



Hotel Alterations

6801 Collins Ave.
Miami Beach, FL

Z Capital Florida Resort LLC

HISTORIC PRESERVATION BOARD APPLICATION

February 18, 2016



Giller & Giller, Inc.

The Giller Building

975 Arthur Godfrey Road

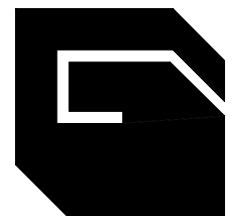
Miami Beach, Florida 33140

(305) 538-6324 fax/modem (305) 538-5921

Reg. #AA C001364

ARCHITECTS INTERIOR DESIGNERS

CONSTRUCTION MANAGERS



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.

- | | |
|---|---|
| <input type="checkbox"/> BOARD OF ADJUSTMENT | <input checked="" type="checkbox"/> HISTORIC PRESERVATION BOARD |
| <input 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: The Carillon Hotel, 6801 Collins Avenue, Miami Beach, Florida 33139

LEGAL DESCRIPTION: See attached Exhibit "A"

4. NAME OF APPLICANT Z Capital Florida Resort, LLC

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.

Two Conway Park, 150 Field Drive, Suite 300

Lake Forest,

Illinois 60045

ADDRESS OF APPLICANT

CITY

STATE

ZIP

BUSINESS PHONE # (847) 235-8100

CELL PHONE # _____

E-mail address: mkane@zcapgroup.net

Exhibit "A"

Legal Description

HOTEL PROPERTY:

Parcel 1:

Lots 1 through 6, inclusive, in Block B, CORRECTED PLAT OF ATLANTIC HEIGHTS, according to the Plat thereof, as recorded in Plat Book 9, at Page 14, of the Public records of Miami-Dade County, Florida.

Parcel 2:

A PARCEL OF LAND LYING East of the Water Line of the Atlantic Ocean as shown on said CORRECTED PLAT OF ATLANTIC HEIGHTS and lying West of the Erosion Control Line as shown on establishment of EROSION CONTROL LINE, according to the Plat thereof, as recorded in Plat Book 105, at Page 62, of said Public Records, and lying South of the Easterly extension of the North line of said Lot 1 in Block B and lying North of the Easterly extension of the South line of said Lot 6 in Block B of CORRECTED PLAT OF ATLANTIC HEIGHTS.

Parcel 3:

The North 25.00 feet of Lot 48, all Lots 49 through 53, inclusive, in Block 1 of AMENDED SECOND OCEAN FRONT SUBDIVISION, according to the plat thereof, a subdivision recorded in Plat Book 28, at Page 28, of the Public Records of Miami-Dade County, Florida.

Parcel 4:

A parcel of land lying East of the High Water Line of the Atlantic Ocean as shown on said AMENDED SECOND OCEAN FRONT SUBDIVISION, and lying West of the Erosion Control Line as shown on establishment of EROSION CONTROL LINE, according to the plat thereof, as recorded in Plat Book 105 at Page 62 of said Public Records, and lying South of the Easterly extension of the North line of said Lot 53 in Block 1, and lying North of the Easterly extension of the South line of said North 25.00 feet of Lot 48 in Block 1 of AMENDED SECOND OCEAN FRONT SUBDIVISION.

LESS AND EXCEPT THE FOLLOWING FROM PARCELS 1 and 2 ABOVE:

North Carillon Beach, a Condominium, according to the Declaration of Condominium thereof ("Declaration"), recorded on August 27, 2008 in Official Records Book 26542, Pages 0015 through 158, of the Public Records of Miami-Dade County, Florida, and any and all amendments thereto; and

The Retail Lot, described as follows:

A portion of Lots 1, 2, 3, 4, 5 and 6, of Block B, CORRECTED PLAT OF ATLANTIC HEIGHTS, according to the plat thereof, as recorded in Plat Book 9 at Page 14 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Lot 6; thence N 02°27'29" W along the West line of said Block B, also being the East right of way line of Collins Avenue (State Road A-1-A) for 28.07 feet; thence N 87°32'31" E at right angles to the previously described course for 15.62 feet to the Point of Beginning; thence N 88°18'36" E for 15.52 feet; thence N 01°41'24" W for 123.25 feet; thence N 88°20'18" E for 17.15 feet; thence N 01°41'24" W for 124.26 feet; thence S 88°18'38" W for 32.67 feet; thence S 01°41'24" E for 247.50 feet to the Point of Beginning.

