



# MIAMI BEACH

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

1

## DEVELOPMENT REVIEW BOARD HEARING

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

- |   |   |
|---|---|
| <input type="checkbox"/> BOARD OF ADJUSTMENT            | <input type="checkbox"/> HISTORIC PRESERVATION BOARD            |
| <input checked="" type="checkbox"/> DESIGN REVIEW BOARD | <input type="checkbox"/> PLANNING BOARD                         |
| <input type="checkbox"/> FLOOD PLAIN MANAGEMENT BOARD   | <input type="checkbox"/> SINGLE FAMILY RESIDENTIAL REVIEW 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. ☐ A HISTORIC DISTRICT/SITE DESIGNATION
- i. ☐ AN AMENDMENT TO THE ZONING ORDINANCE OR ZONING MAP
- j. ☐ AN AMENDMENT TO THE COMPREHENSIVE PLAN OR FUTURE LAND USE MAP
- k. ☐ OTHER: \_\_\_\_\_

**PUBLIC RECORDS NOTICE:** ALL DOCUMENTATION, APPLICATION FORMS, MAPS, DRAWINGS, PHOTOGRAPHS, LETTERS AND EXHIBITS WILL BECOME A PERMANENT PART OF THE PUBLIC RECORD MAINTAINED BY THE CITY OF MIAMI BEACH PLANNING DEPARTMENT AND MAY, UNDER THE FLORIDA SUNSHINE LAWS, BE DISCLOSED UPON PROPER REQUEST TO ANY PERSON OR ENTITY.

3. **NAME & ADDRESS OF PROPERTY:** 1691 Michigan Avenue Investments, LP, 1691 Michigan Avenue, Miami Beach, FL 33139

LEGAL DESCRIPTION:

PALM VIEW SUB PB 6-29 LOTS 7 THRU 10 & LOTS 14 THRU 20 BLK 37 LOT SIZE 76500 SQ FT IMPROV ON FOLIO 02 3234 004 0695 PER LEASE & DEVELOPMENT AGREEMENT (Refer to the printouts from the Miami-Dade County Property Appraiser's Office attached hereto as Exhibit A)

4. **NAME OF APPLICANT** 1691 Michigan Avenue Investments, LP

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.

<u>1691 Michigan Avenue</u>	<u>Miami Beach</u>	<u>FL</u>	<u>33139</u>
ADDRESS OF APPLICANT	CITY	STATE	ZIP

BUSINESS PHONE #: <u>(703) 481-7105</u>	CELL PHONE #: <u>Not applicable</u>
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E-mail address: c/o SMcCann@recp.com

**5. Same as above**

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 and 7) must be completed.

**Same as above**

ADDRESS OF PROPERTY OWNER

BUSINESS PHONE #: \_\_\_\_\_ FAX #: \_\_\_\_\_ CELL PHONE #: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

Jose Gomez - Belinson Gomez Architects, P.A. - 8101 Biscayne Blvd., # 309 Miami FL 33138  
NAME (please circle one of the above) ADDRESS CITY STATE ZIP

BUSINESS PHONE #: (305) 559-1250 FAX #: (305) 551-1740 CELL PHONE #: (305) 778-7955

E-mail address: [jg@beilinsonarchitectspa.com](mailto:jg@beilinsonarchitectspa.com)

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

a. Monika H. Entin Bercow, Radell & Fernandez, 201 Biscayne Blvd., Ste. 850, Miami FL 33131  
NAME ADDRESS CITY STATE ZIP

BUSINESS PHONE #: (305) 377-6237 FAX #: (305) 377-6222 CELL PHONE #: (305) 542-3445

E-mail address: [mentin@brzoninglaw.com](mailto:mentin@brzoninglaw.com)

b. \_\_\_\_\_  
NAME ADDRESS CITY STATE ZIP

BUSINESS PHONE #: \_\_\_\_\_ FAX #: \_\_\_\_\_ CELL PHONE #: \_\_\_\_\_

E-mail address: \_\_\_\_\_

c. \_\_\_\_\_  
NAME ADDRESS CITY STATE ZIP

BUSINESS PHONE #: \_\_\_\_\_ FAX #: \_\_\_\_\_ CELL PHONE #: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

**8. DESCRIBE PROPOSAL IN FULL:** The Applicant is seeking design review approval of a new ground floor storefront façade with signage. The project seeks four (4) variances consisting of both of the following for both retail storefronts: a variance from Section 138-171(i)(6) to exceed the maximum aggregate sign area permitted for the combined storefronts and a variance from Section 138-171(g), which limits signs above the ground floor to advertisement of the name of the building or the use that encompasses the largest amount of floor area.

