



File No:	_____
Date:	_____
MCR No:	_____
Amount:	_____
Zoning Classification	_____
(For Staff Use Only)	

**PLANNING DEPARTMENT
STANDARD APPLICATION FORM
DEVELOPMENT REVIEW BOARD HEARING**

1. The below listed applicant wishes to appear before the following City Development Review Board for a scheduled public hearing: NOTE: This application form must be completed separately for each applicable Board hearing a matter.

- | | |
|---|--|
| <input type="checkbox"/> BOARD OF ADJUSTMENT | <input type="checkbox"/> HISTORIC PRESERVATION BOARD |
| <input checked="" type="checkbox"/> DESIGN REVIEW BOARD | <input type="checkbox"/> PLANNING BOARD |
| <input type="checkbox"/> FLOOD PLAIN MANAGEMENT BOARD | |

NOTE: Applications to the Board of Adjustment will not be heard until such time as the Design Review Board, Historic Preservation Board and/or the Planning Board have rendered decisions on the subject project.

2. THIS REQUEST IS FOR:

- a. A VARIANCE TO A PROVISION(S) OF THE LAND DEVELOPMENT REGULATIONS (ZONING) OF THE CODE
- b. AN APPEAL FROM AN ADMINISTRATIVE DECISION
- c. DESIGN REVIEW APPROVAL
- d. A CERTIFICATE OF APPROPRIATENESS FOR DESIGN
- e. A CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A STRUCTURE
- f. A CONDITIONAL USE PERMIT
- g. A LOT SPLIT APPROVAL
- h. AN HISTORIC DISTRICT/SITE DESIGNATION
- i. AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OR ZONING MAP
- j. AN AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP
- k. TO REHAB, TO ADD TO AND / OR EXPAND A SINGLE FAMILY HOME
- l. OTHER: _____

3. NAME & ADDRESS OF PROPERTY: "1212 Lincoln" (1600, 1614, 1616, 1620, 1624, 1628, and 1634 Alton Road)

LEGAL DESCRIPTION: Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, Block 45 Commercial Subdivision, Plat Book 6, Page 5 of the Public Records of Miami-Dade County, Florida

4. NAME OF APPLICANT ARRP Miami, LLC, 1212 Lincoln, LLC, and Wells Fargo Bank

Note: If applicant is a corporation, partnership, limited partnership or trustee, a separate Disclosure of Interest Form (Pages 6-7) must be completed as part of this application.

% Crescent Heights 2200 Biscayne Boulevard	Miami	FL	33137
ADDRESS OF APPLICANT	CITY	STATE	ZIP
BUSINESS PHONE # <u>305-374-5700</u>	FAX # <u>305-847-3354</u>	CELL PHONE # _____	
E-mail address: <u>rgalbut@crescentheights.com</u>			

5. NAME OF PROPERTY OWNER (IF DIFFERENT FROM #4, OTHERWISE, WRITE "SAME") Same

If the owner of the property is not the applicant and will not be present at the hearing, the Owner/Power of Attorney Affidavit (Page 4) must be filled out and signed by the property owner. In addition, if the property owner is a corporation, partnership, limited partnership or trustee, a separate Disclosure of Interest Form (Pages 6 - 7) must be completed.

ADDRESS OF PROPERTY OWNER _____ CITY _____ STATE _____ ZIP _____
BUSINESS PHONE # _____ FAX # _____ CELL PHONE # _____
E-mail address: _____

6. NAME OF ARCHITECT, LANDSCAPE ARCHITECT, ENGINEER, CONTRACTOR OR OTHER PERSON RESPONSIBLE FOR PROJECT DESIGN
Jose Gelabert-Navia Perkins + Will 806 Douglas Road Suite 300 Coral Gables, FL 33134
NAME (please circle one of the above) _____ ADDRESS _____ CITY _____ STATE _____ ZIP _____
BUSINESS PHONE # 305 569-1333 FAX # 305 569-1334 CELL PHONE # _____
E-mail address: jose.gelabert-navia@perkinswill.com

7. NAME OF AUTHORIZED REPRESENTATIVE(S), ATTORNEY(S), OR AGENT(S) AND/OR CONTACT PERSON:
a. Graham Penn, Esq. 200 S. Biscayne Blvd., Suite 850 Miami FL 33131
NAME _____ ADDRESS _____ CITY _____ STATE _____ ZIP _____
BUSINESS PHONE # 305-377-6229 FAX # 305-377-6222 CELL PHONE # _____
E-mail address: gpenn@brzoninglaw.com

b. Russell Galbut 2200 Biscayne Blvd., Miami FL 33137
NAME _____ ADDRESS _____ CITY _____ STATE _____ ZIP _____
BUSINESS PHONE # 305-573-4127 FAX # 305-573-8489 CELL PHONE # _____
E-mail address: rgalbut@crescentheights.com

c. _____
NAME _____ ADDRESS _____ CITY _____ STATE _____ ZIP _____
BUSINESS PHONE # _____ FAX # _____ CELL PHONE # _____
E-mail address: _____

NOTE: ALL ARCHITECTS, LANDSCAPE ARCHITECTS, ENGINEERS, CONTRACTORS OR OTHER PERSONS RESPONSIBLE FOR PROJECT DESIGN, AS WELL AS AUTHORIZED REPRESENTATIVE(S), ATTORNEY(S), OR AGENT(S) AND/OR CONTACT PERSONS, WHO ARE REPRESENTING OR APPEARING ON BEHALF OF A THIRD PARTY, UNLESS SOLELY APPEARING AS AN EXPERT WITNESS, ARE REQUIRED TO REGISTER AS A LOBBYIST WITH THE CLERK, PRIOR TO THE SUBMISSION OF AN APPLICATION.

