



HPB VARIANCE SUBMITTAL

6801 COLLINS AVENUE
MIAMI BEACH, FL 33141

FOR

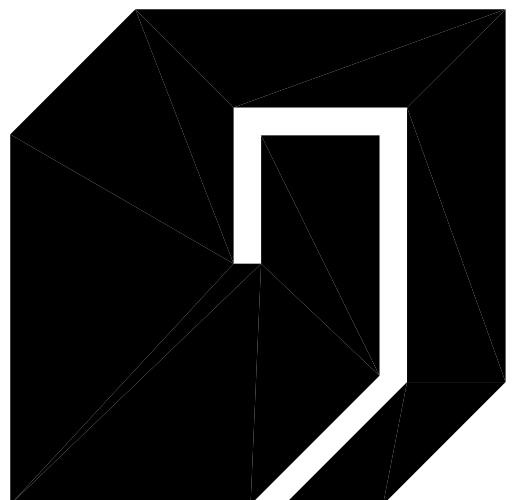
Z Capital Florida Resort, LLC

January 31, 2017, Rev 2/16/17
Commission #15122

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Giller & Giller, Inc.

The Giller Building
975 Arthur Godfrey Road
Miami Beach, Florida 33140
(305) 538-6324 FAX (305) 538-5921
Reg. #AA C001364
ARCHITECTS INTERIOR DESIGNERS CONSTRUCTION MANAGERS



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This Drawing is
the Property of
Fortin, Leavy, Skiles, Inc.
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Permission of Same.

