



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

December 8, 2015

6 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. 8800 COLLINS AVENUE AKA 8809 HARDING AVENUE – Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE, TO PERMIT DEVELOPMENT OF 28 DWELLING UNITS WITH 50 PARKING SPACES WITH AN ADDRESS OF 201, 203, 205, 207, 209, 215 – 88TH STREET AND 8809 HARDING AVENUE, SURFSIDE, FLORIDA, AS SUBMITTED BY 8809 HARDING DEVELOPMENT, LLC; 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,



Guillermo Olmedillo
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 #:

Agenda Date: December 8, 2015

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

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REQUEST:

The applicant, Carli Koshal, attorney with Bercow, Radell & Fernandez, on behalf of 8809 Harding Development LLC, is proposing a 28 unit condominium at 201, 203, 205, 207, 209, 215 – 88th Street And 8809 Harding Avenue, Surfside, Florida 33154, with a general location on the north side of 88th Street between Collins Avenue and Harding Avenue. The proposed development will consist of a 28 unit residential development, 50 parking spaces within a garage, a gym and a roof top deck with a pool.

The Development Impact Committee (DIC) met in an open, advertised, televised session on July 22, 2015 to discuss this application. Conditions of approval were discussed and recommended by the DIC to the Planning and Zoning/Design Review Boards. If approved by the Town Commission, these conditions will become part of the covenant recorded with this project.

The total gross acreage of the site is .98 of an acre, which would permit 77 dwelling 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 65 units. The applicant is only requesting 28 units. Furthermore, the property has 11 dwelling units currently on the site. The proposed site plan will demolish those existing 11 units, therefore adding a net 17 new units to the Town. Overall the project requires no variances from Town Code requirements.

The Planning and Zoning Board heard this application on August 27, 2015. The Board recommended approval of the application to the Town Commission. The site plan heard at the Planning and Zoning meeting had 25 units. The project has been revised to 28 units, however, the number of bedrooms in the entire project has been reduced by two, thereby reducing the total impact. The applicant has decided to modify the breakdown of units by providing 12 loft style one bedroom units to provide a true mixed housing unit development where there are a variety of housing options. The design intent of the exterior remains the same as well as the number of parking spaces.

STAFF RECOMMENDATION

Recommendation: Staff recommends that the Town Commission approve the site plan application based on acceptance of the Development Conditions.

Budget Impact: There are voluntary proffers to mitigate off-site impacts including the following:

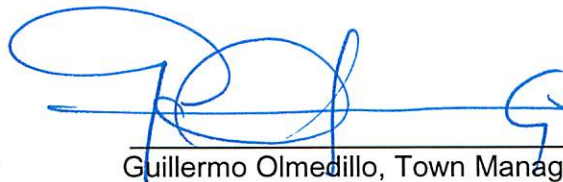
1. \$20,000 for the Town's Parks and Recreation playground equipment.
2. \$20,000 to upgrade the public beach access at the street end at 88th Street and the ocean bulkhead.
3. \$800 for the Town's Veteran's Park dog waste station, which includes installation and one year of maintenance.
4. \$5,000 for placement of two benches in Veteran's Park.
5. The maintenance cost of washing the tennis courts at the Surfside Tennis Center during construction. The cost of washing the tennis courts is \$1,000 per month.
6. Reimburse the Town for the value of 8 lost metered parking spaces located on the north side of the 200 block of 88th Street. The value of the metered spaces on a daily basis is calculated at \$1.50 per hour X 12 hours per day X 8 parking spaces equals \$144.00 per day. The annual cost is \$52,560.

Growth Impact: The property has a maximum density permitted of 65 units. Although 28 units are proposed, the existing 11 units will offset the impact of growth since they will be demolished and the net increase of units is 17 units.

