MIAMIBEACH
PLANNING DEPARTMENT
City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139

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

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.

( ) BOARD OF ADJUSTMENT BOARD
( ) DESIGN REVIEW BOARD
( ) FLOOD PLAIN MANAGEMENT BOARD
(X) HISTORIC PRESERVATION
( ) PLANNING 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. (X) 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 *1035 Lincoln Road*
LEGAL DESCRIPTION: COMMERCIAL SUB PB 6-5, LOTS 1 & 2 BLK 38, LOT SIZE 100.000 X 150

4. NAME OF APPLICANT *Nike, Inc.*

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.

1 SW Bowerman Drive	*Beaverton*	*Oregon*	*97005*
ADDRESS OF APPLICANT	CITY	STATE	ZIP

BUSINESS PHONE # *(503) 532-9790* **CELL PHONE #** *N/A*

E-mail address: *jennifer.shultis@nike.com*

5. NAME OF PROPERTY OWNER (IF DIFFERENT FROM #4, OTHERWISE, WRITE "SAME") *Playa Retail Investments, LLC*

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.

270 Biscayne Boulevard Way, Suite 201 | *Miami* | *FL* | *33131*

ADDRESS OF PROPERTY OWNER | **CITY** | **STATE** | **ZIP**

BUSINESS PHONE # *(305) 373-9559* **CELL PHONE #** *N/A*

E-mail address: *alinar@pontegadea.com*

6. NAME OF ARCHITECT, LANDSCAPE ARCHITECT, ENGINEER, CONTRACTOR OR OTHER PERSON RESPONSIBLE FOR PROJECT DESIGN

North American Signs | *3601 West Lathrop* | *South Bend* | *IN* | *46628*

NAME (please circle one of the above) | **ADDRESS** | **CITY** | **STATE** | **ZIP**

BUSINESS PHONE # *(800) 810-0448* **CELL PHONE #** *N/A*

E-mail address: *N/A*

7. NAME OF AUTHORIZED REPRESENTATIVE(S), ATTORNEY(S), OR AGENT(S) AND/OR CONTACT PERSON:

a. *Michael Larkin, Bercow Radell and Fernandez, PLLC; 200 S. Biscayne Boulevard, Suite 850, Miami, FL 33131*

NAME | **ADDRESS** | **CITY** | **STATE** | **ZIP**

BUSINESS PHONE # *(305) 377-6231* **CELL PHONE #** *N/A*

E-mail address: *mlarkin@brzoninglaw.com*

b. *Mickey Marrero, Bercow Radell and Fernandez, PLLC; 200 S. Biscayne Boulevard, Suite 850, Miami, FL 33131*

NAME | **ADDRESS** | **CITY** | **STATE** | **ZIP**

BUSINESS PHONE # *(305) 377-6236* **CELL PHONE #** *N/A*

E-mail address: *mmarrero@brzoninglaw.com*

c. *N/A*

NAME | **ADDRESS** | **CITY** | **STATE** | **ZIP**

BUSINESS PHONE # _____ **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: *The Applicant requests three (3) sign area variances and one (1) variance to relocate signage to the second floor in order to provide the proposed signage for its previously approved retail structure located within the Flamingo Park Historic District. Please refer to letter of intent and plans for further details.*

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

10. WILL ALL OR ANY PORTION OF THE BUILDING(S) INTERIOR AND/OR EXTERIOR, BE DEMOLISHED? [ ] YES [*X*] 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, N/A, 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

I, Alina Rojas being duly sworn, depose and say that I am the Vice President of Playa Retail Investments, 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.

Alina Rojas, Vice President
PRINT NAME

Alina Rojas
SIGNATURE

Sworn to and subscribed before me this 3 day of February, 2016. The foregoing instrument was acknowledged before me by Alina Rojas, Vice President of Playa Retail Investments, 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

JUAN OSCAR CHABRIER
MY COMMISSION # FF 159828
EXPIRES: September 15, 2018
Bonded Thru Notary Public Underwriters

NOTARY PUBLIC

Juan O. Chabrier
PRINT NAME

My Commission Expires:
September 15, 2018

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

I, *N/A*, 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 OREGON

COUNTY OF WASHINGTON

I, *Jennifer Shultis* being duly sworn, depose and say that I am the *Construction Project Manager* of *Nike, Inc.* 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.

