

EXHIBITS A-D

EXHIBITS

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TAB

- A.** Design Review Board Final Order File No. 22889, Palau at Sunset Harbor, October 2, 2012.
- B.** Application for Modification of 2012 Design Review Board Order File No. 22889, Palau at Sunset Harbor, April 2019.
- C.** Notice of Public Hearing DRB19-0392, 1201 20th Street -- Palau Condominium Penthouse 04. Modification of 2012 Design Review Board Order.
- D.** Staff Report for Public Hearing DRB19-0392, 1201 20th Street -- Palau Condominium Penthouse 04. Modification of 2012 Design Review Board Order, July 2, 2019.
- E.** Design Review Board Agenda, July 2, 2019.
- F.** Design Review Board Minutes, July 2, 2019.
- G.** Section 118-251. Design Review Criteria.
- H.** Design Review Board Supplemental Order, 1201 20th Street, PH 4. July 15, 2019.
- I.** Design Review Board Modified Order, 1201-1237 20th Street, Palau at Sunset Harbor. July 15, 2019.
- J.** Section 118-9. Rehearing and Appeal Procedures.
- K.** Section 114-1. Definitions.
- L.** Article IV. Conditional Use Procedure.
- M.** Conditional Use Permit 1201, 1225 and 1237 20 Street, Palau Sunset Harbor, May 22, 2012.
- N.** Staff Report for Public Hearing Design Review File No. 22889, 1201-1237 20th Street -- Palau at Sunset Harbor, October 2, 2012.

EXHIBIT A



CFN 2012R0741153
OR Bk 28317 Pgs 2684 - 26911 (8pgs)
RECORDED 10/17/2012 16:05:33
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: October 2, 2012

FILE NO: 22889

PROPERTY: 1201-1237 20th Street -
Palau at Sunset Harbor

LEGAL: All of Lots 22, 23, and 24, and the north 70 feet of Lots 25 and 26 in Block 15A of "Island View Addition" According to the Plat Thereof, as Recorded in Plat Book 9, Page 144, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new 5-story mixed-use building, which will replace all existing structures on the subject site, to be demolished. The applicant is also requesting Design Review Board approval for modifications to a previously approved site plan, which is the subject of a Declaration of Restrictive Covenants in Lieu of Unity of Title.

ORDER

The applicant, Palau Sunset Harbor, LLC., filed an application with the City of Miami Beach Planning Department for Design Review Approval.

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:

- A. 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 consistent with the Design Review Criteria in Section 118-251 of the Miami Beach Code.
- B. The project would remain consistent with the criteria and requirements of section 118-251 if the following conditions are met:
 1. The applicant shall comply with City Code section 118-5 by executing and recording in the public records a unity of title or covenant in lieu, subject to the

CERTIFICATION

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

[Signature] 10-8-2012
(Signature of Planning Director or Designee)
Personally known to me or Produced By:
[Signature]
Notary Public, State of Florida at Large
Printed Name: TERESA MARIA
My Commission Expires: (Date) 12-2-13
This document contains 8 pages.

TERESA MARIA
MY COMMISSION # DD 928148
EXPIRES: December 2, 2013
Bonded Third Street Notary Services



approval of the City Attorney, combining the lots comprising the subject property, before submitting its application for a building permit.

2. The applicant shall execute and record in the public records of Miami-Dade County an easement providing for public access between the hours of sunrise and sunset, over its waterfront walkway, subject to the approval of the City Attorney, prior to the issuance of a Building Permit for the proposed project.
3. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
4. 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. The drive aisle on the north side of the site shall be reduced from 23'-10" to 22'-0" in width, and the entire garage structure, along with adjoining steps to the residential terraces above shall be setback an additional 1'-10" from the north property line, and the additional area landscaped in a manner to be reviewed and approved by staff.
 - b. The final design and details, including materials, finishes, glazing, railings, and any architectural projections and features, shall be provided in a manner to be reviewed and approved by staff.
 - c. The roof top, including any canopies, and stairwell or elevator bulkheads, shall be further developed and detailed to include any and all such elements that may be proposed above the main roof level, and shall be lowered in height to the extent possible, (not to exceed a clear height of 8'-6" between any finished floor and the underside of the roof slab structure above) subject to the review and approval of staff. No roof-top elements that are not explicitly shown on the roof plans and elevations presented to the Board shall be approved at a later date by staff.
 - d. The final design and details, including landscaping, walkways, fences, and architectural treatment of west elevation facing the former bank building, shall be provided, in a manner to be reviewed and approved by staff.
 - e. The applicant shall engage a soils engineer to evaluate the former Mark's Cleaners site for possible chemicals contamination, shall provide such report to staff, and shall take any and all necessary action to decontaminate the site, if necessary.
 - f. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
 - g. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in

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accordance with the plans approved by the Planning Department for Building Permit.

5. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. The plaza at the northeast corner of the site shall be further studied and enlarged to improve its visibility and functionality, and shall be added to the waterfront walkway easement for public access, subject to the review and approval of staff.
 - b. Irrigation, uplighting and the City's standard bound aggregate system with fertilization trench may be required for all street trees located within the sidewalk, subject to the review and approval of staff.
 - c. Along the north elevation in the areas where the stairway access to the first level of residential units is not in conflict with the partially underground parking, such stairs shall be relocated to be in-set into the terraces in order to increase the available landscape area for at-grade landscaping in the common outdoor area.
 - d. The applicant shall further study and prepare plans, including cross sections, for the transition area from the Sunset Isle bridge approach to the project plaza at the northeast corner of the site. These plans should also include the public access corridor to the canal walk, which may be required by the County's Shoreline Review Board.
 - e. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
 - f. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - g. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - h. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be

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clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

- i. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
6. All building signage shall be consistent in type, composed of flush mounted, non-plastic individual letters and shall require a separate permit. No illuminated signage shall be permitted facing north.
7. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
8. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
9. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.
10. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
11. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
12. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
 - a. A traffic and neighborhood impact study shall be conducted as a means to measure a proposed development's impact on transportation and neighborhoods. The study shall address all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, and if required, shall be submitted prior to the issuance of a Building Permit. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code. The developer shall refer to the most recent City of Miami Beach's Traffic and Neighborhood Impact Methodology as issued by the Public Works Department.
 - b. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
 - c. Mill/resurface asphalt in rear alley along property, if applicable.

- d. Provide underground utility service connections and on-site transformer location, if necessary.
 - e. Provide back-flow prevention devices on all water services.
 - f. Provide on-site, self-contained storm water drainage for the proposed development.
 - g. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
 - h. Payment of City utility impact fees for water meters/services.
 - i. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
 - j. Right-of-way permit must be obtained from Public Works.
 - k. All right-of-way encroachments must be removed.
 - l. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
13. The Applicant agrees to the following operational conditions for all permitted uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment.
- a. NOISE CONDITIONS
 - i. No commercial outdoor bar counters shall be permitted on the premises.
 - ii. The Design Review Board (DRB) or the Planning Director shall retain the right to call the owners and/or operators back before the DRB, at the expense of the owners and/ or operators, to impose and/or modify the hours of operation, or amend or impose other conditions, should there be a valid violation (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise or other conditions of this approval. An adverse adjudication of a violation against the owner or operator is not necessary for the board to have jurisdiction over the matter under this condition. This condition vests jurisdiction independent of any other condition hereof.
 - iii. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended, shall be deemed a violation of this approval and subject

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the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code, and subject the applicant to the review provided for in the first sentence of this subparagraph.

- iv. Except as may be required for fire or building code/Life Safety Code purposes, no loudspeakers shall be affixed to or otherwise located on the exterior of the premises.
- v. No outdoor live music shall be permitted at any time, inclusive of percussion, musical instrument, or vocal.
- vi. Entertainment establishments, as well as dance halls, as defined in the Miami Beach City Code, shall be prohibited, and the applicant will not seek permits therefore.
- vii. Special events pursuant to the Miami Beach City Code may not be held on the premises and the applicant agrees that it will not seek or authorize applications for such permits.

b. OPERATIONAL CONDITIONS

- i. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
- ii. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.
- iii. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that no more than one pick up of garbage per day will be necessary.
- iv. Garbage dumpster covers shall be closed at all times except when in active use.
- v. Garbage pickups and service deliveries shall not take place between 6PM and 8AM.
- vi. Outdoor cooking anywhere on the premises is prohibited. Kitchen and other cooking odors will be contained within the premises. All kitchens and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.
- vii. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.

14. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design

date at which the original Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes 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. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit 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 Design Review Approval will expire and become null and void.

In accordance with Section 118-264 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.

Dated this 4th day of OCTOBER, 2012.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY:

Thomas R. Mooney
THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)

)SS

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 4th day of October, 2012, by Thomas R. Mooney, 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.



TERESA MARIA
MY COMMISSION # DD 928148
EXPIRES: December 2, 2013
Bonded thru Budget Notary Services

Teresa Maria
NOTARY PUBLIC

Miami-Dade County, Florida

My commission expires: 12-2-13

Approved As To Form: [Signature]

Legal Department: [Signature] (10-4-2012)

Filed with the Clerk of the Design Review Board on 10-8-2012 (M.B. [Signature])

F:\PLAN\DRB\DRB12\OctDRB1222889.Oct2012.FO.docx

EXHIBIT B

MIAMI BEACH

PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: www.miamibeachfl.gov/planning

LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land-use board selected below. A separate application must be completed for each board reviewing the proposed project.

Application Information			
FILE NUMBER DRB19-0392			
<input type="radio"/> Board of Adjustment <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision		<input checked="" type="radio"/> Design Review Board <input checked="" type="checkbox"/> Design review approval <input type="checkbox"/> Variance	
<input type="radio"/> Planning Board <input type="checkbox"/> Conditional use permit <input type="checkbox"/> Lot split approval <input type="checkbox"/> Amendment to the Land Development Regulations or zoning map <input type="checkbox"/> Amendment to the Comprehensive Plan or future land use map		<input type="radio"/> Historic Preservation Board <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic district/site designation <input type="checkbox"/> Variance	
<input type="checkbox"/> Other:			
Property Information - Please attach Legal Description as "Exhibit A"			
ADDRESS OF PROPERTY 1201 20 Street, PH 04			
FOLIO NUMBER(S) 02-3234-242-0390 (PH04); 02-3234-242-0001 (Condominium)			
Property Owner Information			
PROPERTY OWNER NAME Aaron J. Nahmad & Erica L. Nahmad (PH 04) and Palau Sunset Harbor Condominium Association, Inc. (Condominium)			
ADDRESS 1201 20 Street, PH 04		CITY Miami Beach	STATE FL
ZIP CODE 33139			
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS ajnahmad@watsco.com (PH 04) lindatdiamond@gmail.com (Condominium)	
Applicant Information (if different than owner)			
APPLICANT NAME Aaron J. Nahmad & Erica L. Nahmad			
ADDRESS 1201 20th Street, PH 04		CITY Miami Beach	STATE FL
ZIP CODE 33139			
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS ajnahmad@watsco.com	
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST Roof top improvements to Unit PH 04, including new stair and bulkhead, pergolas, wood deck and planters and modify associated conditions of DRB Order 22889. See letter of Intent for more details.			

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

Project Information			
Is there an existing building(s) on the site?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Does the project include interior or exterior demolition?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Provide the total floor area of the new construction.		102	SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).		102	SQ. FT.
Party responsible for project design			
NAME Timothy Dupont, Blue A Design Company, Inc.		<input checked="" type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
ADDRESS 2750 NW 3rd Avenue, Suite 23		CITY Miami	STATE FL
		ZIPCODE 33127	
BUSINESS PHONE 305-531-8688	CELL PHONE	EMAIL ADDRESS tim@bluedesigncompany.com	
Authorized Representative(s) Information (if applicable)			
NAME Michael Larkin, Esq. Bercow Radell Fernandez & Larkin, PLLC		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 200 S. Biscayne Blvd, Suite 850		CITY Miami	STATE FL
		ZIPCODE 33131	
BUSINESS PHONE 305-374-5300	CELL PHONE	EMAIL ADDRESS mlarkin@brzoninglaw.com	
NAME Matthew Amster, Esq. Bercow Radell Fernandez & Larkin, PLLC		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 200 S. Biscayne Blvd, Suite 850		CITY Miami	STATE FL
		ZIPCODE 33131	
BUSINESS PHONE 305-374-5300	CELL PHONE	EMAIL ADDRESS mamster@brzoninglaw.com	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE
		ZIPCODE	
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	

Please note the following information:

- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

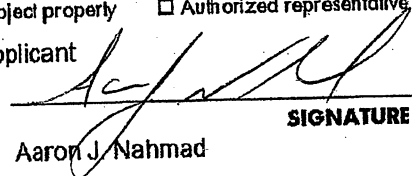
Please read the following and acknowledge below:

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), 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, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form 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 board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

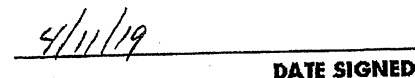
☒ Owner of the subject property ☐ Authorized representative

PH 04 & Applicant


SIGNATURE

Aaron J. Nahmad

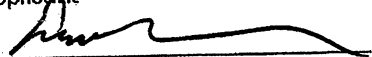
PRINT NAME


DATE SIGNED

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- All disclosures must be submitted in CMB Application format and be consistent with CMB Code Sub-part A Section 2-482(c):
 - (c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), 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, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (i) be in writing, (ii) indicate to whom the consideration has been provided or committed, (iii) generally describe the nature of the consideration, and (iv) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (i) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (ii) 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 board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

☒ Owner of the subject property PH 04 & Applicant ☐ Authorized representative


SIGNATURE

Erica L. Nahmad
PRINT NAME

4/11/19
DATE SIGNED

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
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- Public records notice - All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. - Disclosure Requirement, Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), 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, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (i) be in writing, (ii) indicate to whom the consideration has been provided or committed, (iii) generally describe the nature of the consideration, and (iv) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the foregoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (i) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (ii) 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 board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

☒ Owner of the subject property ☐ Authorized representative

Bergin Zil, Director
SIGNATURE

Palau Sunset Harbor Condominium Association, Inc.

PRINT NAME

4/22/19

DATE SIGNED

OWNER AFFIDAVIT FOR INDIVIDUAL OWNERSTATE OF FloridaCOUNTY OF Miami Dade

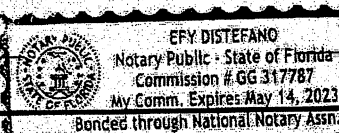
I, Aaron J. Nahmad, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) 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. (5) I am responsible to remove this notice after the date of the hearing.

[Signature]
SIGNATURE

Sworn to and subscribed before me this 14th day of April, 2019. The foregoing instrument was acknowledged before me by Aaron J. Nahmad, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

[Signature]
NOTARY PUBLIC

My Commission Expires: May 14, 2023EFY DISTEFANO

PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

STATE OF _____

COUNTY OF _____

I, _____, being first duly sworn, depose and certify as follows: (1) I am the _____ (print title) of _____ (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) 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. (7) I am responsible to remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20____. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires: _____

PRINT NAME

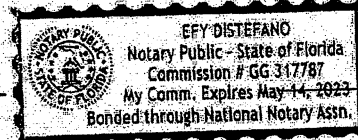
OWNER AFFIDAVIT FOR INDIVIDUAL OWNERSTATE OF FloridaCOUNTY OF Miami Dade

I, Erica L. Nahmad, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) 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. (5) I am responsible for remove this notice after the date of the hearing.

