED BY THIS PROJECT:**

*Marque el sistema estructural o componente que sera afectado por este proyecto:*

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Roof<br><i>(techo)</i>       | <input checked="" type="checkbox"/> Foundation<br><i>(cimiento)</i>                               | <input checked="" type="checkbox"/> Steps or Stairways<br><i>(escaleras)</i>        |
| <input checked="" type="checkbox"/> Windows<br><i>(ventanas)</i> | <input type="checkbox"/> Porches or Porte Cochère<br><i>(portal ó porche)</i>                     | <input checked="" type="checkbox"/> Painting/Finishes<br><i>(pintura/acabado)</i>   |
| <input checked="" type="checkbox"/> Doors<br><i>(puertas)</i>    | <input checked="" type="checkbox"/> Siding/Stucco/Façade Work<br><i>(entablado de exteriores)</i> | <input checked="" type="checkbox"/> Walls/Structural<br><i>(pared ó estructura)</i> |



**V. CHECKLIST OF REQUIRED ATTACHMENTS**

*NOTE: ALL APPLICATIONS MUST BE ACCOMPANIED BY AT LEAST ONE COLOR PHOTO OF THE BUILDING*

**PAINTING YOUR BUILDING**

- Color photos of each side of the building
- Sample Paint Chips of Desired Colors

**NEW FENCING/WALLS/POOL/LANDSCAPING**

- Site plan showing exact location(s) of fence, wall, pool or proposed landscaping
- Elevation drawings of fence, including height dimensions
- Color photographs of where fence, pool or landscaping is to go
- Description of landscaping, including type and placement (if applicable)

**NEW WINDOWS OR DOORS**

- A color photo of each side of the house
- An existing elevation of each side of the house that will have doors or windows replaced
- Elevations showing proposed changes. Be sure to draw the window configurations exactly as they will appear, include all proposed mullions
- Manufacturer's brochure or a catalog picture of the requested window or door and NOA #

**NEW ROOF**

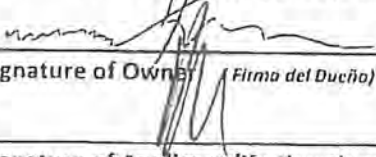

- Color photos of the front of the building and existing roof
- Manufacturer's brochure of requested roof showing color and material and NOA #

**RENOVATIONS/ADDITIONS or NEW CONSTRUCTION**

- Color photos of each side of the building
- Site plan
- Landscape plan, including documentation of any proposed tree removal (if applicable)
- Elevations of all affected facades showing Existing Conditions (11"x17" set of plans)
- Elevations of all affected facades with Proposed Modifications or Additions (11"x17" set)
- Floor Plans
- Manufacturer's brochure or catalog pictures of any new or replacement materials being used in project

**VI. OWNER ATTESTATION**

I certify to the best of my knowledge that all the information provided within this application is correct and accurately portrays the proposed project.

 Signature of Owner <i>(Firma del Dueño)</i>	02/02/2016 Date <i>(Fecha)</i>
 Signature of Applicant (if other than owner) <i>(Firma del Solicitante)</i>	2/03/16 Date <i>(Fecha)</i>

# **APPLICATION AND LETTER OF INTENT**



DRB Meeting	___/___/20__
Application / Plans Due	___/___/20__

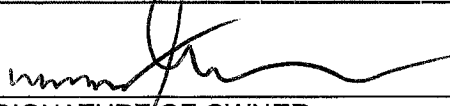
**TOWN OF SURFSIDE  
MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION**

A complete submittal includes all items on the "Multifamily and Non-Residential Site-Plan Application Submission Checklist" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.

<b>PROJECT INFORMATION</b>	
OWNER'S NAME	Caton Realty Holdings, LLC. See Exhibit A for additional ownership information
PHONE / FAX	786-802-7980
AGENT'S NAME	Neisen Kasdin, Akerman LLP
ADDRESS	987 SE 7th Street, 10th Floor, Miami, FL 33131
PHONE / FAX	305-374-5600 / 305-374-5095
PROPERTY ADDRESS	9380, 9372, 9364, 9348, 9340, 9322, 9316 and 9300 Collins Avenue
ZONING CATEGORY	H40
DESCRIPTION OF PROPOSED WORK	demolition of all existing improvements, construction of 3-story residential building see enclosed letter of intent for further details

<b>INTERNAL USE ONLY</b>			
Date Submitted	_____	Project Number	_____
Report Completed	_____	Date	_____
Fee Paid	\$ _____		

<b>ZONING STANDARDS</b>	Required	Provided
Plot Size	_____	_____
Setbacks (F/R/S)	_____ _____ _____	_____ _____ _____
Lot Coverage	_____	_____
Height	_____	_____
Pervious Area	_____	_____


 \_\_\_\_\_ 02/11/16 \_\_\_\_\_ 2/11/16  
 SIGNATURE OF OWNER                      DATE                      SIGNATURE OF AGENT                      DATE



**TOWN OF SURFSIDE**  
**MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION**  
**PLANNING AND ZONING BOARD Rules and Procedures (June 2002)**

The Planning and Zoning Board shall generally meet the last Thursday of each month at 7:00 pm. at Town Hall.

Plans and completed applications (including all supporting documentation) must be submitted to the Building Department at least 21 days prior to the meeting, with the payment of applicable fees (example: \$200.00 for Plan Review for Zoning), at which time they will be considered. Incomplete plans and applications will not be processed.

The applicant or duly authorized agent (per ownership affidavit) must be present at the meeting. If there are no applications for consideration by the Planning and Zoning Board, the monthly meeting may be cancelled at the discretion of the Chairman of the Board.

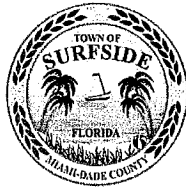
**Please advise the name of the Representative who will attend the hearing on behalf of this application:**

Neisen Kasdin

NAME OF REPRESENTATIVE

DATE





**TOWN OF SURFSIDE**  
**SUBMISSION CHECKLIST**  
**MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION**

Project Name \_\_\_\_\_ Project Number \_\_\_\_\_

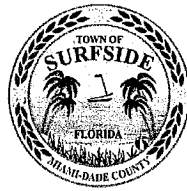
**SUBMITTAL REQUIREMENTS FOR REVIEW:**

- Completed "Multi-Family and Non-Residential Site Plan Application" form
- Application fee: \$12,000 made out to "Town of Surfside"
- Ownership Affidavit
- Recent photographs of the subject property and all abutting, diagonal and fronting properties visible from the street (to be provided prior to Design Review Board Meeting)

**FOR THE FOLLOWING PLEASE PROVIDE:**

- Two (2) full sized sets (24" x 36" sheets) of complete design development drawings signed and sealed
- One (1) CD, with site plan in PDF format, or other common windows based format.
- Provided prior to Design Review Board Meeting - Fifteen (15) reduced sized sets (11" x 17" sheets) of the complete design development drawings
- Site Plan (Minimum scale of 1" = 20').  
*Please show / provide the following:*
  - A legal description, including the section, township, and range or subdivision lot and block.
  - Site boundaries clearly identified, and ties-to-section corners
  - Proposed uses
  - Location and height of all structures and total floor area with dimensions to lot lines, and designations of use
  - Building separations
  - Vehicular circulation system for cars, bicycles, and other required vehicle types, with indication of connection to public rights-of-way
  - Location of all parking and loading areas
  - All adjacent rights-of-way, with indication of ultimate right-of-way line, center line, width, paving width, existing median cuts and intersections, street light poles, and other utility facilities and easements
  - Location of all cross streets and driveways within three hundred fifty (350) feet of property limits
  - Pedestrian circulation system
  - Provider of water and wastewater facilities
  - Existing and proposed fire hydrant location
  - The following computations:
    - Gross acreage
    - Net acreage

Cont.



