

BEFORE THE BOARD OF ADJUSTMENT  
CITY OF MIAMI BEACH, FLORIDA

FILE NO. ZBA 22-0143

IN RE: APPEAL OF THE PLANNING  
DIRECTOR'S NOVEMBER 15, 2022  
ADMINISTRATIVE DETERMINATION  
REGARDING 153 COLLINS AVENUE  
AND 157 COLLINS AVENUE

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**157 COLLINS AVE LLC'S RESPONSE TO APPELLANT'S PETITION  
FOR ADMINISTRATIVE APPEAL TO BOARD OF ADJUSTMENT**

Appellee 157 Collins Ave LLC ("Appellee" or "157 Collins"), by and through undersigned counsel and pursuant to Section 118-9(b) of the Land Development Regulations ("LDRs"), hereby responds to the Petition for Administrative Appeal to Board of Adjustment ("Petition") filed by 125 Collins, LLC ("Appellant" or "125 Collins") and, as grounds for the Board of Adjustment's affirmance of the Planning Director's November 15, 2022 Administrative Determination (the "Determination"), states as follows:<sup>1</sup>

**I. OVERVIEW**

Here's the short version. Appellee owns the building that houses both the "Big Pink" restaurant and "Ted's Hideaway" lounge. These two businesses are local institutions – with long and rich connections to the

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<sup>1</sup> A true and correct copy of the Determination is attached hereto as **Exhibit 1**.

community – that have been operating in the same location in the City of Miami Beach (“City”) for over twenty-five (25) years. It is undisputed that the Strip provides the Big Pink and Ted’s Hideaway with essential life safety fire access, gas lines, utility meter access, trash room access, houses Ted’s Hideaway’s grease trap, and provides access to the Big Pink’s grease trap (all collectively, the “Improvements”).<sup>2</sup> It is likewise undisputed – as the Planning Director correctly concluded – that the Improvements within the Strip are critical to the operation of the Big Pink and Ted’s Hideaway.

The Planning Director based the Determination on his faithful application of the plain text of the LDRs and the undisputed record facts that confirm that the Strip, the Big Pink, and Ted’s Hideaway are all part of one building site by operation of Section 114-1 of the LDRs. The Board should deny the appeal and affirm the Determination in all respects.

## **II. SUMMARY STATEMENT OF BACKGROUND FACTS RELEVANT TO THE DETERMINATION**

### **A. The Commercial Property – the Strip – Its Use and Function**

157 Collins Avenue LLC is the owner of the property located at 157 Collins Avenue (the “Commercial Property”).<sup>3</sup> (Ex. 2.) The Commercial

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<sup>2</sup> We assign the same meaning to the word “Strip” that the Planning Director used in his Determination. (See Ex. 1.)

<sup>3</sup> A true and correct copy of the Warranty Deed, dated June 30, 2008, for the Commercial Property is attached hereto as **Exhibit 2**.

Property is identified by Miami-Dade County Tax Folio No. 02-4203-003-0300 and is legally described as Lot 16 of Block 2 in the Ocean Beach Subdivision. (Ex. 2.) The Commercial Property is improved with a 2-story building that was constructed in 1925 and fronts on Collins Avenue. (See Ex. 1.) Built by J.G. Leinecker, the property is individually listed in the City of Miami Beach's Historic Properties Database as a contributing building in the Ocean Beach Local Historic District. (See Ex. 5.)<sup>4</sup> The Commercial Property has been in continuous use for commercial purposes since the time of the building's construction and now serves as the home of the Big Pink restaurant and Ted's Hideaway lounge. (See Exs. 1, 5.)

The uses on the Commercial Property have long been served by a 25' wide strip of land which abuts Appellee's property and serves as an accessory alleyway behind the restaurants (the "Strip"). (See Exs. 1, 5.) The Strip, identified by Miami-Dade County Tax Folio No. 02-4203-003-0290 and legally described as the North ½ of Lot 15 of Block 2 in the Ocean Beach Subdivision, has been used for decades to service "back of the house" facilities for the Big Pink and Ted's Hideaway.<sup>5</sup> (See Exs. 1, 3.) It serves

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<sup>4</sup> See *infra* note 7.

<sup>5</sup> A true and correct copy of the Warranty Deed, dated August 9, 2022, for the Strip is attached hereto as **Exhibit 3**.

vitaly important operational needs of the Big Pink and Ted's Hideaway. It provides (i) emergency means of ingress and egress through the fire exit emergency doors; (ii) life/safety egress; (iii) access for utilities, delivery, garbage, and trash removal and storage; and (iv) access to the grease traps that serve the Big Pink and Ted's Hideaway. (Ex. 1 at 2-3, Exs. A, B.) The relationship of the Strip to the Commercial Property is illustrated below:



(Aerial image from Google Earth Pro / Map data © 2023 Google (Jan. 4, 2021)) (shading and callouts added for emphasis).

The Improvements within the Strip that serve the Commercial Property are shown in the pictures that follow:





(Photograph above, taken from the Strip facing North, shows the following Improvements along the South façade of the Commercial Property: on the left Big Pink's trash room, only accessible from the Strip via the roll-up gate shown; in the center two bollards protect the gas meters for the Commercial Property; and to the right the door that provides access to Big Pink's foyer (including its grease trap), as well as emergency/life safety ingress and egress for the Commercial Property (the "**Big Pink Access Door**").)



(Photograph above, taken from the Strip facing North, shows the following Improvements along the South façade of the Commercial Property: on the left the Big Pink Access Door; and on the right the electrical service panels for the Commercial Property.)



(Photograph above, taken from the Strip facing Northwest, shows the following Improvements along the South façade of the Commercial Property: on the left the grease traps for Ted's Hideaway; and on the right access for trash removal and storage for the Commercial Property.)

## **B. The Ownership Reflects Joint Use**

The ownership of both sites over the last several decades reflects their joint use. The previous owner of the Strip, Mr. Kaine, purchased what is now our client's property in 1983. (Ex. 1.) Mr. Kaine purchased the Strip in 1986. (Ex. 1.) During Mr. Kaine's ownership of the parcels, significant utilities, access points, and services for what is now our client's property were installed and maintained on the Strip. (Ex. 1 at 2-3, Exs. A, B; see *also* Ex. 5.) By way of illustration, gas lines, electrical utilities and trash dumpsters were allowed to encroach into the Strip and grease traps were installed therein.



The location of Ted's Hideaway's grease traps within the Strip is shown shaded in yellow in the image below:



(Photographs above, taken from the East side of the Strip facing Westward, showing the location of the grease traps for Ted's Hideaway within the Strip) (yellow shading added for emphasis).

Similarly, the Big Pink's grease trap is only serviceable from the Strip, utilizing the Big Pink Access Door. The location of the grease trap within Big Pink's foyer is shown shaded in yellow in the image below:



(Photographs above, taken from the Strip looking North through the Big Pink Access Door, showing the location of the grease trap within Big Pink's foyer) (yellow shading added for emphasis).

It is important to note that a fence was also installed, separating the Strip from Appellant's parking lot to the south.<sup>6</sup> (See Ex. 4.) The fence leaves the Strip connected to and accessible from the Commercial Property. The location of the fence is shown in the image that follows:



(Photograph above, taken from the East side of the Strip facing West, shows the green fence on the left dividing Appellant's commercial parking lot from the Strip. The Commercial Property is shown on the right.)

### **III. Relevant City Code Sections and Definitions**

The definition of Building Site within the City's LDRs is clear and unambiguous. See § 114-1 (Building Site), LDRs. It is defined as:

[A]ny improved lot, plot, or parcel of land where there may exist a main permitted structure and any accessory/auxiliary building or structure including, but not limited to, swimming pools, tennis

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<sup>6</sup> A true and correct copy of Building Permit plans (B2204174), entitled Kaine Parking, are attached hereto as **Exhibit 4**. The City's approval of the plans, dated October 17, 2012, included the fence (as shown on Sheet 4).

courts, walls, fences, **or any other improvement** which was heretofore constructed on property containing one or more platted lots or portions thereof shall constitute one building site.

*Id.* (emphasis added). In addition, the LDRs clearly and unambiguously define the term “improvement” broadly to mean:

[A]ny building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, fountain, sign, work of art, earthworks **or other manmade object constituting a physical betterment of real property.**

§ 114-1 (Improvement), LDRs (emphasis added).

#### IV. PROCEDURAL HISTORY

On September 8, 2022, 157 Collins requested a “written determination [from the City’s Planning Director] regarding the properties located at 153 Collins Avenue and 157 Collins Avenue” (“Request for Zoning Determination”).<sup>7</sup> (Ex. 1; see *also* Ex. 5.) Specifically, the Request for Zoning Determination sought the Planning Director’s determination as to: (1) whether the Strip and the Commercial Property “constitute ‘one building site’ pursuant to Section 114-1 of the City Code” and (2) whether “a lot split would be required to develop the Strip, including erecting a fence immediately adjacent to [the Commercial Property].” (Ex. 1 at 1; see *also* Ex. 5.)

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<sup>7</sup> A true and correct copy of the Request for Zoning Determination is attached hereto as **Exhibit 5**.

In response, on November 15, 2022, the Planning Director issued the Determination answering (1) and (2) in the affirmative. (Ex. 1 at 3.) The Determination sets forth the Planning Director's analysis of the properties under the relevant provisions of the LDRs, and concludes that (i) the Strip and the Commercial Property "constitute 'one building site'," (ii) "[a]ny modifications to, or development of the Strip, including, but not limited to, site improvements (e.g., fencing), as well as new construction, would require a joint application by both the owner of the Strip and the owner of [the Commercial Property] for permit approval," and (iii) "[t]o develop the Strip independently from [the Commercial Property], including the erection of a fence, a lot split approval by the Planning Board would be required." (Ex. 1 at 3.)

On December 13, 2022, Appellant filed its Petition for Administrative Appeal of the Determination to Board of Adjustment ("Petition").

## **V. ARGUMENT**

### **A. The Planning Director Correctly Determined that the Strip Contains "Improvements"**

The Appellant argues that the Strip does not contain improvements. (Pet. 5-6.) The argument is without merit. The Appellant overlooks the fact

that the term “improvement” is expressly defined by the City Code, by caselaw, and by treatise. The City Code defines the word “improvement” as:

[A]ny building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, fountain, sign, work of art, earthworks **or other manmade object constituting a physical betterment of real property.**

§ 114-1, LDRs (emphasis added). Case law teaches that an “improvement” need not be permanent. *See Harrell v. Ryland Grp.*, 277 So. 3d 292, 295 (Fla. 1st DCA 2019) (defining “improvement” as “[a]n addition to property, usu. real estate, *whether permanent or not*; esp., one that increases its value or utility or that enhances its appearance”) (emphasis added) (quoting *Improvement*, BLACK’S LAW DICTIONARY (11th ed. 2019)); *accord* Dictionary of Architecture & Construction (4th ed.) (defining “improvement” as “[a] structure or public utility or any other installation or physical change made in a property to increase its value and utility or to improve its appearance”).

The Appellant argues that the grease trap is not an improvement. (Pet. 5-6.) The argument misses the mark. The grease trap is indisputably a “manmade object” located within, upon, and under the Strip that provides vital utility to Ted’s Hideaway – it was specifically installed by Mr. Kaine (the prior owner) to benefit Ted’s Hideaway. (See Ex. 1 at 2, Ex. B.) Indeed, Ted’s Hideaway cannot function without it. While the Appellant argues that the

Improvements can be “detached and/or relocated” (Pet. 6), the point is irrelevant because an improvement constitutes an improvement “*whether permanent or not.*” *Harrell*, 277 So. 3d at 295 (emphasis added).

The Commercial Property contains other improvements that rely upon the Strip. These include essential fire and life safety access, utility meters, gas lines, electrical service panels, trash rooms and storage, a foyer, and service room shown in the photos above. (*See supra* pp. 5-6.) Plainly, these are “manmade objects” that were installed within, encroach upon, and rely upon the Strip for the betterment of the Commercial Property. Consequently, they unquestionably qualify as “improvements” under the City’s LDRs. See § 114-1, LDRs.

**B. The Planning Director Correctly Concluded that the Strip and the Commercial Property Constitute One Building Site**

By operation of the plain text of Section 114-1 of the City’s LDRs, the construction of the Improvements within the Strip operate to conjoin it with the Commercial Property as “one building site.” The Planning Director correctly reached this conclusion, the Appellant does not show error in it, and the record reveals none. In the interest of brevity, we adopt and incorporate as our own the City’s analysis on the building site issue set forth in the City Planning Department Staff Report & Recommendation together with its exhibits, dated September 8, 2023, submitted in response to the Petition.



## C. The Appellant Provides No Basis for Reversal

### 1. The Covenant Argument is Without Merit

The Appellant argues that a recorded covenant somehow merits reversal of the Determination. (Pet. 3-4.) It does no such thing. The covenant ostensibly operates to join three parcels of land to function as “one plot and parcel of land” and it prohibits the sale, transfer, or conveyance of the lands for anything other than a parking lot for the property located at 136 Collins Avenue. (Pet. Ex. B.) The covenant does not impact the scope or reach of Section 114-1 because the “building site” definition applies to “**any** improved lot, plot, or parcel of land.” § 114-1 (Building Site), LDRs (emphasis added).

The word “any” means all. *See Acceleration Nat’l Serv. Corp. v. Brickell Fin. Servs. Motor Club, Inc.*, 541 So. 2d 738, 739 (Fla. 3d DCA 1989) (“‘any’ is ‘often synonymous with either, every, or all’” and “‘any’ is defined as ‘[o]ne or another without restriction or exception’”) (internal citations omitted). Further, Section 118-321 expressly defines as “one building site” any improvements that are “constructed on property containing **one or more platted lots or portions thereof.**” § 118-321, LDRs (emphasis added). Thus, contrary to the Appellant’s theory, the Strip and the Commercial Property constitute one building site regardless of how many lots or portions of lots are connected to the Strip.

## **2. The Unified Development Site Argument is Without Merit**

The Appellant repeatedly argues that based upon the covenant the Strip is part of a “unified development site.”<sup>8</sup> (Pet. 2, 3-4, 8.) Not so. The Appellant conflates the phrase “unified development site” with the phrase “one building site.” By operation of the LDRs, a “unified development site” cannot be bisected by a public right-of-way. See § 118-5, LDRs (“A ‘unified development site’ does not include any lots separated by a public right-of-way.”).

The covenant expressly states that its purpose is to provide parking for the property located at 136 Collins Avenue – the west side of Collins Avenue. (Pet. Ex. B.) It therefore cannot possibly be part of a “unified development site” because it involves properties located on opposite sides of Collins Avenue. The picture that follows proves the point.

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<sup>8</sup> The Appellant uses the terms “building site” and “unified development site” interchangeably in its Petition. This ignores the separate and distinct definitions provided in the LDRs for each. *Compare* § 114-1 (Building Site), LDRs, *with* § 118-5, LDRs.



(Aerial image from Google Earth Pro / Map data © 2023 Google (Jan. 4, 2021)) (shading and callouts added for emphasis).

Assuming solely for argument purposes that the covenant created a “unified development site” that included the Strip (it does not), this fact does not change the Planning Director’s analysis under the “building site” definition. Indeed, nothing in the City Code prohibits a property from being part of two building sites.<sup>9</sup>

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<sup>9</sup> The Appellant’s conclusory statement that it is “axiomatic that a property cannot be part of two separate development sites at the same time” is not supported by citation to the City Code or any other legal authority. (See Pet. 3.)

### **3. The Grease Trap Device Argument is Without Merit**

The Appellant argues that the “grease trap” is not an improvement because it is a “device.” (Pet. 5-6.) As support, the Appellant cites to a manual published by Miami-Dade County. (See Pet. 5-6, Ex. F.) As set forth above, however, the City’s LDRs specifically define the term “improvement” and a Miami-Dade County Manual does not alter, modify, or affect the City’s definition in any way. The “grease trap” clearly satisfies the City’s definition of “improvement.” See § 114-1 (Improvement), LDRs.

### **4. The Building Permit Argument is Without Merit**

The Appellant devotes substantial attention to a building permit argument that is irrelevant to this appeal. (Pet. 7.) The plain text of the LDRs relate to “any” constructed improvement. See § 114-1, LDRs. Once again, the word “any” means all without limitation. See *Acceleration Nat’l Servs. Corp.*, 541 So. 2d at 739. The plain text of the LDRs does not distinguish between “permitted” and “unpermitted” improvements. Consequently, the LDRs apply to any improvement – whether permitted or not. In *Velez v. City of Coral Gables*, 819 So. 2d 895 (Fla. 3d DCA 2002), the Third District Court of Appeal addressed precisely this issue under a nearly identical provision

of the City of Coral Gables Code regulating building sites. In construing the plain language of the City of Coral Gables Code, the Court ruled:

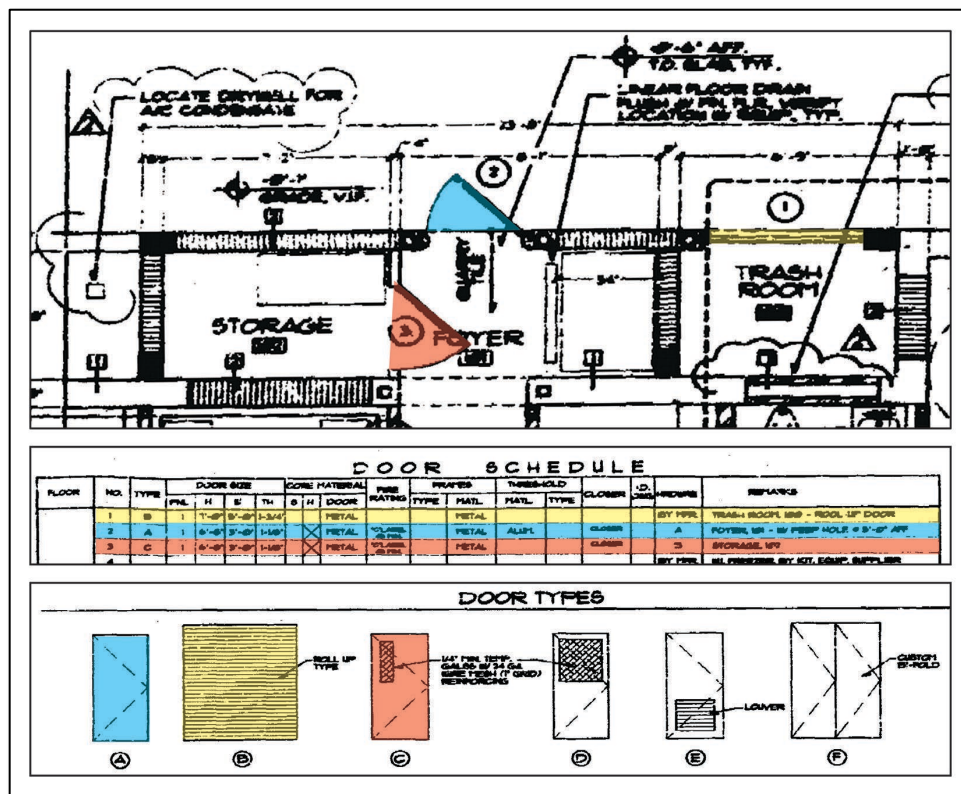
No differentiation is made by this section between permitted and unpermitted structures, and neither the city staff nor this court can read additional language into the legislation in order to alter its meaning. It must be read as written.

*Id.* at 897.

That said, the record is quite clear that the Commercial Property was constructed pursuant to lawful permits. The Big Pink was renovated pursuant to a lawful permit (Ex. 1 at 2, Ex. A) and Ted's Hideaway obtained a permit for its buildout – including its grease trap (Ex. 1 at 2, Ex. B). These improvements were all constructed when Mr. Kaine owned both the Strip and the Commercial Property.

But more to the point, the permit plans for the Big Pink and Ted's Hideaway show that both businesses depend upon the Strip to provide essential fire and life safety access. The plans for each – approved by the City of Miami Beach Fire Department – show secondary means of egress

onto the Strip.<sup>10</sup> The approved plans for Big Pink show the secondary exits onto the Strip as follows:



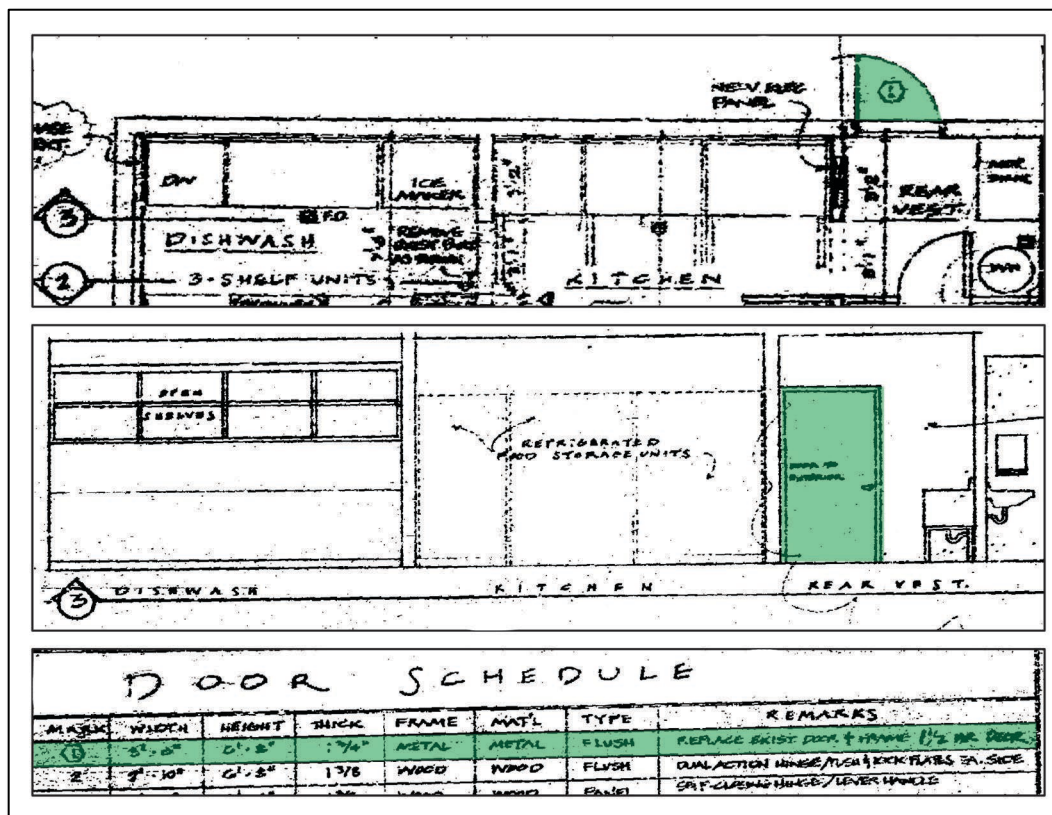
(Top Image: Portion of the ground floor site plan showing the Big Pink Access Door (shaded in blue) opening outward onto the Strip, the roll up door to the trash room (shaded in yellow) only accessible from the Strip, and the internal door between the foyer and storage room (shaded in red) (Ex. 1, Ex. A at Sheet A-1); Middle Image: Portion of Door Schedule showing the dimensions and materials of the doors (*Id.* at Sheet A-10); Bottom Image: Portion of Door Types schedule showing the styles and features of the doors (*Id.* at Sheet A-10).)

(Ex. 1, Ex. A) (shading added for emphasis).

<sup>10</sup> The building permit plans attached to the Petition also show this secondary egress onto the Strip. (See Pet. Ex. G.)



The approved plans for Ted's Hideaway show the secondary exits onto the Strip below:



(Top Image: Portion of the ground floor plan showing the rear vestibule door opens outward toward the Strip (Ex. 1, Ex. B at Sheet A-1); Middle Image: Portion of internal cross-section #3 showing the location of the rear vestibule door in elevation (*Id.* at Sheet A-3); Bottom Image: Portion of door schedule showing the dimensions and materials of the rear vestibule door (*Id.* at Sheet A-1).)

(Ex. 1, Ex. B) (shading added for emphasis).

The Planning Director correctly concluded that the Strip provides vitally important life safety egress points that the Commercial Property historically relied upon for its operation and construction. (See Ex. 1.) Appellant does not dispute this historical fact – nor can it.

**5. The Fence that Separates the Strip from the Parking Lots Demonstrates the Joint Use of the Strip with the Commercial Property**

As the photo below confirms, the Appellant has fenced in its own property and left the Strip to function as part of the Commercial Property.



(See *supra* p. 8; see also Ex. 4.) It is clear that the parking lots to the south can continue to function as parking lots without the Strip – they have functioned without it for approximately 10 years. (See Ex. 4.) It is equally clear that the Commercial Property functions together with the Strip – it has done so for over 25 years. The Determination simply allows the status quo condition that has prevailed for decades to continue.



## VI. CONCLUSION

Based upon the reasons and authorities cited herein, Appellee 157 Collins respectfully requests that the BOA enter an order affirming the Determination in all respects.

Respectfully submitted,

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By: /s/ Jeffrey S. Bass  
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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of August 2023 a true and correct copy of the foregoing was served via electronic mail as follows:

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*Planning Director for Appellee,  
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/s/ Jeffrey S. Bass

# **Exhibit “1”**

# MIAMI BEACH

## PLANNING DEPARTMENT

**City of Miami Beach**, 1700 Convention Center Drive, Miami Beach, Florida 33139  
Tel: (305) 673-7550, Fax: (305) 673-7559

November 15, 2022

Paul A. Shelowitz  
Strook & Strook & Lavan LLP  
200 South Biscayne Blvd, Suite 3100  
Miami, FL 33131

**Subject: Request for Zoning Determination  
153 Collins Avenue (Folio 02-4203-003-0290) & 157 Collins Avenue (Folio 02-4203-003-0300), Miami Beach, Florida**

Dear Mr. Shelowitz:

This correspondence is in response to your September 8, 2022 request (attached) for a written determination regarding the properties located at 153 Collins Avenue and 157 Collins Avenue. Specifically, you have requested a determination pertaining to the following:

1. Whether the property located at 153 Collins Avenue (the "Strip") and the property located at 157 Collins Avenue ("157 Collins") constitute "one building site" pursuant to Section 114-1 of the City Code.<sup>1</sup>
2. Whether a lot split would be required to develop the Strip, including erecting a fence immediately adjacent to 157 Collins.

### **Property Description and Ownership**

For purposes of this determination letter, the following are the applicable properties and ownership:

1. 153 Collins Avenue (the "Strip"), which is legally described as the North ½ of Lot 15 of Block 2 in the Ocean Beach Subdivision. Lawrence F. Kaine purchased the Strip in 1986. The current owner of the Strip, 125 Collins LLC, purchased the property from the Patricia M Kaine Trust and Lawrence F Kaine Living Trust in 2022.
2. 157 Collins Avenue ("157 Collins"), which is legally described as Lot 16 of Block 2 in the Ocean Beach Subdivision. Lawrence F. Kaine purchased 157 Collins in 1983. In 2008, 157 Collins was sold to the current owner, 157 Collins Ave LLC.

The determination herein is specific to the Strip and 157 Collins, and does not include or provide any conclusions regarding the properties to the immediate south of the Strip. As more specifically noted herein, it appears that the Strip is not currently part of a unified development site or single

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<sup>1</sup> While on page 3 of the letter dated September 8, 2022 addressed to the Planning Director, the applicant references Section 118-564 of the City Code, the term "building site" is defined in Section 114-1 of the City Code.

building site with the properties to the immediate south (i.e., the lots at 137 - 151 Collins Avenue, which have a combined legal description of the South ½ of Lot 15 and Lots 12 - 14 of Block 2 in the Ocean Beach Subdivision).

### **Building Site Analysis**

In accordance with Section 114-1 of the City's Land Development Regulations (LDRs), a building site is defined as follows:

*“...Building site means any improved lot, plot, or parcel of land where there may exist a main permitted structure and any accessory/auxiliary building or structure including, but not limited to, swimming pools, tennis courts, walls, fences, **or any other improvement which was heretofore constructed on property containing one or more platted lots or portions thereof shall constitute one building site**.”* (Emphasis added).

The subject site consists of two abutting lots on the east side of Collins Avenue, between 1<sup>st</sup> Street and 2<sup>nd</sup> Street. Both lots are zoned R-PS3 and located in the Ocean Beach Historic District.

The Strip was initially developed in the 1920s with a one-story hotel building. According to City Building Department records, a permit was issued for the total demolition of this structure on May 21, 1971. Shortly thereafter, a permit to pave the lot and install a ten (10') foot driveway was issued.

157 Collins was first developed in 1925 when a building permit was issued for the construction of a two-story commercial building. This building remains substantially intact and is occupied by two commercial tenants at the ground level: (i). Big Pink Restaurant, located within the western portion of the building; and (ii). Ted's Hideaway, located within the eastern portion of the building.

On September 6, 1994, the City issued a building permit for “Renovations to Big Pink”.<sup>2</sup> The approved plans include the construction of a one-story addition located along the south property line of 157 Collins, immediately abutting the north property line of the Strip. As shown on Sheet A-1 the addition contained a foyer, trash room and storage room. Access to the foyer is provided via a single door located on the south property line and internally through the kitchen and back of house area of the restaurant. The trash room is accessible only from the Strip via a roll-up gate.

Also, on February 10, 1998, the City issued a building permit for the buildout of Ted's Hideaway.<sup>3</sup> Sheet P.1 of the approved plans includes the installation of a grease trap within the Strip. A sub permit was issued for the new grease trap (BP980583) on March 13, 1998 and a Certificate of Completion was issued for the project on March 4, 1999 after City inspections were performed.

The aforementioned improvements were constructed when the previous property owner (Lawrence F. Kaine) was the sole owner of the Strip. Additionally, gas meters and electrical service panels are shown encroaching into the Strip on the property survey submitted by the current owner of 157 Collins.<sup>4</sup>

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<sup>2</sup> Building Permit plans B9400397 entitled “Renovations for Big Pink” are attached as **Exhibit A**.

<sup>3</sup> Building Permit plans B9801070 entitled “Interior Renovations for Ted's Hideaway” are attached as **Exhibit B**.

<sup>4</sup> Property Survey dated 10-05-22 is attached as **Exhibit C**.

The Strip serves as a means of ingress and egress to 157 Collins and contains improvements critical to the operations of the restaurant and bar located within 157 Collins. Consequently, 157 Collins and the Strip, together, meet the definition noted above pertaining to a "building site" and therefore constitute one building site.

### **Lot Split Requirements**

In accordance with Section 118-321 of the LDRs, a lot split is required as follows:

*".....wherever there may exist a main permitted structure and any accessory/auxiliary building or structure including, but not limited to, swimming pools, tennis courts, walls, fences, or any other improvement that was heretofore constructed on property containing one or more platted lots or portions thereof, such lots shall thereafter constitute only **one building site** and no permit shall be issued for the construction of more than one main permitted structure on the site unless the site is approved for the division or lot split by the planning board."* (Emphasis added).

As noted above, the Strip and 157 Collins together constitute one building site. As such, any modifications to, or development of the Strip, including, but not limited to, site improvements (e.g., fencing), as well as new construction, would require a joint application by both the owner of the Strip and the owner of 157 Collins for permit approval. Additionally, the separation of the Strip from 157 Collins would require lot split approval from the Planning Board.

### **Conclusion**

Based upon the foregoing, the following is noted regarding the requested determination:

1. The property located at 153 Collins Avenue (the "Strip") and the property located at 157 Collins Avenue ("157 Collins") constitute "one building site", in accordance with the regulations of the City Code. Any modifications to, or development of the Strip, including, but not limited to, site improvements (e.g., fencing), as well as new construction, would require a joint application by both the owner of the Strip and the owner of 157 Collins for permit approval
2. To develop the Strip independently from 157 Collins, including the erection of a fence, a lot split approval by the Planning Board would be required. The request for a lot split would require a joint application by both the owner of the Strip and the owner of 157 Collins.

In accordance with City Code Section 118-9, this administrative determination will be published on the City's website for a period of at least 30 days. An eligible party, as defined in Section 118-9 of the City Code, shall have up to 30 days from the posting on the web page to appeal this administrative determination.

Sincerely,



Thomas R. Mooney, AICP  
Planning Director

TRM/DJT

# **Exhibit “A”**

# Renovations to: BIG PINK

157 Collins Avenue

Miami Beach, Florida

## LIST OF DRAWINGS

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- M-3 NOTES AND DETAILS

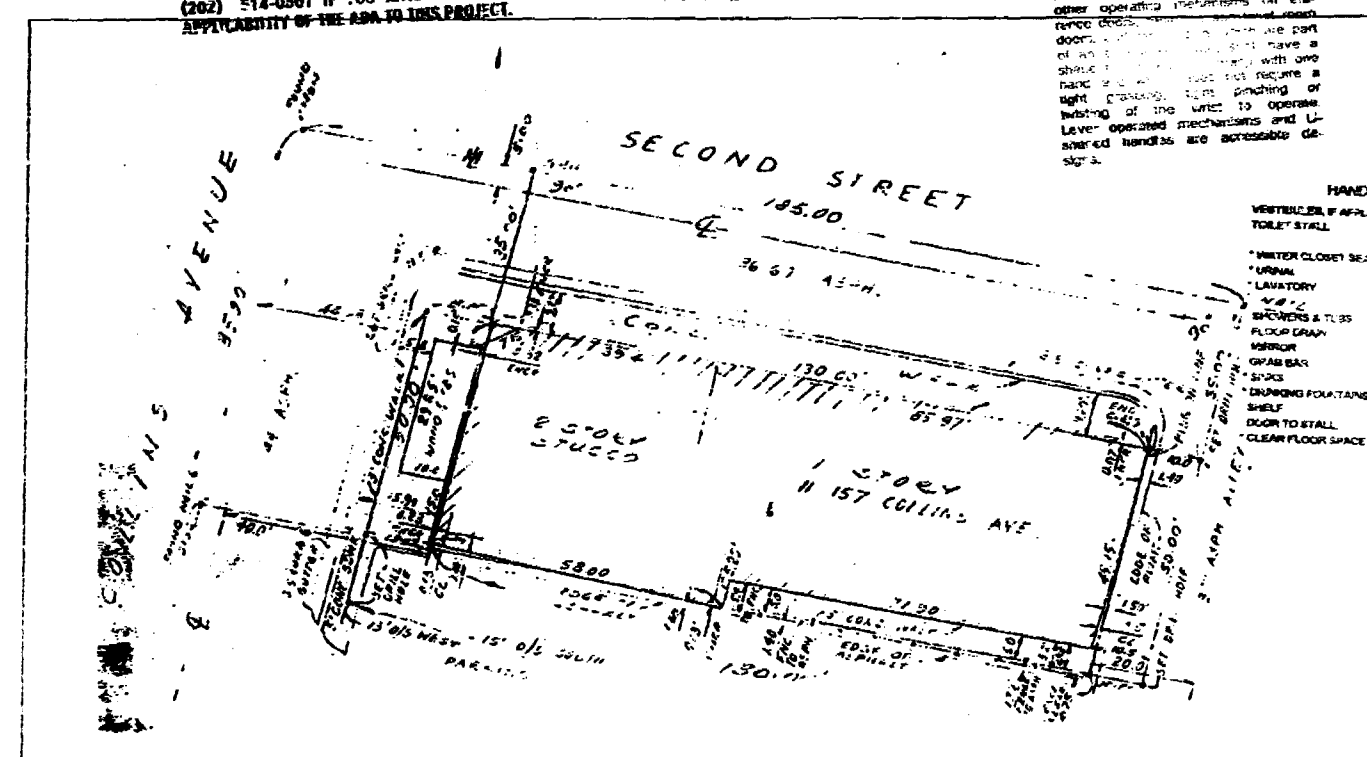
## OFFICE COPY CITY OF MIAMI BEACH

APPROVED FOR PERMIT BY  
THE FOLLOWING:

BUILDING: [Signature]  
ZONING: [Signature]  
PLUMBING: [Signature]  
ELECTRICAL: [Signature]  
MECHANICAL: [Signature]  
FIRE PREVENTION: [Signature]  
ENGINEERING: [Signature]  
PUBLIC WORKS: [Signature]  
STRUCTURAL: [Signature]  
ACCESSIBILITY: [Signature]  
ELEVATOR: [Signature]

**NOTICE TO OWNER, DESIGNER & CONTRACTOR**  
THIS PLAN HAS BEEN REVIEWED FOR COMPLIANCE WITH THE PRESENT REQUIREMENTS OF THE SOUTH FLORIDA BUILDING CODE ONLY. PLEASE CONTACT THE OFFICE OF THE AMERICANS WITH DISABILITIES ACT (ADA) AT (305) 514-0301 IF YOU HAVE CONCERNS ABOUT THE APPLICABILITY OF THE ADA TO THIS PROJECT.

