



**Town of Surfside
Special Town Commission Meeting
AGENDA**

October 15, 2012

7 p.m.

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

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. Surf Club Site Plan and Conditional Use Application – Roger M. Carlton, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ("TOWN") APPROVING A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE, TO PERMIT A 285 UNIT CONDOMINIUM/HOTEL INCLUDING A GOURMET SPECIALTY FOOD PRODUCT STORE, A FOUR STAR HOTEL WITH A FIRST CLASS QUALITY SPA, ROOF TOP DECKS, POOLS, 661 PARKING SPACES, TANDEM PARKING, AND 24 HOUR VALET PARKING CONSISTING OF THREE 12-STORY BUILDINGS ON THE EAST SIDE OF COLLINS AVENUE AND TWO 4-STORY BUILDINGS ON THE WEST SIDE OF COLLINS AVENUE, AND CONDITIONAL USES, PURSUANT TO SECTION 90-23-2 OF THE ZONING CODE, TO PERMIT THE DEVELOPMENT OF STRUCTURED PARKING, HOTEL SWIMMING POOLS, JACUZZI, OUTDOOR DINING, LOUNGES/BARS, AND A ROOF TOP BAR, ALL WITH AN ADDRESS OF 9011 COLLINS AVENUE, SURFSIDE, FL, AS SUBMITTED BY SC PROPERTY ACQUISITION, LLC (THE "APPLICANT") SUBJECT TO CERTAIN CONDITIONS WHICH SHALL BE INCLUDED IN A RECORDED COVENANT RUNNING WITH THE LAND, AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

3. Adjournment

Respectfully submitted,



Roger M. Carlton
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

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.townofsurfsidefl.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 Item #: 2A

Agenda Date: October 15, 2012

Subject: Surf Club Site Plan

From: Roger M. Carlton, Town Manager
Sarah Sinatra Gould, AICP, Town Planner

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APPLICANT PROPOSAL:

The applicant, SC Property Acquisition LLC on behalf of the Surf Club, is proposing a 285-room condominium/hotel at 9011 Collins Avenue. The proposed development will consist of a Four Star rated hotel with a first class quality spa (East building), roof top decks (East building), pools (East buildings), valet parking, parking facilities, a Gourmet Specialty Food Product store (Northwest building), outdoor dining, condominium/hotel rooms on both sides of Collins Avenue and related uses. A 2011 analysis by the Town Manager titled, the *Five Year Financial Forecast*, demonstrates the clear impact on the Town that various development strategies have on property taxes borne by our residents. The proposed condominium/hotel is in line with the Commission's direction to implement the *Five Year Financial Forecast* with the goal of reducing the residential tax burden and having quality development for infill parcels.

The initial site plan application was submitted on July 13, 2012. Staff confirmed that the package was complete and scheduled a Development Review Group (DRG) meeting for July 31, 2012. The members of DRG include Planning, Engineering, Landscape Architecture,

Survey, Traffic Engineering and Building. Nearly 100 comments were provided to the applicant at this meeting. The applicant then revised the site plan and resubmitted a package on August 10, 2012 and a second DRG meeting was held on August 23, 2012. An additional 79 comments were provided to the applicant at that time.

The Development Impact Committee (DIC) consisting of the Town Manager, Town Attorney, Town Planner, Building Official, Traffic Engineer, Public Works Director and Parks and Recreation Director met in an open, advertised, televised session on August 30, 2012 to discuss this application. 30 conditions were discussed and were recommended by the DIC to the Planning and Zoning/Design Review Boards. An additional 29 conditions were added as a result of continued review of the project and one additional condition was requested by the Planning and Zoning/Design Review Board, for a total of 60 conditions. The Planning and Zoning/Design Review Board also modified two of the conditions. All of the conditions will become part of the covenant recorded with this project after the Town Commission's final determination.

The total gross acreage of the site is 8.7 acres, which would permit 896 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 762 units. The applicant is only requesting 285 units. Overall, the project requires no variances from Town Code requirements.

It should also be noted that since this is a condominium/hotel project, Staff has analyzed the more intense uses where applicable. For instance, the Town's parking code requires a higher parking ratio for condominium units than for hotel units. Staff has required the applicant to provide the greater number of parking spaces. 635 spaces are required by the code, however the applicant is providing 661 spaces. Also, the permitted density for the west parcels is 79 dwelling units and 108 hotel units per acre, however, the applicant is proposing 32 condominium/hotel units per acre in the northwest building.

The application is also proposing a Gourmet Specialty Food Product store on the ground floor of the Northwest building, as defined by the following: a retail store that sells gourmet specialty food products. This type of facility may not offer money orders and wire services, dry cleaning/laundry, photo processing, banking, ATM machines and pharmaceutical services. There shall be no sales permitted through an open window to any street, driveway or sidewalk, however, outdoor dining is proposed at this location which shall be accessed only through the interior of the store. Also, the applicant is proposing a decorative wood material window screening as a feature to conceal the store from the roadways as required by Section 90.41(d)(7) of the Code of Ordinances. Lastly, the application also includes a very high quality spa of the level provided by a four star hotel. There will be adequate parking for a spa of this quality.

MIAMI DADE HISTORIC PRESERVATION BOARD

The Miami-Dade Historic Preservation Board heard the site plan application for the Surf Club at their September 19, 2012 meeting. The Board unanimously voted in support of the application due to the full restoration of the Surf Club to its original architectural splendor, as well as the developer's commitment to opening the historic building to the public for the first time in the Surf Club's history. The 10 conditions imposed by the Miami-Dade Historic Preservation Board are incorporated in the Town's resolution.

PLANNING AND ZONING BOARD/DESIGN REVIEW BOARD RECOMMENDATION

The application was heard by the Planning and Zoning Board/Design Review Board at their September 27, 2012 meeting. The Board unanimously recommended approval of the applications to the Town Commission. The Board requested two modifications of the conditions and one additional condition. The first was to modify the Applicant's contribution of \$500,000 to the Town's Parks and Recreation Capital Infrastructure Program, rather than limit the contribution to a second floor expansion of the Community Center. The second modification was to restrict plastic straws on the beach, which is included in this recommendation. The additional condition is that the Applicant shall, at its sole expense, host a public informational forum, to which all members of the public shall be invited. The forum is for the sole purpose of providing information to the public about the requested renovation and redevelopment of the Surf Club and to provide an opportunity for the residents of the Town to meet the development team, ask questions, and express any concerns they may have. That public forum was held at the Surf Club on October 10, 2012.

In addition to the public meetings held by Town Officials, including DIC and Planning and Zoning/Design Review Board, to review the Project, the Applicant has made significant efforts in reaching out to its neighbors. In particular, the Applicant has reached out to the residents of the Surf Club Apartments, the building located to the north of the Project. A meeting was held and many residents of the Surf Club Apartments attended. Similarly, the Applicant coordinated meetings with the residents of Harding Avenue, as well as with the residents of 91st Street. The Applicant also met with the attorney hired by the condominium association for the building to the south of the Project, the Surf House Apartments, to discuss the concerns of residents. Finally, in an effort to reach other residents of the Town, as mentioned above and as requested by the Planning and Zoning/Design Review Board, the Applicant has scheduled an informational forum to be held on Wednesday, October 10, 2012 at 6:00 p.m. at the Surf Club to provide information to the public about the proposed renovation and redevelopment of the Surf Club, as well as to answer any questions and concerns.

STAFF RECOMMENDATION

Recommendation: Staff recommends that the Town Commission approve the Site Plan application and the Conditional Use application based on the Applicant's acceptance of the Development Conditions.

Budget Impact: An estimated \$1,457,500 in annual ad valorem taxes expected to begin in FY14/15 and an estimated \$1,200,000 in annual resort and food and beverage taxes directly to the Town of Surfside will also be generated in FY14/15. It is also estimated that food and beverage taxes generated in the downtown area will increase by \$50,000 per year. The building permit fee of \$2,300,000 is projected for FY13/14. The water and sewer fee of \$200,000 is expected for FY13/14. This revenue will be used to mitigate the impacts on our new/renovated water/sewer/stormwater system. There will also be increases to our utility taxes and franchise fees. Finally, there are \$1,510,000 in voluntary proffers to mitigate off-site impacts including the following:

1. The construction of a lifeguard stand located east of the Surf Club property, estimated to cost \$25,000, with operational costs contributions of \$30,000 at the issuance of the

TCO, \$20,000 the second year thereafter and \$10,000 the third year thereafter towards the operational cost.

2. A \$25,000 contribution for Tennis Center improvements at the issuance of the TCO.
3. A \$500,000 contribution for the undergrounding of utilities and associated landscape and streetscape improvements along 91st Street from Harding Avenue to Bay Drive.
4. A total not to exceed \$400,000 for the 90th Street end project that includes landscape and streetscape improvements from Collins Avenue to the 90th Street hardpack.
5. A \$500,000 contribution for the Town's Parks and Recreation Capital Infrastructure Program.

Growth Impact: The *Five Year Financial Forecast* and the Town's adopted Comprehensive Plan both encourage the development of new hotels on Collins Avenue. Therefore, the growth is in line with the Town Commission's direction and goals.

Staff Impact: There has been no impact to staff other than the significant amount of work necessary to review the project. The applicant has funded the review through the cost recovery process and the building permit review and inspection costs will be funded through the building permit fees.



Sarah Sinatra Gould, AICP, Town Planner



Roger M. Carlton, Town Manager

SITE PLAN STAFF ANALYSIS

SITE PLAN INFORMATION:

Address	9011 Collins Avenue
General Location	East and west side of Collins Avenue and 91 st Street.
Property Size	<p>East Parcel: 6.96 gross acres</p> <p>Northwest Parcel: .87 gross acres</p> <p>Southwest Parcel: .87 gross acres</p> <p>TOTAL: 8.7 gross acres</p>
Zoning District	<p>East Parcel: H120</p> <p>West Parcels: H40 (H40 is the zoning district on the east side of Harding Avenue as well as the west side of Collins Avenue)</p>
Adjacent Zoning Districts	<p>East Parcel: H120 to the north and south, H40 to the west</p> <p>West Parcels: H40 & H30 to the north, H40 & H30 to the south, H30 to the west and H120 to the east</p>
Future Land Use	<p>East Parcel: High Density Residential/Tourist</p> <p>West Parcels: Moderate Density Residential/Tourist</p>
Density Permitted	<p>East Parcel: 109 units per acre</p> <p>West Parcel: 79 units per acre</p>
Number of rooms proposed	<p>East Parcel: 257 rooms</p> <p>West Parcels:</p> <p> Northwest Building: 28 Units</p> <p> Southwest Building: 0 Units (parking facility only)</p> <p>TOTAL: 285 units</p>
Number of parking spaces	<p>East Parcel: 174 spaces</p> <p>West Parcels:</p> <p> Northwest Building: 60 spaces</p> <p> Southwest Building: 427 spaces</p> <p>TOTAL Provided: 661 spaces</p> <p>TOTAL Required: 661 spaces</p>

ZONING CODE, APPLICABLE REQUIREMENTS

Sec. 90.42

Minimum Unit Sizes	Minimum Required	Proposed
Hotel Suite	525 square feet	604 square feet
One-bedroom	800 square feet	815 square feet
Two-bedroom	950 square feet	1,444 square feet
Three-bedroom	1150 square feet	2,499 square feet
Four-bedroom	N/A	3,933 square feet

Sec. 90.43

Maximum Building Heights	Maximum Required	Proposed
H120	120 feet maximum	120 feet
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
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	

Sec. 90.45(b)

Setbacks	Minimum Required		Proposed
H120	Front (Collins Avenue)	40 ft	40 ft
	Rear (Beach)	30ft	125 ft
	Setback from platted bulkhead line	20 ft	20 ft
	Side (south)	20 ft	20 ft
	Side (north)	10 ft	10 ft
H40	Front (Collins Avenue)	20 ft	20 ft
	Side	10ft	10 ft
	Rear (Harding Avenue)	10 ft	10 ft
	Secondary (91 st Street)	10 ft	10 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	Proposed does not exceed the maximum.
H40 – Projection of open, unenclosed building entrance porches, platforms, stairs or paved terraces,	Maximum 8 feet and the encroachments shall not provide less than a 24-inch setback to the property line.	Proposed does not exceed the maximum.

Sec. 90.47.8

Cantilevered Canopy	Required	Proposed
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. The Historic Preservation Board (HPB) has requested to assist in the design of the canopy for the historic building. Town Staff will confirm that the proposed design preferred by the HPB meets the Town's requirements.
	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 20 feet into setback
	Shall not extend into any side setback area	Does not extend into side setback area

Sec. 90.49

Lot Standards	Required	Proposed
Minimum Lot width	50 feet	East Parcel: 732.17 ft West Parcel: 119 ft
Minimum Pervious area	20%	East Parcel: 45.5% West Parcel: 23%

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 decks of east buildings will be composed of brick pavers, landscaping and pools. The northwest building will not have a roof deck. The south west building will provide rooftop parking with landscaping. The historic Surf Club building will maintain the terracotta clay roof tiles.

Sec. 90.50.2 (3)

Roof Deck Provisions	Required	Proposed
Roof Decks are limited to	a. Maximum 70% of the aggregate roof area;	56%
	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. 90.51(1)

Maximum frontage of buildings	Required	Proposed
H120	For every 100 feet, a minimum 6 foot change in wall plane	After 100 feet there is a 6 foot horizontal change in wall plane
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

Paving in front and rear yards in H40 Districts	Required	Proposed
Front setbacks, amount that may be paved with any type of material that is not readily permeable by rainwater and groundwater.	Maximum 50% paved	10% paved
Front Yard Landscaping	Minimum 30%	Approximately 90%
Rear Yard Landscaping	Minimum 20%	100%

Sec. 90.67.2

	Required	Proposed
Underground utilities	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)

	Minimum Required	Proposed
Off-Street Parking	661 Spaces	East Parcel: 174 West Parcel: 487 TOTAL: 661

Sec. 90.83

Off-Street Loading	Minimum Required	Proposed
Hotel, Greater than 100,000 sq ft	2 spaces on site	4 spaces on site

Sec. 90.91

Vegetative Provisions	Minimum Required	Proposed
Xeriscape in pervious area	50%	87%

Sec. 90.91.2

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

Sec. 90.93

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

CONDITIONAL USE APPLICATION

CONDITIONAL USE

Section 90-23 of the zoning code provides standards of review for Conditional Uses. Conditional Uses are generally compatible with the other land uses permitted in a zoning district but, because of their unique characteristics or potential impacts on the surrounding neighborhood and the Town as a whole, require individual review as to their location, design, configuration, and/or operation for the particular use at the particular location proposed, as well as the imposition of individualized conditions in order to ensure that the use is compatible with the surrounding neighborhoods and appropriate at a particular location.

