MIAMIBEACH

Planning Department, 1700 Convention Center Drive 2nd Floor
Miami Beach, Florida 33139, www.miamibeachfl.gov
305.673.7550

Property address: 1600 ALTON ROAD **Board:** PB20-0379 **Date:** 9-1-2020

BOARD APPLICATION CHECK LIST

A Pre-Application meeting must be scheduled via CSS to obtain a plan case number and for board staff review of all submittals, and review by the Development Review Committee, as needed.

Pre-Application meetings for applications that do not require a traffic study are scheduled on a first come-first served basis and must occur no later that five(5) business days prior to CSS First submittal.

Applications requiring a traffic study must meet with Planning, Transportation, and peer reviewer sixty (60) days* prior to First submittal deadline to determine the methodology for the traffic impact study. This meeting is considered the "Pre-Application meeting" and must be scheduled via CSS to obtain a plan case number for review and payment of fees. Thirty (30) days before First submittal, applicant must provide the traffic study via CSS (see Transportation Department's requirements check list). The Transportation Department/Peer Reviewer will submit first round of comments 15 days prior to First submittal. Applicant must address comments and submit revised traffic study/plans for CSS First submittal deadline.

Incomplete, or submittals found to be insufficient will not be placed on a Board agenda.

ITEM #	**FIRST SUBMITTAL** (VIA CSS) **, **To be uploaded online (CSS) by the applicant before 5:00 pm by First submittal deadline. ALL PLANS MUST BE DIMENSIONED AND LEGIBLE. INCLUDE A GRAPHIC SCALE.**	Required
1	Application Fee and Peer review fees shall be paid after Pre-Application meeting and before the First submittal. It is the applicant's responsibility to make this payment, if an invoice is not generated by the CSS system, the applicant should contact staff prior to first submittal to be invoiced and make payment.	X
2	Is the property the primary residence & homestead of the applicant/property owner? (If yes, provide office of the Property Appraiser Summary Report).	
3	Copy of signed and dated check list issued at Pre-Application meeting or Design Review Committee meeting.	X
4	Completed Board Application, Affidavits & Disclosures of Interest (original signatures).	X
5	Signed and dated Letter of Intent. **Letter must outline application details and identify hardships if Variances are requested**. (see also Items # 44, 45 & 46).	X
6	Mailing Labels: Upload property owner's list and copy of original certified letter from provider. See #52 for submittal of Hard copy / originals of these items.	X
7	Copies of all current or previously active Business Tax Receipts if applicable.	X
8	Copies of previous recorded final Orders if applicable.	X
9	School Concurrency Application for projects with a net increase in residential units (no SFH). Provide Planning Department - Miami Dade - School Concurrency Application for Transmittal	
10	Survey: Electronic version of original signed & sealed, dated no more than six months from date of application. Survey must provide: lot area, grade per Section 114-1 of the City Code. (If no sidewalk exists, provide the elevation of the crown of the road) and spot elevations.	X
11	**Architectural Plans and Exhibits (must be 11"x 17")**	X
a	Cover Sheet with bullet point scope of work, clearly labeled "First Submittal" and dated with First Submittal deadline date.	X
b	Copy of the original survey included in plan package. See No. 10 above for survey requirements	X
c	All Applicable Zoning Information (Use Planning Department zoning data sheet format).	X
d	Context Location Plan, Min 8.5"X11" Color Aerial 1/2 mile radius, identifying project and showing name of streets. (no Google images)	X
e	Full legal description of the property if not included in survey (for lengthy legal descriptions, attach as a separate document - label clearly).	X
f	Existing FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable	X
g	Proposed FAR Shaded Diagrams(Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable.	X

*** 30 day lead time from first submittal for projects requiring traffic studies is necessary to ensure completion of review and required corrections by Final submittal deadline. Applications cannot be scheduled without evaluated and corrected traffic studies.**