Jennifer Shultis, Construction Project Manager
PRINT NAME

SIGNATURE

Sworn to and subscribed before me this 3rd day of February, 2016. The foregoing instrument was acknowledged before me by *Jennifer Shultis, Construction Project Manager* of *Nike, Inc.* who has produced known as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

OFFICIAL STAMP
LEZA BETH BISHOP
NOTARY PUBLIC – OREGON
COMMISSION NO. 937145
MY COMMISSION EXPIRES MARCH 16, 20

Leza B Bishop

NOTARY PUBLIC

My Commission Expires: 3-16-19

LEZA B. BISHOP

PRINT NAME

OFFICIAL STAMP
LEZA BETH BISHOP
NOTARY PUBLIC – OREGON
COMMISSION NO. 937145
MY COMMISSION EXPIRES MARCH 16, 2019

POWER OF ATTORNEY AFFIDAVIT

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, *Alina Rojas* being duly sworn, 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 *Certificate of Appropriateness* relative to the subject property, which request is hereby made by me OR I am hereby authorizing *the law firm of Bercow Radell & Fernandez, PLLC* to be my representative before the *Historic Preservation* 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.

Alina Rojas, Vice President of Playa Retail Investments, LLC
PRINT NAME

SIGNATURE

Sworn to and subscribed before me this 3 day of February, 2016. The foregoing instrument was acknowledged before me by *Alina Rojas*, *Vice President* of *Playa Retail Investments, 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

JUAN OSCAR CHABRIER
MY COMMISSION # FF 159828
EXPIRES: September 15, 2018
Bonded Thru Notary Public Underwriters

NOTARY PUBLIC

Juan O. Chabrier
PRINT NAME

My Commission Expires September 15, 2018

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.*

N/A
NAME

DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

% 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.

POWER OF ATTORNEY AFFIDAVIT

STATE OF OREGON

COUNTY OF WASHINGTON

I, *Jennifer Shultis* being duly sworn, 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 *Certificate of Appropriateness/ Variance* relative to the subject property, which request is hereby made by me OR I am hereby authorizing *the law firm of Bercow Radell & Fernandez, PLLC* to be my representative before the *Historic Preservation* 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.

Jennifer Shultis, Construction Project Manager
PRINT NAME

SIGNATURE

Sworn to and subscribed before me this 3rd day of February, 2016. The foregoing instrument was acknowledged before me by *Jennifer Shultis, Construction Project Manager* of *Nike, Inc.* who has produced Known as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

OFFICIAL STAMP
LEZA BETH BISHOP
NOTARY PUBLIC – OREGON
COMMISSION NO. 937145
MY COMMISSION EXPIRES MARCH 16, 2019

NOTARY PUBLIC

Leza B Bishop
PRINT NAME

My Commission Expires 3-16-19

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.*

N/A
NAME

DATE OF CONTRACT

NAME, ADDRESS, AND OFFICE

% 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.*

Nike, Inc.

CORPORATION NAME

NAME AND ADDRESS	% OF STOCK
Publicly traded corporation on the Nasdaq	

Playa Retail Investments, LLC

CORPORATION NAME

NAME AND ADDRESS	% OF STOCK
See Exhibit A	

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

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 W. Larkin*	*200 S. Biscayne Blvd, Suite 850, Miami*	*(305) 377-6231*
b.	*Mickey Marrero*	*200 S. Biscayne Blvd, Suite 850, Miami*	*(305) 377-6238*
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

I, *Alina Rojas*, *Vice President* of *Playa Retail Investments, LLC* *(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

Sworn to and subscribed before me this 3 day of February, 2016. The foregoing instrument was acknowledged before me by *Alina Rojas, Vice President* of *Playa Retail Investments, 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

JUAN OSCAR CHABRIER
MY COMMISSION # FF 159828
EXPIRES: September 15, 2018
Bonded Thru Notary Public Underwriters

NOTARY PUBLIC

Juan O. Chabrier

PRINT NAME

My Commission Expires: September 15, 2018

F:\PLAN\$ALL\FORMS\DEVELOPMENT REVIEW BOARD APPLICATION JUL 2013.DOCX

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 W. Larkin*	*200 S. Biscayne Blvd, Suite 850, Miami*	*(305) 377-6231*
b.	*Mickey Marrero*	*200 S. Biscayne Blvd, Suite 850, Miami*	*(305) 377-6238*
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 OREGON

COUNTY OF WASHINGTON

I, *Jennifer Shultis*, *Construction Project Manager* of *Nike, Inc.* *(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

Sworn to and subscribed before me this 3rd day of February, 2016. The foregoing instrument was acknowledged before me by *Jennifer Shultis*, *Construction Project Manager* of *Nike, Inc.*, who has produced known as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