- Gross acreage covered by the property excluding road easements and rights-of-way, if any
  - Number of dwelling units and density for residential uses only
  - Square footage of ground covered by buildings or structures and designation of use.
  - Required number of parking spaces
  - Number of parking spaces provided
  - Pervious, impervious and paved surface, in square footage and percentage
  - Site Plan location sketch, including section, township, and range, showing adjacent property owners
  - Geometry of all paved areas including centerlines, dimensions, radii, and elevations
  - Location of trash and garbage disposal system and provisions for accessibility to garbage trucks
  - Loading areas and provisions for accessibility to vehicles of the required type
  - Areas for emergency vehicles and fire engines, and provisions for accessibility to vehicles of the required type
  - Number of sets required shall be determined by Town Staff.
  - Other such information as required by the Town.
- Survey. A survey less than one (1) year old (including owner's affidavit that no changes have occurred since the date of the survey). The survey shall be prepared by a Florida registered land surveyor, certified as to meeting the requirements of the applicable Section of the Florida Administrative Code, reflecting existing natural features, such as topography, vegetation, existing paving, existing structures, and water bodies
- Landscape Plan and Irrigation Plan  
Please show / provide the following:
- landscape calculations (required and provided)
  - existing tree survey with indication of existing native vegetation that will be preserved
  - proposed and existing landscaping
- Lighting Plan  
Please show / provide the following:
- photometric measurements
  - Lighting details and spillage onto adjacent properties and rights-of-way
- Sign Plan for all signs which will be on site  
Please show / provide the following:
- Show dimensioned locations and mounting details of signs on building elevations and locations of signs on site plan
  - Note colors, materials, lighting and dimensions
  - Show dimensions and square footages (proposed and existing)
  - Identify materials and colors – background, trim/border, and copy
  - Show fonts and graphics
- Pavement markings and traffic signing plan
- Schematic water and sewer plan  
Please show / provide the following:
- Location and size of all mains and lift stations



Cont.

- Paving and drainage plans  
*Please show / provide the following:*
  - location of all drainage features and retention areas, if any
  
- Architectural Elevations (Minimum scale of 1/8" = 1')  
*Please show / provide the following:*
  - Separate elevations of all sides of existing and proposed buildings with all dimensions, including height.
  - Label exterior materials, color, texture and trim, roof material, Roof color and pitch, windows, doors, screens, skylights and all exposed mechanical equipment and screening
  - Provide color elevations, showing all material finishes, textures and landscaping for all elevations of the proposed building(s) and structure(s), which should include at a minimum:
    - All exterior materials, colors and finishes, keyed to samples provided
    - Roof slopes and materials including specifications and color
    - Detail of doors, windows, garage doors
    - Dimensions of structure(s) - height, width, and length
    - Deck, railing, stairs details including materials, colors, finishes, and decorative details
    - Exposed foundation treatment
    - Gutters and eaves
  
- Provide samples of colors and/or materials mounted on a display board (to be provided prior to Design Review Board Meeting)
  
- Such additional data, maps, plans, or statements as the Town may require to fully describe and evaluate the particular proposed plan

**Exhibit "A"**  
Property Ownership Information

Property Owner	Address	Folio
9380 Collins Ave LLC	9380 Collins Ave	14-2235-006-0300
The Gross Group LLC	9372 Collins Ave	14-2235-006-0290
The Gross Group LLC	9364 Collins Ave	14-2235-006-0280
The Gross Group LLC	9348 Collins Ave	14-2235-006-0270
9340 Collins Ave LLC	9340 Collins Ave	14-2235-006-0260
9316 Collins Avenue LLC	9322 Collins Ave	14-2235-006-0250
9316 Collins Avenue LLC	9316 Collins Ave	14-2235-006-0240
9348 Collins Avenue LLC	9300 Collins Ave	14-2235-006-0220

**Affidavit of Ownership**

I, menachen Boynejoipen, am over the age of 21 and otherwise am *sui juris*, and being duly sworn, allege and state:

- I am a Manager of Caton Realty Holdings, LLC.
- Caton Realty Holdings, LLC is the Manager of 9380 Collins Ave, LLC.
- 9380 Collins Ave, LLC is the owner of the real property located at 9380 Collins Avenue.
- 9380 Collins Avenue is further identified by the Miami-Dade County Property Appraisers Office by Folio Number 14-2235-006-0300 (the "Property").
- I understand that Caton Realty Holdings, LLC is submitting an application to the Town of Surfside for approval of plans to redevelop the Property.
- I hereby authorize Caton Realty Holdings, LLC and its designees, to take the steps necessary to obtain the development approvals for the Property in accordance with said plans.

FURTHER AFFLIANT SAYETH NAUGHT.

[Handwritten Signature]  
signature

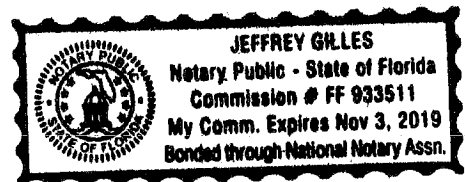
menachen Boynejoipen, Manager of Caton Realty Holdings, LLC

STATE OF FL  
COUNTY OF Dade

The foregoing instrument was acknowledged before me by 2/11/16, who is personally known to me or has produced Driver License as identification.

[Handwritten Signature]  
My commission expires Nov 3, 2019

Notary Public, State of



**Affidavit of Ownership**

I, Menachem Boyanpigen, am over the age of 21 and otherwise am *sui juris*, and being duly sworn, allege and state:

- I am a Manager of Caton Realty Holdings, LLC.
- Caton Realty Holdings, LLC is the Manager of The Gross Group, LLC.
- The Gross Group, LLC is the owner of the real property located at 9372, 9364 and 9348 Collins Avenue.
- 9372, 9364 and 9348 Collins Avenue are further identified by the Miami-Dade County Property Appraisers Office by Folio Numbers 14-2235-006-0290, 14-2235-006-0280 and 14-2235-006-0270, respectively (the "Properties").
- I understand that Caton Realty Holdings, LLC is submitting an application to the Town of Surfside for approval of plans to redevelop the Properties.
- I hereby authorize Caton Realty Holdings, LLC and its designees, to take the steps necessary to obtain the development approvals for the Properties in accordance with said plans.

FURTHER AFFIANT SAYETH NAUGHT.

[Handwritten Signature]  
signature

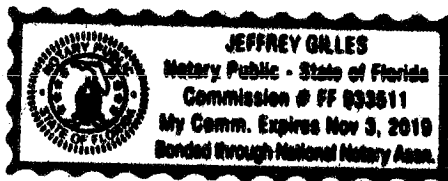
Menachem Boyanpigen, Manager of Caton Realty Holdings, LLC

STATE OF FL  
COUNTY OF Dade

The foregoing instrument was acknowledged before me by 2-11-16, who is personally known to me or has produced Driver License as identification.

My commission expires Nov. 3, 2019

Notary Public, State of



**Affidavit of Ownership**

I, Menachem Boymergreen, am over the age of 21 and otherwise am *sui juris*, and being duly sworn, allege and state:

- I am a Manager of Caton Realty Holdings, LLC.
- Caton Realty Holdings, LLC is the Manager of 9340 Collins Ave, LLC.
- 9340 Collins Ave, LLC is the owner of the real property located at 9340 Collins Avenue.
- 9340 Collins Avenue is further identified by the Miami-Dade County Property Appraisers Office by Folio Number 14-2235-006-0260 (the "Property").
- I understand that Caton Realty Holdings, LLC is submitting an application to the Town of Surfside for approval of plans to redevelop the Property.
- I hereby authorize Caton Realty Holdings, LLC and its designees, to take the steps necessary to obtain the development approvals for the Property in accordance with said plans.