Indicate N/A If Not Applicable

Initials: AG

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h	Site Plan (fully dimensioned with setbacks, existing and proposed, including adjacent right-of-way widths).	X
i	Current color photographs, dated, Min 4"x 6" of project site and existing structures (no Google images)	X
j	Current, color photographs, dated, Min 4"x6" of interior space (no Google images)	X
k	Current color photographs, dated, Min 4"x 6" of context, corner to corner, across the street and surrounding properties with a key directional plan (no Google images)	X
l	Existing Conditions Drawings (Floor Plans & Elevations with dimensions). Number of seats, furniture layout if applicable	X
m	Demolition Plans (Floor Plans & Elevations with dimensions)	X
n	Proposed Floor Plans and Roof Plan, including mechanical equipment plan and section marks. Plans shall indicate location of all property lines and setbacks.	X
o	Proposed Elevations, materials & finishes noted (showing grade, base flood elevation, heights in NGVD values and free board if applicable)	X
p	Proposed Section Drawings	X
q	Color Renderings (elevations and three dimensional perspective drawings).	
12	**Landscape Plans and Exhibits (must be 11"x 17")**	
a	Tree Survey	
b	Tree Disposition Plan	
c	Landscape Plan- private property and right-of-way areas. Proposed landscaping with landscape legend form, hardscape areas, ground floor equipment, overhead and underground utilities information.	
d	Hardscape Plan, i.e. paving materials, pattern, etc.	
e	Landscape lighting	

13	Copy of original Building Permit Card, & Microfilm, if available.	
14	Copy of previously approved building permits. (provide building permit number). ARCH FLOOR PLANS + OCC INFO	X
15	Existing and Proposed detailed topographic survey depicting existing spot grades (NAVD) as well as all underground/overhead utilities and easements/agreements with recording data.	
16	Vacant/Unoccupied structures or sites shall provide recent photographic evidence that the site and structure are secured and maintained. The applicant shall obtain and post a No Trespassing Sign from the City's Police Dept.	
17	Historic Resources Report (This report shall include, but not be limited to, copy of the original Building Permit Card and subsequent modifications, Microfilm records, existing condition analysis, photographic and written description of the history and evolution of the original building on the site, all available historic data including original plans, historic photographs and permit history of the structure and any other related information on the property.	
18	Contextual Elevation Line Drawings, corner to corner, across the street and surrounding properties (dated).	
19	Line of Sight studies.	
20	Structural Analysis of existing building including methodology for shoring and bracing.	
21	Proposed exterior and interior lighting plan, including photometric calculations.	
22	Exploded Axonometric Diagram (showing second floor in relationship to first floor).	
23	Neighborhood Context Study. (Planning will provide guidance if necessary for application.)	
24	Required yards open space calculations and shaded diagrams.	
25	Required yards section drawings.	
26	Variance and/or Waiver Diagram.	
27	Schematic signage program	
28	Detailed sign(s) with dimensions and elevation drawings showing exact location.	
29	Elevation drawings showing area of building façade for sign calculation (Building ID signs).	
30	Daytime and nighttime renderings for illuminated signs.	
31	Floor Plan Indicating area where alcoholic beverages will be displayed.	
32	Survey showing width of the canal (Dimension shall be certified by a surveyor)	
33	Site Plan showing total projection of structures from seawall, location and dimension of all structures inclusive of dock, mooring piles, boat lift, etc.	