OFFICIAL STAMP
LEZA BETH BISHOP
NOTARY PUBLIC – OREGON
COMMISSION NO. 937145
MY COMMISSION EXPIRES MARCH 16, 2019

NOTARY PUBLIC

Leza B. Bishop

PRINT NAME

My Commission Expires: 3-16-19

Exhibit A

Ponte Gadea Miami, LLC
270 Biscayne Blvd. Way, Suite 201
Miami, FL 33131

Owned 100% by:

Ponte Gadea USA, Inc.
270 Biscayne Blvd. Way, Suite 201
Miami, FL 33131

Owned 100% by:

Pontegadea Inmobiliaria, S.L.U.
Ave Diputacion
S/N 15142 Arteixo, A Coruña Spain

Owned 100% by:

Pontegadea Inversiones, S.L.U.
Ave Diputacion
S/N 15142 Arteixo, A Coruña Spain

Owned 100% by:

Amancio Ortega Gaona
Ave Diputacion
S/N 15142 Arteixo, A Coruña Spain

BERCOW RADELL & FERNANDEZ
ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6238
E-Mail: MMarrero@BRZoningLaw.com

VIA HAND DELIVERY

February 22, 2016

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

Re: Historic Preservation Board Approval for Variances to Permit the Proposed Signage to be Located at 1035 Lincoln Road, Miami Beach

Dear Tom:

As you are aware, this law firm represents Nike, Inc. (the "Applicant"), the tenant of the above-referenced parcel (the "Property"). Please consider this letter the Applicant's revised letter of intent in support of the application for Historic Preservation Board approval of three (3) variances to permit signage in excess of the sign area permitted as well as a variance to permit signage on the second floor on the previously approved retail store to be located at the Property.

Property Description. The Property is located within the CD-3 zoning district, and is on the north side of Lincoln Road, at the northeastern corner of Lincoln Road and Lenox Avenue. The Property is within the Flamingo Park Local Historic District. Through HPB File No. 7513, the previously existing building was approved to be demolished and a new retail structure approved, which is currently under construction.

Request. The Applicant proposes signage for the approved retail structure and requests three (3) variances to exceed the maximum permitted sign area for Lincoln Road ("Variance 1"), Lenox Avenue ("Variance 2"), and Lincoln Lane North ("Variance 3"). The Applicant also requests a variance to permit the relocation of signage to the second floor of the previously approved structure ("Variance 4"). Specifically, the Applicant proposes eight (8) signs, to be located on the Property's three (3) frontages. Three (3) signs are proposed for the Lincoln Road and Lincoln Lane North frontages, respectively. Two (2) signs are proposed for the Lenox Avenue frontage.

On Lincoln Road, the Applicant proposes a face-lit "swoosh" sign, which is the Applicant's iconic trademark symbol, an illuminated blade sign, and a NIKE relief cast sign. On Lenox Avenue, the Applicant proposes an illuminated blade sign and face-lit swoosh sign. Last, the Applicant proposes a face-lit swoosh sign, painted NIKE letters and an illuminated blade sign on Lincoln Lane. The materials chosen provide an innovative take on Miami Beach's climate and culture, and will complement the innovative design of the recently approved retail structure. The signage and illumination on Lincoln Lane North will also work to active this right-of-way. For specific dimensions and further details of the proposed signage, please refer to the attached plans.

Satisfaction of Variance Criteria. Section 118-353(d) of the City's Code sets forth the hardship criteria for a variance request. The Applicant's requests satisfy all hardship criteria as follows:

(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;

Variances 1 - 3: The requested sign area variances are requested due to the conditions of the Property, whereby the Property is surrounded by public right-of-ways on the Property's three (3) facades. The requested variances are necessary in order for the Applicant to provide adequate signage on the Property's three (3) facades to ensure the project's viability. Thus, this existing Property condition results in the hardship requiring the requested variances.

Variance 4: Variance 4 is requested due to the conditions and location of the Property, whereby the Property is located on heavily traversed public rights-of-ways. The requested variance is necessary in order for the Applicant to provide visible signage to ensure the project's viability. Thus, this existing Property condition results in the hardship requiring the requested variance.

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

The need for the requested variances directly results from the Property's physical location, which is not the result of any action by the Applicant.