8. SUMMARY OF PROPOSAL: Development approvals for a mixed-use, phased development, to include commercial and hotel uses.

9. IS THERE AN EXISTING BUILDING(S) ON THE SITE? YES NO ()

10. WILL ALL OR ANY PORTION OF THE BUILDING(S) INTERIOR AND/OR EXTERIOR, BE DEMOLISHED? YES [] NO

11. TOTAL FLOOR AREA (FAR) OF NEW BUILDING (if applicable): _____ SQ. FT.

12. TOTAL GROSS FLOOR AREA OF NEW BUILDING (including required parking and all usable floor space) _____ SQ. FT.

13. TOTAL FEE: (to be completed by staff) \$ _____

PLEASE NOTE THE FOLLOWING:

- *Applications for any Board hearing(s) will not be accepted without payment of the required fee. All checks are to be made payable to: "City of Miami Beach."*
- *Public records notice: all documentation, application forms, maps, drawings, photographs, letters and exhibits will become a part of the public record maintained by the City of Miami Beach Planning Department and shall under Florida Statute, be disclosed upon proper request to any person or entity.*
- *In accordance with the requirements of Section 2-482 of the Code of the City of Miami Beach, any individual or group (Lobbyist) that has been, or will be, compensated to either speak in favor or against a project being presented before any of the City's Development Review Boards, shall be fully disclosed prior to the public hearing. All such individuals and/or groups must register with the City Clerk **prior** to the hearing.*
- *In accordance with Section 118-31 of the Code of the City of Miami Beach, all applicants shall, prior to the public hearing, fully disclose 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 (exclusive of all legal or professional design services). Such disclosure shall:*
 1. *Be in writing.*
 2. *Indicate to whom the consideration has been provided or committed.*
 3. *Generally describe the nature of the consideration.*
 4. *Be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board.*

In the event the applicable development review board determines that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and 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 Boards reach a decision, a Final Order will be issued stating the Board's decision and any conditions imposed therein. The Final Order must be recorded in the Office of the Recorder of Miami-Dade County; the original shall remain on file with the board clerk/secretary. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded Final Order being tendered along with the construction plans.*

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice) or 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

PLEASE COMPLETE ONE OR MORE OF THE FOLLOWING THREE AFFIDAVITS, AS APPLICABLE. NOTE: THE PROPERTY OWNER MUST FILL OUT AND SIGN THE "POWER OF ATTORNEY" PORTION IF THEY WILL NOT BE PRESENT AT THE HEARING, OR IS HAVING OTHER PERSONS SPEAK ON THEIR BEHALF.

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____
COUNTY OF _____

I, _____, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all sketches data and other supplementary matter attached to and made a part of the application are true and correct to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised. 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 and I take the responsibility of removing this notice after the date of hearing.

PRINT NAME 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

PRINT NAME

My Commission Expires:

ALTERNATE OWNER AFFIDAVIT FOR
CORPORATION or PARTNERSHIP
(Circle one)

STATE OF Florida
COUNTY OF Miami-Dade St Lucie

I, Darlene McKinney being duly sworn, depose and say that I am the Vice President of Wells Fargo Bank and as such, have been authorized by such entity to file this application that all answers to the questions in the application and all sketches, data and other supplementary matter attached to and made a part of the application are true and correct to the best of our knowledge and belief; that the corporation is the owner/tenant of the property described herein and is the subject matter of the proposed hearing. We understand this application must be completed and accurate before a hearing can be advertised. 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 and I take the responsibility of removing this notice after the date of hearing.

Darlene McKinney Darlene McKinney
PRINT NAME SIGNATURE

Sworn to and subscribed before me this 15th day of February, 20 16. The foregoing instrument was acknowledged before me by Darlene Marie McKinney, Vice President of Wells Fargo Bank on behalf of such entity, who has produced FDL as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP:  Ruby L. Bright
State of Florida Ruby L. Bright
MY COMMISSION # FF 12374 NOTARY PUBLIC
Expires: April 25, 2017 PRINT NAME

My Commission Expires:

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

I, _____, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all sketches data and other supplementary matter attached to and made a part of the application are true and correct to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised. 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 and I take the responsibility of removing this notice after the date of hearing.