16	170039	UPDATE BOUNDARY ONLY (2/6/17) - RLL	DWF
15	151756	UPDATE SURVEY (12/31/15) - RLL	MAP
14	110440	UPDATE SURVEY (5/17/11) - RLL	DWF
13	081406	PREPARE FINAL SURVEY (12/3/08) - RLL	DWF
12	080969	AMEND TO SHOW FORM BOARD LOCATIONS	DWF
No.	O.N.	Revision	Description

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00003653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7152 / Email fls@flsurvey.com

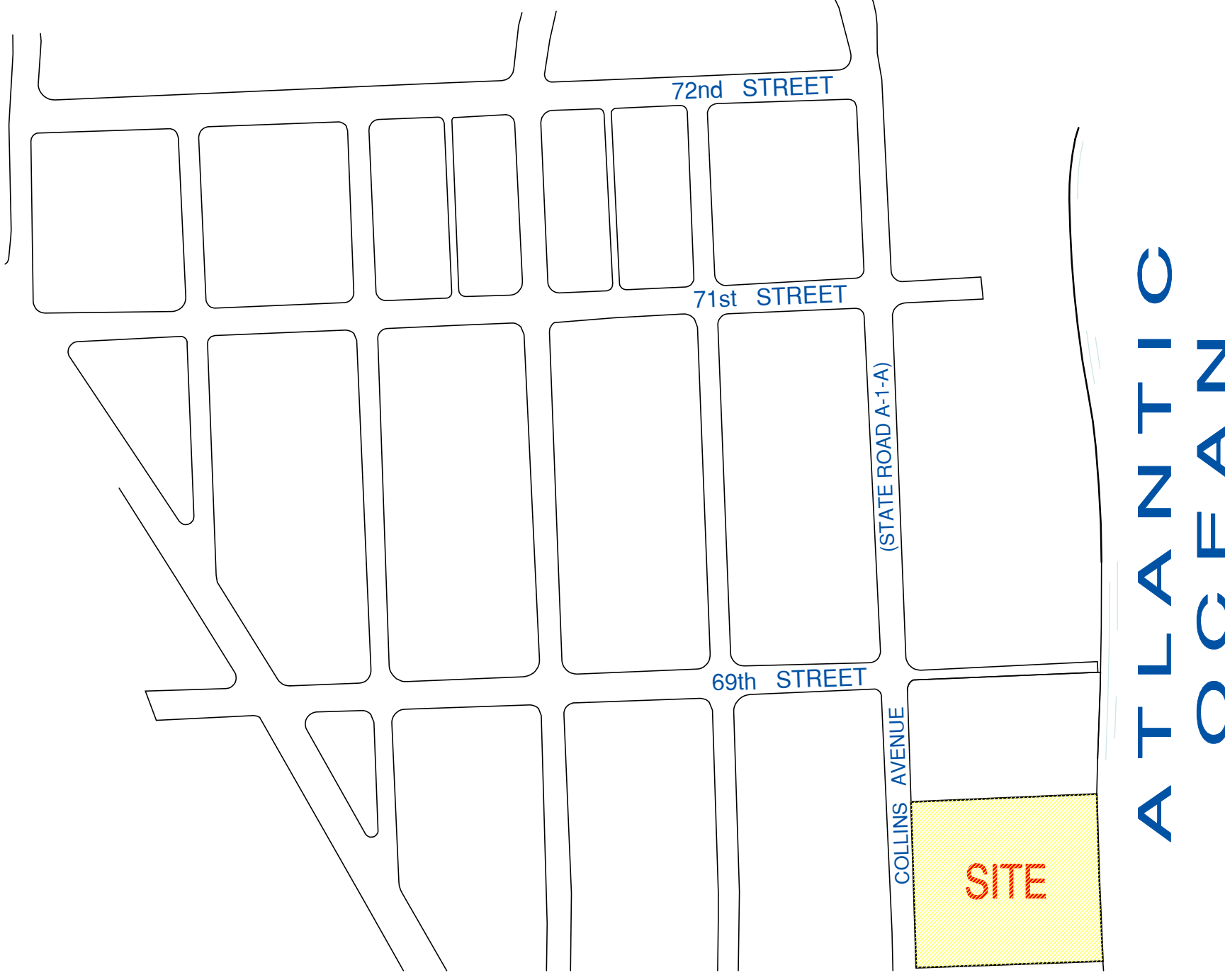
BOUNDARY & TOPOGRAPHIC SURVEY
THE CARILLON SOUTH - 6801 COLLINS AVENUE
CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA

Original Date	6/13/05
Scale	NONE
Drawn By	DWF
CAD No.	041185
Plotted	12/7/16 10:09a
Ref. Dwg.	2005-062N
Field Book	574/20 & F.S. - RLL
Job No.	051091
Dwg. No.	2005-062S-NGVD
Sheet	1 of 2

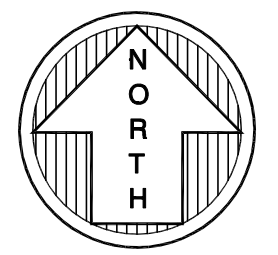
SCHEDULE B - II

- 1-5 Standard Exceptions.
- Restrictions, dedications, easements, and other matters as recited on the Plat of COASTAL CONSTRUCTION SETBACK LINE, recorded in Plat 74, Page 25.
- The right, title or interest, in any, of the public to use a public beach or recreation area or any part of the land described in Schedule A hereof, lying between the water abutting said land and the most inland of any of the following: (a) the natural line of vegetation; (b) the most extreme high water mark; (c) the bulkhead line; or (d) any other line which has been or which hereafter may be legally established as relating to such public use.
- A portion of the premises herein described being land created either by accretion, reliction or artificial means or land created through avulsion; in what was formerly navigable water, this policy excepts the rights of the United States Government and the State of Florida arising by reason of the United States Government's control over navigable waters and the inalienable rights of the State of Florida in the lands and waters of such character.
- Covenant in Lieu of Unity of Title recorded July 17, 2002, in Official Records Book 20534, Page 2395.
- Terms, conditions and provisions of Easement and Operating Agreement recorded July 17, 2002, in Official Records Book 20534, Page 2407, as affected by that certain Agreement Concerning Development Agreement and Easement and Operating Agreement by and among Carillon South Joint Venture, L.L.C., North Carillon, L.L.C., and Lehman Brothers Holdings Inc., dated September 8, 2006 and recorded September 13, 2006 in Official Records Book 24903, Page 3702.
- Terms, conditions and provisions of Development Agreement recorded July 17, 2002, in Official Records Book 20534, Agreement by and among Carillon South Joint Venture, L.L.C., North Carillon, L.L.C., and Lehman Brothers Holdings Inc., dated September 8, 2006 and recorded September 13, 2006 in Official Records Book 24903, Page 3702.
- Easement as contained in Warranty Deed granted to American Savings and Loan Association of Florida, a Florida corporation, from Archway Ocean Properties, Inc., recorded in Official Records Book 9519, Page 261, for ingress and egress to Beach.
- Easement for ingress/egress affects South 10 feet of parcel and shown on survey.
- Order by the Board of Adjustment of the City of Miami Beach, Florida, for variances recorded June 13, 1997, in Official Records Book 17675, Page 4904; and Order of Extension of Time, recorded November 7, 1997, in Official Records Book 17860, Page 2447; as affected by Order recorded August 20, 1998, in Official Records Book 18242, Page 378; as affected by Modification Order from the Board of Adjustment of the City of Miami Beach, recorded May 20, 2002, in Official Records Book 20406, Page 1219.
- Matters recited on the Plat of EROSION CONTROL LINE, recorded in Plat Book 105, Page 62; as affected by Certificate of Approval for the Establishment of Erosion Control Line by the Board of Trustees of the Internal Improvement Fund, recorded December 3, 1976, in Official Records Book 9517, Page 2028.
- Restrictions, Dedications, Easements and Reservations as shown on the Plat of Amended Second Ocean Front Subdivision recorded in Plat Book 28, Page 28, to be limited to specific matters shown on Plat, if any.
- Survey prepared by Fortin, Leavy, Skiles, Inc., dated June 13, 2005, updated May 22, 2007 under Job No. 051091, which discloses the following:
 - Sidewalk encroaches into the western boundary of the property
 - Bulkhead encroaches beyond the east boundary
 - Coastal Construction Control Line per Plat Book 74, Page 25, located in the eastern portion of the property and running in a north/south direction. It is encroached upon by a building currently under construction and there is ongoing construction on the property waterward of this coastal construction control line
 - Wooden fence encroaches 10' Florida Power & Light Company Easement ORB 25230, Page 3243 on West side of property
 - Water valves and storm manholes located on West side of property
- Notwithstanding the legal description in Schedule A, this commitment/policy does not insure any portion of the land lying waterward of the Erosion Control Line.