In addition to the standards set forth in this zoning code for the particular use, all proposed Conditional Uses shall meet each of the following standards. The responses to the criteria are in italics below:

- (1) The proposed use shall be consistent with the Comprehensive Plan and the Zoning Code;

The proposed uses, which include swimming pools, outdoor dining, structured parking, lounge/bar and a rooftop bar, are consistent with the Comprehensive Plan and the Zoning Code. These uses are customary for a hotel use, which is permitted in both the H40 and H120 zoning districts. The proposed pool will be on the roof decks of the east property as well as at the ground level. Setbacks as per code are proposed to limit the visual impact of the pool decks. The setbacks will be around the entire perimeter of the deck. The Town has limited the hours of operation of the rooftop pool from dawn to 9 p.m. for the center tower building and prohibited live, amplified music at any time. Recorded music will be allowed from 11 a.m. to dusk at no greater than 75 decibels.

- (2) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare;

The rooftop swimming pool have limited hours of operation to mitigate any unwanted effects from hotel guests in the pool. Music, other than piped in recorded music has also been prohibited to further protect the public health, safety and general welfare of the surrounding neighborhood. Any recorded music is limited to 75 decibels. The parking garage will be located in the South West building. This structure will offer landscape planters, windows, landscaping and the appearance of a residential structure. The northwest parking garage will provide a Gourmet Specialty Food Product store as well as landscape features. The northwest building also has a residential component. 28 units are proposed for this building.

- (3) The proposed use shall be compatible with the community character of the immediate neighborhood. In addition to compatibility there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation.

The project is on both the east and west side of Collins Avenue. Collins Avenue has a range of up to four story multifamily uses on the west side of the road. The east side of

Collins Avenue consists of multi-family and hotel projects with a maximum height of 120 feet. This project is consistent with the use and appearance of the existing neighborhood on Collins Avenue. The 8.7 gross acre site permits 762 units. The applicant is proposing 285, which will have less impact on the community by not maximizing the development potential. The site has an existing historic private club, the Surf Club. The Miami-Dade Historic Preservation Board was presented the proposed site plan at their September 19, 2012 meeting. Please see Historic Preservation Board report attached.

- (4) Adequate provisions shall be included for safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use;

The applicant has indicated on the plans that the entrance gates on 91st Street will be sufficiently set back from the street to avoid any queuing. In addition, there is a Development Order condition that the entrance gates will remain in the open position until at least 10pm each night and reopen at 6am. The Development Order requires the applicant to have a traffic engineer prepare a traffic study that includes, but is not limited to, queuing of vehicles and the impact of the increased traffic generated by the project on Collins Avenue. Due to the current partial street closure on 91st Street between Collins and Harding Avenues, it was determined by Staff that a traffic signal warrant analysis is not possible at this time. However, the applicant shall provide a detailed traffic signal warrant analysis once 91st Street is reopened. Based on the outcome of this analysis, the applicant shall fund, if necessary, a traffic signal at 91st Street and Collins Avenue with a condition in the Development Order requiring the funding if needed.

- (5) Adequate measures exist including landscaping or other buffering measures or shall be taken to mitigate any adverse effects of noise, light or other potential nuisances; and

The core of the active uses are located in the center of the east parcel and are buffered by the north and south towers. The south tower, which contains a swimming pool and outdoor bar/grill in the landscaped area east of the relocated cabanas. The north tower contains a swimming pool that is 127 feet setback from the north property line. There will also be substantial landscaping to mitigate noise. The rooftop parking structure is also landscaped. This will help reduce noise and impacts from headlights.

- (6) The establishment of the Conditional Use shall not impede the development of surrounding properties for uses permitted in the zoning district; and

The buildings are surrounded by existing uses, therefore the establishment of the Conditional Uses will not impede the development of permitted uses in surrounding properties. However, the proposed development adds value to the district and is not expected to restrict future development but help revitalize Collins and Harding Avenues. There will be a significant economic benefit for the Town and its residents.

- (7) Any other condition imposed by the Design Review Board and/or the Development Impact Committee.

DEVELOPMENT IMPACT COMMITTEE SUMMARY

DEVELOPMENT IMPACT COMMITTEE MEETING

The Development Impact Committee (DIC)* met on August 30, 2012 to discuss the application for the Surf Club ("the Project"). The DIC meeting was attended by the following:

Staff Attendees: Roger M. Carlton, Town Manager
Randy Stokes, Public Works
Miriam Maer, Consulting Attorney
Sarah Sinatra Gould, Town Planner
Bryan Kelley, Traffic Engineer

Applicant Attendees:
Joe Benton, Fort Capital
Nadim Achi, Fort Capital
Mike Conaghan, Fort Capital
Kobi Karp
Mathieu Picard
Pablo Massari, EDSA
Alex Tachmes

Citizen Attendees (who signed in): None

30 conditions were discussed and, if recommended by the Planning and Zoning/Design Review Board to the Town Commission, will become a covenant running with the property as part of the Development Order. The Planning and Zoning Board/Design Review Board and the Town Commission may modify any of the conditions and/or request additional conditions to be included in the Development Order. The thirty (30) conditions, along with thirty (30) additional conditions have been included in the Resolution.

***NOTE:** The DIC meetings are televised on the Town's Channel 77 and are well publicized on the Town's website and advertised in the Miami Herald Neighbor's edition for the Surfside area.

TOWN COMMISSION RESOLUTION

RESOLUTION NO. 12-Z-0_

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, (“TOWN”) APPROVING A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE, TO PERMIT A 285 UNIT CONDOMINIUM/HOTEL INCLUDING A GOURMET SPECIALTY FOOD PRODUCT STORE, A FOUR STAR HOTEL WITH A FIRST CLASS QUALITY SPA, ROOF TOP DECKS, POOLS, 661 PARKING SPACES, TANDEM PARKING, AND 24 HOUR VALET PARKING CONSISTING OF THREE 12-STORY BUILDINGS ON THE EAST SIDE OF COLLINS AVENUE AND TWO 4-STORY BUILDINGS ON THE WEST SIDE OF COLLINS AVENUE, AND CONDITIONAL USES, PURSUANT TO SECTION 90-23-2 OF THE ZONING CODE, TO PERMIT THE DEVELOPMENT OF STRUCTURED PARKING, HOTEL SWIMMING POOLS, JACUZZI, OUTDOOR DINING, LOUNGES/BARS, AND A ROOF TOP BAR, ALL WITH AN ADDRESS OF 9011 COLLINS AVENUE, SURFSIDE, FL, AS SUBMITTED BY SC PROPERTY ACQUISITION, LLC (THE “APPLICANT”) SUBJECT TO CERTAIN CONDITIONS WHICH SHALL BE INCLUDED IN A RECORDED COVENANT RUNNING WITH THE LAND, AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

I. RECITALS.

WHEREAS, SC PROPERTY ACQUISITION, LLC, a Florida Limited Partnership, 176 NE 43 Street, Miami, FL 33137, (the “Applicant”), with the consent of The Surf Club, a Florida non-profit corporation, owner of the property located at 9011 Collins Avenue, Surfside, FL 33154, with a general location of the east and west sides of Collins Avenue and 91st Street, Surfside, FL, (the “Property”) submitted an application to the Town of Surfside, Florida (the “Application”) on July 13, 2012, requesting the following:

- A. Pursuant to Section 90-41 et seq., of the Town Zoning Code, site plan approval of a 285 unit condominium/hotel development to be known as “The Surf Club”, including a gourmet specialty food product store, a four star hotel with a first class quality spa, roof top decks, pools, 661 parking spaces, tandem parking, and 24 hour valet parking consisting of three 12-story buildings on the east side of Collins Avenue and two 4-story buildings on the west side of Collins Avenue.**
- B. Pursuant to Section 90-23-2 of the Town Zoning Code, conditional use approval for structured parking, hotel swimming pools, Jacuzzi, outdoor dining, lounges/bars and a rooftop bar as part of the restoration and redevelopment of the property at 9011 Collins**

Avenue, Surfside, Florida for a condominium/hotel with 285 hotel rooms and related uses.

Plans are on file and may be examined in the Building Department entitled "Surf Club" at 9011 Collins Avenue, Surfside, FL 33154, which plans may be modified at public hearing (hereinafter referred to as the "Plans") prepared by Kobi Karp Architecture & Interior Design, submitted October 5, 2012 consisting of 120 sheets total including "cover sheet and index of drawings".

Architecture sheets:

Prepared by Kobi Karp architecture & interior design

A1.00 COVER SEPTEMBER 18, 2012; 1.01 SHEET INDEX OCTOBER 4,2012; A1.01A SCHEMATIC DEMOLITION DIAGRAM SEPTEMBER 18,2012; A1.01B PERVIOUS AREA DIAGRAM SEPTEMBER 18,2012; A1.01C USABLE ROOF DIAGRAM SEPTEMBER 18, 2012 A1.02 AERIAL IMAGES SEPTEMBER 18, 2012 A1.03 STREET VIEW - RENDER SEPTEMBER 18, 2012; A1.04 COLLINS BIRD'S EYE VIEW - RENDER SEPTEMBER 18, 2012; A1.05 90TH BIRD'S EYE VIEW - RENDER SEPTEMBER 18,2012; A1.06 BEACH VIEW - RENDER SEPTEMBER 18,2012; A1.07 BEACH VIEW - RENDER SEPTEMBER 18,2012; A1.08 STREET VIEW - RENDER SEPTEMBER 18,2012; A1.09 STREET VIEW - RENDER SEPTEMBER 18,2012; A1.10 STREET VIEW - RENDER SEPTEMBER 18,2012; A1.11 STREET VIEW - RENDER SEPTEMBER 18,2012; A1.12 STREET VIEW - RENDER SEPTEMBER 18,2012; A1.13 COLLINS VIEW - RENDER SEPTEMBER 18,2012; A2.00 ZONING INFORMATION SEPTEMBER 18,2012; A2.01 SITE PLAN OCTOBER 4,2012; A3.00 SERVICE LEVEL FLOOR PLAN OCTOBER 4,2012; A3.01 GROUND LEVEL FLOOR PLAN OCTOBER 4,2012; A3.02 200 LEVEL FLOOR PLAN OCTOBER 4,2012; A3.03 300 LEVEL FLOOR PLAN OCTOBER 4,2012; A3.04 400 LEVEL FLOOR PLAN OCTOBER 4,2012; A3.05 500 LEVEL FLOOR PLAN SEPTEMBER 18,2012; A3.06 600 LEVEL FLOOR PLAN SEPTEMBER 18,2012; A3.07 700-800 LEVEL FLOOR PLAN SEPTEMBER 18,2012; A3.08 900 LEVEL FLOOR PLAN SEPTEMBER 18,2012; A3.09 1000 LEVEL FLOOR PLAN SEPTEMBER 18,2012; A3.10 1100 LEVEL FLOOR PLAN SEPTEMBER 18,2012; A3.11 1200 LEVEL FLOOR PLAN SEPTEMBER 18,2012; A3.12 ROOF LEVEL FLOOR PLAN SEPTEMBER 18,2012; A4.00 EAST BUILDINGS ELEVATIONS SEPTEMBER 18,2012; A4.01 EAST BUILDINGS ELEVATIONS SEPTEMBER 18,2012; A4.02 NW BUILDING ELEVATIONS SEPTEMBER 18,2012; A4.03 NW BUILDING ELEVATIONS SEPTEMBER 18,2012; A4.04 SW BUILDING ELEVATIONS SEPTEMBER 18,2012; A4.05 SW BUILDING ELEVATIONS SEPTEMBER 18,2012; A4.06 EAST BUILDINGS RENDERED ELEVATIONS SEPTEMBER 18, 2012; A4.07 EAST BUILDINGS RENDERED ELEVATIONS SEPTEMBER 18, 2012; A4.08 WEST BUILDINGS RENDERED ELEVATIONS SEPTEMBER 18, 2012; A4.09 WEST BUILDINGS RENDERED ELEVATIONS SEPTEMBER 18,2012; A5.00 SITE SECTIONS SEPTEMBER 18, 2012; A5.00A SOUTH TOWER LONGITUDINAL SECTION SEPTEMBER 18, 2012; A5.01 SOUTH TOWER CROSS SECTION SEPTEMBER 18, 2012; A5.02 NORTH TOWER LONGITUDINAL SECTION SEPTEMBER 18,2012; A5.03 NORTH TOWER CROSS SECTION SEPTEMBER 18,2012; A5.04 NW BUILDING LONGITUDINAL SECTIONS SEPTEMBER 18,2012; A5.05 SW BUILDING SECTIONS SEPTEMBER 18, 2012; A5.06 NORTH TOWER CROSS SECTION OCTOBER 4, 2012;

SE3.00 SERVICE LEVEL JULY 12,2012; SE3.01 GROUND LEVEL JULY 12,2012;SE4.00 SERVICE LEVEL ENLARGEMENTS JULY 12,2012;SE4.00 SCHEDULES JULY 12,2012

Survey sheets:

Prepared by Fortin, Leavy, Skiles, Inc

1 OF 2 SURVEY SHEET 1 SEPTEMBER 10, 2012 2 OF 2 SURVEY SHEET 2 SEPTEMBER 10, 2012

Civil sheets

Prepared by ocean engineering

C100 SCHEMATIC PAVING, GRADING & DRAINAGE PLAN OCTOBER 4, 2012; C200 SCHEMATIC WATER & SEWER PLAN SEPTEMBER 18, 2012; C300 SCHEMATIC SIGNAGE & STRIPING PLAN OCTOBER 4, 2012

Landscape architecture sheets

Prepared by EDSA

L-000 LANDSCAPE COVER SHEET OCTOBER 4,2012; L-001 ILLUSTRATIVE SITE PLAN SEPTEMBER 18,2012; L.002 LANDSCAPE CALCULATIONS OCTOBER 4,2012; L-100 SITE PLAN OCTOBER 4,2012; L-101 SITE PLAN OCTOBER 4,2012; L-102 SITE PLAN OCTOBER 4,2012; L-103 SITE PLAN OCTOBER 4,2012; L-200 OVERALL LAYOUT & DIMENSIONS OCTOBER 4,2012; L-201 LAYOUT & DIMENSIONS OCTOBER 4,2012; L-202 LAYOUT & DIMENSIONS OCTOBER 4,2012; L-203 LAYOUT & DIMENSIONS OCTOBER 4,2012; L-400 GRADING PLAN OCTOBER 4,2012; L-401 GRADING PLAN OCTOBER 4,2012; L-402 GRADING PLAN OCTOBER 4,2012; L-403 GRADING PLAN OCTOBER 4,2012; L-420.00 OVERALL IRRIGATION PLAN OCTOBER 4,2012; L-420.01 IRRIGATION PLAN OCTOBER 4,2012; L-420.02 IRRIGATION PLAN OCTOBER 4,2012; L-420.03 IRRIGATION PLAN OCTOBER 4,2012; L-420.04 IRRIGATION LEGEND & NOTES OCTOBER 4,2012; L-420.05 IRRIGATION DETAILS OCTOBER 4,2012; L-420.06 IRRIGATION DETAILS OCTOBER 4,2012; L-420.07 IRRIGATION DETAILS OCTOBER 4,2012; L-510.04 ROOF IRRIGATION PLAN SEPTEMBER 6,2012; L-510.05 ROOF TREE PLAN SEPTEMBER 6,2012; L-510.06 ROOF TREE PLAN SEPTEMBER 6,2012; L-520.07 TYPICAL GARAGE LEVEL IRRIGATION PLAN OCTOBER 4,2012; L-500.00 PLANTING NOTES OCTOBER 4,2012; ; L-501.00 PLANTING SCHEDULE OCTOBER 4,2012; L-501.01 PLANTING SCHEDULE OCTOBER 4,2012; L-502.00 OVERALL TREE AND RELOCATION PLAN OCTOBER 4,2012; L-502.01 TREE REMOVAL & RELOCATION PLAN OCTOBER 4,2012; L-502.02 TREE REMOVAL & RELOCATION PLAN OCTOBER 4,2012; L-502.03 TREE REMOVAL & RELOCATION PLAN OCTOBER 4,2012; L-502.04 TREE REMOVAL & RELOCATION CHART OCTOBER 4,2012; L-510.00 OVERALL TREE PLAN OCTOBER 4,2012; L-510.01 TREE PLAN OCTOBER 4,2012; L-510.02 TREE PLAN OCTOBER 4,2012; L-510.03 TREE PLAN OCTOBER 4,2012; L-510.04 ROOF TREE PLAN OCTOBER 4,2012; L-510.05 ROOF TREE PLAN OCTOBER 4,2012; L-510.06 ROOF TREE PLAN OCTOBER 4,2012; L-520.00 OVERALL SHRUB PLAN OCTOBER 4,2012; L-520.01

