



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

December 10, 2019

6:00 p.m.

**Town Hall Commission Chambers - 9293 Harding Ave, 2nd 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

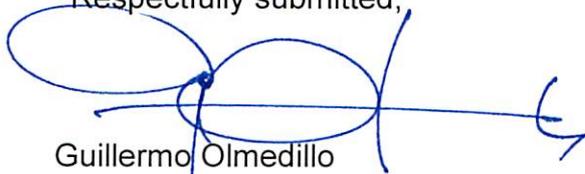
Please be advised that the following items on the agenda are quasi-judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker's Card indicating the agenda item number on which you would like to comment. You must be sworn before addressing the Town Commission and 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. 8995 Collins Avenue Site Plan – Guillermo Olmedillo, Town Manager

**A RESOLUTION OF THE TOWN COMMISSION OF SURFSIDE, FLORIDA;
APPROVING A SITE PLAN APPLICATION FOR PROPERTY LOCATED
AT 8995 COLLINS AVENUE, SURFSIDE, FLORIDA FOR DEVELOPMENT
CONSISTING OF 34 CONDOMINIUM UNITS; PROVIDING FOR
CONDITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.**

3. Adjournment

Respectfully submitted,



Guillermo Olmedillo
Town Manager

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.

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.



MEMORANDUM

ITEM NO. 2A

To: Honorable Mayor, Vice-Mayor and Member of the Town Commission

From: Sarah Sinatra Gould, AICP, Town Planner

Date: December 10, 2019

Subject: 8995 Collins Site Plan

The agent, Graham Penn, Esq., for the owner, Surf House Condominium Association, is proposing a site plan to renovate both the interior and exterior of an existing nine-story tower and to add three additional stories. The existing building located at 8995 Collins Avenue was constructed in 1966 and is known as the Surf House Condominium. The building was designed by Robert Jerome Filer in the "International Style," an architectural style that was one of the strains of the "MiMo – Miami Modern" movement of architecture. Three sides of the building contain a grid of repetitive window patterns in a structural concrete frame. The fourth (south side) is practically a blank wall that appears to have been designed that way in anticipation of a future adjacent building. The proposed renovation and addition will include 34 condominium units. The existing 36 units will be demolished.

The applicant submitted an application to the Planning and Zoning Board on March 13, 2017 requesting the building to be designated Architecturally Significant. The application was heard on April 27, 2017 and was deemed significant. The applicant then submitted a site plan application on May 19, 2017. Staff confirmed that the package was complete and scheduled a Development Review Group (DRG) meeting for June 19, 2017. Comments were provided to the applicant at this meeting and the applicant revised the site plan. A second DRG meeting was held on August 24, 2017. Comments were provided to the applicant at that time. The plans were resubmitted and a final DRG was held on September 28, 2017. The application was heard by the Planning and Zoning Board on February 22, 2018. The Board voted to defer the application as it had concerns regarding traffic back up as a result from the triple stacked system and concerns as to how the application was meeting the architectural significance ordinance.

The application was resubmitted on March 29, 2018. The changes include adding a second parking lift, reducing the encroachment into the right-of-way and modifying the architecture. The application was heard on April 26, 2018. The Planning and Zoning Board indicated that there were still concerns regarding the traffic and deferred the application to the Planning and Zoning

Board meeting of May 31, 2018. The application was deferred once again requesting that the applicant address the outstanding issues.

The prior application included three variance applications, a right-of-way encroachment agreement and a conditional use application. The applicant has reworked the site plan so it no longer has the need for any variances, the conditional use or the right-of-way encroachment. The applicant resubmitted the application on July 26, 2019. Staff reviewed the application and held a final DRG meeting with the applicant on August 15, 2019. There were final comments to be addressed and revised plans were provided to the Town on September 19, 2019.

The total gross acreage of the site is 1.16 acres, which would permit 116 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 99 units. The applicant is requesting to provide 34 condominium units while demolishing the existing 36 units.

The applicant has proposed a total of \$736,050 in proffers to the Town. These include the following:

1. Enhancements to the 90th Street Beach Access & Promenade by beautifying 90th Street from Harding Avenue to the beach including a sidewalk between Collins and Harding Avenues and landscaping. Also proposed is an enhanced promenade at the beach entry with decorative paving, a planted coral stone gateway with signage, benches and a shower. The amount proffered is \$686,050. Staff's review of the proposal indicates there is a conflict with the proposed improvements already proffered by the Surf Club, which results in duplicative improvements and would need to be coordinated.
2. Two solar powered trashcans. The amount proffered is \$30,000.
3. Two diverter dunes at a location to be specified in the future. The amount proffered is \$20,000.