[Signature]
SIGNATURE

Sworn to and subscribed before me this 11th day of April, 2019. The foregoing instrument was acknowledged before me by Erica L. Nahmad, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires: May 14, 2023

EFY DISTEFANO
NOTARY PUBLIC
EFY DISTEFANO
PRINT NAME

ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

STATE OF _____

COUNTY OF _____

I, _____, being first duly sworn, depose and certify as follows: (1) I am the _____ (print title) of _____ (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) 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. (7) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20____. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires: _____

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

I, _____, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) 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. (5) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20____. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires: _____

PRINT NAME**ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF FloridaCOUNTY OF Miami-Dade

I, Benjamin London, being first duly sworn, depose and certify as follows: (1) I am the Director (print title) of Palau Street Harbor Condominium Association, Inc. (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) 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. (7) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 22 day of April, 2019. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLICMy Commission Expires: 12/15/19

Veronica Pineda
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF943915
Expires 12/15/2019

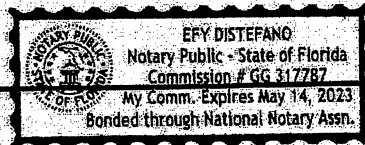
POWER OF ATTORNEY AFFIDAVITSTATE OF FloridaCOUNTY OF Miami Dade

I, Aaron J. Nahmad, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Michael W. Larkin, Esq. & Matthew Amster, Esq. to be my representative before the Design Review Board. (3) 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. (4) I am responsible for remove this notice after the date of the hearing.

Aaron J. Nahmad**PRINT NAME (and Title, if applicable)****SIGNATURE**

Sworn to and subscribed before me this 11th day of April, 2019. The foregoing instrument was acknowledged before me by Aaron J. Nahmad, 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 PUBLICMy Commission Expires: May 14, 2023EFY DISTEFANO**PRINT NAME****CONTRACT FOR PURCHASE**

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries or partners. If any of the contract purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individuals(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.

N/A**DATE OF CONTRACT****NAME****NAME, ADDRESS AND OFFICE****% OF STOCK**

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application is filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

PRINT NAME

POWER OF ATTORNEY AFFIDAVITSTATE OF FloridaCOUNTY OF Miami-Dade

I, Erica L. Nahmad, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Michael Larkin, Esq. & Matthew Amster, Esq. to be my representative before the Design Review Board. (3) 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. (4) I am responsible for remove this notice after the date of the hearing.

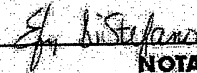
Erica L. Nahmad

PRINT NAME (and Title, if applicable)

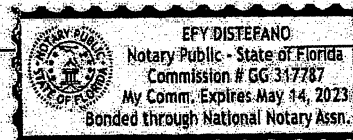
SIGNATURE

Sworn to and subscribed before me this 11th day of April, 2019. The foregoing instrument was acknowledged before me by Erica L. Nahmad, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



NOTARY PUBLIC

My Commission Expires: May 14, 2023EFY DISTEFANO

PRINT NAME

CONTRACT FOR PURCHASE

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NAME

DATE OF CONTRACT

NAME, ADDRESS AND OFFICE

% OF STOCK

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We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

PRINT NAME

POWER OF ATTORNEY AFFIDAVITSTATE OF FloridaCOUNTY OF Miami-Dade

of Palau Sunset Harbor Condominium Association, Inc.
 I, Benjamin London, Director, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application, (2) I hereby authorize Michael Larkin, Esq. & Matthew Amster, Esq. to be my representative before the Design Review Board. (3) 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. (4) I am responsible for remove this notice after the date of the hearing.

Benjamin London, Director
 PRINT NAME (and Title, if applicable)

Benjamin
 SIGNATURE

Sworn to and subscribed before me this 22 day of April, 2019. The foregoing instrument was acknowledged before me by Benjamin London, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires: 12/15/19

Veronica Pineda
 NOTARY PUBLIC
 STATE OF FLORIDA
 Comm# FF943915
 Expires 12/15/2019

[Signature]
 NOTARY PUBLIC

PRINT NAME

CONTRACT FOR PURCHASE

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NAME

DATE OF CONTRACT

NAME, ADDRESS AND OFFICE

% OF STOCK

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We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

DISCLOSURE OF INTEREST
CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

If the property that is the subject of the application is owned or leased by a corporation, partnership or limited liability company, list ALL of the owners, shareholders, partners, managers and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

Palau Sunset Harbor Condominium Association, Inc.

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

Florida Not For Profit Corporation

N/A

Marcela Sardi, VP Secretary

Linda Diamond, President

Ben London, Treasurer

1201 20 Street, Miami Beach, FL 33139

NAME OF CORPORATE ENTITY

NAME AND ADDRESS

% OF OWNERSHIP

If there are additional corporate owners, list such owners, including corporate name and the name, address and percentage of ownership of each additional owner, on a separate page.

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

DISCLOSURE OF INTEREST
TRUSTEE

If the property that is the subject of the application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

N/A

TRUST NAME	% INTEREST
NAME AND ADDRESS	

COMPENSATED LOBBYIST

Pursuant to Section 2-482 of the Miami Beach City Code, all lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Please list below any and all persons or entities retained by the applicant to lobby City staff or any of the City's land development boards in support of this application.

NAME	ADDRESS	PHONE
Michael W. Larkin, Esq.	200 S. Biscayne Blvd, Suite 850	305-374-5300
Matthew Amster, Esq.	200 S. Biscayne Blvd, Suite 850	305-374-5300
Timothy Dupont	2750 NW 3rd Avenue, Suite 23	305-531-8688

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

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) AN APPROVAL GRANTED BY A LAND DEVELOPMENT BOARD OF THE CITY SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND (2) APPLICANT'S PROJECT SHALL COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE CITY, STATE AND FEDERAL LAWS.

APPLICANT AFFIDAVIT

STATE OF Florida

COUNTY OF Miami-Dade

I, Aaron J. Nahmad, being first duly sworn, depose and certify as follows: (1) I am the applicant or representative of the applicant. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

[Signature]
SIGNATURE

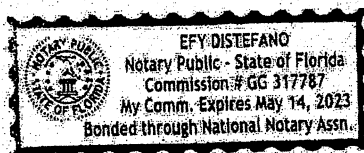
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NOTARY SEAL OR STAMP

[Signature]
NOTARY PUBLIC

My Commission Expires: May 14, 2023

EFY DISTEFANO
PRINT NAME



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APPLICANT AFFIDAVIT

STATE OF Florida

COUNTY OF Miami Dade

I, Erica L. Nahmad, being first duly sworn, depose and certify as follows: (1) I am the applicant or representative of the applicant. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

[Signature]

SIGNATURE

Sworn to and subscribed before me this 11th day of April, 2019. The foregoing instrument was acknowledged before me by Erica L. Nahmad, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

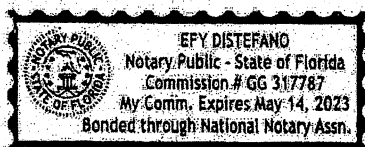
[Signature]

NOTARY PUBLIC

My Commission Expires: May 14, 2023

EFY DISTEFANO

PRINT NAME



We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

Exhibit A - Legal Description

**1201 20th Street
Miami Beach, FL**

Condominium:

All of Lots 22, 23 and 24, and the North 70.00 feet of Lots 25 and 26 in Block 15A of "ISLAND VIEW ADDITION" according to the plat thereof recorded in Plat Book 9, Page 144, of the Public Records of Miami-Dade County, Florida.

AND:

That portion of upland adjoining Lots 22 through 26, Block 15-A, of "ISLAND VIEW ADDITION" according to the plat thereof as recorded in Plat Book 9, Page 144, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Lot 22, Block 15-A; thence North 09°18'22" West along the East line of said Lot 22 for 228.50 feet to the Northeast corner of said Lot 22 and the Point of Beginning of the hereinafter described upland parcel of land, said point also being a point on a circular curve, concave to the Northwest and whose radius point bears North 15°48'30" West; thence Southwesterly along the Northerly line of said Lots 22 and 23 being a 675.00 foot radius curve, leading to the right, through a central angle of 11°05'59" for an arc distance of 130.77 feet to a point on a non-tangent line, said point being the Northwest corner of said Lot 23; thence West along said North lines of said Lots 24, 25 and 26, for 195 feet to the Northwest corner of said Lot 26; thence North along the Northerly extension of the West line of said Lot 26, for 3.00 feet to the Mean High Water Line, as located on October 18, 2011; the following 10 courses following said Mean High Water Line: (1) thence North 88°55'29" East for 28.76 feet; (2) thence North 85°49'32" East for 7.87 feet; (3) thence North 89°01'45" East for 75.86 feet; (4) thence North 89°07'14" East for 71.58 feet; (5) thence North 85°29'42" East for 88.93 feet; (6) thence North 88°27'11" East for 8.16 feet; (7) thence South 12°58'09" East for 0.50 feet; (8) thence North 79°20'39" East for 5.84 feet to a point of curvature; (9) thence Northeasterly along a 277.00 foot radius curve, leading to the left, through a central angle of 10°53'54" for an arc distance of 52.69 feet to a point of tangency; (10) thence North 88°26'45" East for 7.52 feet to a point on the Northerly extension of the East line of said Lot 22; thence South 09°18'22" East along said Northerly extension for 4.81 feet to said Northeast corner of Lot 22 and the Point of Beginning.