SHRUB PLAN OCTOBER 4,2012; L 520 02 4 2012; THE SURF CLUB; SHEET INDEX; L-520.02 SHRUB PLAN OCTOBER 4,2012; L-520.03 SHRUB PLAN OCTOBER 4,2012; L-520.04 ROOF SHRUB PLAN OCTOBER 4,2012; L-520.05 ROOF SHRUB PLAN OCTOBER 4,2012; L-520.06 ROOF SHRUB PLAN OCTOBER 4,2012; L-520.07 TYPICAL GARAGE LEVEL SHRUB PLAN OCTOBER 4,2012; L-700 LIGHTING PLAN OCTOBER 4,2012; L-701 LIGHTING PLAN OCTOBER 4,2012; L-702 LIGHTING PLAN OCTOBER 4,2012; L-703 LIGHTING PLAN OCTOBER 4,2012; L-704 SITE PLAN OCTOBER 4,2012; L-705 SITE PLAN OCTOBER 4,2012; L-706 SITE PLAN OCTOBER 4,2012; L-930.01 DETAILS OCTOBER 4,2012; L-930.02 DETAILS OCTOBER 4,2012; L-971 LIGHTING DETAILS OCTOBER 4,2012; L-972 LIGHTING DETAILS OCTOBER 4,2012

Legal Description: See attached Exhibit "A" "Legal Description"

ADDRESS: 9011 Collins Avenue, Surfside, FL 33154

WHEREAS, on July 31, 2012 and August 23, 2012, the Town's Development Review Group, pursuant to the Town's Zoning Code Section 90.20, met to review the site plan application and provide technical comments to the Town staff and to the Applicant; and

WHEREAS, the Town's Development Impact Committee, after notice posted on the Town's website, met on August 30, 2012, and during the televised meeting, reviewed the Application and made recommendations to the Town's Planning and Zoning Board in accordance with the criteria set forth in the Town's Zoning Code Section 90.2. Its recommendations for approval, subject to certain conditions set out in the Development Impact Committee Report, are incorporated herein under Section IV. Conditions, and, together with all other conditions imposed by the Planning and Zoning Board and the Town Commission, shall be accepted by the Applicant and owner of the Property and their heirs, successors and/or assigns, and shall be made part of a recorded covenant running with the land; and

WHEREAS, on September 27, 2012, the Design Review Board and 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 Section 90-41 et seq. of the Town Zoning Code for Site Plan Approval and Section 90-23-2 of the Town Zoning Code for Conditional Use 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 all of the conditions recommended by the Development Impact Committee and the additional conditions of approval incorporated herein under Section IV. Conditions; and

WHEREAS, on October 15, 2012, the Town Commission, at a duly noticed and televised quasi-judicial public hearing, after reviewing the Application, the recommended conditions, and all accompanying documentation, including written reports from its Town Planner and other consultants, and hearing from its professional staff, the Applicant, and

members of the public, found substantial competent evidence that the Applicant's requests for site plan approval and approval of the conditional uses are in compliance with the Zoning Code and the Comprehensive Plan of the Town and maintain the basic intent and purpose of the zoning, subdivision or other land use regulations, which are to protect the general welfare of the public, particularly as it affects the stability and appearance of the community; and, further, found that said requests should be granted, per plans on file, and subject to all of the conditions set forth in this Resolution, which shall be binding upon the Applicant, its heirs, successors and/or assigns, and the execution of any attendant agreements, including a covenant running with the land in a form approved by the Town Attorney, and with a time limitation of twenty-four (24) months in which to obtain a building permit.

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 Commission finds that the proposed Site Plan is in compliance with the requirements and criteria set forth in sections 90.41 "Regulated Uses" and 90.23 "Conditional Uses" of the Zoning Code of the Town of Surfside.

III. APPROVALS.

The approvals set forth in this Section III are subject to all of the conditions set forth in this Resolution and the execution of all attendant agreements prior to the issuance of the Building Permit for the Project.

- A. The Applicant's request for approval of the site plan submitted for the property known as the "Surf Club" located at 9011 Collins Avenue, with a general location of the east and west sides of Collins Avenue and 91st Street be, and the same is, hereby granted and said site plan is hereby approved, subject to all of the conditions provided in this Resolution. The failure of performance of any of these conditions shall be deemed a denial of this Application.
- B. The Applicant's request for approval of conditional uses for a 285 unit condominium/hotel development to be known as "The Surf Club", including a gourmet specialty food product store, a four star hotel with a first class quality spa, roof top decks, pools, 661 parking spaces, tandem parking, and 24 hour valet parking consisting of three 12-story buildings on the east side of Collins Avenue and two 4-story buildings on the west side of Collins Avenue be, and the same is, hereby granted subject to all of the conditions of approval.

IV. CONDITIONS.

AGREED UPON CONDITIONS:

1. All signage, including signage for the accessory uses, shall be submitted, reviewed and approved under a separate application for review by the Design Review Board prior to the issuance of a Temporary Certificate of Occupancy.
2. The Rooftop common area pool on the roof of the center building on the east side of Collins Avenue shall be limited to the following hours of operation: dawn to 9 p.m.
3. Live, amplified music shall be prohibited outdoors. Recorded music no greater than 75 decibels shall be allowed outdoors from 11:00 a.m. to dusk. This shall be reviewed through the Conditional Use annual review.
4. A bond or equivalent amount of cash shall be posted to 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 building permit.
5. 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.
6. Prior to consideration of the application by the Town Commission, the Applicant's counsel shall provide a legal opinion that the application does not violate the terms of Section 4 of the Town Charter, the Town's Comprehensive Plan and the Town's Zoning Code or in lieu thereof provide an agreement from Applicant in a form sufficient and acceptable to the Town Attorney to defend and hold harmless/covenant not to sue the Town against any suits, claims or demands arising from approval of the application for conditional use approval and site plan approval.
7. 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.
8. The Applicant shall meet all requirements of the Department of Public Works and Miami-Dade County for storm drainage services.
9. The Applicant shall fund the cost of litter receptacles along Collins Avenue and litter receptacles along 91st Street and Harding Avenue in a quantity, design and location reasonably acceptable to the Department of Public Works. The design of the litter receptacles shall be determined by the Department of Public Works in cooperation with

the Applicant and the installation shall occur before issuance of the final certificate of occupancy.

10. 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.
11. The Applicant agrees to design the project as required by the LEED process upon final approval of the site plan by the Town Commission so that the project will be LEED Silver Certifiable. Determination that the building has achieved LEED Silver certification shall be made by LEED at the appropriate time, which the Town realizes may not be issued prior to issuance of a Certificate of Occupancy. Applicant shall make necessary changes during the course of its construction and prior to final determination by LEED to ensure that LEED Silver Certification is achieved but should the cost for such changes become excessive (defined as a cost which is 0.5% greater than the original permitted value plus any change orders), the Applicant shall not be required to make changes beyond this amount and the Applicant may apply for its Certificate of Occupancy at the completion of its construction. Subject to the above, the Applicant will continue to construct and commission the building otherwise in accordance with its LEED certifiable design. Should the cost become excessive as defined above and Applicant opts not to carry out further changes, the Applicant will pay any balance remaining out of the defined amount not already spent on changes during construction or commissioning, required to ensure the building remains LEED Silver certifiable into a Town fund to be used for Town-wide energy conservation programs. In the event LEED certification is not available for the southwest parking garage on the west side of Collins Avenue, then Applicant commits to use its best efforts (not to exceed \$500,000) to maximize environmentally friendly construction practices by controlling construction pollution, utilizing building materials that originated within 500 miles of the site, maximizing water efficiency by implementing an efficient irrigation system, and by landscaping with native plants, recycling of existing asphalt, and installing energy efficient lighting, heating, ventilation and air conditioning systems to optimize the energy performance of the southwest parking garage.
12. The words “Surfside” shall be included in marketing materials. The details shall be formulated six months prior to issuance of the Certificate of Temporary Occupancy. The Town of Surfside and the Applicant shall cooperate in the annual determination of marketing programs utilizing resort tax revenues.
13. The Applicant shall feature businesses located in the downtown area of the Town of Surfside as a part of marketing information about the property in any room directory, concierge program or similar information provided to guests.
14. The Ownership Declaration dated October 8, 2012, attached hereto as Exhibit “C”, provides the percentage equity for all members/partners owning more than twenty percent interest in Applicant, SC Property Acquisition LLC, as of said date. The

Ownership Declaration shall be updated pursuant to Condition No. 56 of these Conditions.

15. The Applicant shall provide the Town with a detailed schedule for the construction of the project (the "Construction Schedule") within thirty (30) days of approval of the Application by the Town Commission. Failure to meet the achievement dates stated on the Construction Schedule shall not excuse any delay in making the mandatory payments set forth in Condition No. 17 (Traffic Signal Warrant) No. 20 (Tennis Center), Condition No. 21 (91st Street underground and beautification) and Condition No. 23 (Community Center/Parks and Recreation Capital infrastructure) which dates are set forth in the Construction Schedule described herein and shall govern regardless of any time delay in performance.
16. The average monthly resort tax payments received from The Surf Club for the twelve (12) month period prior to the date of the Town Commission's approval of the Resolution shall continue to be paid to the Town monthly from the time the Surf Club ceases to operate until the issuance of a Temporary Certificate of Occupancy.
17. The Applicant shall provide a detailed traffic signal warrant analysis within sixty (60) days of the reopening of 91st Street. Based on the outcome of this analysis, the Applicant shall fund an amount not to exceed \$400,000, if necessary, for a traffic signal at 91st Street and Collins Avenue.
18. 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 conditional use approval and site plan approval were granted.
19. The Applicant shall design and build a lifeguard stand, subject to the review and approval of the Town, to be located east of the Surf Club in a mutually acceptable location and shall be completed no later than the issuance of the Temporary Certificate Of Occupancy. The Applicant agrees to contribute \$30,000 to the Town of Surfside at the issuance of the Temporary Certificate of Occupancy, \$20,000 twelve months thereafter and \$10,000 twelve additional months thereafter towards the operational cost.
20. The Applicant shall contribute \$25,000 to the Town of Surfside for improvements to the public Tennis Center prior to issuance of the Temporary Certificate of Occupancy. Privileges will be provided to the Surf Club residents and guests as shall be determined by future agreement subject to Town Commission approval.

21. The Applicant shall contribute a total of \$500,000 towards the cost of the undergrounding of utilities and the installation of associated landscape, including Medjool palms, and construction of streetscape improvements, along 91st Street from Harding Avenue to Bay Drive (the "91st Street Project"). This commitment is contingent upon the Town Commission undertaking the 91st Street Project. Upon award of the construction contract by the Town, Applicant shall pay \$250,000; when the 91st Street Project is fifty percent (50%) complete, Applicant shall pay \$125,000 and the remaining \$125,000 shall be paid when the 91st Street Project is complete. Applicant's obligation to construct 91st Street between Collins Avenue and Harding Avenue, as required in the Site Plan approved by the Town Commission, is not a part of this obligation to contribute \$500,000 to the 91st Street Project.
22. The Applicant shall fund a total not to exceed \$400,000 for the 90th Street End Project (the 90th Street End Project") that includes landscape and streetscape improvements from Collins Avenue to the 90th Street beach access point east of the hard pack. This 90th Street End Project shall be completed prior to the issuance of the Temporary Certificate of Occupancy. Applicant may contribute the \$400,000 either in cash or by performing the work or by a combination of cash and performing the work. If Applicant elects to contribute the \$400,000 wholly in cash, the funds shall be due upon award of the 90th Street End Project construction contract by the Town Commission. Applicant shall advise Town of its decision whether to pay the cash, or perform the work or provide a combination of cash and work no later than: ninety (90) days after the date of issuance of the Building Permit for the Surf Club.
23. The Applicant shall contribute \$500,000 for the Town's Parks and Recreation Capital Infrastructure Program. Use of the funds shall be determined by the development and approval of a Parks and Recreation Capital Infrastructure Master Plan. Upon adoption of said plan, and determination by the Town Commission of which projects shall be funded in whole or in part by the Applicant's voluntary proffer, \$250,000 shall be paid to the Town's Parks and Recreation Capital Infrastructure Program. Six months thereafter, \$125,000 shall be paid to the Town's Parks and Recreation Capital Infrastructure Program, and six months thereafter, the remaining \$125,000 shall be paid. Notwithstanding the preceding payment schedule, the entire \$500,000 contribution shall be paid in full prior to the issuance of the first Temporary Certificate of Occupancy for the first new construction building completed.
24. The Applicant shall comply with all requirements contained in the Special COA No. 2012-25-S issued by the Miami-Dade County Historic Preservation Board on September 19, 2012, as the same may be amended from time to time. A copy of the September 27, 2012 letter from the Miami-Dade County Office of Historic Preservation approving the issuance of the Special Certificate of Appropriateness subject to the ten conditions set forth therein is attached and made a part of this list of conditions as Exhibit "B" to the Resolution.
25. The Applicant 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

construction site in the event construction is abandoned, or ceases prior to completion, or to repair public infrastructure damaged by construction, and to maintain site during abandonment.