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



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager

SITE PLAN REPORT

SITE PLAN INFORMATION:

Address	201, 203, 205, 207, 209, 215 – 88th Street And 8809 Harding Avenue
General Location	North side of 88 th Street between Collins Avenue and Harding Avenue.
Property Size	TOTAL: 0.98 gross acres
Zoning District	East side: H40 (west side of Collins Avenue) West side: H30C (east side of Harding Avenue)
Adjacent Zoning Districts	H40 & H30C to the north H120 to the east MU to the south H30B to the West
Future Land Use	Moderate Density Residential
Density Permitted	79 dwelling units per acre X .98 of acre = 77 units X 15%(reduction in density based on aggregation) TOTAL PERMITTED= 65 dwelling units
Density Proposed	TOTAL PROPOSED: 28 dwelling units
Number of parking spaces	TOTAL Provided: 50 spaces TOTAL Required: 50 spaces

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

Minimum Unit Sizes	Minimum Required	Proposed
One-bedroom	800 square feet	1,028 square feet
Two-bedroom	950 square feet	1,865 square feet
Three-bedroom	1150 square feet	1,850 square feet

Sec. 90.43

Maximum Building Heights	Maximum Required	Proposed
H40	40 feet maximum	36 feet 8 inches
H30C	30 feet maximum	24 feet 11 inches

Sec. 90.44

Modification of Height	Maximum Permitted		Proposed	Must be of high architectural quality integral to the design of the building
H40	12 ft.	10% of roof area	8 feet	The mechanical equipment, rooftop decks and parapet walls meet these criteria.
H30C	3 ft.	10% of roof area	3 feet	

Sec. 90.45(b)

Minimum Required Setbacks	Proposed	
Front (Collins Avenue)	20 ft	20 ft
Side (88 th Street and north side of building)	10ft – H40 district	10 ft
	11ft – H30C district	11 ft
Rear (Harding Avenue)	20 ft	20 ft

Sec. 90.47.1 Yards generally, allowable projections

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

Sec. 90.49

Lot Standards	Required	Proposed
Minimum Lot width	50 feet	110 Feet
Minimum Pervious area	20%	29% in H40 27% in H30C

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.	Project meets 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 is granted approval by the Design Review Board; d. Architecturally embellished metal if granted approval by the Design Review Board; or e. Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board. 	Roof deck includes a community pool as well as separate roof top terraces for 12 individual units. These include a pool, Jacuzzi, trellis and landscaping.
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Sec. 90.50.2 (3)

Roof Deck Provisions	Required	Proposed
Roof Decks are limited to	a. Maximum 70% of the aggregate roof area;	68.30%
	b. Shall not exceed the maximum roof height required by any abutting property's zoning designation;	40 feet and 30 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
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
H30C	For every 50 feet, a minimum 3 foot change in wall plane.	After 50 feet, a 3 foot change in wall plane is proposed.

Sec. 90.61.1

Paving in front and rear yards in H30 & 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	13.6%
Front Yard Landscaping	Minimum 30%	86.40%
Rear Yard Landscaping	Minimum 20%	98.14%

Sec. 90.67.2

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

	underground.	
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Sec. 90.77(c)

Off-Street Parking	Minimum Required	Proposed
	50 Spaces	50 Spaces

Sec. 90.83

Off-Street Loading	Minimum Required	Proposed
Multifamily building 20,000 – 100,000 square feet	1 space on site	1 space

Sec. 90.91

Vegetative Provisions	Minimum Required	Proposed
Xeriscape in pervious area	40%	40%

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.

DEVELOPMENT IMPACT COMMITTEE REPORT

DEVELOPMENT IMPACT COMMITTEE MEETING

The Development Impact Committee (DIC)* met on July 22, 2015 to discuss the site plan amendment application for 8809 Harding Avenue ("the Project"). The DIC meeting was attended by the following:

Staff Attendees: Guillermo Olmedillo, Town Manager
 Joe Kroll, Public Works
 David Allen, Police Chief
 Linda Miller, Town Attorney
 Jane Graham, Assistant Town Attorney
 Tim Milian, Parks and Recreation
 Sarah Sinatra Gould, Town Planner
 Bill Tesauro, Landscape Plan Reviewer
 Jankristof Devastey, Traffic Engineer

Applicant Attendees: Leonardo Ambard, Applicant
 Cristina Fandino, Architect
 Scott McClure, Landscape Architect
 Jerry Zamora, Civil Engineer

Citizen Attendees (who signed in): None

The purpose of the DIC meeting is to discuss impacts of the projects and any mitigation efforts offered by the property owner.