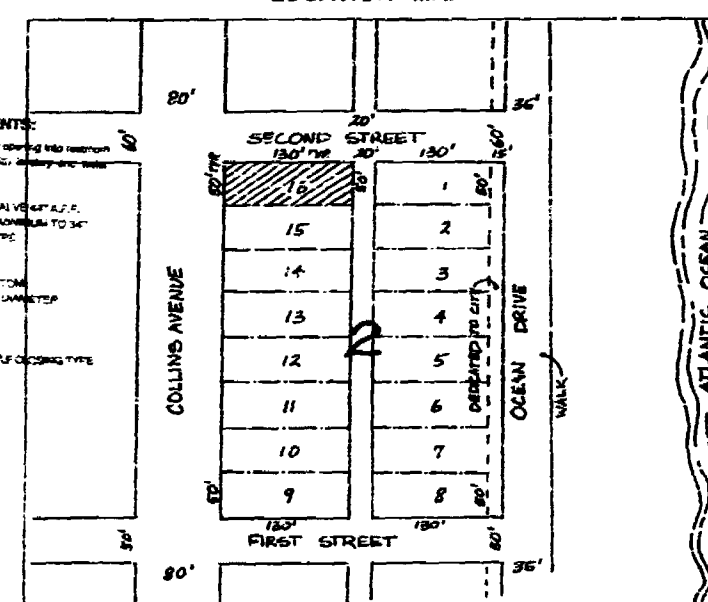
## SURVEY



DOOR HARDWARE: (Specification)  
HANDLES, PULLS, KNOBS AND OTHER OPERATING MECHANISMS ON EXTERIOR DOORS SHALL BE LOCATED AT THE TOP OF THE DOOR FRAME AND SHALL BE OPERABLE WITH ONE HAND WITHOUT THE USE OF TOOLS, JOINTS, OR EXCESSIVE FORCE.

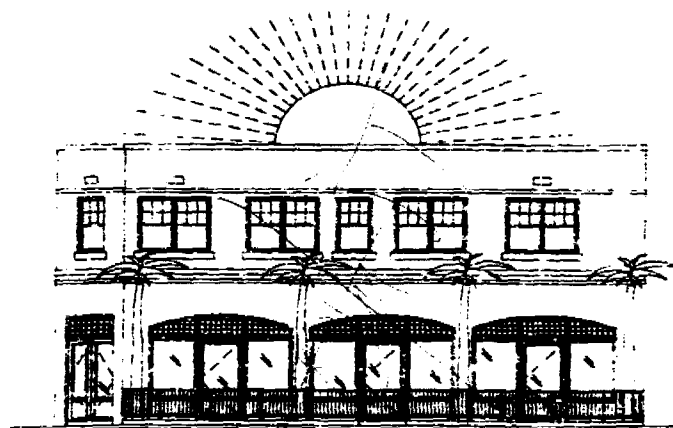
**HANDICAP MINIMUM REQUIREMENTS:**  
VERTICAL CLEARANCE: Minimum 80" for wheelchair passage.  
TOILET STALL: Minimum 5'6" x 8'0" clear floor space.  
WATER CLOSET SEAT: Minimum 5'0" x 8'0" clear floor space.  
URINAL: Minimum 4'0" x 8'0" clear floor space.  
LAVATORY: Minimum 5'0" x 8'0" clear floor space.  
SHOWERS: Minimum 5'0" x 8'0" clear floor space.  
ENTRYWAYS: Minimum 3'0" wide clear path.  
CIRCULAR PATHS: Minimum 5'0" wide clear path.  
STAIRS: Minimum 4'0" wide clear path.  
ELEVATOR: Minimum 5'0" x 8'0" clear floor space.  
TRANSFER SPACE: Minimum 4'0" x 8'0" clear floor space.  
CLEAR FLOOR SPACE: Minimum 3'0" x 6'0" clear floor space.

## LOCATION MAP



## LEGAL DESCRIPTION

LOT 16, BLOCK 2, OCEAN BEACH, FLORIDA SUBDIVISION,  
RECORDED IN PLAT BOOK 2 AT PAGE 38 OF THE  
PUBLIC RECORDS OF DADE COUNTY, FLORIDA  
AREA OF LOT IS 6500 SQ.FT. OR 0.149 AC. ±



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STRUCTURAL ENGINEER  
ED LANDERS  
(305) 823-3838

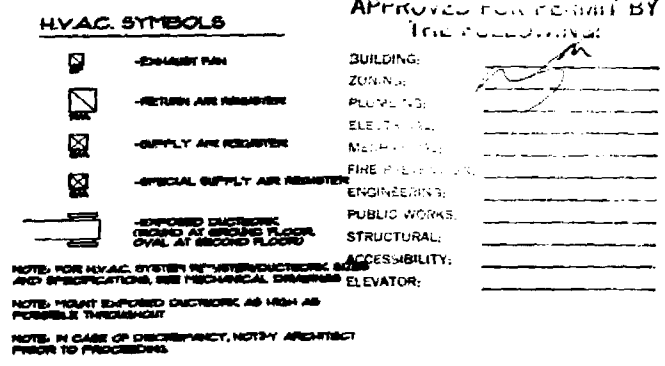
M.E.P. ENGINEER  
DAVID PUGA & ASSOCIATES  
(305) 661-7700

SURVEYORS  
ZURWELLE-WHITAKER, INC.  
(305) 534-4658

EQUIPMENT BY ARROW INDUSTRIES  
RAUL PINERO  
(305) 635-6500







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CITY OF MIAMI BEACH

**RENOVATIONS TO:  
BIG PINK**  
157 Collins Avenue  
Miami Beach, Florida 33139

GROUND FLOOR  
REFL. CLG. PLAN

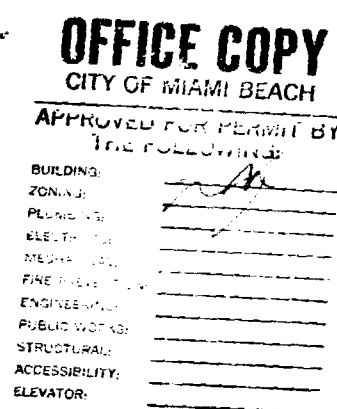
revisions

△ 08-07-96

print date	07-08-96
project code/file name	BP
scale	1/4"=1'-0"
Drawn by	V.B.
checked	

10/10/10

A-2



RENOVATIONS TO:  
**BIG PINK**  
157 Collins Avenue  
Miami Beach, Florida 33139

**SECOND FLOOR  
PLAN**

revisions

① 07-19-96

② 08-07-96

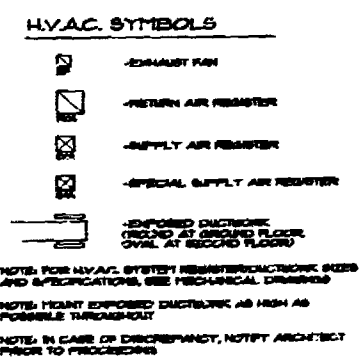
print date	07-08-96
project code/file #	BP
scale	1/4"=1'
drawn by	V.B.

A-3

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THE FOLLOWING:

BUILDING: \_\_\_\_\_  
ZONING: \_\_\_\_\_  
PLANNING: \_\_\_\_\_  
ELECTRIC: \_\_\_\_\_  
MECHANICAL: \_\_\_\_\_  
FIRE PROTECTION: \_\_\_\_\_  
ENGINEERING: \_\_\_\_\_  
PUBLIC WORKS: \_\_\_\_\_  
STRUCTURAL: \_\_\_\_\_  
ACCESSIBILITY: \_\_\_\_\_  
ELEVATOR: \_\_\_\_\_

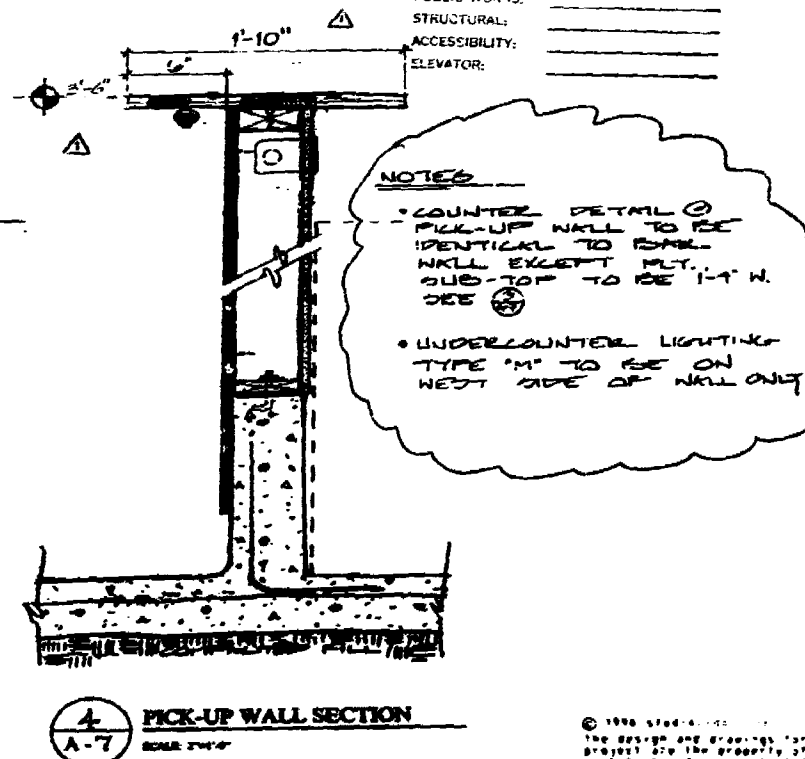
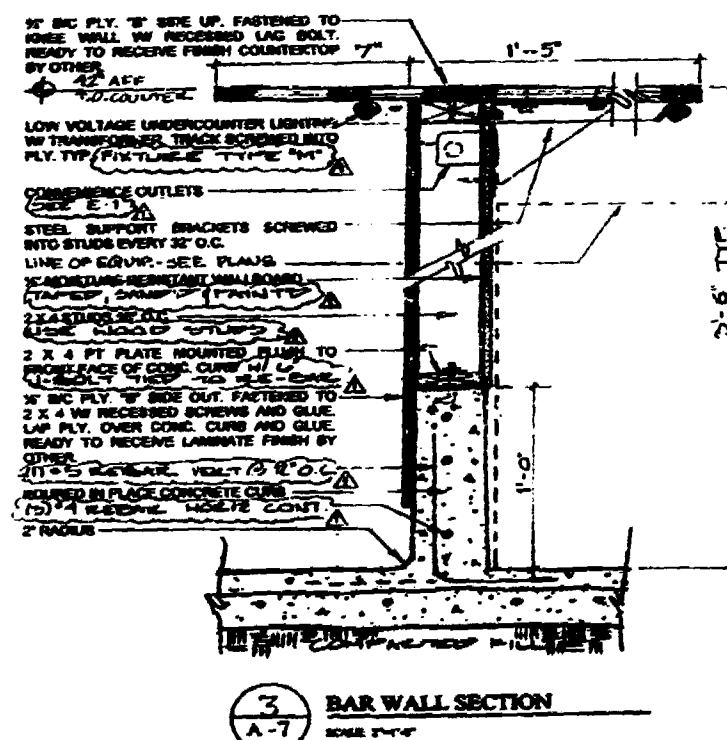
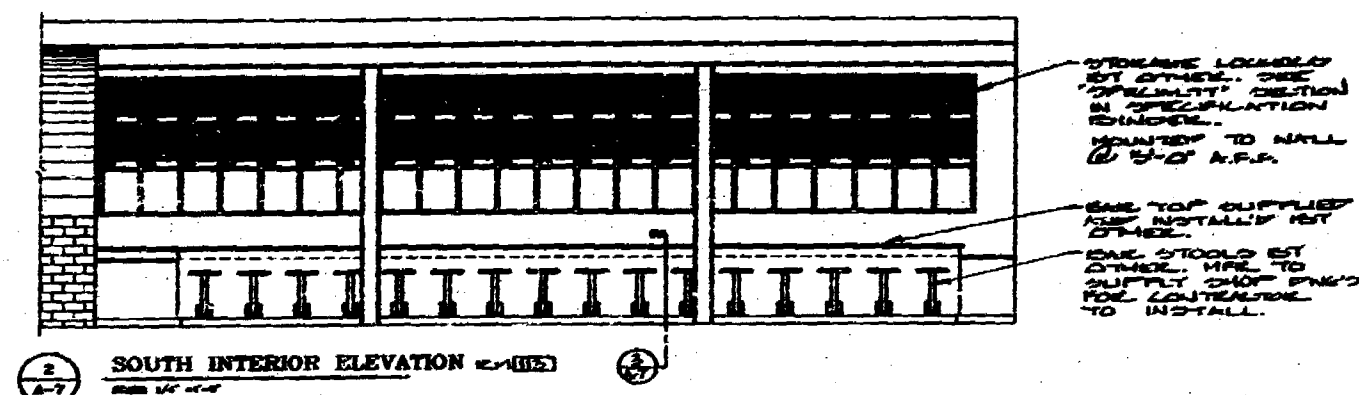
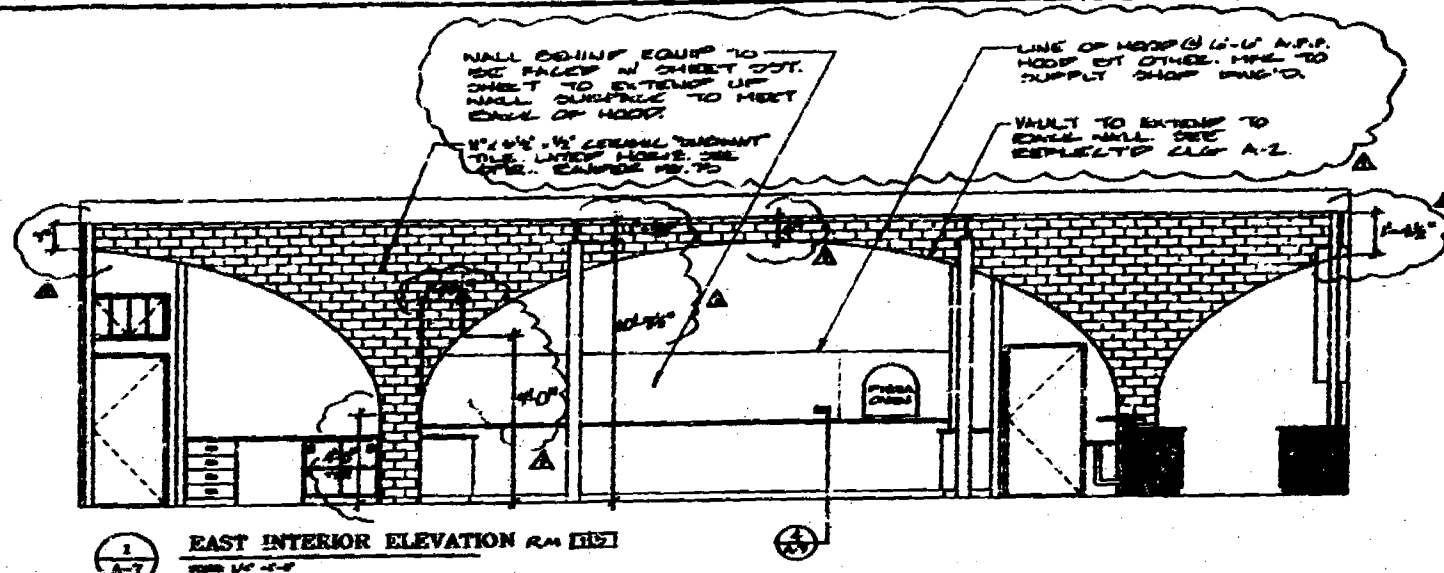
A-4

REFLECTED CEILING PLAN

SCALE: 1/4" = 1'-0"







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CITY OF MIAMI BEACH

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BUILDING  
ZONING  
PLANNING  
ELECTRIC  
MECHANICAL  
FIRE & ALARM  
ENGINEERING  
PUBLIC WORKS  
STRUCTURAL  
ACCESSIBILITY  
ELEVATOR

NOTES

COUNTER DETAIL @ PICK-UP WALL TO BE IDENTICAL TO BAR WALL EXCEPT PLY. ONE TOP TO BE 1'-1" H. SEE

UNDERCOUNTER LIGHTING TYPE "M" TO BE ON WEST SIDE OF WALL ONLY.

RENOVATIONS TO:  
**BIG PINK**  
187 Collins Avenue  
Miami Beach, Florida 33139

INT. ELEVATIONS AND DETAILS

DATE: 11 JULY 76

PROJECT: 11-76-00-00

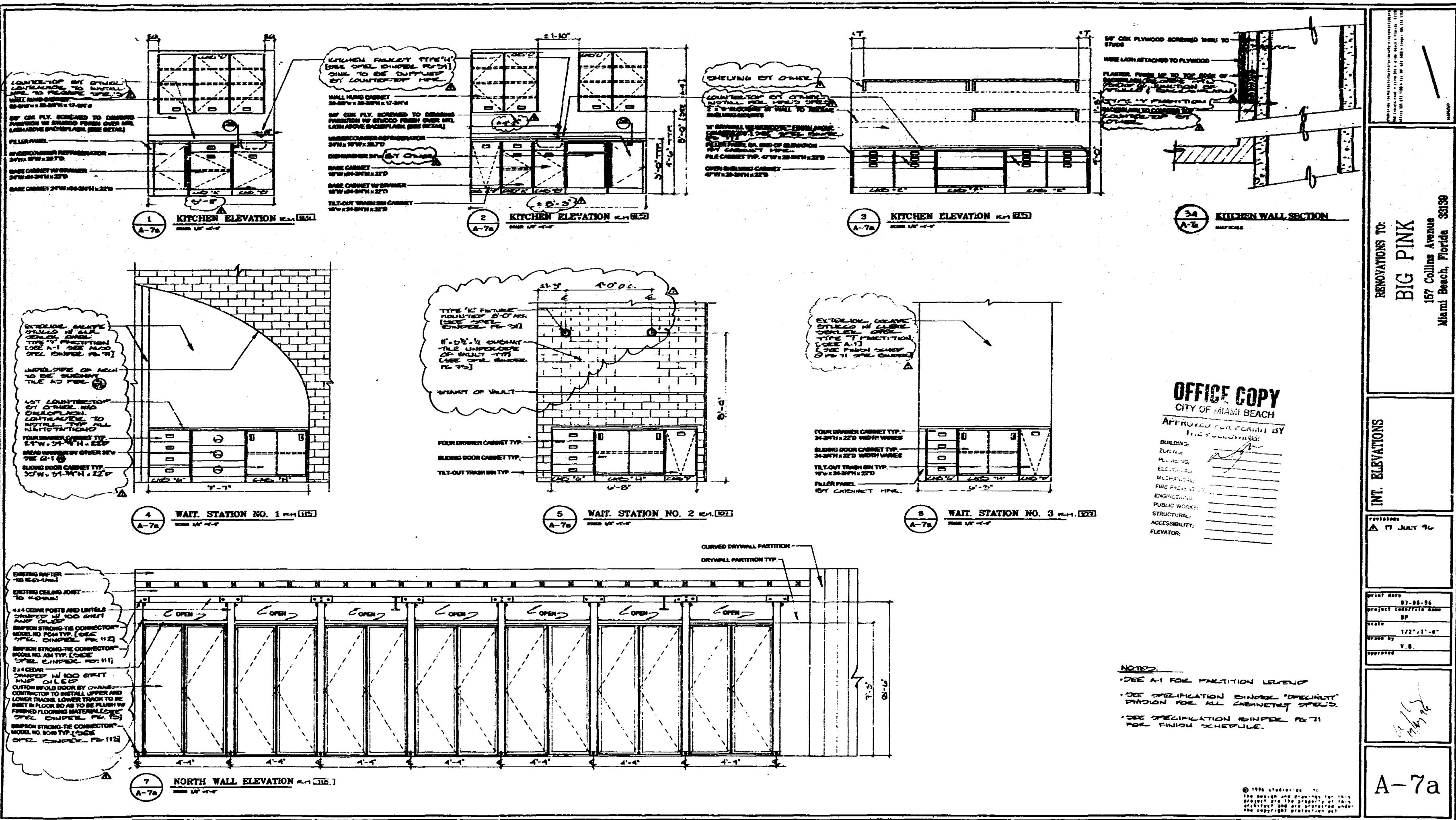
SCALE: 1/4" = 1'-0"

BY: V.B.

APPROVED:

A-7





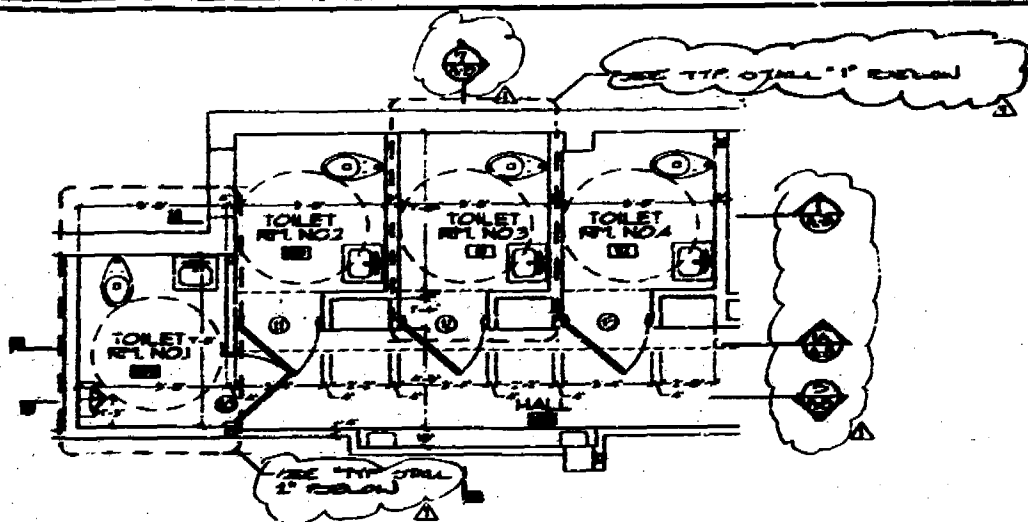
RENOVATIONS TO:  
**BIG PINK**  
 157 Collins Avenue  
 Miami Beach, Florida 33139

INT. ELEVATIONS

DATE: 17 JULY 96

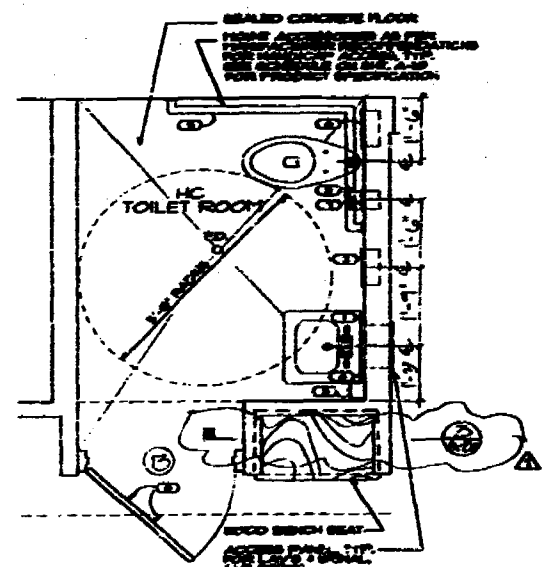
PROJECT: 96-00-00  
 BY: [Signature]  
 SCALE: 1/2" = 1'-0"  
 DRAWN BY: V.B.  
 CHECKED BY: [Signature]

A-7a



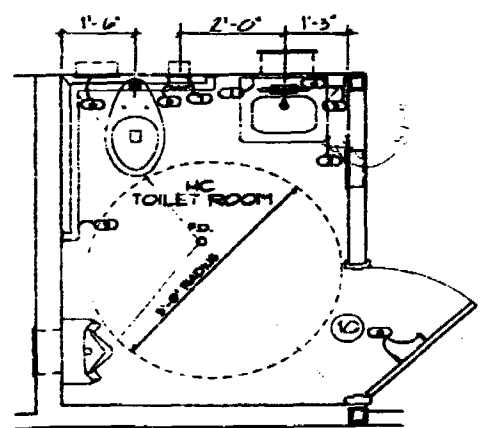
# PUBLIC RESTROOMS

SCALE 1/4" = 1'-0"



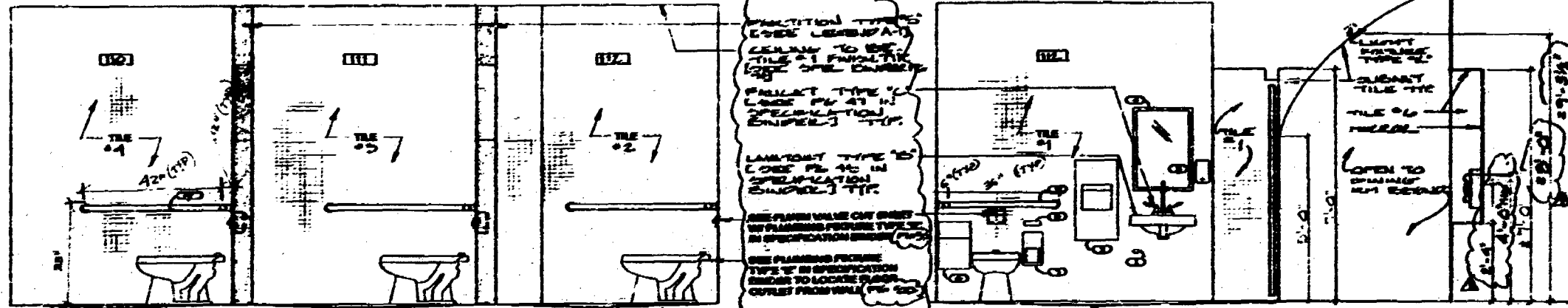
## TYPICAL STALL 1

SCALE 1/2" = 1'-0"



## TYPICAL STALL 2

SCALE 1/2" = 1'-0"

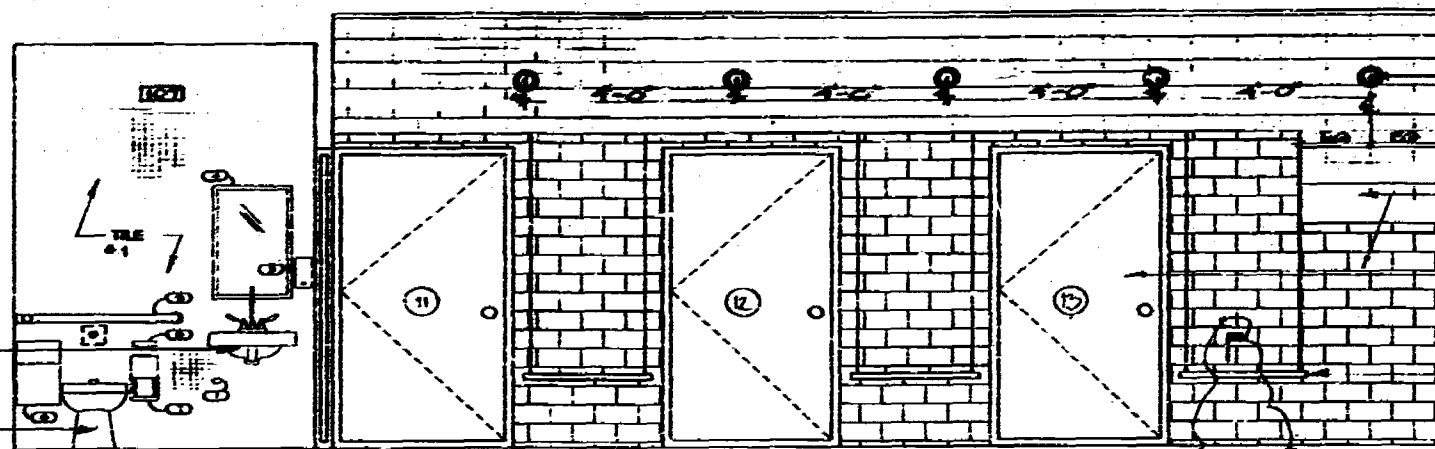


1 SECTION SOUTH

SCALE 1/2" = 1'-0"

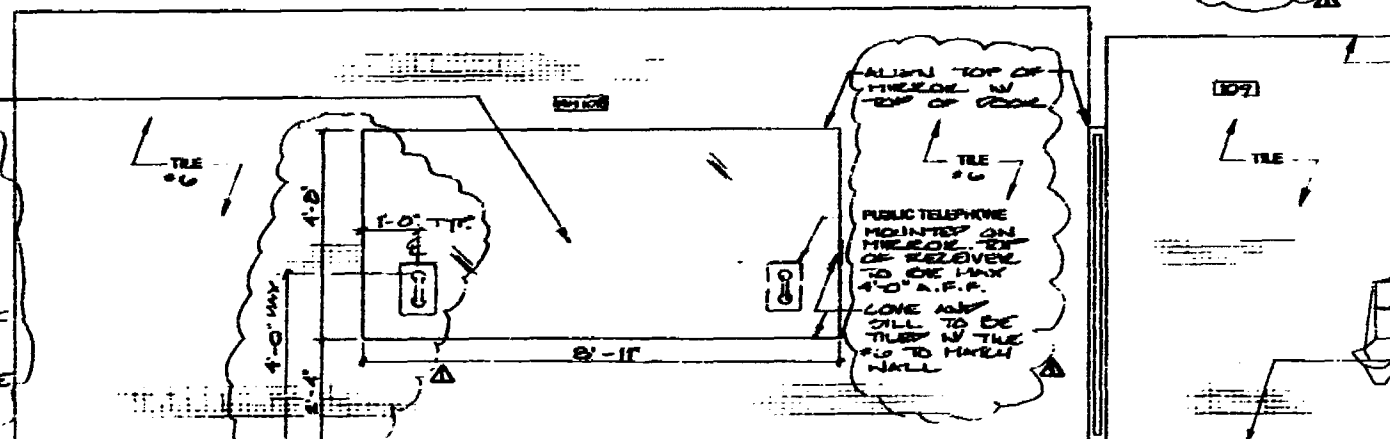
1 SECTION WEST

SCALE 1/2" = 1'-0"



1A SECTION THRU HALL SOUTH

SCALE 1/2" = 1'-0"

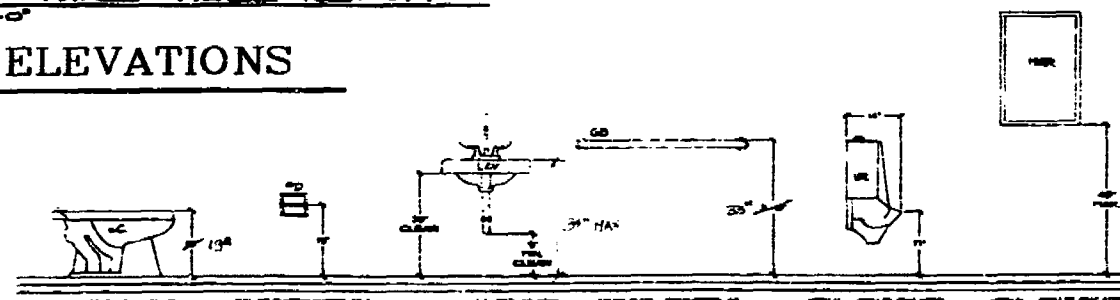


5 SECTION THRU HALL NORTH

SCALE 1/2" = 1'-0"

## INTERIOR ELEVATIONS

SCALE 1/2" = 1'-0"



HANDICAP ACCESSIBLE PLUMBING FIXTURES

NOTE: SEE TYP. STALL 1 FOR DETAILS OF TOILET, SINK, AND MIRROR. SEE TYP. STALL 2 FOR DETAILS OF TOILET, SINK, AND MIRROR. SEE TYP. STALL 1 FOR DETAILS OF TOILET, SINK, AND MIRROR. SEE TYP. STALL 2 FOR DETAILS OF TOILET, SINK, AND MIRROR.

NOTE: SEE TYP. STALL 1 FOR DETAILS OF TOILET, SINK, AND MIRROR. SEE TYP. STALL 2 FOR DETAILS OF TOILET, SINK, AND MIRROR. SEE TYP. STALL 1 FOR DETAILS OF TOILET, SINK, AND MIRROR. SEE TYP. STALL 2 FOR DETAILS OF TOILET, SINK, AND MIRROR.

NOTE: SEE TYP. STALL 1 FOR DETAILS OF TOILET, SINK, AND MIRROR. SEE TYP. STALL 2 FOR DETAILS OF TOILET, SINK, AND MIRROR. SEE TYP. STALL 1 FOR DETAILS OF TOILET, SINK, AND MIRROR. SEE TYP. STALL 2 FOR DETAILS OF TOILET, SINK, AND MIRROR.

NOTE: SEE TYP. STALL 1 FOR DETAILS OF TOILET, SINK, AND MIRROR. SEE TYP. STALL 2 FOR DETAILS OF TOILET, SINK, AND MIRROR. SEE TYP. STALL 1 FOR DETAILS OF TOILET, SINK, AND MIRROR. SEE TYP. STALL 2 FOR DETAILS OF TOILET, SINK, AND MIRROR.

NOTE: SEE TYP. STALL 1 FOR DETAILS OF TOILET, SINK, AND MIRROR. SEE TYP. STALL 2 FOR DETAILS OF TOILET, SINK, AND MIRROR. SEE TYP. STALL 1 FOR DETAILS OF TOILET, SINK, AND MIRROR. SEE TYP. STALL 2 FOR DETAILS OF TOILET, SINK, AND MIRROR.

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THE FOLLOWING:

BUILDING: \_\_\_\_\_  
ZONING: \_\_\_\_\_  
PLUMBING: \_\_\_\_\_  
ELECTRICAL: \_\_\_\_\_  
MECHANICAL: \_\_\_\_\_  
FIRE AND SAFETY: \_\_\_\_\_  
ENGINEERING: \_\_\_\_\_  
PUBLIC WORKS: \_\_\_\_\_  
STRUCTURAL: \_\_\_\_\_  
ACCESSIBILITY: \_\_\_\_\_  
ELEVATOR: \_\_\_\_\_

### NOTES

- SEE A-1 FOR PARTITION LEGEND
- SEE A-10 FOR PLUMBING FIXTURE SCHEDULE
- SEE A-10 FOR BATHROOM ACCESSORY SCHEDULE
- SEE SPECIFICATION BOOK FOR BLOCKING REQUIREMENTS FOR EACH ITEM
- SEE FINISH SCHEDULE FOR TILE LOCATION, FINISH, AND COLOR. SEE SPECIFICATION BOOK FOR FINISH SCHEDULE.