- Mortgage, Security Agreement, Assignment of Rents and Leases and Fixture Filing from Carillon South Joint Venture, L.L.C., a Florida limited liability company to HYPO REAL ESTATE CAPITAL CORPORATION, as agent for the lenders as defined in that certain Construction Loan Agreement dated as of April 21, 2004, as recorded April 22, 2004 in Official Records Book 22234, Page 2689; as amended by that First Amendment to Mortgage, Security Agreement, Assignment of Rents and Leases and Fixture Filing dated February 4, 2005 recorded March 4, 2005, in Official Records Book 23139, Page 1936, recorded April 4, 2005 in Official Records Book 23233, Page 1997; as modified by that Notice of Future Advance and Second Amended to Mortgage, Security Agreement, Assignment of Rents and Leases and Fixture Filing dated July 29, 2005 and recorded August 2, 2005 in Official Records Book 23633, Page 4123; and as assigned to Lehman Brothers Holdings, Inc., a Delaware corporation by that Assignment of Notes and Mortgages, dated June 30, 2006 and recorded July 5, 2006 in Official Records Book 24689, Page 864; and as affected by that Notice of Future Advance and Amended and Restated Mortgage, Security Agreement, Assignment of Rents and Leases and Fixture Filing made by Carillon South Joint Venture, L.L.C. to Lehman Brothers Holdings Inc. (cross collateralized mortgage), securing a Future Advance of \$7,900,000.00, dated September 7, 2006 and recorded September 12, 2006 in Official Records Book 24901, Page 2262, as assigned to LB Carillon Construction LLC, a Delaware limited liability company by Assignment recorded 2008, recorded in Official Records Book _____, Page _____; and as modified by that Second General Modification, Reaffirmation and Ratification of Loan Documents, dated _____, recorded on _____, in Official Records Book _____, Page _____.
- Assignment of Leases and Rents from Carillon South Joint Venture, L.L.C., a Florida limited liability company, Assignor, to Lehman Brothers Holdings Inc., a Delaware corporation, Assignee, dated September 7, 2006 and recorded September 12, 2006 in Official Records Book 24901, Page 2304.
- UCC-1 Financing Statement recorded on April 22, 2004 in Official Records Book 22234, Page 2742; as amended by the UCC-3 Assignment recorded July 5, 2006 in Official Records Book 24689, Page 869 (and recorded July 13, 2006 in Official Records Book 24716, Page 1293).
- Assignment of Title Proceeds dated July 29, 2005 by Carillon South Mezz, LLC, Carillon South Joint Ventures, L.L.C. and Lehman Brothers Holdings, Inc., doing business as Lehman Capital, a division of Lehman Brothers Holdings, Inc., as amended by Assignment of Title Proceeds dated September 7, 2006 by Carillon South Joint Venture, L.L.C., Carillon South Mezz, LLC and Lehman Brothers Holdings, Inc., as amended by Second Amendment to Assignment of Title Insurance Proceeds dated October 5, 2007 by Carillon South Joint Venture, L.L.C., Carillon Miami Mezz, LLC, Carillon South Mezz, LLC, Carillon North Mezz, LLC and Lehman Brothers Holdings, Inc., as amended by Third Amendment to Title Insurance Proceeds dated _____, 2008 by Carillon South Joint Venture, L.L.C., Carillon Miami Beach Holding, LLC, Carillon South Mezz, LLC, Carillon North Mezz, LLC and Lehman Brothers Holdings, Inc.
- Notice of Commencement dated July 29, 2005 recorded September 14, 2005, Official Records Book 23778, Page 1621, as amended by First Amended Notice of Commencement recorded July 5, 2006 in Official Records Book 24689, Page 872, as amended by Second Amended Notice of Commencement recorded March 13, 2007 in Official Records Book 25444, Page 1221, Third Amended and Restated Notice of Commencement recorded October 12, 2007 in Official Records Book 25985, Page 3259, Fourth Amended and Restated Notice of Commencement recorded November 16, 2007 in Official Records Book 26063, Page 3892.
- Modification/Extension of Time Order by the Board of Adjustment of the City of Miami Beach, Florida, recorded February 15, 2007 in Official Records Book 25369, Page 758 as affected by Modification Order recorded January 31, 2008 in Official Records Book 26191, Page 3363.
- Easement in favor of Florida Power & Light Company recorded December 28, 2006 in Official Records Book 25230, Page 3243.
- Easement in favor of Florida Power & Light Company recorded December 28, 2006 in Official Records Book 25230, Page 3247.
- Order by the Board of Adjustment of the City of Miami Beach, Florida, recorded July 18, 2007 in Official Records Book 25786, Page 994.
- Easement and Memorandum of Agreement in favor of Capitol Infrastructure, LLC, a North Carolina limited liability company recorded October 19, 2007 in Official Records Book 25999, Page 4770.
- Terms, conditions, covenants, restrictions (deleting therefrom any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin), easements, master agreements, reservations, leases, rules, bylaws, and other provisions which may be contained in and established by the Declaration of Condominium of SOUTH CARILLON BEACH, A CONDOMINIUM, recorded December 3, 2007 in Official Records Book 26080, at Page 4764, and amendment(s) thereto which are recorded January 30, 2008 in Official Records Book 26186, Page 4424 and as affected by Subordination Agreement recorded December 11, 2007 in Official Records Book 26100, Page 2310, Public Records of Miami-Dade County, Florida.
- Declaration of Covenants, Restrictions and Easements for Carillon Hotel and Spa (but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law) as set forth in the document recorded January 30, 2008 in Official Records Book 26080, Page 4905, as affected by Subordination Agreement recorded December 11, 2007 in Official Records Book 26100, Page 2310, Public Records of Miami-Dade County, Florida.
- Perpetual Non-Exclusive Easement Agreement by and between North Carillon, L.L.C., a Florida limited liability company and the City of Miami Beach recorded April 7, 2008 in Official Records Book 26310, Page 4281.