The DIC shall review all developments (except single family and two-family homes) and recommend where applicable, whether, and the extent to which the following criteria has been met (staff responses are in *italics*).

1. The development, as proposed, conforms to the comprehensive plan and the zoning code;

The site plan has been reviewed twice by the Development Review Committee. All outstanding comments have been addressed and the proposed site plan conforms to the comprehensive plan and the zoning code.

2. The development, as proposed, will have a favorable or unfavorable impact on the environment and natural resources, including a consideration of the means and estimated cost necessary to minimize the adverse impacts, if any;

The proposed development is not expected to have an unfavorable impact on the environment and natural resources. The applicant will meet all Town, County and State regulations. The applicant has offered to mitigate impacts during construction, such as washing the tennis courts.

3. The development, as proposed, will have a favorable or unfavorable impact on the economy of the Town of Surfside;

The development is expected to have a favorable impact on the economy of the Town as it will add taxable value. It will also generate water and sewer fees and applicable building permit fees.

4. The development, as proposed, will efficiently use or unduly burden water, sewer, solid waste disposal, education, recreation or other necessary public facilities which have been constructed or planned and budgeted for construction in the area;

An application has been submitted to the Miami-Dade School Board to determine if concurrency has been met. If not, the applicant is required to coordinate with the school board on potential financial obligations to meet concurrency. The applicant has also voluntarily agreed to a number of improvements to the Town's parks to address their impacts. Lastly, the water and sewer impact will be accommodated through the Town's water and sewer fees.

5. The development, as proposed, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, public streets, and roads, which have been planned and budgeted for construction in the area, and if the development is or will be accessible by private or public roads or streets.

The applicant has voluntarily agreed to provide a bus shelter on Harding Avenue north of 88th Street to mitigate any impacts the additional units may have on the public transportation system. There is also no drop off at the front of the building. All vehicular activities will take place within the garage.

6. The development, as proposed, is consistent with the community character of the immediate neighborhood. In addition to consistency 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 applicant is proposing a 25 unit development, which is consistent with the smaller scale development commonly seen on the corridor between Collins Avenue and Harding Avenue. The setbacks, articulations and aesthetics are consistent with buildings within the corridor.

7. In the event of redevelopment, applicant shall also submit a detailed plan for demolition.

Acknowledged.

The conditions shall become part of the resolution. If the resolution is recommended by the Planning and Zoning Board to the Town Commission, it will become a covenant running with the property as part of the Development Order. The Planning and Zoning Board and the Town Commission may modify any of the conditions and/or request additional conditions to be included in the Development Order.

***NOTE:** The DIC meetings are televised on the Town's Channel 77 and are publicized by posting in Town Hall.

RESOLUTION

RESOLUTION NO. 15-Z-0__

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE, TO PERMIT DEVELOPMENT OF 28 DWELLING UNITS WITH 50 PARKING SPACES WITH AN ADDRESS OF 201, 203, 205, 207, 209, 215 – 88TH STREET AND 8809 HARDING AVENUE, SURFSIDE, FLORIDA, AS SUBMITTED BY 8809 HARDING DEVELOPMENT, LLC; 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, 8809 Harding Development, LLC (the “Applicant”), a Florida corporation, owner of the property located at 201, 203, 205, 207, 209, 215 – 88th Street and 8809 Harding Avenue, Surfside, Florida 33154, with a general location on the north side of 88th Street between Collins Avenue and Harding Avenue (the “Property”) submitted an application to the Town of Surfside, Florida on March 16, 2015, amended subsequently as to the number of units, (the “Application”) requesting approval as set forth below:

- A. Pursuant to Section 90-41 et seq., of the Town Zoning Code, site plan approval of 28 residential dwelling units, including 50 parking spaces and a roof top terrace.