26. The Applicant shall reimburse the Town for any work performed by the Town resulting from the Applicant's need to provide water and sewer service along Collins Avenue, 91st Street and Harding Avenue. Any work necessary within the FDOT ROW shall comply with FDOT regulations.
27. The proposed market shall be a Gourmet Specialty Food Product Store, as defined by the following: a retail store that sells gourmet specialty food products. It may not offer money order and wire services, dry cleaning/laundry, photo processing, banking, ATM machines and pharmaceutical services. A Gourmet Specialty Food Product Store must be a member of the National Association for the Specialty Food Trade or its successors in interest within two years of opening the store. Gourmet Specialty Food Products are defined as foods and beverages that exemplify quality, innovation and style in their category. Their specialty nature derives from some or all of the following characteristics: their originality, authenticity, ethnic or cultural origin, specific processing, ingredients, limited supply, distinctive use, extraordinary packaging or specific channel of distribution or sale. By virtue of their differentiation in these categories, such products maintain a high perceived value and often command a premium price. No sales of any type, including food service shall be made through an open window to any street or sidewalk. There shall be no direct pedestrian access to the Gourmet Specialty Food Product Store from any street or sidewalk.
28. The proposed spa shall be a first class quality spa and part of a Four Star Hotel. In the event the Four Star Hotel Rating is lost for any reason, the Applicant shall have two years to regain said rating. If no cure is obtained during the two-year term, the Applicant must then appear before the Town Commission for an extension or an adjustment to this requirement.
29. In the event that the municipal resort tax authorized under Chapter 67-930, Laws of Florida, as amended by Chapter 83-363, Laws of Florida, is further amended to make sales of spa treatments, services and products subject to the resort tax, or, in the event the State of Florida otherwise provides for collection of resort tax on sales of spa treatments, services and products, the Applicant agrees to collect and remit this tax.
30. During peak hours defined as 10 a.m. to 6 p.m., there shall be a sufficient number of valet attendants to assure no queuing exists on Collins and Harding Avenues and 91st Street. Should there be special events, sufficient additional valet attendants shall be added to minimize the impact on traffic. Three months prior to issuance of the Temporary Certificate of Occupancy, Applicant shall submit for review and approval by the Town Manager an operating plan for ingress/egress to each parking facility.
31. All gates shall be of a decorative design to enhance the aesthetics of the buildings.

32. Prior to issuance of any building permit, Applicant shall execute a recordable covenant running with the land, binding upon its heirs, successors and assigns, subject to the approval of the Town Attorney, which shall be recorded in the public records of Miami-Dade County, FL at Applicant's sole expense, which shall include, in addition to all of the other conditions and provisions required by this Resolution to be included in a recorded covenant, a provision that any building containing any tandem parking spaces shall provide twenty-four (24) hour valet parking service. This recorded covenant shall be amended from time to time and re-recorded at the Applicant's sole expense after approval by the Town Attorney. Such amendments shall occur each time any modifications or changes are made to this Resolution. If minor changes are made to the original site plan, the covenant shall be amended as set forth above if, in the opinion of the Town Manager or the Town Attorney, such changes require changes to the recorded covenant.
33. All pedestrian features shall comply with the Americans With Disabilities Act (ADA), including but not limited to detectable warning features at driveway locations and be identified with details of ADA conforming handicapped ramps at the time of engineering permit.
34. The new sidewalk, curbs, and gutter along Collins Avenue and Harding Avenue must be approved and permitted by FDOT.
35. The Applicant shall comply with all applicable conditions and permit requirements of Miami-Dade County's Department of Permitting, Environment and Regulatory Affairs (PERA), the Miami-Dade County Fire/Rescue Department, the Water and Sewer Department, Department of Environmental Protection (DEP), the Florida Department of Transportation (FDOT) and all other applicable regulatory agencies.
36. 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.
37. No building permits shall be issued (except for demolition, temporary power and construction trailers) unless the Applicant has submitted all documents required under this approval as of that date, in form and content subject to the approval of the Town Attorney and Town Manager, and shall have paid all professional and other payments required by the Code of the Town of Surfside to be paid as of that date, including but not limited to, the connection and development fees in accordance with Section 78-83 of the Code of the Town of Surfside, entitled "development fee imposed; time of payment" are paid. The Town acknowledges that the work, including issuance of building permits required for preserving the original Surf Club structure and/or the historic cabanas, may be initiated earlier than the new construction. Should this occur, the cost of permits for that work shall be calculated separately and paid prior to initiation of work.

38. The Applicant shall present evidence of a construction parking plan for the provision of off-street parking for construction workers during the period of construction of the approved project prior to the issuance of a building permit. The construction parking plan shall be subject to the review and approval of the Town Manager.
39. 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.
40. The Town Manager and/or his/her designee, in review of any application prior to the issuance of a building permit, or thereafter, if there are any material amendments to the site plan approval, may refer any such application presented to such engineering, planning, legal, technical or environmental consultant or professional(s) employed by the Town as the Town Manager shall deem reasonably necessary to enable him/her to review such application as required by law. Charges made by the Town shall be in accord with reasonable hourly rates made by such consultants or the hourly rates of employed professionals and shall be paid within thirty (30) days of submission of Town voucher. Determination of whether a change is considered material or minor shall be in the sole discretion of the Town Manager in the absence of controlling language in the Town's Zoning Code. A material change shall be processed in the same manner as the original site plan. A minor change shall be reviewed and approved by the Town Manager or, in his sole discretion, may be referred to the Town Commission for review and approval in the same manner as the original site plan.
41. The Applicant shall furnish payment and performance bond, cash or letter of credit issued in a form and by a bank reasonably acceptable to the Town to ensure Applicant's performance of the public improvements pursuant to the site plan approval, including the street end at 90 Street to the hardpack and 91 Street between Collins and Harding if work is done by the Applicant. Any such bond shall be issued by a surety having a minimum rating of A-1 in the Best's Key Rating Guide, Property/Casualty edition, shall be subject to the approval of the Town and shall include this legend: "This bond may not be cancelled or allowed to lapse until 30 days after receipt by the Town, by certified mail, returned receipt requested, addressed to: "Town Manager with a copy to: Town Attorney, both addressed to: Town of Surfside, 9293 Harding Avenue, Surfside, FL 33154-309" of written notice from the issuer of the bond of its intent to cancel or to not renew." As improvements are made, the Town, within its reasonable discretion, may reduce or eliminate the bond amount. These rights reserved by the Town with respect to any construction bond established pursuant to this section are in addition to all other rights and remedies the Town may have under this Resolution, in law or in equity.
42. Proof of an FDOT permit shall be required prior to any work being performed within the Collins Avenue and Harding Avenue rights-of-way.
43. Applicant shall have provided copies of approvals from Miami-Dade-PERA for sanitary sewer, and from the Miami-Dade Public Health Unit for water.

44. An irrigation plan shall have been approved by the Town within thirty (30) days from the date of approval of this Resolution by the Town Commission.
45. The Applicant shall provide detailed civil sheets with typicals and calculations on the wells and exfiltration within thirty (30) days from the date of approval of this Resolution by the Town Commission.
46. The Applicant acknowledges the Department of Environmental Protection's Beach Erosion Control Plan, and that there will be a lease between the State Department of Environmental Protection and Miami-Dade County and a management agreement between Miami-Dade County and the Town of Surfside, the terms of which will be binding on Applicant, its heirs, successors and assigns, to the extent that it applies.
47. The Applicant shall provide a unity of title in a form acceptable to the Town Attorney for all parcels prior to issuance of the Building Permit. The unity of title shall be recorded in the Public Records of Miami-Dade County, FL, at the sole expense of the Applicant.
48. The Applicant shall provide water/sewer fees to the Town of Surfside in the amount prescribed in the Code Section 78-83 and calculated using all fixtures in the buildings. Said fee shall be paid at the issuance of the Building Permit. There shall be no off-set for existing fixtures if such off set is prohibited by law.
49. Applicant shall comply with all requirements of the Florida Department of Environmental Protection, Miami-Dade County, and any other applicable regulatory agency, including but not limited to construction of a bulkhead. Applicant shall provide Town Manager with a copy of the exemption from construction of the bulkhead, or with the Florida Department of Environmental Protection approved plans for the bulkhead, at the time of Building Permit Application.

Other Conditions:

50. In the event of a hurricane warning, all removable items from the beach, pool decks, roof decks and other outdoor spaces shall be removed and secured.
51. There shall be no service of glass or aluminum containers, and to the extent feasible, biodegradable straws shall be used on the beach by Applicant, and Applicant shall use good faith efforts to ensure that there shall be no service of plastic straws on the beach.
52. The Applicant shall obtain a certificate of occupancy and certificate of use from the Town upon compliance with all terms and Conditions. The certificate of occupancy and certificate of use shall be subject to cancellation upon violation of any of the Conditions, in accordance with the law.
53. The site plan shall remain valid for a period of 24-months from the date of approval 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 but subject to Condition No. 15 which states in pertinent part: "Failure to meet the achievement dates stated on the construction schedule shall not excuse any delay in making the mandatory payments set forth in Condition No. 17 (Traffic Signal Warrant) No. 20 (Tennis Center), Condition No. 21 (91st Street underground and beautification) and Condition No. 23 (Community Center/Parks and Recreation Capital infrastructure)." Neither the expiration of permits or expiration of the site plan and conditional use 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 mandatory payments as set forth in these Conditions.

54. The Applicant, its successors and assigns shall comply with all Town ordinances applicable to development and permit approvals at the time of approval of the site plan and in the event the Applicant does not commence construction within six (6) months from the date a permit is issued, 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.
55. The Applicant shall collect and remit the Town's Resort Tax on all hotel room stays, including stays that are booked through an online third party travel agent.
56. Any change in the ownership of the current owner, SC Property Acquisition LLC, (also referred to as "Applicant") greater than twenty percent (20%) shall be fully disclosed in writing to the Town Manager and Town Attorney immediately upon said change occurring. Said change of ownership 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.
57. Sixty days after final approval by the Town Commission, Applicant and the Town Manager shall negotiate to reach a fair and reasonable schedule for hours of service and delivery on the 90th Street entry into the Southeast building on the site. The schedule shall include stated times before and after which no deliveries can be made and no service trucks can enter, including but not limited to: Garbage trucks, recycling collectors, other waste haulers, moving vans, and the days on which no delivery vans or service trucks can service the project. The schedule shall reflect as compressed a time frame as reasonably possible so as to create the least possible imposition on the community. This agreement shall become part of the covenant running with the land to be recorded in the Public Records of Miami-Dade County, Florida.
58. Prior to October 15, 2012, Applicant shall, at its sole expense, host a public informational forum at the Surf Club, to which all members of the public shall be invited. The forum is

for the sole purpose of providing information to the public about the requested renovation and redevelopment of the Surf Club and to provide an opportunity for the residents of the Town to meet the development team, ask questions, and express any concerns they may have. At the forum, the development team shall be introduced to the public; the Applicant shall make a presentation and shall have at least one (1) set of plans available for review by attendees, and shall in good faith answer all questions. Town Staff in attendance, if any, will be there only to introduce the applicants and facilitate the discussion, if necessary, and to listen to the public's concerns and not in any other capacity. Applicant shall provide, at its sole expense, the necessary equipment and staffing to permit the forum to be televised for future viewing and downloaded for viewing on the Town's website. Applicant shall advertise the time and date of this informational forum at least five (5) days prior to its occurrence in a newspaper of general circulation. Applicant shall also post at least two (2) signs on the Surf Club property on each side of Collins Avenue, and provide a copy of the notice for the Town to post on its website. The informational forum shall not start before 6 p.m. and shall take place only on a Monday, Tuesday, Wednesday or Thursday. Proof of the advertised notice and a copy of the posted notice shall be delivered to the Town Clerk to be made part of the Town record for this project. The purpose of the forum is solely for the purpose of informing the residents of the Town about the proposed development. The forum is NOT a Town meeting or quasi-judicial proceeding. There is no legal significance or obligation connected to this purely informational forum.

59. The Applicant agrees to develop a job-training program designed to provide employment opportunities for Surfside residents who meet the requirements of the hotel and related services. The program will be provided to the Town Manager for review three months prior to the issuance of the Temporary Certificate of Occupancy. The Applicant agrees to the use of local vendors as reasonably possible.
60. Applicant shall comply with the following landscaping conditions within thirty (30) days from the date of approval of this Resolution by the Town Commission.
 - A. Coordinate with Public Works and the Town's landscape reviewer to relocate any utility/service lines and structures interfering with the landscaping to an area that will not be in conflict with the anticipated landscaping.
 - B. Provide plans of each floor of the parking garage demonstrating the proposed green walls, building planters and foundation planting to insure Sec. 90.49.4 Structured Parking Garages has been accomplished. The following landscape requirements apply to all structured parking garages:
 1. For the first ten (10) feet of height along all blank walls, a minimum of eighty (80%) percent landscape coverage, such as a vine or hedges, shall be installed and maintained.

2. For facades above the first ten (10) feet, a minimum of fifty (50%) percent landscape coverage, such as vines or planters, shall be installed and maintained.
- C. Add and/or upsize the proposed trees and palms to meet the minimum code requirement.
 - D. Coordinate with the Town's landscape reviewer to ensure the proposed trees species are a wind tolerant species.
 - E. Coordinate with the Town's landscape reviewer to ensure the proposed tree, palm, hedge, shrub and ground covers specifications meet the minimum code requirement.
 - F. Provide irrigation for all the proposed building planters and green wall.

V. 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 in full force and effect.

VI. EFFECTIVE DATE. This Resolution shall become effective upon adoption.

PASSED and **ADOPTED** on this ____ day of _____, 2012.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

Commissioner Joseph Graubart	_____
Commissioner Michelle Kligman	_____
Commissioner Marta Olchyk	_____
Vice Mayor Michael Karukin	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa
Town Clerk

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



Lynn M. Dannheisser, Town Attorney

STATE OF FLORIDA)
)ss:
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. 12-Z-__ adopted by the Town Commission at its meeting held on the _____ day of _____, 2012.

Issued: _____

Sandra Novoa
Town Clerk

EXHIBIT A

Lot B, Block 3 and Lot U, Block 4, AMENDED PLAT ALTOS DEL MAR NO. 4, according to the Plat thereof, as recorded in Plat Book 34, Page 7, of the Public Records of Miami-Dade County, Florida, Less right of way.

AND:

Lot A, and Lots 1 to 9, inclusive, Block 1, ALTOS DEL MAR NO. 4, according to the Plat thereof, as recorded in Plat Book 10, Page 63, of the Public Records of Miami-Dade County, Florida, Less right of way.

AND:

That portion of land lying East of said Lot A, and Lots 1 to 9, inclusive, Block 1, ALTOS DEL MAR NO. 4; bounded on the North by the Easterly extension of the North line of said Lot A, Block 1; bounded on the East by the EROSION CONTROL LINE, according to the plat thereof, as recorded in Plat Book 105, Page 62, of the Public Records of Miami-Dade County, Florida; bounded on the South by the Easterly extension of the South line of said Lot 1, Block 1; bounded on the West by the East line of said Lot A, and Lots 1 to 9, inclusive, Block 1.



miamidade.gov

**Regulatory and Economic Resources
Department
Office of Historic Preservation**
111 NW 1st Street • 12th Floor
Miami, Florida 33128
T 305-375-4958

September 27, 2012

Joseph N. Benton
Fort Capital Management
176 NE 43rd Street
Miami, Florida 33137

Dear Mr. Benton:

Please be advised that on September 19, 2012, the Miami-Dade County Historic Preservation Board voted to approve Special Certificate of Appropriateness #2012-25-S for the restoration, relocation, and new construction at the Surf Club, located at 9011 Collins Avenue in Surfside, FL.