The above described perimetrical boundary lies between elevation +8.1 feet and elevation +21.4 feet relative to the National Geodetic Vertical Datum of 1929.

LESS AND EXCEPT THE FOLLOWING FROM PARCELS 3 and 4 ABOVE:

Central Carillon Beach, a Condominium, according to the Declaration of Condominium thereof ("Declaration"), recorded in Official Records Book 26610, Pages 735 through 822, of the Public Records of Miami-Dade County, Florida, and any and all amendments thereto; and

South Carillon Beach, a Condominium, according to the Declaration of Condominium thereof ("Declaration"), recorded in Official Records Book 26080, Pages 4764 through 4904, of the Public Records of Miami-Dade County, Florida, and any and all amendments thereto.

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 # _____ CELL PHONE # _____
E-mail address: _____

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

Giller & Giller, Inc. 975 Arthur Godfrey Road, #600, Miami Beach, Florida 33140
NAME (please circle one of the above) ADDRESS CITY STATE ZIP
BUSINESS PHONE # (305) 538-6324 CELL PHONE # (305) 205-3878 (Ira Giller)
E-mail address: IRA@GILLERANDGILLER.COM

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

a. Ira Giller, A.I.A., 975 Arthur Godfrey Road, #600, Miami Beach, Florida 33140
NAME ADDRESS CITY STATE ZIP
BUSINESS PHONE # (305) 538-6324 CELL PHONE # (305) 205-3878
E-mail address: IRA@GILLERANDGILLER.COM

b. Ian G. Bacheikov, Esq., Law Office of Ian G. Bacheikov, P.A., 945 Pennsylvania Avenue, 1st Floor, Miami Beach, Florida 33139
NAME ADDRESS CITY STATE ZIP
BUSINESS PHONE # (305) 249-8000 CELL PHONE # (305) 528-9395
E-mail address: IAN@BACHEIKOV.COM

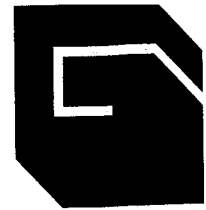
c. Not Applicable
NAME ADDRESS CITY STATE ZIP
BUSINESS PHONE # Not Applicable CELL PHONE # Not Applicable
E-mail address: Not Applicable

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: See Attached

Giller & Giller, Inc.

The Giller Building
975 Arthur Godfrey Road
Miami Beach, Florida 33140
(305) 538-6324 fax/modem (305) 538-5921
Reg. #AA C001364



February 18, 2016

Historic Preservation Board
City of Miami Beach
c/o Planning Dept.
1700 Convention Center Drive
Miami Beach, FL 33139

Re: **The Carillon Hotel**
6801 Collins Ave.
Miami Beach, FL

The Applicant is proposing to relocate the entry monument sign, improve the entry landscaping, renovate the exterior plaza and pool deck, add three cabanas, add an outdoor bar on the terrace, and to renovate interior public spaces (lobby, restaurant, bar, kitchen, meeting rooms).