NOTE: All recording references in this commitment/policy shall refer to the Public Records of Miami-Dade County, Florida, unless otherwise noted.



LOCATION SKETCH
NOT TO SCALE



LEGEND	
■ CATCH BASIN	☆ DECORATIVE LIGHT POLE
○ MANHOLE	☐ PUBLIC PHONE
○ LIGHT POLE	— 0.5' CURB
○ ALUMINUM LIGHT POLE	— 2.0' CURB & GUTTER
■ WATER METER	— CHAIN LINK FENCE
⋈ WATER VALVE	— GRADE ELEVATION
■ CATCH BASIN INLET	— IDENTIFICATION
□ UTILITY POLE	— ELEVATION
■ RISER	— INVERT
■ FIRE HYDRANT	— SANITARY
■ HANDHOLE	— PERMANENT REFERENCE MONUMENT
— SIGN	— CONCRETE
	— ASPHALT PAVEMENT

LEGAL DESCRIPTION:

PARCEL 1:

The North 25.00 feet of Lot 48, all of 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.

AND ALSO

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.

Easements contained in that certain Easement and Operating Agreement, dated July 12, 2002, recorded July 17, 2002, in Official Records Book 20534, Page 2407, of the Public Records of Miami-Dade County, Florida.

Easements contained in that certain Development Agreement, recorded July 17, 2002, in Official Records Book 20534, Page 2440, of the Public Records of Miami-Dade County, Florida.

Easements contained in that certain Agreement Concerning Development Agreement and Easement and Operating Agreement, dated September 8, 2006 and recorded in Official Records Book 24903, Page 3702, of the Public Records of Miami-Dade County, Florida.

Easements contained in that certain Declaration of Covenants, Restrictions and Easements for Carillon Hotel and Spa, recorded January 30, 2008 in Official Records Book 26080, Page 4905, of the Public Records of Miami-Dade County, Florida.

LESS AND EXCEPT:

All of SOUTH CARILLON BEACH, A CONDOMINIUM, according to the Declaration of Condominium thereof, as recorded on December 3, 2007 in Official Records Book 26080, at Page 4764, and amendment recorded January 30, 2008 in Official Records Book 26186, Page 4424, Public Records of Miami-Dade County, Florida.

PARCEL 2:

All of SOUTH CARILLON BEACH, A CONDOMINIUM, according to the Declaration of Condominium thereof, as recorded on December 3, 2007 in Official Records Book 26080, at Page 4764, and amendment recorded January 30, 2008 in Official Records Book 26186, Page 4424, Public Records of Miami-Dade County, Florida.

Together with:

Easements contained in that certain Easement and Operating Agreement, dated July 12, 2002, recorded July 17, 2002, in Official Records Book 20534, Page 2407, of the Public Records of Miami-Dade County, Florida.

Easements contained in that certain Development Agreement, recorded July 17, 2002, in Official Records Book 20534, Page 2440, of the Public Records of Miami-Dade County, Florida.

Easements contained in that certain Agreement Concerning Development Agreement and Easement and Operating Agreement, dated September 8, 2006 and recorded in Official Records Book 24903, Page 3702, of the Public Records of Miami-Dade County, Florida.

Easements contained in that certain Declaration of Covenants, Restrictions and Easements for Carillon Hotel and Spa, recorded January 30, 2008 in Official Records Book 26080, Page 4905, of the Public Records of Miami-Dade County, Florida.

SURVEYOR'S NOTES:

- This site lies in Section 11, Township 53 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida.
- All documents are recorded in the Public Records of Miami-Dade County, Florida unless otherwise noted.
- Lands shown hereon were abstracted for restrictions, easements and/or rights-of-way of records per Fidelity National Title Insurance Company, Commitment No. WC08-101031 with an effective date of April 16, 2008.
- All easements and/or rights of way of record per title commitment that are plottable are shown on this "Boundary & Topographic Survey".
- Bearings hereon are referred to an assumed value of S 87°32'31" W for the North line of Lot 53, and evidenced by (2) found nail & disk.
- Elevations shown hereon are relative to the National Geodetic Vertical Datum of 1929, based on Miami-Dade County Benchmark G-313. Elevation +8.28 and located by USCGG brass disk in the N.E. corner of a sewer pumping station at the center of parking lot at 72nd Street (North) of and Collins Avenue (165' West of West curbs).
- Elevations shown hereon have not been updated to reflect possible settlement and/or environmental changes after the date of the original survey.
- Lands shown hereon are located within an area having a Zone Designations X and AE (EI B) by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 12086C0326L, for Community No. 120651, dated September 11, 2009, and index map revised September 11, 2009, and is relative to the National Geodetic Vertical Datum of 1929.
- Dimensions indicated hereon are field measured by electronic measurement, unless otherwise noted.
- Lands shown hereon containing 145,032 square feet, or 3.329 acres, more or less.
- Roof overhang not located unless otherwise shown.
- All horizontal control measurements are within a precision of 1:10,000.
- This map is intended to be displayed at the graphic scale shown hereon or smaller.
- Improvements shown beyond the (scope/limits) of this Boundary & Topographic Survey may not be current or located.
- Underground improvements and/or underground encroachments not shown unless otherwise indicated.
- The approximate location of all utilities shown hereon were determined from As-Built plans and/or on-site locations and should be verified before construction.
- Existing Parking Spaces: None.
- The following information has been taken from municode.com on June 3, 2005
- Zoning: RM-3 = Residential Multiple, High Intensity.
- Building setbacks per approved site plan.
- This firm recommends that the client obtain a certified zoning verification letter from the City, County or agency responsible for zoning classification for the parcel.
- Legal description shown hereon furnished by client and no claims as to ownership are made or implied.
- Legal descriptions contained in Special Warranty Deeds recorded in Official Records Book 20534 at Page 2403 and Official Records Book 20534 at Page 2436 are ambiguous and can not be located.