The project includes 34 condominium hotel units. The existing site has 36 units, resulting in two fewer units than currently exist on site. The property has a maximum density permitted of 99 units; therefore, based on the density alone, there are no negative impacts to level of service standards for traffic or public facilities within the Comprehensive Plan

The Planning and Zoning Board heard the application at their October 24, 2019 meeting and unanimously recommended approval of the site plan application to the Town Commission. Staff finds that the application meets all zoning code and Comprehensive Plan requirements.

Reviewed by

Prepared by SSG

SITE PLAN REPORT

SITE PLAN INFORMATION:

Address	8995 Collins Avenue
General Location	East and west side of Collins Avenue, south of 90 th Street
Property Size	East Parcel: .83 gross acres West Parcel: .33 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 to the south, H30C to the west, and H120 to the east
Future Land Use	East Parcel: High Density Residential/Tourist West Parcel: Moderate High Density Residential
Density Permitted	East Parcel: 109 units per acre = 90 units West Parcel: 79 units per acre = 26 units Total: 116 X 15% reduction = 99 units permitted
Number of units proposed	TOTAL: 34 units proposed, with 36 existing units being demolished
Number of parking spaces	TOTAL Provided: 72 spaces TOTAL Required: 70 spaces 100% mechanical lift parking proposed.

ZONING CODE, APPLICABLE REQUIREMENTS

Sec. 90.42

Minimum Unit Sizes	Minimum Required	Proposed
One-bedroom	800 square feet	N/A
Two-bedroom	950 square feet	1,443 square feet
Three-bedroom	1,150 square feet	2,076 square feet
Four-bedroom	N/A	2,648 square feet

Sec. 90.43

Maximum Building Heights	Maximum Required	Proposed
H120	120 feet maximum	120 feet
H40	40 feet maximum	0- lot to be sodded and fenced

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	14 feet, 2 inches	The mechanical equipment, rooftop decks and parapet walls meet these criteria.

Sec. 90.45(b)

Setbacks	Minimum Required	Proposed	
H120	Front (Collins Avenue)	40 ft	26 ft, 11 inch – Per the project receiving architecturally significant designation
	Rear (Beach)	30ft	146 ft, 9 inches
	Setback from platted bulkhead line	20 ft	15 ft, – Per the project receiving architecturally significant designation
	Street Side	20 ft	10 ft – Per the project receiving architecturally significant designation
	Side	10 ft	10 ft
H40	Front (Collins Avenue)	20 ft	0 ft
	Side	10ft	0 ft
	Rear	10 ft	0 ft

Sec. 90.47

Yards generally, allowable projections	Required	Proposed
H120 - Projections of balconies features into required yards	Maximum 8 feet for front, secondary and rear and 5 feet for interior side	7 foot front encroachment and 7 foot 1 inch side encroachment – Per the project receiving architecturally significant designation

Sec. 90.49

Lot Standards	Required	Proposed
Minimum Lot width	50 feet	East Parcel: 73 ft West Parcel N/A – no development proposed
Minimum Pervious area	20%	East Parcel: 20% West Parcel: 100%

Sec. 90.50.1(2)

Architecture	Required	Proposed
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"> a. Clay Tile; or b. White concrete tile; or 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; d. Architecturally embellished metal if granted approval by the Design Review Board; or e. Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board. 	Roof deck will include terraces for two private penthouses.

Sec. 90.50.2 (3)

Roof Deck Provisions	Required	Proposed
Roof Decks are limited to	a. Maximum 70% of the aggregate roof area;	62%
	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. 90.67.2

Underground utilities	Required	Proposed
	All utilities including telephone, cable, and electrical systems shall be installed underground.	The lines are installed underground.

Sec. 90.77(c)

	Minimum Required	Proposed
Off-Street Parking	70 Spaces	East Parcel: 72 West Parcel: 0 TOTAL: 72

Sec. 90.83

Off-Street Loading	Minimum Required	Proposed
	One	One

Sec. 90.91

Vegetative Provisions	Minimum Required	Proposed
Xeriscape in pervious area	50%	79%

Sec. 90.91.2

Buffers	Meets the requirements
Landscape buffer adjacent to streets and abutting properties	

Sec. 90.93

Open Space	Meets the requirements
Landscaping along all buildings and structures, shrubs and trees required in open space	

APPLICATION, LETTER OF INTENT AND TRAFFIC IMPACT STUDY



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

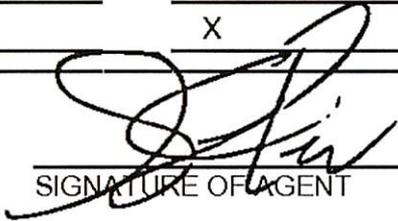
TOWN OF SURFSIDE
MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION

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.

<u>PROJECT INFORMATION</u>	
OWNER'S NAME	Surf House Ocean Views, LLC
PHONE / FAX	see agent
AGENT'S NAME	Graham Penn
ADDRESS	200 S. Biscayne Blvd., Suite 850 Miami FL 33131
PHONE / FAX	305 377 6229
PROPERTY ADDRESS	8995 Collins Avenue
ZONING CATEGORY	H-120
DESCRIPTION OF PROPOSED WORK	Site plan approval for expansion to existing multi-family building.