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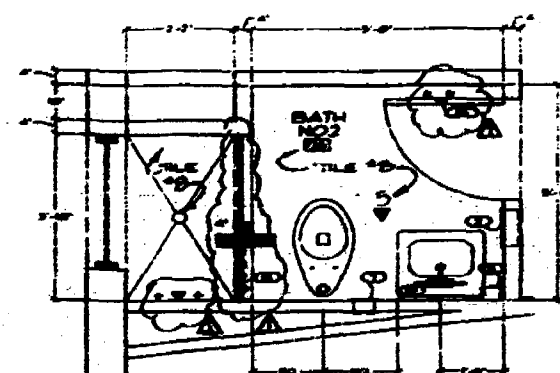
RENOVATIONS TO:  
**BIG PINK**  
187 Collins Avenue  
Miami Beach, Florida 33139

PUBLIC RESTROOMS & ENLARGED PLANS & INT. ELEVATIONS

DATE: 07-08-96  
PROJECT: 0007710-0000  
SHEET: 01  
AS NOTED  
V.B.  
000000

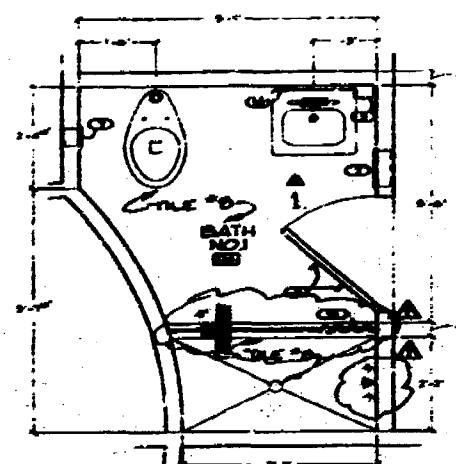
1/2/96

A-8



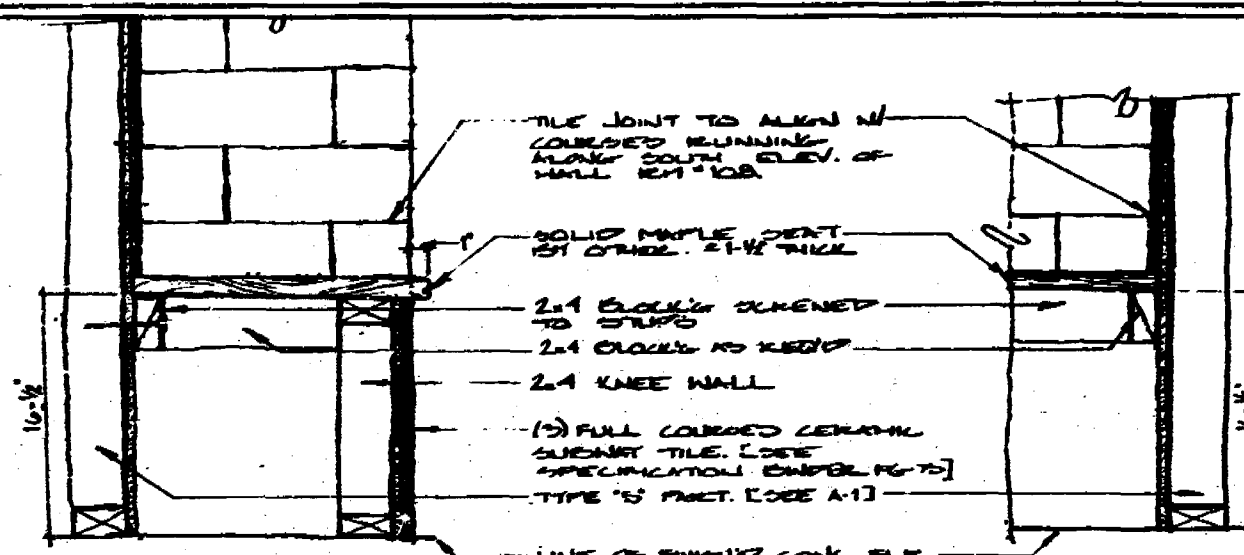
BATHROOM NO.1

SCALE: 1/2" = 1'-0"



BATHROOM NO.2

SCALE: 1/2" = 1'-0"

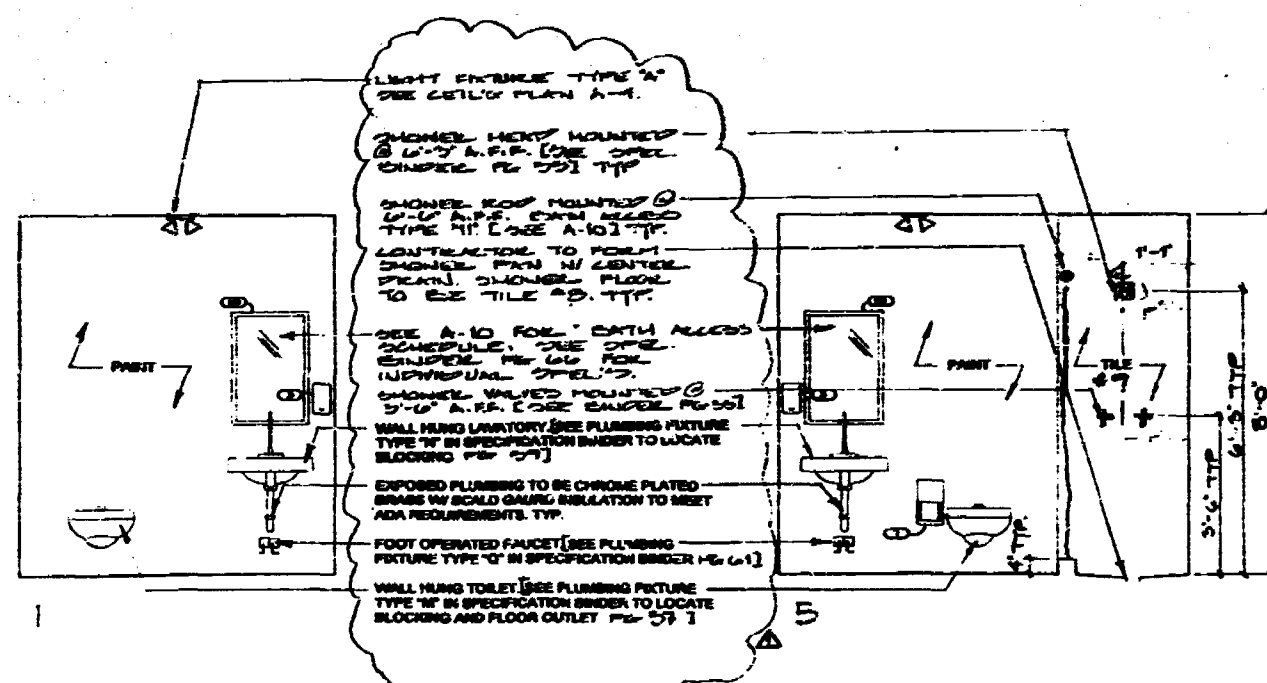


BENCH SECTION

SCALE: 2" = 1'-0"

BENCH SECTION

SCALE: 2" = 1'-0"



INTERIOR ELEVATIONS

SCALE: 1/2" = 1'-0"

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CITY OF MIAMI BEACH

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THE FOLLOWING:

- NOTES
- SEE A-1 FOR PARTITION LEGEND
  - SEE A-10 FOR PLUMBING FIXTURE SCHEDULE
  - SEE A-10 FOR BATHROOM ACCESSORY SCHEDULE
  - SEE SPECIFICATION BOOK FOR BLOCKING REQUIREMENTS FOR EACH ITEM
  - SEE FINISH SCHEDULE FOR BLOCKING, FINISH AND COLOR, TYPE, ETC. - SEE PG. 7-2
  - SEE A-2 FOR PICTURE HANGING HEIGHTS

RENOVATIONS TO:  
**BIG PINK**  
157 Collins Avenue  
Miami Beach, Florida 33139

INT. ELEVATIONS  
& DETAILS

Permitted

17 JULY 1996

PRINT DATE

07-08-96

PROJECT IDENTIFIED NAME

BP

DATE

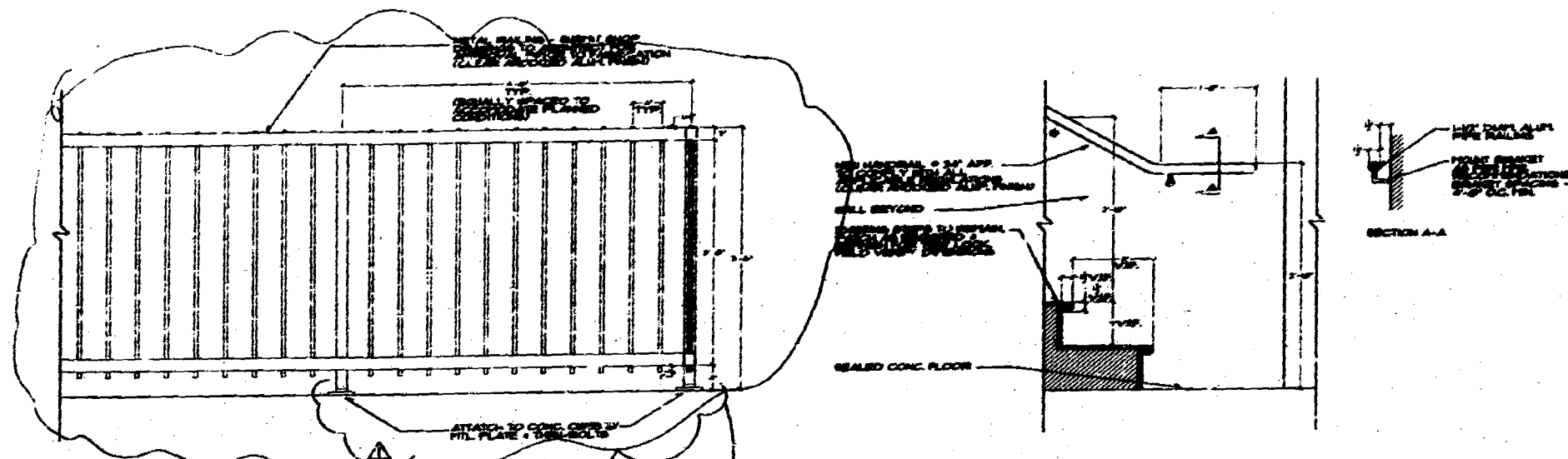
AS NOTED

Drawn by

V.B.

PROFESSOR

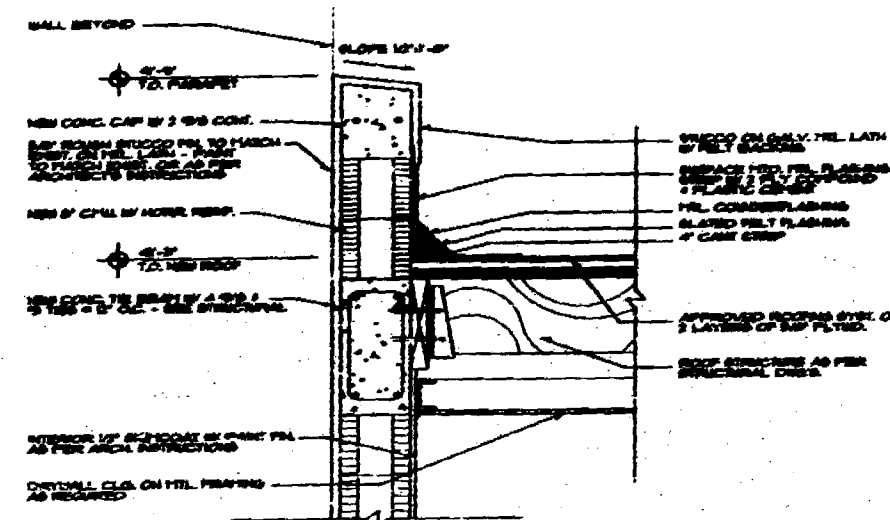
A-8a



1  
A-9  
RAILING DETAIL  
SCALE 1" = 1'-0"

2  
A-9  
RISER/RAILING DETAIL  
SCALE 1" = 1'-0"

Not part of  
this permit



3  
A-9  
PARAPET DETAIL  
SCALE 1" = 1'-0"

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BUILDING: \_\_\_\_\_  
ZONING: \_\_\_\_\_  
PLUMBING: \_\_\_\_\_  
ELECTRICAL: \_\_\_\_\_  
MECHANICAL: \_\_\_\_\_  
FIRE PROTECTION: \_\_\_\_\_  
ENGINEERING: \_\_\_\_\_  
PUBLIC WORKS: \_\_\_\_\_  
STRUCTURAL: \_\_\_\_\_  
ACCESSIBILITY: \_\_\_\_\_  
ELEVATOR: \_\_\_\_\_

RENOVATIONS TO:  
**BIG PINK**  
157 Collins Avenue  
Miami Beach, Florida 33139

DETAILS

POSITION:  
07-19-96

PROJECT CODE:  
07-08-96

PROJECT DESCRIPTION:  
BP

SCALE:  
AS NOTED

DESIGN BY:  
V.B.

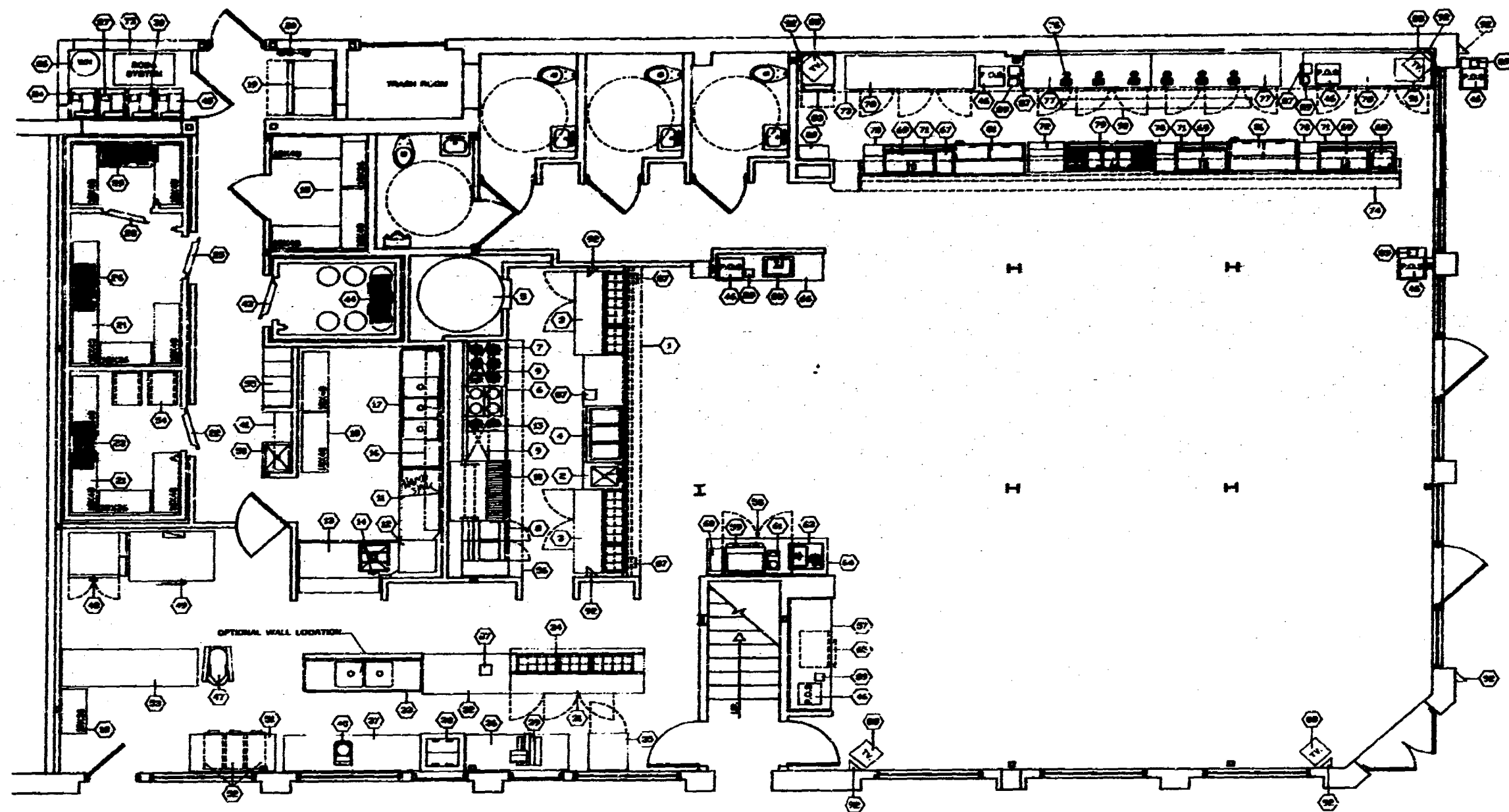
APPROVED BY:  
[Signature]

A-9

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APPROVED BY: \_\_\_\_\_  
DATE: \_\_\_\_\_  
PUBLIC WORKS: \_\_\_\_\_  
STREETS: \_\_\_\_\_  
ACCESSIBILITY: \_\_\_\_\_  
ELEVATOR: \_\_\_\_\_

# EQUIPMENT SCHEDULE

ITEM	QTY	DESCRIPTION
1	1	COUNTER SERVICE W/OVER SHELF
2	1	CABINET W/HAND SINK
3	2	PIZZA TABLE REFRIGERATED
4	1	DISH-IN HOT FOOD TABLE
5	1	PIZZA OVEN
6	1	14 BURNER WOK
7	1	18 BURNER RANGE
8	1	BATTERY GRINDER W/DUMP STATION
9	2	SALAMANDER
10	1	CHAM-BROILER W/INTERSE
11	1	CLEAN DISHTABLE
12	1	DISHWASHER
13	1	SOIL DISHTABLE
14	1	PRE-RINSE FAUCET
15	1	20 BURNER RANGE W/GRIDDLE
16	1	WALL SHELF
17	1	20 COMPARTMENT SINK
18	LOT	STORAGE SHELVES
19	1	ICE MACHINE W/SIN
20	1	WATER FILTER
21	LOT	COOLER/FREEZER SHELVES
22	1	WALK-IN BAKERY COOLER
23	1	EVAPORATOR COIL
24	1	COMPRESSOR
25	1	WALK-IN COOLER
26	1	EVAPORATOR COIL
27	1	COMPRESSOR
28	1	WALK-IN FREEZER
29	1	EVAPORATOR COIL
30	1	COMPRESSOR
31	1	PIZZA TABLE REFRIGERATED
32	1	WORK TABLE
33	1	WORK TABLE W/22 SINK
34	1	DOUBLE OVERSHELF
35	1	GLASS DOOR REFRIGERATOR
36	1	WORK TABLE
37	1	ICE CREAM FREEZER
38	1	SLICER
39	1	FOOD PROCESSOR
40	1	WALL SHELF
41	1	OVEN WARMER
42	1	WALK-IN BEER COOLER
43	1	EVAPORATOR COIL
44	1	COMPRESSOR
45	1	P.A.S.
46	1	MIXER
47	1	CONVECTION OVEN
48	1	DECK OVEN
49	1	MOP SINK
50	1	BAKER TABLE
51	1	INGREDIENT SINK
52	3	WORK TABLE
53	1	WORK TABLE
54	2	PAN RACK
55	1	LOCKERS
56	1	EXHAUST HOOD SYSTEM
57	1	BEVERAGE COUNTER
58	1	UNDERCOUNTER REFRIGERATOR
59	1	EXPRESSO
60	1	GRINDER COFFEE
61	1	COFFEE MAKER
62	1	OPEN NUMBER
63	1	WATER STATION
64	1	CUTTING TABLE
65	1	BREAD WARMER
66	1	COUNTER CABINET
67	1	DRINKBOARD
68	1	HAND SINK
69	1	ICE CHEST
70	3	BLENDER STATION
71	3	BOTTLE RAIL
72	1	GLASS WASHER
73	1	BACK BAR COUNTER
74	1	BAR COUNTER
75	1	SODA SYSTEM
76	1	DISPENSING HEAD & DRAINER
77	2	DIRECT DRAW DRAFT BEER DISPENSER
78	2	131 DOOR BACK BAR REFRIGERATOR
79	1	131 COMPARTMENT BAR SINK
80	1	TASH CAN
81	2	BOTTLE COOLER
82	-	OPEN NUMBER
83	1	ICE MACHINE
84	-	OPEN NUMBER
85	1	ICE CHEST W/GUN
86	1	WATER HEATER
87	1	PRINTER
88	4	TV MONITOR
89	1	CREDIT CARD
90	1	DROP SCREEN TV
91	1	STEREO SYSTEM
92	1	SPEAKER

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2000 NW 10TH STREET  
MIAMI, FLORIDA 33136 S.W.A.  
PHONE 305 443 0000  
FAX 305 443 0000

DATE DESCRIPTION NO.

REVISIONS

BIG PINK

DATE: 3-3-88  
SCALE: 1/4"=1'-0"  
DRAWN BY: RPH

JOB # 29621

SHEET TITLE  
FOOD SERVICE  
EQUIPMENT

SHEET

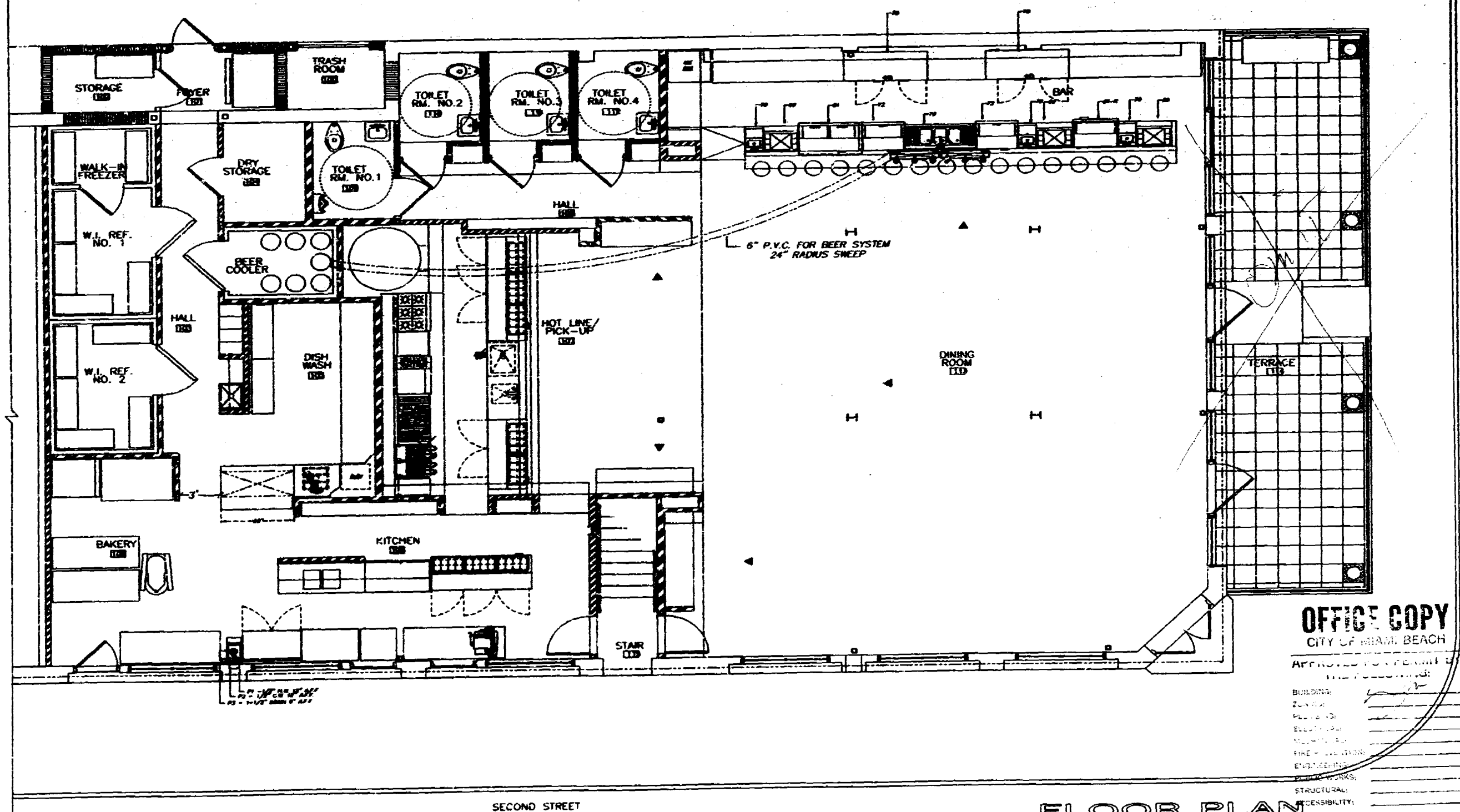
Q-1

OF 3 SHEETS









**FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

**OFFICE COPY**  
CITY OF MIAMI BEACH  
APPROVED FOR PERMIT  
DATE: 07/29/96

BUILDING  
ZONING  
PLANNING  
PUBLIC WORKS  
ENVIRONMENTAL  
STRUCTURAL  
ELECTRICAL  
MECHANICAL  
FIRE PROTECTION  
ELEVATOR

○ ○ ○ CAD. BY J. RAUCH LEE EQUIPMENT COMPANY ○ ○ ○

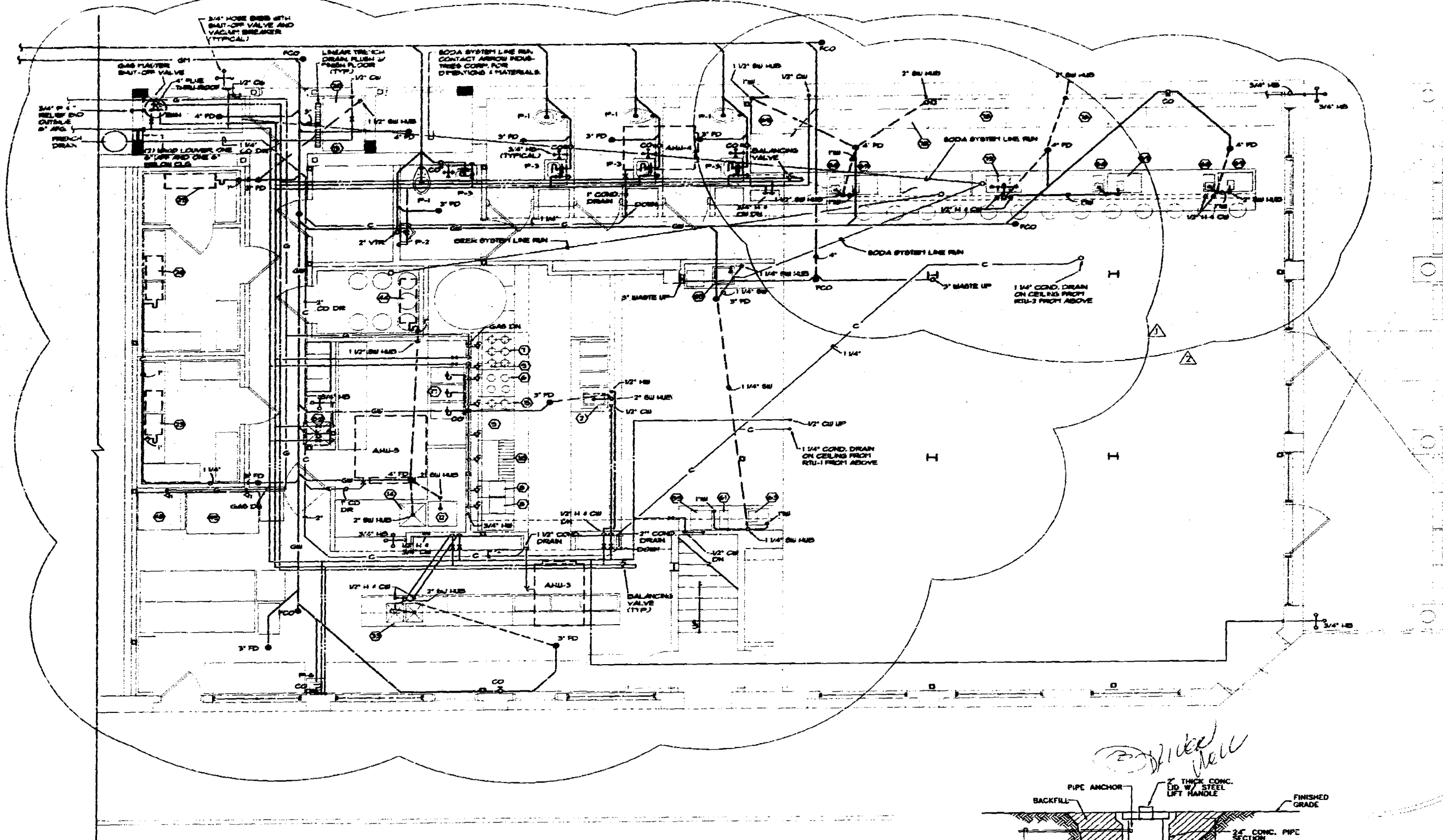
COLLINS AVENUE


REV.	DATE	BY	APP.
1	07/29/96	J. RAUCH	

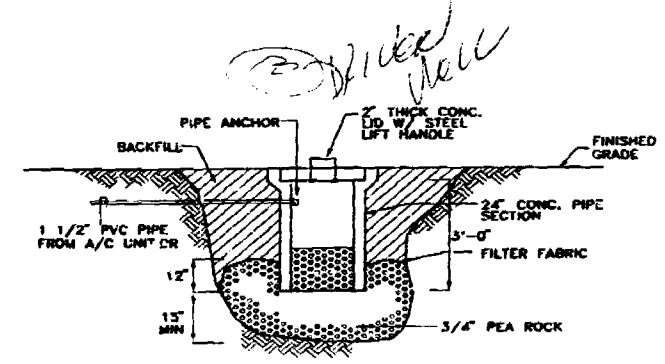
**JOB NAME:**  
BIG PINK  
COLLINS AVE. & SECOND STREET

**LEE EQUIPMENT CO.**  
1000 PEMBROKE ROAD  
HALLANDALE, FLORIDA 33008 USA  
Tel #: (954) 456-7500  
Fax #: (954) 456-7555

**DATE:**  
07/29/96  
**DRAWING #:**  
729-96R  
**FOOD SERVICE DESIGNER:**  
J. BRANDT  
**EQUIPMENT LAYOUT**  
**K-2**  
SHEET 2 OF 2





**PLUMBING PLAN**  
 SCALE: 1/4" = 1'-0" GROUND FLOOR



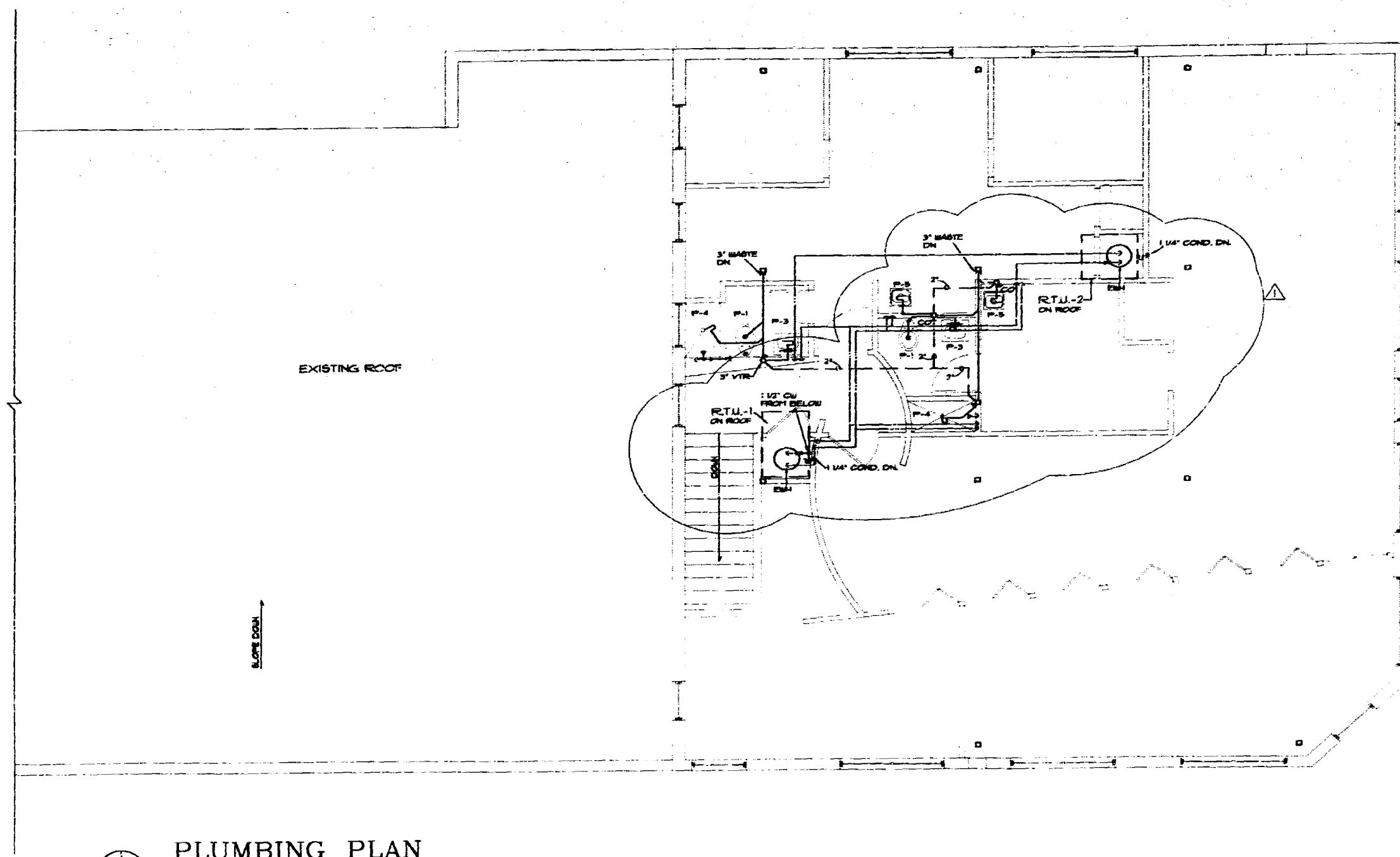
**COND. FRENCH DRAIN DETAIL**  
 R.T.A.


**OFFICE COPY**  
 CITY OF MIAMI BEACH  
 APPROVED FOR RECORD BY  
 (Signature)  
 BUILDING DEPT.  
 ZONING DEPT.  
 FIRE DEPT.  
 PUBLIC WORKS  
 ACCESSIBILITY  
 Elected Rep.


**Page and Associates, Inc.**  
 Engineers/Consultants  
 # 33 000593  
 4870 S.W. 72 Avenue, #107  
 Miami, Florida 33155  
 (305) 681-7700

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RENOVATIONS TO: <b>BIG PINK</b> 157 Collins Avenue Miami Beach, Florida 33139	
GROUND FLOOR PLUMBING PLAN	
REVISIONS: 8-8-96 8-16-96	DATE: 07-08-96 PROJECT CODE: 96-0004 SCALE: 1/4" = 1'-0" DRAWN BY: P.T. CHECKED BY:
P-1	





**PLUMBING PLAN**  
 SCALE: 1/4" = 1'-0" **SECOND FLOOR**

**OFFICE COPY**  
CITY OF MIAMI BEACH

Approved for record by  
the following:

SUBMITTER: \_\_\_\_\_  
 DESIGNER: \_\_\_\_\_  
 REVIEWER: \_\_\_\_\_  
 APPROVED: \_\_\_\_\_  
 EXPLAINED: \_\_\_\_\_  
 PUBLIC WORKS: \_\_\_\_\_  
 STRUCTURAL: \_\_\_\_\_  
 ACCESSIBILITY: \_\_\_\_\_  
 ELEVATOR: \_\_\_\_\_


 Page and Associates, Inc.  
 Engineers/Consultants  
 4321 S.W. 72 Avenue, #107  
 Miami, Florida 33155  
 (305) 661-7700

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157 Collins Avenue  
 Miami Beach, Florida 33139

RENOVATIONS TO:  
**BIG PINK**

SECOND FLOOR  
 PLUMBING PLAN

REVISIONS  
 8-8-96

DATE: 07-06-96  
 PROJECT: 157 Collins Avenue  
 SHEET: 20  
 SCALE: 1/4" = 1'-0"  
 DRAWN BY: E.T.  
 CHECKED BY:



P-2





PERMIT #

B 94000397

ADDRESS

1680 Michigan Av.

CITY OF MIAMI BEACH
PERMIT: 4/13/05
ATTN: Building Official
I, the undersigned, a Professional Engineer, Registered Architect, registered in the State of Florida, have been retained by the owners, LAURENCE F. KATZ, to perform all the duties of a Special Inspector, as defined in Section 305.3 of the South Florida Building Code.

CITY OF MIAMI BEACH
PERMIT: 4/13/05
Project Number: 45418755
157 COLLINS AV
Permit Number: 45418755
Status: APPROVED
This type: APPLICATION BUILD
Date Applied: 07/01/94
Date Approved: 09/06/94
Date Completed: 09/06/94
Date to Expire: 09/06/94

CITY OF MIAMI BEACH
PERMIT: 4/13/05
Project Number: 45418755
157 COLLINS AV
Permit Number: 45418755
Status: APPROVED
This type: APPLICATION BUILD
Date Applied: 07/01/94
Date Approved: 09/06/94
Date Completed: 09/06/94
Date to Expire: 09/06/94

CITY OF MIAMI BEACH
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157 COLLINS AV
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Date Applied: 07/01/94
Date Approved: 09/06/94
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This type: APPLICATION BUILD
Date Applied: 07/01/94
Date Approved: 09/06/94
Date Completed: 09/06/94
Date to Expire: 09/06/94

B940000 397

**INSTRUCTIONS FOR SPECIAL INSPECTORS**

1. A special inspector and a threshold special inspector are each private professionals who are working for and with the consent of the Building Official.