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

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

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 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, letter and exhibits will become 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 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 along with the construction plans.*

To request this material in accessible format, sign language interpreters, information or access for persons with disabilities, and/or any accommodations 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.**

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, NOT APPLICABLE, 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 sketch 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

NOTARY PUBLIC \_\_\_\_\_

PRINT NAME \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**ALTERNATE OWNER AFFIDAVIT FOR LIMITED LIABILITY COMPANY**

STATE OF Florida  
COUNTY OF Miami-Dade

I, Anthony Moonen being first duly sworn, depose and say that I am the Representative for 1691 Michigan Avenue Investments, LP, and that I am aware of the nature and effect of the request for Design Review Approval relative to the subject property, which request is hereby made by me OR I am hereby authorizing Bercow Radell & Fernandez, PLLC to be my representative before the Design Review Board. 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.

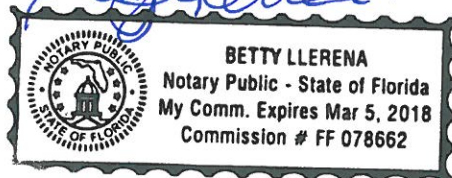
Anthony Moonen as Representative of  
1691 Michigan Avenue Investments, LP

SIGNATURE \_\_\_\_\_

Sworn to and subscribed before me this 30 day of July, 2015. The foregoing instrument was acknowledged before me by, Anthony Moonen who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL

My Commission Expires: \_\_\_\_\_



PRINT NAME Anthony W Moonen

**POWER OF ATTORNEY**

STATE OF Florida  
COUNTY OF Miami-Dade

I, Anthony Moonen as the Representative of 1691 Michigan Investments, LP, being first duly sworn, depose and say that I am the operator or representative for the operator of the described real property and that I am aware of the nature and effect of the request for Design Review Approval relative to the subject property, which request is hereby made by me OR I am hereby authorizing Bercow, Radell & Fernandez, PLLC to be my representative before the Design Review Board. 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.

Anthony Moonen as Representative of  
1691 Michigan Avenue Investments, LP

[Signature]  
SIGNATURE

Sworn to and subscribed before me this 30 day of July, 2015. The foregoing instrument was acknowledged before me by, Anthony Moonen who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL

My Commission Expires:



[Signature]  
NOTARY PUBLIC

Betty Llerena  
PRINT NAME

**CONTRACT FOR PURCHASE**

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether 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.\*

NOT APPLICABLE

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 the principal stockholders and the percentage of stock owned by each. Where the principal officers or 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).\*

1691 Michigan Avenue Investment, LP  
1185 Avenue of the Americas, 18<sup>th</sup> Floor, New York, NY 10036-2601  
CORPORATION NAME and ADDRESS

NAME, ADDRESS, AND OFFICE	% OF STOCK
<u>IVG Immobilien AG</u>	<u>100%</u>
<u>Zanderstrasse 5-7</u>	
<u>53177 Bonn</u>	
<u>Germany</u>	
<u>IVG is publicly traded the London Stock Exchange under</u>	
<u>symbol: IVG:Extra and in other exchanges: IVG</u>	

CORPORATION NAME and ADDRESS

NAME, ADDRESS, AND OFFICE	% OF STOCK

IF THERE ARE ADDITIONAL CORPORATIONS, LIST OTHERS, INCLUDING CORP. NAME(S) AND EACH INDIVIDUAL'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.\*

<u>NOT APPLICABLE</u>	
TRUST NAME	
NAME, ADDRESS, AND OFFICE	% OF STOCK
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**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.\*

<u>NOT APPLICABLE</u>	
PARTNERSHIP/LIMITED PARTNERSHIP	
NAME, ADDRESS, AND OFFICE	% OF STOCK
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*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.	<u>Monika H. Entin</u>	<u>200 S. Biscayne Blvd, Ste. 850, Miami, FL 33131</u>	<u>(305) 377-6237</u>
b.			
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 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 AFFIDAVIT**

STATE OF Florida

COUNTY OF Miami-Dade

I, Anthony Moonen as Representative of 1691 Michigan Avenue Investments, LP, being first duly sworn, depose and say that I am the representative of the applicant, for the subject matter of the proposed hearing; that all answers to the questions in this application and all sketches, data and other supplementary matter attached to and made 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.