- B. Plans are on file and may be examined in the Building Department entitled “8800 Collins”, Surfside, FL 33154, which plans may be modified at public hearing (hereinafter referred to as the “Plans”) and are prepared by Cristina Fandino, AIA, MCID & Associates, Jerry Zamora – Zamora & Associates, and MLA Group, Inc. submitted on March 16, 2015, dated August 10, 2015 and consisting of a set of sheets including the following:

Survey by Bello & Bello
Architectural drawings by Fandino, AIA
Landscape Architecture drawings by MLA Group, Inc.
Civil Engineering drawings by Jerry Zamora – Zamora & Associates

Legal Description: See attached Exhibit “A” “Legal Description”

ADDRESS: 201, 203, 205, 207, 209, 215 – 88th Street And 8809 Harding Avenue, Surfside, FL 33154; and

WHEREAS, on April 2, 2015 and June 6, 2015 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 advertised notice and notice posted on the Town’s website, met on July 22, 2015, 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 90.20. 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 August 27, 2015, the Planning and 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 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.

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 the same were fully set forth herein.
- B. The Town Commission finds that the proposed Site Plan, with the conditions as incorporated herein, is in compliance with the requirements and criteria set forth in Section 90.41 “Regulated 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 a Building Permit for the Project.

- A. The Applicant's request for approval of the site plan submitted for the property known as "8800 Collins" located at 201, 203, 205, 207, 209, 215 – 88th Street And 8809 Harding Avenue, Surfside, Florida, 33154, with a general location on the north side of 88th Street between Collins Avenue and Harding Avenue, is granted and said site plan approved, subject to all of the conditions provided in this Resolution. The failure of performance of any of these conditions shall be deemed grounds for revocation of the approval.

IV. CONDITIONS.

1. A bond or equivalent amount of cash shall be posted by the Applicant 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 jointly determine the bond or cash equivalent amount. The bond or cash equivalent shall be posted prior to the issuance of a building permit.
2. 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. 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" of written notice from the issuer of the bond of its intent to cancel or to not renew." As improvements are made, the Town Manager or designee, within his/her 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.
3. 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. Based on the proposed landscape plan, including the trees and palms only, the value of the material is \$98,858. Therefore, the Applicant agrees to a landscape bond for one year from the final landscape inspection for the value of the material.

4. The Applicant confirms that the proposed pools and any other amenity are for the sole use of the residents and the guests of the residents.
5. 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.
6. 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.
7. The Applicant shall pay a contribution to upgrade the public beach access at the street end at 88th Street and the ocean bulkhead in the amount of \$20,000. This amount shall be paid 90 days prior to the issuance of a Temporary Certificate of Occupancy ("TCO").
8. The Applicant shall contribute \$20,000 for the Town's Parks and Recreation playground equipment. This amount shall be paid 90 days prior to the issuance of a TCO.
9. The Applicant shall contribute \$800 for the Town's Veteran's Park dog waste station, which shall fund the installation of the station and one year of maintenance. This amount shall be paid 90 days prior to the issuance of a TCO.
10. The Applicant shall contribute \$5,000 to the Town Parks and Recreation Department for placement of two benches in Veteran's Park. This amount shall be paid 90 days prior to the issuance of a TCO.
11. The Applicant agrees to pay the maintenance cost of washing the tennis courts at the Surfside Tennis Center during construction. The cost of washing the tennis courts is \$1,000 per month to be paid by the 5th day of each month.
12. The Applicant shall provide a bus shelter located on the west side of Harding Avenue and 88th Street at the current bus stop location, or as permitted by Miami-Dade County. This amount shall be paid 90 days prior to the issuance of a TCO.