The Applicant is requesting a **Certificate of Appropriateness for Demolition** for:

1. Demolition of the existing monument entry sign
2. Demolition of a portion of the lobby finishes
3. Demolition of a portion of the Central Plaza and pool deck
4. Demolition of the 3'-6" high wall on the east lower plaza

The Applicant is also requesting a **Certificate of Appropriateness for Design** for:

1. New monument sign and water feature at the entrance
2. Green wall improvements to the entry drive
3. Lobby interior renovation
4. Central Plaza & pool deck renovation
5. New cabanas
6. New outdoor bar and trellis on the terrace
7. Renovations to the meeting rooms
8. Substantial landscape improvements

The Applicant is also requesting **variances to setbacks** as follows:

1. A variance to the front yard setback of 5'-0" from the required 10' in order to construct a new monument sign and water feature.
2. A variance of the Oceanfront Overlay rear yard setback of 5'-0" from the required 10' in order to construct three new cabana structures
3. A variance of the Oceanfront Overlay rear yard setback of 5'-6" from the required 10' in order to construct an outdoor bar, shade structures, and replacement railing.

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

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

11. TOTAL FLOOR AREA (FAR) OF NEW BUILDING (if applicable): Not Applicable SQ. FT.

12. TOTAL GROSS FLOOR AREA OF NEW BUILDING (including required parking and all usable floor space) Not Applicable 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 PUBLIC

NOTARY SEAL OR STAMP

PRINT NAME

My Commission Expires: _____

**ALTERNATE OWNER AFFIDAVIT FOR
CORPORATION or PARTNERSHIP**

(Circle one)

STATE OF Florida
COUNTY OF Miami-Dade

I, THOMAS WICKY _____ being duly sworn, depose and say that I am the MANAGER of Z CAPITAL FLORIDA RESORT 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.

THOMAS WICKY

PRINT NAME

SIGNATURE

Sworn to and subscribed before me this 7th day of January, 2016. The foregoing instrument was acknowledged before me by Thomas Wicky, Manager of Z Capital Florida Resort, 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

Ian Bacheikov
PRINT NAME

PRINT NAME

My Commission Expires: _____



IAN BACHEIKOV
MY COMMISSION # FF 145826
EXPIRES: July 28, 2018
Bonded Thru Budget Notary Services

POWER OF ATTORNEY AFFIDAVIT

STATE OF Florida
COUNTY OF Miami-Dade

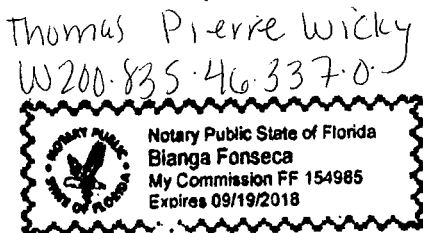
I, THOMAS WICKY, being duly sworn and depose say that I am the owner or representative of the owner of the described real property and that I am aware of the nature and effect of the request for H.P.B DESIGN & VARIANCES relative to the subject property, which request is hereby made by me OR I am hereby authorizing IRA GILLER AND IAN BACHEIKOV, ESQ. 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.

THOMAS WICKY, MANAGER
PRINT NAME (and Title, if applicable)

[Signature]
SIGNATURE

Sworn to and subscribed before me this 7th day of January, 2016. The foregoing instrument was acknowledged before me by Thomas Wicky Manager of Z Capital Florida Resort, LLC who has produced Driver's License as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires:

Blanga Fonseca
NOTARY PUBLIC
Blanga Fonseca
PRINT NAME

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

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.*

Z CAPITAL FLORIDA RESORT, LLC
CORPORATION NAME

NAME AND ADDRESS

% OF STOCK

See Attached.

See Attached.

Not Applicable

CORPORATION NAME

NAME AND ADDRESS

% OF STOCK

Not Applicable

Not Applicable

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.*

Not Applicable

TRUST NAME

NAME AND ADDRESS

% OF STOCK

Not Applicable

Not Applicable

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.*

Not Applicable

PARTNERSHIP or LIMITED PARTNERSHIP NAME

NAME AND ADDRESS

% OF STOCK

Not Applicable

Not Applicable

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. IRA GILLER	975 ARTHUR GODFREY RD., #600, MIAMI BEACH, FL 33140	(305)538-6324
b. IAN BACHEIKOV, ESQ.	945 PENNSYLVANIA AVENUE, 1ST FLOOR, MIAMI BEACH, FL 33139	(305) 249-8000
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, THOMAS WICKY, MANAGER OF Z CAPITAL FLORIDA RESORT, 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 7th day of January, 2016. The foregoing instrument was acknowledged before me by Thomas Wicky, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