2. No matter who is paying the bills, when it comes to the inspections to be made, only the requirements of the code, the Building Official and your own expertise and experience should be considered.

3. As an inspector you (the Special Inspector) are present to observe and to reach one of the three possible conclusions:

- "this is correct". It is in close compliance with approved drawings and the code.
- "this is not correct". It is not close compliance etc.
- "no decision can be made" usually due to insufficient information, the following is needed:

Inspections are made on an as required basis, the only exception to this is threshold buildings which require by law that all work of structural nature be inspected by a threshold Certified Special Inspector on a continuous basis. As a special inspector you must remind the contractor that he/she still has a responsibility to notify the Cities Building & Trade Inspectors of all mandatory inspections so that they can perform a complimentary inspection desired.

4. A written report is required for each day of inspection on each project. This report will list inspection made and conclusions reached. If any action is taken, said action will be detailed. If any item of inspection is "not approved" or any other problem is perceived, it shall be presented to the Building Official as part of the inspection report. All problems and failures reported must be followed up in subsequent reports detailing what actions were taken to correct the deficiencies.

5. Copies of all field reports and such other information as shall be necessary to specify the "conditions" of the structures under construction shall be kept on the job site as an inspection log. Signed and sealed copies of all field reports, and such other information as is necessary shall be submitted at regular intervals not to exceed ten (10) working days. The special inspector will make himself/herself available should the Building Official require additional information.

6. As a special inspector, you have a great responsibility to help preserve the public safety. All dangerous conditions must be reported in writing to the Building Official as quickly as possible. Conditions which are immediately dangerous will require further action. Common sense will be required in determining a proper response to any situation.

B94000397

ated:07/01/94 10:30 CITY OF MIAMI BEACH Page 2 OF 2  
Division:BUILD 9401 Building Department  
555 East Meyer Blvd. (17th St.)  
Miami Beach, Florida 33139  
(305) 673-7610 Hours of Operation 8:30 to 5:00

157 COLLINS AV  
Permit Number :B9400397 Project Number: A9410755

TOTAL THIS DATE		***** 160.30	
*** Fees Required ***	*** Fees Collected & Credits ***		
Fees: 160.30			
Adjustments: .00	Total Credits: .00		
Total Fees: 160.30	Total Payments: 160.30		
	Balance Due: .00		

Distribution: 1-Building Inspection Cop(With Cashier Stamp), 2-Building Insp  
3-City Accounting Division, 4-Metro Dade Co.Tax Assessor Dept., 5-Applicant  
(Rev: 9001, PFBIDG01.en)

CITY OF MIAMI BEACH  
1600 WICKHAM BLVD., 2ND FLOOR  
MIAMI BEACH, FLORIDA 33139

DATE: 4/18/95

ATTENTION: BUILDING OFFICIAL

OWNER'S AFFIDAVIT

I, LAWRENCE F. KAUF certify that I am the owner of the property described as:

ADDRESS: 157 COLLINS AVE  
LOT: 116 BLOCK: 2 SUBDIVISION: OCEAN BEACH

I authorize to obtain a building permit for the following work: WINDOWS & DOORS STRUCTURAL REPAIRS  
TO BEACHES RESTAURANT

On this the 18 day of APRIL, 1995  
before me, the undersigned Notary Public of the State of Florida, personally appeared:  
LAWRENCE F. KAUF  
and whose name(s) is/are subscribed to the within instrument, and he/she/they acknowledged that he/she/they executed it.  
Witness my hand and official seal.  
NOTARY PUBLIC, STATE OF FLORIDA

(Type of Notary Public: Print or Type as Commissioner)  
Personally known to me, or  
Produced ID: \_\_\_\_\_ (Type of ID Produced)  
DID take an oath, or  
DID NOT take an oath.

NOTICE OF COMMENCEMENT MUST BE FILED IF JOB VALUATION EXCEEDS \$ 2,500.00 IN LABOR AND MATERIAL.  
NOTICE OF COMMENCEMENT MUST BE POSTED PRIOR TO JOB COMMENCING  
NOTICE OF COMMENCEMENT CAN BE FILED AT:  
44 WEST FLAGLER STREET, 5TH FLOOR, MIAMI, FLORIDA

# WARNING TO OWNER

Your failure to record a notice of commencement may result in your paying twice for improvements to your property.

If you intend to obtain financing, consult with your lender or an attorney before recording your Notice of Commencement. If not seeking financing, contact your attorney or the Florida Department of Agriculture and Consumer Services. A failure to understand your rights and responsibilities may result in your either having to pay for the work two (2) times or losing your property if you do not pay.

## WHAT IS THE CONSTRUCTION LIEN LAW?

The new Florida "Construction Lien Law" (Chapter 71, Florida Statutes, as amended) is the current law which replaces the older Mechanics Lien Law. The Construction Lien Law is a method by which a contractor may file a lien on real property which they have performed work or provided materials.

## WHEN DOES THE CONSTRUCTION LIEN LAW APPLY TO ME?

Yes! If.....

\* You own an interest in real property that is being improved.  
\* The cost of the improvements exceeds \$2,500.00.

\* You are employing someone other than yourself to supply materials & labor.

## WHEN DOES THE CONSTRUCTION LIEN LAW BECOME EFFECTIVE?

Section 13, Conditional Payment of Bonds, requires that the contractor file a bond with the Clerk of the Circuit Court in the county where the work will be performed, and post a certified copy of the bond with the Clerk of the Circuit Court in the county where the work will be performed.

## WHY SHOULD I, AS A PERSON WHO WILL BE EMPLOYED BY THE CONSTRUCTION LIEN LAW?

Because a failure to make proper construction payments can result in a lien being filed which may result in your property being sold to satisfy the debt.

## WHY SHOULD I, AS A PERSON WHO WILL BE EMPLOYED BY THE CONSTRUCTION LIEN LAW?

Yes! When the homeowner doesn't make sure the construction payments are proper, he can again be required to pay an unpaid laborer, material man,

subcontractor, or other person to the extent of the unpaid balance of the work performed.

## WHO IS RESPONSIBLE FOR THE CONSTRUCTION LIEN LAW?

(With few exceptions), every person who is improving property on the State of Florida.

## IS A HOMEOWNER, WHO STAYS OUT OF THE WAY TO PROTECT HIMSELF?

Before you begin construction, file a F.O.C.I.C. with the Clerk of the Circuit Court in the county where the work will be performed, and post a certified copy of the bond with the Clerk of the Circuit Court in the county where the work will be performed.

## Before you make any payment on the job, make sure you are making partial payment of the balance of the work performed.

Before final payment is made, make sure you received a final release of lien from your contractor.

Also, make sure you received a final release of lien from your contractor.

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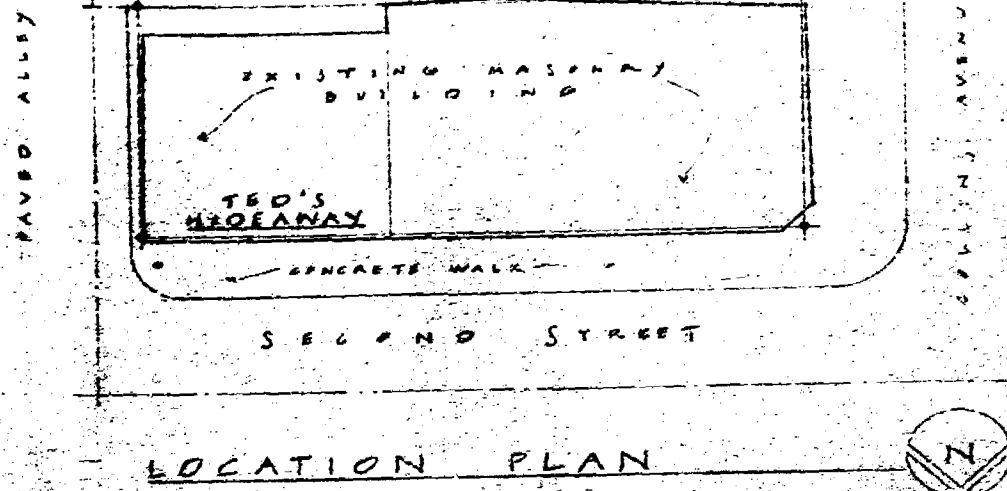
Also, make sure you received a final release of lien from your contractor.

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# **Exhibit “B”**



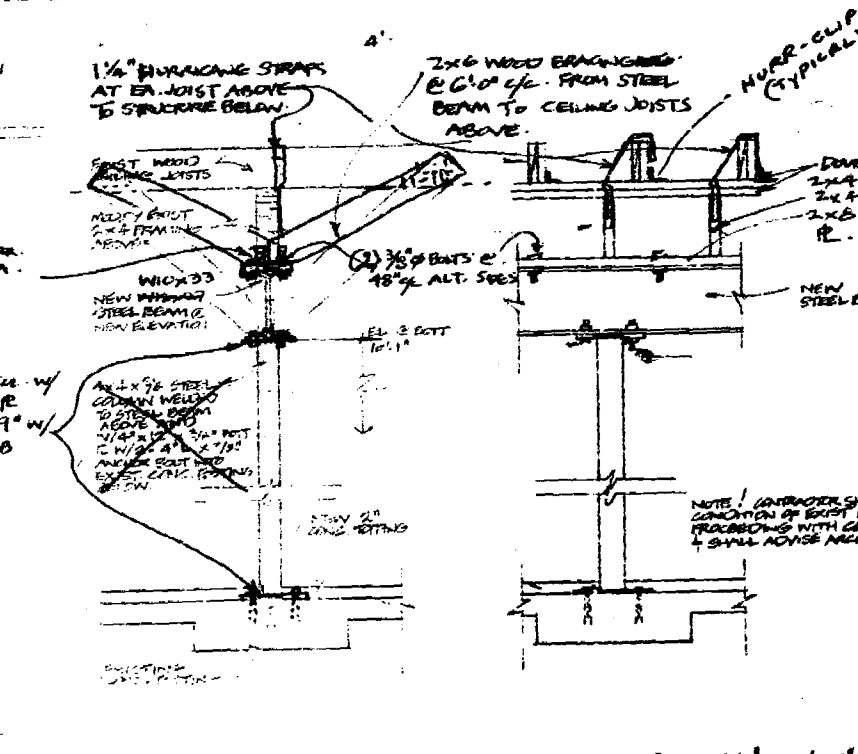
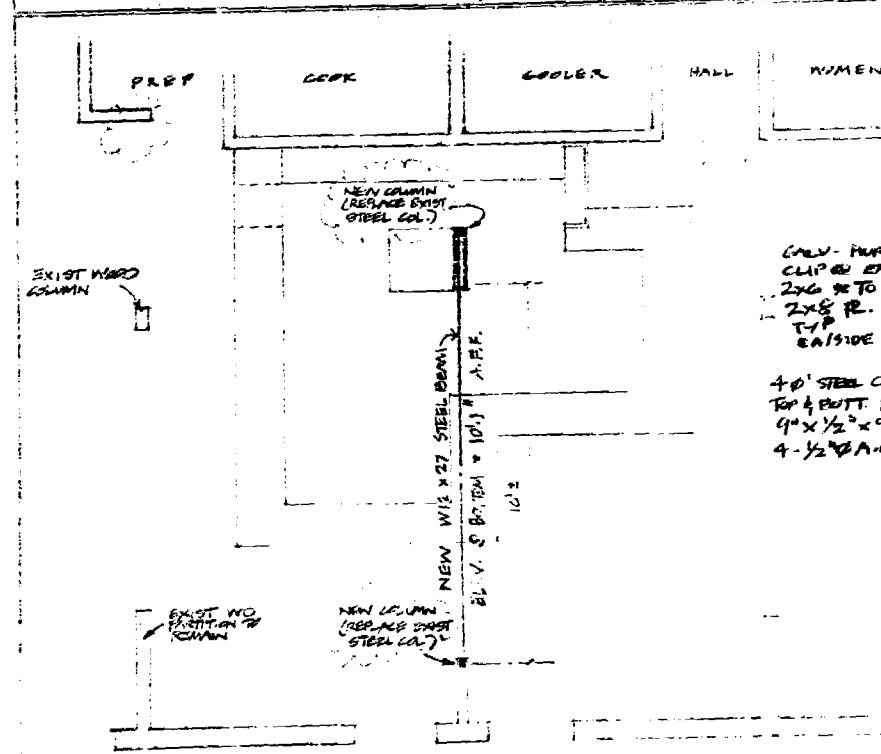


**DOOR SCHEDULE**

NO.	WIDTH	HEIGHT	THICK	FRAME	WHL	TYPE	REMARKS
1	2'-0"	6'-8"	1 1/2"	WOOD	WOOD	FLUSH	REPLACE EXIST. DOOR & FRAME 1 1/2" BR. DOOR
2	2'-0"	6'-8"	1 1/2"	WOOD	WOOD	FLUSH	REPLACE EXIST. DOOR & FRAME 1 1/2" BR. DOOR
3	2'-0"	6'-8"	1 1/2"	WOOD	WOOD	PANEL	REPLACE EXIST. DOOR & FRAME 1 1/2" BR. DOOR
4	2'-0"	6'-8"	1 1/2"	WOOD	WOOD	PANEL	REPLACE EXIST. DOOR & FRAME 1 1/2" BR. DOOR
5	2'-0"	6'-8"	1 1/2"	WOOD	WOOD	PANEL	REPLACE EXIST. DOOR & FRAME 1 1/2" BR. DOOR
6	2'-0"	6'-8"	1 1/2"	WOOD	WOOD	PANEL	REPLACE EXIST. DOOR & FRAME 1 1/2" BR. DOOR
7	2'-0"	6'-8"	1 1/2"	WOOD	WOOD	PANEL	REPLACE EXIST. DOOR & FRAME 1 1/2" BR. DOOR
8	2'-0"	6'-8"	1 1/2"	WOOD	WOOD	PANEL	REPLACE EXIST. DOOR & FRAME 1 1/2" BR. DOOR

**NOTES:**

1. HINGERS SHALL HAVE FINISHED BRASS FINISH (HARDWARE - PARTS ONLY)
2. METALL. LATCHES, LOCKS, HANDLES & DOOR CLOSING DEVICES SHALL BE FINISHED BRASS
3. HINGERS AT DOOR THRESHOLDS SHALL BE 1 1/2" x 3" x 1/4" W/ FINISHED BRASS



**PARTIAL PLAN 1/4" = 1'-0"**  
**WOOD HEADER MODIFICATION DETAILS**

BRASSING STRAPS ARE REQUIRED FOR THE ALUM. AND LPS. PARTS SYSTEMS AND SHALL BE A STEEL OF FLUORIDE 302.

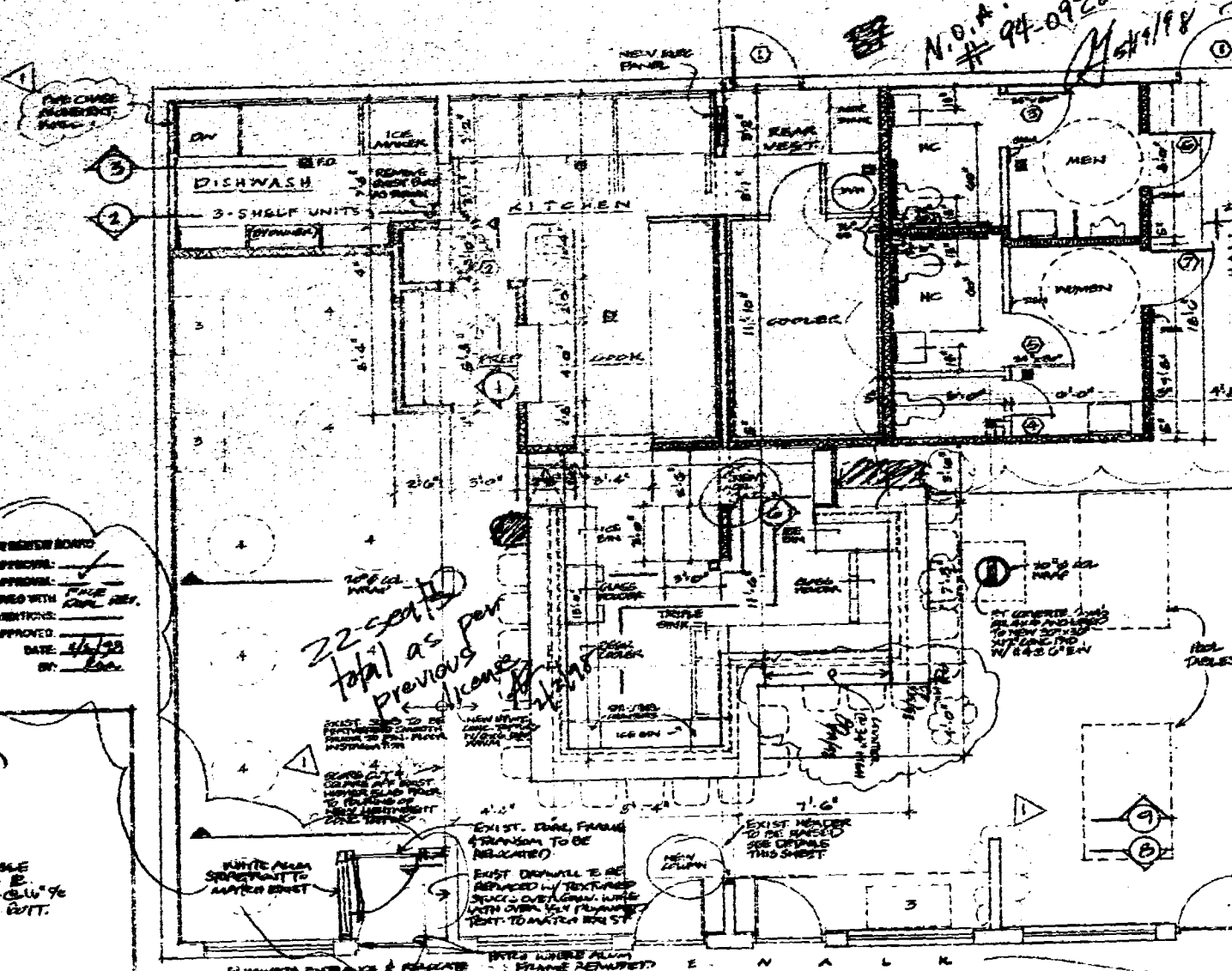
MAINTAIN EFFECTIVENESS OF FIRE SUPPRESSION / LIFE SAFETY SYSTEMS IN ACCORDANCE WITH SFBC CHAPTER 32.

APPROVAL IS CONTINGENT ON PERFORMANCE OF FIRE SUPPRESSION / LIFE SAFETY SYSTEMS IN ACCORDANCE WITH SFBC CHAPTER 32.

**FIRE STOPPING REQUIREMENT**  
Penetrations thru walls and floors shall be sealed with a material capable of withstanding the design fire resistance of the floor assembly in accordance with the requirements of the Test Standard specified for Fire Stops ASTM E-814.

"SHOP DRAWINGS ARE REQUIRED FOR FIRE ALARMS, FIRE SPRINKLERS, AND LIFE SAFETY SYSTEMS. SEALS AND SIGNED BY A STATE OF FLORIDA P.E."

CONTINGENT ON APPROVED CONTRACT LOST MARK OR REMOVED TO THE BUILDING DEPARTMENT FOR REVIEW.



**EXTERIOR DOORS UNDER SEPARATE PERMIT**

**OFFICE COPY**  
CITY OF MIAMI BEACH

APPROVED FOR PERMIT BY THE FOLLOWING:

BUILDING: [Signature]  
PLUMBING: [Signature]  
ELECTRICAL: [Signature]  
MECHANICAL: [Signature]  
FIRE PREVENTION: [Signature]  
ENGINEERING: [Signature]  
PUBLIC WORKS: [Signature]  
STRUCTURAL: [Signature]  
ACCESSIBILITY: [Signature]  
ELEVATOR: [Signature]

**REVISIONS**  
1. JANUARY 20, 1978

- GENERAL NOTES**
1. ALL WORK SHALL COMPLY WITH ALL APPLICABLE LOCAL & NATIONAL GOVERNING AGENCIES AND PROVISIONS INCLUDING BUT NOT LIMITED TO THE FLORIDA BUILDING CODE, 1974 EDITION, N.E.C., N.E.P.A., CITY OF MIAMI BEACH, AND MIAMI-DADE COUNTY.
  2. ALL CONTRACTORS & THEIR SUBCONTRACTORS SHALL BE FULLY LICENSED & QUALIFIED TO PERFORM THE CITY OF MIAMI BEACH AND SHALL OBTAIN NECESSARY PERMITS & LIABILITY INSURANCE AS REQUIRED BY CITY.
  3. REVISIONS: 22, 20/1/78, [Signature]
  4. NEW FINISHES IN EXISTING PARTITIONS SHALL BE FINISHED WITH 1/2" BRASSING STRAPS.
  5. ALL EXISTING FINISHED PARTITIONS SHALL BE FINISHED WITH 1/2" BRASSING STRAPS & 2x6 WOOD BRACINGS.
  6. NEW PARTITIONS SHALL BE 2x6 WOOD BRACINGS & 1/2" BRASSING STRAPS.
  7. EXISTING & NEW PARTITIONS SHALL BE FINISHED WITH 1/2" BRASSING STRAPS & 2x6 WOOD BRACINGS.
  8. LIGHT PARTITIONS SHALL BE FINISHED WITH 1/2" BRASSING STRAPS & 2x6 WOOD BRACINGS.
  9. NEW 2" LIGHTING CONCRETE FLOOR SHALL BE FINISHED WITH 1/2" BRASSING STRAPS & 2x6 WOOD BRACINGS.
  10. EXTERIOR WALLS SHALL BE FINISHED WITH 1/2" BRASSING STRAPS & 2x6 WOOD BRACINGS.
  11. EXTERIOR WALLS SHALL BE FINISHED WITH 1/2" BRASSING STRAPS & 2x6 WOOD BRACINGS.
  12. EXTERIOR WALLS SHALL BE FINISHED WITH 1/2" BRASSING STRAPS & 2x6 WOOD BRACINGS.
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  15. EXTERIOR WALLS SHALL BE FINISHED WITH 1/2" BRASSING STRAPS & 2x6 WOOD BRACINGS.
  16. EXTERIOR WALLS SHALL BE FINISHED WITH 1/2" BRASSING STRAPS & 2x6 WOOD BRACINGS.

**OVIDIO OXIOS, A.I.A.**  
Architecture Design Services  
118 West 3rd Street, Miami Beach, FL 33139  
Phone: 305-352-0000  
Date: December 20, 1977  
Sheet: A-1

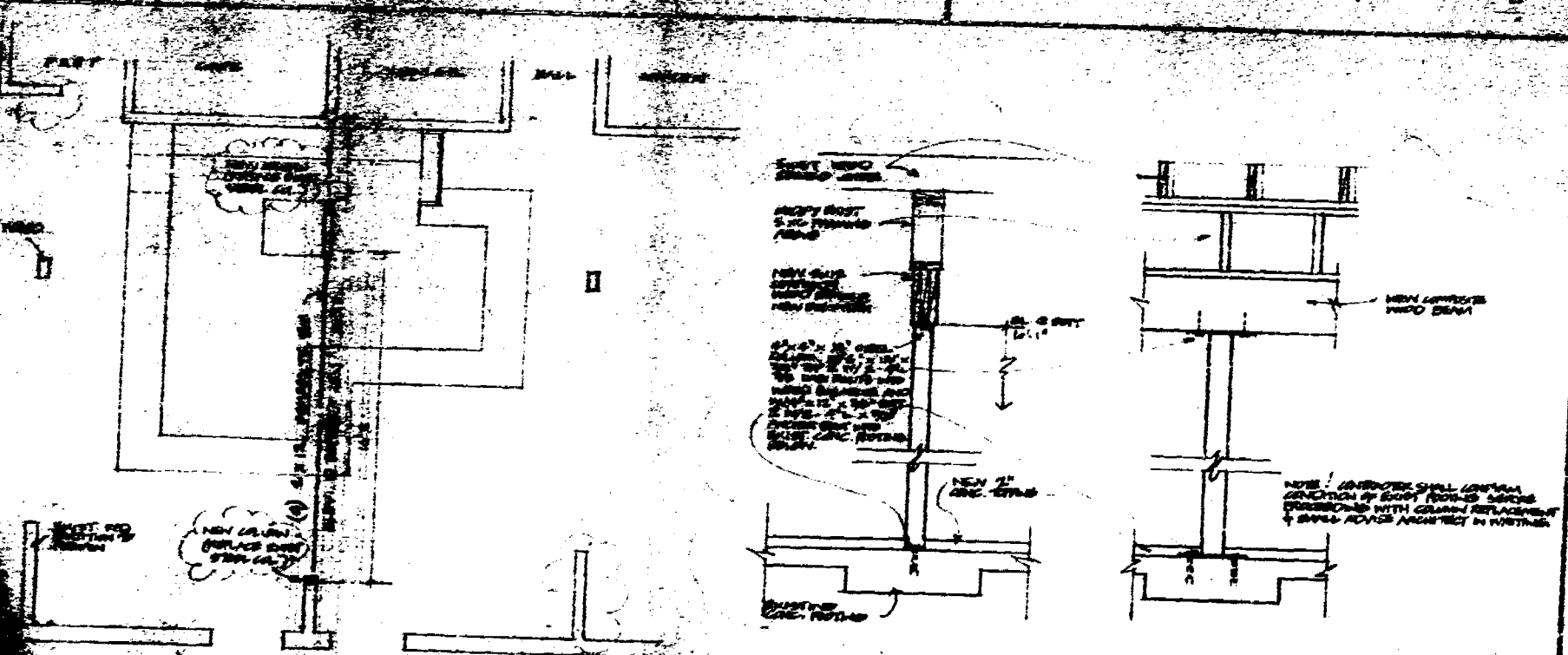
00405

PROJECT: [illegible]  
 DRAWN BY: [illegible]  
 DATE: [illegible]

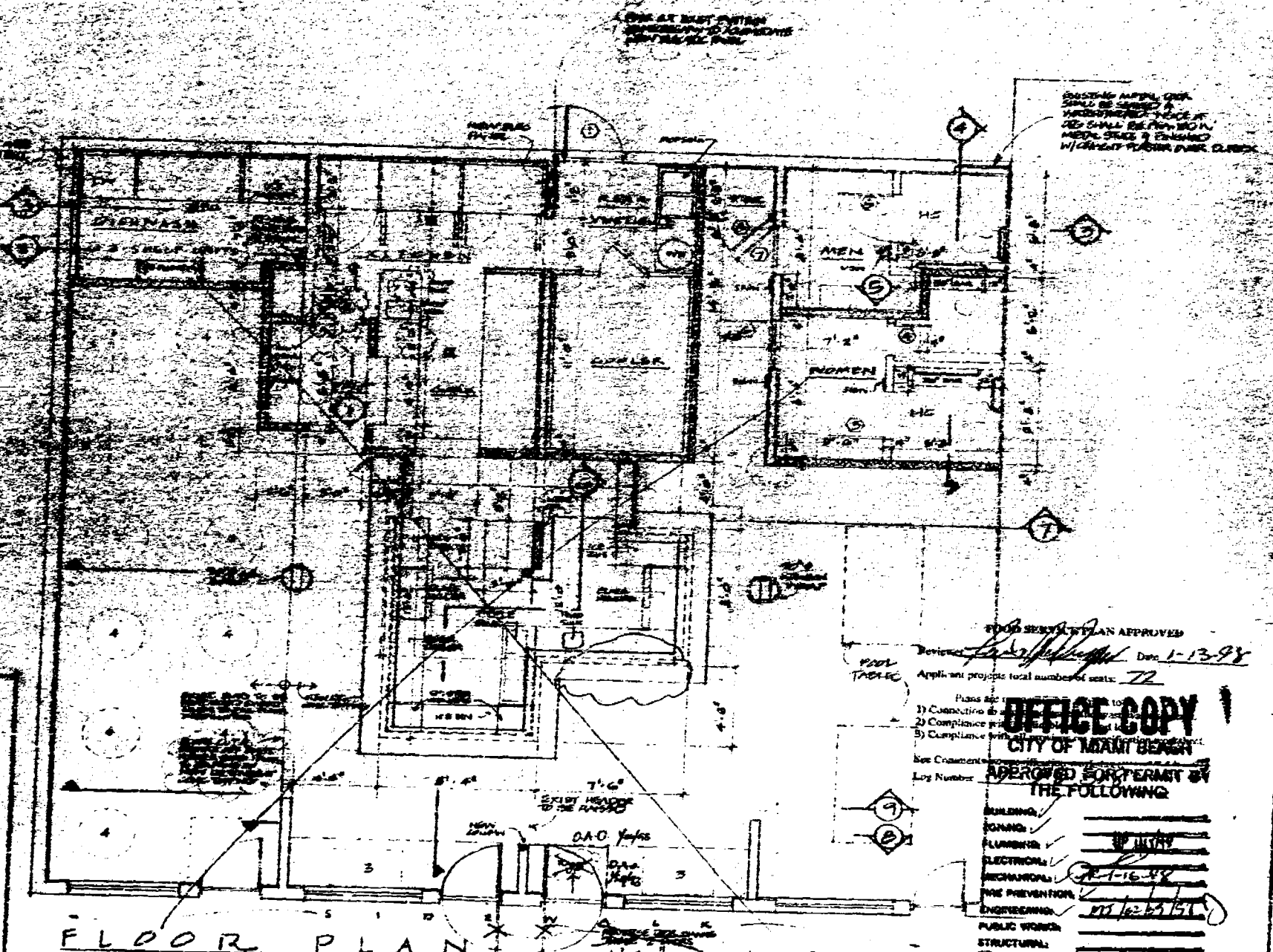
# WALL PLAN

## WALL SCHEDULE

NO.	DESCRIPTION	THICKNESS	FINISH	NOTES
1	CONCRETE	12"	SMOOTH	
2	BRICK	8"	COMMON	
3	CMU	16"	SMOOTH	
4	CMU	16"	ROUGH	
5	CMU	16"	ROUGH	
6	CMU	16"	ROUGH	
7	CMU	16"	ROUGH	
8	CMU	16"	ROUGH	
9	CMU	16"	ROUGH	
10	CMU	16"	ROUGH	
11	CMU	16"	ROUGH	
12	CMU	16"	ROUGH	
13	CMU	16"	ROUGH	
14	CMU	16"	ROUGH	
15	CMU	16"	ROUGH	
16	CMU	16"	ROUGH	
17	CMU	16"	ROUGH	
18	CMU	16"	ROUGH	
19	CMU	16"	ROUGH	
20	CMU	16"	ROUGH	



## WALL LEADER MODIFICATION DETAILS



- ### GENERAL NOTES
1. ALL WORK SHALL COMPLY WITH ALL APPLICABLE LOCAL & NATIONAL BUILDING CODES AND REQUIREMENTS INCLUDING BUT NOT LIMITED TO THE INTERNATIONAL BUILDING CODE, FIRE CODE, N.E.C., AND CITY OF MIAMI BEACH, AND MIAMI Dade COUNTY.
  2. ALL STRUCTURES & THEIR SUBSTRUCTURES SHALL BE FULLY LICENSED & DESIGNED TO PERFORM IN THE CITY OF MIAMI BEACH AND SHALL COMPLY WITH THE CITY OF MIAMI BEACH AND MIAMI Dade COUNTY PERMITS, ORDINANCES & LAWS.
  3. **PERMITS:**
    - 1. BUILDING
    - 2. ELECTRICAL
    - 3. MECHANICAL
    - 4. FIRE PREVENTION
    - 5. PUBLIC WORK
    - 6. STRUCTURAL
  4. NEW WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF MIAMI BEACH AND MIAMI Dade COUNTY PERMITS, ORDINANCES & LAWS.
  5. ALL EXISTING FOUNDATION SHALL BE EXAMINED AND FOUNDATION SHALL BE REINFORCED WITH NEW REINFORCEMENT AS REQUIRED BY THE ARCHITECT.
  6. NEW EXISTING FOUNDATION SHALL BE EXAMINED AND FOUNDATION SHALL BE REINFORCED WITH NEW REINFORCEMENT AS REQUIRED BY THE ARCHITECT.
  7. NEW EXISTING FOUNDATION SHALL BE EXAMINED AND FOUNDATION SHALL BE REINFORCED WITH NEW REINFORCEMENT AS REQUIRED BY THE ARCHITECT.
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  12. NEW EXISTING FOUNDATION SHALL BE EXAMINED AND FOUNDATION SHALL BE REINFORCED WITH NEW REINFORCEMENT AS REQUIRED BY THE ARCHITECT.