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

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

	12/2/19		12/2/19
SIGNATURE OF OWNER	DATE	SIGNATURE OF AGENT	DATE



BERCOW RADELL FERNANDEZ & LARKIN
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6229
E-MAIL: gpenn@brzoninglaw.com
www.brzoninglaw.com

December 2, 2019

VIA ELECTRONIC MAIL AND HAND DELIVERY

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

Re: Fifth Amended Letter of Intent for Site Plan Approval for 8995 Collins Avenue and Withdrawal of Unnecessary Requests.

Dear Ms. Sinatra:

Our firm represents Surf House Ocean Views, LLC (the "Applicant") in connection with the redevelopment of 8995 Collins Avenue (the "Property"). As you know, the Property is currently developed with the Miami Modern-designed Surf House condominium. The Applicant proposes to expand the building under the terms of the "architectural significance" criteria for existing buildings in H-120 zone.

Please consider this letter the Applicant's amended letter of intent in support of its application seeking site plan approval. As will be fully explained below, the Applicant has significantly reduced the impact of the project, which has allowed the Applicant to withdraw previously requested conditional use and variance approvals, as well as the request for Town approval of a vehicular access agreement.

The Property. The building was constructed in 1966 and was designed as the Surf House condominium by Robert Jerome Filer Architect in the "International Style," an architectural style that was one of the strains of the "MiMo" - Miami Modern movement. The building currently includes thirty-six (36) residential units. Three sides of the building contain a grid of repetitive window patterns in a structural concrete frame which is expressed on the exterior. The fourth or south facade is practically a blank wall. It appears to have been constructed to anticipate a future adjacent building height of at least the same

height and width as 8995 Collins Avenue. Parking for the building has been located in the basement and across the street on a surface lot. The surface lot is not a part of the instant application.

The Town's Design Review Board approved the building as the Town's first recognized "architecturally significant" building under the terms of Section 90-33(3). This section of the Town Code allows for expansions to existing buildings in the H-120 zone that rely on historic setbacks.

The building has been used as a residential condominium since its original construction. Vehicular access to the building has historically either been from drop off in the travel lane of 90th Street (where the main pedestrian entrance to the building is located) or through Collins Avenue (where the entrance to the underground parking area is located). The building has become surrounded by newer development in recent years - including the larger Surf Club project to the north and a new residential tower under construction at 8955 Collins Avenue to the south.

Amended Development Plan. The Applicant proposes to develop a condominium development of thirty-four (34) units on the Property, a reduction of two units from the current density on the site. The Applicant had previously requested approval of condominium-hotel. That request is hereby withdrawn and the revised development plan proposes only residential uses.

In response to comments from the Town's architectural consultant and the Design Review Board, the Applicant made several changes to the design and operation of the development plan. Despite the proposed reduction in density and intensity of use in the revised plan we are now submitted, these improvements have been retained in the revised design.

Specifically, the Applicant has: (1) retained the adjustments to the proposed new balconies and made other architectural revisions that reflect and emphasize the hallmark elements of the building's design; (2) retained a second vehicle elevator to provide access to the basement parking proposed for the building - even though the new traffic impact will be below that of the existing building; and (3) proposed an expanded and improved public pedestrian corridor along 90th Street from Harding Avenue east to the street end. The Appendix attached hereto includes an analysis of the development's consistency with the requirements of Section 90-33(3) of the Town's regulations.

Architectural Improvements. In response to comments by the Design

Review Board, the Applicant revised the design in two major ways. In areas where the earlier presentation may have not fully conveyed the positive attributes of the existing building's design, the team has provided additional enhancements to bring those elements to the fore. In response to the concerns of the Design Review Board regarding the original cornice of the building, we have redesigned elements of the façade to even more closely align with the observations of the Town's architectural consultant. Balconies and their respective gaps have been aligned to stress the verticality of the building and its columns, leading the eye to the powerful arches and vaults of the cornice. The balconies themselves have been deemphasized through the use of a low-iron glass balustrade free of metal supports (the ability of this ultra-clear glass, used in this manner, to recede from view can be seen on a recently completed building in the City of Sunny Isles Beach).

Amended Parking/Access. As with the previously submitted design, the building will provide a dedicated parking entrance and drop off area along 90th Street, limiting vehicular impacts on Collins Avenue. The loading area will need to be retained on Collins Avenue, but has been redesigned to limit its impacts by using turfblock and installing extensive landscaping. The density reduction and change from a proposed condominium-hotel to a pure residential use has resulted in a drop in total traffic generated by the site and has negated the need for a second loading space. The Applicant has also been able to bring the vehicular stacking completely within the Property's boundaries. The Applicant is no longer requesting to utilize the public right of way for access or stacking purposes.