IAN BACHEIKOV
MY COMMISSION # FF 145826
EXPIRES: July 28, 2018
Bonded Thru Budget Notary Services

My Commission Expires:

NOTARY PUBLIC

Ian Bacheikov
PRINT NAME

OWNERSHIP DISCLOSURE AFFIDAVIT

STATE OF FLORIDA)
) ss:
COUNTY OF PALM BEACH)

Before me, the undersigned authority, this day personally appeared James J. Zenni, Jr., Manager of Z Capital Florida Resort, LLC, and President and Chief Executive Officer of Z Capital Group, LLC and Z Capital Partners, LLC, member of Z Capital Partners UGP, L.L.C., Z Capital Partners GP II, L.P., the General Partner of Z Capital Partners II-A, LP, Z Capital Partners II-B, LP, and Z Capital Partners II, LP ("Affiant"), who being by me first duly sworn, upon oath, deposes and says:

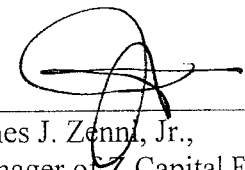
1. That I am the Manager of Z Capital Florida Resort, LLC ("Z Capital"), the applicant submitting the accompanying application for a public hearing before the City's Historic Preservation Board ("HPB") as required by the City of Miami Beach's ("City") Land Development Regulations for the Certificates of Appropriateness and Variances to be issued under HPB File No. 7624 affecting the real property located in the City described in the aforesaid application made a part hereof.
2. That Z Capital is a wholly owned subsidiary of Z Capital FR Holdings, LLC ("FR Holdings"), the ownership interests of which are held in limited partnerships managed by Affiant wherein no one natural person holds a total of Five Percent (5%) or more of the ownership interests in the applicant entity.
3. That the facts stated in this Affidavit, and represented in the application and documents submitted in conjunction with this Affidavit, are true and correct, to the best of the Affiant's knowledge, information and belief.

Further Affiant sayeth not.

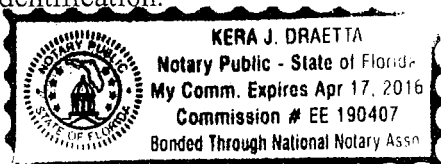
APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

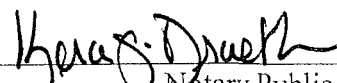

City Attorney

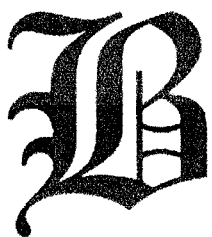
2-19-2016
Date


James J. Zenni, Jr.,
Manager of Z Capital Florida Resort, LLC
President of Z Capital Group, LLC and Z Capital
Partners, LLC
Authorized Signatory of Z Capital Partners UGP,
L.L.C. and Z Capital Partners GP II, L.P., on behalf
of Z Capital Partners II-A, LP, Z Capital Partners
II-B, LP, Z Capital Partners II, LP and Z Capital FR
Holdings, LLC

The foregoing instrument was sworn and subscribed before me this 18th day of February, 2016, by James J. Zenni, Jr., Manager of Z Capital Florida Resort, LLC, and Authorized Representative of Z Capital Group, who produced Florida Driver's License Z500-450-55-022-0 as identification.




Notary Public



LAW OFFICE OF IAN G. BACHEIKOV, P.A.