**OFFICE COPY**  
 CITY OF MIAMI BEACH  
 APPROVED FOR PERMIT BY THE FOLLOWING:

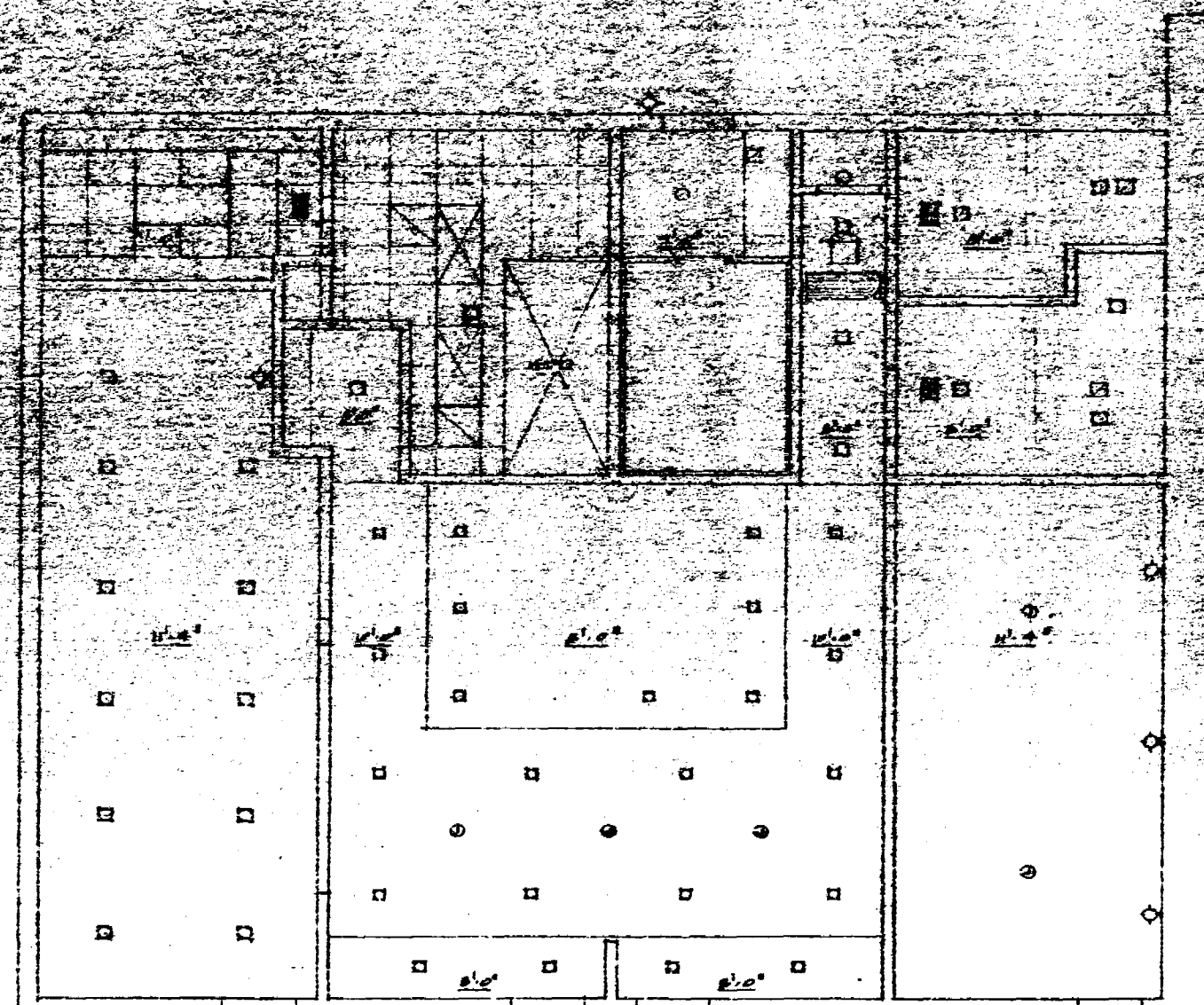
**VOID**

OXIDIO, AIA  
 Architecture Design Services  
 115 NW 5th Ave, Suite 1100  
 Miami, FL 33136  
 305.581.1100

TED'S HIDEAWAY  
 115 NW 5th Ave, Suite 1100  
 Miami, FL 33136  
 305.581.1100

000406





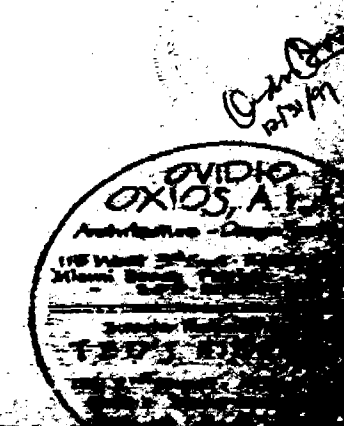
REFLECTED CEILING PLAN

**OFFICE COPY**

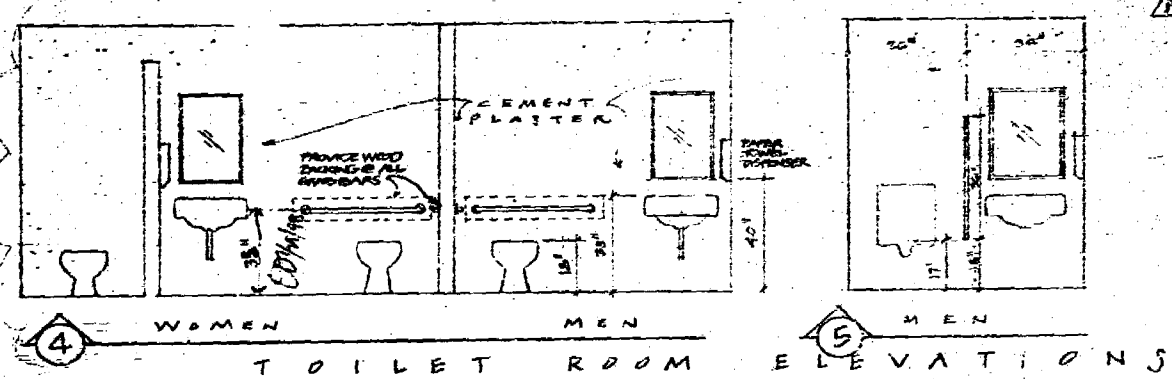
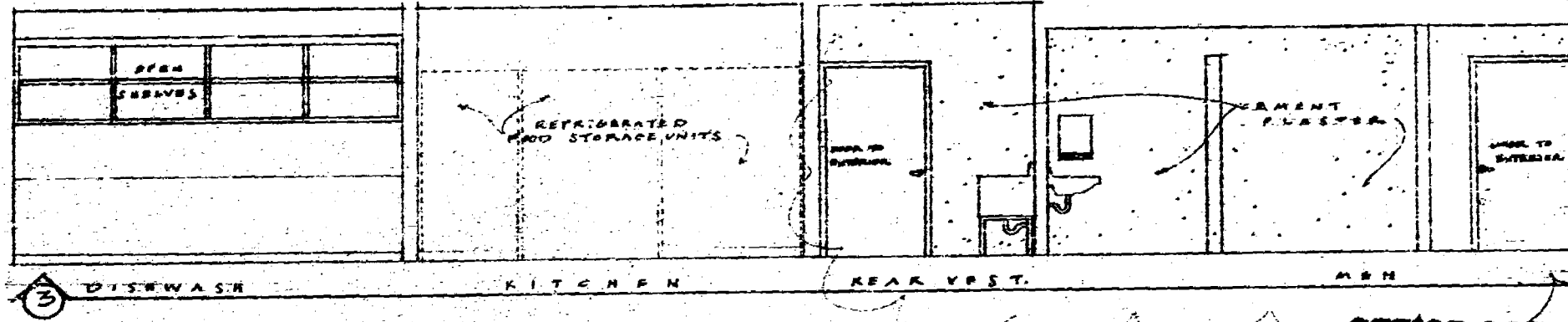
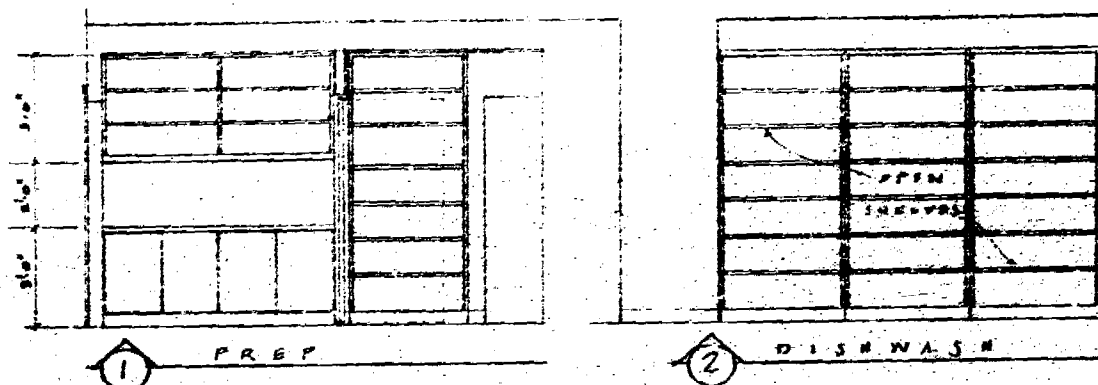
CITY OF MIAMI BEACH

APPROVED FOR PERMIT BY  
THE FOLLOWING:

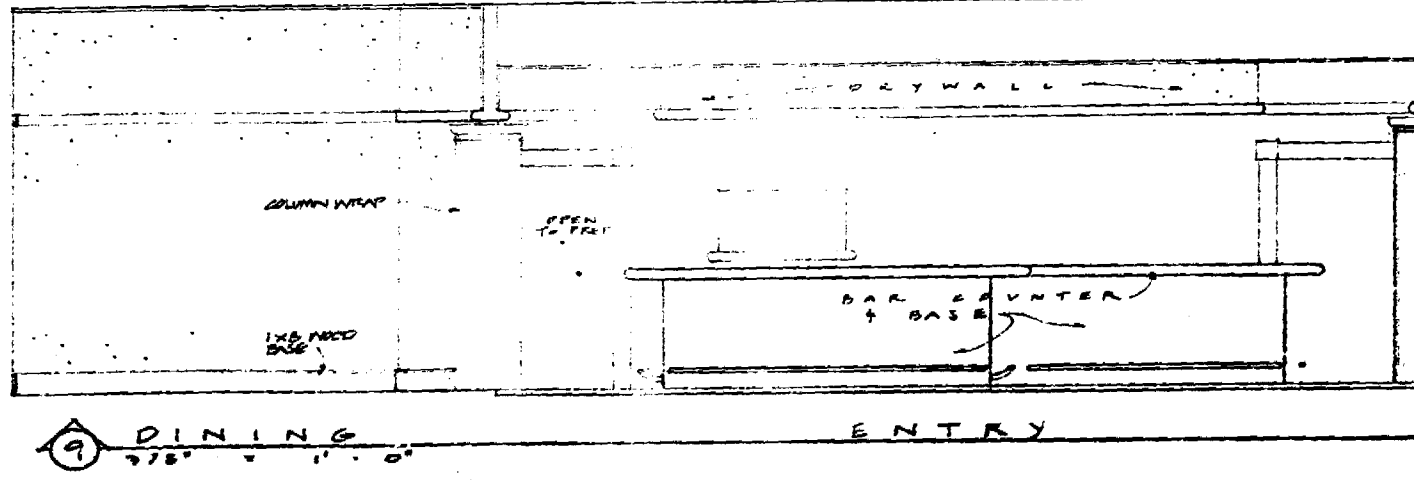
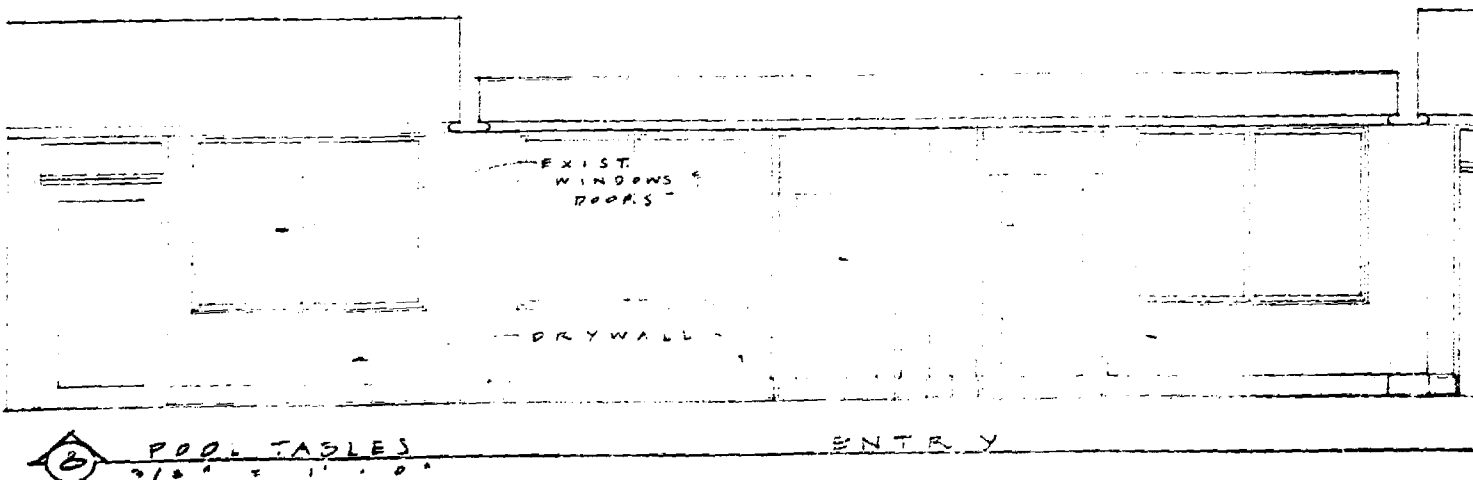
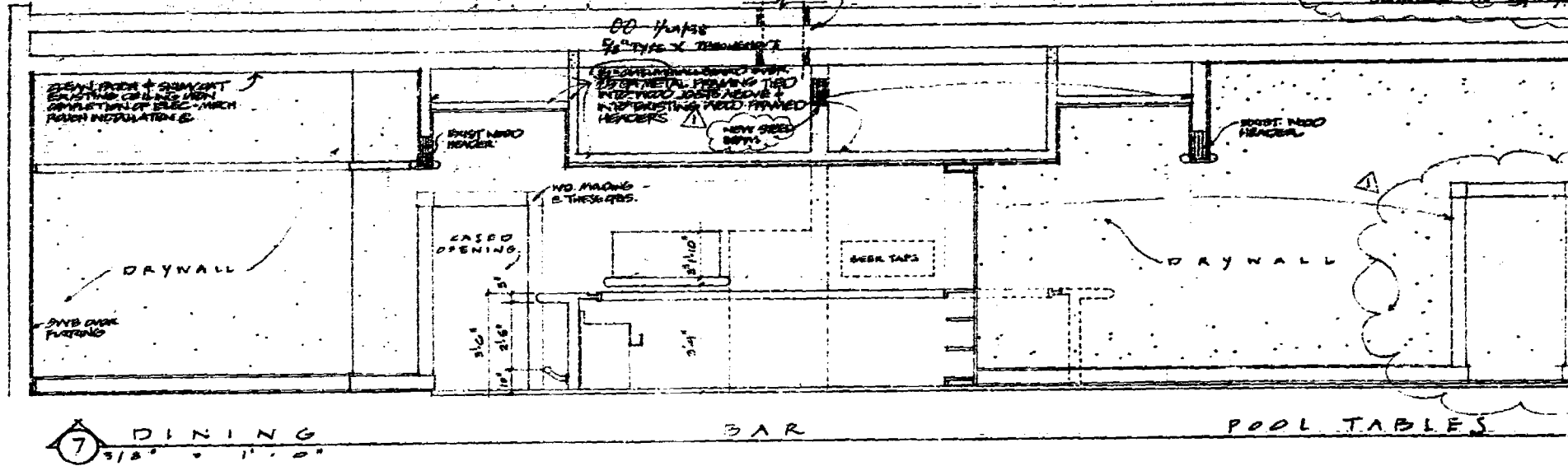
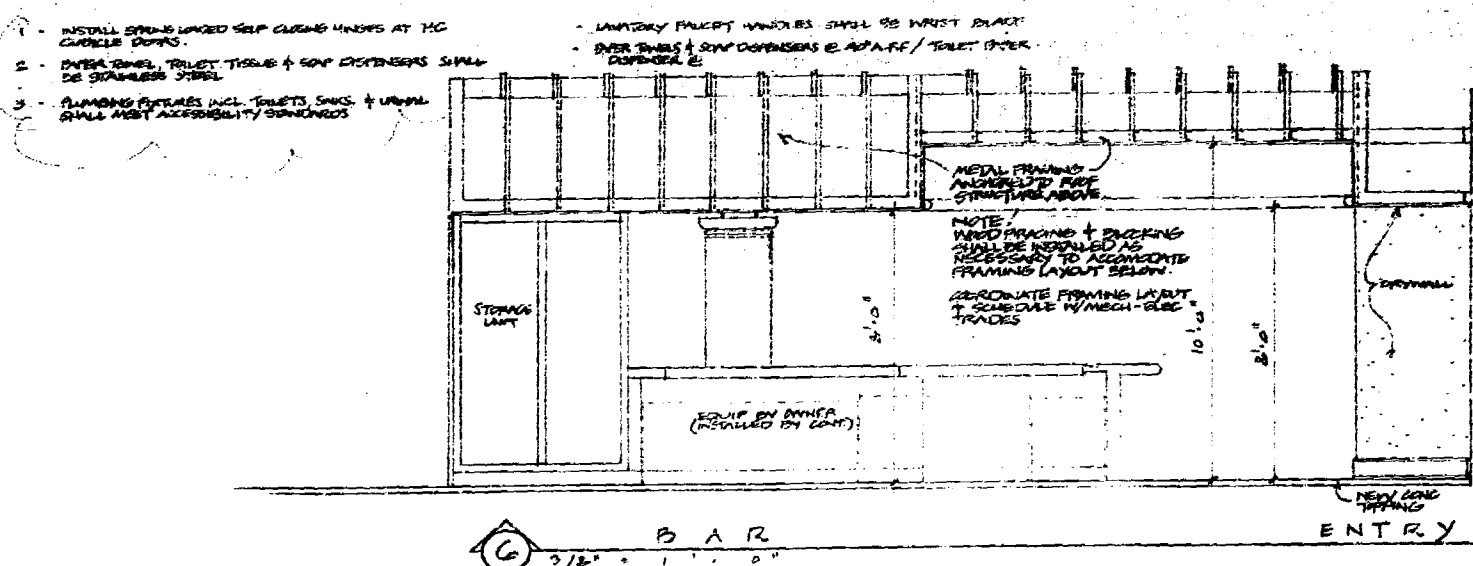
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ZONING	<i>[Signature]</i>
PLUMBING	<i>[Signature]</i>
ELECTRICAL	<i>[Signature]</i>
MECHANICAL	<i>[Signature]</i>
FIRE PREVENTION	<i>[Signature]</i>
SPRINKLING	<i>[Signature]</i>
PUBLIC WORKS	<i>[Signature]</i>
STREETS	<i>[Signature]</i>
SEWERAGE	<i>[Signature]</i>
WATER	<i>[Signature]</i>



000407



TOILET ROOM ELEVATIONS



OFFICE COPY  
CITY OF MIAMI BEACH

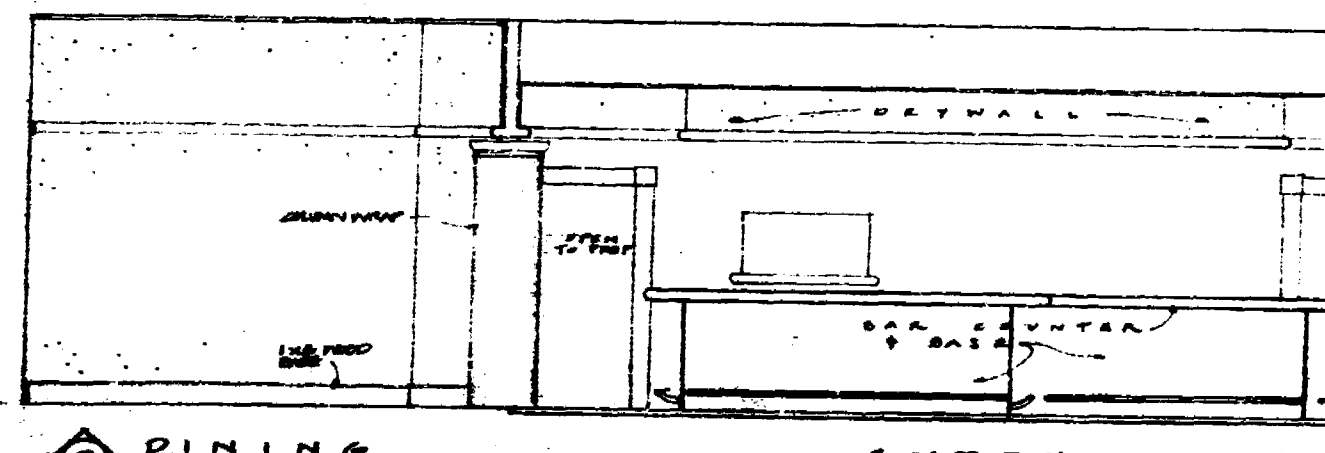
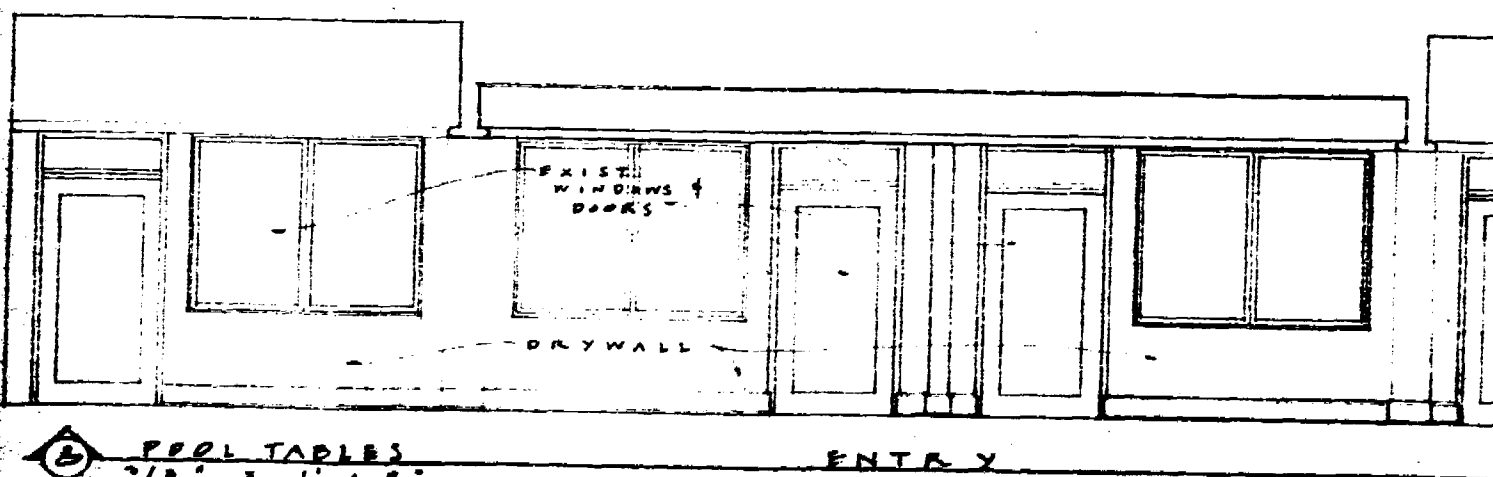
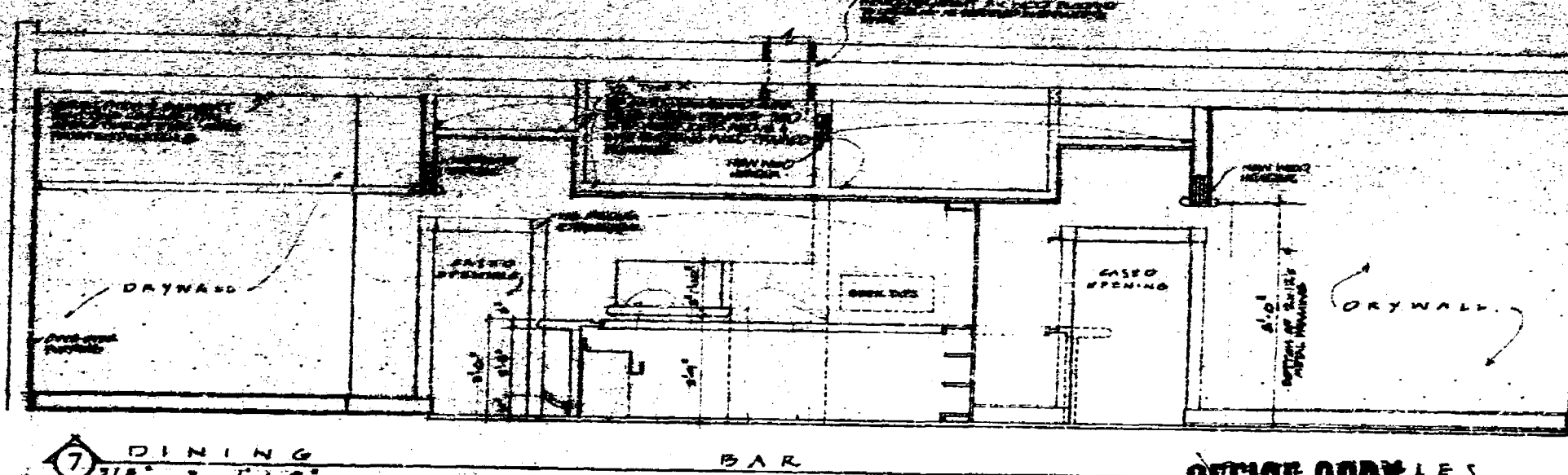
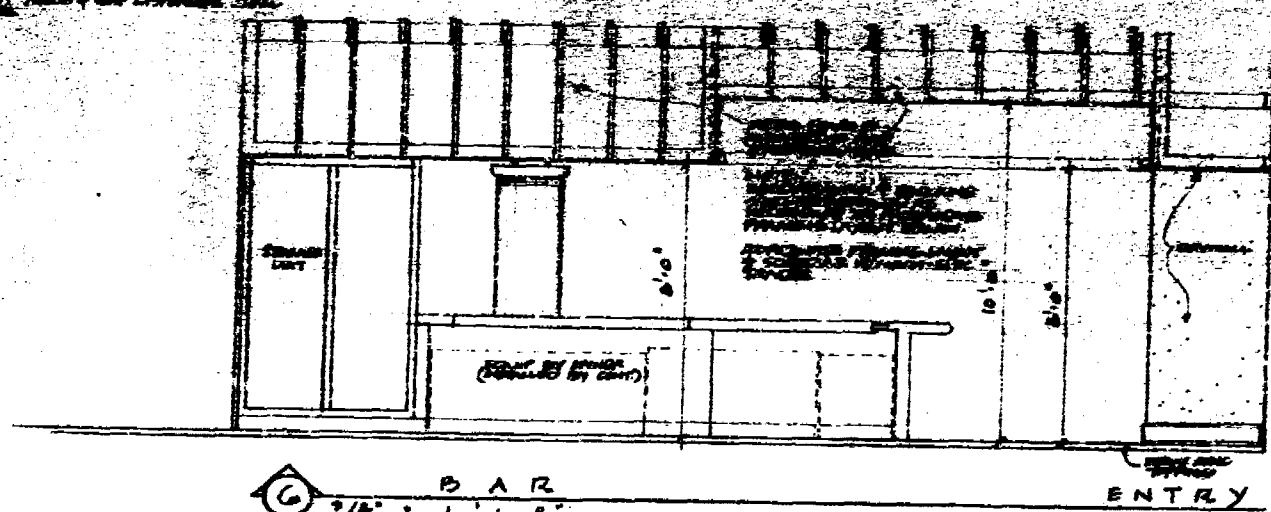
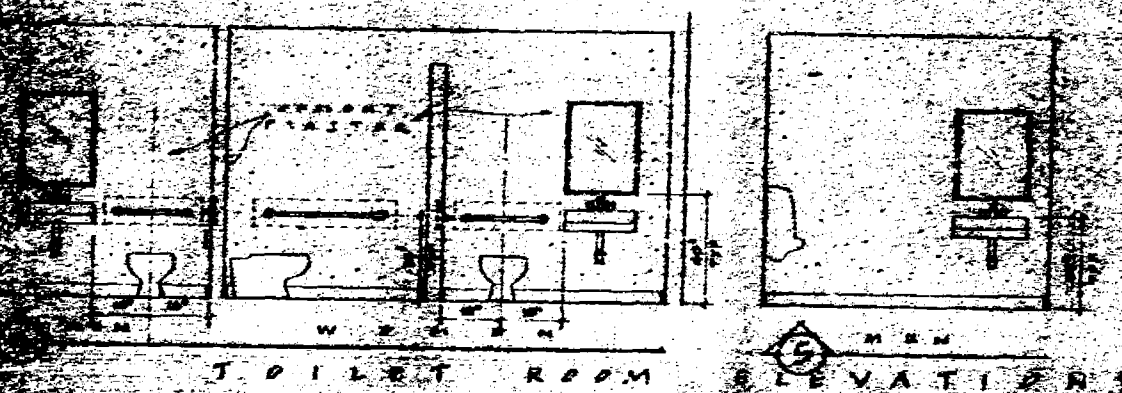
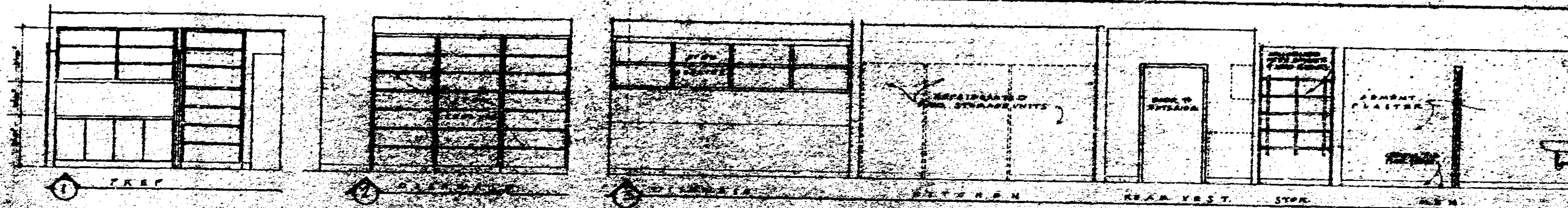
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THE FOLLOWING:

ENGINEER: [Signature]  
PLANNING: [Signature]  
ELECTRICAL: [Signature]  
MECHANICAL: [Signature]  
FIRE PROTECTION: [Signature]  
INSPECTION: [Signature]  
PUBLIC WORKS: [Signature]  
REGULATORY: [Signature]  
REVISIONS: [Signature]

NOTE: ACCESSIBLE SECTION 304.1.1

REVISIONS  
January 26, 1998  
OVIDIO  
OXIOS, AIA.  
Architecture - Design Services  
110 West 24th Street, Suite 100  
Miami Beach, Florida 33139  
Tel: 305-358-0000  
Fax: 305-358-0001  
Interior Remodeling for  
TED'S HIDEAWAY  
1500 S.W. 15th Street - Miami Beach  
Date: December 20, 1997  
Sheet A-3 of 3





OFFICE COPY  
CITY OF MIAMI BEACH  
APPROVED FOR PERMIT BY  
THE FOLLOWING:

BUILDING  
ELECTRICAL  
MECHANICAL  
PLUMBING  
FIRE  
Hazardous Waste  
Other: \_\_\_\_\_  
DATE: 1-16/95

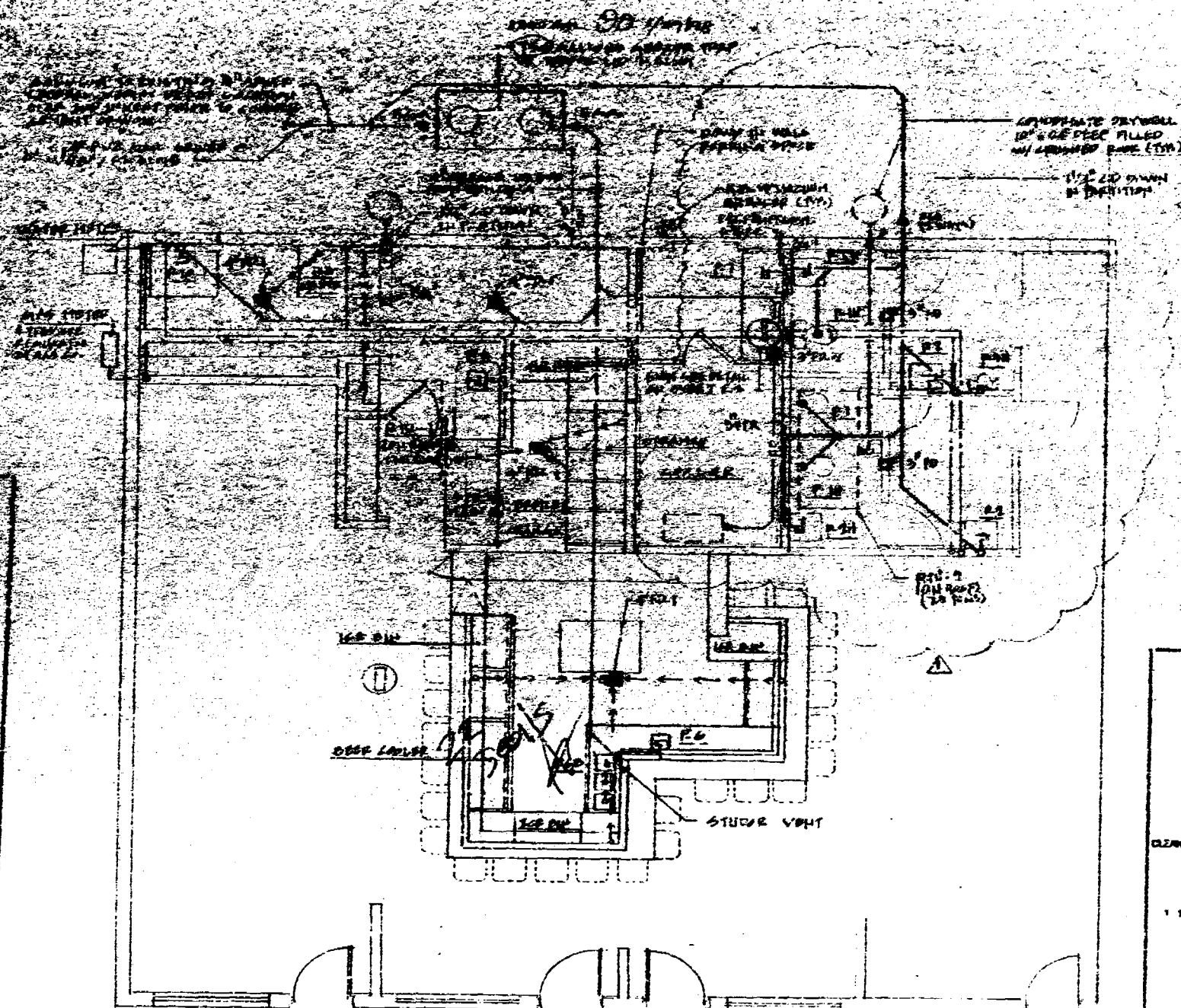
**VOID**

OVIDIO  
OXIOS, AIA  
Architect - Design  
11111 NE 11th Ave, Suite 100  
Miami, FL 33138  
Tel: 305-555-1111  
Fax: 305-555-1111  
Ted's Rides

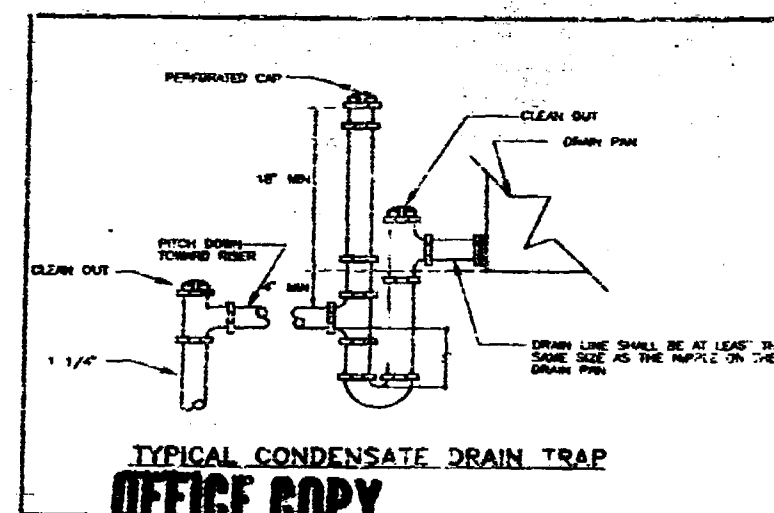
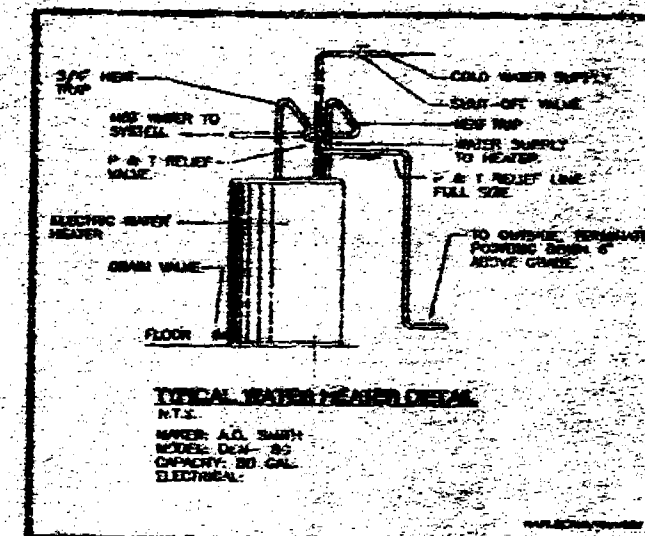
000009

[illegible]

FLIGHT SYMBOL LEGEND	
SYMBOL	DESCRIPTION
1	SAFETY LINE
2	WOLF LINE
3	SAFETY LINE
4	THREAT LINE
5	WOLF LINE
6	WOLF LINE
7	WOLF LINE
8	WOLF LINE
9	WOLF LINE
10	WOLF LINE
11	WOLF LINE
12	WOLF LINE
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95	WOLF LINE
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97	WOLF LINE
98	WOLF LINE
99	WOLF LINE
100	WOLF LINE

[illegible]

**PLUMBING FLOOR PLAN**  
**SCALE: 1/4" = 1'0"**




THE NEW YORK PUBLIC LIBRARY  
ASTOR LENOX TILDEN FOUNDATION  
500 5TH AVENUE  
NEW YORK 17, N.Y.