Indicate N/A If Not Applicable

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34	Technical specifications of the boat lift and/ or boat, ship of vessel to be docked or moored.	
35	DERM recommendation/preliminary approval. Docks or any structures shall have approval stamp from DERM or other regulatory agency before submitting for a variance. A letter from DERM or other agency, explaining specific requirements for the project is recommended.	
36	Survey with spot elevations in rear yard and elevation points on the dune adjacent to the property. Provide highest elevation point on the dune within the property. Erosion control line and Bulkhead line shall be indicated if present.	
37	Scaled, signed, sealed and dated specific purpose survey (Alcohol License/Distance Separation) distance shown on survey with a straight line.	
38	Proposed Operational Plan: Include deliveries and trash pickup times, hours of operations, number of employees, security and restaurant menu (if applicable).	X
39	Maneuvering plan for loading within the existing/proposed conditions, delivery and garbage trucks size (length and width).	X
40	Traffic Study, Site plan(s) : Revised version addressing first round of comments from Transportation Department and peer review. (See Transportation Department check list for requirements.)	X
41	Sound Study report (Hard copy) with 1 CD.	X
42	**Site Plan (Identify streets and alleys)**	
a	Identify: setbacks _____Height_____Drive aisle widths_____Streets and sidewalks widths X	
b	# parking spaces & dimensions X Loading spaces locations & dimensions X	
c	# of bicycle parking spaces_____	
d	Interior and loading area location & dimensions X	
e	Street level trash room location and dimensions X	
f	Delivery route_____Sanitation operation_____ Valet drop-off & pick-up_____Valet route in and out_____	
g	Valet route to and from _____auto-turn analysis for delivery and sanitation vehicles_____	
h	Indicate any backflow preventer and FPL vault if applicable	
i	Indicate location of the area included in the application if applicable	
j	Preliminary on-street loading plan	
43	**Floor Plan (dimensioned)**	X
a	Total floor area	X
b	Identify # seats indoors X outdoors X seating in public right of way _____ Total X	X
c	Occupancy load indoors and outdoors per venue_____ Total when applicable_____	
44	**The letter of Intent shall include and respond to all sea level rise and resiliency review criteria per section 133-50 of the City Code.**	X
45	**The Letter of Intent for Variances shall include and respond to all review guidelines in the code as follows:**	
a	Section 118-353 (d) of the City Code for each Variance.	
46	**The Letter of Intent for Planning Board shall include and respond to all review guidelines in the code as follows:**	
a	For Conditional Use -Section 118-192 (a)(1)-(7)	X
b	CU - NIE and or outdoor Entertainment Establishments - Section 142-1362 (a)(1)-(9)	X
c	CU - Mechanical Parking - Section 130-38 (3)(c)(i)(1)-(2) & (5)(a)-(k) & (6)(a)-(g)	
d	CU - Structures over 50,000 SQ.FT. - Section 118-192 (b) (1)-(11)	
e	CU - Religious Institutions - Section 118-192 (c) (1)-(11)	
f	For Lot Splits - Section 118-321 (B) (1)-(6). Also see Item # 47	
47	**Lot Splits**	
a	Conceptual masing study to show the ability to comply with all single family zoning requirements for the maximum size home proposed.	
b	A survey showing the existing lot configuration and individual surveys per each proposed lot.	
c	Conceptual Site Plan for each lot showing compliance with zoning regulations.	
d	Submit opinion of title	

Indicate N/A If Not Applicable

Initials: AG

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Notes: The applicant is responsible for checking above referenced sections of the Code.

ITEM #	**FINAL SUBMITTAL (via CSS & PAPER)** **Revised and/or supplemented documents and drawings to address staff comments. Plans should be clearly labeled "Final Submittal" and dated with Final Submittal deadline date.** **Upload documents online (via CSS) before NOON on final submittal deadline. Staff will review and issue a notice to proceed to Paper Final submittal or to continue submittal to a future meeting if the application is found incomplete.**	**Required**
48	Traffic Study, Site plan(s): This is the final traffic study including any modifications required to address comments from the City's Transportation Department. City's required permit by FDOT should be obtained prior to Final submittal (via CSS).	X
	PAPER FINAL SUBMITTAL:	
49	Original application with all signed and notarized applicable affidavits and disclosures.	X
50	Original of all applicable items.	X
51	One (1) signed and sealed 11"X17" bound, collated set of all the required documents.	X
52	14 collated copies of all required documents	X
53	One (1) CD/DVD with electronic copy of entire final application package (plans, application, Letter of Intent, traffic/sound study, etc.) see CD/DVD formatting attached, for instructions.	X
54	Traffic Study (Hard copy)	
55	Mailing Labels -2 sets of gummed labels and a CD including: Property owner's list and Original certified letter from provider.	X

ADDITIONAL INFORMATION AND ACKNOWLEDGEMENTS

A. **** Other information/documentation required for First submittal will be identified during Pre-Application meeting and Development Review Committee Meeting but may be modified based on further analysis.**

B. **It is the responsibility of the applicant to confirm that documents submitted via CSS, Paper Submittal sets (14 copies), and electronic version on CD are consistent with each other and legible.**