FURTHER AFFIANT SAYETH NAUGHT.

*Menachem Boymergreen*

signature

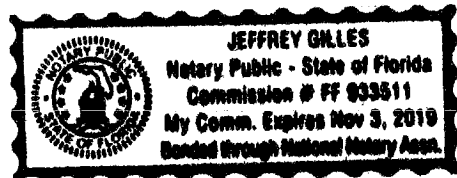
Menachem Boymergreen, Manager of Caton Realty Holdings, LLC

STATE OF FL  
COUNTY OF Dade

The foregoing instrument was acknowledged before me by 2-11-16, who is personally known to me or has produced Driver License as identification.

My commission expires Nov 3, 2019

Notary Public, State of



**Affidavit of Ownership**

I, menachem Boyne 1982, am over the age of 21 and otherwise am *sui juris*, and being duly sworn, allege and state:

- I am a Manager of Caton Realty Holdings, LLC.
- Caton Realty Holdings, LLC is the Manager of 9348 Collins Ave, LLC.
- 9348 Collins Ave, LLC is the owner of the real property located at 9348 Collins Avenue.
- 9348 Collins Avenue is further identified by the Miami-Dade County Property Appraisers Office by Folio Number 14-2235-006-0220 (the "Property").
- I understand that Caton Realty Holdings, LLC is submitting an application to the Town of Surfside for approval of plans to redevelop the Property.
- I hereby authorize Caton Realty Holdings, LLC and its designees, to take the steps necessary to obtain the development approvals for the Property in accordance with said plans.

FURTHER AFFIANT SAYETH NAUGHT.

[Handwritten Signature]

signature

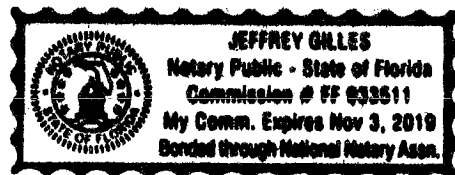
menachem Boyne 1982, Manager of Caton Realty Holdings, LLC

STATE OF FL  
COUNTY OF Dade

The foregoing instrument was acknowledged before me by 2-11-16, who is personally known to me or has produced Driver License as identification.

My commission expires NOV 3, 2016

Notary Public, State of





**Affidavit of Ownership**

I, Menachem Boympigler, am over the age of 21 and otherwise am *sui juris*, and being duly sworn, allege and state:

- I am a Manager of 9316 Collins Avenue, LLC.
- 9316 Collins Ave, LLC is the owner of the real property located at 9322 and 9316 Collins Avenue.
- 9322 and 9316 Collins Avenue are further identified by the Miami-Dade County Property Appraisers Office by Folio Number 14-2235-006-0250 and 14-2235-006-0240 (the "Properties").
- I understand that Caton Realty Holdings, LLC is submitting an application to the Town of Surfside for approval of plans to redevelop the Properties.
- I hereby authorize Caton Realty Holdings, LLC and its designees, to take the steps necessary to obtain the development approvals for the Properties in accordance with said plans.

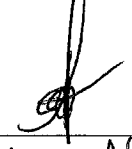
FURTHER AFFIANT SAYETH NAUGHT.

  
signature

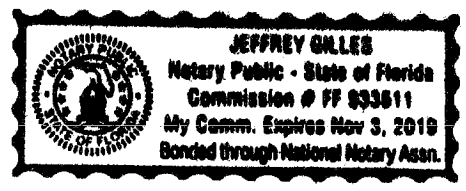
Menachem Boympigler, Manager of 9316 Collins Avenue, LLC

STATE OF FL  
COUNTY OF Dade

The foregoing instrument was acknowledged before me by 2-11-16, who is personally known to me or has produced Driver License as identification.

  
My commission expires Nov 3,

Notary Public, State of



Harland Clarke

CATON REALTY HOLDINGS LLC

PAY TO THE ORDER OF

Town of Surfside

Twelve thousand dollars

\$ 12,000<sup>00</sup> ~~XX~~

DOLLARS

doralbank

For site plan application fee for 9300-9380 Collins Ave

*[Signature]*

DATE 2/12/16

1008

1-730R/0260



Security Printing Remains on Dorsal

⑈001008⑈ ⑆026073082⑆ 0210004545⑈



Akerman LLP  
One Southeast Third Avenue  
Suite 2500  
Miami, FL 33131-1714  
Tel: 305.374.5600  
Fax: 305.374.5095

February 12, 2016

Guillermo Olmedillo  
Town Manager  
Town of Surfside  
9293 Harding Avenue  
Surfside, FL 33154

RE: Site plan review for a proposed project at 9300 – 9380 Collins Avenue

Dear Mr. Olmedillo,

Our firm represents Caton Realty Holdings, LLC (the "Applicant"), the controlling corporate entity of the various companies (see Exhibit "A" of the enclosed site plan application) that own the properties which span from 93<sup>rd</sup> to 94<sup>th</sup> Streets (9300 – 9380 Collins Avenue) facing Collins Avenue, located in Surfside (the "Property").

The proposed building will be three (3) stories tall and contain 68 units, with parking provided below grade. The number of units is less than half of the permitted density under Surfside zoning regulations. The units are aimed at families – the proposed project will provide larger units than what is typically now built in new multifamily buildings.

Until recently, with the demolition of some of the buildings on the Property, the Property had 101 multifamily units. Therefore, in addition to being planned for less than half of the allowable density, the proposed project will reduce actual density by 33 units – a 32 percent reduction.

Furthermore, the prior and existing building on the Property had six (6) separate curb cuts onto Collins Avenue, including a few 90-degree parking spaces that back out directly onto Collins Avenue. The proposed project will eliminate all of the curb cuts on Collins Avenue and consolidate all vehicular access on to 93<sup>rd</sup> Street, thus greatly improving traffic flow, safety and the pedestrian environment on Collins Avenue and appropriately moving traffic on to the side street.

The reduction of the number of units on the Property will also translate to a reduction in traffic. The number of vehicular trips is projected to fall by 31 percent for daily trips and PM peak hour trips and to fall by 28 percent for AM peak hour trips. In terms of real numbers, the daily vehicular trips is expected to decrease by 211 trips per day.

In 2014, the Historic Preservation Board ("HPB") of Miami-Dade County designated the front portion, facing Collins Avenue, of the previously existing Bougainvillea Apartments at 9340

Collins Avenue as a historic site. The remainder of the structure was not designated as a historic site and the preceding owner of the Property received a certificate of appropriateness to demolish the non-designated portion of the Bougainvillea Apartments and demolition has been completed.

The designated façade will serve as the lobby for the proposed building.. Located near the middle of the block, the designated façade will provide a visual focal point and organizing element for the proposed building which spans the length of the entire block. The juxtaposition of the historic façade, with its Streamline Moderne style of curving forms and long horizontal lines, against the proposed architecture that is based off of rectangular shapes, provides a visually interesting focal point and an affirmation of the significance of the preceding historic architectural style of the Bougainvillea Apartments.

The proposed building complies with recent changes to the Surfside zoning regulations, which now require buildings in this zoning district to have "forecourts" along the front façade in order to break up the mass of longer buildings. In fact, the proposed building has taken advantage of the forecourt requirement to place two forecourts on both sides of the designated façade, providing greater views to and visual prominence of the designated façade.