(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;

Variances 1 – 3: There are numerous structures in the area, many of which have signage in excess of that permitted by the City Code. Granting the requested variances will only enable the Applicant to provide adequate and visible signage on its three (3) building facades, which many structures, specifically in the Lincoln Road area, have provided. The Code allows other similarly situated property owners to seek similar variances to accommodate signage. The granting of these variances is in line with the purpose and intent of the Code, and does not confer any special privilege on the Applicant.

Variance 4: There are structures in the area that have relocated signage to the second floor. Granting the requested variance will only enable the Applicant to provide adequate and visible signage, which many structures in the City have provided. The Code allows other similarly situated property owners to seek similar variances to accommodate signage. The granting of this variance is in line with the purpose and intent of the Code, and does not confer any special privilege on the Applicant.

(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;

Variances 1 - 3: A literal interpretation of the provisions of these land development regulations would work an unnecessary and undue hardship on the Applicant. The variances are requested in order to provide adequate identifying signage to ensure the project's viability. Other property owners have sought, and been approved for, similar variances in order to provide signage in excess of that permitted by the City Code.

Variance 4: A literal interpretation of the provisions of these land development regulations would work an unnecessary and undue hardship on the Applicant. The variance is requested in order to provide visible identifying signage to ensure the project's viability. Other property owners have sought, and been approved for, similar variances in order to relocate signage.

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

Variances 1 – 3: These requests are the minimum necessary in order to allow for adequate identifying signage on the Property to ensure the project's viability.

Variance 4: This requests is the minimum necessary in order to allow for visibility of the proposed signage in order to ensure the project's viability.

(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**

Variances 1 – 3: These variances are in harmony with the general intent and purpose of the land development regulations, as the variances are requested due to the sign area needed in order to provide adequate signage on the three (3) facades. These variances will not be injurious to the area or otherwise detrimental to the public welfare. In fact, the illuminated signage on Lincoln Lane North, specifically, will work to promote activation of this right-of-way.

Variance 4: This variance is in harmony with the general intent and purpose of the land development regulations, as the variance is requested due to the sign location needed in order to provide visible and adequate signage the north façade of the Property. This variance will not be injurious to the area 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. The planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or any time prior to the board of adjustment voting on the applicant's request.**

The variances requested are consistent with the City's comprehensive plan and does not reduce the levels of service as set forth in the plan.

As such, the Applicant requests a favorable recommendation for the abovementioned variance for the Property.

Conclusion. The approval of the requested variance will permit the previously approved retail structure to provide adequate and visible identifying signage, which will work to add to Lincoln Road's unique character. We look forward to your favorable review. If you have any questions or comments with regard to the application, please do not hesitate to phone me at (305) 377-6238.

Sincerely,

FOR

Michael J. Marrero

CFN 2015R0394919
OR BK 29663 Pgs 4774-4780 (7Pgs)
RECORDED 06/19/2015 15:04:05
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: April 14, 2015

CERTIFICATION

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON FILE IN THE OFFICE OF THE PLANNING DEPARTMENT. CITY OF MIAMI BEACH

(Signature of Planning Director or Designee) 5/11/15 (Date)

Personally known to me or Produced ID: _____

Waldhys J. Rodoli
Notary Public, State of Florida at Large
Printed Name: Waldhys J. Rodoli
My Commission Expires: (Seal)

This document contains 7 pages.

WALDHYS J. RODOLI
MY COMMISSION #FF039521
EXPIRES: JUL 24, 2017
Bonded through 1st State Insurance

FILE NO: 7513

PROPERTY: 1035 Lincoln Road

APPLICANT: 1035 Lincoln Road, LTD

LEGAL: Lots 1 and 2, Block 38, Commercial Subdivision, According to the Plat Thereof, as Recorded in Plat Book 6, Page 5, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the total demolition of the existing building, classified as 'Non-Contributing', and the construction of a new 2-story commercial building, including a variance to waive all minimum required parking for off-street loading spaces.

ORDER

The applicant filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness and for one or more variances.

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Certificate of Appropriateness

A. The subject structure is classified as a 'Non-Contributing' structure in the Miami Beach Historic Properties Database, and is located within the Flamingo Park Local Historic District.

B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:

1. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
2. Is not consistent with Certificate of Appropriateness Criteria 'a-c' in Section 118-564(a)(2) of the Miami Beach Code.

3. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c', 'f', 'n' & 'o' in Section 118-564(a)(3) of the Miami Beach Code.

4. Is not consistent with Certificate of Appropriateness Criteria 'a-e' for Demolition in Section 118-564(f)(4) of the Miami Beach Code.