C. **All PDF files must be named with the submittal deadline date and the type of document in the following format 'MM-DD-YYYY Document Name'.**

D. **Plan revisions and supplemental documentation will not be accepted after the Final Submittal deadline**

E. **All documents required for Board applications must be submitted in an electronic format (PDF) via CD in the manner prescribed herein. The CD is considered the "Formal Submission", and must include the electronic version of all hard copy documents associated with the application. A new Updated CD will be required if any modifications are made before or after hearing. Failure to comply with the aforementioned may result in a rehearing before the applicable board at the applicant's expense.**

F. **Please note that the applicant will be required to submit revised plans pursuant to applicable Board Conditions no later than 60 days after Board Approval. (If applicable)**

Applicant's or designee's Name | **Applicant's or designee's signature** | **Date**

Indicate N/A If Not Applicable

Initials: AG

MIAMIBEACH

PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: www.miamibeachfl.gov/planning

LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

Application Information

FILE NUMBER	Is the property the primary residence & homestead of the applicant/property owner? ☐ Yes ☐ No (if "Yes," provide office of the property appraiser summary report)
PB20-0377	

Board of Adjustment	Design Review Board
☐ Variance from a provision of the Land Development Regulations	☐ Design review approval
☐ Appeal of an administrative decision	☐ Variance
☐ Modification of existing Board Order	☐ Modification of existing Board Order
Planning Board	**Historic Preservation Board**
■ Conditional Use Permit	☐ Certificate of Appropriateness for design
☐ Lot Split	☐ Certificate of Appropriateness for demolition
☐ Amendment to the Land Development Regulations or Zoning Map	☐ Historic District/Site Designation
☐ Amendment to the Comprehensive Plan or Future Land Use Map	☐ Variance
☐ Modification of existing Board Order	☐ Modification of existing Board Order

☐ **Other:**

Property Information – Please attach Legal Description as "Exhibit A"

ADDRESS OF PROPERTY
1600-1624 Alton Road

FOLIO NUMBER(S)
02-3234-018-0120, 0130,0140, 0150, and 0160

Property Owner Information

PROPERTY OWNER NAME
1212 Lincoln, LLC and 1600 Alton ARRP, LLC

ADDRESS	CITY	STATE	ZIPCODE
c/o Crescent Heights 2200 Biscayne Blvd.	Miami	FL	33137

BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS
		mgalbut@crescentheights.com

Applicant Information (if different than owner)

APPLICANT NAME
Same as Owner

ADDRESS	CITY	STATE	ZIPCODE

BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS

Summary of Request

PROVIDE A BRIEF SCOPE OF REQUEST
Approval of rooftop outdoor cinema use.

Project Information		
Is there an existing building(s) on the site?	■ Yes	☐ No
If previous answer is "Yes", is the building architecturally significant per sec. 142-108?	☐ Yes	■ No
Does the project include interior or exterior demolition?	☐ Yes	■ No
Provide the total floor area of the new construction.	0	SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).	0	SQ. FT.

Party responsible for project design			
NAME Jennifer McConney-Gayoso	■ Architect ☐ Contractor ☐ Landscape Architect ☐ Engineer ☐ Tenant ☐ Other_____		
ADDRESS 7500 NE 4th Ct #103	CITY Miami	STATE FL	ZIPCODE 33138
BUSINESS PHONE (305) 573-2728 / CELL PHONE	EMAIL ADDRESS jennifer@studio-mcg.com		

Authorized Representative(s) Information (if applicable)			
NAME Graham Penn	■ Attorney ☐ Contact ☐ Agent ☐ Other_____		
ADDRESS 200 S Biscayne Blvd., Suite 850	CITY Miami	STATE FL	ZIPCODE 33131
BUSINESS PHONE (305) 374-5300 / CELL PHONE	EMAIL ADDRESS gpenn@brzoninglaw.com		
NAME	☐ Attorney ☐ Contact ☐ Agent ☐ Other_____		
ADDRESS	CITY	STATE	ZIPCODE
BUSINESS PHONE / CELL PHONE	EMAIL ADDRESS		
NAME	☐ Attorney ☐ Contact ☐ Agent ☐ Other_____		
ADDRESS	CITY	STATE	ZIPCODE
BUSINESS PHONE / CELL PHONE	EMAIL ADDRESS		

Please note the following information:

- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Please read the following and acknowledge below:

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".