PRINT NAME

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 or PARTNERSHIP

(Circle one)

STATE OF Florida

COUNTY OF Miami-Dade

ARRP Miami, LLC,
which is the Manager of

I, David Smith being duly sworn, depose and say that I am the Manager of 1212 Lincoln, LLC

and as such, have been authorized by such entity to file this application that all answers to the questions in the application and all sketches, data and other supplementary matter attached to and made a part of the application are true and correct to the best of our knowledge and belief; that the corporation is the owner/tenant of the property described herein and is the subject matter of the proposed hearing. We understand this application must be completed and accurate before a hearing can be advertised. 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 and I take the responsibility of removing this notice after the date of hearing.

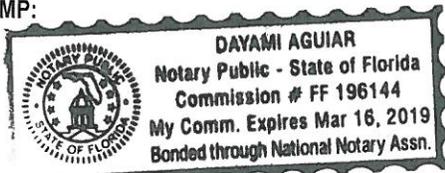
David Smith, Manager of ARRP Miami, LLC

PRINT NAME

SIGNATURE

Sworn to and subscribed before me this 5 day of Feb, 2016. The foregoing instrument was acknowledged before me by David B. Smith, manager of ARRP Miami, LLC 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:



NOTARY PUBLIC

PRINT NAME

My Commission Expires:

POWER OF ATTORNEY AFFIDAVIT

STATE OF Florida
COUNTY OF Miami-Dade

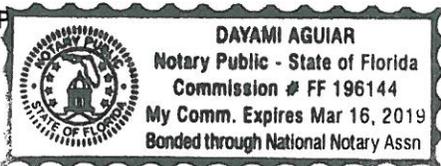
I, David Smith, being duly sworn and deposed say that I am the owner or representative of the owner of the described real property and that I am aware of the nature and effect of the request for design review relative to the subject property, which request is hereby made by me OR I am hereby authorizing Bercow Radell & Fernandez PA to be my representative before the Design Review Board. 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 and I take the responsibility of removing this notice after the date of hearing.

David Smith, Manager of
ARRP Miami, LLC, which is the Manager of 1212 Lincoln, LLC
PRINT NAME (and Title, if applicable)

[Signature]
SIGNATURE

Sworn to and subscribed before me this 5th day of Feb, 2016. The foregoing instrument was acknowledged before me by David B. Smith, MANAGER of ARRP Miami, 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



[Signature]
DAYAMI AGUIAR
NOTARY PUBLIC
PRINT NAME

My Commission Expires:

CONTRACT FOR PURCHASE

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether the purchaser is a corporation, trustee or partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries or partners. Where the principal officers, stockholders, beneficiaries or partners consist of another corporation, trust, partnership or other similar entity, further disclosure shall be required which discloses 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 or trusts, list all individuals and/or complete the appropriate disclosure clause above.*

ARRP Miami, LLC has contracted to purchase the land owned by Wells Fargo

NAME	DATE OF CONTRACT
NAME, ADDRESS, AND OFFICE	% OF STOCK
<u>See disclosure below</u>	
_____	_____
_____	_____
_____	_____

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

POWER OF ATTORNEY AFFIDAVIT

STATE OF Florida

COUNTY OF Miami-Dade St Lucie

I, Darlene McKinney, being duly sworn and deposed say that I am the owner or representative of the owner of the described real property and that I am aware of the nature and effect of the request for design review relative to the subject property, which request is hereby made by me OR I am hereby authorizing Bercow Radell & Fernandez PA to be my representative before the Design Review Board. 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 and I take the responsibility of removing this notice after the date of hearing.

Darlene McKinney VP Wells Fargo Bank
PRINT NAME (and Title, if applicable)

[Signature]
SIGNATURE

Sworn to and subscribed before me this 15 day of February, 2016. The foregoing instrument was acknowledged before me by Darlene Marie McKinney Vice President of Wells Fargo Bank who has produced FLDL as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



Ruby L. Bright
State of Florida
MY COMMISSION # FF 12374
Expires: April 25, 2017

[Signature]
Ruby L. Bright
NOTARY PUBLIC
PRINT NAME

My Commission Expires:

CONTRACT FOR PURCHASE

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether the purchaser is a corporation, trustee or partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries or partners. Where the principal officers, stockholders, beneficiaries or partners consist of another corporation, trust, partnership or other similar entity, further disclosure shall be required which discloses 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 or trusts, list all individuals and/or complete the appropriate disclosure clause above.*

NAME
NAME, ADDRESS, AND OFFICE

DATE OF CONTRACT
% OF STOCK

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

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

DISCLOSURE OF INTEREST

1. CORPORATION

If the property which is the subject of the application is owned or leased by a CORPORATION, list ALL of the stockholders, and the percentage of stock owned by each. Where the stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

ARRP Miami, LLC

CORPORATION NAME

NAME AND ADDRESS

% OF STOCK

See attached

<hr/>	<hr/>

Wells Fargo Bank, NA

CORPORATION NAME

NAME AND ADDRESS

% OF STOCK

publicly traded

<hr/>	<hr/>

IF THERE ARE ADDITIONAL CORPORATIONS, LIST OTHERS, INCLUDING CORP. NAME(S) AND EACH INDIVIDUAL STOCKHOLDER'S NAME, ADDRESS, OFFICE AND PERCENTAGE OF STOCK, ON A SEPARATE PAGE.