13. 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 Harding Avenue, Collins Avenue and 88th Street. Any work necessary within the Florida Department of Transportation ("FDOT") Right of Way shall comply with FDOT regulations. Any work within a Miami-Dade County Right of Way shall be coordinated through Miami-Dade County and the Town of Surfside.
14. The new sidewalk, curbs, and gutter along Collins Avenue, Harding Avenue and 88th Street must be approved and permitted by FDOT. The sidewalk shall be a paver approved by the Town Manager or designee.
15. The Applicant agrees to provide access for 220 volt capability throughout the garage to offer charging opportunities for electric vehicles to residents as needed.
16. The Applicant agrees to design the project to be LEED Silver Certifiable.
17. In the event of a hurricane warning, all removable items from the pool decks, roof decks and other outdoor spaces shall be removed and secured. Cranes shall be secured. The Applicant shall provide a hurricane safety plan to the Town in advance of construction, including contact information.
18. 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."
19. The Applicant shall provide water/sewer fees to the Town of Surfside in the amount prescribed in the Town Code Section 78-83 and calculated using all fixtures in the buildings. Said fee shall be paid at the issuance of a Building Permit. There shall be no offset for existing fixtures if such offset is prohibited by law.
20. The Applicant shall present a Construction Parking Plan for the provision of 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. The Construction Parking Plan shall provide that all workers shall park on-site or shall park off-site outside of Town limits. The Applicant and the Applicant's general contractor shall direct all workers not to park

their vehicles in residential neighborhoods or Town parking lots and Town parking metered spaces. The Applicant and the Applicant's general contractor are responsible to enforce the Construction Parking Plan with all employees, contractors and subcontractors. Violations of the Construction Parking Plan will result in penalties, stop work orders or revocation of the building permit.

21. The Applicant shall reimburse the Town for the value of eight (8) lost metered parking spaces located on the north side of the 200 block of 88th Street during the period of construction through Certificate of Occupancy. The value of the metered spaces on a daily basis is calculated at \$1.50 per hour X 12 hours per day X 8 parking spaces equals \$144.00 per day. The annual cost is \$52,560 which amount the Applicant shall pay to the Town prior to the issuance of the first building permit.
22. 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.
23. The Applicant shall conduct an audit of the construction costs at the conclusion of the construction and shall pay the difference in the building permit fee, if any.
24. 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. The Applicant for this purpose shall provide a bond not to exceed five percent of the construction cost, as required by the Building Official. These funds shall be used to secure property and the construction site in the event construction is abandoned, or ceases prior to completion, or to repair public infrastructure damaged by construction, and to maintain site during abandonment.
25. Any change in the ownership of the current owner, 8809 Harding Development, 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.

26. All voluntary proffers and commitments made to the Town of Surfside pursuant to the Resolution, including but not limited to those described in these Conditions, shall be binding upon Applicant, its heirs, successors and assigns, and, as to payments, shall be due and payable, or in the event of an action, shall be performed, in strict compliance with the manner and within the time frames set forth in these Conditions and any change in ownership, or modification of the site plan or design, whether substantial or minor in nature, shall not excuse the performance or the payments, all of which are part of the Conditions subject to which the Applicant's request for site plan approval were granted.
27. The applicant shall provide a Unity of Title in a form acceptable to the Town Attorney for all parcels included in the site plan to the Town prior to the issuance of the first building permit.

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 full force and effect.

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

PASSED AND ADOPTED this _____ day of _____, 2015

Motion by _____,

Second by _____.

FINAL VOTE ADOPTION

Commissioner Barry Cohen _____
Commissioner Michael Karukin _____
Commissioner Marta Olchyk _____
Vice Mayor Eli Tourgeman _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Sandra Novoa, 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. 15- _____ adopted by the Town Commission at its meeting held on the ___ day of _____, 2015.

Issued: _____

Sandra Novoa, CMC
Town Clerk

APPLICATION



BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6223
E-Mail: CKoshal@BRZoningLaw.com

VIA HAND-DELIVERY

December 1, 2015

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

Re: Site Plan Application for the Property Located at 8800 Collins Avenue, Surfside, Florida

Dear Mr. Olmedillo:

This law firm represents 8809 Harding, LLC (the "Applicant") with regard to the properties located at 8809 Harding Avenue; 215 88 Street; 201, 203, 205, 207, and 209 88 Street (the "Property") within the Town of Surfside (the "Town"). Please let the following serve as the letter of intent in connection with a request for Site Plan Approval associated with the development of a new multi-family structure on the Property.