- All disclosures must be submitted in CMB Application format and be consistent with CMB Code Sub-part A Section 2-482(c):
  (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.

- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.

- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.

- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the forgoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.

- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by: ■ Owner of the subject property ☐ Authorized representative

SIGNATURE

David Smith, President of 1212 Lincoln, LLC and ARRP 1600 Alton, LLC

PRINT NAME

25 June 2020

DATE SIGNED

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

I, _____, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for remove this notice after the date of the hearing.

_____
SIGNATURE

Sworn to and subscribed before me this _____ day of _____ , 20_____. The foregoing instrument was acknowledged before me by _____ , who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

_____
NOTARY PUBLIC

My Commission Expires: _____

_____
PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

STATE OF Florida

COUNTY OF Miami-Dade

I, David Smith, being first duly sworn, depose and certify as follows: (1) I am the President (print title) of **1212 Lincoln, LLC and ARRP 1600 Alton, LLC** (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

_____
SIGNATURE

Sworn to and subscribed before me this 25 day of June , 2020. The foregoing instrument was acknowledged before me by _____ , who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY PUBLIC STATE OF FLORIDA
SUSAN FAJARDO
Commission # GG 224896
Expires June 4, 2022
Bonded Thru Budget Notary Services

NOTARY SEAL OR STAMP

Susan Fajardo
NOTARY PUBLIC

My Commission Expires: June 4, 2022

David Smith, President of 1212 Lincoln, LLC and ARRP 1600 Alton, LLC
PRINT NAME

POWER OF ATTORNEY AFFIDAVIT

STATE OF Florida

COUNTY OF Miami-Dade

I, David Smith, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize **Bercow Radell Fernandez et al.** to be my representative before the Planning Board. (3) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (4) I am responsible for remove this notice after the date of the hearing.

David Smith, President of 1212 Lincoln, LLC and ARRP 1600 Alton, LLC

PRINT NAME (and Title, if applicable) **SIGNATURE**

Sworn to and subscribed before me this 25 day of June, 2020. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY PUBLIC STATE OF FLORIDA
SUSAN FAJARDO
Commission # GG 224896
Expires June 4, 2022
Bonded Thru Budget Notary Services

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires: June 4, 2022

Susan Fajardo

PRINT NAME

CONTRACT FOR PURCHASE

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries or partners. If any of the contact purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individuals(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.

N/A

NAME **DATE OF CONTRACT**

NAME, ADDRESS AND OFFICE	% OF STOCK

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application if filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

DISCLOSURE OF INTEREST
CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

If the property that is the subject of the application is owned or leased by a corporation, partnership or limited liability company, list ALL of the owners, shareholders, partners, managers and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

See attached

NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP

NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP

If there are additional corporate owners, list such owners, including corporate name and the name, address and percentage of ownership of each additional owner, on a separate page.

DISCLOSURE OF INTEREST
TRUSTEE

If the property that is the subject of the application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

See attached

_____

TRUST NAME

NAME AND ADDRESS	% INTEREST

COMPENSATED LOBBYIST

Pursuant to Section 2-482 of the Miami Beach City Code, all lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Please list below any and all persons or entities retained by the applicant to lobby City staff or any of the City's land development boards in support of this application.

NAME	ADDRESS	PHONE
Graham Penn	200 S Biscayne Blvd., Suite 850 Miami	305 374 5300
Jennifer McConney-Gayoso	7500 NE 4th Ct #103	305 573-2728

Additional names can be placed on a separate page attached to this application.

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) AN APPROVAL GRANTED BY A LAND DEVELOPMENT BOARD OF THE CITY SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND (2) APPLICANT'S PROJECT SHALL COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE CITY, STATE AND FEDERAL LAWS.