Unit PH 04:

Condominium Unit No. PH04, of PALAU SUNSET HARBOR, A CONDOMINIUM, together with an undivided interest in the common elements, according to the Declaration of Condominium thereof, recorded July 27, 2016, in Official Records Book 30168, at Page 4010, of the Public Records of Miami-Dade County, Florida.



BERCOW RADELL FERNANDEZ & LARKIN

ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6236
E-Mail: MAmster@BRZoningLaw.com

VIA ELECTRONIC SUBMITTAL & HAND DELIVERY

May 6, 2019

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

Re: Modification of DRB Order No. 22889 and Design Review Board Approval for
Property Located at 1201 20 Street, Miami Beach, Florida

Dear Tom:

This firm represents Aaron and Erica Nahmad, ("Applicants"), the applicants and owners of the property located at 1201 20 Street, PH 4, which is a part of the Palau Sunset Harbor Condominium (collectively the "Property"). The Applicants propose to develop their rooftop area with a new stair from the interior of their unit, pergolas, a small outdoor cooking area, planters and associated elements. To accomplish this and allow other penthouse units and the Palau Sunset Harbor Condominium Association, Inc. ("Association"), which controls the rooftop pool deck, to make similar improvements, the Applicants with the assistance of the Association request to modify two conditions of DRB Order No. 22889 to allow the rooftop improvements and outdoor cooking. Please consider this the Applicants' letter of intent regarding these requests.

Description of the Property. The Property, identified by Miami-Dade County Folio No. 02-3234-242-001, is located in the CD-2 Zoning District on a 54,765 square feet lot at the northwest corner of the intersection of 20 Street and Sunset Drive/N. Bay Road. The building contains retail uses on the ground floor, 45 residential units and associated internal parking. It was built in 2016 pursuant to Planning Board Order No. 2043 and Design Review Board Order No. 22889 ("DRB Order"), both approved in 2012. See attached Orders. To the north of the Property, across a canal, is Sunset Island No. 4. The Property is surrounded on the west with a mix of residential and commercial uses. To the south are additional commercial uses. To the east, is the guard gate for Sunset Islands and across Sunset Drive, there are single family homes.

The Applicants' penthouse unit, identified as Miami-Dade County Folio No. 02-3234-242-0390, is located at the northeast corner of the building and contains 4,079 square feet with a barren rooftop terrace above. Access to the rooftop is not through the penthouse unit below, but rather through the building's common life-safety stair and common passage way located outside of the Applicants' unit on the east side of the building. The rooftop terrace remains untouched and unused due to restrictions in place as a result of the conditions of the DRB Order. The restrictions limit any rooftop elements to those explicitly shown in the plans at the time of approval back in 2012 before occupation by the Applicants, and prohibit any future introduction of elements. This restriction makes reasonable use of the rooftop area, as would otherwise be afforded to a rooftop terrace, nearly impossible.

Description of Requests. The Applicants seek design review approval for modifications to the existing rooftop terrace, including the addition of new stairs directly from the unit below and corresponding stair enclosure, pergolas, wood deck, and outdoor cooking area. Planters will line the perimeter of the terrace and contain a variety of landscaping, including shrubs and trees. The pergolas will also have vines growing on them. Appropriate, low-scale spot lights will be interspersed through the terrace area.

Additionally, the Applicants and Association respectfully request approval of the following modifications to conditions of the DRB Order to allow the Applicants, the Association and other penthouse unit owners to make similar rooftop improvements to be approved at staff level, as may be allowed by the Code of the City.

1. Deletion of Condition B.4.c.

FROM:

The roof top, including any canopies, and stairwell or elevator bulkheads, shall be further developed and detailed to include any and all such elements that may be proposed above the main roof level, and shall be lowered in height to the extent possible, not to exceed a clear height of 8'-6" between any finished floor and the underside of the roof slab structure above, subject to the review and approval of staff. No roof-top elements that are not explicitly shown on the roof plans and elevations presented to the Board shall be approved at a later date by staff.

TO:

~~The roof top, including any canopies, and stairwell or elevator bulkheads, shall be further developed and detailed to include any and all such elements that may be proposed above the main roof level, and shall be lowered in height to the extent possible, not to exceed a clear height of 8'-6" between any finished floor and the underside of the roof slab structure above, subject to the review and approval of staff. No roof top elements that are not explicitly shown on the roof plans and elevations presented to the Board shall be approved at a later date by staff.~~

The requested deletion will generally allow for the reasonable use of the Applicants' and other penthouse unit owners' outdoor rooftop terraces, and the Association's rooftop pool deck. The specific proposed development requests shown in the plans submitted with this application for PH 4 include a new stair with stair enclosure and bulkhead to improve the accessibility to the terrace. In addition, the proposed development includes the introduction of rooftop elements such as, pergolas, a wood deck, outdoor cooking area, and planters with native landscaping and minimal lighting. All the elements are low-scale and below the height restriction. Further, the new stair bulkhead is significantly setback from the north edge of the terrace and partially concealed by a pergola that will have vines growing on it. Therefore, as designed the elements will not adversely affect any neighbors. With the deletion, the Applicants intend for other penthouse unit owners and the Association to be able to make similar rooftop improvements at staff level, as may be allowed by the Code of the City.

2. Modification of Condition B.13.b.vi.

FROM:

Outdoor cooking anywhere on the premises is prohibited. Kitchen and other cooking odors will be contained within the premises. All kitchen and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.

TO:

Outdoor cooking anywhere on the premises is prohibited, except rooftop terraces of the penthouse units and the Association's rooftop pool deck. Kitchen and other cooking odors from non-rooftop terraces and the Association's non-rooftop pool deck will be contained within the premises. All

kitchen and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.

The requested modification will allow for utilization of the existing spaces in a manner that is customary to a rooftop terrace without creating adverse impacts on the neighbors.

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria in Section 133-50(a) as follows:

- (1) **A recycling or salvage plan for partial or total demolition shall be provided.**

The Applicants will provide a recycling or salvage plan during permitting.

- (2) **Windows that are proposed to be replaced shall be hurricane proof impact windows.**

The structure has hurricane impact windows throughout the Property and any new windows for the stair enclosure will be hurricane impact.

- (3) **Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**

Not applicable. The proposed development is almost entirely an outdoor area and the existing building contains operable windows.

- (4) **Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.**

The Applicants have worked with the Planning Department's landscape architect, along with its own landscape architect to provide a landscaping that is appropriate for the Property, with plant species that are native and Florida-friendly. The proposed plantings are appropriate for the area and are salt tolerant species.

- (5) **The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.**

Not applicable as the building was built in 2016 and the Applicants do not propose any new ground level construction.

- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height up to three (3) additional feet in height.

Not applicable as the building was built in 2016 and the Applicants do not propose any new ground level construction.

- (7) As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.

Mechanical and electrical systems are located above base flood elevation.

- (8) Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Not applicable as the building was built in 2016 and the Applicants do not propose any new ground level construction. The proposed development is on the rooftop terrace.

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Not applicable as the building was built in 2016 and the Applicants do not propose any new ground level construction.

- (10) As applicable to all new construction, stormwater retention systems shall be provided.