Parking for the site will be provided underneath the building. Parking will be exclusively through a 24-hour valet service. The Applicant is proposing to access the subterranean parking through a car elevator system and provide the parking using vehicle lifts. The lifts will be completely subterranean and therefore will create no noise or vibration audible outside of the building. Thanks to the reduction in density and intensity under the new plan, the Applicant has been able to replace previously proposed "triple-stacker" lifts with more common two-vehicle tandem lifts. That change will reduce the time to park and retrieve vehicles.

Second Elevator for Improved Functionality and Safety. Even though the project's density has been reduced below the current number of units on the Property and the use has been revised to be exclusively residential, the Applicant has retained the two car elevators that will serve the subterranean parking system in the new design.

The second elevator has two major benefits: (1) it will provide additional

capacity for the system in rare instances of high demand; and (2) it will allow for redundancy in the event of a mechanical issue with one of the elevators.

Expanded Proposed Pedestrian Corridor. As before, the Applicant is proposing improvements to the 90th Street Right of Way. The Applicant also remains committed to improvements between Harding and Collins in order to provide a superior pedestrian access by taking the recent one-way test of this block and makes it a new streetscaped feature of the Town.

Withdrawal of Parking Conditional Use Approval. As provided by Section 90-77(f), parking lifts are permitted in the Town subject to multiple operational conditions. The Code permits traditional two-vehicle tandem lifts “as of right,” but requires all other parking systems to obtain conditional use approval. The Applicant had sought a conditional use approval to allow for a system that allows for vertical stacking of three vehicles. As noted above, the reduced density and intensity of proposed development has allowed the Applicant to withdraw this request. The tandem stacking system will be operated in a manner consistent with the requirements of 90-77(f):

- (1) *A traffic queuing analysis shall be submitted by the owner of the building for parking areas using parking lifts, for review and approval by the Town Manager, to ensure efficient processing times and queue lengths. The number of parking lifts permitted to be counted as required parking spaces shall be determined by the approved queuing analysis; and*

The Applicant has submitted the required traffic analysis.

- (2) *All parking lifts shall be located within a fully enclosed parking garage and shall not be visible from exterior view. No outside parking lifts shall be permitted; and*

All lifts will be located in a subterranean garage structure and will not be visible from the exterior.

- (3) *Parking lifts shall be permitted only when operated by an attendant or a licensed and insured valet parking company on a 24-hour/seven-days-a-week basis, to be confirmed by restrictive covenant to be recorded by the owner/applicant prior to establishment of the use; and*

All parking for the building will be provided via 24-hour valet

service.

- (4) *No resident, guest, patron or customer of the building shall be permitted to operate the parking lift. A physical barrier shall be placed in the parking area to prohibit access to the parking lift area by residents, guests, patrons or customers of the building; and*

No physical access to the basement will be available to residents or guests

- (5) *All parking lifts shall be maintained and kept in good working order; and*

The Applicant will be entering into a maintenance agreement with the manufacturer of the lifts prior to installation.

- (6) *The parking lift platform must be sealed and of a sufficient width and length to completely cover the bottom of the vehicle on the platform to prevent dripping liquids or debris onto the vehicle below; and*

The proposed lifts fully comply with this requirement.

- (6) *All lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage; and*

The proposed lifts fully comply with this requirement.

- (7) *All parking lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift; and*

The proposed lifts fully comply with this requirement.

- (8) *Ceiling heights of any parking level with parking lifts shall be a minimum of 14 feet 4 inches and sufficient to accommodate all types of passenger vehicles. Such required height shall be proposed in the traffic queuing study and approved by the town manager. There shall be no beams, plumbing, or sprinklers that lower or otherwise interfere with this clearance across the entire span of the parking space; and*

The height of the parking level meets and exceeds this requirement.

- (10) *Noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions outside of the parking garage.*

Noise from the system will be minimized as it will be completely subterranean.

In sum, the proposed lifts meet all of the Town's requirements for a parking lift system. The location of the lifts below ground will render them invisible and inaudible from neighboring properties and the public right of way. The proposed system will allow for the provision of adequate parking within the constraints of the Property.

Operational Plan and Voluntary Additional Conditions Related to Parking and Loading. Attached to this letter is the Applicant's Valet Operational Plan, which includes narrative and illustrative descriptions of the proposed parking and valet system. The Operational Plan depicts the manner in which parking system will integrate within the existing development in the area. Special attention has been paid to the interaction of the proposed parking system with the Surf Club development, which shares 90th Street with the Property. As you will see from the Plan and the Applicant's associated traffic materials, we anticipate that the development will not create any issues with the functioning of 90th Street for both vehicular and pedestrian access. The Operational Plan also notes that the Applicant has agreed to the following additional conditions to be imposed on the operation:

- (1) The building owner or condominium association must maintain a service contract with the manufacturer or manufacturer-approved service company at all times to ensure continued operation of the lifts and car elevator. Proof of the service contract must be provided to the Town annually.
- (2) The parking system must be staffed by the number of personnel of a licensed and insured valet parking company adequate to accommodate demand at all times. Proof of the valet service contract must be provided to the Town annually.
- (3) Maintenance on the car elevators or lifts shall take not place between 7:00 AM and 7:00 PM on weekdays and between 9:00 AM and 7:00 PM on Saturdays and Sundays.
- (4) The Applicant shall store replacement mechanical parts for the elevator

system on the Property and shall retain a contract with an elevator repair company ensuring 24/7 service. Proof of the elevator service contract must be provided to the Town annually.