**OFFICE COPY**  
**CITY OF MIAMI BEACH**

**APPROVED FOR PERMIT BY  
THE FOLLOWING:**

BUILDING \_\_\_\_\_  
 SOONER \_\_\_\_\_  
 PLANNING \_\_\_\_\_  
 ELECTRICAL \_\_\_\_\_  
 MECHANICAL \_\_\_\_\_  
 FIRE PROTECTION \_\_\_\_\_  
 TRENCHING \_\_\_\_\_  
 PUBLIC WORKS \_\_\_\_\_  
 STRUCTURAL \_\_\_\_\_  
 AIRCRAFT \_\_\_\_\_  
 ELEVATOR \_\_\_\_\_

△ 4/20/75 BUSY W/PT. DIA  
 1000 TT 124



**RPJ, Inc.**  
 1000 N. 1st St.  
 Suite 100  
 Milwaukee, WI 53212  
 (414) 224-1100

**OXIDIO  
OXIOS, A.I.A.**  
Architecture Design Services  
115 West 3rd Street - Midtown Inter  
Atlanta, Georgia 30333  
303-525-0550

---

*Interior Remodeling for:*  
**TED'S HIDEAWAY**  
The 3rd Street  
Atlanta, Georgia

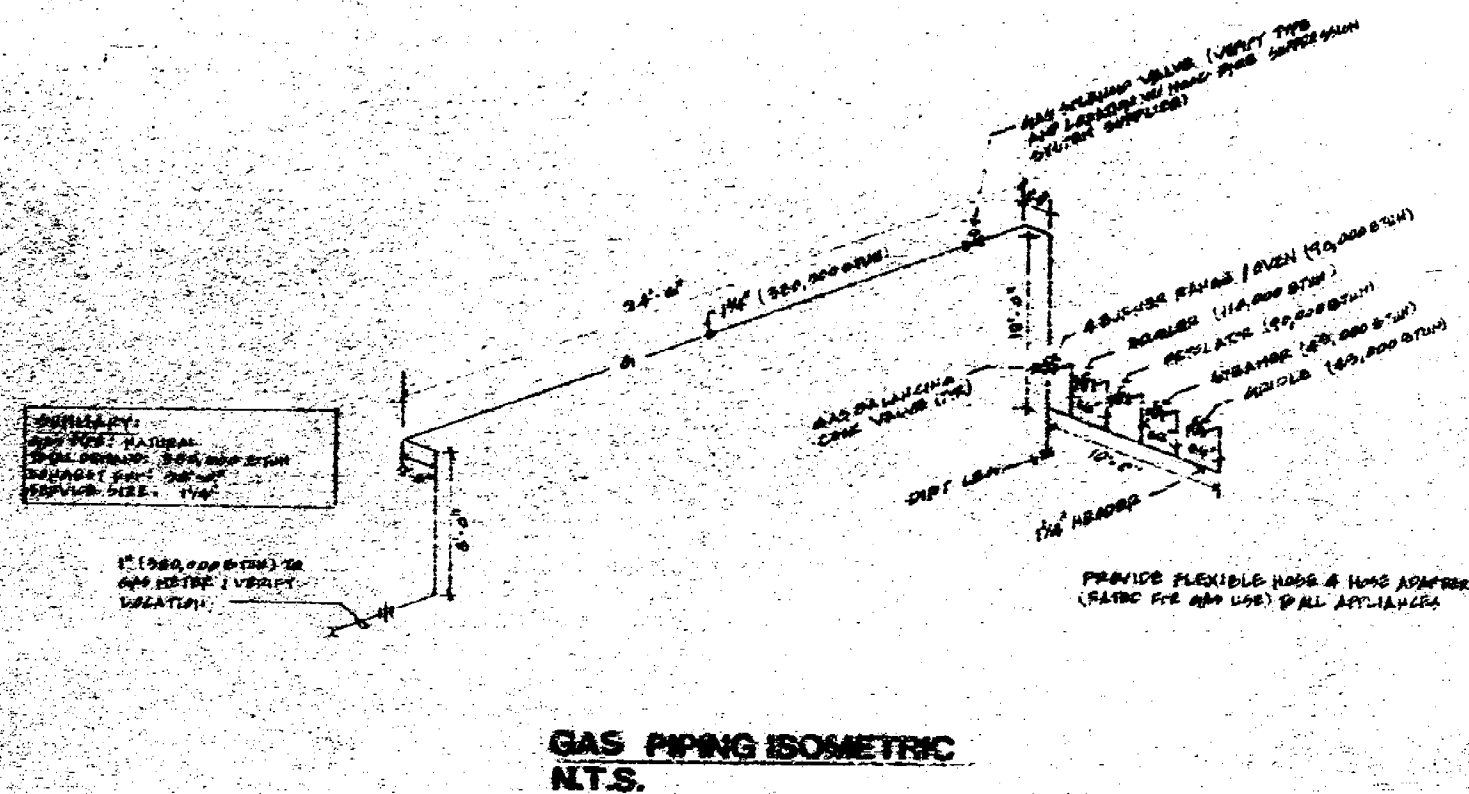
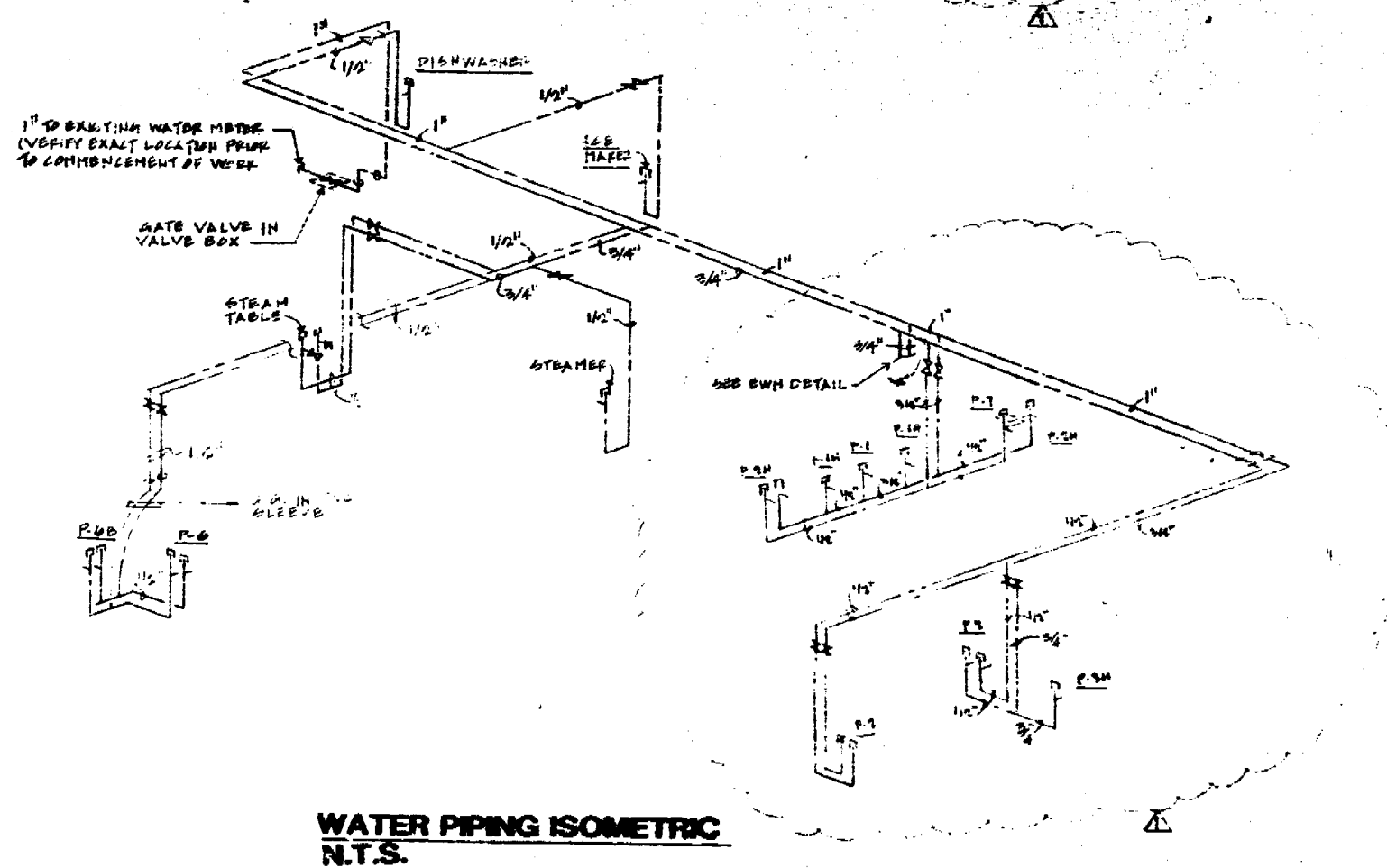
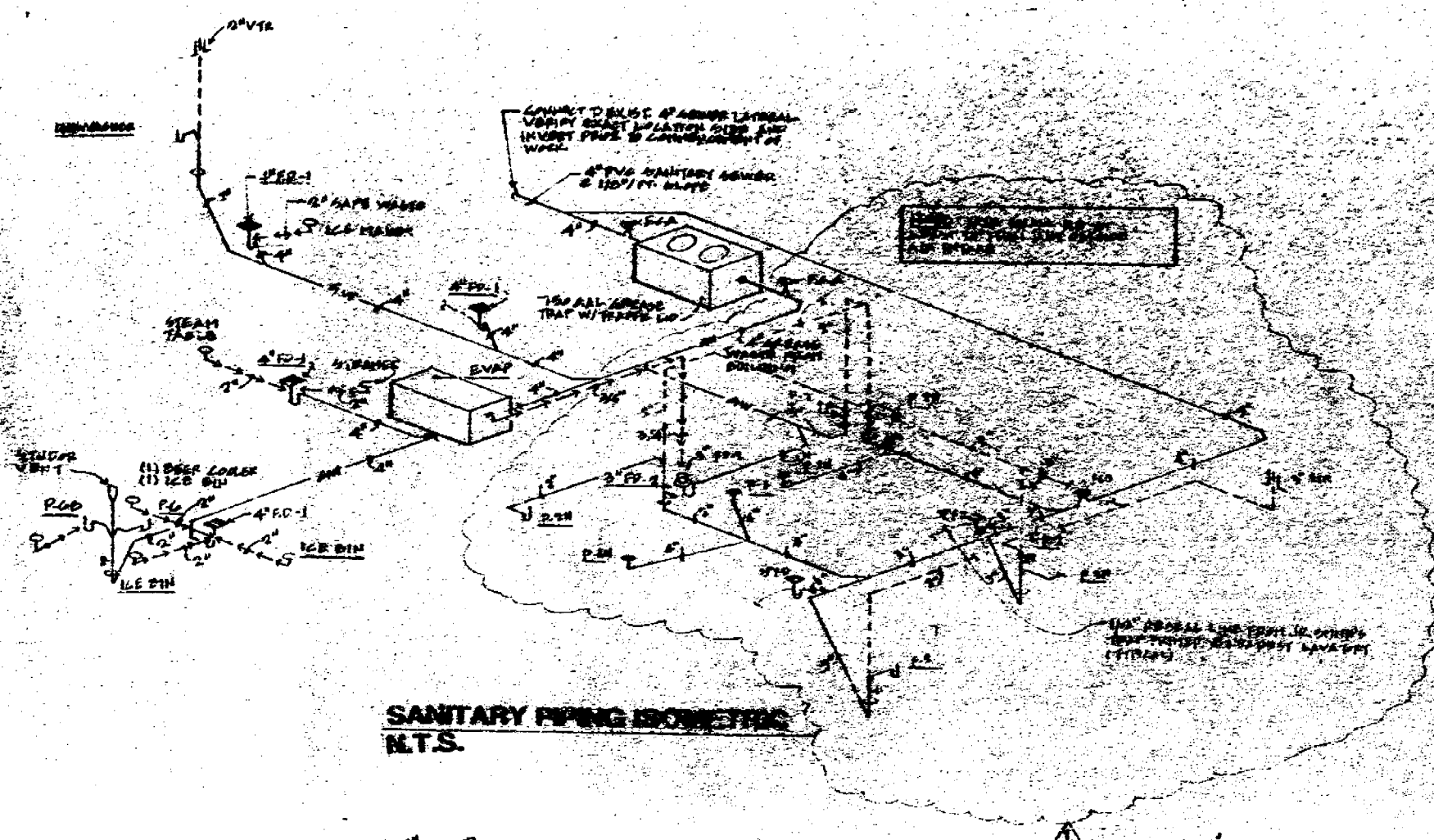
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*Dated:* December 20, 1997  
Sheet #1 of 2

Sheet P. 1 of 2





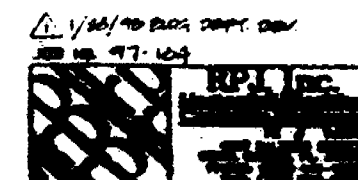


**OFFICE COPY**  
CITY OF MIAMI BEACH

APPROVED FOR PERMIT BY:  
THE FOLLOWING:

ENGINEER	_____
PLUMBER	_____
ELECTRICIAN	_____
Mechanical	_____
Fire Protection	_____
Sanitation	_____
Public Works	_____
Structural	_____
Accessibility	_____
Other	_____

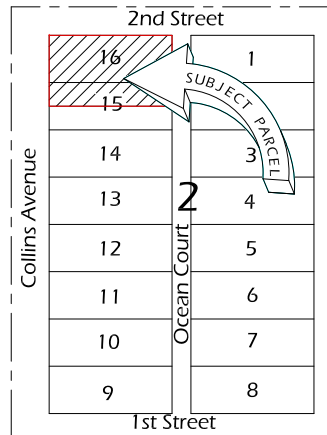
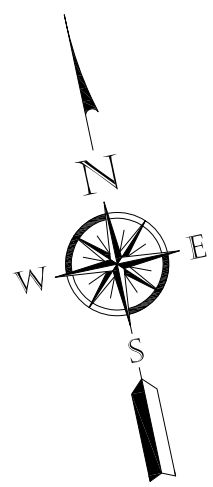
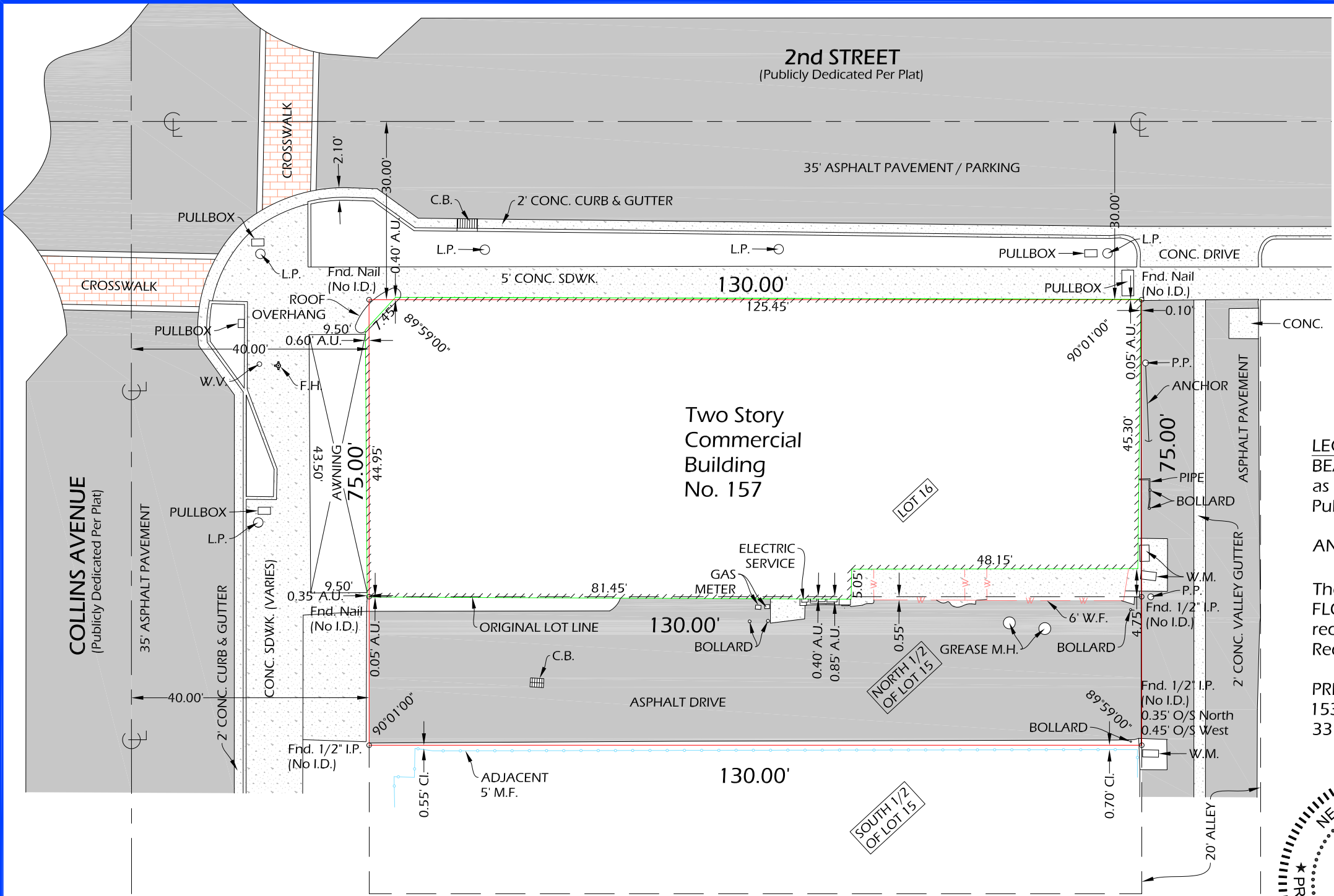
**OXIDIO OXIOS, AIA**  
Architect (Seal)  
110 West 3rd Street, Suite 100  
Miami Beach, Florida 33139  
Tel: 305-531-0100  
Fax: 305-531-0101  
Ted's Hideaway  
150 7th Street  
Miami Beach, Florida 33139  
Date: December 18, 1999  
Sheet 1 of 2



000412

# **Exhibit “C”**





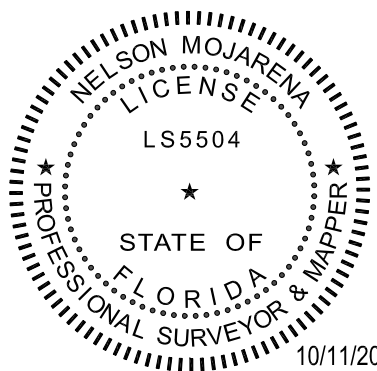
Location Sketch  
NTS

LEGAL DESCRIPTION: Lot 16, Block 2, OCEAN BEACH FLORIDA, according to the Plat thereof, as recorded in Plat Book 2, Page 38, of the Public Records of MIAMI-DADE County, Florida.

AND


The North 1/2 of Lot 15, Block 2, OCEAN BEACH FLORIDA, according to the Plat thereof, as recorded in Plat Book 2, Page 38, of the Public Records of MIAMI-DADE County, Florida.

PREPARED FOR: 157 Collins Avenue, LLC,  
153-157 Collins Avenue, Miami Beach, FL  
33139



LEGEND	
Δ	= Central Angle
A.U.	= Apparent Usage
A/C	= Air Conditioner
BBQ	= Barbecue
C	= Calculated
CB	= Catch Basin
CBS	= Concrete Block Structure
C.E.	= Covered Entry
CH	= Chord
Chatta.	= Chattahoochee
CL	= Center Line
CLF	= Chain Link Fence
CL	= Clear
Conc.	= Concrete
D	= Deed
Ø	= Diameter
DH	= Drill Hole
DME	= Drainage & Maintenance Easmt
Easmt	= Easement
Enc.	= Encroachment
F.H.	= Fire Hydrant
FIP	= Found 1/2" Iron Pipe
FPL	= Florida Power & Light
I.C.V.	= Irrigation Control Valve
ID	= Identification
I.P.	= Iron Pipe
LB	= Licensed Business
LME	= Lake Maintenance Easement
L.P.	= Light Pole
M	= Measured
ME	= Maintenance Easement
M.F.	= Metal Fence
Mon.	= Monument Line
N/A	= Not Applicable
N/D	= Nail & Disc
N"	= Number
NTS	= Not to Scale
O/S	= Offset
O.U.L.	= Overhead Utility Lines
P	= Plat
PB	= Plat Book
PC	= Point of Curvature
PCP	= Permanent Control Point
P.E.	= Pool Equipment
P.I.	= Point of Intersection
PKWY	= Parkway
PL	= Property Line
PL	= Planter
PLS	= Professional Land Surveyor
P.O.B.	= Point of Beginning
P.O.C.	= Point of Commencement
P.P.	= Power Pole
PRC	= Point of Reverse Curvature
PRM	= Point of Reference Monument
PT	= Point of Tangency
R	= Radius
Res.	= Residence
R.L.S.	= Registered Land Surveyor
RNG	= Range
R/R	= Railroad
RSM	= Registered Surveyor & Mapper
R/W	= Right-of-Way
Sdwk	= Sidewalk
Sec.	= Section
T	= Tangent
TWP	= Township
U.E.	= Utility Easement
UTIL	= Utility
W.F.	= Wood Fence
W.M.	= Water Meter
WME	= Wall Maintenance Easement

- Surveyor's Notes:
- All clearances and/or encroachments shown hereon are of apparent nature. Fence ownership by visual means. Legal ownership of fences not determined.
  - Underground structures, if any, not located.
  - Bearings, if shown, are based on assumed meridian or Plat of Record.
  - Lands shown hereon were not abstracted for easements and/or right-of-ways of records.
  - Legal description provided by client.
  - This certification is only for land as described. It is not a certification of title, zoning, easements, or freedom from encumbrances. ABSTRACT NOT REVIEWED.
  - There may be additional restrictions not shown on this survey that may be found in the public records of this county. ABSTRACT NOT REVIEWED.
  - This BOUNDARY SURVEY has been prepared for the exclusive use of the entities named hereon. The Certificate does not extend to any unnamed party.
  - This survey was based on the monuments found on the field.

<b>SURVEYOR'S SEAL</b> This survey has been digitally signed and sealed by Nelson Mojarena, P.S.M. on the date adjacent to the seal. Printed copies are not considered signed and sealed and the signature must be verified on any electronic copies.		<b>BOUNDARY SURVEY</b>		<b>MOJARENA &amp; ASSOCIATES, INC.</b> Land Surveyors & Mappers Certificate of Authorization No. 6698 P.O. Box 56-0126 Miami, FL 33256-0126 (305) 278-2494	
REVISED:		 NELSON MOJARENA Registered Surveyor & Mapper No. 5504 State of Florida		FLOOD ZONE: AE	
				DATE: 10-05-22	SCALE: 1" = 20'
				DWN. BY: N.M.	JOB NO. 22-0170A
				BASE: 8	

# **Exhibit “2”**



CFN 20080544293  
OR Bk 26460 Pgs 1553 - 1554 (2pgs)  
RECORDED 07/02/2008 09:40:07  
DEED DOC TAX 42,000.00  
SURTAX 31,500.00  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

Prepared by and return to:

**Carla C. Jackson**  
**Legal Assistant**  
**Blass & Frankel, P.A.**  
**One S.E. Third Avenue Suite 2130**  
**Miami, FL 33131**

File Number: **KAINE-PINK**  
Will Call No.:

Parcel Identification No. **02-4203-003-0300**

[Space Above This Line For Recording Data]

## Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

**This Indenture** made this **30th** day of **June, 2008** between **LAWRENCE F. KAINE, a married man** whose post office address is **170 N.E. 29th Street, Miami, FL 33137** of the County of **Miami-Dade, State of Florida**, grantor\*, and **157 COLLINS AVE., LLC, a Florida limited liability company** whose post office address is **157 Collins Avenue, 2nd Floor, Miami, FL 33139** of the County of **Miami-Dade, State of Florida**, grantee\*,

**Witnesseth** that said grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Miami-Dade County, Florida**, to-wit:

**Lot 16, Block 2, OCEAN BEACH, according to the Plat thereof, as recorded in Plat Book 2 at Page 38, of the Public Records of Miami-Dade County, Florida.**

**Subject to real estate taxes and all assessments for the year 2008 and subsequent years, which are not yet due and payable.**

**Subject to zoning ordinances and other municipal, state or Federal laws as may be applicable, covenants, conditions, restrictions, limitations, reservations and easements of record, if any, none of which shall be deemed reimposed hereby.**

**Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property.**

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

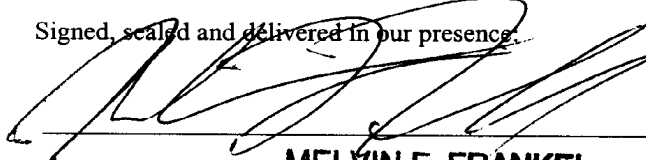
\* "Grantor" and "Grantee" are used for singular or plural, as context requires.

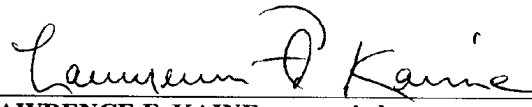
DoubleTime®

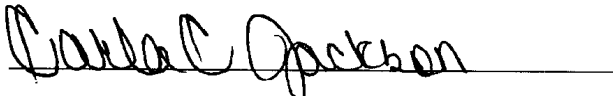


**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence.

  
Witness Name: MELVIN F. FRANKEL

 (Seal)  
LAWRENCE F. KAINE, a married man

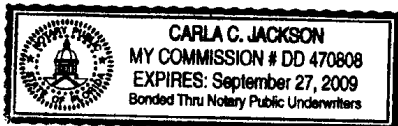
  
Witness Name: CARLA C. JACKSON

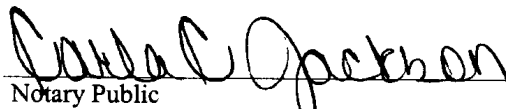
State of Florida

County of Miami-Dade

The foregoing instrument was acknowledged before me this 22nd day of May, 2008 by LAWRENCE F. KAINE, a married man, who ☐ is personally known or ☒ has produced a driver's license as identification.

[Notary Seal]



  
Notary Public

Printed Name:

CARLA C. JACKSON

My Commission Expires:

9/27/2009  
DD-470808

# **Exhibit “3”**

This Instrument prepared by  
Richard A. Crisonino Esq.  
2101 SW 13<sup>th</sup>. Street,  
Miami Fl. 33145  
After recording return to:  
Brenden D. Soucy Esq.  
Levine Kellogg Lehman Schneider + Grossman LLP  
100 SE 2<sup>nd</sup> Street, 36<sup>th</sup>. Floor  
Miami, Fl. 33131

Folio No.: 02-4203-003-0290

### **WARRANTY DEED**

This Warranty Deed made this the 9th day of August, 2022, by and between PATRICIA M. KAINE, AS TRUSTEE OF THE LAWRENCE F. KAINE LIVING TRUST DATED FEBRUARY 8, 2021 , whose address is 2650 Biscayne Boulevard, Miami, Fl. 33137, Grantor, to 125 COLLINS, LLC, a Florida limited liability company, whose address is P.O. Box 190778, Miami Beach, FL 33139, Grantee:

WITNESSETH, that Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars in hand paid by Grantee and other valuable consideration, grants, bargains and sells to the said Grantee, and to Grantee's heirs, successors and assigns, forever, all of Grantor's right, title and interest in and to the following described land in Miami-Dade County, Florida:

The North ½ of Lot 15, Block 2, OCEAN BEACH, FLA., according to the Plat thereof as recorded in Plat Book 2, Page 38, Public Records of Miami-Dade County, Florida

Subject to easements, restrictions and reservations of record, however this provision shall not serve to reimpose any of same which have been barred by operation of law or otherwise; and real property taxes for the calendar year 2022 and subsequent years.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anyway appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is fully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land: that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2021.

The above property does not constitute the Homestead of the Grantor, Patricia M. Kaine, within the meaning set forth in the Constitution of the State of Florida, does not adjoin the Homestead of the Grantor, no member of Grantor's family resides thereon.

IN WITNESS WHEREOF, the Grantor has executed this instrument the 9<sup>th</sup> day of August, 2022.

Signed, sealed and delivered  
In the presence of:

GRANTOR:

PATRICIA M. KAINE, AS TRUSTEE OF  
THE LAWRENCE F. KAINE LIVING TRUST  
DATED FEBRUARY 8, 2021

Sign name: [Signature]  
Print name: PAULIDAD LEON

[Signature]  
By: Patricia M. Kaine Trustee

Sign name: [Signature]  
Print name: RICHARD A CRISONINO

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of X physical presence or  
online notarization this the 9 day of August, 2022, by Patricia M. Kaine, as Trustee of the  
Lawrence F. Kaine Living Trust dated February 8, 2021, who is X personally known to me or who has  
produced \_\_\_\_\_ as identification.

( Affix Notary Seal)



[Signature]  
NOTARY PUBLIC, State of Florida -Signature

RICHARD A. CRISONINO  
Print Name of Notary Public

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

# **Exhibit “4”**

REVISIONS	BY
3-12	
4-12	

JOHN C. SHIELDS, AIA  
LANDSCAPE ARCHITECT  
MIAMI, FLORIDA

- LANDS OF  
FRAN  
"CAL 1" = 1040"

ALLAN IRA BASS - ARCHITECT  
8445 SW 120 ST MIAMI, FLORIDA

2517.  
125 COLLINS AVE.  
MIAMI BEACH, FL.

- |   |          |     |   |   |        |
|---|----------|-----|---|---|--------|
| 2 | 1"=10'0" | Jan | 1 | 2 | Sheets |
|---|----------|-----|---|---|--------|

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### TREE AND SHRUB PLANTING DETAIL

1. ALL SIZES SHOWN FOR PLANT MATERIAL ON PLAN ARE TO BE CONSIDERED AS MINIMUMS. ALL PLANT MATERIAL MUST MEET OR EXCEED THESE MINIMUM REQUIREMENTS FOR BOTH HEIGHT AND SPREAD. ANY OTHER REQUIREMENTS FOR SPECIFIC SHAPE OR EFFECT AS NOTED ON THE PLAN WILL ALSO BE REQUIRED FOR FINAL ACCEPTANCE.
2. ALL PLANT MATERIAL FURNISHED BY THE LANDSCAPE CONTRACTOR UNLESS OTHERWISE SPECIFIED SHALL BE FLORIDA NO.1 OR BETTER ACCORDING TO GRADES AND STANDARDS FOR NURSERY PLANTS 1998 EDITION. ALL TREES DESIGNATED AS SINGLE TRUNK TREES SHALL HAVE SINGLE DOMINANT LEADER AND STRAIGHT TRUNK. THE PROPER STRUCTURE OF TREES IS MOST IMPORTANT. ALL TREES DESIGNATED AS MULTI-TRUNK TREES (3) ALL TREES WITH AT LEAST THREE (3) TRUNKS WITH EQUAL CALIPERS ORIGINATING AT THE BASE OF THE TREES AND WITH ANGLES NO LESS THAN 45 DEGREES. TREES WITH BARK INCLUSION AND CODOMINANT TRUNKS AT ANY HEIGHT WILL NOT BE ACCEPTED. ALL TREES AND PALMS MUST BE GUINED WITH PROPER HORTICULTURAL AND ARBORICULTURAL TECHNIQUES. WE RECOMMEND THAT THE TREES BE STAKED WITH NATURAL HEMP IN LIEU OF WIRE OR OTHER SYNTHETIC MATERIAL. NAILING INTO TREES AND PALMS IS PROHIBITED. ALL STAKING SHALL BE REMOVED APPROX. SIX (6) MONTHS AFTER PLANTING OR AT TIME OF ESTABLISHMENT OF THE TREE. TREE STRAPS SHALL NOT BE WRAPPED TO EXCESSIVE TIGHTNESS SO AS TO CAUSE GIRDLING AS THE TREES INCREASES IN DIAMETER.
3. IN ADDITION TO THESE REQUIREMENTS ALL LOCAL LANDSCAPE CODES AND REQUIREMENTS SHALL BE MET IN ORDER TO SATISFY THE REVIEW AND APPROVAL OF THE GOVERNING MUNICIPALITY.
4. ALL LANDSCAPING SCHEDULED TO OCCUR IN VEHICULAR USE AREAS SHALL BE PROTECTED FROM VEHICULAR ENCRoACHMENT BY CURBING OR OTHER DURABLE BARRIERS.
5. ALL PLANTING HOLES SHALL BE A MINIMUM OF 2 1/2 TIMES THE DIAMETER OF THE PLANT BALL. ALL PLANTING HOLES SHALL BE EXCAVATED TO A DEPTH OF 2 1/2 FEET TO REMOVE ALL OBJECTIONABLE MATERIALS, SUCH AS ASPHALT, SUB-BASE, CONCRETE, ROCK, CAUSTIC MATERIALS, WITH AN EXCESSIVE SOIL PH, OR SIMILAR MATERIALS NOT SUITED FOR LANDSCAPE PLANTING. ALL SYNTHETIC BURLAP, SYNTHETIC STRING OR CORRO OR WIRE BASKETS SHALL BE REMOVED BEFORE PLANTING. ALL SYNTHETIC TAPE SHALL BE REMOVED FROM TREES BEFORE INSPECTION. THE TOP 1/3 OF ANY NATURAL BURLAP SHALL BE REMOVED OR TUCKED INTO THE PLANTING HOLE BEFORE THE TREE IS BACK FILLED.
6. ALL PLANT MATERIALS SHALL BE PLANTED IN PLANTING SOIL THAT IS DELIVERED TO THE SITE IN A CLEAN, LOOSE AND FRIABLE CONDITION. ALL PLANTING BASKETS SHALL HAVE A MINIMUM OF 6" OF PLANTING SOIL, AND ALL SODDED AREAS SHALL HAVE 3" OF PLANTING SOIL. THIS SOIL SHALL BE TILED INTO EXISTING SOIL ON SITE. ALL SOIL SHALL HAVE A WELL DRAINED CHARACTERISTIC. SOIL MUST BE FREE OF ALL ROCKS, STICKS, OBJECTIONABLE DEBRIS INCLUDING WEEDS AND WEED SEED. RECYCLED COMPOST IS ENCOURAGED AS A SOIL AMENDMENT.
7. ALL PLANT MATERIALS SHALL BE THOROUGHLY WATERED IN AT THE TIME OF PLANTING AND NO DRYPLANTING SHALL BE PERMITTED. ALL PLANT MATERIALS SHALL BE PLANTED SUCH THAT THE TOP OF THE PLANT BALL IS FLUSH WITH THE SURROUNDING GRADE AND/OR EQUAL TO THE DEPTH OR ORIGINAL PLANTING.
8. ALL PLANT MATERIALS SHALL BE INSTALLED WITH FERTILIZER WHICH SHALL BE STATE APPROVED AS A COMPLETE FERTILIZER CONTAINING THE REQUIRED MINIMUM OF TRACE MINOR ELEMENTS IN ADDITION TO N-P-K, OF WHICH 80% OF THE NITROGEN SHALL BE DERIVED FROM AN ORGANIC SOURCE.
9. ALL LANDSCAPE AREAS NOT COVERED BY SHRUBS OR GROUND COVERED SHALL BE COVERED BY SOD AND ALL AREAS NOT COVERED BY SOD SHALL BE COVERED WITH EUCALYPTUS MULCH, TO A MINIMUM DEPTH OF TWO (2) INCHES AND A MAXIMUM DEPTH OF THREE (3) INCHES OF COVER WHEN SETTLED AT A DIAMETER OF 3-4 FEET AROUND TREE. ALL MULCH SHALL BE KEPT 6" FROM THE BASE OF ALL PLANT MATERIAL. THE WATER BASIN PARTICULARLY ON OAKS SHALL REMAIN FOR AT LEAST THREE (3) MONTHS.
10. SOD SHALL BE (AS NOTED) SOLID SOD, AND SHALL BE LAID ON A SMOOTH PLANTING BASE WHICH HAS BEEN GRADED TO MEET THE DRAINAGE CHARACTERISTICS OF THE SITE. ALL SOD SHALL BE LAID WITH CLOSELY FITTED JOINTS, AND SHALL BE IN A GREEN AND HEALTHY GROWING CONDITION AT PLANTING.
11. ALL LANDSCAPE AREA SHALL BE IRRIGATED BY A FULLY AUTOMATIC SYSTEM ADJUSTED TO PROVIDE 100% COVERAGE OF ALL LANDSCAPE AREAS. ALL HEADS SHALL BE ADJUSTED TO MIN. 50% OVERLAP.
12. ANY SUBSTITUTIONS TO PLANT MATERIALS FOR AREAS AND ITEMS ADDRESSED BY LOCAL CODES SHALL BE APPROVED BY THE GOVERNING MUNICIPALITY PRIOR TO WORK PERFORMED.
13. ALL LANDSCAPE AREAS SHALL BE FINISH GRADED SUCH THAT THEY ARE FLUSH AND LEVEL WITH SURROUNDING PAVED SURFACES AS NOT TO IMPEDE THE FLOW OF DRAINAGE INTO LANDSCAPE AREAS AND TO PREVENT THE BACKWASH OF MULCH AND DEBRIS INTO PAVED AREAS.
14. ALL NEW LANDSCAPED AREAS ADJACENT TO EXISTING PAVEMENT SHALL BE EXCAVATED OF ALL ROAD ROCK DOWN TO A DEPTH 8" BELOW PAVEMENT.
15. CONTRACTOR SHALL PROVIDE SOD AND IRRIGATION TO EDGES OF RIGHT OF WAYS AND ALL PROPERTY LINES.
16. ALL FREE STANDING UTILITIES AND SITE EQUIPMENT MUST BE SCREENED ON THREE (3) SIDES WITH SHRUB MATERIAL 30" IN HEIGHT AT TIME OF PLANTING.
17. PLANTING PLAN TAKES PRECEDENT OVER PLANT LIST.
18. CYPRESS MULCH & RED COLORED MULCH ARE NOT PERMITTED.