The votes for each board member were the following:

Ruth Campbell	yes
Adriana Cantillo	absent
Rick Cohen	yes
Paul George	absent
Robert McKinney	yes
Mitch S. Novick	yes
JoEllen Phillips	yes
Edmundo Perez	yes
Enid Pinkney	yes
Ronda Vangates	Did not vote, left early

Please note that the approval included several conditions, which are as follows:

1. The entry canopy design for the front entrance is to be designed in such a way that there will be minimal visual impact to the original entryway arch; final design to be submitted to staff for approval.
2. Staff will continue to be apprised of the progress of the historic restoration, with monthly progress reports provided to staff once the demolition phase has begun.
3. The developer shall work with a local contractor experienced in moving historic structures and having documented experience with local historic preservation projects for the relocation and restoration of the wooden cabanas. Additionally, if the cabana structures get

damaged beyond repair because of the move, they are to be reconstructed on the site of the proposed cabana location.

4. The relocated cabanas shall include one cabana that is used as the Winston Churchill cabana and will be a replication of the cabana as he may have used it, including the use of Surf Club artifacts and memorabilia.

5. Original and/or historic furniture, fixtures, paintings or other items from the Surf Club that are uncovered throughout the restoration process will be utilized within the new design and spaces.

6. Cleaning and construction methods that would be detrimental to historic materials, such as sandblasting, shall not be utilized in the restoration of the historic club.

7. At least one area of publically accessible space within the historic surf club will display historical photographs, explanatory text and other memorabilia, either in display cases or on the walls that describe the historic architectural features, uses and functions of the club throughout its history. (Similar to the way they have a wall of that at The Breakers.)

8. Photographic documentation shall be made of the Surf Club portions that are to be demolished.

9. Contractor and/or construction manager shall refer to the historic preservation consultant on the architect's staff, and to the County's Office of Historic Preservation, if during the course of construction, historic elements are uncovered that were not previously identified to determine the best way to save, restore and/or document those elements.

10. Every attempt shall be made to preserve any original materials including windows, doors, columns, brackets, braces, flooring, tile work or other elements original to the Surf Club.

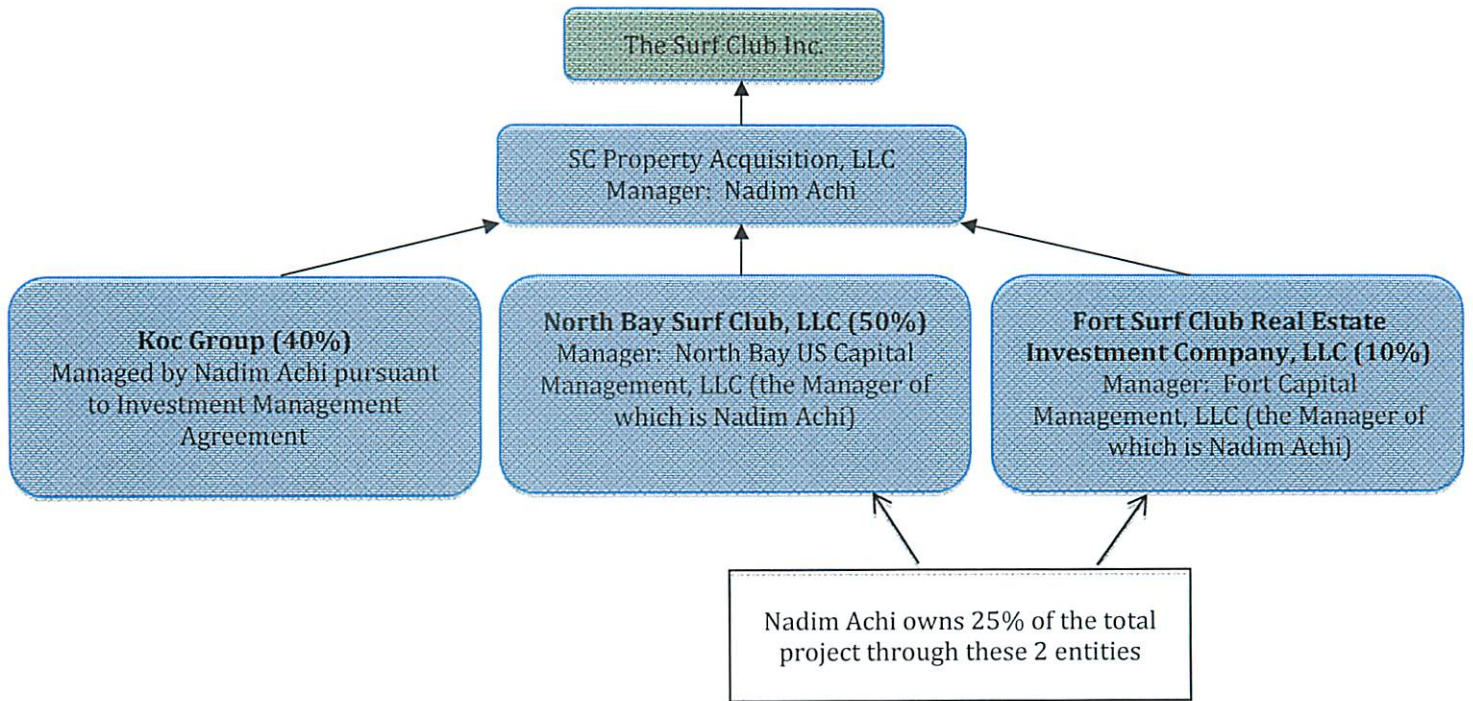
Should you have any questions regarding this matter, please do not hesitate to contact our office and we will be happy to assist you.

Sincerely,

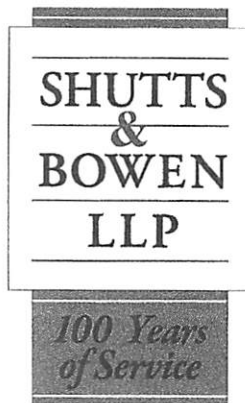


Kathleen Kauffman
Preservation Chief

Ownership Declaration (as of October 8, 2012)



APPLICATIONS AND LETTERS OF INTENT



ALEXANDER I. TACHMES, ESQ.
PARTNER
(305) 347-7341 Direct Telephone
(305) 347-7754 Direct Facsimile

E-MAIL ADDRESS:
ATachmes@shutts.com

September 4, 2012

Town of Surfside
c/o Roger M. Carlton, Town Manager
9293 Harding Avenue
Surfside, FL 33154

Re: Surf Club – Conditional Use Application

Dear Roger:

Our client, SC Property Acquisition, LLC (“SCPA”), is the proposed purchaser of the Surf Club property, which consists of several lots located at 9011 Collins Avenue (the “East Parcel”), as well as two parcels across the street bordered by Collins Avenue, Harding Avenue and 91st Street (the “Northwest Parcel” and “Southwest Parcel,” respectively, and together with the East Parcel are collectively referred to herein as the “Property”). A site plan application is already on file with the Town of Surfside (“Town”) for the restoration of the famous Surf Club historic structure and the construction of new improvements on the Property, which includes, among other things, hotel and residential units, and accessory food and beverage venues, a spa, and parking and retail components.

SCPA is hereby applying for conditional use approval for the structured parking, hotel swimming pools, lounges/bars and outdoor dining facilities which will be developed on the Property, as more fully set forth below:

- Condominium/Hotel: The East Parcel contains three condominium/hotel towers in the north, central and south portions of the property, respectively:
 - The north tower contains an indoor café and a ground level pool.
 - The central tower contains a ground level pool and children’s pool along with a pool bar and grill. The central tower rooftop also contains a pool and outdoor bar and grill venue. The interior of the central tower contains a high-end restaurant and lounge/bar area.

- The south tower contains an indoor café, ground level pool and outdoor beachfront bar/grill located near the historic cabanas.
- **Parking Facilities:** The Northwest Parcel contains a structured parking facility appropriately screened with active liners, including one retail space, as well as landscaping features. There is also a residential element to this facility and a pool located on the pedestal portion of the building for the residents and their guests. The Southwest Parcel also contains a structured parking facility which is appropriately screened with landscaping and other design elements shielding the garage.

The review criteria for this conditional use application are governed by Section 90-23.2 of the Town's Zoning Code ("Code"). The conditional uses proposed by SCPA satisfy all of the review criteria. One criterion addresses the issue of parking. Under the Town's Code, the development plan for the project, including the conditional uses, requires a total of 573 off-street parking spaces. SCPA is providing 578 parking spaces, which exceeds the requirements of the Code. As such, SCPA will provide adequate off-street parking for the conditional uses. SCPA also has retained David Plummer & Associates to prepare a traffic study and will supplement this application upon its completion.

Another criterion provides that the conditional uses should not adversely affect the public health, safety, morals and general welfare of the Town. Not only will the project not have any adverse effect, it will produce multiple benefits for Surfside. The project will provide a dramatic increase in tax revenue, jobs and economic development for the Town. This economic effect should offset property taxes for residents and will beautify a significant section of the Town on Collins Avenue that is in need of revitalization and improvement. The project also will lead to the opening to the public of the historically private Surf Club. A private club for decades, the Surf Club restaurants and other amenities will now be open to the public.

The project has also been designed to mitigate any adverse effects of noise, light or other potential nuisances. The core of the active hotel uses are located in the center of the East Parcel and are buffered by the north and south towers. The south tower, which contains an accessory swimming pool and beachfront bar/grill, is bordered by 90th Street (a 50 foot wide public right of way). The north tower contains minimal active outdoor uses (e.g. an accessory swimming pool located approximately 127 feet from the north property line). All music operations at the outdoor venues will be at background levels only. Additionally, the ground level of the north and south towers will contain beautiful landscaping creating a natural sound and visibility buffer. As such, there will be minimal to no spillage of noise or light to the neighboring properties.

While the size of the Property permits SCPA to develop over 700 units, SCPA is sensitive to the character of the community and is proposing a development with less than 300 condominium/hotel units. Thus, this development is appropriately scaled to create compatibility

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Mr. Roger M. Carlton
September 4, 2012
Page 3

with the local neighborhood. Furthermore, this development will not require any setback variances and is completely contained within the allowable building envelope. The requested conditional uses are consistent with the Town's Comprehensive Plan and the Town Code.

The structured parking facilities will be designed in accordance with Section 90-49.4 of the Code, and, similar to the East Parcel, will not require any setback variances and will be completely contained within the building envelope. Also, the structured parking facilities will be connected to the Eastern Parcel by a crosswalk, which will provide safe pedestrian access to and from the structured parking and the main facility.

We look forward to answering any questions you might have and to presenting our outstanding project to you in more detail. Thank you.

Sincerely,

SHUTTS & BOWEN LLP



Alexander I. Tachmes, Esq.

AIT/dp

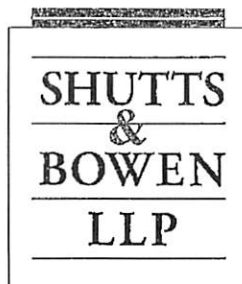
cc: Ms. Sarah Sinatra Gould, AICP
Ms. Lynn Dannheisser, Esq.
Ms. Miriam Maer, Esq.

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1500 Miami Center • 201 South Biscayne Boulevard, Miami, Florida 33131 • ph 305.358.6300 • fx 305.381.9982 • www.shutts.com

MIAMI FORT LAUDERDALE WEST PALM BEACH ORLANDO TAMPA TALLAHASSEE AMSTERDAM



ALEXANDER I. TACHMES, ESQ.
PARTNER
(305) 347-7341 Direct Telephone
(305) 347-7754 Direct Facsimile

E-MAIL ADDRESS:
ATachmes@shutts.com

July 13, 2012

Town of Surfside
c/o Roger M. Carlton, Town Manager
9293 Harding Avenue
Surfside, FL 33154

Re: Surf Club – Land Use Applications

Dear Roger:

Our client, SC Property Acquisition, LLC (“SCPA”), is honored and privileged to submit this application for the restoration of the famous Surf Club historic structure and for the construction of new improvements on the site. SCPA is the proposed purchaser of the Surf Club property, which consists of several lots on the ocean having an address of 9011 Collins Avenue, as well as two parcels across the street bordered by Collins and Harding Avenues (collectively, the “Property”).

Specifically, we are applying for site plan and conditional use approvals for the restoration of the historic structure and the construction of new improvements on the Property, including hotel units, residential units, food and beverage venues, a spa, parking and retail, all as more specifically detailed in the plans being submitted with this application. We are also applying for a flood waiver in order to preserve historic features of the Property.

As you know, the historic Surf Club was constructed in 1930. Over the years, this beautiful historic structure has hosted many important social events and counted among its members and visitors some of the world’s most famous movie stars, politicians and other notables. Our client is proposing to restore the Surf Club structure and bring it back to its 1930s historic glory. We have done extensive historical research in order to guide us in this restoration project. At the same time, the very well-located Surf Club property provides an outstanding opportunity for moderately-scaled new improvements.

Significantly, the new Surf Club will be open to the public. The Surf Club is, and has been for decades, a private venue. That will now change. The stunning historical architecture, the

Mr. Roger M. Carlton
July 13, 2012
Page 2

beachfront vistas and the other wonderful amenities of this new project will be open for all to see and enjoy.

Finally, this project will provide a dramatic increase in tax revenues, jobs and economic development for the Town of Surfside. This economic effect will offset property taxes for residents and beautify a significant section of Surfside on Collins Avenue that is in need of revitalization and improvement.

We look forward to answering any questions you might have and to presenting our outstanding project to you in more detail. Thank you.

Sincerely,

SHUTTS & BOWEN LLP



Alexander I. Tachmes, Esq.

AIT/dp

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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.