IAN G. BACHEIKOV, ESQ.
EMAIL: IAN@BACHEIKOV.COM

945 PENNSYLVANIA AVENUE, 1ST FLOOR
MIAMI BEACH, FLORIDA 33139
TELEPHONE: (305) 249-8000
FACSIMILE: (305) 249-9000
WWW.BACHEIKOV.COM

VIA HAND-DELIVERY

February 18, 2016

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

Re: Letter of Intent: Request for Certificate of Appropriateness and Variance Approval for
The Carillon Hotel, 6801 Collins Avenue, Miami Beach, Florida 33141

Dear Mr. Mooney:

This law firm represents Z Capital Florida Resort, LLC (the "Applicant") with regard to the above-referenced property (the "Property"). Please let the following serve as the required letter of intent in connection with a request for a Certificate of Appropriateness for design, a Certificate of Appropriateness for partial demolition, and related variances.

Description of Property. The Property is located on the east side of Collins Avenue at 68 Street. Miami-Dade County's Property Appraiser references the Property through Folio No. 02-3211-007-0460.

The original Carillon Hotel opened in 1958 and was declared the Hotel of the Year. Its 620 rooms made it the largest hotel in Miami Beach at its opening. It was designed by Norman M. Giller & Associates. From its opening until the late 1980's, it was one of Miami Beach's major hotels (along with the Fountainebleau, Eden Roc, Deauville, Doral, and Seville).

In the late 1990's, major redevelopment plans were proposed for the property by Architectonica, an international renowned design firm led by Bernardo Fort-Brescia. In addition to renovations to the existing hotel tower, two additional towers were proposed for hotel rooms and condominium apartments. The expansion plans included the controversial demolition of the original grand lobby, night club, pool deck, and lower level shops. In 1998, a development order was approved by the City of Miami Beach for the massive new plan.

WSG Development completed the project in 2008 and brought in the well-known wellness and spa group, Canyon Ranch, to brand and manage the property. Thereafter, the property was re-named the Canyon Ranch Miami Beach. The property operated as a mixed use of apartments, hotel, and health spa. The owner/developer, WSG fell into bankruptcy soon after the Great Recession began and lost the property to the lender.

In 2015, Z Capital Florida Resort LLC acquired the property, terminated the management agreement with Canyon Ranch, and embarked upon plans to revive the icon Carillon Miami Beach brand. These requests are an integral part of that effort.

Description of Development Program. At this time, the Applicant is proposing to relocate the entry monument sign, improve the entry landscaping, renovate the exterior plaza and pool deck, add three cabanas, add an outdoor bar on the terrace, and renovate interior public spaces (lobby, restaurant, bar, kitchen, meeting rooms). There will be no new construction.

The exterior façade of the existing buildings will remain largely unchanged from its current state. The project will not have an adverse impact on the surrounding neighborhood and the Historic District. In fact, the return of the iconic Carillon Hotel as a major anchor in North Beach will only enhance the City's efforts to revitalize North Beach.

Requests. Based on the proposed development program, the Applicant respectfully makes the following requests:

The Applicant is requesting a **Certificate of Appropriateness for Demolition** for:

1. Demolition of the existing monument entry sign
2. Demolition of a portion of the lobby finishes
3. Demolition of a portion of the Central Plaza and pool deck
4. Demolition of the 3'-6" high wall on the east lower plaza

The Applicant is also requesting a **Certificate of Appropriateness for Design** for:

1. New monument sign and water feature at the entrance
2. Green wall improvements to the entry drive
3. Lobby interior renovation
4. Central Plaza & pool deck renovation
5. New cabanas
6. New outdoor bar and trellis on the terrace

7. Renovations to the meeting rooms
8. Substantial landscape improvements

The Applicant is also requesting **variances to setbacks** as follows:

1. A variance to the front yard setback of 5'-0" from the required 10' in order to construct a new monument sign and water feature.
2. A variance of the Oceanfront Overlay rear yard setback of 5'-0" from the required 10' in order to construct three new cabana structures.
3. A variance of the Oceanfront Overlay rear yard setback of 5'-6" from the required 10' in order to construct an outdoor bar, shade structures, and replacement railing.