SURVEYOR'S CERTIFICATION TO:

I hereby certify that this "Boundary & Topographic Survey" was made under my responsible charge on June 13, 2005, last updated on December 31, 2015 and boundary only updated February 6, 2017, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

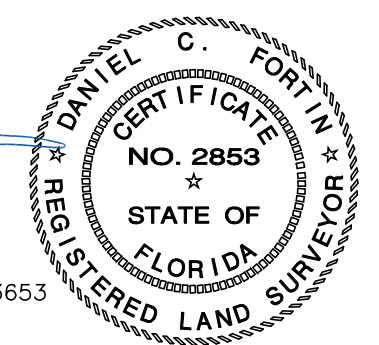
*Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper

FORTIN, LEAVY, SKILES, INC., LB3653

By: *[Signature]*

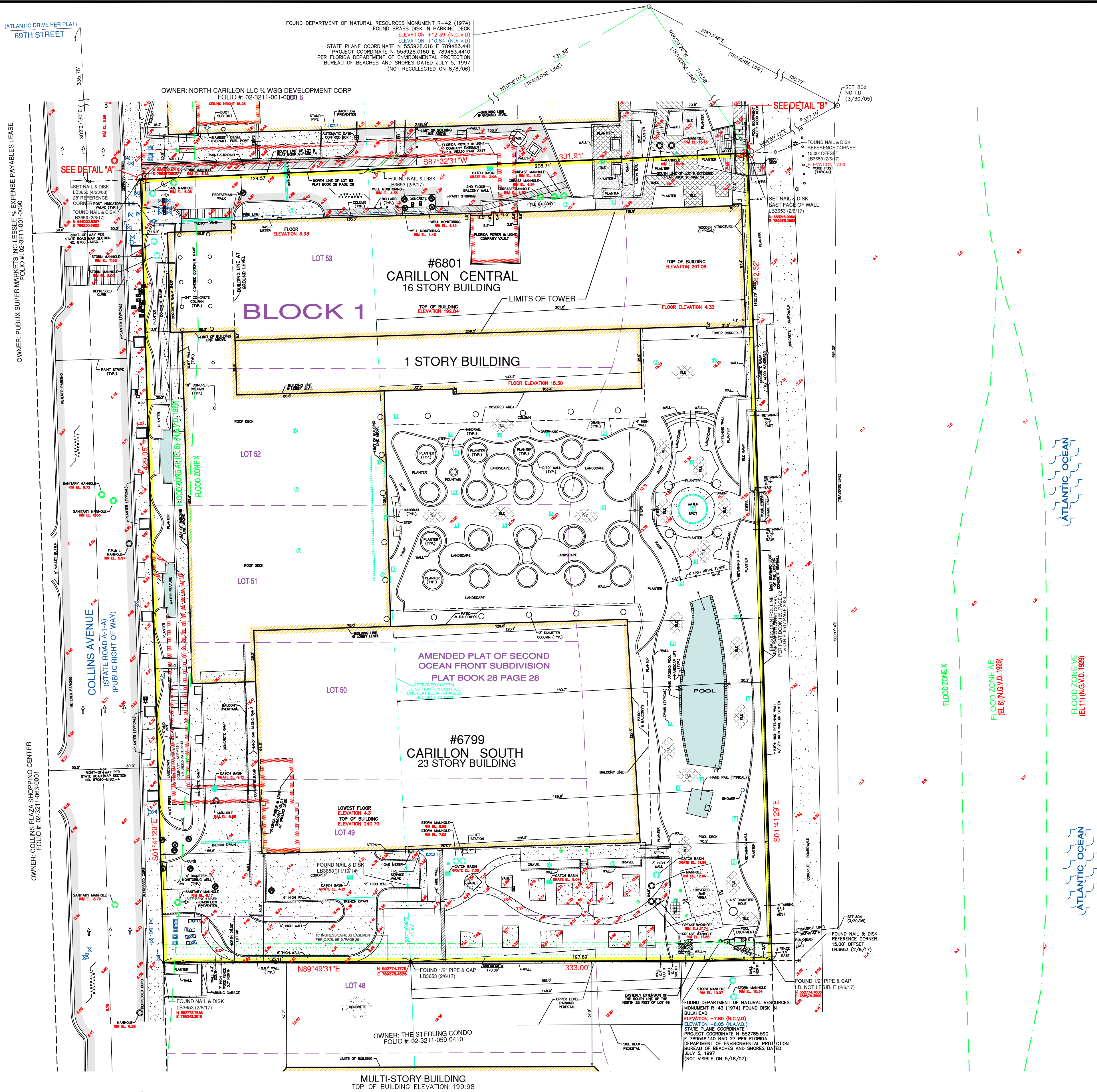
Daniel C. Fortin, PSM
Surveyor and Mapper, LS2853
State of Florida