Description of Property. The Property is located on the north side of 88th Street, between Collins Avenue and Harding Avenue, across 88th Street from the Town's Tennis Center. The Property is approximately 42,781 square feet (0.98 acres) in size. Miami-Dade County's Office of the Property Appraiser identifies the Property by Folio Numbers 14-2235-020-0050, 14-2235-020-0040, 14-2235-020-0030, 14-2235-020-0020, 14-2235-020-0010, 14-2235-005-0370, and 14-2235-005-0360. The Town includes the eastern portion of the Property within the H40 district and the western portion of the Property in the H30C district.

Description of Development Program. The Applicant respectfully requests approval of a total of twenty-eight (28) unit condominium building on the Property (the "Project"). Currently, there are eleven (11) units existing on the Property. Accordingly, the Project proposes a net increase of only seventeen (17) units. It should be noted that as of right the Property is permitted a total of sixty-five (65) dwelling units.

The Project consists of one bedroom, two bedroom, and loft units in order to provide a mix of different housing options for the current real estate market. The Project complies with the Town's height, setback, and other zoning requirements. Further, the

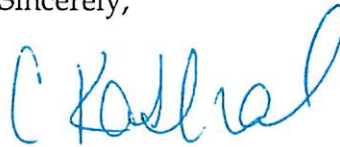
Guillermo Olmedillo, Manager
December 1, 2015
Page 2 of 2

Project will be attractively and lushly landscaped pursuant to the Town's landscaping requirements.

Town Review. The Town's Development Impact Committee ("DIC") reviewed the Site Plan Application on July 22, 2015; and the Town's Planning and Zoning Board reviewed the application on August 27, 2015. Both the Town's DIC and the Town's Planning and Zoning Board recommended approval of the Site Plan Application.

Conclusion. The Applicant seeks to develop a beautiful and unique building that will be a beautiful update to the Town of Surfside's southern entrance. The proposed project will not have any adverse impact on the surrounding area and will, in fact, visibly improve this area with its attractive design. We respectfully request your recommendation of approval. If you have any questions or comments with regard to the application, please do not hesitate to call me at (305) 377-6223.

Sincerely,



Carli Koshal

CC: Jeffrey Bercow, Esq.
Leonardo Ambard
Sarah Sinatra Gould, AICP
Linda Miller, Esq.
Nancy Stroud, Esq.

3115 121504
 SURFSIDE



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



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

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

<u>PROJECT INFORMATION</u>	
OWNER'S NAME	<u>8809 Harding Development, LLC; See Exhibit A for additional Owner information</u>
PHONE / FAX	<u>305 717 5401</u>
AGENT'S NAME	<u>Carli Koshal / Bercow Radell & Fernandez</u>
ADDRESS	<u>200 S. Biscayne Blvd, Ste 850, Miami, FL 33131</u>
PHONE / FAX	<u>305-377-6223</u>
PROPERTY ADDRESS	<u>8809 Harding Avenue,</u>
ZONING CATEGORY	<u>H40 and H30C</u>
DESCRIPTION OF PROPOSED WORK	<u>Redevelopment of seven (7) parcels into a single unified condo development</u>

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

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


3/4/15

3/5/15
 SIGNATURE OF OWNER DATE SIGNATURE OF AGENT DATE



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

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

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

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

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

Carli Koshal / Bercow Radell & Fernandez
NAME OF REPRESENTATIVE

3/5/15
DATE

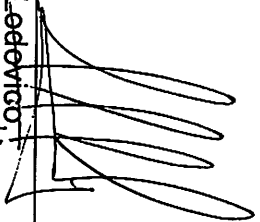
Exhibit A
Property Ownership Information

Owner Name	Address	Folio No.
8809 Harding Development, LLC	8809 Harding Avenue	14-2235-005-0360
8809 Harding Development, LLC	215 88 Street	14-2235-005-0370
Ana M. Amenabar	201 88 Street	14-2235-020-0050
Rafael R. Garcia	203 88 Street	14-2235-020-0040
Waleed Tariq Jamal	205 88 Street	14-2235-020-0030
David De Cespedes	207 88 Street	14-2235-020-0020
Eneida Lopez	209 88 Street	14-2235-020-0010

POWER OF ATTORNEY AFFIDAVIT

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, Salvador Di Lodovico, being duly sworn and deposed say that I am the Managing Member of 8809 Harding Development, LLC, the entity which owns the real property located at 215 88 Street and 8809 Harding Avenue, Miami Dade County Folio Numbers 14-2235-005-0360 and 14-2235-005-0370 (the "Property"). 8809 Harding Development, LLC seeks to redevelop the Property, and hereby authorizes Leonardo Ambard to be the representative of 8809 Harding Development, LLC before the Town of Surfside on this matter.