NOTE: Notarized signature required on page 8

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

DISCLOSURE OF INTEREST

2. TRUSTEE

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. Where the beneficiary/beneficiaries consist of corporations(s), another trust(s), partnership(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

N/A

TRUST NAME	
NAME AND ADDRESS	% OF STOCK
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

3. PARTNERSHIP/LIMITED PARTNERSHIP

If the property which is the subject of the application is owned or leased by a PARTNERSHIP or LIMITED PARTNERSHIP, list the principals of the partnership, including general and limited partners. Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entity, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.*

N/A

PARTNERSHIP or LIMITED PARTNERSHIP NAME	
NAME AND ADDRESS	% OF STOCK
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTE: Notarized signature required on page 8

4. COMPENSATED LOBBYIST:

The City of Miami Beach Code sub-section 118-31 requires the disclosure of any individual or group which has been, or will be, compensated to either speak in favor of or against a project being presented before any of the City's Development Review Boards, or not to speak at all. Please list below all persons or entities encompassed by this section.

NAME	ADDRESS	PHONE #
a. Michael Larkin, Esq.	200 S. Biscayne Blvd., Suite 850 Miami FL 33131	305-374-5300
b. Graham Penn, Esq.	200 S. Biscayne Blvd., Suite 850 Miami FL 33131	305-374-5300
c.		

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

* Disclosure shall not be required of any entity, the equity interest 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 and where no one person or entity holds more than a total of 5% of the ownership interests in the limited partnership or other entity.

APPLICANT HEREBY ACKNOWLEDGES THAT ANY APPROVAL GRANTED BY THE BOARD SO APPLIED TO, SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND THAT THE PROJECT MUST ALSO COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE LAW.

APPLICANT AFFIDAVIT

STATE OF Florida

COUNTY OF Miami-Dade

David Smith, Manager of

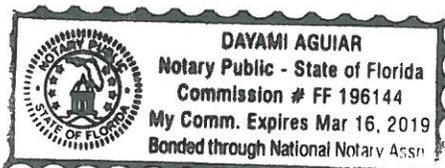
ARRP Miami, LLC, which is the Manager of 1212 Lincoln, LLC

I, David Smith, (list name of corporation and office designation as applicable) being first duly sworn, depose and say that I am the applicant, or the representative of the applicant, for the subject matter of the proposed hearing; that all the answers to the questions in this application and all sketches, data and other supplementary matter attached to and made a part of the application and the disclosure information listed on this application is a full disclosure of all parties of interest in this application are true and correct to the best of my knowledge and belief.

[Signature]
SIGNATURE

Sworn to and subscribed before me this 5th day of Feb, 2016. The foregoing instrument was acknowledged before me by David B Smith, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires:

[Signature]
NOTARY PUBLIC
DAYAMI AGUIAR
PRINT NAME

4. COMPENSATED LOBBYIST:

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NAME	ADDRESS	PHONE #
a. Michael Larkin, Esq.	200 S. Biscayne Blvd., Suite 850 Miami FL 33131	305-374-5300
b. Graham Penn, Esq.	200 S. Biscayne Blvd., Suite 850 Miami FL 33131	305-374-5300
c.		

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APPLICANT AFFIDAVIT

STATE OF Florida

COUNTY OF Miami-Dade

David Smith, Manager of

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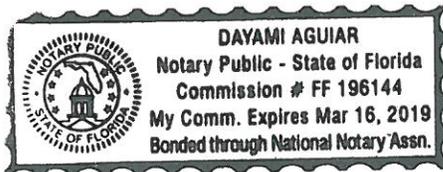
I, _____, (list name of corporation and office designation as applicable) being first duly sworn, depose and say that I am the applicant, or the representative of the applicant, for the subject matter of the proposed hearing; that all the answers to the questions in this application and all sketches, data and other supplementary matter attached to and made a part of the application and the disclosure information listed on this application is a full disclosure of all parties of interest in this application are true and correct to the best of my knowledge and belief.



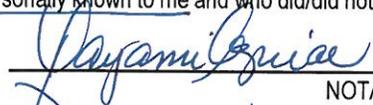
SIGNATURE

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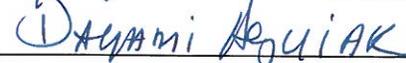
NOTARY SEAL OR STAMP



My Commission Expires:



NOTARY PUBLIC



PRINT NAME

SUPPLEMENTARY DISCLOSURE OF INTEREST

Interests in 1212 Lincoln, LLC

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

Interests in ARRP Miami, 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%



DIRECT LINE: (305) 377-6229
E-Mail: gpenn@BRZoningLaw.com

VIA HAND DELIVERY

May 13, 2016

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

Re: "1212 Lincoln" Phased Development - New Application for Revised Development Program, Addition of Property, Supergraphics, and Related Variances.