Florida Certificate of Authorization No.: 00003653

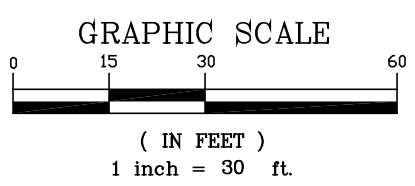
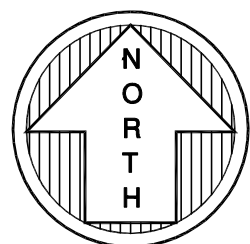


IMPROVEMENTS LAST UPDATED DECEMBER 31, 2015 AND BOUNDARY ONLY UPDATED FEBRUARY 6, 2017

ELEVATIONS SHOWN HEREON ARE BASED ON
NATIONAL GEODETIC VERTICAL DATUM OF 1929



LEGEND	
	CATCH BASIN
	MANHOLE
	LIGHT POLE
	ALUMINUM LIGHT POLE
	WATER METER
	WATER VALVE
	CATCH BASIN INLET
	UTILITY POLE
	RISE
	FIRE HYDRANT
	HANDHOLE
	SIGN
	DECORATIVE LIGHT POLE
	PUBLIC PHONE
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	2.0' CURB & GUTTER
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	IDENTIFICATION ELEVATION
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	CONCRETE
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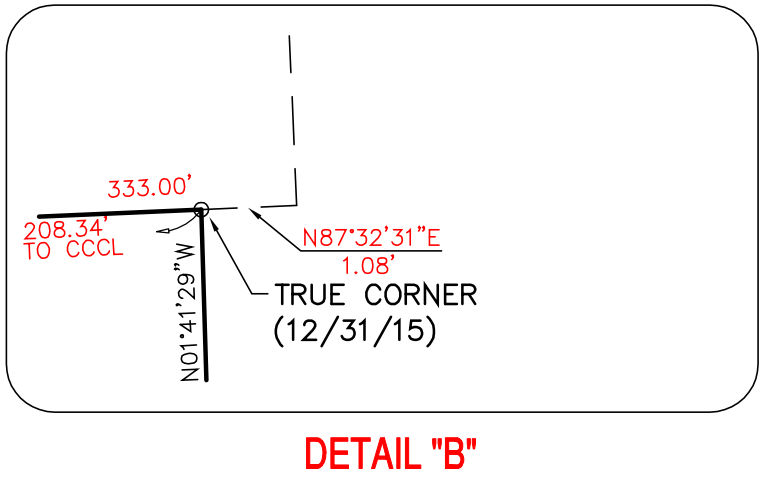
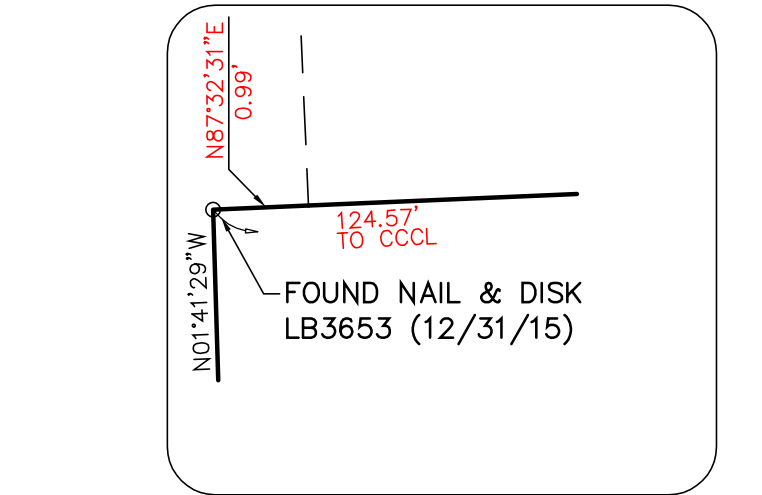