Anthony Moonen as Representative of  
1691 Michigan Avenue Investments, LP

[Signature]  
SIGNATURE

Sworn to and subscribed before me this 30 day of July, 2015. The foregoing instrument was acknowledged before me by, Anthony Moonen who has produced as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL

My Commission Expires:



[Signature]  
NOTARY PUBLIC  
Betty Llerena  
PRINT NAME





# OFFICE OF THE PROPERTY APPRAISER

## Summary Report

Generated On : 7/29/2015

Property Information	
Folio:	02-3234-004-0690
Property Address:	1691 MICHIGAN AVE
Owner	1691 MICHIGAN AVE INVESTMENT LP CITY MIAMI BEACH ECON DEV
Mailing Address	1185 AVE OF THE AMERICAS 18TH FLR NEW YORK, NY 10036-2601
Primary Zone	6600 COMMERCIAL - LIBERAL
Primary Land Use	1081 VACANT LAND - COMMERCIAL : VACANT LAND
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	76,500 Sq.Ft
Year Built	0



Assessment Information			
Year	2015	2014	2013
Land Value	\$10,510,000	\$10,999,935	\$10,999,935
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$10,510,000	\$10,999,935	\$10,999,935
Assessed Value	\$10,510,000	\$10,999,935	\$10,999,935

Benefits Information				
Benefit	Type	2015	2014	2013
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
PALM VIEW SUB PB 6-29	
LOTS 7 THRU 10 & LOTS 14 THRU 20	
BLK 37	
LOT SIZE 76500 SQ FT	
IMPROV ON FOLIO 02 3234 004 0695	

Taxable Value Information			
	2015	2014	2013
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$10,510,000	\$10,999,935	\$10,999,935
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$10,510,000	\$10,999,935	\$10,999,935
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$10,510,000	\$10,999,935	\$10,999,935
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$10,510,000	\$10,999,935	\$10,999,935

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
07/01/2006	\$74,000,000	24738-4073	Qual on DOS, but significant phy change since time of transfer
02/01/2001	\$750,000	19522-2912	Qual on DOS, but significant phy change since time of transfer
11/01/1997	\$1,020,000	17862-3289	Qual by verifiable & documented evidence
07/01/1992	\$175,000	15605-2040	2008 and prior year sales; Qual by exam of deed

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

<http://www.miamidade.gov/propertysearch/index.html>

EXHIBIT

A

www.miamidade.gov No. 713



# **BERCOW RADELL & FERNANDEZ**

**ZONING, LAND USE AND ENVIRONMENTAL LAW**

DIRECT LINE: (305) 377-6237  
E-Mail: MEntin@BRZoningLaw.com

## VIA HAND DELIVERY

February 10, 2016

Mr. Thomas Mooney  
Planning Director  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

Re: Revised Letter of Intent for Design Review Approval for Signage at the Property  
Located at 1691 Meridian Avenue, Miami Beach, Florida

Dear Tom:

As you know this firm represents both the owner and tenant of the above captioned property. On October 6, 2015, the owner appeared before the Design Review Board ("DRB") and obtained approval for the updated facades and storefront signage, and bifurcated the variance portion of the application. Please allow this letter to serve as the revised letter of intent, for the variance portion of the application.

Description of the Property. The Property is located on an irregular "L" shape parcel located approximately mid-block between Jefferson and Michigan Avenues. Although contained solely under Miami-Dade County tax folio no. 02-3234-004-0690, this parcel contains two multi-level structures. The structure directly adjacent to 17<sup>th</sup> Street and along Michigan Avenue is an office building on land zoned CD-3. The other structure, situated at the middle of the block and traversing from Michigan Avenue through to Jefferson Avenue, houses ground floor commercial establishments with a six-story parking garage above. The City owns the entirety of land below, which is the subject of a ground lease with the Applicant as tenant.

Description of the Development Program. The proposed project concerns the western portion of the mixed-use parking garage's ground floor along Michigan Avenue. This space was previously occupied by the former Lucky Strike bowling alley. Now, the space will be housing two, independent commercial retail uses that formerly occupied space along Lincoln Road, Pottery Barn and Williams & Sonoma. These two



iconic brands were located on the 1000 block of Lincoln Road for approximately fifteen years, until closing their locations earlier last year.

At the October 6, 2015 hearing, the DRB approved storefront modifications to the western façade of the Property, including storefront signage. However, the DRB agreed to bifurcate the hearing and continue the variances for a later date. This letter of intent and revised plans exclusively address the variances and treatment of the staircase along the western façade of the Property. Refer to the revised plans for further details.