PROJECT INFORMATION	
OWNER'S NAME	The Surf Club
PHONE / FAX	305 866-2481 / 305 866-2470
AGENT'S NAME	SC Property Acquisition, LLC
ADDRESS	176 NE 43 Street, Miami, FL 33137
PHONE / FAX	305 571-8228 / 305 576-1822
PROPERTY ADDRESS	9011 Collins Avenue (see attached list of folio numbers)
ZONING CATEGORY	H120 and H40
DESCRIPTION OF PROPOSED WORK	See attached letter of intent

INTERNAL USE ONLY			
Date Submitted	_____	Project Number	_____
Report Completed	_____	Date	_____
Fee Paid	\$ _____		

ZONING STANDARDS	Required	Provided
Plot Size	SEE ATTACHED	SEE ATTACHED
Setbacks (F/R/S)	_____	_____
Lot Coverage	_____	_____
Height	_____	_____
Pervious Area	_____	_____

SIGNATURE OF OWNER _____ DATE _____ SIGNATURE OF AGENT *[Signature]* DATE 7/12/12



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 Tuesday 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 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:

Alexander I. Tachmes, Esq., Shutts & Bowen LLP July 13, 2012

NAME OF REPRESENTATIVE

DATE



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

Project Name Surfclub 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:

- Eight (8) 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.
- 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 lies-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:
 - o Gross acreage
 - o 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

**OWNERSHIP AFFIDAVIT
FOR NOT-FOR-PROFIT CORPORATION**

STATE OF FLORIDA
COUNTY OF MIAMI DADE

Public Hearing No. _____

Before me, the undersigned authority, personally appeared James Lucchese, hereinafter the Affiant, who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the President of The Surf Club, a Florida non-profit corporation with the following address: 9011 Collins Avenue, Surfside, FL 33154-3220.
2. The Surf Club is the owner of the property which is the subject of the proposed hearing.
3. The subject property is legally described as:
See attached Exhibit A
4. SC Property Acquisition, LLC ("Applicant"), is legally authorized to file this application for public hearing/or Affiant hereby authorizes Applicant to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing if any false statements are made.

Witnesses:

Maria D. Lucchese
Signature
Maria Lucchese
Print Name
[Signature]
Signature
[Signature]
Print Name

James Lucchese
Affiant's Signature
JAMES LUCCHESI
Print Name

Sworn to and subscribed before me on the 13th day of July, 2012,
Affiant is personally known to me or has produced _____ as
Identification.

Commission Expires: April 3, 2013

[Signature]
Notary (Stamp/Seal)



FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS					
Home	Contact Us	E-Filing Services	Document Searches	Forms	Help
Previous on List	Next on List	Return To List	Entity Name Search		
Events	No Name History	<input type="button" value="Submit"/>			
Detail by Entity Name					
<u>Florida Non Profit Corporation</u>					
THE SURF CLUB					
<u>Filing Information</u>					
Document Number	729203				
FBI/EIN Number	590471110				
Date Filed	03/26/1974				
State	FL				
Status	ACTIVE				
Last Event	REINSTATEMENT				
Event Date Filed	10/04/2011				
Event Effective Date	NONE				
<u>Principal Address</u>					
9011 COLLINS AVENUE SURFSIDE FL 33154-3220					
<u>Mailing Address</u>					
9011 COLLINS AVENUE SURFSIDE FL 33154-3220					
<u>Registered Agent Name & Address</u>					
ZARCO, ROBERT BANK OF AMERICA TOWER 100 S.E. 2ND STREET #2700 MIAMI FL 33131 US					
Name Changed: 10/04/2011					
Address Changed: 10/04/2011					
<u>Officer/Director Detail</u>					
<u>Name & Address</u>					
Title P					
LUCCHESI, JAMES 9350 W.BAY HARBOR DR. #5C BAY HARBOR ISLANDS FL 33154					
Title EVP					
SHULA, MARY ANNE 16 INDIAN CREEK ISLAND SURFSIDE FL 33154					
Title COB					

CROMARTY, JAMES A
8133 COLLINS AVE APT 4H
SURFSIDE FL 33154

Title T

TAYLOR, MICHAEL
8925 COLLINS AVE PHE
SURFSIDE FL 33154

Annual Reports

Report Year Filed Date

2010 02/16/2010
2011 10/04/2011
2012 01/04/2012

Document Images

- [01/04/2012 -- ANNUAL REPORT](#) [View Image in PDF format](#)
- [10/04/2011 -- REINSTATEMENT](#) [View Image in PDF format](#)
- [02/16/2010 -- ANNUAL REPORT](#) [View Image in PDF format](#)
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- [03/11/1996 -- ANNUAL REPORT](#) [View Image in PDF format](#)
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Note: This is not official record, See documents if question or conflict.

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State of Florida, Department of State

APPLICANT AFFIDAVIT
FOR LIMITED LIABILITY COMPANY

STATE OF Florida
COUNTY OF MIAMI DADE

Public Hearing No. _____

Before me, the undersigned authority, personally appeared Nadim Gohi
hereinafter the Affiant, who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the ~~Manager~~ Member of Fort Capital Management, LLC, a Delaware limited liability company, the manager of Fort Property Managers, L.L.C., a Florida limited liability company, the manager of SC Property Acquisition, L.L.C, a Florida limited liability company, with the following address: 176 NE 43 Street, Miami, FL 33137.
2. The subject property is legally described as:
See attached Exhibit A
3. Applicant is legally authorized to file this application for public hearing/or Affiant hereby authorizes Applicant to file this application for public hearing.
4. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing if any false statements are made.
5. Affiant understands that the matters attached to and made part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

Witnesses:

 Signature
Jessica Nolasco
 Print Name

 Signature
Billie Jo Musgrave
 Print Name

 Affiant's Signature
Nadim Gohi
 Print Name

Sworn to and subscribed before me on the 13th day of July, 2012.
 Affiant is personally known to me or has produced _____ as
 Identification.

NOTARY PUBLIC STATE OF FLORIDA
 Billie Jo Musgrave
 Commission # EE070671
 Expires: MAR. 06, 2015
 BONDED THROUGH ATLANTIC BONDING CO, INC.

 Notary (Stamp/Seal)
 Commission Expires: 3-6-15

DISCLOSURE OF INTEREST

The following disclosure identifies the individuals having the ultimate ownership interest in the aforementioned entity.

Natural Person	Address	Percentage of Ownership
Nadim Achi	2424 North Bay Road, Miami Beach, FL 33140	34.91%
Richard Perry	111 Pimorose Street, Chevy Chase, MD 20815	7.17%
Abraham Khalil	176 NE 43 Street, Miami, FL 33137	17.4%
Ernest Victor Schuetz	Sea Island 4, Old Fort Bay, Nassau, Bahamas	17.85%
Mario Kassar	10281 Charing Cross Road Los Angeles, CA 90024	13.05%
Ramzi Achi	221 East Dilido Drive, Miami Beach, Fl 33139	9.6%

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

Public Hearing No: _____

RESPONSIBILITIES OF THE APPLICANT

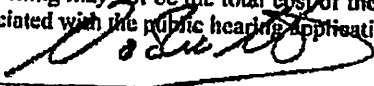
PLEASE READ CAREFULLY BEFORE SIGNING

I hereby acknowledge that I am aware of the preliminary review of plans of the proposed project by the Department of Environmental Protection (DEP), and/or the Department of Environmental Resources Management (DERM), the Florida Department of Transportation (FDOT). In addition, the Miami-Dade County Fire Department (MDFD) for the staging area of the proposed project along with the Miami-Dade County Biscayne Bay Shoreline Development Review Committee will review and comment for approval all development applications. These comments sometimes include requirements for an additional public hearing before (DERM) and the Environmental Quality Control Board, (EQCB) in the preparation and execution of agreements to run with the land, which are recorded, prior to obtaining a building permit.

I understand that is my responsibilities as the applicant or applicants representative to promptly follow through with the compliance of DEP, DERM, MDFD, and /or Florida Department of Transportation FDOT requirements or to advise this office in writing if the application will not go forward and may be considered withdrawn. Contact with the above-mentioned agencies is advised during the hearing process.

Permit requirements: I also understand that the Florida Building Code, DEP, DERM, MDFD, and /or Florida Department of Transportation FDOT may contain requirements that affect my ability to obtain a required building permit for my project, even if the zoning application is approved at public hearing. I am aware that a Building Permit is required for all construction and that I am responsible for obtaining the required permit, all required inspections, the Certificate of Use and Occupancy or Certificate of Completion for any and all structures and additions whether proposed or existing without permits. Additionally I am aware a Certificate of Use and Occupancy must be obtained for the use of the property, if approved at a Zoning Hearing and that failure to obtain the required permits and/or Certificates of Completion, Use and Occupancy will result in the initiation of enforcement action against the occupant and owner. I further understand that submittal of Zoning Hearing application will not necessary forestall enforcement action against the property.

Fees: I understand that the hearing fees paid at the time of filing may not be the total cost of the hearing and that I will be advised of any other fees that can be associated with the public hearing application.




Signature
Nudem, J. H.

Print Name

Notary: Sworn to and subscribed before me this 13th day of July, 2012



Notary Public State of Florida

NOTARY PUBLIC - STATE OF FLORIDA
 Billie Jo Musgrave
Commission # EE070671
Expires: MAR. 06, 2015
BONDED TRUST ATLANTIC BONDING CO., INC.

My commission expires 3-6-15

EXHIBIT A

Lot B, Block 3 and Lot U, Block 4, AMENDED PLAT ALTOS DEL MAR NO. 4, according to the Plat thereof, as recorded in Plat Book 34, Page 7, of the Public Records of Miami-Dade County, Florida, Less right of way.

AND:

Lot A, and Lots 1 to 9, inclusive, Block 1, ALTOS DEL MAR NO. 4, according to the Plat thereof, as recorded in Plat Book 10, Page 63, of the Public Records of Miami-Dade County, Florida, Less right of way.

AND:

That portion of land lying East of said Lot A, and Lots 1 to 9, inclusive, Block 1, ALTOS DEL MAR NO. 4; bounded on the North by the Easterly extension of the North line of said Lot A, Block 1; bounded on the East by the EROSION CONTROL LINE, according to the plat thereof, as recorded in Plat Book 105, Page 62, of the Public Records of Miami-Dade County, Florida; bounded on the South by the Easterly extension of the South line of said Lot 1, Block 1; bounded on the West by the East line of said Lot A, and Lots 1 to 9, inclusive, Block 1.

HISTORIC PRESERVATION BOARD STAFF REPORT

**STAFF REPORT
MIAMI-DADE COUNTY
HISTORIC PRESERVATION BOARD**

Miami-Dade County, Florida

Office of Historic and Archaeological Resources

**APPLICATION
TYPE**

Special COA #2012-25-S
Restoration of Existing Historic Structure, Relocation of
Historic Structures, and New Construction

NAME

The Surf Club

ADDRESS

9011 Collins Avenue, Surfside, FL

**DATE OF
CONSTRUCTION**

1930

ARCHITECT

Russel T. Pancoast

BACKGROUND

The Surf Club, located in the Town of Surfside, was designated by the County's Historic Preservation Board on May 19, 2010 and consists of four acres of ocean front property, with buildings that encompass 109,300 square feet in total.

The historic designation applies to the main club building, a sprawling complex of one and two story structures with barrel tile roofs that have endured several additions and alterations over the years. The designation also included the wooden cabanas that still remain on the south side of the main building (the cabanas that were to the north of the building were demolished some time ago.)

The legal description that was used for designation purposes was as follows:

All of Lots 1 to 9, and S. 201.18' of Lot A, Block 1, Altos Del Mar No. 4 subdivision.

It is important to note that only the southern 201.18' of Lot A was designated and does not include the L-shaped condominium building that is attached by a corridor to the historic structure.

**ITEM # IVA
September 19, 2012**

**PROJECT
DESCRIPTION**

This is a large-scale redevelopment project that includes the full restoration of the original, historic Surf Club, the relocation and the restoration of the wooden cabanas, the construction of a new hotel/condominium building to the south of the club, and the construction of a new hotel/condominium building to the south of the club.

THE HISTORIC RESTORATION

Since its construction, the Surf Club has been renovated numerous times, with some of those renovations making significant changes to the original plans.

Fortunately, the original designs from Pancoast's 1930 plans are well documented and were included in the original designation report. The Surf Club's own archives also contain full size copies of the plans and a large collection of historic photographs. These are invaluable resources for the architects, whose meticulous and detailed preservation and restoration plan will bring the historic building back to its 1930 form and appearance.

Sheet A1.12 of the proposed plans is the micro film copy of the original floor plan. From this plan you can clearly see the central entrance lobby and corridor, now called Peacock Alley, that runs completely through the building and bisected the building with the dining and ball rooms to the north, and the pool and loggias to the south. The central corridor leads out the rear of the building to the ocean by way of a grand sweeping staircase that extended far beyond the lounge. To the east of the pool, a simple loggia was all that existed between the pool and the beach.

Over the years, two large additions were made to the backside of the Surf Club, on both the north and south side of the central sweeping staircase. A long restaurant space was added to the beach side of the lounge and main dining room north of the staircase. The simple loggia to the south was enclosed and made into significant meeting and ballroom space.

**ITEM # IVA
September 19, 2012**

Another significant modification made to the original club was the enclosure of the open patio, just beyond the main entrance and opposite the colonnaded hallway from the pool area. Once this patio was enclosed, another large addition was added to the north side of the club.

The demolition plan on page A1.18 clearly outlines in blue those non-historic additions which will be removed as part of this restoration project, and the demolition plan on page A2.00 more clearly defines the dates of the later additions which will be removed.

Proposed Ground Level Floor Plan: Page A3.00 -

The 1950s roof will be removed to re-expose the original courtyard on the north side of Peacock Alley. The original terrazzo in a diamond shape pattern will be restored, and the flooring will recreate the footprint of where the original fountain was located in the center of the courtyard.

The original lounge and dining room will once again open up onto a large terrace that overlooks the ocean, with the original openings being restored, and new windows will match the original. (Details for new windows can be seen on page A6.00, the Window Schedule and Profiles. Original material is being maintained and preserved where possible.)

The restoration of the front and back façades, and rear staircase that leads from the building down to the waterfront, will be some of the most stunning aspects of the restoration. The original entrance featured an arch with four steps leading up to the doorway. Though the elaborate wooden door that is depicted in Pancoast's plans is still there, a large porte-cochere with masonry columns was built in the 1960s or 1970s and obstructs any real view of the front of the building. This later addition will be removed and the entire front façade will be revealed as it has not been seen in some time. (refer to sheet A4.02)

The rear of the building, with the wide, keystone staircase, originally featured a two story tower with gabled-roof, and a large arch featuring engaged columns and a metal screen with radiating spokes in the fan light.

ITEM # IVA
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When the addition of the restaurant space was made to the back of the building this beautiful doorway was essentially covered up, but will once again be revealed in the restoration. (refer to sheet A4.01)

Throughout the entire historic structure, all of the original openings, columns and architectural features that have been previously altered, filled in or covered up are going to be opened and restored, or replaced with designs that match the original drawings.

THE NEW CONSTRUCTION

The proposed new construction includes a condominium/hotel tower to the north side of the property and a condominium/hotel tower to the south side of the property.

The tower to the south is curved in plan and will be located between the cabanas (which are going to be moved forward towards the oceanfront) and Collins Avenue. (Refer to sheet A3.00) This will be the hotel, and its main lobby will flow out onto a grand, stepped terrace that will be flanked on either side by the historic cabanas. The south tower is comprised of 12 floors (maximum building height, Town of Surfside) and rises to 120' at the roof. It will contain 105 2, 3 and 4 bedroom units. The building is characterized by all glass walls, the floors being delineated as horizontal bands that run the length of the façade. The building features recessed balconies as opposed to protruding. The curve of the new building cradles and imitates the curvature of the wooden cabanas.