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BOUNDARY & TOPOGRAPHIC SURVEY
THE CARILLON SOUTH - 6801 COLLINS AVENUE
CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA

Original Date
6/13/05

Scale
1"=30'

Drawn By
DWF

CAD No.
041185

Plotted
12/7/16 10:09a

Ref. Dwg.
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Field Book
574/20 & F.S. - RLL

Job No.
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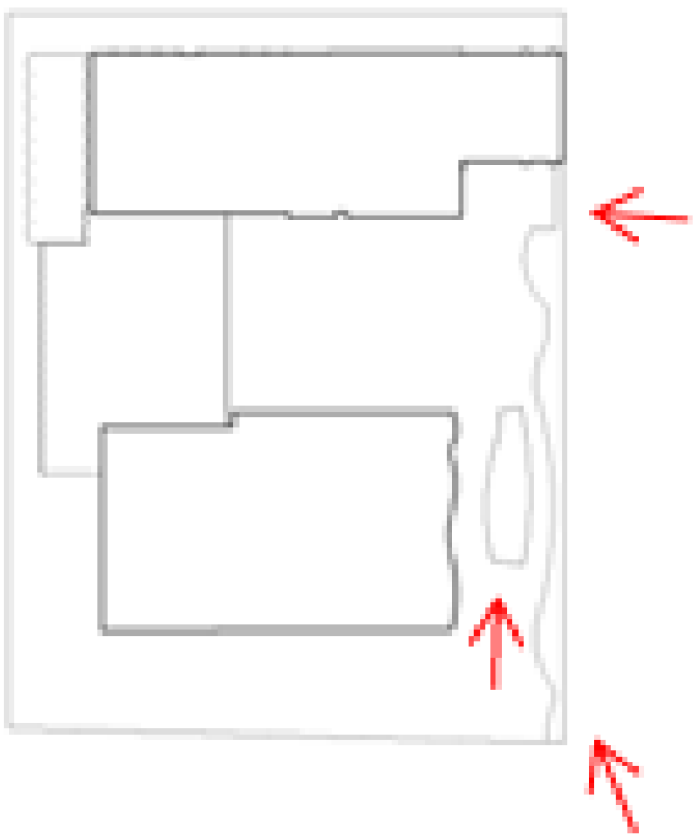
Dwg. No.
2005-062S-NGVD

Sheet
2 of 2

ELEVATIONS SHOWN HEREON ARE BASED ON
NATIONAL GEODETIC VERTICAL DATUM OF 1929

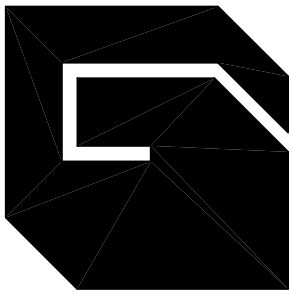
ELEVATIONS SHOWN HEREON ARE BASED ON
NATIONAL GEODETIC VERTICAL DATUM OF 1929

IMPROVEMENTS LAST UPDATED DECEMBER 31, 2015 AND BOUNDARY ONLY UPDATED FEBRUARY 6, 2017



Carillon Hotel

Oceanfront & South



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The Giller Building
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Miami Beach, Florida 33140
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ARCHITECTS INTERIOR DESIGNERS CONSTRUCTION MANAGERS

CARILLON HOTEL
TRELLIS BAR
OPERATING HOURS VARIANCE REQUEST
6801 COLLINS AVENUE MIAMI BEACH, FL

Ira D. Giller AR0005260
Steve G. Bernard AR0013611

DATE	REVISION	DESCRIPTION

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SHEET #	SHEET TITLE:
G-4	PHOTOGRAPHS
OF TOTAL	
ARCH COMM #	DATE: CHECKED BY: APPROVED BY:
15122	1/31/17