All of the major features of the designated façade will be kept intact, including the eyebrows, the grid pattern above the upper corner windows, the rectangular concrete block vents, the portholes and the vertical fluting. The existing metal railings on the east facing façade are proposed to be matched with silver colored aluminum railings. Also, a glass railing is proposed to be added to the top of the historic façade because the roof of the historic building will be used as an outdoor terrace. The glass railing will extend one-foot above the top of the historic façade. The existing color scheme of the designated façade, which is not original, is proposed to be changed to a neutral, off-white color to be consistent with the color scheme of the proposed building.

We believe the proposed project will provide much needed family sized, multifamily residential units in Surfside and will increase the functionality and safety of Collins Avenue for both pedestrians and motorists. It also incorporates the historic façade in a way that is respectful to the significance of the Bougainvillea Apartments and serves as a centerpiece for the proposed project. We look forward to working with your professional staff during the review of the proposed project.

Sincerely,



Neisen O. Kasdin



Akerman LLP  
Three Brickell City Centre  
98 Southeast Seventh Street  
Suite 1100  
Miami, FL 33131  
Tel: 305.374.5600  
Fax: 305.374.5095

September 8, 2016

Guillermo Olmedillo, Town Manager  
Town of Surfside  
9293 Harding Avenue  
Surfside, FL 33154

**Re: Town Commission Review of Site Plan for Proposed Project at 9300 – 9380  
Collins Avenue**

Dear Mr. Olmedillo:

This letter is intended to serve as a supplement to our prior letter for this project, dated June 14, 2016, which is attached hereto as Exhibit "A" for convenience.

Our firm represents Caton Realty Holdings, LLC (the "Applicant"), the controlling corporate entity of the various companies that own the properties which span from 93<sup>rd</sup> to 94<sup>th</sup> Streets (9300 – 9380 Collins Avenue) facing Collins Avenue, located in the Town of Surfside (the "Property").

The Applicant's proposed site plan was heard and approved by the Town's Planning & Zoning Board ("P&Z") and Design Review Board on July 18. At the P&Z meeting the two neighbors who live behind (to the west) the proposed project raised some concerns over the proposed project and how the construction of the proposed project might affect their existing single-family homes.

Starting the week after the P&Z meeting and over the several weeks that have passed since the P&Z meeting the Applicant has been in touch with the neighbors regarding their specific concerns about the proposed project. The Applicant is pleased to share that they have agreed to the following with the neighbors:

1. The neighbors will be added to all of the Applicant's insurance certificates as an additional insured during the construction of the project and for five (5) years after completion of construction, at the cost of the Applicant. The \$200,000 premium for the additional five years of insurance, which is not required by law, will be borne entirely by the Applicant.

2. The sound from the air conditioning units on the roof of the proposed project will be lower than the existing air conditioning units on the existing buildings.
3. The renderings of the proposed project have been updated to include the depiction of the neighbor's houses.
4. The Applicant will provide mosquito spraying on the neighbors properties to reduce the threat of the transmission of the Zika virus.
5. The Applicant will provide pest control during the demolition of the existing buildings.
6. The Applicant will provide seismic monitors and readers on the Applicant's property within one foot of the common property line between the Applicant's property and the neighbors properties. If the vibrations reach a certain level the sheet piles will be pressed into place.
7. The Applicant will pay for a structural engineer to assess each house.
8. Any damage that occurs to the neighbors' homes due to the activities of the construction will be paid for by the Applicant and fixed within 30 days, providing the repair is not complex and takes longer to perform.
9. The Applicant assured the neighbors that the glass being used in the proposed project is a very low reflective glass and the Applicant will provide a sample to the neighbors for their own analysis.
10. The Applicant will provide a 12-foot tall construction fence around the neighbors properties.
11. The Applicant will provide the environmental test results to the neighbors.
12. The Applicant has provided a contact person and contact information for concerns and help.

Regarding the neighbors concern over the proposed project blocking the flow of wind and breezes across their project and their request to provide a break or wind tunnel in the proposed building, the Applicant tried to convey that wind does not come only from one direction nor will the proposed project completely block all westerly wind patterns. It is also important to note that air flow is not a protected property right under Florida common law. In *Fontainebleau Hotel Corp. v. Forty-Five Twenty-Five, Inc.*, 114 So.2d 357 (Fla. 3d DCA 1959), the District Court found that there is, "... *no legal right to the free flow of light and air from the adjoining land, it is universally held that where a structure serves a useful and beneficial purpose, it does not give rise to a cause of action, either for damages or for an injunction...*"

Prior to filing plans for the proposed project, the Applicant patiently waited for the Town to analyze how best to regulate building configuration and mass along the west side of Collins Avenue in the H40 zoning district. The process stretched back to December of 2014 and after many public hearings and much input from the public, Town staff and appointed and elected officials, final zoning regulations were adopted in January of 2016. Shortly thereafter, in February of 2016 the Applicant applied for site plan approval, adhering to the new zoning standards – no variances are required to build the proposed project. The Applicant's proposed project is the first project in the Town to be designed to meet the standards of the new zoning regulations, which call for bigger breaks in the front façade in the form of forecourts and other variations in the design of the façade in order to prevent monolithic buildings. In short, the Applicant has done everything asked of itself by the Town vis-à-vis the zoning regulations.

We also reiterate the fact that the proposed project represents a reduction in density of 32 percent over what currently exists on the Property and an elimination of all vehicular access points from Collins Avenue, which will greatly enhance the pedestrian environment and vehicular safety. The proposed project also incorporates the historic façade of the Bougainvillea Apartments at 9340 Collins Avenue in a way that was approved by the County Historic Preservation Board.

Even though the proposed project will reduce density and traffic when compared to the existing condition, the Applicant recognizes that there will be some impact to the Town from the new construction and the proposed project. Therefore, in order to mitigate off-site impacts of the proposed project the Applicant makes the following voluntary proffers, to be paid prior to the issuance of a building permit for the proposed project (these proffers reflect the revised, increased proffers made at the P&Z meeting):

1. Replacement of two police vehicles at \$35,000 each for a total of \$70,000;
2. One, three-yard garage container, total of \$22,500;
3. One, new dog station at the Paws Up Dog Park, total of \$8,000;
4. \$30,500 to be used at the discretion of the Town for Parks and Recreation or the Community Center.

**Total proffers of \$131,000 (as per the discussion at the P&Z meeting, the Town may reallocate up to \$30,500 of the proffers volunteered under items 1 – 3 to be used for Parks and Recreation or the Community Center).**

The plans for the proposed project have been revised to incorporate the revisions mandated by the P&Z, and we will make arrangements to have the revised plans delivered to the Town. The Applicant has no further design modifications to make to the proposed project and therefore we respectfully request that the review of the site plan application for the proposed project be placed on a special quasi-judicial agenda of the Town Commission for some time in early October.

The Applicant has satisfied the concerns of the neighbors to the best of its ability. We believe the proposed project will provide much needed, family sized, multifamily residential units in Surfside and will increase the functionality and safety of Collins Avenue for both pedestrians and motorists. It also incorporates the historic façade in a way that is respectful to the significance of the Bougainvillea Apartments and serves as a centerpiece for the proposed project.

Sincerely,



Neisen O. Kasdin

**LETTER REQUESTING A  
COMMISSION DATE**





Akerman LLP  
Three Brickell City Centre  
98 Southeast Seventh Street  
Suite 1100  
Miami, FL 33131  
Tel: 305.374.5600  
Fax: 305.374.5095

June 14, 2016

Guillermo Olmedillo  
Town Manager  
Town of Surfside  
9293 Harding Avenue  
Surfside, FL 33154

**RE: Site plan review for proposed project at 9300 – 9380 Collins Avenue**

Dear Mr. Olmedillo,

Our firm represents Caton Realty Holdings, LLC (the "Applicant"), the controlling corporate entity of the various companies (see Exhibit "A" of the enclosed site plan application) that own the properties which span from 93<sup>rd</sup> to 94<sup>th</sup> Streets (9300 – 9380 Collins Avenue) facing Collins Avenue, located in Surfside (the "Property").