APPLICANT AFFIDAVIT

STATE OF Florida

COUNTY OF Miami-Dade

I, David Smith, being first duly sworn, depose and certify as follows: (1) I am the applicant or representative of the applicant. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

SIGNATURE

Sworn to and subscribed before me this 25 day of June, 2020. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLIC STATE OF FLORIDA
SUSAN FAJARDO
Commission # GG 224896
Expires June 4, 2022
Bonded Thru Budget Notary Services

NOTARY PUBLIC

My Commission Expires: June 4, 2022

Susan Fajardo

PRINT NAME

Exhibit A – Legal Description

Lots 1, 2, 3, 4, 5, 6, and 7, Block 45 Commercial Subdivision, Plat Book 6, Page 5 of the Public Records of Miami-Dade County, Florida.

SUPPLEMENTARY DISCLOSURE OF INTEREST

Interests in ARRP 1600 Alton, LLC and 1212 Lincoln, LLC

	Percentage of Interest
ARRP Miami Holdings, LLC 2200 Biscayne Blvd. Miami FL 33137	100%

Interests in ARRP Miami Holdings, LLC

	Percentage of Interest
KGM Equities 2, LLC 2200 Biscayne Blvd. Miami FL 33137	95%
Beach R Holdings, LLC 2200 Biscayne Blvd. Miami FL 33137	5%

Interests in KGM Equities 2, LLC

	Percentage of Interest
Sonny Kahn 2004 Irrevocable Trust 2200 Biscayne Blvd. Miami FL 33137	45%
Russell W. Galbut 2004 Irrevocable Trust 2200 Biscayne Blvd. Miami FL 33137	45%
Bruce A. Menin 2004 Irrevocable Trust 2200 Biscayne Blvd. Miami FL 33137	10%

Beneficiaries of Sonny Kahn 2004 Irrevocable Trust

	Percentage of Interest
Elliott Kahn 2200 Biscayne Blvd. Miami FL 33137	20%
Joshua Kahn 2200 Biscayne Blvd. Miami FL 33137	20%
Naomi Kahn 2200 Biscayne Blvd. Miami FL 33137	20%
Rachel Kahn 2200 Biscayne Blvd. Miami FL 33137	20%
Avigail Kahn 2200 Biscayne Blvd. Miami FL 33137	20%

Beneficiaries of Russell W. Galbut 2004 Irrevocable Trust

	Percentage of Interest
Marisa Galbut 2200 Biscayne Blvd. Miami FL 33137	50%
Jenna Galbut 2200 Biscayne Blvd. Miami FL 33137	50%

Beneficiaries of Bruce A. Menin 2004 Irrevocable Trust

	Percentage of Interest
Maxwell Menin 2200 Biscayne Blvd. Miami FL 33137	33.33%

Mason Menin 2200 Biscayne Blvd. Miami FL 33137	33.33%
Lucas Menin 2200 Biscayne Blvd. Miami FL 33137	33.33%

Interests in Beach R Holdings, LLC

	Percentage of Interest
Tomer Bitton 2200 Biscayne Blvd. Miami FL 33137	100%

BERCOW RADELL FERNANDEZ LARKIN & TAPANES
ZONING, LAND USE AND ENVIRONMENTAL LAW
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VIA ELECTRONIC FILING

October 19, 2020

Thomas Mooney, Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: "1212 Lincoln" Development – Conditional Use Permit Approval for Outdoor Cinema Use.

Dear Tom:

This firm represents ARRP 1600 Alton, LLC and 1212 Lincoln, LLC (collectively the "Applicant") the owners of Phase I of the "1212 Lincoln" development located on the west side of Alton Road between 16 Street and Lincoln Road. Please consider this letter the Applicant's letter of intent in support of a conditional use permit for an outdoor cinema use on the rooftop.

The Property. The "1212 Lincoln" project spans the entire block on the west side of Alton just south of Lincoln Road: 1600, 1614, 1616, 1620, 1624, 1628, and 1634 Alton Road (hereinafter "the Property"). The site is zoned Commercial Medium Intensity (CD-2) under the City's land development regulations and is located in the recently created Parking District No. 6 for the Alton Road corridor. Phase I of the project includes all but 1628 and 1634 Alton Road, which will be developed as the second phase of the project. This application is limited to the Phase I site.