Variance Requests. In an effort to redevelop this vacant commercial property through a successful revival of two brands which previously struggled with the market forces of Lincoln Road, the Applicant seeks variances from the Code. Specifically, the Applicant seeks a variance from Section 138-171(i)(6) to exceed the maximum aggregate sign area permitted for the combined storefronts ("Variance A"); a variance from Section 138-171(g), which limits signs above the ground floor to advertisement of the name of the building or the use that encompasses the largest amount of floor area ("Variance B"); and a variance to exceed the maximum permitted aggregate sign, in Section 138-172 of the Code, to allow one projecting sign on the stairwell perpendicular to Michigan Ave ("Variance C").

These variances are necessary to enable the proposed signage solely for Williams Sonoma and not that of Pottery Barn. Both retailers will operate under separate business licensing and with separate business tax receipts. Accordingly, the requested variances do not concern Pottery Barn. In October 2015 the DRB approved the storefront signage for William Sonoma. The flat letters depicting the store name above the entrance measure 18'-2" x 1'-3" (22.71 square feet of signage) and are permitted by Code. However, in light of the building's location and scale, a secondary sign is necessary in order to improve visibility. The tenant is proposing to have a projecting sign, to be located between the 2<sup>nd</sup> and third levels of the parking structure, which will be visible for commuters approaching from either the north or south. The proposed projecting sign will measure 15' x 3'-8" on each side, totaling 110' -1," total signage area.

The Code permits secondary signs for business, but requires a variance of Section 138-171 (g) of the Code, in order to relocate same above the ground floor. Similarly, the Code permits projecting signs up to 15 square feet. Therefore, the enlargement of any projecting sign results in the requested variances from Section 138-171 (1)(6) and Section 138-172 of the Code.

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;**

The application is being evaluated according to a sign allowance of one street frontage, yet the Property traverses between Michigan and Jefferson along Lincoln Lane North, a right-of-way that experiences heavy traffic on weekends. In addition, the Property is nestled between the heavy foot traffic of Lincoln Road and 17<sup>th</sup> Street, an integral thoroughfare providing vehicular access through the City Center. The parking garage is a sizable structure of considerable massing and height. The façades are improved with a busy aesthetic of screens and protruding landscape planters that serve to mask the interior use. In addition to the animated facade, the sidewalk along Michigan Avenue is adorned with sizable trees. The bulky foliage of the trees rests directly in front of the main storefront signage above the entrances of each retail bay. Due to the foregoing, the Property is disadvantaged in that the simple signage as permitted under the Code would not adequately apprise the public of the location of the uses.

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

The subject structure sits upon City land. The City Commission approved a development agreement for the private development and operation of the parking garage and component retail uses. The commercial retail uses lining the ground floor were a requirement below the multiple levels of publicly accessible parking. The need for more prominent signage directly results from the architectural design and massing of the parking garage structure and the storefronts' location and appearance within the building façade.

- (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;**

To the contrary, the variance process exists in order to vary the specifications of Chapter 138 when special circumstances necessitate. The City's land use boards regularly grant variances for any number of reasons, including the following: when permitted signage would not be easily viewed by passing motorists because existing building design, trees, traffic, or other obstructions block it from view; when permitted signage is not readily viewed by passing motorists in time to safely react and stop at the business; when natural land features would have to be removed or severely altered if a



conforming sign was constructed, such as the removal of trees; or when a taller or larger sign than allowed by the Code would be more appropriate in scale because of the large size or frontage of the parcel or building. Sign variances are often granted to architecturally significant structures within the abutting historic district and the Code provides great latitude for discretionary waivers of such requirements for the City's properties zoned GU.

- (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;**

The variances are requested in order to activate the ground floor retail space with effective signage that will enhance the Project's viability. Visible signage is crucial for new commercial uses and the City has long recognized the Property's need for similar accommodation. After the parking garage structure was initially constructed, in Board of Adjustment (BOA) File No. 2946, the City provided the developer a variance to exceed by 71 square feet the maximum permitted area of a projecting sign of 15 feet. In BOA File No. 2946, former occupant Lucky Strike was permitted two variances. The first variance was to permit relocation of its projecting bowling pin sign from the permissible ground floor to the 2<sup>nd</sup> and 3<sup>rd</sup> levels. The second variance permitted the applicant to exceed by 65 square feet the maximum permitted area of 15 square feet. As recently as 2012, the Property received a sign variance in connection with BOA File No. 3544. In the staff report for this application, the City attributed the Property's exceptional massing as justification for a signage variance for the Michigan Avenue façade. Since the Property's construction, the City has repeatedly determined that a literal interpretation of the provisions of the land development regulations would work an unnecessary and undue hardship on the Property.