The Property is mostly located in the Moderate Density Residential / Tourist future land use category (2.73 acres), with a small portion (0.16 acres) that fronts onto Harding Avenue being designated Parking on the future land use map. The entire Property is zoned H40. The use of the portion of the Property that fronts onto Harding Avenue will be passive open space that is landscaped.

The proposed building will be three (3) stories tall and contain 68 units, with parking provided below grade. The number of units proposed is approximately half of the permitted density (135 units) under Surfside land use and zoning regulations. The units are targeted for families – the proposed project will provide larger units than what is typically built in new multifamily buildings.

Until recently, with the demolition of some of the buildings on the Property, the Property had 101 multifamily units. Therefore, in addition to being planned for half of the allowable density, the proposed project will reduce actual density by 33 units – a 32 percent reduction.

Furthermore, the prior and existing building on the Property had six (6) separate curb cuts onto Collins Avenue, including a few 90-degree parking spaces that back out directly onto Collins

Avenue. The proposed project will eliminate all of the curb cuts on Collins Avenue and consolidate all vehicular access on to 93<sup>rd</sup> Street, thus greatly improving traffic flow, safety and the pedestrian environment on Collins Avenue and appropriately moving traffic on to the side street.

The reduction of the number of units on the Property will also translate to a reduction in traffic. The number of vehicular trips is projected to fall by 31 percent for daily trips and PM peak hour trips and to fall by 28 percent for AM peak hour trips. The daily vehicular trips is expected to decrease by 211 trips per day.

In 2014, the Historic Preservation Board ("HPB") of Miami-Dade County designated the front portion, facing Collins Avenue, of the previously existing Bougainvillea Apartments at 9340 Collins Avenue as a historic site. The remainder of the structure was not designated as a historic site and the preceding owner of the Property received a certificate of appropriateness to demolish the non-designated portion of the Bougainvillea Apartments and demolition has been completed.

The designated façade will serve as the lobby for the proposed building. Located near the middle of the block, the designated façade will provide a visual focal point and organizing element for the proposed building which spans the length of the entire block. The juxtaposition of the historic façade, with its Streamline Moderne style of curving forms and long horizontal lines, against the proposed architecture that is based off of rectangular shapes, provides a visually interesting focal point and an affirmation of the significance of the preceding historic architectural style of the Bougainvillea Apartments. On February 24, 2016 the HPB approved a certificate of appropriateness for the proposed project.

All of the major features of the designated façade will be kept intact, including the eyebrows, the grid pattern above the upper corner windows, the rectangular concrete block vents, the portholes and the vertical fluting. The existing metal railings on the east facing façade are proposed to be matched with silver colored aluminum railings. Also, a glass railing is proposed to be added to the top of the historic façade because the roof of the historic building will be used as an outdoor terrace. The glass railing will extend one-foot above the top of the historic façade. The existing color scheme of the designated façade, which is not original, is proposed to be changed to a neutral, off-white color to be consistent with the color scheme of the proposed building.

The proposed building complies with recent changes to the Surfside zoning regulations, which now require buildings in this zoning district to have "forecourts" along the front façade in order to break up the mass of longer buildings. In fact, the proposed building has taken advantage of the forecourt requirement to place two forecourts on both sides of the designated façade, providing greater views to and visual prominence of the designated façade. The forecourts are active spaces and each has access into the adjacent unit.

Even though the proposed project will reduce density and traffic, the Applicant recognizes that there will be some impact to the Town from the new construction and the proposed project. Therefore, in order to mitigate off-site impacts of the proposed project the Applicant makes the following voluntary proffers, to be paid prior to the issuance of a building permit for the proposed project:

1. Replacement of two police vehicles at \$35,000 each for a total of \$70,000;
2. One, three-yard garage container, total of \$22,500;
3. One, new dog station at the Paws Up Dog Park, total of \$8,000;

Total proffers of \$100,500.

We believe the proposed project will provide much needed, family sized, multifamily residential units in Surfside and will increase the functionality and safety of Collins Avenue for both pedestrians and motorists. It also incorporates the historic façade in a way that is respectful to the significance of the Bougainvillea Apartments and serves as a centerpiece for the proposed project. We look forward to working with your professional staff during the review of the proposed project.

Sincerely,



Neisen O. Kasdin

**MIAMI DADE OFFICE OF  
HISTORIC PRESERVATION  
STAFF REPORT**



miamidade.gov

**Regulatory and Economic Resources Department**

**Office of Historic Preservation**

111 NW 1<sup>st</sup> Street, Mailbox 114 • 12<sup>th</sup> Floor  
Miami, Florida 33128  
T 305-375-4958

February 26, 2016

9340 Collins Avenue LLC  
3921 Alton Road, Suite 138  
Miami Beach, FL 33140

RE: Renovation of Bougainvillea Apartments, Special COA #2016-03-S

Dear Property Owner:

On February 24, 2016, the Miami-Dade County Historic Preservation Board approved the Special Certificate of Appropriateness (COA) application for the renovation and incorporation of Bougainvillea Apartments, located at 9340 Collins Avenue, Surfside, FL, into a new development, provided the following conditions are met:

1. The Property Owner shall, in collaboration with County Historic Preservation Staff, produce a high-quality heritage tourism brochure focused on the history of the Town of Surfside, to be completed and available for distribution prior to the final Certificate of Occupancy of the development.
2. The Property owner shall provide a publically accessible gallery and interpretive exhibit space, either within the 9340 building or at another suitable, publically accessible space within the Town, including Town Hall or the Community Center. Exhibits shall include historical photographs, memorabilia, timelines, and other materials to adequately educate residents and visitors on Surfside's history and development. Property Owner shall collaborate with County Historic Preservation Staff as to the content of the exhibit.
3. If any discrepancy exists between the plans and the elevations or renderings, actual construction shall defer to the plans.
4. Project layout shall provide a minimum of 8 feet, and preferably 10 feet, between the outermost north and south edges of the historic structure and the enclosed forecourts/patios.

The Miami-Dade County Office of Historic Preservation thanks you for your submittal of the required COA application. COA approvals are valid for one year. If the work approved in this COA has not begun by February 24, 2017, contact our office to apply for an extension. Please do not hesitate to contact us with any additional questions.

Sincerely,

Sarah K. Cody

Historic Preservation Planner  
Miami-Dade County

*Delivering Excellence Every Day*

Cc: Mr. Matthew A. Barnes, AICP, Akerman LLP  
Sarah Sinatra Gould, Town Planner, Surfside



OFFICE OF HISTORIC AND ARCHAEOLOGICAL RESOURCES  
111 NW 1<sup>ST</sup> STREET, MAILBOX 695  
MIAMI, FL 33128  
(305) 375-4958

## APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS (COA)

For Historically Designated Properties, or Properties within Historic Districts

### I. PROPERTY INFORMATION INFORMACIÓN DE LA PROPIEDAD

ADDRESS (Dirección) 9340 Collins Avenue CITY (Ciudad) Surfside ZIP (Zip) 33154

SITE DESIGNATION NAME (if applicable) (Nombre del Edificio) Bougainvillea Apartments

DISTRICT NAME (if applicable) (Nombre del Distrito) not applicable

FOLIO NUMBER (Numero de Folio) 14-2235-006-0260



### II. APPLICANT INFORMATION INFORMACIÓN DEL SOLICITANTE

NAME OF OWNER (Nombre de Dueño) 9340 Collins Ave, LLC PHONE (teléfono) 786-802-7980