- (5) Within 365 days of the sale and/or lease of all of the units in the renovated building, the applicant shall provide the Manager with a report on the functioning of the parking system. If the report determines that the system is causing unacceptable negative impact on the safety of pedestrians and/or the reasonable flow of traffic on 90th Street because of the queuing of vehicles entering or exiting the system, the applicant shall be required to undertake modifications to the system or staffing to resolve the issue. These modifications may include the utilization of the existing parking lot at the NW corner of Collins Avenue and 90th Street for additional vehicular queuing. If the Town Manager determines, after reviewing the report, that no excessive vehicular queuing is occurring at the time of the report, no further reports will be required.
- (6) All mechanical parking lifts and/or the car elevators must be maintained and kept in good working order and must be inspected by a licensed mechanical engineer at least once annually.
- (7) No delivery or moving truck servicing the Property may be larger than a single unit truck.

Withdrawal of Proposed Vehicular Access Encroachment Agreement. The Applicant had proposed that the Town accept an agreement permitting the use of a small sliver of right of way for purposes of providing additional room for vehicle queuing and loading. Given the reduction in density and intensity in the revised plan, the Applicant has been able to keep all queuing and loading within the Property and therefore can now withdraw this request.

Variances. Retaining the existing building lines of the architectural significant building that sits on an atypically narrow 73-foot lot has come at some cost to the flexibility of design for the Property. The previous design required several variances to accommodate the modern loading and landscaping requirements of the Town on the site. The reduction in density and intensity of the revised design has allowed the Applicant to withdraw all of these variances. We believe that the project no longer requires any variances of the Town's standards.

Green Building. As contemplated by Section 90-33 of the Town's regulations, the proposed redevelopment is being designed to meet the

requirements of the “Florida Green High-Rise Residential Building Standard.” The Applicant’s worksheet is attached as Tab C.

Additional Off-Site Improvements. The Applicant proposes the following package of improvements and direct financial mitigation to the Town as part of the site plan review process.

	Item	
1	Enhanced 90th Street Access*	
	<i>Applicant proposes to enhance the beach access by beautifying 90th street from Harding Ave to the street end. See Exhibit B of Appendix.</i>	\$626,050 [‡] (approx.)
2	Solar Trashcans	
	<i>Applicant will purchase and install two pair new solar powered trashcans</i>	\$30,000
3	Diverter Dunes	
	<i>Applicant will pay for and install two new diverter Dunes at locations to be specified.</i>	\$20,000
4	Sustainability and Resiliency Fund Payment	\$60,000
	Total	\$736,050

* This does not include the perpetual maintenance of all improvements in front of 8995 Collins and the maintenance of the street landscape between Harding and Collins, which will also be paid for by the Applicant.

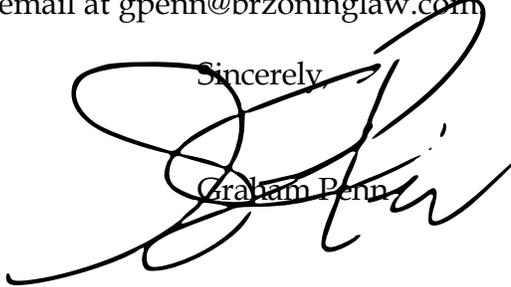
[‡] The current estimated cost of the 90th Street improvements depicted on Exhibit B in the Appendix. The Applicant will be completing the work following the issuance of all necessary reviews and approvals from the Town and other responsible agencies.

Sarah Sinatra, AICP
Town Planner
Town of Surfside
December 2, 2019
Page 9

Conclusion. We are excited to present the Town with a revised development program that both retains the significant improvements contemplated for the Property and adjacent area and reduces the density and intensity of development in such a manner that we are able to withdraw all conditional use and variance requests. As now presented, we believe that the 8995 Collins development requires only site plan review and approval.

We look forward to your review. If you have any questions or concerns regarding this letter, please do not hesitate to phone my direct line at (305) 377-6229 or send me an email at gpenn@brzoninglaw.com

Sincerely,

A handwritten signature in black ink, appearing to read 'Graham Penn', written over the typed name.