C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:

1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:

   a. The design for the proposed brise soleil screen shall be further detailed and shall be reduced in height by 7'-0", in a manner to be reviewed and approved by the Board. Revised plans shall be submitted for review and verification of the Planning Department within 30 days of the April 14, 2015 meeting. Failure to comply with this condition within the specified time shall result in notice and a hearing before the Board for a modification of this condition

   b. The first level of the Lenox Avenue elevation shall not be permitted as proposed, and shall be substantially redesigned in a manner that incorporates approximately 66% clear glass within 10' in height of the Lenox Avenue elevation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. Revised plans shall be submitted for review and verification of the Planning Department within 30 days of the April 14, 2015 meeting. Failure to comply with this condition within the specified time shall result in notice and a hearing before the Board for a modification of this condition.

   c. The basketball court shown at the roof level as shown on Sheet A3.02 shall not be permitted.

   d. Final details of all exterior surface finishes and materials shall be required, including the precast concrete screen element, terrazzo wall cladding and architectural concrete wall finishes, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   e. Final details of all proposed storefront systems, associated details and finishes shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   f. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from any portion of an exterior wall containing floor to ceiling storefront glazing, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes only.

g. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. The projecting lighting fixtures located along the bottom of the screen element shall be eliminated and any lighting system proposed shall be fully integrated into the screen element. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights or way or adjacent properties shall be permitted.

h. All building signage shall require a separate permit. A uniform sign plan for the new building shall be required. Signage shall consist of natural aluminum color reverse channel, back-lit letters, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

i. A fully enclosed air conditioned trash room that is sufficiently sized to handle the entire trash load of the building at all times shall be required, located within the envelope of the building, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

j. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

k. The existing plaque, located at the northwest corner of the building, shall be retained or replaced with a new plaque with similar language, which continues the history of the evolution of the site, shall be submitted, prior to the issuance of a Certificate of Occupancy in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; said plaques shall be displayed prominently in a location to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

l. The applicant agrees to display an artistic piece by a local artist setback a minimum of 10'-0" from the transparent storefront within the retail store, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:

   a. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.

b. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.

In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.

II. Variance(s)

A. The applicant filed an application with the Planning Department for the following variance(s):

1. A variance to waive all three (3) required off street loading spaces in order to construct a commercial building with more than 20,000 s.f. and less than 40,000 s.f. of area without providing three (3) loading spaces on the premises.

B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That 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;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That 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.

C. The Board imposes the following conditions based on its authority in Section 118-354 of the Miami Beach City Code:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

1. Vehicles providing loading services shall not exceed 7'-9" in width, except for trash pick-ups vehicles.

2. The Historic Preservation Board shall maintain jurisdiction of this file. Within ninety (90) days after obtaining the Occupational License for at least 50% of the tenants, the owner shall make a progress report to the Board including a traffic study showing delivery schedules and details of the loading operation for the entire building. The Board reserves the right to modify the conditions of this approval at the time of a progress report, in a non-substantive manner, including modifications to the delivery schedule, trash pickups, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports.

3. This approval is granted to 1035 Lincoln Road, LTD. only and tenant Nike retail store. Any change of operator, or ownership by fifty (50) percent or more of stock ownership, partnership interest, or the equivalent, shall require review and approval by the Board as a modification to this Order and a new a traffic study showing delivery schedules and details of the loading operation for the entire building shall be presented if the retail operation is increased. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the conditions of approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. *Certificate of Appropriateness'* and 'II. *Variances'* noted above.

A. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.

B. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.

C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

D. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

E. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.

F. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

H. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the Certificate of Appropriateness is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II,III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Historic Preservation Board, as determined by staff, entitled "Nike" as prepared by Touzet Studio Design & Architecture, dated January 9, 2015.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.
The issuance of a Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this

approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Certificate of Appropriateness was granted, the Certificate of Appropriateness will expire and become null and void. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the Certificate of Appropriateness will expire and become null and void.

In accordance with Section 118-561 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

Dated this 17th day of April, 2015.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH TACKETT
PRESERVATION AND DESIGN MANAGER
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 17th day of April 2015 by Deborah Tackett, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

STEVEN GREENE
MY COMMISSION EXPIRES JUL 26, 2017
#FF039517
Bonded through 1st State
NOTARY PUBLIC, STATE OF FLORIDA

_____
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

Approved As To Form:
City Attorney's Office: _____ (4/15/2015)

Filed with the Clerk of the Historic Preservation Board on _____ (5/1/2015)

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