ADDRESS (Dirección) 3921 Alton Road, Suite 138 Miami Beach, FL 33140 EMAIL (correo electrónico) mboymelgreen@gmail.com

NAME OF APPLICANT (if other than owner) (Nombre del Solicitante) Akerman, LLP - Neisen Kasdin

CONTACT PHONE (Teléfono) 305-374-5600 EMAIL neisen.kasdin@akerman.com

APPLICANT IS: (Solicitante es:)  OWNER (Dueño)  RENTER/LEASEE (Inquilino)  CONTRACTOR (Contratista)  LEGAL AGENT (Representante legal)

FOR OFFICE USE ONLY		
Solamente por uso de oficina		
APPLICATION# <u>2016-03-S</u>	DATE RECEIVED <u>2/18/16</u>	STAFF INITIALS <u>SKC</u>
<input type="checkbox"/> APPROVED	APPROVAL DATE <u>2/24/16</u>	
<input type="checkbox"/> DENIED	BOARD DATE <u>2/24/16</u>	
<input checked="" type="checkbox"/> APPROVED WITH CONDITIONS (see attached conditions sheet)		



**III. PROJECT TYPE TIPO DE PROYECTO**

**PLEASE CHECK ALL THAT APPLY:**  
*(Por favor marque todos que aplican)*

- New Construction** *(construcción nueva)*
- Restoration/Rehabilitation** *(restauración)*
- Relocation/Moving a Structure** *(traslado)*
- Demolition** *(demolición)*
- Excavation/  
Ground Disturbing Activities** *(excavación)*
- Paint** *(pintura)*
- Repairing Existing** *(reparación)*
- Landscaping** *(areas verdes)*
- Interior Work Only**  
*(Únicamente el interior)*

**IV. PROJECT DESCRIPTION DESCRIPCIÓN DE PROYECTO**

Please describe in detail the proposed project, including any new construction, demolition, the removal or replacement of existing materials, and all other proposed changes to the current structure. Attach an additional sheet if necessary.  
*Por favor describa el proyecto en detalle. Adjuntar pagina adicional si es necesario. Por favor describir el proyecto en ingles.*

See enclosed cover letter.

**CHECK ANY STRUCTURAL SYSTEMS OR ELEMENTS THAT WILL BE AFFECTED BY THIS PROJECT:**  
*Marque el sistema estructural o componente que sera afectado por este proyecto:*

- Roof** *(techo)*
- Foundation** *(cimiento)*
- Steps or Stairways** *(escaleras)*
- Windows** *(ventanas)*
- Porches or Porte Cochère** *(portal ó porche)*
- Painting/Finishes** *(pintura/acabado)*
- Doors** *(puertas)*
- Siding/Stucco/Façade Work** *(entablado de exteriores)*
- Walls/Structural** *(pared ó estructura)*



**V. CHECKLIST OF REQUIRED ATTACHMENTS**

**NOTE: ALL APPLICATIONS MUST BE ACCOMPANIED BY AT LEAST ONE COLOR PHOTO OF THE BUILDING**

**PAINTING YOUR BUILDING**

- Color photos of each side of the building
- Sample Paint Chips of Desired Colors

**NEW FENCING/WALLS/POOL/LANDSCAPING**

- Site plan showing exact location(s) of fence, wall, pool or proposed landscaping
- Elevation drawings of fence, including height dimensions
- Color photographs of where fence, pool or landscaping is to go
- Description of landscaping, including type and placement (if applicable)

**NEW WINDOWS OR DOORS**

- A color photo of each side of the house
- An existing elevation of each side of the house that will have doors or windows replaced
- Elevations showing proposed changes. Be sure to draw the window configurations exactly as they will appear, include all proposed mullions
- Manufacturer's brochure or a catalog picture of the requested window or door and NOA #

**NEW ROOF**

- Color photos of the front of the building and existing roof
- Manufacturer's brochure of requested roof showing color and material and NOA #

**RENOVATIONS/ADDITIONS or NEW CONSTRUCTION**


- Color photos of each side of the building
- Site plan
- Landscape plan, including documentation of any proposed tree removal (if applicable)
- Elevations of all affected facades showing Existing Conditions (11"x17" set of plans)
- Elevations of all affected facades with Proposed Modifications or Additions (11"x17" set)
- Floor Plans
- Manufacturer's brochure or catalog pictures of any new or replacement materials being used in project

**VI. OWNER ATTESTATION**

I certify to the best of my knowledge that all the information provided within this application is correct and accurately portrays the proposed project.

  
\_\_\_\_\_  
Signature of Owner (Firma del Dueño)

02/02/2016  
\_\_\_\_\_  
Date (Fecha)

  
\_\_\_\_\_  
Signature of Applicant (if other than owner)  
(Firma del Solicitante)

2/03/16  
\_\_\_\_\_  
Date (Fecha)



**TRAFFIC STATEMENT AND  
TRAFFIC ENGINEERING  
RESPONSE**

January 11, 2016

Mr. Mendy Boymelgreen  
Caton Owner, LLC  
3921 Alton Road, Suite 138  
Miami Beach, FL 33140  
646.319.9882  
MBoymelgreen@gmail.com

**RE: Surfside Site Trip Generation Analysis- #15242**

Dear Mr. Boymelgreen,

DPA has conducted a trip generation analysis for your proposed project. The project is located on the west side of Collins Avenue between 93<sup>rd</sup> and 94<sup>th</sup> Street in Surfside, Florida. The site is currently occupied by a series of residential buildings totaling 101 units. The project is proposing a new residential building with 68 residential units. It should be noted that the maximum of units allowed under the current zoning (H40) is 144 units.

Since the proposed project will reduce the number of residential units, we have completed the trip generation comparison between existing uses of the site and the proposed use. The project trip generation was based on the rates/equations published by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9<sup>th</sup> Edition. Trip generation calculations were performed for typical weekday daily, AM and PM peak hour of the adjacent street for the proposed development. See Attachment 1 for the project trip generation worksheets. The trip generation for the project is summarized in Exhibit 1.

The site currently consists of eight residential buildings on individual properties, totaling 101 units. Trip generation calculations were performed for typical weekday daily, AM and PM peak hour of the adjacent street for each existing properties. The existing trip generation was also based on the rates/equations published by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9<sup>th</sup> Edition. Attachment 1 also includes the existing trip generation worksheets. The trip generation for the existing uses is summarized in Exhibit 2.

**Exhibit 1  
Project Trip Generation**

Proposed ITE Land Use Designation	Number of Units	Daily Two-way Volume	AM Peak Hour Vehicle Trips			PM Peak Hour Vehicle Trips		
			In	Out	Total	In	Out	Total
Residential Condominiums/Townhouse <i>Land Use Code: 230</i>	68 Units	460	6	32	38	29	15	44
<b>Total Proposed Vehicle Trips</b>		<b>460</b>	<b>6</b>	<b>32</b>	<b>38</b>	<b>29</b>	<b>15</b>	<b>44</b>

Source: ITE Trip Generation, 9<sup>th</sup> Edition

**Exhibit 2  
Existing Trip Generation**

Existing ITE Land Use Designation	Number of Units	Daily Two-way Volume	AM Peak Hour Vehicle Trips			PM Peak Hour Vehicle Trips		
			In	Out	Total	In	Out	Total
Apartment <i>Land Use Code: 220</i>								
9380 Collins Avenue	8 Units	53	1	3	4	3	2	5
9372 Collins Avenue	13 Units	86	1	6	7	5	3	8
9364 Collins Avenue	9 Units	60	1	4	5	4	2	6
9348 Collins Avenue	9 Units	60	1	4	5	4	2	6
9340 Collins Avenue	13 Units	86	1	6	7	5	3	8
9332 Collins Avenue	8 Units	53	1	3	4	3	2	5
9316 Collins Avenue	17 Units	113	2	7	9	7	4	11
9300 Collins Avenue	24 Units	160	2	10	12	10	5	15
Total Units	101 Units							
<b>Total Existing Vehicle Trips</b>		<b>671</b>	<b>10</b>	<b>43</b>	<b>53</b>	<b>41</b>	<b>23</b>	<b>64</b>

Source: ITE Trip Generation, 9<sup>th</sup> Edition

The results of the analysis show that the proposed residential building will generate 460 daily trips and a total of 38 and 44 vehicle trips during morning and afternoon peak hours respectively. The existing uses generate 671 daily trips and a total of 53 and 64 vehicle trips during morning and afternoon peak hours respectively. The trip generation comparison is summarized in Exhibit 3.