Graham Penn



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

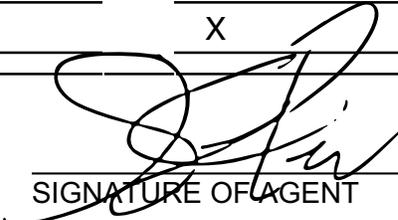
TOWN OF SURFSIDE
MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION

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.

<u>PROJECT INFORMATION</u>	
OWNER'S NAME	Surf House Ocean Views, LLC
PHONE / FAX	see agent
AGENT'S NAME	Graham Penn
ADDRESS	200 S. Biscayne Blvd., Suite 850 Miami FL 33131
PHONE / FAX	305 377 6229
PROPERTY ADDRESS	8995 Collins Avenue
ZONING CATEGORY	H-120
DESCRIPTION OF PROPOSED WORK	Site plan approval for expansion to existing multi-family building.

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

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

	12/2/19		12/2/19
SIGNATURE OF OWNER	DATE	SIGNATURE OF AGENT	DATE

RESOLUTION NO. 19- _____

A RESOLUTION OF THE TOWN COMMISSION OF SURFSIDE, FLORIDA; APPROVING A SITE PLAN APPLICATION FOR PROPERTY LOCATED AT 8995 COLLINS AVENUE, SURFSIDE, FLORIDA FOR DEVELOPMENT CONSISTING OF 34 CONDOMINIUM UNITS; PROVIDING FOR CONDITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Graham Penn, Esq., on behalf of Surf House Ocean Views, LLC, formerly Surf House Condominium Association, Inc. (“Applicant”), owner of the property located at 8995 Collins Avenue, Surfside, Florida 33154 and legally described on Exhibit “A” attached hereto (“Property”), submitted a revised application to the Town of Surfside, Florida (“Town”) requesting site plan approval for the renovation and addition to an existing nine-story building, to add three (3) additional stories and include 34 condominium units; and

WHEREAS, an application was submitted to the Planning and Zoning Board on March 13, 2017 requesting that the building be determined to be architecturally significant pursuant to Section 90-33(3) of the Town Code, and was heard by the Planning and Zoning Board on April 27, 2017 which made an architecturally significant determination for the existing building; and

WHEREAS, the Applicant submitted the original site plan application on May 19, 2017 and the application was reviewed by the Town’s Development Review Group (DRG) on June 19, 2017, where technical comments were provided by Town staff to the Applicant; and

WHEREAS, subsequent to the DRG meeting on June 19, 2017, the Applicant revised the Site Plan and resubmitted, and a second DRG meeting was held on August 24, 2017, with further comments provided to the Applicant; and

WHEREAS, plans were resubmitted after the DRG meeting on August 24, 2017 and a final DRG meeting was held on September 28, 2017; and

WHEREAS, the Application was heard and deferred by the Planning and Zoning Board on February 22, 2018, due to concerns regarding traffic and architectural significance; and

WHEREAS, the revised Application was resubmitted on March 29, 2018 with changes addressing a second parking lift, reducing the encroachment onto the public right-of-way and modifying the architecture, and was heard by the Planning and Zoning Board on April 26, 2018, which deferred the matter to its meeting on May 31, 2018 to further address traffic; and

WHEREAS, the Applicant further revised the Site Plan to eliminate the request for three variances, the conditional use and the right-of-way encroachment, and resubmitted the Application on July 26, 2019; and

WHEREAS, a final DRG meeting was held on July 26, 2019 with staff providing additional technical comments to the Applicant, and final revised plans were submitted to the Town on September 19, 2019; and

WHEREAS, the Applicant has proffered to contribute to enhancements and improvements to the 90th Street Beach Access and Promenade, two solar powered trash cans and two diverter dunes at a location to be specified and agreed to in the future, for a total amount of \$736,050 in proffers, to address and mitigate impacts of the development; and

WHEREAS, on October 24, 2019, 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 Code for Site Plan Approval and the Application's consistency with the Town of Surfside's Comprehensive Plan and recommended the Application for approval by the Town Commission, subject to the conditions of approval incorporated herein under Section 3. Conditions; and

WHEREAS, on December 10, 2019, the Town Commission, at a duly noticed and televised quasi-judicial public hearing, reviewed the Application and heard from its professional staff, the Applicant, and members of the public, and considered the recommendation of the Planning & Zoning Board, the requirements of the Town Code for Site Plan Approval and 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:

SECTION 1. RECITALS AND FINDINGS OF FACT.

1. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.
2. The Commission finds that the proposed site plan is in compliance with the requirements of the Town Code for Site Plan Approval and the Application is consistent with the Town of Surfside's Comprehensive Plan.

SECTION 2. SITE PLAN APPROVAL. The request to approve a site plan is hereby granted as shown on the site plan submitted to the Town on July 26, 2019 and prepared by Kobi Karp Architecture and Interior Design, Inc., dated July 23, 2019, and revised on September 19, 2019, and provided for the public hearing, except as modifications are required by this approval or the Building Official.