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

Marketable use of the Property means one that can be easily accessed and viewed not just by residential members of the community but also visitors and tourists who are unfamiliar with the area. Providing modest variances to permit slightly more prominent signage is the simplest way to effectuate a reasonable use of the land.

- (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**



Mr. Thomas Mooney  
Planning Director  
February 10, 2016  
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**will not be injurious to the area involved or otherwise detrimental to the public welfare; and**

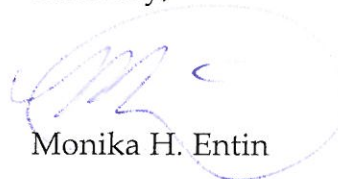
The public interest is concerned with safety and welfare. The Applicant believes that public safety will be improved with the variances because customers of the two retail uses that are looking for the building will more readily identify the structure as they navigate the commercial district's lively streetscape. Otherwise, unfamiliar drivers will be forced to make dangerous U-turns on Michigan Avenue, when already the streets traversing Lincoln Road are frequently log jammed. Confused drivers pose concern near the heavily trafficked 17<sup>th</sup> Street and adjacent Palm View residential neighborhood. The proposed blade signs supplement the flat letter signs, which suffer from diminished visibility due to the voluminous sidewalk trees and projecting landscape planters.

- (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 do not reduce the levels of service as set forth in the plan.

Conclusion. The proposed signage will not adversely affect the immediate neighborhood. Instead, design of the street level exteriors to accommodate this brand is in harmony with the built environment of Michigan Avenue and is in line with the predominant character of Lincoln Road. We respectfully request your recommendation for design review approval. If you have any questions or comments with regard to the application, please do not hesitate to contact me at (305) 377-6237.

Sincerely,



Monika H. Entin

Enclosures

cc: Mr. Michael Belush

**DESIGN REVIEW BOARD  
City of Miami Beach, Florida**

MEETING DATE: October 06, 2015

FILE NO: 23201

PROPERTY: **1691 Michigan Avenue**

APPLICANT: 1691 Michigan Avenue Investments, LP

LEGAL: Lots 7-10 & Lots 14-20 of Block 37 of the "Palm View Subdivision", According to the Plat Thereof, as Recorded in Plat Book 6, Page 29, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for exterior alterations to the façade of an existing six-story building. Specifically, modifications to the ground floor storefront façade and sign variances.

**ORDER**

The City of Miami Beach Design Review 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. Design Review Approval**

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- 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 is inconsistent with Design Review Criteria 3- 6, 9, 10, 12, 14 and 15 in Section 118-251 of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of section 118-251 if the following conditions are met:



1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. All future ground level building signage shall require a separate permit. Signage shall consist of reverse channel, back-lit letters, in a manner to be approved by staff. No exterior raceway or exterior disconnect switches shall be allowed. Intermittent lights, moving or revolving lights shall not be permitted.
  - b. The proposed modifications to the vertical stair tower (above the ground floor) shall not be permitted.
  - c. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of 10'-0" from the storefront walls, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board. This shall not prohibit substantially transparent fixtures for display purposes only.
  - d. The final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - e. The stone cladding proposed along the façades of the exterior wall shall consist of a natural stone, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - f. The final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
  - 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 Design Review 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 area. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights of way or adjacent properties shall be permitted.
  - h. Any future kitchen ventilation shall be chased through the interior of the building to the roof or rear of the building along the alley and not vent on Michigan Avenue.
  - i. 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.

- j. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.

**In accordance with Section 118-262, the applicant, or the city manager on behalf of the city administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the commission.**


**II. Variance(s)**

- A. The variances requested herein shall be continued to the January 05, 2016 Design Review Board meeting.

**III. General Terms and Conditions applying to both 'I. Design Review Approval 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. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- C. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. 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.
- E. 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.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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 **application** 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, entitled "The Lincoln" as prepared by **Beilinson Gomez Architecture** dated signed and sealed August 17, 2015, and as approved by the Design Review Board, as determined by staff.

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 the approval 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 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 approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. 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 application will expire and become null and void.

In accordance with Chapter 118 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 application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this 7<sup>th</sup> day of October, 2015.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY:   
DEBORAH J. TACKETT  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

STATE OF FLORIDA )

)SS



Meeting Date: October 06, 2015

DRB File No. 23201

COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of October 2015 by Deborah J. Tackett, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



NOTARY PUBLIC

Miami-Dade County, Florida

My commission expires: 07-26-2015

Approved As To Form:

City Attorney's Office: [Signature] (10/7/2015)Filed with the Clerk of the Design Review Board on Upmule M (10-7-15)