**Exhibit 3  
Trip Generation Comparison**

Land Use Designation	Daily Two-way Volume	AM Peak Hour Vehicle Trips			PM Peak Hour Vehicle Trips		
		In	Out	Total	In	Out	Total
Proposed Uses	460	6	32	38	29	15	44
Existing Uses	-671	-10	-43	-53	-41	-23	-64
<b>Vehicle Trips Reduction</b>	<b>-211</b>	<b>-4</b>	<b>-11</b>	<b>-15</b>	<b>-12</b>	<b>-8</b>	<b>-20</b>

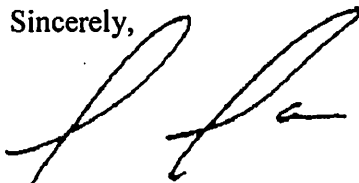
Source: ITE Trip Generation, 9<sup>th</sup> Edition

This calculation resulted in a reduction of 211 daily trips and a reduction of 15 and 20 trips during the AM and PM peak hours respectively. This represents a 31% reduction in daily trips, a 28% reduction in AM peak trips, and a 31% reduction in PM peak trips. Therefore, traffic impacts associated with the proposed development can be considered *de minimis*.

Furthermore, the project proposes to reduce the number of driveway curb cuts along Collins Avenue. Currently there are six separate curb cuts on the west side of Collins Avenue along the site. Since the project proposes all project trips to access the site on 93<sup>rd</sup> Street, there would be no proposed curb cuts on Collins Avenue. Also, there are approximately twelve existing parking spaces that back out directly onto Collins Avenue creating an unsafe condition. The proposed site will not include these parking spaces. The removal of curb cuts and of the parking spaces provides for safer driving conditions and improves traffic operations on the adjacent roadway.

We stand ready to provide any support needed for this project. Should you have any questions or comments, please call me at (305) 447-0900.

Sincerely,



Juan Espinosa, PE  
Vice-President – Transportation

Attachment

# **ATTACHMENT 1**

Summary of Multi-Use Trip Generation  
Average Weekday Driveway Volumes (Unadjusted for Internal Trips)

Project: Surfside Site 15242  
Phase:

Open Date:  
Analysis Date: 1/7/2016

Description: Proposed

---

ITE:Land Use	24 Hour Two-Way Volume	AM Pk Hour		PM Pk Hour	
		Enter	Exit	Enter	Exit
230: Residential Condominium / Townhouse 68 Dwelling Units [E]	460	6	32	29	15
Total Driveway Volume	460	6	32	29	15
Total Peak Hour Pass-By Trips		0	0	0	0
Total Peak Hour Vol. Added to Adjacent Streets		6	32	29	15

---

Note: A zero indicates no data available.  
Source: Institute of Transportation Engineers  
Trip Generation Manual, 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC

Summary of Multi-Use Trip Generation  
Average Weekday Driveway Volumes (Unadjusted for Internal Trips)

Project: Surfside Site 15242  
Phase:

Open Date:  
Analysis Date: 1/7/2016

Description: Existing Use\_Lot 1\_9380

ITE:Land Use	24 Hour Two-Way Volume	AM Pk Hour		PM Pk Hour	
		Enter	Exit	Enter	Exit
220: Apartments 8 Dwelling Units [R]	53	1	3	3	2
Total Driveway Volume	53	1	3	3	2
Total Peak Hour Pass-By Trips		0	0	0	0
Total Peak Hour Vol. Added to Adjacent Streets		1	3	3	2

Note: A zero indicates no data available.  
Source: Institute of Transportation Engineers  
Trip Generation Manual, 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC

Summary of Multi-Use Trip Generation  
Average Weekday Driveway Volumes (Unadjusted for Internal Trips)

Project: Surfside Site 15242  
Phase:

Open Date:  
Analysis Date: 1/7/2016

Description: Existing Use\_Lot 2\_9372

ITE:Land Use	24 Hour Two-Way Volume	AM Pk Hour		PM Pk Hour	
		Enter	Exit	Enter	Exit
220: Apartments 13 Dwelling Units [R]	86	1	6	5	3
Total Driveway Volume	86	1	6	5	3
Total Peak Hour Pass-By Trips		0	0	0	0
Total Peak Hour Vol. Added to Adjacent Streets		1	6	5	3

Note: A zero indicates no data available.  
Source: Institute of Transportation Engineers  
Trip Generation Manual, 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC



Summary of Multi-Use Trip Generation  
Average Weekday Driveway Volumes (Unadjusted for Internal Trips)

Project: Surfside Site 15242  
Phase:

Open Date:  
Analysis Date: 1/7/2016

Description: Existing Use\_Lot 3\_9364

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ITE:Land Use	24 Hour Two-Way Volume	AM Pk Hour		PM Pk Hour	
		Enter	Exit	Enter	Exit
220: Apartments 9 Dwelling Units [R]	60	1	4	4	2
<hr/>					
Total Driveway Volume	60	1	4	4	2
Total Peak Hour Pass-By Trips		0	0	0	0
Total Peak Hour Vol. Added to Adjacent Streets		1	4	4	2

---

Note: A zero indicates no data available.  
Source: Institute of Transportation Engineers  
Trip Generation Manual, 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC

Summary of Multi-Use Trip Generation  
Average Weekday Driveway Volumes (Unadjusted for Internal Trips)

Project: Surfside Site 15242  
Phase:

Open Date:  
Analysis Date: 1/7/2016

Description: Existing Use\_Lot 4\_9348

---

ITE:Land Use	24 Hour Two-Way Volume	AM Pk Hour		PM Pk Hour	
		Enter	Exit	Enter	Exit
220: Apartments 9 Dwelling Units [R]	60	1	4	4	2
Total Driveway Volume	60	1	4	4	2
Total Peak Hour Pass-By Trips		0	0	0	0
Total Peak Hour Vol. Added to Adjacent Streets		1	4	4	2

---

Note: A zero indicates no data available.  
Source: Institute of Transportation Engineers  
Trip Generation Manual, 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC

Summary of Multi-Use Trip Generation  
Average Weekday Driveway Volumes (Unadjusted for Internal Trips)

Project: Surfside Site 15242  
Phase:

Open Date:  
Analysis Date: 1/7/2016

Description: Existing Use\_Lot 5\_9340

---

ITE:Land Use	24 Hour Two-Way Volume	AM Pk Hour		PM Pk Hour	
		Enter	Exit	Enter	Exit
220: Apartments 13 Dwelling Units [R]	86	1	6	5	3
<hr/>					
Total Driveway Volume	86	1	6	5	3
Total Peak Hour Pass-By Trips		0	0	0	0
Total Peak Hour Vol. Added to Adjacent Streets		1	6	5	3