Dear Tom:

This firm represents ARRP Miami, LLC, 1212 Lincoln, LLC, and Wells Fargo Bank (collectively the "Applicant") the owners of an assemblage of land 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 an application for phased design approval for an innovative mixed-use hotel and commercial development. As you know, the Design Review Board approved a similar project through File 23078.

The instant application is similar in most respects to the approved plan, but reflects the revision to the design of the commercial space to create an innovative old-world inspired "mercado" design, the addition of a hotel use, the expansion of the project south onto the site at 1600 Alton Road, and (as requested by the residential neighbors to the west of the Property) the removal of all garage access from the adjacent alley.

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 Property is zoned Commercial Medium

Thomas Mooney, Director

May 13, 2016

Page 2

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.

The subject property is developed with five commercial buildings of varying ages as well as a surface parking lot. A six structure was recently demolished to make way for the proposed development.

Approved Development. Through File No. 23078, the Design Review Board approved the development of most of the Property with an innovative commercial building and associated structured parking. This application proposes a physical expansion of the project onto 1600 Alton Road and the design changes discussed herein.

Proposed Development. The Applicant proposes to develop the Property with an innovative mixed-use building (featuring exterior facing supergraphics) and associated structured parking. As you will note from the provided plans, the Applicant seeks to locate retail/market/restaurant uses on the first and second floors, addressing both Alton Road and Lincoln Road. The center of the project will be taken up with a pedestrian-friendly "mercado" area that is proposed to be the home of multiple small establishments, including multiple food and beverage uses and food purveyors. In essence, the Applicant seeks to develop this portion of the project as a modern version of a traditional marketplace. We believe that this design concept will attract pedestrian activity along Alton Road in a manner simply not seen today. Pedestrian access to the mercado area will be from both Alton Road and 16 Street and has been encouraged by the architecture and orientation of the building. The design encourages pedestrian activity through the introduction of wide openings at the street level, attractive stairs leading from the Alton Road sidewalk to the second level, and the additional setback provided along approximately 60% of the Alton Road frontage. There is no ground floor pedestrian access to the alley currently proposed.

The next two levels and rooftop of the southern portion of the building will be devoted to parking. Vehicular access to the parking will be exclusively from 16th Street, removing a concern that had been raised by adjacent residential property owners in the review of the previous "1212 Lincoln" design. The only drive remaining on Alton Road will be the existing driveway for the 1600 Alton property. As you will note, the Wells Fargo building currently has a drive and parking lot with Alton Road access. The 1212 Lincoln design will therefore represent a positive improvement for the neighborhood and should significantly increase pedestrian activity.

The northern portion of the project will consist of additional retail/service uses, including the relocated Wells Fargo bank branch, as well as the hotel use. The hotel entry, including valet stacking, will be located along Lincoln Road. The majority of the hotel will be located on floors three and above and it will include a rooftop pool, terrace and rooftop bar. The rooftop uses are proposed to be limited to hotel guests.

Supergraphics. As you will note from the submitted plans, the Applicant is proposing to utilize supergraphics to enliven the Alton Road frontage. The supergraphic system, which will employ small projectors, will allow the Applicant to change the appearance of the graphics on a seasonal basis or to reflect important events or holidays, or to highlight the work of a specific artist. The targeted use of supergraphics on the building will further cement the Lincoln Road area as an exciting place for residents and visitors alike while not negatively impacting the residential uses to the west.

Phasing of Construction. As you know, Wells Fargo operates a successful bank branch on the north end of the Property. The uses at 1600 Alton also have certain lease rights that will make the immediate redevelopment of portions of that site impossible. In order to allow the bank to continue to operate during the construction of the project and to account for the lease terms, the Applicant hereby requests that the project be divided into three phases as depicted on the submitted plans.

The proposed phasing schedule is as follows:

Phase I shall be defined as depicted on the submitted plans. A building permit for the Phase I improvements shall issue within eighteen (18) months of the Board's approval.

Phase II shall be defined as depicted on the submitted plans. A building permit for the Phase II improvements shall issue within twelve (12) months following the issuance of the final certificate of occupancy for the Phase I improvements.

Phase III shall be defined as depicted on the submitted plans. A building permit for the Phase III improvements shall issue within twelve (12) months following the issuance of the final certificate of occupancy for the Phase II improvements.

As depicted on the plans, Phase I will include most of the development south of the existing bank branch, except it will exclude the existing buildings on the 1600 Alton site. Phase II will include the demolition of the bank and construction of the

retail and hotel uses. Phase III will include the demolition of the western building on the 1600 Alton site.

Variations. In order to realize its development plan, which (among other things) will create an unprecedented pedestrian experience along this portion of Alton Road, the Applicant is hereby requesting the approval of four minor setback variations, all designed to keep this mixed-use building a unified and functional design. The variations are as follows:

1. (A) A rear setback variance to permit the hotel use to be located 10 feet from the rear on the first and second floors.