Satisfaction of Hardship Criteria. 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;**

Variance 1: Monument Sign & Water Feature. The variance for the location of the monument sign and water feature within the front yard setback is requested due to the historic configuration of the existing port cochere. Due to the location of existing utility easements and fire connections in the front yard setback of the Property, the requested variance is necessary in order for the Applicant to relocate the monument sign to a location fronting the driveway and to improve the existing condition.

Variance 2: Cabanas. The variance for the location of cabanas within the rear yard setback is requested due to the historic location of the cabanas that existed previously on the Property prior being demolished by the prior ownership. The requested variance is necessary in order for the Applicant to restore a historic characteristic of the Property that was removed by the prior ownership, while allowing for development of pool amenities for its guests. The Applicant seeks to improve the condition of the exterior public hotel space through the addition of the cabanas.

Variance 3: Outdoor Bar. The variance for the location of an outdoor bar within the rear yard setback is requested due to the historic location of the adjacent structure. The requested variance is necessary in order for the Applicant to redesign the exterior public space in a manner which would be consistent with the existing adjacent structure. The exterior terrace is currently

existing, however, the Applicant seeks to improve the condition through the addition of an outdoor bar and shade structure.

Variance 3: Glass Railing. The variance for the replacement of an existing concrete wall with a glass railing within the rear yard setback is requested due to the location of the existing wall. The Applicant seeks to improve the existing condition beyond the allowed rear yard setback through the replacement of the existing concrete wall with a glass railing.

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

The historic nature of the Property is not a special condition which results from any action taken by the Applicant. Rather, the conditions on the Property are existing and the Applicant is making every effort to minimize the impact of the renovations to the remaining historical aspects of the Property.

(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;

There are numerous contributing structures in the area, many of which are being renovated and preserved in a similar fashion. The Code allows other similarly situated property owners to seek similar variances to accommodate the preservation of historic structures and updating of their facilities. Therefore, granting these variances will 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;

A literal interpretation of the provisions of these land development regulations would work an unnecessary and undue hardship on the Applicant. The Applicant is seeking to renovate the interior and exterior public spaces while preserving the existing conditions on the Property. The variances enable the Applicant to accommodate renovations within the rear yard and front yard setbacks that cannot be accommodated anywhere else within the Property without detracting from its historic aspects. The Applicant seeks to update the Property while disrupting the historic fabric of the Property as little as possible. Without these variances, updating the Property would require significant modifications to the remaining historic aspects of the Property, and as such presents an unnecessary and undue hardship on the Applicant.

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

The request is the minimum variance necessary to allow the Applicant to make full use of its Property. The variances to the rear yard setback is required to restore the historic cabanas which were previously demolished by the prior ownership and to renovate an existing exterior public space for hotel guests. The variance to locate a sign and fountain in the front yard setback is required to increase visibility of the sign, improve traffic flow from Collins Avenue, and provide a better sense of the entry to the Property. The Applicant seeks variances essentially only in order for the historic structures and their grounds to stay in compliance with City code requirements.

- (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**

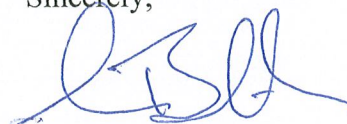
These variances will not be injurious to the area or otherwise detrimental to the public welfare. In fact, these variances will facilitate restoration and utilization of interior and exterior public hotel spaces while responsibly updating the Property. Accordingly, the granting of the variances is very much in line with the general intent of the land development regulations and a benefit 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 anytime prior to the board of adjustment voting on the Applicant's request.**

These variances requests are consistent with the City's comprehensive plan and do not reduce the levels of service as set forth in the plan.

Conclusion. The Applicant seeks to renovate and restore interior and exterior public hotel spaces on the Property. The proposed project will not have any adverse impact on the surrounding area. We respectfully request your recommendation of approval of the Applicant's Certificate of Appropriateness and variance requests. If you have any questions or comments with regards to the application, please give me a call at (305) 249-8000.

Sincerely,



Ian G. Bacheikov

CC: Ms. Debbie Tackett
Mr. Michael Belush
Mr. Jake Seiberling
Ms. Irina Villegas