The cabanas are in need of a complete restoration, including bringing them into compliance with Florida Building Code standards. Because of this, and because of the necessity to be able to build on the southern portion of the property, staff requested that the cabanas be moved forward towards the waterfront. This effectively opens up the buildable space for one of the proposed new buildings on the Collins Avenue side, which allows the historic cabanas to maintain their prominence on the property and their usefulness as a seaside amenity. (Refer to Sheet A3.00)

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The tower to the north side of the property will also be 12 stories in height that reaches 120' to the roof. This building will have 102 units of 1, 2, 3, and 4 bedrooms.

This structure would not have been within the board's purview if it was entirely to the north of the historic structure, but since part of the building will be built over part of the historic footprint, it falls within the Board's review (refer to Sheet A1.19)

Most of the hotel structure will be located where the non-historic additions were added to the north of the original structure, and are being removed. The 1950s roof that was added over the original courtyard will be removed. The hotel structure will "float" over this courtyard four stories up so that the courtyard will have, once again, an open feel. This building is also almost entirely of glass. The condominium building has two sections: the southern portion has projecting balconies that capture the corners and the middle of the building, but do not run the entire length of the façade. The northern portion has an external framework that emphasizes the horizontal lengths, at every fourth floor.

STAFF INVOLVMENT

Staff has been involved with this project for six months, meeting with the architects, historians and engineers both on site and at our offices. On site meetings took place May 29, 2012 and July 25, 2012.

During the course of this time, site plan issues have changed considerably in order to comply with staff requests to accommodate the wooden cabanas. The design of the new construction was also tweaked to create buildings that would have the least amount of impact visually against the historic structure.

SECRETARY OF THE INTERIOR'S STANDARDS

A number of the Standards for Rehabilitation were considered when reviewing this project for compatibility with the historic structure, including:

**ITEM # IVA
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Standard 1: A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

The Surf Club was originally an exclusive, members-only facility that provided oceanfront accessibility, ballrooms, meeting space and restaurant/gathering spaces. With this meticulous historical restoration, the original spaces are being brought back to their full splendor and many of the functions will remain the same. More positively, the Surf Club will actually become publically accessible through some of the restaurants and hotel areas.

Standard 2: The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

All aspects of the historic restoration of the original club are being done to the highest standards of preservation practices, and all aspects of the restoration and the details therein are being monitored closely by County historic preservation staff. The removal of features and spaces are those that were non-historic, later additions, which did not acquire significance in their own right.

Standard 5: Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

This is being complied with as detailed in the architectural drawings.

Standard 6: Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

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Luckily, we have original drawings of floor plans, sections, elevations and details. We also have historical photographic evidence of exterior conditions, original fixtures, even furniture. The original materials, doors, windows, arches, columns and other features are being preserved where possible. New elements are being custom fabricated to replicate the originals.

Standard 9: New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

This is the one standard where the project does not fully comply.

The new addition does not destroy any historical materials or interferes with the original structure, and is definitely differentiated from the old. However, it is not compatible with the massing, size or scale of the historical building.

This is a four-acre parcel of very valuable, very rare, waterfront property. Because there is a designated historic building in the middle of the property, it significantly decreases the buildable space, and thus could impact the economic investment ability for the property.

The Secretary of the Interior's Standards are prefaced by the statement that the Standards are to be applied in a reasonable manner, taking into consideration economic and technical feasibility. Because this project includes the full blown restoration of the historic building, and because the architects are complying with Staff's recommendations to move and restore the wooden cabanas, and because the historic building will now be publically accessible where once it was not, for these reasons Staff believes the standard which speaks to size, scale and mass has been addressed as best it can be for the situation this particular parcel presents.

**ITEM # IVA
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Standard 10: New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The new construction will not negatively impact the historic buildings.

**STAFF
RECOMMENDATION**

Staff recommends that the COA for the restoration and rehabilitation of the historic Surf Club and the construction of the new buildings be **approved, with the following conditions:**

1. The entry canopy design for the front entrance is to be designed in such a way that there will be minimal visual impact to the original entryway arch; final design to be submitted to staff for approval.
2. Staff will continue to be apprised of the progress of the historic restoration, with monthly progress reports provided to staff once the demolition phase has begun.
3. The developer shall work with a local contractor experienced in moving historic structures and having documented experience with local historic preservation projects for the relocation and restoration of the wooden cabanas. Additionally, if the cabana structures get damaged beyond repair because of the move, they are to be reconstructed on the site of the proposed cabana location.
4. The relocated cabanas shall include one cabana that is used as the Winston Churchill cabana and will be a replication of the cabana as he may have used it, including the use of Surf Club artifacts and memorabilia.
5. Original and/or historic furniture, fixtures, paintings or other items from the Surf Club that are uncovered throughout the restoration process will be utilized within the new design and spaces.

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September 19, 2012**

6. Cleaning and construction methods that would be detrimental to historic materials, such as sandblasting, shall not be utilized in the restoration of the historic club.

7. At least one area of publically accessible space within the historic surf club will display historical photographs, explanatory text and other memorabilia, either in display cases or on the walls that describe the historic architectural features, uses and functions of the club throughout its history. (Similar to the way they have a wall of that at The Breakers.)

8. Photographic documentation shall be made of the Surf Club portions that are to be demolished.

9. Contractor and/or construction manager shall refer to the historic preservation consultant on the architect's staff, and to the County's Office of Historic Preservation, if during the course of construction, historic elements are uncovered that were not previously identified to determine the best way to save, restore and/or document those elements.

10. Every attempt shall be made to preserve any original materials including windows, doors, columns, brackets, braces, flooring, tile work or other elements original to the Surf Club.

ITEM # IVA
September 19, 2012

PLANNING AND ZONING BOARD RESOLUTION

**TOWN OF SURFSIDE PLANNING & ZONING BOARD
RESOLUTION NO. 12-Z-____**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA PLANNING & ZONING BOARD AND DESIGN REVIEW BOARD RECOMMENDING THAT THE TOWN COMMISSION APPROVE THE CONDITIONAL USE APPLICATION SUBMITTED BY SC PROPERTY ACQUISITION, LLC (THE “APPLICANT”), PURSUANT TO SECTION 90-23-2 OF THE ZONING CODE TO PERMIT THE DEVELOPMENT OF STRUCTURED PARKING, HOTEL SWIMMING POOLS, JACUZZI, OUTDOOR DINING, A LOUNGE/BAR, AND A ROOF TOP BAR, AND THE SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET. SEQ. OF THE ZONING CODE TO PERMIT A 285 UNIT CONDOMINIUM/HOTEL DEVELOPMENT TO BE KNOWN AS “THE SURF CLUB”, INCLUDING A GOURMET SPECIALTY FOOD PRODUCT STORE, A FIVE STAR RATED HOTEL WITH A FIRST CLASS QUALITY SPA, ROOF TOP DECKS, POOLS, 661 PARKING SPACES, TANDEM PARKING, AND 24 HOUR VALET PARKING CONSISTING OF THREE 12-STORY BUILDINGS ON THE EAST SIDE OF COLLINS AVENUE AND TWO 4-STORY BUILDINGS ON THE WEST SIDE OF COLLINS AVENUE, ALL WITH AN ADDRESS OF 9011 COLLINS AVENUE, SURFSIDE, FL SUBJECT TO CERTAIN CONDITIONS AND PROVIDING FOR AN EFFECTIVE DATE.

I. RECITALS.

WHEREAS, SC PROPERTY ACQUISITION, LLC, the “Applicant” on behalf of The Surf Club, owner of the Property located at 9011 Collins Avenue, with a general location of the east and west sides of Collins Avenue and 91st Street, Surfside, FL, wishing to restore and redevelop the historic Surf Club site, submitted an application to the Town of Surfside, Florida (“the Application”), requesting the following:

- A. Pursuant to Section 90-23-2 of the Town Zoning Code, conditional use approval for structured parking, hotel swimming pools, Jacuzzi, outdoor dining, a lounge/bar and a rooftop bar as part of the restoration and redevelopment of the property at 9011 Collins Avenue, Surfside, Florida for a condominium/hotel with 285 hotel rooms and related uses.**

- B. Pursuant to section 90-41 et seq., of the Town Zoning Code, site plan approval of a 285 unit condominium/hotel development to be known as “The Surf Club”, including a gourmet specialty food product store, a five star rated hotel with a first class quality spa,**

roof top decks, pools, 661 parking spaces, tandem parking, and 24 hour valet parking consisting of three 12-story buildings on the east side of Collins Avenue and two 4-story buildings on the west side of Collins Avenue.

Plans are on file and may be examined in the Building Department titled The Surf Club at 9011 Collins Avenue, Surfside, FL 33154, dated September 18, 2012, by Kobi Karp Architecture which plans may be modified at public hearing (hereinafter referred to as the "Plans").

Legal: See attached Exhibit "A"

ADDRESS: 9011 Collins Avenue

WHEREAS, the Town Planner and the Development Review Committee reviewed the Application and recommended that the Application be approved with conditions set out in the Development Review Committee Report including those certain Agreed Upon Conditions as well as such other conditions imposed by the Board all of which shall be accepted by the Applicant and owner of the Property as a covenant running with the land; and

WHEREAS, on September 27, 2012, the Design Review Board and the Planning & Zoning Board heard and reviewed this Application, considering the requirements of Section 90-23-2 of the Town Zoning Code for Conditional Use Approval, Section 90-41 et seq. of the Town Zoning Code for Site Plan Approval, and the Application's consistency with the Town of Surfside Comprehensive Plan.

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF SURFSIDE PLANNING AND ZONING BOARD AND DESIGN REVIEW BOARD TO RECOMMEND TO THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

II. INCORPORATION OF RECITALS.

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

III. APPROVALS.

The Planning and Zoning Board and the Design Review Board recommend to the Town Commission approval of the Applicant's requests to the Town Commission in accordance with the terms of this Section III and subject to all of the conditions set forth in Section IV of this Resolution and the execution of all attendant agreements prior to the issuance of the Building Permit for the Project.

- A. The Applicant's request for approval of a Conditional Use for structured parking, hotel swimming pools, Jacuzzi, outdoor dining, and a lounge/bar and a roof top bar, as part of the restoration and redevelopment of the property at 9011 Collins Avenue, Surfside, Florida for a condominium/hotel with 285 hotel rooms and related uses.

- B. The Applicant's request for approval of a Site Plan of a 285 unit condominium/hotel development to be known as "The Surf Club", including a gourmet specialty food product store, a five star rated hotel with a first class quality spa, roof top decks, pools, 661 parking spaces, tandem parking, and 24 hour valet parking consisting of three 12-story buildings on the east side of Collins Avenue and two 4-story buildings on the west side of Collins Avenue.

IV. CONDITIONS.

AGREED UPON CONDITIONS:

1. All signage, including signage for the accessory uses, shall be submitted, reviewed and approved under a separate application for review by the Design Review Board prior to the issuance of a Certificate of Occupancy.
2. The Rooftop common area pool on the roof of the center building on the east side of Collins Avenue shall be limited to the following hours of operation: dawn to 9 p.m.
3. Live, amplified music shall be prohibited outdoors. Recorded music no greater than 75 decibels shall be allowed from 11:00 a.m. to dusk. This shall be reviewed through the Conditional Use application.
4. A bond or equivalent amount of cash shall be posted to replace public property damaged during the construction of the project. 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 building permit.
5. 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. Applicant shall use common construction practices to minimize vibration and noise during construction of the project.
6. The Applicant's counsel shall provide a legal opinion that the application does not violate the terms of Section 4 of the Town Charter, Comprehensive Plan and the Zoning Code or in lieu thereof provide an agreement from Applicant in a form sufficient and acceptable to the Town Attorney to defend the Town against any suits, claims or demands arising from this approval.
7. The Applicant shall meet all requirements of the Department of Public Works for trash containers prior to the issuance of a building permit. The service roll gates shall be at least 15 feet high and shall be of a decorative material to enhance the building.
8. The Applicant shall meet all requirements of the Department of Public Works and Miami-Dade County for water, sewer and storm drainage services.

9. The Applicant shall fund the cost of litter receptacles along Collins Avenue and litter receptacles along 91st Street and Harding Avenue in a quantity, design and location acceptable to the Department of Public Works. Cost and the design of the litter receptacles shall be determined by the Department of Public Works before issuance of the final certificate of occupancy.
10. The Applicant shall replace any dead or dying plant material within 30 days of its occurrence.
11. The Applicant agrees to design the project as required by the LEED process upon final approval of the site plan by the Town Commission so that the project will be LEED Silver Certifiable. Determination that the building has achieved LEED Silver certification shall be made by LEED at the appropriate time, which may not be prior to issuance of a Certificate of Occupancy. Applicant shall make necessary changes during the course of its construction and prior to final determination by LEED to ensure that LEED Silver Certification is achieved but should the cost for such changes become excessive (defined as a cost which is 0.5% greater than the original permitted value plus any change orders), the Applicant shall not be required to make changes beyond this amount and the Applicant may apply for its Certificate of Occupancy at the completion of its construction. Subject to the above, the Applicant will continue to construct and commission the building otherwise in accordance with its LEED certifiable design. Should the cost become excessive as defined above and Applicant opts not to carry out further changes, the Applicant will pay any balance remaining out of the defined amount not already spent on changes during construction or commissioning, required to ensure the building remains LEED Silver certifiable into a Town fund to be used for Town-wide energy conservation programs.
12. The words "Surfside" shall be included in marketing materials. The details shall be formulated six months prior to issuance of the Certificate of Temporary Occupancy. The Town of Surfside and the Applicant shall cooperate in the annual determination of marketing programs utilizing resort tax revenues.
13. The Applicant shall feature businesses located in the downtown area of the Town of Surfside as a part of marketing information about the property in any room directory or similar information provided to guests.
14. The Applicant shall provide an ownership declaration including the percentage equity for all members/partners owning more than twenty percent interest in the project 14 days prior to the Town Commission meeting for review of the site plan and conditional use applications.
15. The Applicant shall provide the Town with a detailed schedule for the construction of the project (the "Construction Schedule") within thirty (30) days of approval by the Town Commission. Failure to meet the stated achievement dates shall not be an excuse to not make any payments due regarding conditions #s 20 (Tennis Center) #21 (91st Street underground and beautification) and #23 (Community Center).
16. The average monthly resort tax payments received from The Surf Club for the 12 month period prior to the Town Commission's approval of the Development Order shall continue to

be paid to the Town monthly from the time the Surf Club ceases to operate until the issuance of a TCO.