(B) A rear setback variance to permit the hotel use to be located 0 feet from the rear on the third floor and above.
2. A rear setback variance to permit the hotel use to be located 0 feet from the rear.
3. A side street setback variance to permit the hotel use to locate from 0 feet to 15'7" from the north property line.
4. A side street setback variance to permit the hotel use to locate 0 feet from the north property line.
5. A front setback variance to permit the hotel use to locate from 0 feet to 4'9" from the east property line above the second floor.
6. A front setback variance to permit the hotel use to locate from 0 feet to 4'9" from the east property line.
7. (A) A rear setback variance to permit the commercial floors (second and above) to be located at 0 feet where 5 feet would be required.

(B) A rear setback variance to permit the commercial floors (second and above) to be located at 0 feet where 5 feet would be required.

Code Standards. The relevant listed standards in Section 118-353(d) are below and will be followed by a brief analysis. In general, care has been taken to develop the building as a pedestrian-friendly experience along Alton Road. The Applicant has

also taken great care to provide “off-street” loading for the largest possible trucks along the alley – pulling the entire first floor in by ten feet to accommodate the stacking of large trucks (north to south) while still retaining traditional loading spaces in the building.

- (1) special conditions exist that are peculiar to the applicant’s land;

This site is uniquely burdened by location, size, existing development (including the need to retain the Wells Fargo use and portions of the 1600 Alton uses), and street frontage.

The location of the Property, taking up the entire length of the block, as well as the Property’s orientation, creates issues with certain setback requirements, especially the side street requirements.

The need to phase development in order to protect the Wells Fargo use while still providing the needed parking for the overall development has resulted in the hotel use being pushed into the northern portion of the site, which has resulted in multiple variances associated with the placement of the hotel element. In the absence of the need to phase the development, which also requires the parking garage to be developed in the first phase, the variances associated with the hotel element may not have been required.

- (2) the special conditions were not created by the applicant;

The Applicant did not create the special conditions inflicted on the Property – including. size, street frontage, existing development status.

- (3) granting the requested variance would not confer upon the applicant special privileges;

The approval of the requested variances will only serve to bring the Property into parity with similarly situated sites, which have not been burdened with the size, elevation, and orientation issues seen here, and would allow the Applicant to directly benefit the public through the creation of a first class pedestrian experience along Alton Road.

- (4) literal application of the City’s standards would result in unnecessary and undue hardship;

This Property is so uniquely impacted by the above-described issues that it would cause unnecessary hardship on the Applicant if the variance was not approved.

As noted above, most of the variances are associated with the hotel use, which, unlike the remainder of the building, would be subjected to the City's residential zoning standards. It creates a significant hardship and practical difficulty to require the hotel element of a mixed-use/integrated structure to locate at a different setback, especially in the CD-2 zoning district where, because of height limits, no true "tower" element can reasonably be constructed. For new construction in the CD-2 zone, the "tower" cannot be reasonably divorced from the pedestal of the building.

Forcing the hotel uses to comply with a separate setback would so negatively impact the integrity of the overall development that the hotel use would simply be impossible.

- (5) the variance would be the minimum necessary for a reasonable use of the land, building, or structure;

The requested variances are the minimum needed to develop a mixed-use project that is internally consistent in layout and design, while still providing an increased setback on 60% of the building's frontage and accommodating all necessary loading and delivery spaces (including capacity not required by the City's regulations).

- (6) the variance would be in harmony with the general intent of the City's regulations; and

The approval of the requested variances would permit the development of an innovative and compatible mixed-use development on this Property. The City's regulations are intended to promote compatible development throughout the City. The instant application seeks approval of a project that is compatible with its surroundings and provides significant amenities open to the general public. The revised design concept will drastically reduce the impact of the development on our residential neighbors, including removing essentially all non-delivery and trash traffic from the alley.

- (7) the granting of the variance would be consistent with the City's comprehensive plan and does not reduce minimum levels of service established in the comprehensive plan.

Thomas Mooney, Director

May 13, 2016

Page 7

The requested variances will keep the development consistent with the Comprehensive Plan and will not intensify the development of the land in a manner inconsistent with established levels of service.

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,

A handwritten signature in black ink, appearing to read 'Graham Penn', written over the printed name.

Graham Penn

cc: Russell Galbut
Marisa Galbut
Jose Gelabert-Navia, AIA
Krickit Snow, AIA
Michael Larkin, Esq.

PERKINS + WILL

April 11, 2016

Revision: April 29th, 2016

(Response to recent comments on the last page of this document in blue for clarity)

Miami Beach Planning Department
Design Review board
1700 Convention Center Drive
Miami Beach,
FL 33139

Re: 1600-1634 Alton Road (1212 Lincoln Road) DRB File Number 23259

Dear reviewer:

Please see below responses to your comments issued on 03/07/2016 relative to the submittal before the design review board of the 1212 Lincoln Road project consisting of Hotel, market and parking garage. The numbered list below corresponds to the numbering issued in the Staff First Submittal Review Comments document.

2-a) Photographs are now enlarged per requirements with key plans for reference.

3- Lot area is now provided in the survey.

1 through 6: Further refinements were made to the sections and floor plan on sheets A00-01A and A00-01B. Variance numbering convention follows the one indicated in the comments.