Existing Development. The Planning Board approved the development of the Property with an innovative commercial building and associated structured parking. The approved plan includes commercial uses on the first and second floors, addressing both Alton Road and Lincoln Road. The second Phase of the project, separated from the southern portion by a "grand stair" providing pedestrian access from Alton to the second floor, will be developed with the City's first "Citizen M" hotel.

Outdoor Cinema Use. The Applicant has partnered with the "Rooftop Cinema Club" to bring an exciting and low-impact outdoor motion picture theater to 1212 Lincoln. The theater use is proposed on the rooftop of the building, which is currently developed with surplus parking. As part of the process, the Applicants are working with the City on an ordinance that includes the necessary amendments to the City's regulations to accommodate this innovative use.

Protections for Residential Neighbors / Operational Plan. The pending ordinance contains multiple limitations on the use that will help limit any impacts on the residential uses adjacent to the CD-2 zoning on Alton Road. The full operational plan is attached, along with a noise analysis and material related to the Rooftop Cinema Club's history of successful integration into mixed-use areas.

The below operational restrictions reflect both the limits of the ordinance and the additional restrictions agreed to by the Applicant.

1) No entertainment is permitted and all exterior music will be ambient in nature

2) Audio from motion picture presentations shall be delivered to patrons only through individually-worn headphones.

3) The theater shall be limited to a single screen.

4) Maximum hours of operation shall be 4:30 PM to 12:00 AM on weekdays and 1:00 AM on weekends. The accessory bar counter shall cease operations no later than 11:00 PM on weekdays and 12:00 AM on weekends.

5) The accessory bar counter may be open and operational only during times when the theater use is operational and has been located as far east on the rooftop as practicable, reducing potential impact on nearby residential uses.

6) A maximum of three showings will be permitted per day.

7) Theater seats shall be required at all times and shall not be removed from the movie viewing areas during all times the business is open. This shall

not preclude the temporary removal of seats for cleaning and maintenance purposes.

8) The layout of the use is designed to limit the potential for noise to escape the rooftop – including the strategic location of structural elements and the construction of a new glass parapet extension along the west and northwestern edges of the roof. The parapet, as extended will be seven (7) feet in height. These physical elements will meet the noise attenuation requirements of Section 142-310(a)(8).

COVID-19. The City is currently in the midst of a crisis that hits at the very heart of a tourist-based economy, the COVID-19 emergency. While much about the virus is unknown, the clear guidance for re-opening businesses is to limit the gathering of people inside – with theaters and large venues opening last in the City's proposed phased re-opening plan. Outdoor theaters, with the appropriate social distancing measures, are one tool that can assist in the safe re-opening of the City. We believe that patrons are simply going to feel more comfortable with an open-air theater experience for the foreseeable future.

Conditional Use Permit Request. The Applicant hereby makes the following conditional use permit request:

Approval of an outdoor motion picture theater.

Compliance with Relevant Code Standards. We believe the application, as submitted, is consistent with all of the relevant criteria of the City's Land Development Regulations. This letter will address each relevant criterion in turn.

Standard Conditional Use Criteria. Every conditional use application requires the Planning Board to determine an application's consistency with seven (7) criteria. Those criteria, codified in Section 118-192(a), are below, along with a description of the application's consistency with each:

1. The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

   The proposed development is consistent with the policies of the City's comprehensive plan.

2. The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

   The proposed development will not result in an impact that exceeds any levels of service. The cinema use will operate during limited hours.

3. Structures and uses associated with the request are consistent with these land development regulations.

   Both the proposed building and the uses within it are consistent with the CD-2 zoning regulations.

4. The public health, safety, morals, and general welfare will not be adversely affected.

   The proposed development will have no negative impact on the public's health, safety or welfare. The pattern of area development is consistent with a mix of residential and commercial uses.

5. Adequate off-street parking facilities will be provided.

   The existing building includes more than sufficient parking to serve the uses within the building.

6. Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

   The proposed use will create no issues for neighboring property owners. The operational plan for the uses will ensure that the project will remain a good neighbor. The Applicant has further proposed additional parapet construction to further limit potential impacts.

7. The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

   The proposed use is not of a type that would create a negative impact through concentration, nor is it likely that this fairly unique concept will be repeated in the Alton Road corridor.