SECTION 3. CONDITIONS. The APPROVAL granted herein is subject to the following conditions:

1. The construction and uses shall be in accordance with the submitted plans for the hearing as detailed in Section 2 herein above, and incorporated into this document as Exhibit “B” except as modifications may be required by this approval and any changes required by the Building Official.
2. Pursuant to Section 90-20.3 of the Town Code, the site plan approval shall remain valid for a period of 24-months from the date of approval of this Resolution by the Town Commission. If no building permit is issued within the 24-month time period, the site plan shall be considered null and void and of no force and effect unless extensions of time are requested and obtained pursuant to law. Neither the expiration of permits or expiration of the site plan approval, nor the obtaining or failure to obtain extensions of time shall excuse or delay the obligation of the Applicant, its heirs, successors and/or assigns to make the payments as set forth in these Conditions.
3. The underground utilities on the approved site plan shall be installed in accordance with said site plan, unless administratively modified by Town staff.
4. The Applicant shall contribute to the Town and fund in cash an amount not to exceed \$686,050.00 for the 90th Street Beach Access and Promenade Improvements Project (the “90th Street Project”), which may include beautifying 90th Street from Harding Avenue to the beach, a sidewalk between Harding and Collins Avenues, landscaping, traffic improvements, enhanced promenade at the beach entry with decorative paving, a planted coral stone gateway with signage, and benches and a shower. The funds shall be due to the Town on or before the issuance of the first building permit for the project.
5. The Applicant has proffered to purchase and install two (2) new solar powered trashcans in the amount of \$30,000 to be placed at a location specified by the Town. The solar powered trashcans shall be installed at the sole cost and expense of the Applicant prior to issuance of a temporary certificate of occupancy for the Property.
6. The Applicant has proffered to install two (2) new diverter dunes in the amount of

\$20,000 at locations to be specified by the Town. The diverter dunes shall be installed at the sole cost and expense of the Applicant prior to issuance of a temporary certificate of occupancy for the Property.

7. The Applicant's has proffered to contribute \$60,000 to the Town's Resiliency Fund to address adaptation and/or mitigation of climate change, to be paid upon the issuance of the first building permit.
8. All voluntary proffers and commitments made to the Town of Surfside pursuant to this 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.
9. No delivery or moving truck servicing the Property may be larger than a single unit truck.
10. The Applicant has submitted evidence of a Parking Valet Operational Plan and agrees to comply with the following additional conditions to be imposed upon operations:
 - a. The Applicant, building owner and/or condominium association shall maintain a service contract with the manufacturer or manufacturer-approved service company at all times to ensure continued operation of the parking lifts and car elevators. Proof of the service contract shall be provided to the Town Manager annually.
 - b. The parking system shall be a licensed and insured valet parking company, and staffed by the number of personnel adequate to accommodate demand at all times. Proof of the valet service contract shall be provided to the Town Manager annually.
 - c. Maintenance and Repairs of the parking lifts and car elevators shall not take place between the hours of 7:00 am and 7:00 pm on weekdays and between the hours of 9:00 am and 7:00 pm on Saturdays and Sundays.
 - d. The Applicant shall store and maintain adequate replacement mechanical parts for the car elevator system on the Property, and shall retain a contract with a licensed and insured elevator repair company ensuring 24/7 service. Proof of the elevator service contract shall be provided to the Town Manager annually.

- e. Within 365 days of the sale and/or lease of all of the units in the project, the Applicant shall provide the Town Manager with a report on the functionality of the parking system prepared by a licensed professional. If the report indicates that the parking system is causing negative impacts on the safety of pedestrians and/or the reasonable flow of traffic on 90th Street because of the queuing of vehicles entering or exiting the system, the Applicant shall be required to undertake modifications to the system or increase staffing to resolve the issue. These modifications may include the utilization of the existing parking lot at the NW corner of Collins Avenue and 90th Street for additional vehicular queuing. If the Town Manager determines, after reviewing the report, that no excessive vehicular queuing is occurring at the time of the report, no further reports will be required.
 - f. All mechanical parking lifts and/or car elevators shall be maintained and kept in good and safe working order and shall be regularly inspected by a licensed and insured engineer at least once annually.
11. 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 approved by the Town Manager prior to the issuance of a building permit.
12. The Applicant and the Applicant's general contractor 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. No workers shall park their vehicles in residential neighborhoods or Town public parking spaces; and
 - b. The Applicant shall provide monthly reports to the Town Manager of any problems or complaints with regard to workers parking their vehicles in residential neighborhoods; and
 - c. If the Town Manager deems necessary, the Applicant shall provide more frequent reports and develop additional preventive measures to protect the residential neighborhoods.