- b) Two separate variance requests for front setbacks (4 and 5) are indicated on section 4 of sheet A00-01B.
- c) Three separate variance requests for rear setback (1A, 1B and 2) are indicated on section 4 of sheet A00-01B.
- d) Side setback has now been adjusted (section 2 on sheet A00-01B, request No. 3).
- e) Required rear setback has now been changed to 5'-0".
- f) Setback is now shown for driveway on sheet A00-01A.
- g) Setbacks are shown for all recessed areas on SHEET A00-02.
- h) Loading spaces are now clearly identified on SHEET A00-02.
- i) Sheets A00-01H, A00-01I and A00-01J (HOTEL AREA DIAGRAMS) demonstrate compliance with 25% minimum.
- j) Existing to remain area is included in FAR calculations (see sheet Zoning Data on SHEET A00-00). Also, FAR diagram from Level 01 has been updated reflecting in darker yellow shade the contributing existing to remain area (SHEET A00-01C).
- k) Sheet A00-01G- HOTEL UNITS demonstrate compliance with the minimum required by Code.
- l) Striping of ramp lanes is now shown in plans. Reverse lane now shows striping.
- m) Survey now shows total lot area and this area match the FAR calculation shown in Zoning Data table on SHEET A00-00.

- n) Temporary bar structure was removed from roof plan.
- o) SHEET A00-10 shows compliance with CODE (Floor plans 2 and 3).
- p) Building elevations and sections identify heights of structure above height limit.
- q) Heights are now shown in NGVD.

4-

- a) Lines have been removed.
- b) Section marks are now shown in floor plans.
- c) Floor plans now show anticipated location of bathrooms within guest rooms in the hotel.
- d) Upper parking level now shows paving pattern as requested. These patterns are integral to the overall branding strategy reflected on the walls and soffit of the parking garage volume. It is anticipated that further development on these patterns will occur as the design development continues with the input of the branding experts (refer to sheet A00-10).
- e) The west elevation indicated shields along ramps and in front of parking spaces.
- f) Screening for the parking garage is now shown depicting two options. Refer to SHEET A00-012B and SHEETS A00-24 and A00-25.

RESPONSES FROM LANDSCAPE ARCHITECT

- a) Existing Royal Palms facing Lincoln Rd should be relocated and replaced with Canopy Shade Trees spaced 20' o.c. inclusive of Silva Cells subject to the review and approval of Planning staff and the City of Miami Beach Urban Forester. **Royal Palms have been replaced with Mahogany street trees spaced 20' o.c. inclusive of Silva Cells. See Sheet L100.**
- b) Design of crosswalks should be consistent with the design of the CIP City Center ROW Project. An additional East-West pedestrian cross-walk should be provided on the north side of the Lincoln – Alton Rd intersection. **Crosswalks designed consistently with CIP City Center ROW project. Additional East-West pedestrian cross-walk noted to be included. See sheet L100.**
- c) Silva Cells should be specified for the street trees facing Alton Rd. **Silva Cells have been specified for the street trees facing Alton Rd. See Sheet L100.**
- d) Provide cross section of rooftop planters and make sure adequate rooting space is provided for large trees as proposed. **Cross section of rooftop planters has been provided showing 3 foot depth for trees proposed. See sheet L102.**
- e) Landscape plans for garden area identified on Sheet A00-07 was not provided. **See sheet L101 for landscape plan of garden area identified on Sheet A00-07.**
- f) Sheet A00-12: provide specifications for the proposed green screen panels and clarify how would the system be attached, irrigated, and maintained. Additionally, clarify how is the run-off water going to be drained. Also, provide plant list for the system. **Specifications for green screen panels and details of attachment shown on L103. Confederate Jasmine vine to be planted in**

planter at base of green screen. run-off water will be drained into the planter which will contain an area drain. GSKY green wall section and details indicating attachment and drainage also shown on sheet L103. Refer to sheet L101 for green wall plant list.

- g) A CMB Tree removal permit is required for the relocation or removal of any trees with DBH of 3" or greater. **CMB Tree removal permit to be provided with CMB building permit submission.**