The existing building, rooftop terrace and Property already contain stormwater retention systems and the Applicants will ensure that appropriate drainage is provided on the improved rooftop terrace.

(11) **Cool pavement material or porous pavement materials shall be utilized.**

The Applicants do not propose any pavement on the existing concrete roof slab of the rooftop terrace. The Applicants propose a porous wood deck and a porous artificial turf to cool the rooftop terrace floor.

(12) **The design of each project shall minimize the potential for heat island effects on-site.**

The Applicant proposes a porous wood deck and a porous artificial turf to cool the rooftop terrace floor.

Conclusion. We believe that the approval of the application will permit the enhancement of the rooftop terraces and the building as a whole. The proposed modification will allow the Applicants customary enjoyment of the rooftop terrace without any adverse impact on the surrounding area. We respectfully request your recommendation of approval of the Applicant's request. If you have any questions or comments with regard to the application, please give me a call at (305) 377 - 6236.

Sincerely,



Matthew Amster

Attachments

cc: Aaron and Erica Nahmad
Michael W. Larkin, Esq.
Robert Behar, Esq.



CFN 2012R0436322
DR Bk 28157 Pgs 1693 - 1698 (6pgs)
RECORDED 06/20/2012 15:41:43
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 1201, 1225 & 1237 20 Street - Palau Sunset Harbor

FILE NO. 2043

IN RE: The application by Palau Sunset Harbor, LLC., requesting Conditional Use approval under City Code Chapters 142, Article IV, Section 118-192, Conditional Use to construct new structures 50,000 square feet and over; and Chapter 130 Article II, Section 130-38, Mechanical and Robotic Parking Systems, for a 5-story mixed use structure consisting of up to 50 residential units, and approximately 13,056 square feet of commercial space, with mechanical parking lifts.

LEGAL DESCRIPTION: All of lots 22, 23, and 24, and the North 70.00 feet of lots 25, and 26, Block 15A, of Island View Addition of Miami Beach Bay Shore Company, according to the plat thereof in Plat Book 9, Page 144, of the public records of Miami-Dade County, Florida; and that portion of upland adjoining lots 22 through 26, Block 15A, of Island View Addition according to the plat thereof as recorded in Plat Book 9 Page 144, of the public records of Miami-Dade County, Florida.

MEETING DATE: May 22, 2012

CONDITIONAL USE PERMIT

The applicant, Palau Sunset Harbor, LLC., filed an application with the Planning Director requesting a Conditional Use Permit pursuant to Sections 118-192 and 130-38 of the Land Development Regulations of the City Code, for a Conditional Use Permit. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach 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 of the record for this matter:

That the property in question is located in the CD-2 Commercial Medium Intensity zoning district;

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That the intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

6

That the intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

That structures and uses associated with the request are consistent with the Land Development Regulations;

That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

IT IS THEREFORE 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 is adopted herein, including staff recommendations, as modified by the Planning Board, that a Conditional Use Permit as requested and set forth above, be GRANTED subject to the following conditions to which the applicant has agreed:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
2. This Conditional Use Permit is issued to Palau Sunset Harbor, LLC, as applicant and owner of the property. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein.
3. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
4. The proposed project shall go before the Design Review Board for approval of the proposed project, and also for approval of the modification of the site plan associated with the restrictive covenant as required by that document.
5. The applicant shall work with Design Review staff to further modify the proposal to address the following, subject to review and approval by the Design Review Board:
 - a. Pulling back the massing, east of the World Savings Bank property, with emphasis on upper floor setback and the northeast corner of the building, and adding more green space.
 - b. Further modifying the ground floor area along the canal (terraces) to minimize the hardscape and increase the amount of open, landscaped area at grade level.
 - c. Adding more canopy trees for increased shade to the landscape plan, particularly along Sunset Drive. Also work with Sheryl Gold on this item.
 - d. Removing parking spaces on Sunset Drive.
 - e. Reducing encroachment on the line of sight from Sunset Island 4.
 - f. Working with Public Works staff to limit u-turns at the guardhouse.

6. Any substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans.
7. The total number of residential units shall be limited to a maximum of 50, as proffered by the applicant.
8. Valet storage of vehicles shall be exclusively for the use of Palau at Sunset Harbor, as proposed by the applicant.
9. Valet drop-off and pick-up for all uses, residential, commercial and visitor, shall take place inside the garage.
10. The applicant shall work with the City to designate the use of 2 parking spaces on 20th Street for delivery by larger vehicles, as proposed by the applicant.
11. The parking garage shall consist of approximately 153 spaces, as proposed. The garage operation shall be 24 hours per day, seven days a week. There shall be security personnel of at least one person on-site monitoring the garage operation 24 hours a day, seven days a week. The structure, operation, procedures, maintenance, service response procedures, remote technical service team, local, on-site service team, and spare parts inventory shall be in accordance with the manufacturer specifications, as proposed by the applicant.
12. The noise or vibration from the operation of mechanical parking lifts, car elevators, or robotic parking systems shall not be plainly audible to or felt by any individual standing outside an apartment or hotel unit at any adjacent or nearby property. In addition, noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions outside of the parking garage.
13. For mechanical lifts, the parking lift platform must be sealed and of a sufficient width and length (minimum of eight feet by 16 feet) to completely cover the bottom of the vehicle on the platform to prevent dripping liquids or debris onto the vehicle below.
14. All free-standing mechanical parking lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage; robotic garages and vehicle elevators must have backup generators sufficient to power the system.
15. All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is parked below the lift.
16. The ceiling heights of any parking level with parking lifts within the parking garage shall be a minimum of 11 feet by six inches.
17. All parking lifts shall only be operated using a spring loaded underwriters laboratories (UL) approved key switch control. No push button is allowed.
18. All electrical components of the lifts shall be Underwriters Laboratories (UL) approved.
19. All mechanical parking systems, including lifts, elevators and robotic systems must be inspected and serviced at least once per year with an annual safety report signed by a licensed mechanical engineer.

20. All mechanical lifts shall be maintained and kept in good working order.
21. The mechanical lifts and vehicle elevators must be inspected and serviced at least once per year with an annual safety report signed by a Licensed Mechanical Engineer and submitted to the Planning Department.
22. The generators shall be maintained in proper operating condition. The location of the generators shall be submitted for the review and approval by staff to ensure that any negative impacts associated with the operation or testing of the equipment are minimized. The generators shall be installed in accordance with Code requirements regarding minimum flood plain criteria.
23. Deliveries and trash pick-up shall take place alongside the curb on 20th Street as depicted on the plans. The trash containers shall have rubber wheels. Delivery hours shall be limited to between 7:00 AM and 9:00 AM, as proposed. The applicant shall work with the City to designate that area a commercial loading zone with applicable signage.
24. No commercial marina or docks shall be permitted on or adjacent to the subject property.
25. No residential condominium unit shall be used for commercial purposes, except for home-based businesses, as permitted by Section 142-1411 of the City Code.
26. Except as may be required for Fire or Building Code/Life Safety Code purposes, no speakers shall be affixed to or otherwise located on the exterior of the subject property.
27. The applicant shall include bicycle parking for patrons of the retail businesses and visitors in the plaza at the southwest corner of the project on 20th Street, as well as at the corner of 20th Street and Sunset Drive subject to the review and approval of staff.
28. The applicant shall submit an MOT (Method of Transportation) to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
29. Prior to the issuance of a building permit, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as determined by the Concurrency Management Division.
30. The applicant shall submit to staff a restrictive covenant stipulating that the commercial spaces shall be used exclusively for retail, or a small restaurant limited to a maximum of 30 seats in the southeast corner of the site, provided parking requirements are met. No nightclub or bar uses shall be permitted.
31. The applicant shall submit to staff a restrictive covenant stipulating that a valet service operator would be provided for the mechanical parking for as long as the use continues.
32. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit.
33. The applicant shall obtain a full building permit within 18 months from the date of the meeting, and the work shall proceed in accordance with the Florida Building Code.

Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board.

34. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a building permit for the subject development project.
35. The Planning Board shall retain the right to call the owner or operator back before them and modify the hours of operation if there are valid complaints, as determined by Code Compliance, about loud, excessive, unnecessary, or unusual noise.
36. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, Code of the City of Miami Beach, Florida.
37. This 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.
38. Within a reasonable time after applicant's receipt of this Conditional Use Permit as signed and issued by the Planning Director, the applicant shall record it in the Public Records of Miami-Dade County, at applicant's expense, and then return the recorded instrument to the Planning Department. No building permit or certificate of completion shall be issued until this requirement has been satisfied.
39. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a modification or revocation of this Conditional Use.
40. 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.
41. Pursuant to City Code section 118-137(2)(b), this final Order is stayed until the final resolution of all administrative and court proceedings arising from any appeal filed to the Board of Adjustment on this project. No building permit, or certificate of occupancy, or business tax receipt, dependent upon this hearing approval, shall be issued until the final resolution of all administrative and court proceedings as certified by the city attorney. The applicant shall hold the city harmless and agree to indemnify the city from any liability or loss resulting from such proceedings. Notice of the final resolution of administrative and court proceedings shall be provided as required for notice of hearings under these land development regulations.

Dated this 13th day of June, 2012

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
Richard G. Lorber, AICP, LEED AP
Acting Planning Director
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 13th day of June, 2012 by Richard G. Lorber, Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



TERESA MARIA
MY COMMISSION # DD 928148
EXPIRES: December 2, 2013
Bonded Thru Budget Notary Services

[NOTARIAL SEAL]

[Signature]
Notary:
Print Name: TERESA MARIA
Notary Public, State of Florida
My Commission Expires: 12-2-2013
Commission Number:

Approved As To Form:
Legal Department (9/16-13-12)

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CFN 2014R0467290
DR Bk 29214 Pgs 0366 - 3681 (3pgs)
RECORDED 07/01/2014 15:34:47
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 1201, 1225 & 1237 20 Street - Palau Sunset Harbor

FILE NO. 2043

IN RE: The application by Palau Sunset Harbor, LLC, requesting a one (1) year Extension of Time to obtain a full building permit for a previously approved 5-story mixed use building, pursuant to Section 118, Article IV of the Miami Beach City Code, and Condition 33 of the Conditional Use Permit.

LEGAL

DESCRIPTION: All of lots 22, 23, and 24, and the North 70.00 feet of lots 25, and 26, Block 15A, of Island View Addition of Miami Beach Bay Shore Company, according to the plat thereof in Plat Book 9, Page 144, of the public records of Miami-Dade County, Florida; and that portion of upland adjoining lots 22 through 26, Block 15A, of Island View Addition according to the plat thereof as recorded in Plat Book 9 Page 144, of the public records of Miami-Dade County, Florida.

MEETING DATE: June 24, 2014

EXTENSION OF TIME FOR CONDITIONAL USE PERMIT

The applicant, Palau Sunset Harbor, LLC., filed an application with the Planning Director requesting an extension of a previously issued Conditional Use Permit pursuant to Section 118-193 of the Land Development Regulations of the City Code. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach 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 of the record for this matter:

That the property in question is located in the CD-2 Commercial Medium Intensity zoning district;

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That the intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

That structures and uses associated with the request are consistent with the Land Development Regulations;

That the public health, safety, morals, and general welfare will not be adversely affected;

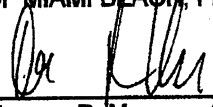
That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

IT IS THEREFORE 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 is adopted herein, including staff recommendations, as modified by the Planning Board, that the extension of the Conditional Use Permit as requested and set forth above, be GRANTED subject to the following conditions to which the applicant has agreed:

1. A full building permit, not a foundation or shell permit, for the project shall be obtained by November 22, 2014.
2. Construction shall commence and continue in accordance with the applicable Building Code.
3. This extension of time shall run concurrent with any other extensions of time that may be provided to the property owner as a result of actions of non-City authorities with jurisdiction over such matters.
4. The applicant has voluntarily proffered to contribute up to \$125,000.00 to the undergrounding of two FP&L poles located between the subject property and the bridge to the Sunset Islands, pursuant to a private agreement with the Sunset Islands 3 & 4 Homeowners Association. Proof of such contribution shall be submitted to Planning Staff prior to the issuance of a TCO or CO.
5. The original Conditional Use Permit shall remain in full force and effect, except as modified by the conditions herein.

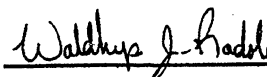
Dated this 27th day of June, 2014

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: 
Thomas R. Mooney, AICP,
Planning Director
For Chairman

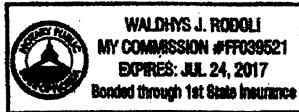
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 27th day of June, 2014, by Thomas R. Mooney, AICP, Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



PB 2043 - 1201, 1225 & 1237 20 Street - Palau Sunset Harbor
June 24, 2014

2



[NOTARIAL SEAL]

Notary:

Print Name: Waldhys J. Rodoli
Notary Public, State of Florida
My Commission Expires: 7-24-17
Commission Number: FF039621

Approved As To Form:
Legal Department

Filed 6-27-14

Filed with the Clerk of the Planning Board on (6/30/14)

[Signature]

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PB 2043 - 1201, 1225 & 1237 20 Street - Palau Sunset Harbor
June 24, 2014

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[Signature]



CFN 2012R0741153
OR Bk 28317 Pgs 2684 - 2691 (8pgs)
RECORDED 10/17/2012 16:05:33
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: October 2, 2012

FILE NO: 22889

PROPERTY: 1201-1237 20th Street -
Palau at Sunset Harbor

LEGAL: All of Lots 22, 23, and 24, and the north 70 feet of Lots 25 and 26 in Block 15A of "Island View Addition" According to the Plat Thereof, as Recorded in Plat Book 9, Page 144, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for Design Review Approval for the construction of a new 5-story mixed-use building, which will replace all existing structures on the subject site, to be demolished. The applicant is also requesting Design Review Board approval for modifications to a previously approved site plan, which is the subject of a Declaration of Restrictive Covenants in Lieu of Unity of Title.

ORDER

The applicant, Palau Sunset Harbor, LLC., filed an application with the City of Miami Beach Planning Department for Design Review Approval.

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:

- A. 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 consistent with the Design Review Criteria in Section 118-251 of the Miami Beach Code.
- B. The project would remain consistent with the criteria and requirements of section 118-251 if the following conditions are met:
 1. The applicant shall comply with City Code section 118-5 by executing and recording in the public records a unity of title or covenant in lieu, subject to the

CERTIFICATION

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

CITY OF MIAMI BEACH

[Signature] 10-8-2012
(Signature of Planning Director or Designee) (Date)

Personally known to me or Produced ID:

[Signature]
Notary Public, State of Florida at Large

Printed Name: TERESA MARIA

My Commission Expires: (Date) 12-2-13

This document contains 8 pages.

TERESA MARIA
MY COMMISSION # DD 928148
EXPIRES: December 2, 2013
Bonded Third Degree Notary Services



approval of the City Attorney, combining the lots comprising the subject property, before submitting its application for a building permit.

2. The applicant shall execute and record in the public records of Miami-Dade County an easement providing for public access between the hours of sunrise and sunset, over its waterfront walkway, subject to the approval of the City Attorney, prior to the issuance of a Building Permit for the proposed project.
3. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
4. 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. The drive aisle on the north side of the site shall be reduced from 23'-10" to 22'-0" in width, and the entire garage structure, along with adjoining steps to the residential terraces above shall be setback an additional 1'-10" from the north property line, and the additional area landscaped in a manner to be reviewed and approved by staff.
 - b. The final design and details, including materials, finishes, glazing, railings, and any architectural projections and features, shall be provided in a manner to be reviewed and approved by staff.
 - c. The roof top, including any canopies, and stairwell or elevator bulkheads, shall be further developed and detailed to include any and all such elements that may be proposed above the main roof level, and shall be lowered in height to the extent possible, not to exceed a clear height of 8'-6" between any finished floor and the underside of the roof slab structure above, subject to the review and approval of staff. No roof-top elements that are not explicitly shown on the roof plans and elevations presented to the Board shall be approved at a later date by staff.
 - d. The final design and details, including landscaping, walkways, fences, and architectural treatment of west elevation facing the former bank building, shall be provided, in a manner to be reviewed and approved by staff.
 - e. The applicant shall engage a soils engineer to evaluate the former Mark's Cleaners site for possible chemicals contamination, shall provide such report to staff, and shall take any and all necessary action to decontaminate the site, if necessary.
 - f. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
 - g. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in

gfm

accordance with the plans approved by the Planning Department for Building Permit.

5. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. The plaza at the northeast corner of the site shall be further studied and enlarged to improve its visibility and functionality, and shall be added to the waterfront walkway easement for public access, subject to the review and approval of staff.
 - b. Irrigation, uplighting and the City's standard bound aggregate system with fertilization trench may be required for all street trees located within the sidewalk, subject to the review and approval of staff.
 - c. Along the north elevation in the areas where the stairway access to the first level of residential units is not in conflict with the partially underground parking, such stairs shall be relocated to be in-set into the terraces in order to increase the available landscape area for at-grade landscaping in the common outdoor area.
 - d. The applicant shall further study and prepare plans, including cross sections, for the transition area from the Sunset Isle bridge approach to the project plaza at the northeast corner of the site. These plans should also include the public access corridor to the canal walk, which may be required by the County's Shoreline Review Board.
 - e. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
 - f. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - g. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - h. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be



clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

- i. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
6. All building signage shall be consistent in type, composed of flush mounted, non-plastic individual letters and shall require a separate permit. No illuminated signage shall be permitted facing north.
7. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
8. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
9. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.
10. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
11. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
12. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
 - a. A traffic and neighborhood impact study shall be conducted as a means to measure a proposed development's impact on transportation and neighborhoods. The study shall address all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, and if required, shall be submitted prior to the issuance of a Building Permit. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code. The developer shall refer to the most recent City of Miami Beach's Traffic and Neighborhood Impact Methodology as issued by the Public Works Department.
 - b. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
 - c. Mill/resurface asphalt in rear alley along property, if applicable.

- d. Provide underground utility service connections and on-site transformer location, if necessary.
 - e. Provide back-flow prevention devices on all water services.
 - f. Provide on-site, self-contained storm water drainage for the proposed development.
 - g. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
 - h. Payment of City utility impact fees for water meters/services.
 - i. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
 - j. Right-of-way permit must be obtained from Public Works.
 - k. All right-of-way encroachments must be removed.
 - l. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
13. The Applicant agrees to the following operational conditions for all permitted uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment.

a. NOISE CONDITIONS

- i. No commercial outdoor bar counters shall be permitted on the premises.
- ii. The Design Review Board (DRB) or the Planning Director shall retain the right to call the owners and/or operators back before the DRB, at the expense of the owners and/ or operators, to impose and/or modify the hours of operation, or amend or impose other conditions, should there be a valid violation (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise or other conditions of this approval. An adverse adjudication of a violation against the owner or operator is not necessary for the board to have jurisdiction over the matter under this condition. This condition vests jurisdiction independent of any other condition hereof.
- iii. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended, shall be deemed a violation of this approval and subject

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the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code, and subject the applicant to the review provided for in the first sentence of this subparagraph.

- iv. Except as may be required for fire or building code/Life Safety Code purposes, no loudspeakers shall be affixed to or otherwise located on the exterior of the premises.
- v. No outdoor live music shall be permitted at any time, inclusive of percussion, musical instrument, or vocal.
- vi. Entertainment establishments, as well as dance halls, as defined in the Miami Beach City Code, shall be prohibited, and the applicant will not seek permits therefore.
- vii. Special events pursuant to the Miami Beach City Code may not be held on the premises and the applicant agrees that it will not seek or authorize applications for such permits.

b. OPERATIONAL CONDITIONS

- i. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
- ii. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.
- iii. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that no more than one pick up of garbage per day will be necessary.
- iv. Garbage dumpster covers shall be closed at all times except when in active use.
- v. Garbage pickups and service deliveries shall not take place between 6PM and 8AM.
- vi. Outdoor cooking anywhere on the premises is prohibited. Kitchen and other cooking odors will be contained within the premises. All kitchens and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.
- vii. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.

14. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design

Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy.

15. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
16. At the time of completion of the project, only a **Final Certificate of Occupancy (CO)** or **Final Certificate of Completion (CC)** may be applied for; the staging and scheduling of the construction on site shall take this into account. All work on site must be completed in accordance with the plans approved herein, as well as any modifications approved or required by the Building, Fire, Planning, CIP and Public Works Departments, inclusive of all conditions imposed herein, and by other Development Review Boards, and any modifications required pursuant to field inspections, prior to the issuance of a CO or CC. This shall not prohibit the issuance of a Partial or Temporary CO, or a Partial or Temporary CC.
17. 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.
18. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
19. 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 adopted by the Board, that the Application for Design Review approval is **GRANTED** for the above-referenced project subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-19, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "Palau at Sunset Harbour", as prepared by Kobi Karp Architecture, Interior Design & Planning, dated August 2012, modified in accordance with the conditions set forth in this Order and staff review and approval.

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 Design Review 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 Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes 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. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. If the Full Building Permit 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 Design Review Approval will expire and become null and void.

In accordance with Section 118-264 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.

Dated this 4th day of OCTOBER, 2012.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY:

Thomas R. Mooney
THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)

)SS

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 4th day of October, 2012 by Thomas R. Mooney, 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.



TERESA MARIA
MY COMMISSION # DD 928148
EXPIRES: December 2, 2013
Bonded thru Budget Notary Services

Teresa Maria
NOTARY PUBLIC

Miami-Dade County, Florida

My commission expires: 12-2-13

Approved As To Form:

Legal Department: [Signature]

(10-4-2012)

Filed with the Clerk of the Design Review Board on 10-8-2012

(M.B. [Signature])

F:\PLAN\SDRB\DRB12\OctDRB12\22889.Oct2012.FO.docx

Date: May 6th, 2019

To: City of Miami Beach Planning Department

Re: DRB19-0392

1201 20th Street PH 04
Miami Beach, FL 33139

Dear Planning Department:

Staff Comments:

1. COMMENT: Generally a. DRB 22889 Lot Size 54,765 SF b. DRB 22889 FAR: 108,269 SF / 1.98 / 109,530 SF / 2.0

2. DEFICIENCIES IN ARCHITECTURAL PRESENTATION

- a. Missing elevations and rooftop plan from DRB 2012 approved drawing. Must indicate elevation height of lower part of building.

Response: Please see added source sheets A-3.06 A4.00 & A4.01 from original permit set. Permit number: B1304944. Elevation of height of roof of lower part of the building is 46'-2".

- b. Missing elevations and rooftop plans from permit set (include the permit number). Must indicate elevation height of lower part of building.

Response: Please see added source sheets A-3.06 A4.0 & A4.1 from original permit set
Permit number: B1304944. Elevation of height of roof of lower part of the building is 46'-2".

- c. A-1.0 Add existing elevation height (roof) mark.

Response: Please see elevation height (roof) mark added to sheet A – 1.0.

- d. A-1.1 Add existing elevation height (roof) mark.

Response: Please see elevation call out added to sheet A-1.1: 46'-2" (no change).

- e. A-1.3 Floor Area Calculations illegible. Add newly typed floor area calculations adjacent to existing document from permit.

Response: Please see newly typed floor area calculations adjacent to document from permit.

- f. A-1.4 Add column to legend: lot area, total allowable FAR, existing SF (FAR), Proposed SF (FAR) Remaining SF (FAR), new dumb waiter and new stairwell constitute new FAR.

Response: Please see new columns to legend added to sheet A-1.4 lot area, total allowable FAR, existing SF (FAR), Proposed SF (FAR), Remaining SF (FAR), new dumb waiter and new stairwell included.

- g. A-2.2 expand details of "wet bar"

Response: Please see additional wet bar dimensions and section added to sheets A-2.3 and A-2.4, respectively.