17. The Applicant shall provide a detailed traffic signal warrant analysis within 60 days of the reopening of 91st Street. Based on the outcome of this analysis, the Applicant shall fund in an amount not to exceed \$400,000, if necessary, a traffic signal at 91st Street and Collins Avenue.
18. Any proffers and commitments made to the Town of Surfside shall be due when required as indicated in these conditions, and shall not change with ownership.
19. The Applicant shall design and build a lifeguard stand, subject to the review and approval of the Town, to be located east of the Surf Club in a mutually acceptable location and shall be completed no later than the issuance of the TCO; The Applicant agrees to contribute \$30,000 at the issuance of the TCO, \$20,000 twelve months thereafter and \$10,000 twelve additional months thereafter towards the operational cost.
20. The Applicant shall contribute \$25,000 for improvements to the public Tennis Center no later than at the time of issuance of the TCO. Privileges will be provided to the Surf Club residents and guests as shall be determined by future agreement subject to Town Commission approval.
21. The Applicant shall contribute a total of \$500,000 for the undergrounding of utilities and associated landscape and streetscape improvements along 91st Street from Harding Avenue to Bay Drive. This commitment is contingent upon the Town Commission undertaking the project. Upon award of the construction contract by the Town, Applicant shall pay \$250,000; upon completion of the project, Applicant shall pay the remaining \$250,000. The cost of the improvements to 91st Street between Collins Avenue and Harding Avenue required elsewhere in this agreement to be paid by Applicant are not a part of this \$500,000.
22. The Applicant shall fund a total not to exceed \$400,000 for the 90th Street End Project that includes landscape and streetscape improvements from Collins Avenue to the 90th Street beach access point. This project shall be completed prior to the issuance of the TCO. Applicant may contribute the \$400,000 either in cash or by performing the work or a combination of cash and performing the work. If applicant elects to contribute in cash, the funds shall be due upon award of the construction contract by the Town Commission.
23. The Applicant shall contribute \$500,000 for the Town's Parks and Recreation Capital Infrastructure Program. Use of the funds shall be determined by the development and approval of a Parks and Recreation Capital Infrastructure Master Plan. Upon adoption of said plan, and determination by the Town Commission of which projects shall be funded in whole or in part by the Applicant's voluntary proffer, \$250,000 shall be paid to the Town's Parks and Recreation Capital Infrastructure Program. Six months thereafter, \$125,000 shall be paid to the Town's Parks and Recreation Capital Infrastructure Program, and six months thereafter, the remaining \$125,000 shall be paid. Notwithstanding the preceding payment

schedule, the entire \$500,000 contribution shall be paid in full prior to the issuance of the first Temporary Certificate of Occupancy for the first new construction building completed.

24. The Applicant shall comply with all requirements contained in the Special COA #2012-25-S issued by the Miami-Dade County Historic Preservation Board on September 19, 2012, as the same may be amended from time to time.
25. The Applicant shall provide a bond not to exceed two percent of the construction cost, as required by the Building Official.
26. The Applicant shall reimburse the Town for any work performed by the Town resulting from the Applicant's need to provide water and sewer service along Collins Avenue, 91st Street and Harding Avenue. Any work necessary within the FDOT ROW shall comply with FDOT regulations.
27. The proposed market shall be a Gourmet Specialty Food Product Store, as defined by the following: a retail store that sells gourmet specialty food products. It may not offer money order and wire services, dry cleaning/laundry, photo processing, banking, ATM machines and pharmaceutical services. A specialty food product store must be a member of the National Association for the Specialty Food Trade or its successors in interest within two years of opening the store. Gourmet Specialty Food Products are defined as foods and beverages that exemplify quality, innovation and style in their category. Their specialty nature derives from some or all of the following characteristics: their originality, authenticity, ethnic or cultural origin, specific processing, ingredients, limited supply, distinctive use, extraordinary packaging or specific channel of distribution or sale. By virtue of their differentiation in these categories, such products maintain a high perceived value and often command a premium price. No sales shall be made through an open window to any street, driveway or sidewalk.
28. The proposed spa shall be a first class quality spa and part of a Five Star rated Hotel. In the event this status is lost for any reason, the Applicant shall have two years to regain said status. If no cure is obtained during the two year term, The Applicant must then appear before the Town Commission for an extension or an adjustment to this requirement.
29. In the event that the municipal resort tax authorized under Chapter 67-930, Laws of Florida, as amended by Chapter 83-363, Laws of Florida, is further amended to make sales of spa treatments, services and products subject to the resort tax, or, in the event the State of Florida otherwise provides for collection of resort tax on sales of spa treatments, services and products, the Applicant agrees to collect and remit this tax.
30. During peak hours defined as 10 a.m. to 6 p.m., there shall be a sufficient number of valets to assure no queuing exists on Collins and Harding Avenues and 91st Street. Should there be special events; sufficient additional valets shall be added to minimize the impact on traffic.

31. Gates shall be of a decorative material to enhance the building. Three months prior to TCO, Applicant shall submit for review and approval by the Town Manager an operating plan for ingress/egress to each parking facility.

CONDITIONS TO BE COMPLETED BEFORE GRADE OR BUILDING PERMITS ARE ISSUED:

32. Applicant shall execute a recordable covenant running with the land, binding upon its heirs, successors and assigns, subject to the approval of the Town Attorney, which shall be recorded in the public records of Miami-Dade County, FL at its expense, which covenant shall require all developments having any tandem parking spaces to provide twenty-four (24) hour valet parking service.
33. All pedestrian features shall comply with the Americans With Disabilities Act (ADA), including but not limited to detectable warning features at driveway locations and be identified with details of ADA conforming handicapped ramps at the time of engineering permit.
34. The new sidewalk, curbs, and gutter along Collins Avenue and Harding Avenue must be approved and permitted by FDOT. The new sidewalk and curb and gutter along 90th Street must be approved and permitted by Miami-Dade County.
35. The Applicant shall comply with all applicable conditions and permit requirements of Permitting and Environmental Resource Agency (PERA), the Miami-Dade County Fire Department, the Water and Sewer Department, Department of Environmental Protection (DEP), the Florida Department of Transportation (FDOT) and any other applicable regulatory agency.
36. 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 debris. The Applicant shall comply with the regulations of the Code of the Town of Surfside relating to construction site operations including construction fencing. The Applicant will use its good faith efforts to minimize vibration and noise during construction of the project.
37. No building permits shall be issued (except for demolition, temporary power and construction trailers) unless the Applicant has submitted all documents required under this approval as of that date, in form and content subject to the approval of the Town Attorney and Town Manager, and shall have paid all professional and other payments required by the Code of the Town of Surfside to be paid as of that date, including but not limited to, the connection and development fees in accordance with Section 78-83 of the Code of the Town of Surfside, entitled "development fee imposed; time of payment" are paid. The Town acknowledges that the work required preserving the original Surf Club structure and/or the historic cabanas may be initiated earlier than the new construction. Should this occur, the cost of permits for that work shall be calculated separately and paid prior to initiation of work.

38. The Applicant shall present evidence of parking plan per agreement for the provision of off-street parking for construction workers during the period of construction of the approved project.
39. The Applicant shall maintain an interactive website during construction and provide for a complaint/response mechanism for nearby property owners.
40. The Applicant agrees to develop a job-training program designed to provide employment opportunities for Surfside residents who meet the requirements of the hotel and related services. The program will be provided to the Town Manager for review approximately three months prior to the issuance of the TCO. The Applicant agrees to the use of local vendors as reasonably possible.
41. The Town Manager and/or his/her designee, in review of any application prior to the issuance of a building permit or thereafter if there are any material amendments to the site plan approval, may refer any such application presented to such engineering, planning, legal, technical or environmental consultant or professional(s) employed by the Town as the Manager shall deem reasonably necessary to enable him/her to review such application as required by law. Charges made by the Town shall be in accord with reasonable hourly rates made by such consultants or the hourly rates of employed professionals and shall be paid within thirty (30) days of submission of Town voucher.
42. The Applicant shall furnish payment and performance bond, cash or letter of credit issued in a form and by a bank reasonably acceptable to the Town to ensure Applicant's performance of the public improvements pursuant to the site plan approval provided; however, if the Town has completed the improvements prior to the issuance of the CO, the Town shall be paid the sums due in cash immediately upon demand but no earlier than CO. Any such bond shall be issued by a surety having a minimum rating of A-1 in the Best's Key Rating Guide, Property/Casualty edition, shall be subject to the approval of the Town and shall include this legend: "This bond may not be cancelled or allowed to lapse until 30 days after receipt by the Town, by certified mail, returned receipt requested, addressed to: "TOWN MANAGER with a copy to: TOWN ATTORNEY, both addressed to: 9293 Harding Avenue, Surfside, FL 33154-309" of written notice from the issuer of the bond of its intent to cancel or to not renew." As improvements are made, the Town, within its reasonable discretion, may reduce or eliminate the bond amount. These rights reserved by the Town with respect to any construction bond established pursuant to this section are in addition to all other rights and remedies the Town may have under this Resolution, in law or in equity.
43. Proof of an FDOT permit shall be required prior to any work being performed within the Collins Avenue and Harding Avenue rights-of-way.
44. Applicant shall have provided copies of approvals from MD-PERA for storm water, sanitary, sewer, and MD Public Health UNIT for water.
45. An irrigation plan shall have been provided and approved by the Town.

46. The Applicant shall provide detailed civil sheets with typicals and calculations on the wells and exfiltration.
47. The Applicant shall acknowledge the Department of Environmental Protection's Beach Erosion Control Plan, and that there will be a lease between State DEP and the County and a management agreement between the County and the Town of Surfside, the terms of which will be binding on Applicant to the extent it applies.
48. Provide a unity of title in a form acceptable to the Town Attorney for all parcels prior to issuance of the Building Permit. The unity of title shall be recorded in the Public Records of Miami-Dade County, FL, at the expense of the Applicant.
49. The Applicant shall provide water/sewer fees to the Town of Surfside in the amount prescribed in the Code Section 78-83 and calculated using all fixtures in the buildings. Said fee shall be paid at the issuance of the Building Permit. There shall be no off-set for existing fixtures to the extent required by law.
50. Applicant shall confirm with Miami-Dade County, the Florida Department of Environmental Protection and any other applicable regulatory agency to determine if the construction of a bulkhead is necessary, and shall provide Town Manager with a copy of the exemption or the approved plans for the bulkhead at the time of Building Permit Application.

OTHER CONDITIONS:

51. In the event of a hurricane warning, all removable items from the beach, pool decks, roof decks and other outdoor spaces shall be removed and secured.
52. There shall be no service of glass or aluminum containers, and to the extent feasible, biodegradable straws shall be used on the beach by Applicant, and Applicant shall use good faith efforts to ensure that there shall be no service of plastic straws on the beach.
53. The Applicant shall obtain a certificate of occupancy and certificate of use from the Town upon compliance with all terms and conditions. The certificate of occupancy and certificate of use shall be subject to cancellation upon violation of any of the conditions, in accordance with the law.
54. The site plan shall remain valid for a period of 24-months from the date of approval by 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 obtained pursuant to applicable law.
55. The Applicant shall comply with all Town ordinances applicable to development and permit approvals at the time of approval of the site plan and in the event the Applicant does not commence construction within six (6) months from the date a permit is issued, it shall be required to comply with Section 14.55 of the Surfside Code in effect at the time of the

passage of this Resolution, as may be amended from time to time, including the posting of a bond to defray the cost of the Town having to perform these tasks, if necessary, and as may be required by the Building Official.

56. The Applicant shall agree to pay the Town's Resort Tax on all hotel room stays, including stays that are booked through an online third party travel agent.
57. Any change in the ownership of the current owner, SC Property Acquisition LLC, greater than twenty percent (20%) shall be fully disclosed in writing to the Town Manager and Town Attorney immediately upon said change occurring. Said change of ownership will in no way extend any of the dates in this agreement nor any of the payment obligations.
58. Sixty days after final approval by the Town Commission, Applicant and the Town Manager shall negotiate to reach a fair and reasonable schedule for hours of service and delivery on the 90th Street entry into the Southeast building on the site. The schedule shall include stated times before and after which no deliveries can be made and no service trucks can enter, including but not limited to: Garbage trucks, recycling collectors, other waste haulers, moving vans, and the days on which no delivery vans or service trucks can service the project. The schedule shall reflect as compressed a time frame as reasonably possible so as to create the least possible imposition on the community. This agreement shall become part of the covenant running with the land to be recorded in the Public Records of Miami-Dade County, Florida.
59. Prior to October 15, 2012, Applicant shall, at its sole expense, host a public informational forum at the Surf Club, to which all members of the public shall be invited. The forum is for the sole purpose of providing information to the public about the requested renovation and redevelopment of the Surf Club and to provide an opportunity for the residents of the Town to meet the development team, ask questions, and express any concerns they may have. At the forum, the development team shall be introduced to the public; the Applicant shall make a presentation and shall have at least one (1) set of plans available for review by attendees, and shall in good faith answer all questions. Town Staff in attendance, if any, will be there only to introduce the applicants and facilitate the discussion, if necessary, and to listen to the public's concerns and not in any other capacity. Applicant shall provide, at its sole expense, the necessary equipment and staffing to permit the forum to be televised for future viewing and downloaded for viewing on the Town's website. Applicant shall advertise the time and date of this informational forum at least five (5) days prior to its occurrence in a newspaper of general circulation. Applicant shall also post at least two (2) signs on the Surf Club property on each side of Collins Avenue, and provide a copy of the notice for the Town to post on its website. The informational forum shall not start before 6 p.m. and shall take place only on a Monday, Tuesday, Wednesday or Thursday. Proof of the advertised notice and a copy of the posted notice shall be delivered to the Town Clerk to be made part of the Town record for this project. The purpose of the forum is solely for the purpose of informing the residents of the Town about the proposed development. The forum is NOT a Town meeting or quasi-judicial proceeding. There is no legal significance or obligation connected to this purely informational forum.

PASSED AND ADOPTED this 27th day of September 2012

Motion by Planning and Zoning Board Member _____,
Second by Planning and Zoning Board Member _____

FINAL VOTE ADOPTION

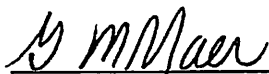
Member, Armando Castellanos _____
Member, Jennifer Dray _____
Member, Carli Koshal _____
Vice Chair, Peter Glynn _____
Chair, Lindsay Lecour _____

Lindsay Lecour, Chair

ATTEST:

Sandra Novoa, Town Clerk

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



Lynn M. Dannheisser, Town Attorney

EXHIBIT A

Lot B, Block 3 and Lot U, Block 4, AMENDED PLAT ALTOS DEL MAR NO. 4, according to the Plat thereof, as recorded in Plat Book 34, Page 7, of the Public Records of Miami-Dade County, Florida, Less right of way.

AND:

Lot A, and Lots 1 to 9, inclusive, Block 1, ALTOS DEL MAR NO. 4, according to the Plat thereof, as recorded in Plat Book 10, Page 63, of the Public Records of Miami-Dade County, Florida, Less right of way.

AND:

That portion of land lying East of said Lot A, and Lots 1 to 9, inclusive, Block 1, ALTOS DEL MAR NO. 4; bounded on the North by the Easterly extension of the North line of said Lot A, Block 1; bounded on the East by the EROSION CONTROL LINE, according to the plat thereof, as recorded in Plat Book 105, Page 62, of the Public Records of Miami-Dade County, Florida; bounded on the South by the Easterly extension of the South line of said Lot 1, Block 1; bounded on the West by the East line of said Lot A, and Lots 1 to 9, inclusive, Block 1.

SITE PLAN PACKAGE