13. 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 90 days of the effective date of this Resolution.
14. Applicant shall furnish a payment and performance bond, cash or letter of credit, issued in a form and by a bank reasonably acceptable to the Town, in an amount not to exceed five (5) percent of the total construction cost, to ensure repair or replacement of 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 Town Manager. The Town Manager, together with 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 first building permit.
15. Applicant shall furnish a payment and performance bond, cash or letter of credit, issued in a form and by a bank reasonably acceptable to the Town, in an amount not to exceed five (5) percent of the total construction cost, to secure the Property and the construction site in the event that construction is abandoned, or ceases prior to completion. The bond required in this condition and the immediately preceding condition may be satisfied by posting one bond that includes both conditions.
16. All employees shall be required to park on-site on the Property.
17. The Applicant shall restore all adjacent roadways and sidewalks damaged by construction to the Town of Surfside and FDOT standards prior to issuance of a certificate of occupancy.
18. All deliveries and loading after certificate of occupancy, during business operations, shall occur on-site and shall not block the streets, sidewalks, or any right-of-way.
19. The Applicant shall comply with calculating the cost of construction and auditing procedures pursuant to Section 14-29 of the Town Code.
20. 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.
21. Applicant shall use its own off-site lot for staging of construction to minimize lane closures.

22. The Applicant agrees to design and build the project to the “Florida Green High-Rise Residential Building Standard” and to obtain such certification within 12 months of issuance of the certificate of occupancy and maintain such certification thereafter.
23. Pursuant to Section 90-60.1(5) of the Town Code, the Applicant shall provide and execute a perpetual, irrevocable easement in favor of the Town and the public encumbering the eastern area of the Property, including the area commonly referred to as the “hardpack” (“the “Easement”), substantially in form and content as provided by the Town Manager and Town Attorney. Within 90 days of the date of this Resolution, but in no event later than the issuance of the first building permit for the project, the Easement shall be executed by the Applicant, contain a signed and sealed survey and legal description of the easement area, and shall be recorded in the public records of Miami-Dade County, Florida, at the Applicant’s cost.
24. The Applicant shall provide for maintenance of the dune along the eastern area of the Property, located west of the Erosion Control Line, in accordance with the State of Florida, Department of Environmental Regulation, and Miami-Dade County standards.
25. Any change in ownership of the current property owner, up to and including the turnover of ownership to a condominium association, greater than twenty-five percent (25%) 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.
26. The approved site plan does not in any way create a right on the part of the Applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Town for issuance of the approval if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
27. The Applicant shall comply with all applicable conditions and permit requirements of Miami-Dade County’s Department Regulatory and Environmental Resources, the Miami-Dade County Fire/Rescue Department, the Water and Sewer Department, Florida Department of Environmental Protection (FDEP), the Florida Department of Transportation (FDOT) and all other applicable regulatory agencies, prior to and during construction of the project.

SECTION 4. VIOLATION OF CONDITIONS. Failure to adhere to the terms and conditions of this Resolution shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution and permits. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town Code, all permits issued or the conditions of this Approval.

SECTION 5. 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.

SECTION 6. EFFECTIVE DATE. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 10th day of December, 2019.

Motion by: _____,

Second by: _____.

FINAL VOTE ON ADOPTION

Commissioner Barry Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Daniel Gielchinsky	_____
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:**

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Sandra Novoa, 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. 19-____ adopted by the Town Commission at its meeting held on the ____ day of _____, 2019.

Issued: _____

Sandra Novoa, MMC
Town Clerk

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

Lots 1 and 2, Block 1-A of the Second Amended Plat of Normandy Beach Subdivision, Plat Book 16, Page 44, of the Official Records of Miami-Dade County, Florida

AND

A Parcel of land lying Easterly of and adjacent to Lots 1 and 2, Block 1-A, 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 Westerly of the Erosion Control Line as shown on the "Erosion Control Line" according to the plat thereof as recorded in Plat Book 105 at Page 62, of the Public Records of Miami Dade County, more particularly described as follows:

Begin at Northeast Corner of said Lot 1 and 2, thence run North 86°50'51" East along the Easterly extension of the North Line of said Lots 1 and 2 for a distance of 93.90 feet to a point on the Erosion Control Line as shown on said Plat Book 105 at Page 62; thence run South 05°37'30" East, along said Erosion Control Line, for a distance of 72.83 feet to a point on the Easterly extension of the South line of said Lots 1 and 2; thence run South 86°50'51" West, along the aforesaid Easterly extension of said Lots 1 and 2, for a distance of 93.40 feet to the Southeast corner of said Lots 1 and 2; thence run North 06°00'58" West, along the Easterly line of said Lots 1 and 2, for a distance of 72.85 feet to the Point of Beginning.

EXHIBIT "B"
APPROVED PLANS

**COPIES OF SITE
PLANS ARE
AVAILABLE AT
THE TOWN
CLERK'S OFFICE.**

PLEASE CALL 305-861-4863 FOR MORE
INFORMATION OR EMAIL TOWN
CLERK SANDRA NOVOA AT
SNOVOA@TOWNOFSURFSIDEFL.GOV