## MAINTENANCE

Water in plants by thorough soaking of the entire root ball immediately after planting. For large trees and shrubs, add water while backfilling hole to eliminate any air pockets in the soil around the root ball.

Water shrubs, sod and groundcover a minimum of once daily for a week or until an irrigation system is fully operational. If no irrigation system is to be installed, the Contractor shall be responsible for watering the shrub, sod, and groundcover for a period of one month after installation of each section of the planting installed.

**Plants:** Begin maintenance immediately following the final plant installation operation for each plant and continue until all plant installation is complete and accepted. Maintenance shall include watering all plants, weeding, mulching, pest and disease control, tightening and repairing of guys, repair of braces, removal of dead growth, resetting of plants to proper grade or up-right position, restoration of plant saucers and other necessary operations as determined by the Landscape Architect and good nursery practice.

**Turf Areas:** Begin maintenance of turf immediately following the placement of sod and continue until sod installation is complete and accepted. Maintenance shall include but not be limited to, watering, leveling, mowing, weed and pest control, fungus and disease control and other necessary operations as determined by the Landscape Architect and good nursery practice.

**Watering of field-grown plants:** The following water schedule and amount of water per application shall be followed during the maintenance period. If climatic or soil conditions warrant a variation of this schedule, the Contractor shall be responsible to notify the Landscape Architect and receive his approval.

The following amount of water shall be applied around the rootball of each

plant at each watering:		FREQUENCY OF WATER	
<u>AMOUNT OF WATER</u>			
- up to 4 inch trunk caliper for trees and large shrubs	10 gallons	Daily for 1st week 3 x per week for the weeks 2-4 2 x per week for weeks 5-8 1 x per week for weeks 9-12	
- from 5 to 8 inch caliper	25 gallons		

## FERTILIZING

.. Add fertilizer on top of the surface three (3) weeks after planting of each segment of the job. Fertilizer shall be applied after soil has been well moistened. Fertilizer shall be washed off of plant leaves and stems immediately after application. Apply at the following rates:

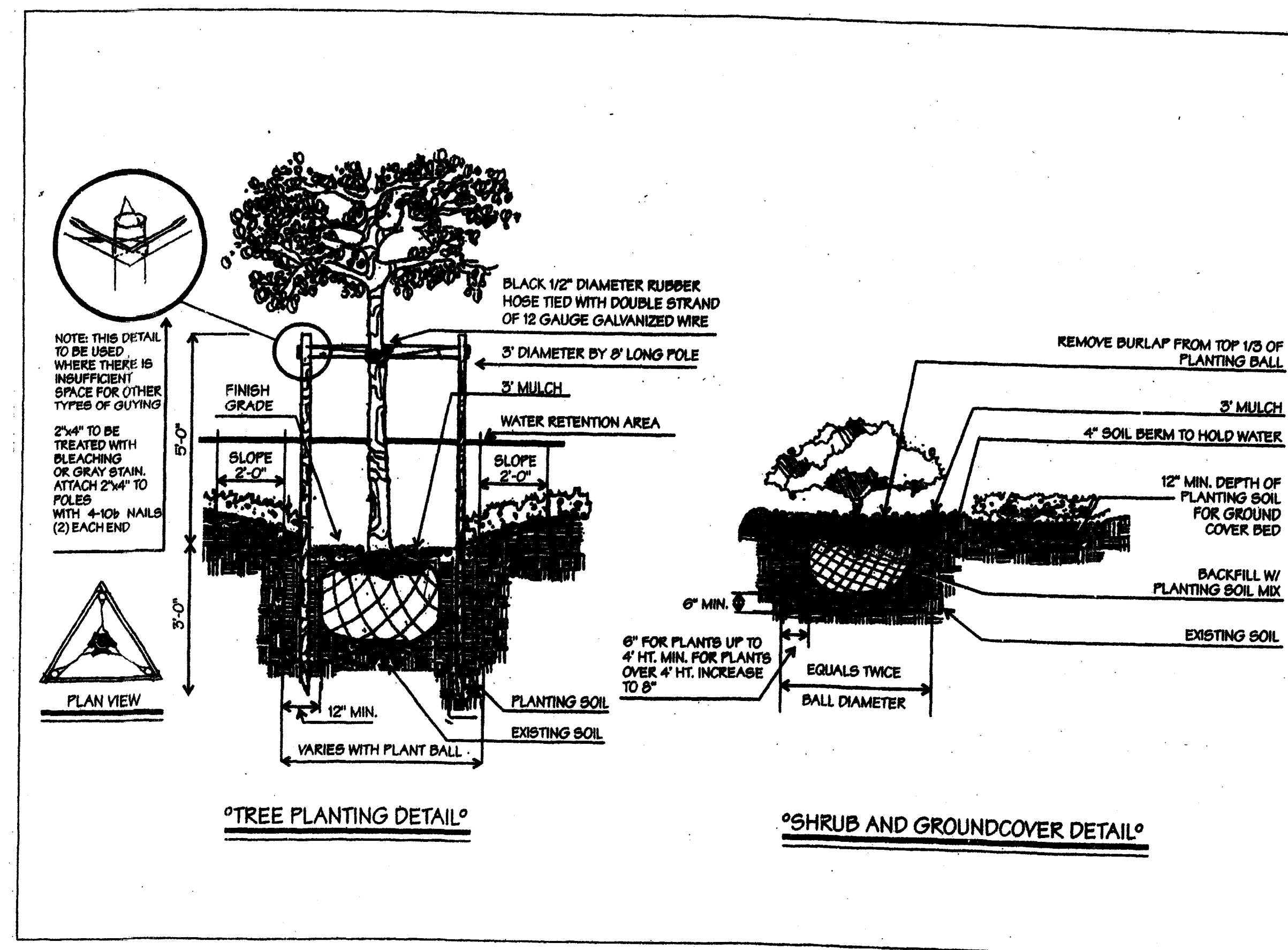
Trees & Large Shrubs: One (1) pound per inch of trunk diameter, spread evenly over the root ball area.

Shrubs: One half (½) handfull per shrub, spread evenly over the root ball

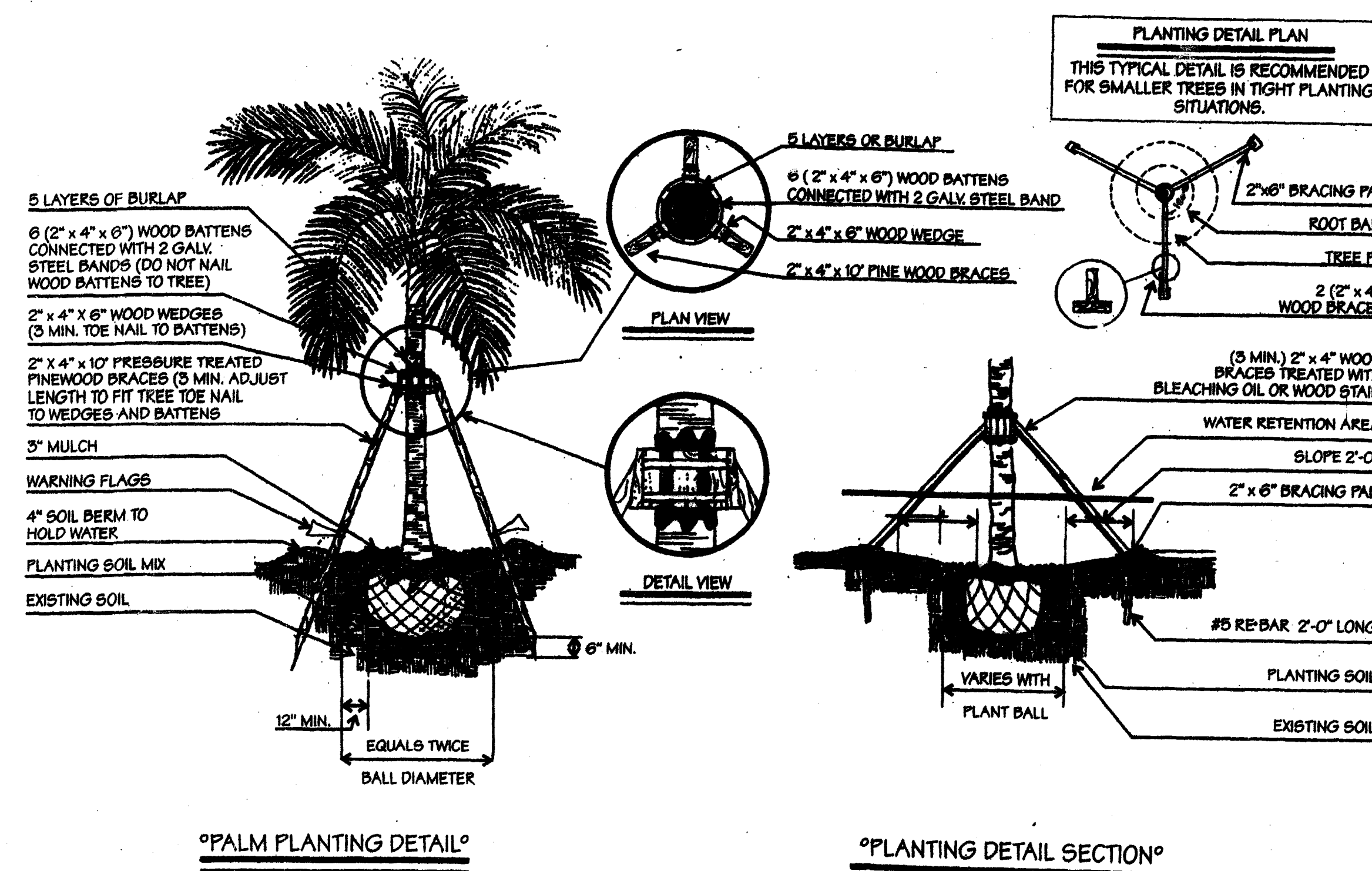
Sod: 12 pounds per 1000 sq ft. Fertilize within 2 days from date of installation. Wash fertilizer off blades immediately after spreading.

- Fertilizer for trees, palms, shrubs, and groundcovers shall be as follows: LESCO Palm Special 13-3-13 or equal, Sulfur coated with iron and other minor elements and maximum of 2% chlorine, or brand with equal analysis. The fertilizer shall be uniform in composition, dry and free flowing and shall be delivered to the site in the original unopened containers, bearing the manufacturer's guaranteed analysis. Fertilizer for sod and seeded areas shall be 8-6-8, 50% organically derived nitrogen, or equal.

3.6 MULCHING  
Three 3"  
A. Spread ~~two~~ (2) inches thick uniformly over the entire surface of shrubs and groundcover beds, depth measured after settling. Provide 36" diameter bed of mulch, measured from outer edge of the trunk, for all trees and palms planted in sod areas, 3" deep. Keep mulch away from contact with the trunk.



### PALM PLANTING DETAIL



9/09/12. 6/13/12

[illegible]



## SCOPE OF WORK

The purpose of this project is to expand the existing parking lots. As the parking lots are new having been completed in 2010 it is the intention to incorporate as many of the existing elements as practical. The following describes the scope of work:

### Curb cuts

It is intention to utilize the existing easterly 22' wide curb cut that was built in accordance with Miami Beach standards of red brick and concrete borders. The westerly curb cut will be removed and landscaped as shown on the landscape drawings.

### Paving

The existing paving shall remain in place and shall be extended as indicated on the drawings. Some small areas shall be removed to accomplish the final layout. Upon completion of the paving the entire lot shall be recoated and restriped in accordance with the parking layout.

### Curbing

Provide a 6" concrete curb around all asphalt paved areas adjoining landscaped areas.

### Drainage

There currently exists four catch basins and seepage pits that drain the existing paving that shall remain as is. Provide additional drainage as shown on the drawings.

### Fencing

Relocate portions of existing green picket fencing as indicated on the drawings. Remove all chain link fencing.

### Lighting

Several light poles and light fixtures shall remain in place. Provide new site lighting poles and fixtures as shown on the drawings. Utilize existing electrical service and equipment and repair and maintain as required.

### Irrigation

Extend and relocate as required sprinkler heads, piping, and all components and connect to existing water supply and equipment to achieve the irrigation system as shown on the drawings.

### Landscaping

Relocate portions of existing landscaping as indicated on the detailed landscape drawings and add new landscaping as shown on the drawings. Watering, mulching, fertilizing, pesticide applications, pruning, trash pickup and irrigation shall be done on an as needed basis to insure a well maintained site with healthy and neat landscaping.

## GENERAL NOTES

All work performed shall comply with all requirements of the latest edition of the Florida Building Code & the Zoning ordinance of the City of Miami Beach

Contractor and all subcontractors doing work on this project shall carry liability, property damage and workmens compensation insurance against accidents and owner shall be furnished with certificates of insurance.

Contractor and all subcontractors shall check all dimensions and conditions at job site and be responsible for checking same. Any discrepancies shall be reported to the Architect before proceeding with the work.

All equipment and products shall be installed and maintained as required.

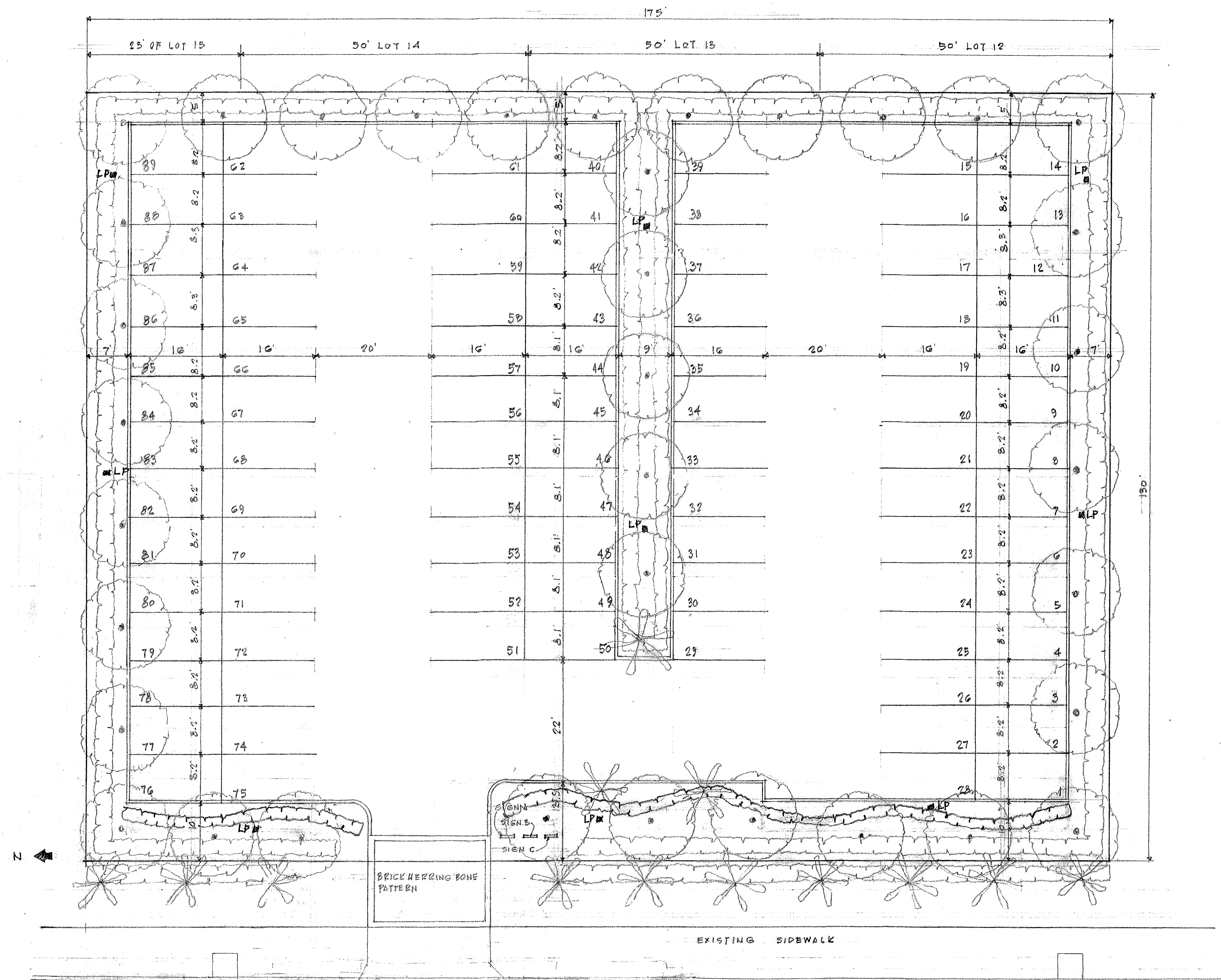
3'-4"  
PRIVATE PARKING LOT  
SELF PARKING TO 6 PM  
VALET PARKING AFTER 6 PM  
NAME OF OPERATOR  
PHONE NUMBER

SIGN C NTS

2'-6"  
**NOTICE**  
Section 46-161  
of the Code of  
the City of  
Miami Beach  
permits your  
car to be towed  
or  
fines imposed  
if your car  
alarm system is  
activated  
improperly.

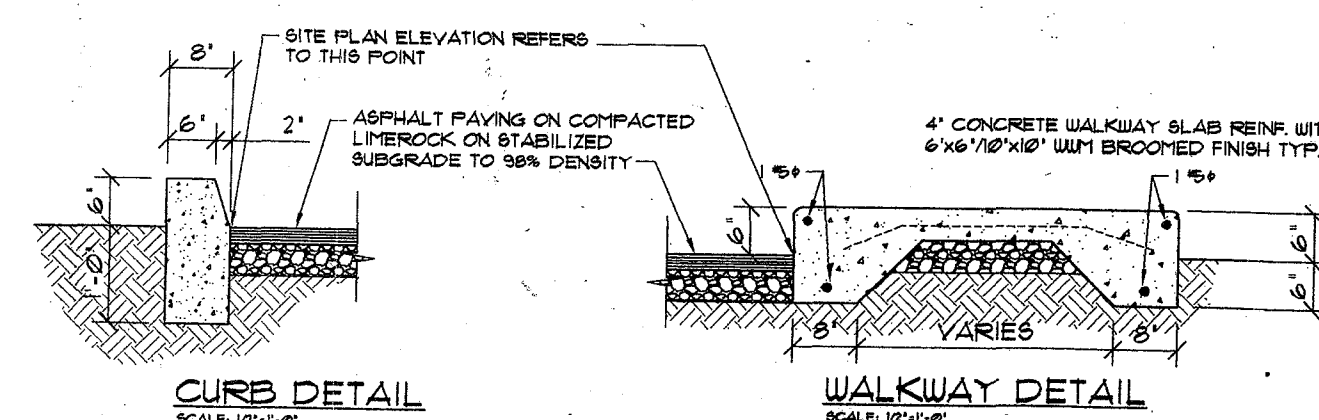
SIGN A NTS  
AS PER MIAMI BEACH SPECS

2'-0"  
**NOTICE**  
**NO**  
**HORN**  
**HONKING**  
**-OR-**  
**TIRE**  
**SCREECHING**



## LIST OF DRAWINGS

- 1 Landscape Plan
- 1a TREE SURVEY
- 2 Landscape Notes and Details
- 3 Site Plan
- 4 Paving, Fencing, Irrigation & Drainage
- 5 Electrical and Photometrics
- 6 Survey



COLLINS AVENUE  
VALET PARKING TALLING 89 SPACES  
FOR LANDSCAPING SEE SHEETS 1 & 2. DO NOT USE THIS SHEET FOR LANDSCAPING  
PARKING STRIPES SHALL BE PAINTED WHITE.

Drawn: J. H. 6/19/12  
Checked: J. H. 4-11-12

REVISIONS	BY
8.8.11	
1.12	

AR 7124

786 242-1949

SITE PLAN

Architect

ALLAN IRA BASS  
8445 SW 120 STREET  
MIAMI, FLORIDA

3  
SHEETS



# AREA A Drainage Calculations

Parking Lot = 2645 s.f. = .06072 Acre

$$V = CIA = (.90)(6.2)(.06072) = .3388176$$

Length of trench required:

$$L = \frac{V}{K(H_2W + 2H_2DU - DU^2 + H_2D^2) + (1.39 \times 10^{-4}) WDU}$$

$$L = \frac{.3388176}{.000104(3.7 \times 3 + 2 \times 3.7 \times 2.7 - 2.7^2 + 2 \times 3.7 \times 11.3 + .00039 \times 3 \times 2.7)}$$

$$L = \frac{.3388176}{.0111706 + .003159} = .0143296 = 23.644595 \text{ ft; USE 25 ft.}$$

# AREA B Drainage Calculations

Parking Lot = 3364 s.f. = .07723 Acre

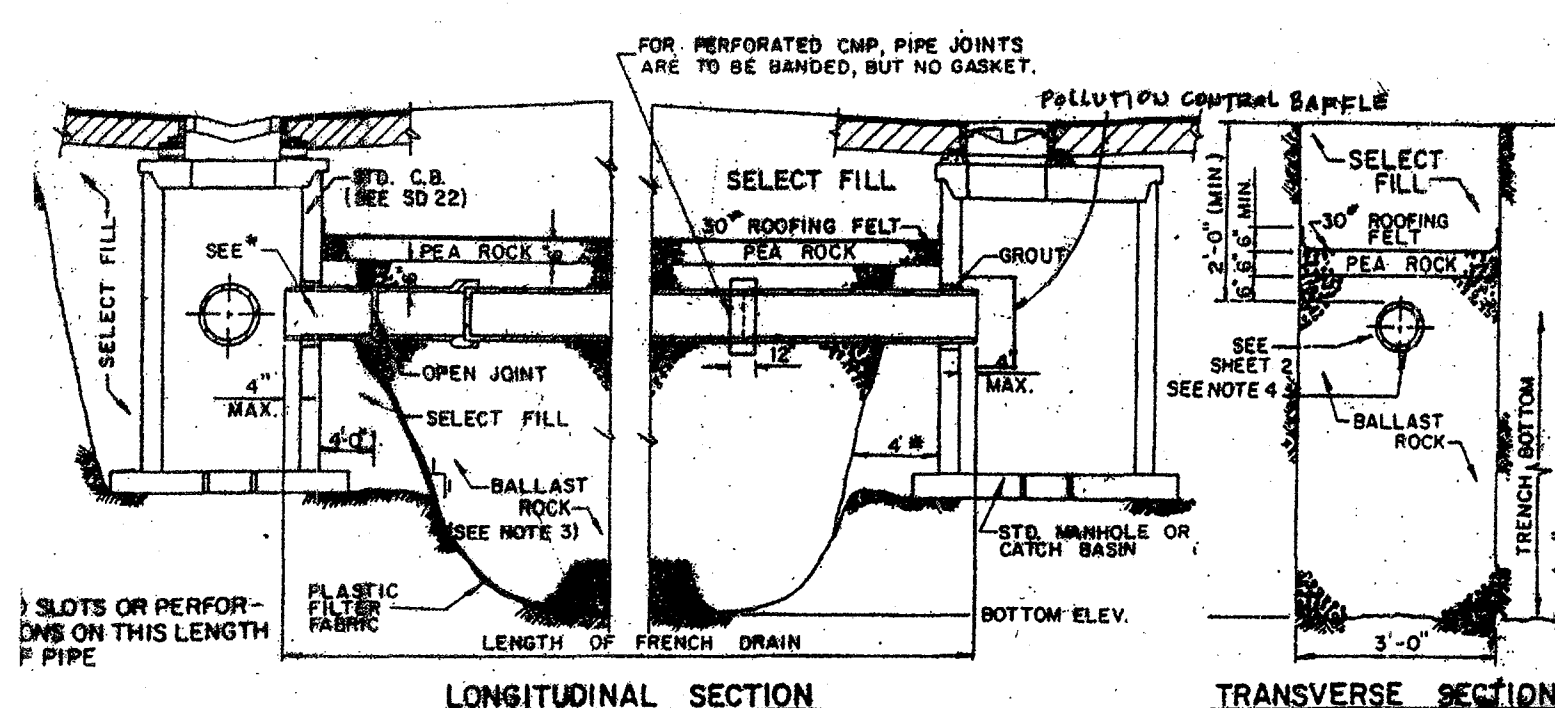
$$V = CIA = (.90)(6.2)(.07723) = .4309434$$

Length of trench required:

$$L = \frac{V}{K(H_2W + 2H_2DU - DU^2 + H_2D^2) + (1.39 \times 10^{-4}) WDU}$$

$$L = \frac{.4309434}{.000104(3.7 \times 3 + 2 \times 3.7 \times 2.7 - 2.7^2 + 2 \times 3.7 \times 11.3 + .00039 \times 3 \times 2.7)}$$

$$L = \frac{.4309434}{.0111706 + .003159} = .014296 = 30.073631 \text{ ft; USE 30 ft.}$$

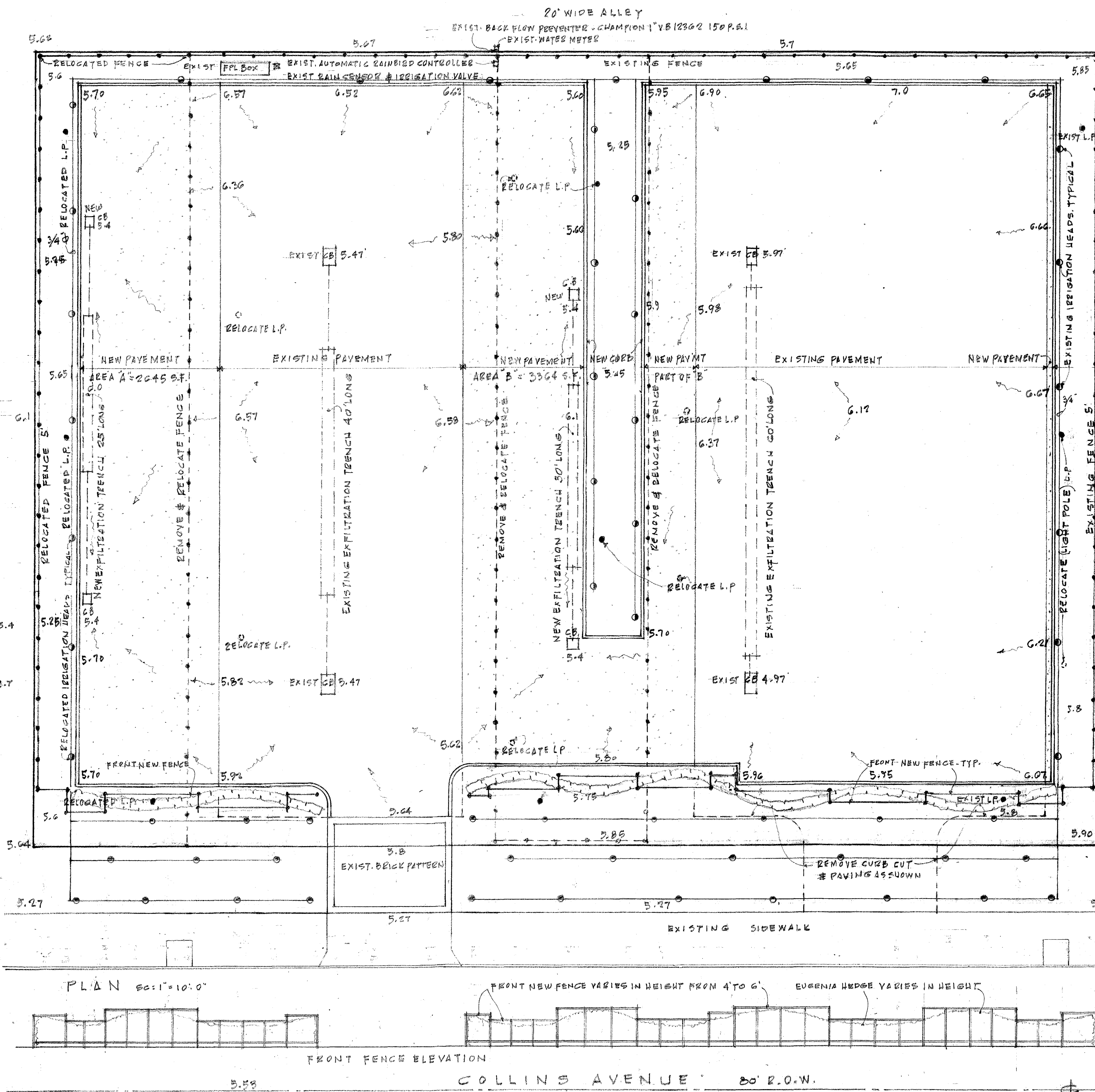


NOTES:  
1. PLASTIC FILTER FABRIC (AT EA SIDE) SHALL BE USED IN SANDY AREAS AS NOTED ON PLANS AND/OR AS DIRECTED BY THE ENGINEER.  
2. THE BOTTOM OF THE INFILTRATION TRENCH SHALL BE 15'-0" BELOW EXISTING GROUND ELEVATION, UNLESS FIELD CONDITIONS WARRANT OTHERWISE.  
3. AFTER THE BALLAST ROCK HAS BEEN PLACED TO THE PROPER ELEVATION, IT SHALL BE CAREFULLY WASHED DOWN WITH CLEAN WATER IN ORDER TO ALLOW FOR INITIAL SETTLEMENT. IF ANY OCCURS, IT SHALL BE REPAIRED. ADDITIONAL BALLAST ROCK WILL BE ADDED TO RESTORE THE TRENCH TO THE PROPER ELEVATION. THE INFILTRATION TRENCH SHALL BE COMPLETED IN ACCORDANCE WITH THE DETAIL. INVERT ELEVATION TO BE AS SHOWN IN W.C. 2.2 (AVG. OCTOBER GROUND WATER LEVEL).

ITEM	DESCRIPTION	QUANTITY	UNIT
1	INFILTRATION TRENCH	25	LINEAL FEET
2	30" ROOFING FELT	100	SQ. YD.
3	SELECT FILL	100	CY
4	15" BALLAST ROCK	100	CY
5	15" PLASTIC FILTER FABRIC	100	SQ. YD.

# EROSION AND SEDIMENT CONTROL NOTES

- THE CONTRACTOR IS RESPONSIBLE FOR REMOVING SILT FROM SITE IF NOT REUSABLE ON-SITE AND ASSURING PLAN ALIGNMENT AND GRADE IN ALL DITCHES AND SWALES AT COMPLETION OF CONSTRUCTION.
- THE SITE CONTRACTOR IS RESPONSIBLE FOR REMOVING THE TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES AFTER COMPLETION OF CONSTRUCTION AND ONLY WHEN AREAS HAVE BEEN STABILIZED.
- ADDITIONAL PROTECTION - ON-SITE PROTECTION MUST BE PROVIDED THAT WILL NOT PERMIT SILT TO LEAVE THE PROJECT CORNERS DUE TO UNFORSEEN CONDITIONS OR ACCIDENTS.
- CONTRACTOR SHALL INSURE THAT ALL DRAINAGE STRUCTURES, PIPES, ETC. ARE CLEANED OUT AND WORKING PROPERLY AT TIME OF ACCEPTANCE.
- WIRE MESH SHALL BE LAID OVER THE TOP DROP INLET SO THAT THE WIRE EXTENDS A MINIMUM OF 1' FOOT BEYOND EACH SIDE OF THE INLET STRUCTURE. HANDWARE CLOTH OR COMPARABLE WIRE MESH WITH 1/2" INCH OPENING SHALL BE USED. IF MORE THAN ONE STRIP OF MESH IS NECESSARY, THE STRIPS SHALL BE OVERLAPPED.
- FOOT NO. 1 COARSE AGGREGATE SHALL BE PLACED OVER THE WIRE MESH AS INDICATED ON DETAIL. THE DEPTH OF STONE SHALL BE AT LEAST 12 INCHES OVER THE ENTIRE INLET OPENING. THE STONE SHALL EXTEND BEYOND THE INLET OPENING AT LEAST 18 INCHES ON ALL SIDES.
- IF THE STONE FILTER BECOMES CLOGGED WITH SEDIMENT SO THAT IT NO LONGER ADEQUATELY PERFORMS ITS FUNCTION, THE STONE MUST BE PULLED AWAY FROM THE INLET, CLEANED AND REPLACED.
- BALE SHALL BE EITHER WIRE-BOUND OR STRING-TIED WITH THE BINDINGS ORIENTED AROUND THE SIDES RATHER THAN OVER AND UNDER THE BALES.
- BALES SHALL BE PLACED LENGTHWISE IN SINGLE ROW SURROUNDING THE INLET, WITH THE ENDS OF ADJACENT BALES PRESSED TOGETHER.
- THE FILTER BARRIER SHALL BE ENTRENCHED AND BACKFILLED. A TRENCH SHALL BE EXCAVATED AROUND THE INLET AND WIDTH OF A BALE TO A MINIMUM DEPTH OF FOUR INCHES. AFTER THE BALES ARE STACKED, THE EXCAVATED SOIL SHALL BE BACKFILLED AND COMPACTED AGAINST THE FILTER BARRIER.
- EACH BALE SHALL BE SECURELY ANCHORED AND HELD IN PLACE BY AT LEAST TWO STAKES OR REBARS DRIVEN THROUGH THE BALE.
- LOOSE STRAW SHOULD BE WEDGED BETWEEN BALE STO PREVENT WATER FROM ENTERING BETWEEN BALES.
- HAYBALE BARRIERS SHALL BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL.
- CLOSE ATTENTION SHALL BE PAID TO THE REPAIR OF DAMAGED BALES, END RUNS AND UNDERCUTTING BENEATH BALES.
- NECESSARY REPAIRS TO BARRIERS OR REPLACEMENT OF BALES SHALL BE ACCOMPLISHED PROMPTLY.
- SEDIMENT DEPOSITS SHOULD BE REMOVED AFTER EACH RAINFALL. THEY MUST BE REMOVED WHEN THE LEVEL OF DEPOSITION REACHES APPROXIMATELY ONE-HALF THE HEIGHT OF THE BARRIER.
- ANY SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE HAYBALE BARRIER IS NO LONGER REQUIRED SHALL BE DRESSED TO CONFORM TO THE EXISTING GRADE, PREPARED AND SEEDED.
- SILT FENCES AND FILTER BARRIERS SHALL BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. ANY REQUIRED REPAIRS SHALL BE MADE IMMEDIATELY.
- SHOULD THE FABRIC ON A SILT FENCE OR FILTER BARRIER DECOMPOSE OR BECOME INEFFECTIVE PRIOR TO THE END OF THE EXPECTED USABLE LIFE AND THE BARRIER IS STILL NECESSARY, THE FABRIC SHALL BE REPLACED PROMPTLY.
- THE STRUCTURE SHALL BE INSPECTED AFTER EACH RAIN AND REPAIRS MADE AS NEEDED.
- SEDIMENT SHALL BE REMOVED AND THE TRAP RESTORED TO ITS ORIGINAL DIMENSIONS WHEN THE SEDIMENT HAS ACCUMULATED TO ONE-HALF THE DESIGN DEPTH OF THE TRAP. REMOVED SEDIMENT SHALL BE DEPOSITED IN A SUITABLE AREA AND IN SUCH A MANNER THAT IT WILL NOT ERODE.
- THE CONTRACTOR IS RESPONSIBLE FOR FOLLOWING THE BEST EROSION AND SEDIMENT CONTROL PRACTICES AS OUTLINED IN THE PLANS, SPECIFICATIONS AND APPLICABLE WATER MANAGEMENT DISTRICT PERMIT(S) FOR THIS PROJECT.
- FOR ADDITIONAL INFORMATION ON SEDIMENT AND EROSION CONTROL REFER TO "THE FLORIDA DEVELOPMENT MANUAL - A GUIDE TO SOUND LAND AND WATER MANAGEMENT" FROM THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION (FDER), CHAPTER 6.
- EROSION AND SEDIMENT CONTROL BARRIERS SHALL BE PLACED ADJACENT TO ALL WETLAND AREAS WHERE THERE IS POTENTIAL FOR DOWNSTREAM WATER QUALITY DEGRADATION.