Neighborhood Impact Establishment Criteria. Although the proposed theater requires conditional use approval regardless of its size, the following is an analysis of the request based on the City's neighborhood impact establishment ("NIE") criteria of Section 142-1362.

1. An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.

   An operational plan has been provided as part of this application. The Applicant has also provided supplementary information regarding the operator.

2. A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, selfpark, shared parking, after-hour metered spaces and the manner in which it is to be managed.

   Parking for the use will be within the building's large parking structure. The existing building includes more than sufficient parking to serve the uses within the building. Valet parking will be offered through the building's unified valet system, utilizing a ramp on the northwest corner of the property, on Lincoln Road as approved through Conditional Use Permit 2325. Storage for valet parking will be the garage. It is anticipated that a significant number of patrons will either self-park or access the business on foot from Alton Road.

3. An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises will be controlled.

   The proposed use is not expected to create a queue. If queuing occurs, there is more than adequate room to accommodate that queuing either within the building or on the roof. Crowd control will be managed by theater staff, with the assistance of building security if necessary.

4. A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.

   The use will be served by the unified security system, which includes a 24/7 monitoring and on-premises security patrols.

5. A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.

   A traffic analysis has been provided that demonstrates that the proposed use will not negatively impact the area.

6. A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.

   The use will utilize the building's existing full enclosed unified trash room.

7. A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance.

   As noted in the provided sound analysis, the proposed theater use has been designed so that any patron noise will not negatively impact surrounding uses. The nature of the theater use, in which theater sound is delivered to individual headphones, will have a minimal impact. Patron conversation and ambient music will be attenuated due to the orientation of speaker and the installation of an extended glass parapet wall along the relevant portions of the rooftop.

8. Proximity of proposed establishment to residential uses.

   While the Property is across an alley from existing multi-family uses, the difference in building height, operational limitations, and physical sound barriers will result in no measurable noise impacts (see detailed study). As required by the City's regulations, the theater screen has been oriented so that it is not readily visible from other properties or the right of way.

9. Cumulative effect of proposed establishment and adjacent pre-existing uses.

   It is not likely that this fairly unique concept will be repeated in the Alton Road corridor. There are no other adjacent pre-existing uses. The other uses in the 1212 Lincoln project are proposed to be a mix of financial institution, retail, restaurant, and hotel uses. No entertainment, as defined by the City's land Development Regulations, is proposed.

Sea Level Rise and Resiliency. Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

1. A recycling or salvage plan for partial or total demolition shall be provided.

   This provision is not applicable to the instant application.

2. Windows that are proposed to be replaced shall be hurricane proof impact windows.

   This provision is not applicable to the instant application.

3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

   This provision is not applicable to the instant application as the theater is an "open air" use.

4. Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with chapter 126 of the city Code.

   The existing landscape plan is resilient as it is comprised of native and Florida-friendly plants appropriate for the area. No new landscaping is proposed as part of the application.

5. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

   The underlying project has been designed with sea level rise in mind, but this requirement is inapplicable to the instant application.

6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-way and adjacent

land, and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three additional feet in height.

The underlying project has been designed with sea level rise in mind, but this requirement is inapplicable to the instant application.

7. As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

   The underlying project has been designed with sea level rise in mind, but this requirement is inapplicable to the instant application.

8. Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

   This provision is not applicable to the instant application.

9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with chapter 54 of the city Code.

   This provision is not applicable to the instant application.

10. As applicable to all new construction, stormwater retention systems shall be provided.

    The underlying project has been designed with stormwater retention as required, but this requirement is inapplicable to the instant application.

11. Cool pavement materials or porous pavement materials shall be utilized.

    This provision is not applicable to the instant application.

12. The design of each project shall minimize the potential for heat island effects on-site.

The underlying project has been designed with to avoid the heat island effect, but this requirement is inapplicable to the instant application.

Conclusion. The Applicant is excited to bring this new development to the Lincoln Road area. We look forward to your recommendation on our application. If you have any questions or comments, please call me at 305-377-6229.

Sincerely,

Graham Penn

cc: Russell Galbut
Marisa Galbut