

DRB
23076

MIAMI BEACH

PLANNING DEPARTMENT, 1700 CONVENTION CENTER DRIVE, 2ND FLOOR
MIAMI BEACH, FLORIDA 33139, www.MIAMIBEACHFL.GOV
305-673-7550

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.

- ☐ BOARD OF ADJUSTMENT
 - ☐ VARIANCE FROM A PROVISION OF THE LAND DEVELOPMENT REGULATIONS
 - ☐ APPEAL OF AN ADMINISTRATIVE DECISION

- ☐ DESIGN REVIEW BOARD
 - ☒ DESIGN REVIEW APPROVAL
 - ☒ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY DRB.

- ☐ HISTORIC PRESERVATION BOARD
 - ☐ CERTIFICATE OF APPROPRIATENESS FOR DESIGN
 - ☐ CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A STRUCTURE
 - ☐ HISTORIC DISTRICT / SITE DESIGNATION
 - ☐ VARIANCE RELATED TO PROJECT BEING CONSIDERED OR APPROVED BY HPB.

- ☐ PLANNING BOARD
 - ☐ CONDITIONAL USE PERMIT
 - ☐ LOT SPLIT APPROVAL
 - ☐ AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OR ZONING MAP
 - ☐ AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP

- ☐ FLOOD PLAIN MANAGEMENT BOARD
 - ☐ FLOOD PLAIN WAIVER

- ☐ OTHER _____

SUBJECT PROPERTY ADDRESS: 723 Lincoln Lane North, Miami Beach, FL 33139

LEGAL DESCRIPTION: PLEASE ATTACH LEGAL DESCRIPTION AS "EXHIBIT A"

FOLIO NUMBER (5) 02-3234-007-0520

1. APPLICANT:
PROPERTY

☒ OWNER ☐ C TENANT

☐ ARCHITECT ☐ LANDSCAPE ARCHITECT

☐ ENGINEER

☐ ~~CONTRACTOR~~

PPF 723 Lincoln Lane, LLC

ADDRESS 801 Arthur Godfrey Road, Suite 600, Miami Beach, FL 33140

BUSINESS PHONE 305-695-8700

CELL PHONE 305-920-1728

E-MAIL ADDRESS jgelfman@terranovacorp.com

OWNER IF DIFFERENT THAN APPLICANT:

NAME

ADDRESS

BUSINESS PHONE

CELL PHONE

E-MAIL ADDRESS

2. AUTHORIZED REPRESENTATIVE(S):

☐ ATTORNEY:

NAME

ADDRESS

BUSINESS PHONE

CELL PHONE

E-MAIL ADDRESS

☐ AGENT:

Shulman & Associates

NAME

ADDRESS 100 NE 38th Street, Miami, FL 33137

BUSINESS PHONE 305-438-0609

CELL PHONE

E-MAIL ADDRESS alyssa@shulman-design.com allan@shulman-design.com

☐ CONTACT:

NAME

Josh Gelfman

ADDRESS Terranova Corporation, 801 Arthur Godfrey Rd., Miami Beach, FL 33140

BUSINESS PHONE 305-695-8700

CELL PHONE

305-985-1728

E-MAIL ADDRESS jgelfman@terranovacorp.com

3. PARTY RESPONSIBLE FOR PROJECT DESIGN:

☒ ARCHITECT

☐ LANDSCAPE ARCHITECT

☐ ENGINEER

☐ CONTRACTOR

LI OTHER:

NAME

Shulman & Associates

ADDRESS 100 NE 38th Street, Miami, FL 33137

BUSINESS PHONE 305-438-0609

CELL PHONE

E-MAIL ADDRESS alyssa@shulman-design.com

FILE NO. 23076

4. SUMMARY OF APPLICATION - PROVIDE BRIEF SCOPE OF PROJECT:

Modification to DRB File No. 23076, to alter language pertaining to approval fo building signs as detailed in attached letter of intent, and request for a certificate of appropriateness and variance for modification of building ID signs on the South, West, and East sides of the building.