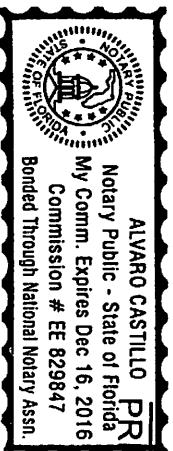
Salvador Di Lodovico
Managing Member of 8809 Harding Development, LLC

SIGNATURE

Sworn to and subscribed before me this 27 day of Feb., 2015. The foregoing instrument was acknowledged before me by Salvador Di Lodovico of Fla. Power Gen as identification and/or is personally known to me and who did/did not take an oath.

Alvaro
NOTARY PUBLIC

NOTARY SEAL OR STAMP:



PRINT NAME

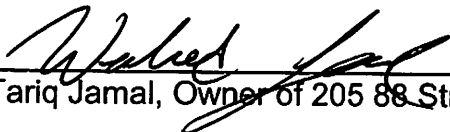
My Commission Expires:

Affidavit of Ownership

I, Waleed Tariq Jamal, am over the age of 21 and otherwise am *sui juris*, and being duly sworn, allege and state:

1. I am the owner of 205 88 Street within the Town of Surfside.
2. 205 88 Street is further identified by Miami Dade County Folio Number: 14-2235-020-0030 (the "Property").
3. I understand that 8809 Harding Development, LLC is submitting an application to the Town of Surfside for approval of plans to redevelop the Property.
4. I hereby authorize 8809 Harding Development, LLC, and its designees, to take the steps legally necessary to obtain the development approvals for the Property in accordance with said plans.

FURTHER AFFIANT SAYETH NAUGHT.

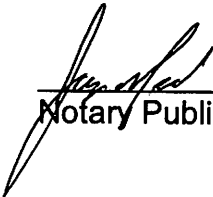


Waleed Tariq Jamal, Owner of 205 88 Street, Surfside, FL

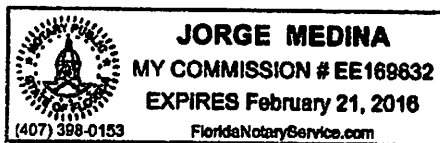
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by Waleed T Jamal who is personally known to me or has produced Florida DL as identification.

My commission expires 2/21/16



Notary Public, State of Florida

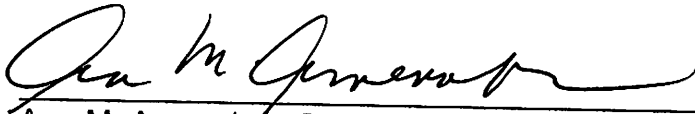


Affidavit of Ownership

I, Ana M. Amenabar, am over the age of 21 and otherwise am *sui juris*, and being duly sworn, allege and state:

1. I am the owner of 201 88 Street within the Town of Surfside.
2. 201 88 Street is further identified by Miami Dade County Folio Number: 14-2235-020-0050 (the "Property").
3. I understand that 8809 Harding Development, LLC is submitting an application to the Town of Surfside for approval of plans to redevelop the Property.
4. I hereby authorize 8809 Harding Development, LLC, and its designees, to take the steps legally necessary to obtain the development approvals for the Property in accordance with said plans.

FURTHER AFFIANT SAYETH NAUGHT.

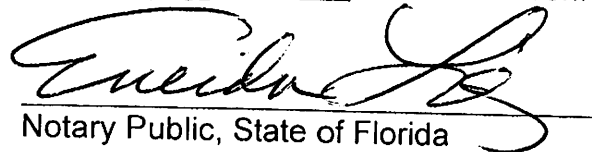


Ana M. Amenabar, Owner of 201 88 Street, Surfside, FL

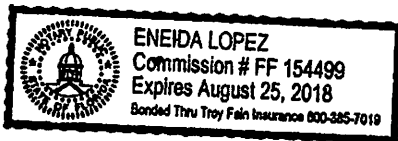
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me ^{on 3/3/15} by Ana M. Amenabar, who is personally known to me or has produced DR. LICENSE as identification.