NOTES:  
1. ANY WORK AND/OR IMPROVEMENTS FROM/TO THE RIGHT-OF-WAY INCLUDING LANDSCAPING & IRRIGATION REQUIRE A SEPARATE CMB PUBLIC WORKS DEPT. RIGHT OF WAY PERMIT.  
2. ALL CONSTRUCTION &/OR USE OF EQUIPMENT IN THE RIGHT OF WAY REQUIRES A SEPARATE PUBLIC WORKS DEPARTMENT CONSTRUCTION PERMIT.  
3. EXISTING PAVEMENT & DRAINAGE HAS BEEN PERMITTED, COMPLETED & APPROVED.  
4. THE CALCULATIONS & DETAILS PERTAIN TO THE NEW WORK.  
5. CONTRACTOR SHALL INSPECT AND UPGRADE THE EXISTING IRRIGATION SYSTEM TO INSURE THAT A 100% COVERAGE & AN AUTOMATIC RAIN SENSOR EXISTS IN ORDER TO RENDER THE SYSTEM INOPERATIVE IN THE EVENT OF RAIN. ALL LANDSCAPED SHALL BE INCLUDED INCLUDING 2.0-W AREAS.  
6. R.O.W. LANDSCAPING SHALL BE COORDINATED WITH CURRENT C.I.P. PROGRAM.  
7. LANDSCAPING MAINTENANCE: FERTILIZE EVERY THREE MONTHS; PRUNE TREES ANNUALLY PRUNE UNDERSTORY PLANTING EVERY THREE WEEKS; TRASH PICKUP DAILY; PESTICIDE EVERY SIX MONTHS; MULCH EVERY THREE MONTHS TO INSURE 3" THICKNESS.  
8. LIGHTPOLES ON THE INTERIOR SIDES OF THE LOT & WITHIN THE REQUIRED SETBACKS SHALL NOT EXCEED 10' IN HEIGHT.

REVISIONS	BY
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AR 7124  
786 242-1949  
Allan Ira Bass \* Architect  
8445 sw 120 Street  
Miami, Florida

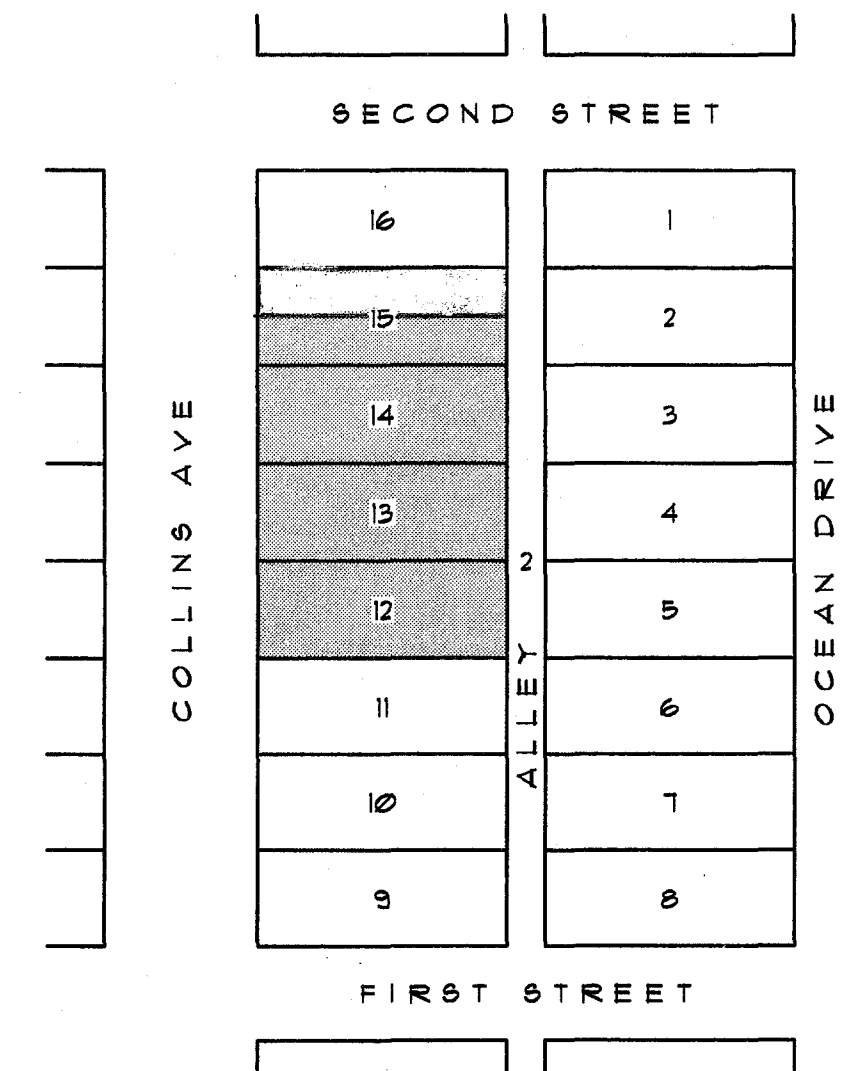
Paving, Fencing, Irrigation & Drainage  
**Kaine Parking**  
125 Collins Avenue Miami Beach, Florida

DRAWN	A.I.B.
CHECKED	A.I.B.
DATE	3-11
SCALE	AS SHOWN
JOB NO.	
SHEET	
4	
OF	SHEETS



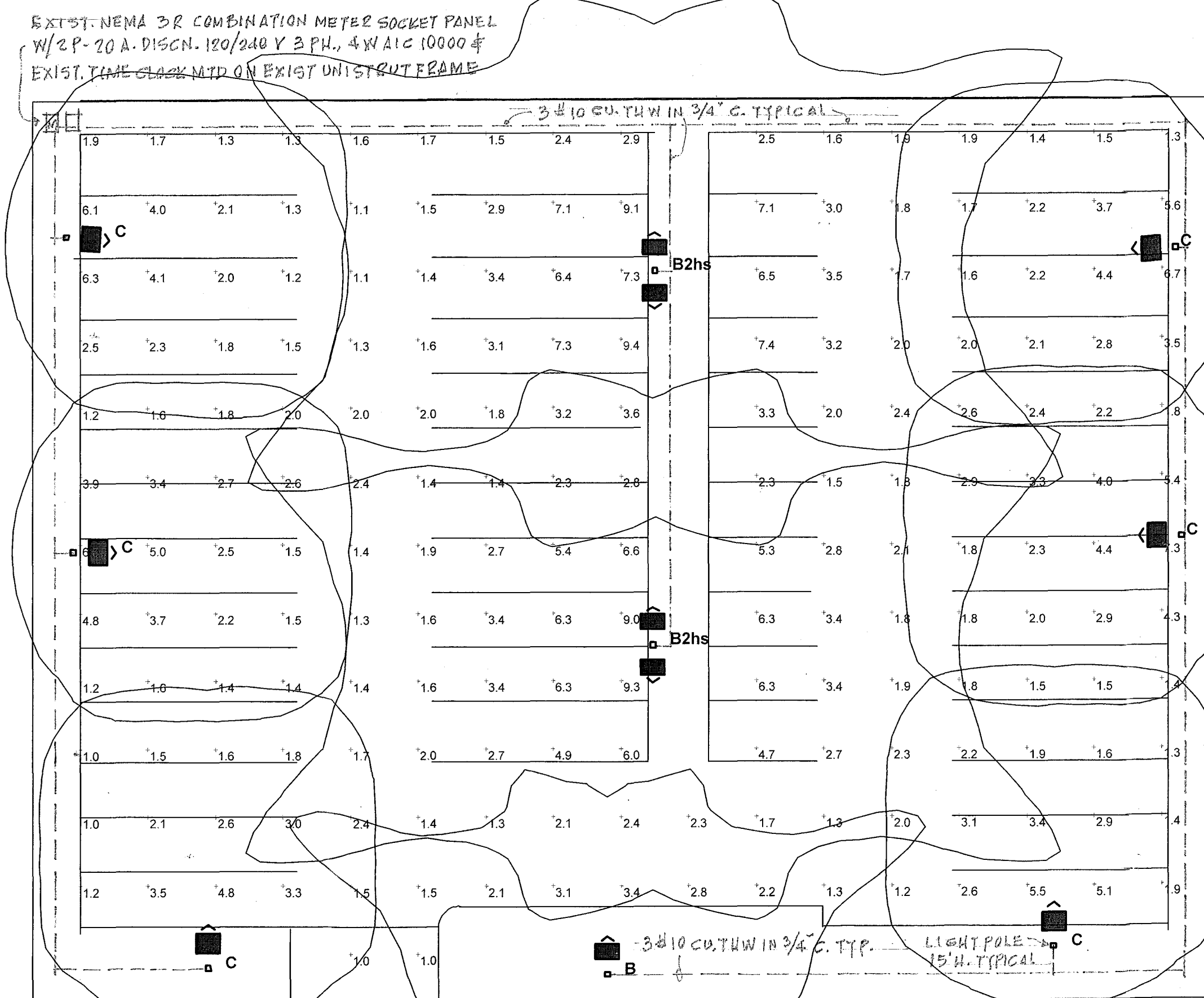
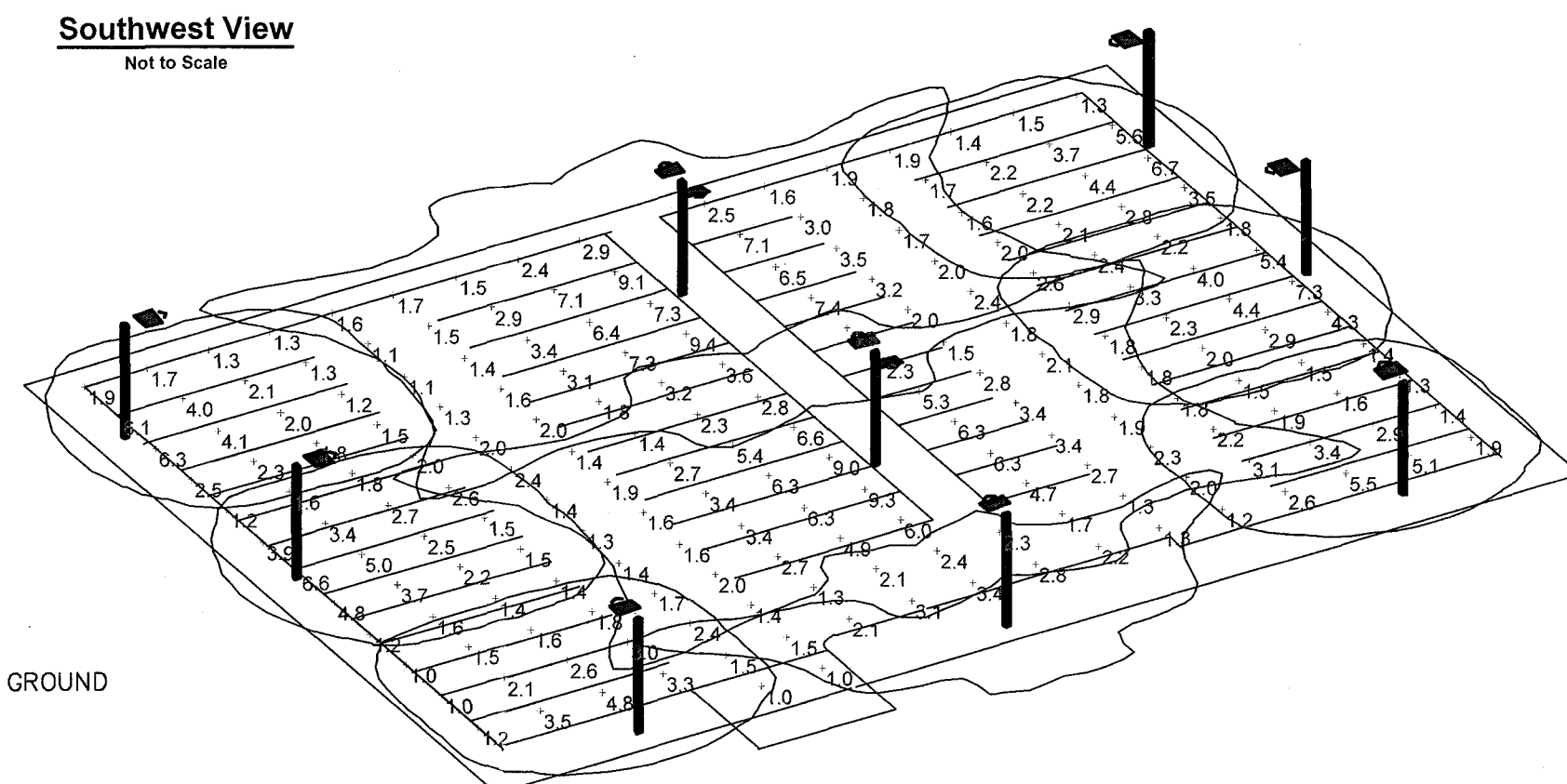
## ELECTRICAL NOTES

1. General
  - A. All work performed under this contract shall comply with all national, state and local codes having jurisdiction and with the requirements of the utility companies whose services shall be used. All modifications required by these codes shall be made by this contractor without additional charge.
  - B. Drawings: Refer to all drawings for coordination of the electrical work.
  - C. Arrange and pay for all permits, licenses, inspections and tests. Obtain the required certificates and present to owner.
  - D. Guarantee: The completed installation shall be fully guaranteed against defective materials and/or improper workmanship for minimum of one year for material and labor.
2. Contractor is directed to review the building plans and specifications for limitations of materials and products, definition of workmanship. This contractor shall include his bid proposal all costs necessary for a complete and operational installation and shall visit the job site prior to a bid date. Contractor needs to establish a field liaison with project supervisor, prior to commencing work.
3. All required insurance shall be provided for protection against public liability and property damage for duration of the work.
4. It shall not be the intent of these plans and/or specifications to show every minor detail of construction. The electrical contractor shall be expected to furnish and install all items for a complete electrical system and provide all requirements necessary for equipment to be placed in proper working order.
5. Electrical contractor shall not scale drawings. Contractor shall refer to architectural plans and elevations for exact locations of all equipment unless otherwise noted.
6. All conduit runs are shown diagrammatically. Exact routing shall be determined in the field, unless otherwise noted.
7. Electrical contractor shall visit the job site and verify all conditions, locations, dimensions and counts as shown and/or noted on the drawings. This shall include any and all fabrications prior to installations.
8. As a minimum, all equipment shall meet applicable standards, for the type of equipment and intended use, of the following:
  - a. American National Standards Institute (ASTM).
  - b. Illuminating Engineers Society (IES).
  - c. American Society for Testing and Materials (ASTM).
  - d. National Electrical Manufacturers Association (NEMA).
9. Note: These standards are subordinate to codes, and standards set by UL.
10. All electrical equipment, devices, wire, ect. shall be listed, for the intended use, with Underwriter laboratories, Inc. (UL), where standards have been established by UL.
11. As-built drawings shall be furnished to the owner upon completion of work.
12. Wiring devices to be spec. grade.
13. Where more than one devices is indicated at any location, these shall be ganged under one common cover plate.
14. Contractor shall coordinate with electric and telephone utility for service entrance location and any other requirements.



LOCATION PLAN

1" = 200'

0 50' 100' 200'  
SCALE: 1" = 200'Plan View  
Scale 1" = 16'Southwest View  
Not to ScaleSouth Elevation  
Scale 1" = 40'

## STATISTICS

Description	Symbol	Avg	Max	Min	Max/Min
Calc Zone #7	+	2.9 fc	9.4 fc	1.0 fc	9.4:1

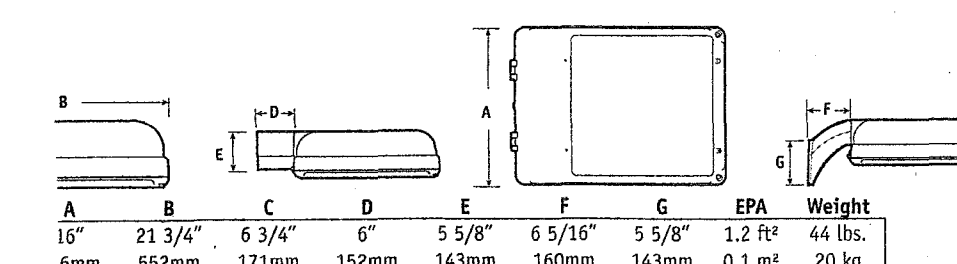
## LUMINAIRE LOCATIONS

No.	Label	Location	X	Y	MH	Orientation	Tilt	X	Aim	Y
1	C	5.0	120.0	15.0	93.8	0.0	6.2	119.9		
2	C	6.0	74.0	15.0	90.0	0.0	7.2	74.0		
3	C	25.9	13.0	15.0	-0.3	0.0	25.9	14.2		
4	C	169.0	118.0	15.0	267.9	0.0	167.8	118.0		
5	C	170.0	76.0	15.0	-90.0	0.0	168.8	76.0		
6	C	151.0	16.0	15.0	0.0	0.0	151.0	17.2		
7	B2hs	91.7	60.3	15.0	180.0	5.0				
8	B2hs	92.0	115.0	15.0	-0.2	5.0				
9	B	85.0	12.0	15.0	0.0	0.0	85.0	13.1		

## 22 ft. TYPE I-O POLE

1380 N.E. 48th Street  
Pompano Beach, FL 33064  
PHONE: (954) 781-4040  
(800) 749-4041  
FAX: (954) 781-3539 SALES & ADMINISTRATIVE

Pre-Cast Specialties, Inc.  
Precast and Prestressed Concrete



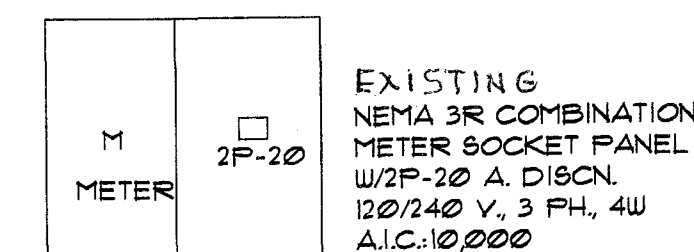
LIGHT FIXTURE NTS

LENGTH OF POLE	22 FT.
EMBEDMENT SPECIFIED	7 FT.
HEIGHT ABOVE GROUND	15 FT.
WEIGHT	900 LBS.
WIND VELOCITY (mph)	160 170 180
MAXIMUM EPA* (sq. ft.)	5.3 3.5 1.4

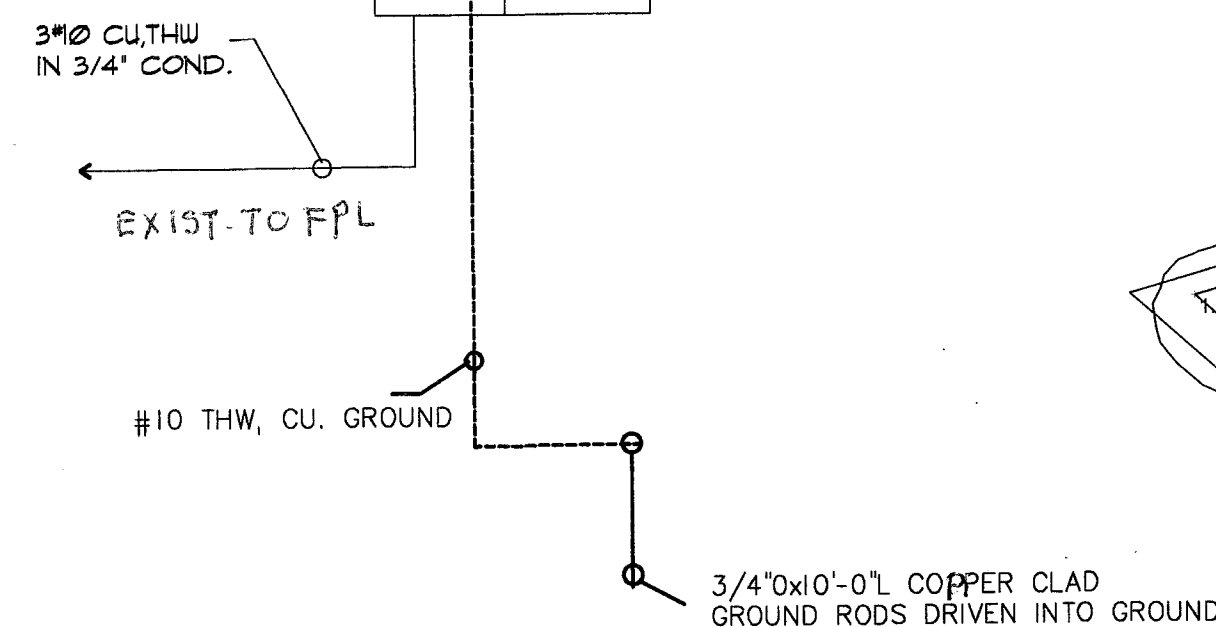
Above embedment shown in Sand.  
Other embedment depth may be  
required for other soil condition.

STANDARD PIPE TENON SIZE	
Nominal Diameter (in)	Outside Diameter (in)
2"	2 3/8"
2 1/2"	2 7/8"
3"	3 1/2"
3 1/2"	4"
4"	4 1/2"

Please order tenon  
by nominal diameter.



EXISTING  
NEMA 3R COMBINATION  
METER SOCKET PANEL  
120/240 V, 3 PH, 4W  
A.I.C. 10000



EXISTING  
ELECTRICAL RISER DIAG. NTS

## LUMINAIRE SCHEDULE

Symbol	Label	Qty	Catalog Number	Description	Lamp	Lumens	LLF	Watts
■	B	1	CR1-H17-H3-HS	CIMARRON RECTANGULAR AREA LIGHT TYPE III REFLECTOR CLEAR FLAT LENS, INTERNAL HOUSE SHIELD	150W CLEAR ED-28 METAL HALIDE, HORIZONTAL POSITION	12500	0.72	210
■	C	6	CR1-H17-H4-HS	CIMARRON RECTANGULAR AREA LIGHT TYPE IV REFLECTOR CLEAR FLAT LENS, INTERNAL HOUSE SHIELD	150W CLEAR ED-28 METAL HALIDE, HORIZONTAL POSITION	12500	0.72	210
■	B2hs	2	CR1-H17-H3-HS	CIMARRON RECTANGULAR AREA LIGHT TYPE III REFLECTOR CLEAR FLAT LENS, INTERNAL HOUSE SHIELD	150W CLEAR ED-28 METAL HALIDE, HORIZONTAL POSITION	25000	0.72	420

REVISIONS	BY
4-12	

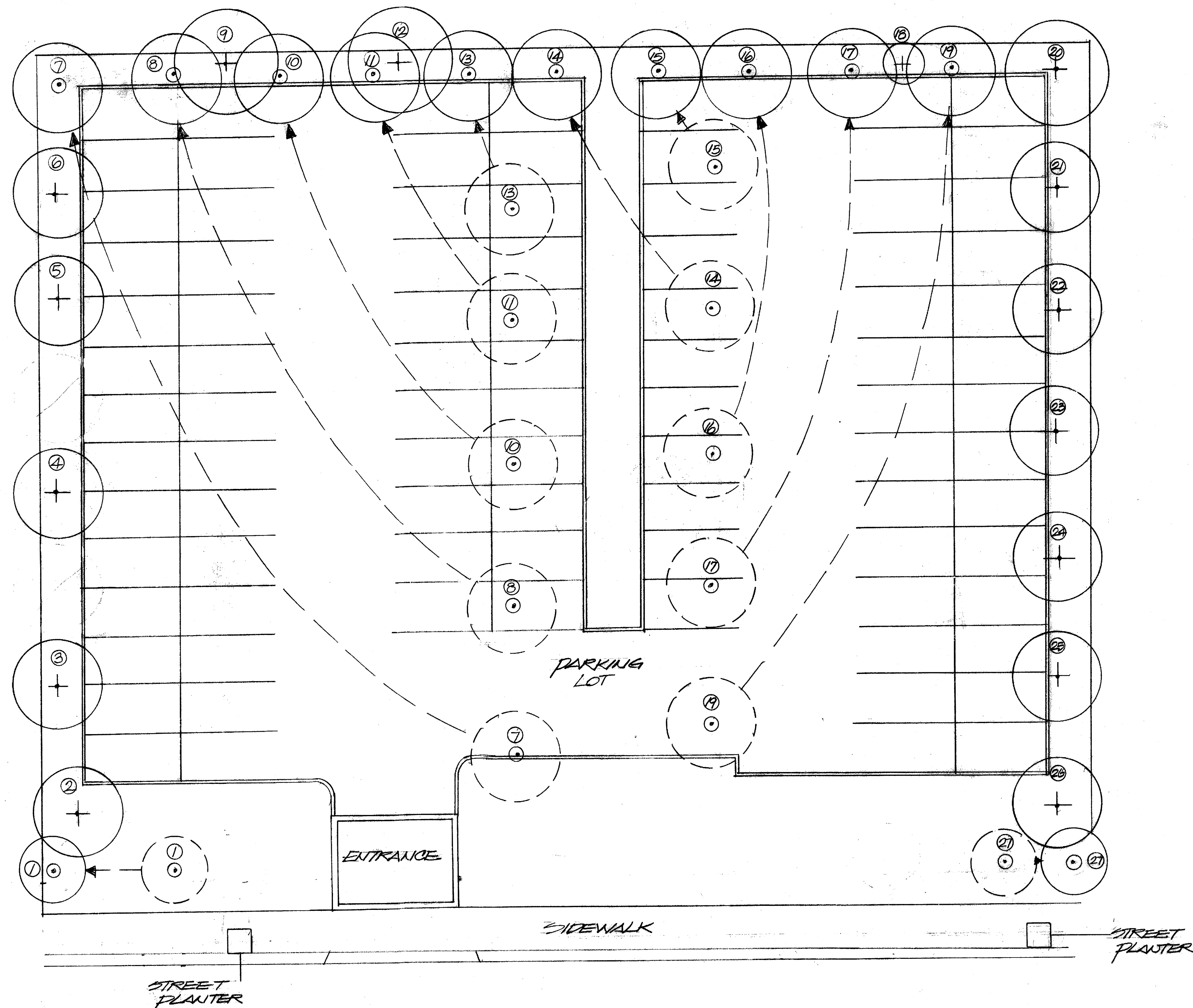
AR 7124  
786 242-1949  
Allan Ira Bass \* Architect  
Miami, Florida  
8445 sw 120 Street

ELECTRICAL & PHOTOMETRICS  
Kaine Parking  
125 Collins Avenue Miami Beach, Florida

DRAWN	A.L.B.
CHECKED	A.L.B.
DATE	5-11
SCALE	AS SHOWN
JOB NO.	
SHEET	5
OF	SHEETS



- ① COCONUT PALM (COCCOS NUCIFERA)  
DBH 8" CANOPY 15' HEIGHT 15' (RELOCATED)
- ② GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 3" CANOPY 10' HEIGHT 12' (REMAIN)
- ③ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 4" CANOPY 12' HEIGHT 12' (REMAIN)
- ④ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 3" CANOPY 10' HEIGHT 10' (REMAIN)
- ⑤ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 4" CANOPY 10' HEIGHT 12' (REMAIN)
- ⑥ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 3" CANOPY 6' HEIGHT 12' (REMAIN)
- ⑦ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 3" CANOPY 15' HEIGHT 15' (RELOCATED)
- ⑧ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 8" CANOPY 15' HEIGHT 18' (RELOCATED)
- ⑨ CALOPHYLLUM TREE (CALOPHYLLUM ANTILLANUM)  
DBH 12" CANOPY 40' HEIGHT 40' (REMAIN)
- ⑩ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 10" CANOPY 20' HEIGHT 18' (RELOCATED)
- ⑪ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 3" CANOPY 10' HEIGHT 12' (RELOCATED)
- ⑫ CALOPHYLLUM TREE (CALOPHYLLUM ANTILLANUM)  
DBH 12" CANOPY 40' HEIGHT 40' (REMAIN)
- ⑬ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 12" CANOPY 20' HEIGHT 20' (RELOCATED)
- ⑭ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 7" CANOPY 15' HEIGHT 15' (RELOCATED)
- ⑮ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 4" CANOPY 10' HEIGHT 12' (RELOCATED)
- ⑯ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 6" CANOPY 15' HEIGHT 15' (RELOCATED)
- ⑰ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 3" CANOPY 10' HEIGHT 8' (RELOCATED)
- ⑱ SABAL PALM  
DBH 12" CANOPY 10' HEIGHT 15' (REMAIN)
- ⑲ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 7" CANOPY 15' HEIGHT 12' (RELOCATED)
- ⑳ SEAGRASS TREE (COCCOLOBA UNIFERA)  
DBH 12" CANOPY 25' HEIGHT 20' (REMAIN)
- ㉑ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 8" CANOPY 15' HEIGHT 20' (REMAIN)
- ㉒ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 4" CANOPY 15' HEIGHT 15' (REMAIN)
- ㉓ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 4" CANOPY 10' HEIGHT 15' (REMAIN)
- ㉔ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 12" CANOPY 10' HEIGHT 15' (REMAIN)
- ㉕ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 3" CANOPY 6' HEIGHT 10' (REMAIN)
- ㉖ GREEN BUTTONWOOD TREE (CONOCARPUS ERECTUS)  
DBH 4" CANOPY 10' HEIGHT 12' (REMAIN)
- ㉗ COCONUT PALM (COCCOS NUCIFERA)  
DBH 8" CANOPY 15' HEIGHT 15' (RELOCATED)



- ① REMAIN (EXISTING TREES TO STAY IN EXISTING LOCATION)
- ② RELOCATED (PRESENT LOCATION)
- ③ RELOCATED (NEW LOCATION WHERE TREES ARE RELOCATED TO)

	Date		<p><b>KATIE PARKING</b>  <b>125 COLLINS AVE.</b>  <b>MIAMI BEACH, FL.</b></p>	<p>786-2421949    AR 71-24          ALLAN IRA BISS - ARCHITECT          8445 SW 120 ST MIAMI, FLORIDA</p>	<p>TREE          SURVEY          SCALE: 1/16"=FOOT</p>	<p>JOHN C SHIELDS, AIA          LANDSCAPE ARCHITECT          MIAMI, FLORIDA</p>	REVISIONS	B
	Scale	1"=10'-0"					4.	
	Drawn	JCS						
	Job							
	Sheet	1/a						
	Of _____ Sheets							

Comp: JH 4/13/12

# **Exhibit “5”**



**VIA EMAIL**

September 8, 2022

Paul A. Shelowitz  
Direct: 305-789-9394  
Email: [pshelowitz@stroock.com](mailto:pshelowitz@stroock.com)

Mr. Thomas Mooney  
City of Miami Beach  
Planning Department  
1700 Convention Center Drive  
2<sup>nd</sup> Floor  
Miami Beach, FL 33139

Dear Mr. Mooney:

We represent 157 Collins Avenue, LLC, owner of the real property on which Big Pink Restaurant and Ted's Hideaway (Collins Avenue and 2<sup>nd</sup> Street, Miami Beach) are located.

As you will recall, a "one building site" issue came up with respect to our client's property in early 2016. The then-owner of the adjacent property, Lawrence Kaine, attempted to erect a fence along the driveway next to Big Pink Restaurant. Our client's counsel, Graham Penn, Esq., sent you a letter supporting a determination of a "one building site" (see attached). Based on the facts and circumstances set forth therein (partially restated herein), the City of Miami Beach issued a stop work order. When Mr. Kaine obeyed that order, the issue, at least at that time, appeared to be resolved.

Recently, 125 Collins LLC acquired Mr. Kaine's property. Its north property line is immediately adjacent to our client's property—where Big Pink Restaurant and Ted's Hideaway have operated for more than 25 years. While 125 Collins LLC's precise development plans are unclear, 125 Collins LLC has told our client that it believes it has the right to erect a fence on its property immediately adjacent to our client's property. As you will recall, the close proximity of the two properties is such that: (1) the fire exit emergency doors for both Big Pink Restaurant and Ted's Hideaway exit immediately onto 125 Collins LLC's property; (2) access to 125 Collins LLC's property is necessary for life safety/fire egress from both Big Pink Restaurant and Ted's Hideaway; and (3) access to 125 Collins LLC's property is necessary for Big Pink Restaurant and Ted's Hideaway deliveries and garbage removal. In addition, the grease trap which serves Ted's Hideaway is located on (and under) 125 Collins LLC's property.

**DETAILED FACTS:** Our client's property is identified by Miami-Dade County Tax Folio No. 02-4203-003-0300 and is legally described as Lot 16 of Block 2 in Ocean Beach Subdivision. It is improved with a 2-story building that was constructed in 1925 and fronts on Collins Avenue. Built by J.G. Leinecker, the Commercial Property is individually listed in the City of Miami Beach ("City") Historic Properties Database as a

contributing building in the Ocean Beach Local Historic District. The site has been in continuous use for commercial purposes since the time of the building's construction and now serves as the home of the "Big Pink" restaurant and "Ted's Hideaway" lounge.

The uses on the site have long been served by a 25' wide strip of land which abuts our client's property and serves as an accessory alleyway behind the restaurant (hereinafter referred to as the "Strip"). Identified by Miami-Dade County Tax Folio No. 02-4203-003-0290 and legally described as the North ½ of Lot 15 of Block 2 in Ocean Beach Subdivision, the Strip has been used for literally decades to service "back of house" facilities for Big Pink Restaurant and Ted's Hideaway. Previously, the Strip, along with the south half of Lot 15, had been developed with a 2,500 square foot building that was demolished and replaced with a paved lot in 1971.

The ownership of both sites over the last several decades reflects their joint use. The previous owner of the Strip, Mr. Kaine, purchased what is now our client's property in 1983. He purchased the Strip in 1986. During Mr. Kaine's ownership of the combined parcels, significant utilities and services for what is now our client's property were installed and maintained on the Strip. For example, electrical utilities were allowed to encroach into the Strip and grease traps were installed.

Since 1996, our client has operated Big Pink Restaurant. Initially, our client leased the Big Pink Restaurant property from Mr. Kaine. Our client acquired fee title to the Big Pink Restaurant property in 2008.

Mr. Kaine never assembled the Strip with any other land i.e., Mr. Kaine owned the adjacent properties, Lots 12, 13, 14, and the south ½ of Lot 15, since 1986 and never sought to join them with the Strip. To the contrary, Mr. Kaine sought and obtained Conditional Use Approval to allow the operation of a parking lot on those neighboring lots and that site is currently an approved lot (the "Parking Lot"). Pursuant to the conditions of the recorded order for Planning Board File No. 1495, dense landscape screening and a fence has been installed along the perimeter boundary of the Parking Lot, including the property line between the Strip and the Parking Lot.

The Strip serves as a means of ingress and egress, and contains several encroaching utility, mechanical, and electrical improvements that serve and support Big Pink Restaurant and Ted's Hideaway's operations. Accordingly, when viewed together, our client's property and the Strip satisfy the Code's definition for "one building site," which is defined in Section 114-1 as:

"any improved lot, plot, or parcel of land where there may exist a main permitted structure and any accessory/auxiliary building or structure including, but not limited to, swimming pools, tennis courts, walls, fences,

Mr. Thomas Mooney  
City of Miami Beach  
Planning Department  
September 8, 2022  
Page 3

or any other improvement which was heretofore constructed on property containing one or more platted lots or portions thereof shall constitute one building site.”

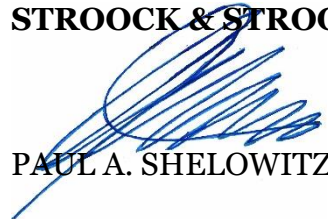
**REQUEST FOR FORMAL INTERPRETATION:** Based on the above, our client seeks a formal interpretation by the City of Miami Beach that our client’s property and the Strip constitute “one building site” pursuant to Section 118-564 of the Miami Beach Code of Ordinances. We further seek a formal interpretation that, as “one building site,” in order to develop the Strip (including erecting a fence), 125 Collins LLC would be required to process a “lot split” with the City of Miami Beach which would require our client’s written consent.

Should you require any further information, please let us know.

Thank you for your attention to this matter.

Sincerely,

**STROOCK & STROOCK & LAVAN LLP**



PAUL A. SHELOWITZ

Encl.