Reponses to Comments received on Wednesday April 20th, 2016

- 1- The FAR diagrams only list the Hotel Use's square footage on every sheet but not the commercials. There's also two different sets of FAR diagrams with the same information. **The HOTEL AREA DIAGRAMS sheets were included respond to DRB comment "i) dated March 7th, 2016: "Provide separate diagram showing that more than 25% of the building area is being utilized as a hotel in order to use the RM-2 FAR". The FAR sheets now show both commercial and hotel areas in the revised schedule.**
- 2- The Unit Size table does not specify the actual square footage of the rooms, they areas are just shaded in different colors for those below 335 SF and those above 335 SF. **Individual areas for guest rooms are now shown in A00-01G.**
- 3- The architect provided a diagram showing the setbacks for the commercial component on the ground floor but not on the upper floor which have even greater setbacks. Provide some dimensions throughout each level. **Dimensions shown in red are now provided in all levels.**
- 4- On Sheet A00-05 what does the square hatching delineate on the Southern parcel? A portion of the hatched area is over the property line. The cross hatch denotes paving area. **Drafting error is now fixed and shows no hatch beyond property line.**
- 5- Provide a separate sheet for the roof paving pattern. The small diagram provided is not clear. **The roof paving pattern is now shown on a larger scale and on a separate sheet.**
- 6- Additionally, the pool on the roof will count towards the roof deck area (cannot exceed 50% of the floor area below). **The diagram on sheet A00-10 has now being revised to take into account the pool area.**
- 7- Separate the four elevations. **The elevations are now shown in four different sheets.**
- 8- Clarify the "Alternative" Plans. They modifications between the two plan may affect the FAR, but these calculations are not provided. **Both schemes have identical gross floor areas, they only differ in the interior layout of the market on levels 1 and 2. A new diagram has been added to sheet A00-11 that shows alternative layout for second level matching the same gross floor area on the base scheme. Exterior boundaries defining gross area are identical for both schemes.**
- 9- There's also alternative elevations for the garage. Are you giving the Board an option? **We have selected option A.**

Reponses to Comments received on Friday April 22th, 2016

- a. Staff is not supportive of the degree of the requested variances.
- b. Reduction of the front setback for the hotel use requires two separate variances. One for the pedestal portion and one for the tower portion. Please revise variance request. **NOT ADDRESSED in LOI. Variance requests have been revised to conform with accepted criteria and included in LOI.**
- c. Pedestal and tower rear setbacks have different setback requirements for **residential uses**. Please revise variance request. **NOT ADDRESSED in LOI. Variance requests have been revised to conform with accepted criteria and included in LOI.**
- d. The required side setback is based on the entire lot width of the property. Please revise variance request. **NOT addressed in LOI, variance table is not clear, only refers to the sum of the sides. Variance requests have been revised to conform with accepted criteria and included in LOI.**
- e. The required rear setback for commercial uses is 5'-0". Revise variance request. **NOT ADDRESSED. Variance No. 7A and 7B clarify requests for commercial uses for rear setback.**
- f. ~~Setbacks for driveways and parking are not provided. Driveway on the rear does not comply with the required setback.~~
- g. Site plans must show all proposed setbacks particularly the recesses provided along Alton Road. **Site**

plan shows dimensions in all set backs

- h. ~~Required loading spaces are not clearly identified on plans.~~
Provide separate diagram showing that more than 25% of the building area is being utilized as a hotel in order to use the RM-2 FAR. **Revise calculation as indicated in w. comment below. Hotel area schedules are now showing the correct total area.**
- i. FAR calculations must include the existing to remain commercial buildings. **It is included in the schedules and zoning data table.**
- j. Provide a unit size break down showing that the unit size complies with the minimums required by Code for a new hotel. **85% of the units shall be more than 335 s.f. no 335 or more. Guest rooms show the individual areas and the legend has been updated to show correct criteria.**
- k. ~~Provide striping of ramp lanes. Particularly how the changing lane will work.~~
- l. ~~Survey shall be revised to indicate total lot area of the property. The area of the property indicated in the survey does not match the area on the zoning information. Please revise.~~
- m. ~~Bar area and its associated structures above the 60' maximum height is not an allowable height exception and shall be removed from the roof plan.~~
- n. Indicate whether the higher deck at 63'-0" complies with the maximum 50% of the floor area below.
- o. Provide height of encroachments.
- p. Heights must be shown in NGVD value not NAVD.
- q. **Variations requested in LOI are not updated and do not include variances indicated on plans. Variance number 4 is incorrect. The required rear (ped. & tower) setback for commercial is 5 feet not 10 feet. Variance number 2 is incorrect; the required street side setback for hotel is 37'-9". Variance request have been revised to conform with accepted criteria and addressed in LOI.**
- r. **Variance for rear setback of driveway is not necessary as it can be located at zero. Staff mistake. Sorry.**
- s. **Variance table on page A00-01B does not indicate the required street side setback of 37'-9". Zoning Data table and Section 2 on Sheet A00-01B have been revised. They now show the correct 37'-9" setback.**
- t. **One way drives at the south side shall be 11'-0" in width. As shown, all three do not comply. Driveways have been revised to show a min. 11' width.**
- u. **Page A00-06 shows an area next to the hotel lobby that is not identified. Is it bathrooms?. Room is now identified as Vestibule.**
- v. **Hotel area calculation on page A00-01H does not include the second floor lobby area of 3,224 sf on the second floor. The schedule was revised to show the Hotel area on the second level.**
- w. **Hotel area of the 5th floor indicated on page A00-01H is 14,542 s.f. Area of 5th floor indicated on page A00-10 for deck calculation is 14,224 s.f. Please revise. Both areas now match on the floor plans.**
- x. **There are discrepancies between the LOI, the variances indicated on page A00-01A and the variances indicated on page A00-01B. Variance Number 5 is indicated as a driveway setback and also as a tower front setback. Variance requests have been revised to conform with accepted criteria and included in LOI.**

Alejandro Branger, AIA, LEED AP BD+C

Senior Project Designer, Associate

Sustainable Design Leader

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