My commission expires 8/25/18



Notary Public, State of Florida



Affidavit of Ownership

I, Rafael R. Garcia, am over the age of 21 and otherwise am *sui juris*, and being duly sworn, allege and state:

1. I am the owner of 203 88 Street within the Town of Surfside.
2. 203 88 Street is further identified by Miami Dade County Folio Number: 14-2235-020-0040 (the "Property").
3. I understand that 8809 Harding Development, LLC is submitting an application to the Town of Surfside for approval of plans to redevelop the Property.
4. I hereby authorize 8809 Harding Development, LLC, and its designees, to take the steps legally necessary to obtain the development approvals for the Property in accordance with said plans.

FURTHER AFFIANT SAYETH NAUGHT.

Rafael R. Garcia

Rafael R. Garcia, Owner of 203 88 Street, Surfside, FL *3/3/15*

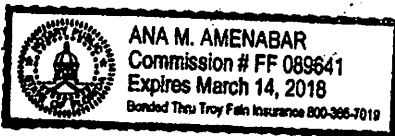
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by *on 3/3/15* *Rafael R. Garcia*, who is personally known to me or has produced *Fla. DL* as identification.

My commission expires _____

Ana M. Amenabar

Notary Public, State of Florida



Affidavit of Ownership

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

1. I am the owner of 209 88 Street within the Town of Surfside.
2. 209 88 Street is further identified by Miami Dade County Folio Number: 14-2235-020-0010 (the "Property").
3. I understand that 8809 Harding Development, LLC is submitting an application to the Town of Surfside for approval of plans to redevelop the Property.
4. I hereby authorize 8809 Harding Development, LLC, and its designees, to take the steps legally necessary to obtain the development approvals for the Property in accordance with said plans.

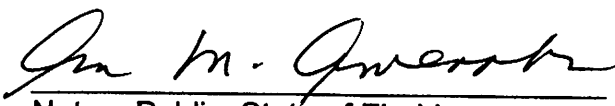
FURTHER AFFIANT SAYETH NAUGHT.

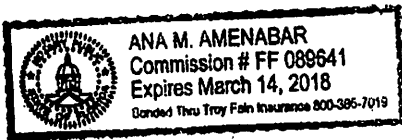

Eneida Lopez, Owner of 209 88 Street, Surfside, FL ^{3/3/15}

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me ^{on 3/3/15} by ENEIDA LOPEZ, who is personally known to me or has produced FIDL as identification.

My commission expires _____


Notary Public, State of Florida



Affidavit of Ownership

I, David De Cespedes, am over the age of 21 and otherwise am *sui juris*, and being duly sworn, allege and state:

1. I am the owner of 207 88 Street within the Town of Surfside.
2. 207 88 Street is further identified by Miami Dade County Folio Number: 14-2235-020-0020 (the "Property").
3. I understand that 8809 Harding Development, LLC is submitting an application to the Town of Surfside for approval of plans to redevelop the Property.
4. I hereby authorize 8809 Harding Development, LLC, and its designees, to take the steps legally necessary to obtain the development approvals for the Property in accordance with said plans.

FURTHER AFFIANT SAYETH NAUGHT.

David De Cespedes 3/2/15

David De Cespedes, Owner of 207 88 Street, Surfside, FL

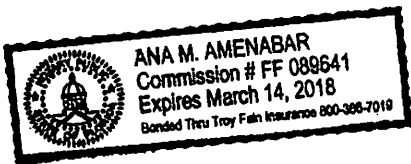
**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me ^{on 3/3/15} by DAVID DECESPEDES, who is personally known to me or has produced FI DL as identification.

Ana M. Amenabar

My commission expires _____

Notary Public, State of Florida



SITE PLAN PACKAGE