4A IS THERE AN EXISTING BUILDING(S) ON THE SITE under construction ☒ YES ☐ NO

4B DOES THE PROJECT INCLUDE INTERIOR OR EXTERIOR DEMOLITION ☒ YES ☐ NO

4C PROVIDE THE TOTAL FLOOR AREA OF THE NEW BUILDING (IF APPLICABLE) SQ. FT.

4D PROVIDE THE TOTAL GROSS FLOOR AREA OF THE NEW BUILDING (INCLUDING REQUIRED PARKING AND ALL USEABLE FLOOR SPACE). 44,792 SQ. FT.

5. APPLICATION FEE (TO BE COMPLETED BY PLANNING STAFF) \$

- 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 FEE. ALL CHECKS ARE TO BE MADE PAYABLE TO THE "CITY OF MIAMI BEACH".
- 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 A PROJECT 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, LANDSCAPE ARCHITECTS, ENGINEERS, 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.

FILE NO. 23076

OWNER AFFIDAVIT FOR INDIVIDUAL OWNERSTATE OF FloridaCOUNTY OF Miami-Dade

_____, 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 removing 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
 (Circle one)

STATE OF FloridaCOUNTY OF Miami-Dade

Stephen H. Bittel, being duly sworn, depose and certify as follows: (1) I am the Manager (print title) of PPF 723 Lincoln Lane Venture, LLC (print name of corporate entity). (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 or tenant 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 the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (7) I am responsible for removing this notice after the date of the hearing.

PPF 723 Lincoln Lane, LLC, a Florida limited liability company, acting by and through its Sole Member, to wit:

PPF Lincoln Lane Venture, LLC, a Delaware limited liability company, by its manager
 Lincoln Lane MM, LLC, a Florida limited liability company, by its Manager

SIGNATURE

Sworn to and subscribed before me this 25th day of February, 2016. The foregoing instrument was acknowledged before me by Stephen H. Bittel of PPF 723 Lincoln Lane, on behalf of such entity, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP:



BONNIE LOPATA
 MY COMMISSION # FF 143302
 EXPIRES: September 27, 2018
 Bonded Thru Budget Notary Services

My Commission Expires: 9/27/18_____
NOTARY PUBLIC_____
PRINT NAME_____
FILE NO.

POWER OF ATTORNEY AFFIDAVIT

STATE OF Florida
COUNTY OF Miami-Dade

Stephen H. Bittel, being duly sworn and deposed, 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 Allan Shulman, Alyssa Kriplen, and Josh Gelfman to be my representative before the Design Review Board. (3) I also hereby authorize the City of Miami Beach to enter the subject property for the sole purpose of posting a Notice of Public Hearing on the property, as required by law. (4) I am responsible for removing this notice after the date of the hearing.

Stephen H. Bittel, Manager
PRINT NAME (and Title, if applicable)

PPF 723 Lincoln Lane, LLC, a Florida limited liability company, acting by and through its Sole Member, to wit:
PPF Lincoln Lane Venture, LLC, a Delaware limited liability company, by its manager
Lincoln Lane MM, LLC, a Florida limited liability company, by its Manager

[Signature]
SIGNATURE

Sworn to and subscribed before me this 25th day of February, 2016. The foregoing instrument was acknowledged before me by Stephen H. Bittel of PPF 723 Lincoln Lane LLC who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

 **BONNIE LOPATA**
MY COMMISSION # FF 143302
EXPIRES: September 27, 2018
Bonded Thru Budget Notary Services
My Commission Expires 12/1/18

[Signature]
NOTARY PUBLIC

Bonnie Lopata
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 contract purchasers are corporations, partnerships, limited liability companies, trusts, 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. 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.*

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 is filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

FILE NO.

CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION

DISCLOSURE OF INTEREST

1. 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.*

PPF 723 Lincoln Lane, LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

PPF 723 Lincoln Lane, LLC is the owner of the property. The membership interests in PPF 723 Lincoln Lane are indirectly owned by (a) Prime Property Fund, with Morgan Stanley Real Estate, Inc. as the Fund's investment advisor and (b) Lincoln Lane MM, LLC and Lincoln Lane Investors, LLC which are controlled by Stephen H. Bittel and which represent less than a 5% interest. As of February 1, 2016 there are no investors in the Prime Property Fund that own more than 5% of the interests in the Prime Property Fund, other than a large pension fund which owns more than 5% but less than 10%. The investor is a large corporate pension plan with more than 5,000 beneficiaries for which State Street Bank acts as Trustee.

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

~~IF THERE ARE ADDITIONAL CORPORATE OWNERS, LIST ALL SUCH OWNERS, INCLUDING CORPORATE NAMES AND THE NAME, ADDRESS, AND PERCENTAGE OF OWNERSHIP OF EACH ADDITIONAL OWNER, ON A SEPARATE PAGE.~~

NOTE: Notarized signature required on page 9

FILE NO. _____

**CITY OF MIAMI BEACH
DEVELOPMENT REVIEW BOARD APPLICATION
DISCLOSURE OF INTEREST**

2. TRUSTEE

If the property that is the subject of this 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.*

TRUST NAME

NAME AND ADDRESS

% INTEREST

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTE: Notarized signature required on page 9

FILE NO. _____

3. 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 #

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

b. Shulman & Associates 100 NE 38th St 305-438-0609

*~~Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country, or of any entity, the ownership interests of which are held in a limited partnership or other entity, consisting of more than 5,000 separate interests, where no one person or entity holds more than a total of 5% of the ownership interests in the entity.~~

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) ANY 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

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

PPF 723 Lincoln Lane, LLC, a Florida limited liability company, acting by and through its Sole Member, to wit:

PPF Lincoln Lane Venture, LLC, a Delaware limited liability company, by its manager

Lincoln Lane MM, LLC, a Florida limited liability company, by its Manager

SIGNATURE

Sworn to and subscribed before me this 25th day of February, 20 16. 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



BONNIE LOPATA
MY COMMISSION # FF 143302
EXPIRES: September 27, 2018
Bonded Thru Budget Notary Services

Bonnie Lopata

NOTARY PUBLIC

My Commission Expires:

9/27/18

Bonnie Lopata PRINT NAME

FILE NO. 23076

- IN ACCORDANCE WITH SEC.118-31. - DISCLOSURE REQUIREMENT. EACH PERSON OR ENTITY REQUESTING APPROVAL, RELIEF OR OTHER ACTION FROM THE PLANNING BOARD, DESIGN REVIEW BOARD, HISTORIC PRESERVATION BOARD (INCLUDING THE JOINT 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 SERVICES RENDERED OR TO BE RENDERED. THE DISCLOSURE SHALL; (I) BE IN WRITING, (H) 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 FOREGOING 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 FROM 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

~~X~~ AUTHORIZED REPRESENTATIVE

SIGNATURE:

PRINT NAME:

FILE NO. 23076

PPF 723 Lincoln Lane, LLC
c/o Terranova Corporation
801 Arthur Godfrey Road, Suite 500
Miami Beach, FL 33140

March 9, 2016

Mr. Tom Mooney,
Planning Director City
of Miami Beach
1700 Convention Center Drive Miami
Beach, Florida 33139

Re: Design Review Board Application for Variances at 723 Lincoln Lane North

Dear Mr. Mooney:

PPF 723 Lincoln Lane, LLC is the owner of the property located at 723 Lincoln Lane North (the "Property"). An approval was granted at the Design Review Board on September 2, 2014 for a three story building structure accommodating approximately 44,802 sf of commercial uses. The 3 level retail building, currently under construction, will have a single tenant occupying the second and third floor of the building with glass curtain wall exposures on two levels but with limited frontage on Meridian Avenue. We are submitting this hardship letter in support of the variances we seeking to effectuate the approved design and submit this hardship letter in support thereof:

- For Tenant Sign #2A we are seeking one (1) variance for the placement of a projecting sign in a location other than at the ground floor.
- For Building ID sign #3A, we are seeking one (1) variance to allow a building ID sign as a projecting sign, one (1) variance to relocate the building ID sign from the parapet of the building to the building walls, and one (1) variance to allow the building ID sign to be sized to be 1% of the area of the side of the building, not just 1% of the portion it is being placed on.
- For building sign #4A, we are seeking one (1) variance for a building ID sign to be placed in a location other than along the parapet and one (1) variance to allow the building ID sign to be sized to be 1% of the area of the side of the building, not just 1% of the portion it is being placed on.

Below, please find the seven criteria for granting a hardship variance per section 118-353 (d) of the City Code and corresponding explanations for how our circumstances and application satisfy the requirements.

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

Currently Lincoln Lane functions as an alley. We believe there are no other buildings where tenants would take upper floor space without a prominent ground floor presence. Such upper floor tenants require signage that would provide adequate visibility. Additionally, the curtain wall design with projecting aluminum fins which has previously been approved by this board presents certain challenges when it comes to incorporating building signage. The best way to attach building ID signs without compromising the design of the building is to use a projecting sign on the West facades and a flush mounted vertical sign on the East façade which will attach to structural steel corner posts.

With respect to the size of the building ID signs, the building could have been designed with a single, unbroken façade, which would have permitted a larger sign. However, the façade was designed to enhance the aesthetic appeal, increase the amount of covered sidewalk and provide additional public space. The building ID signs have been sized to be 1% of the side of the building they are located on.

(2) The special conditions and circumstances do not result from the action of the applicant;

This application is designed to accommodate the approved design the building and to attract desirable merchants to a new location in an upper floor along Lincoln Lane.

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;

This will be one of the first multi-level retail buildings to be erected on Miami Beach that has upper floor retail tenancies where the presence on the ground floor is limited to vertical transportation. By creating this type of space we are making it possible to attract retail tenants to an area that would otherwise be too costly to provide for large format opportunities. Additionally, granting the requested variances will not confer any special privilege, instead it will merely allow the signage for the building to be incorporated in the most architecturally sensitive manner.

(4) Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;

Retail tenants commonly have direct visibility from the sidewalk and are not typically challenged by the limitations of engaging passersby from a 2nd or 3rd floor address on a building with this configuration. Vertical retailers, especially those without a ground floor presence, require suitable signage.

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

The requested variances are the most architecturally sensitive and minimally intrusive variance that would make the upper floors of this building usable.

(6) The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

The project serves a commercial area, surrounded by commercial uses and a public parking garage, and as such this design will be compatible with land development regulations and not injurious or otherwise detrimental to the public welfare.

(7) The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

Granting this request is consistent with the comprehensive plan and does not reduce levels of service set forth in the comprehensive plan.

Thank you in advance for your consideration, the property owners are excited to provide an attractive and engaging building that will add vitality and diversity to the surrounding neighborhood.

Respectfully submitted,

PPF 723 Lincoln Lane, LLC, a Florida limited liability company,
acting by and through its sole Member, to wit:

By: PPF Lincoln Road Venture, LLC,
a Delaware limited liability company
By: Lincoln Road MM, LLC, a Florida limited
liability company, its Manager

By: _____

Stephen H. Bittel, Manager

**PPF 723 Lincoln Lane, LLC
c/o Terranova Corporation
801 Arthur Godfrey Road, Suite 500
Miami Beach, FL 33140**

Mr. Tom Mooney,
Planning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139
March 10, 2016

**Re: Design Review Board Application for Variance and Modification of Final Order re
File No. 23076 for 723 Lincoln Lane (the "Approval")**

Dear Mr. Mooney:

PPF 723 Lincoln Lane, LLC is the owner of the property located at 723 Lincoln Lane North (the "Property"). Approval was granted by the Design Review Board on September 2, 2014 for the construction of a new 3 story commercial building. Please accept this letter as our letter of intent and explanation with regard to the attached plans seeking the following variances from the Design Review Board:

- For Tenant Sign #2A we are seeking one (1) variance for the placement of a projecting sign in a location other than at the ground floor.
- For Building ID sign #3A, we are seeking one (1) variance to allow a building ID sign as a projecting sign, one (1) variance to relocate the building ID sign from the parapet of the building to the building walls, and one (1) variance to allow the building ID sign to be sized to be 1% of the area of the side of the building, not just 1% of the portion it is being placed on.
- For building sign #4A, we are seeking one (1) variance for a building ID sign to be placed in a location other than along the parapet and one (1) variance to allow the building ID sign to be sized to be 1% of the area of the side of the building, not just 1% of the portion it is being placed on.

Additionally, the submittal includes further details as requested for the following two items:

- Paragraph B, Item 1(k) of the Approval requests information regarding the materials, method of illumination and sign location for the tenant sign parameters for the building, which is attached to the submittal for your consent together with authorization for staff to finalize approvals of specific tenant signage; and

- Paragraph B, Item 1(e) of the Approval contemplates that additional design development details will be submitted for the north elevation of the exterior building which is being submitted at this time for your approval. Please note that the submission also modifies the design of the south façade to compliment the additional design detail proposed for the North façade.

The property is zoned CD-3 and we are currently in the process of constructing the new 44,700 sf building according to the Approval. The permitted building shell is scheduled to be complete this fall. The redevelopment of this building is integral in achieving the desired objective of the City of Miami Beach to (i) enliven the pedestrian experience along Meridian Avenue and Lincoln Lane North, and (ii) expanding the Lincoln Road Mall experience into the Lincoln Road District, per the master plan adopted by the City (the "Strategy").

In order to give meaning and effect to the Strategy and overcome the physical limiting constraints of the property, the signage must be appended from the facade in manner appropriate under the circumstances. As you are aware, the design which has been approval consists of a glass curtain wall with projecting aluminum fins. Although beautiful, this design presents certain signage challenges. We believe the best way to attach signs without compromising the design of the building is to use the depicted projecting blade sign on two facades which will attach to structural steel corner posts and a vertical sign on the east façade as more particularly depicted in this submittal (the "Projecting Sign").

To achieve the strategy, it is important to create a memorable and distinctive identifier for the building. Therefore, we have prepared a new design for the southern façade that relates to the requirements of the Final Order to detail the northern façade.

Please also note that the submittal contains both (a) the tenant sign parameters for the building for your approval requested together with your further authorization for staff to finalize approvals of specific tenant signage, and (b) the additional design development details submitted for the north elevation of the exterior building which is being submitted at this time for your approval. Lastly, please note that the submission also modifies the design of the south façade to compliment the additional design detail proposed for the North façade.

In summary, this property is a critical part of the Strategy to develop the Lincoln Road District. To draw the attention of pedestrians while preserving the design integrity of the approved design of the building, it is essential that we incorporate vertical signs into the design of the building to complement the defining vertical features of the building. Blade signs are the appropriate intervention on the South and West while a flush mounted sign on the East will work.

We are excited about this project and believe that your approval of the requested Application for Variance and related modifications of the File No. 23076 above described will be beneficial

Mr. Tom Mooney
Planning Director
City of Miami Beach
March 9, 2016
Page 3

to the City of Miami Beach, the Lincoln Road District and the property owner. For the foregoing reasons, we respectfully request your support and approval.

Thank you in advance for your time and thoughtful consideration of this request.

PPF 723 Lincoln Lane, LLC, a Florida limited liability company,
acting by and through its sole Member, to wit:

By: PPF Lincoln Road Venture, LLC,
a Delaware limited liability company

By: Lincoln Road MM, LLC, a Florida limited
liability company, its Manager

By:



Stephen H. Bittel, Manager