---

Note: A zero indicates no data available.  
Source: Institute of Transportation Engineers  
Trip Generation Manual, 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC

Summary of Multi-Use Trip Generation  
Average Weekday Driveway Volumes (Unadjusted for Internal Trips)

Project: Surfside Site 15242  
Phase:

Open Date:  
Analysis Date: 1/7/2016

Description: Existing Use\_Lot 6\_9332

---

ITE:Land Use	24 Hour Two-Way Volume	AM Pk Hour		PM Pk Hour	
		Enter	Exit	Enter	Exit
220: Apartments 8 Dwelling Units [R]	53	1	3	3	2
Total Driveway Volume	53	1	3	3	2
Total Peak Hour Pass-By Trips		0	0	0	0
Total Peak Hour Vol. Added to Adjacent Streets		1	3	3	2

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Note: A zero indicates no data available.  
Source: Institute of Transportation Engineers  
Trip Generation Manual, 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC

Summary of Multi-Use Trip Generation  
Average Weekday Driveway Volumes (Unadjusted for Internal Trips)

Project: Surfside Site 15242  
Phase:

Open Date:  
Analysis Date: 1/7/2016

Description: Existing Use\_Lot 7\_9316

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ITE:Land Use	24 Hour Two-Way Volume	AM Pk Hour		PM Pk Hour	
		Enter	Exit	Enter	Exit
220: Apartments 17 Dwelling Units [R]	113	2	7	7	4
Total Driveway Volume	113	2	7	7	4
Total Peak Hour Pass-By Trips		0	0	0	0
Total Peak Hour Vol. Added to Adjacent Streets		2	7	7	4

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Note: A zero indicates no data available.  
Source: Institute of Transportation Engineers  
Trip Generation Manual, 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC

Summary of Multi-Use Trip Generation  
Average Weekday Driveway Volumes (Unadjusted for Internal Trips)

Project: Surfside Site 15242  
Phase:

Open Date:  
Analysis Date: 1/7/2016

Description: Existing Use\_Lot 8\_9300

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ITE:Land Use	24 Hour Two-Way Volume	AM Pk Hour		PM Pk Hour	
		Enter	Exit	Enter	Exit
220: Apartments 24 Dwelling Units [R]	160	2	10	10	5
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Total Driveway Volume	160	2	10	10	5
Total Peak Hour Pass-By Trips		0	0	0	0
Total Peak Hour Vol. Added to Adjacent Streets		2	10	10	5

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Note: A zero indicates no data available.  
Source: Institute of Transportation Engineers  
Trip Generation Manual, 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC

Summary of Multi-Use Trip Generation  
Average Weekday Driveway Volumes (Unadjusted for Internal Trips)

Project: Surfside Site 15242  
Phase:

Open Date:  
Analysis Date: 1/7/2016

Description: ALL Existing Uses

ITE:Land Use	24 Hour Two-Way Volume	AM Pk Hour		PM Pk Hour	
		Enter	Exit	Enter	Exit
220: Apartments 8 Dwelling Units [R]	53	1	3	3	2
220: Apartments 13 Dwelling Units [R]	86	1	6	5	3
220: Apartments 9 Dwelling Units [R]	60	1	4	4	2
220: Apartments 9 Dwelling Units [R]	60	1	4	4	2
220: Apartments 13 Dwelling Units [R]	86	1	6	5	3
220: Apartments 8 Dwelling Units [R]	53	1	3	3	2
220: Apartments 17 Dwelling Units [R]	113	2	7	7	4
220: Apartments 24 Dwelling Units [R]	160	2	10	10	5
<hr/>					
Total Driveway Volume	671	10	43	41	23
Total Peak Hour Pass-By Trips		0	0	0	0
Total Peak Hour Vol. Added to Adjacent Streets		10	43	41	23

Note: A zero indicates no data available.  
Source: Institute of Transportation Engineers  
Trip Generation Manual, 9th Edition, 2012

TRIP GENERATION 2013, TRAFFICWARE, LLC

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**From:** Eric Czerniejewski <ECzerniejewski@cgasolutions.com>  
**Sent:** Tuesday, November 01, 2016 10:31 AM  
**To:** Sarah Sinatra  
**Subject:** FW: 9300 Collins Avenue- Surfside

Sarah:

Good Morning.

Please see below per our discussion.

Thanks for your time and effort.

**Eric S. Czerniejewski, P.E., ENV SP**

Director of Traffic Engineering | Traffic Department (Broward)



**Calvin, Giordano & Associates, Inc.** | 1800 Eller Drive | Suite 600 | Fort Lauderdale, FL 33316

Office: 954.921.7781 | Direct: 954.766.2735 | Fax: 954.921.8807

Fort Lauderdale | West Palm Beach | Port St. Lucie | Homestead | Clearwater | Jacksonville | Atlanta

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**From:** Juan Espinosa [<mailto:Juan.Espinosa@dplummer.com>]

**Sent:** Monday, April 18, 2016 10:38 AM

**To:** Eric Czerniejewski

**Cc:** [matthew.barnes@akerman.com](mailto:matthew.barnes@akerman.com)

**Subject:** RE: 9300 Collins Avenue- Surfside

Eric,

Please see our response in **red**. Please let me know if you have any questions.

Regards,

**Juan Espinosa, PE**

Vice President - Transportation

**DAVID PLUMMER & ASSOCIATES**

Transportation • Civil • Structural • Environmental

1750 Ponce de Leon Boulevard

Coral Gables, Florida 33134

Phone: 305-447-0900

[www.dplummer.com](http://www.dplummer.com)

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**From:** Eric Czerniejewski [<mailto:ECzerniejewski@cgasolutions.com>]

**Sent:** Friday, April 15, 2016 4:11 PM

**To:** Juan Espinosa <[Juan.Espinosa@dplummer.com](mailto:Juan.Espinosa@dplummer.com)>

**Subject:** 9300 Collins Avenue- Surfside

Juan:



Good Afternoon.

I just left you a voice message at the office as well. I am reviewing the resubmittal of the 9300 Collins Avenue project in Surfside Florida and there was still an outstanding traffic comment that I believe you were addressing. The comment is as follows:

1. Please provide queuing analysis for the on-site stacking in the basement floor parking area on to 93<sup>rd</sup> Street. Please confirm that there will not be any conflict with the existing access driveway to the metered parking lot to the west. There shall be safe, adequate, logical and convenient arrangement of pedestrian walkways, bikeways, roadways, driveways, driving aisles and off street parking and loading spaces on-site. (Town of Surfside Code Section 90-81.12)

**Applicant 04/04/16 response: No response provided.**

CGA 04/25/16 response: *Item is still outstanding and pending an acceptable applicant response.*

The proposed parking garage will not be gated nor will the project provide valet services. Therefore no queueing is anticipated. In addition, there is approximately 140 feet of stacking distance from the property line to the first parking stall. This distance is sufficient to accommodate 7 vehicles on queue. Due to the low volumes generated by the project during the morning and afternoon peak hours, we do not anticipate any conflicts with the vehicles using the adjacent driveway to the west.

The resubmittal did not address the above comment. I remember you calling me to discuss this item but do not recall ever seeing this queuing analysis and narrative. Please give me a call or confirm by email that you are not working on this item. As I mentioned in my voice message, the deadline for my response comments is the 25<sup>th</sup> and would like to avoid having this item pending if you plan on addressing this item.

Thanks for your time and effort.

**Eric S. Czerniejewski, P.E., ENV SP**

Director of Traffic Engineering | Traffic Department (Broward)



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# **SITE PLAN PACKAGE**

**AVAILABLE FOR  
REVIEW IN THE  
CLERK'S OFFICE**