- h. A-4.0 Add comprehensive companion sheet identifying all new proposed elements.

Response: Please see sheet A-4.0B comprehensive companion sheet identifying all new proposed elements.

- i. Condition B4c: The roof top, including any canopies, and stairwell or elevator bulkheads, shall be further developed and detailed to include any and all such elements that may be proposed above the main roof level, and shall be lowered in height to the extent possible, not to exceed, a clear height 8'-6" between any finished floor and the underside of the roof slab structure above, subject to the review and approval of staff. No roof-top elements that are not explicitly shown on the roof plans and elevations presented to the board shall be approved at a later date by staff. Certain elements exceed this amount – must be measured from existing roof slab not new deck. Modify this portion of the condition or revise.

Response: all elements have been dimensioned from the existing roof slab and not the new deck. No

Proposed elements exceed 8'-6". However, we propose to remove the condition to allow similar improvements, such as trellises and stair enclosures, on other rooftops as would normally be allowed on roof decks

- j. Shade structures as covered structures must be able to be fully open to sky or count as FAR.

Response. Shade structure is able to be fully open to sky – please see note on sheets A-2.0, A-2.1 and A-2.4.

- k. Flower Art is not an allowable height exception – remove.

Response: This is a decorative structure allowed as a height exception pursuant to Section 142-1161(a)(4). It is being installed on an existing wall and is not higher than that wall.

- l. Add sheet of reduced comprehensive elevations (no match lines).

Response: See revised sheet A-2.0 containing comprehensive elevations (no match lines).

- m. Add "FINAL SUBMITTAL" to front cover title for heightened clarity of reference for next deadline.

Response: See "Final Submittal" added to front cover title.

Landscape Comments

- a. Show how fiberglass planters are secured to the main structure.

Response: Planters are anchored to concrete deck, Refer to detail on sheet L-3.0. Attachment of planters is subject to further investigation during permitting process.

- b. Provide a root ball anchoring detail for the proposed Silver Buttonwoods.

Response: Anchoring detail for tree shown on sheet L-3.0.

- c. artificial grass system (turf on sand on filter fabric on drainfield rock?).

Response: Artificial grass system will use drainage system as recommended by manufacturer and determined during the permitting process. For example, some manufacturers have their own drainage mats that can be layered in between the artificial turf and roof deck.

Timothy DuPont, Principal
blue, a design company, inc.



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certified lists of property owners within a specific radius + radius maps + mailing labels + mailouts + notice of public hearing site posting
rdrmiami.com | diana@rdrmiami.com | 305.498.1614

April 8, 2019

City of Miami Beach
Planning Department
1700 Convention Center Dr.
Miami Beach, FL 33139

Re: Property owners within 375 feet of:

SUBJECT: 1201 20 Street, Miami Beach, FL 33139

FOLIO NUMBER: 02-3234-242-0001 (Reference)

LEGAL DESCRIPTION: PALAU SUNSET HARBOR CONDO ISLAND VIEW ADD PB 9-144 ALL OF
LOTS 22 & 23 & 24 & N70FT OF LOTS 25 & 26 BLK 15A AS DESC IN DECL OR 30168-4010

This is to certify that the attached ownership list, map and mailing labels are a complete and accurate representation of the real estate property and property owners within 375 feet radius of the external boundaries of the subject property listed above, including the subject property. This reflects the most current records on file in the Miami-Dade County Property Appraisers' Office.

Sincerely,

Diana B. Rio

Total number of property owners without repetition: **137, including 1 international**

EXHIBIT C

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

The Design Review Board will review this application pursuant to its authority under City Code Section 118-71. All persons are invited to appear or be represented by an agent at the public hearing and provide testimony before the Board.

Notice to the Public, Subject Property Owners(s) and Owners of Real Estate within 375 Feet
A public hearing will be held before the **Design Review Board** on:

Date: Tuesday, July 02, 2019 • **Start Time:** 8:30 a.m. • **Location:** City Commission Chambers, 1700 Convention Center Drive, 3rd Floor, Miami Beach, FL 33139

Petition for: DRB19-0392, 1201 20th Street—Palau Condominium Penthouse 04. An application has been filed requesting Design Review Approval for exterior alterations to an existing five-story building including exterior design modifications to an existing private outdoor rooftop terrace, including new decking, new shade structures, a new stairwell bulkhead, new outdoor cooking areas, landscaping and installation of additional outdoor features, and including the deletion of conditions of the original Final Order, in order to accommodate the exterior improvements to the rooftop penthouse deck and to permit outdoor cooking and to allow other Penthouse owners and the Palau Sunset Harbor Condominium Association to do similar rooftop improvements, subject to staff review and approval, and permit outdoor cooking. This item was originally approved in 2012, pursuant to DRB File No. 22889.



[Handwritten signature]
5/30/19

Patent Number US 7,979,904 B2

MIAMI BEACH

PLANNING DEPARTMENT

City of Miami Beach, 1700 Convention Center Drive, 2nd Floor

Miami Beach, Florida 33139

Tel: 305-673-7550, Fax: 305-673-7559

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ZIP 33139
04MM12251447

SEE OTHER SIDE FOR
OPENING INSTRUCTIONS

DRB19-0392
1201 20th St. Condo.
July 2019

CITY OF MIAMI BEACH
PLANNING & ZONING DEPARTMENT
1700 CONVENTION CENTER DRIVE
MIAMI BEACH, FL 33139

SEE OTHER SIDE FOR
OPENING INSTRUCTIONS

33139-102455

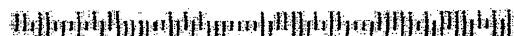


EXHIBIT D

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: July 02, 2019

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB19-0392
1201 20th Street, Unit 404

DRB19-0392, 1201 20th Street—Palau Condominium Penthouse 04. An application has been filed requesting Design Review Approval for exterior alterations to an existing five-story building including exterior design modifications to an existing private outdoor rooftop terrace, including new decking, new shade structures, a new stairwell bulkhead, new outdoor cooking areas, landscaping and installation of additional outdoor features, and including the deletion of conditions of the original Final Order, in order to accommodate the exterior improvements to the rooftop penthouse deck and to permit outdoor cooking and to allow other Penthouse owners and the Palau Sunset Harbor Condominium Association to do similar rooftop improvements, subject to staff review and approval, and permit outdoor cooking. This item was originally approved in 2012, pursuant to DRB File No. 22889.

RECOMMENDATION:

Approval of the design

LEGAL DESCRIPTION:

See attached Exhibit 'A'

EXISTING STRUCTURE:

The subject building, known as Palau, was originally approved by the Design Review Board on October 02, 2012, pursuant to DRB File No. 22889.

SITE DATA:

Zoning: CD-2

Future Land Use: CD-2

Lot Size: 54,765 SF

Existing FAR: 108,269 SF / 1.98

Proposed FAR: 109,100 SF / 1.98

Existing Height: Penthouse Level 46'-4"

Existing uses: Mixed-Use – 50 Residential Units, 11,325 S.F. of Commercial Space, and 153 parking spaces (140 required)

Proposed Height: Penthouse Deck 46'-8"

Proposed Height of Encroachment: 54'-8"

SURROUNDING PROPERTIES:

North: Waterway/ Sunset Island residences

South: Commercial

West: Townhomes At Sunset Harbour

East: Residences

THE PROJECT:

The applicant has submitted plans entitled "Nahmad Residence Roof Terrace" as designed by blue a design company, inc., signed, sealed, and dated May 04, 2019.

The applicant is requesting Design Review Approval for exterior design modifications to an existing private outdoor rooftop terrace, including new decking, new shade structures, landscaping and installation of additional outdoor features. The proposed modifications require the deletion and modification of the following conditions of the original final order:

Deletion of Condition B.4.c.

The roof top, including any canopies, and stairwell or elevator bulkheads, shall be further developed and detailed to include any and all such elements that may be proposed above the main roof level, and shall be lowered in height to the extent possible, not to exceed a clear height of 8'-6" between any finished floor and the underside of the roof slab structure above, subject to the review and approval of staff. No roof-top elements that are not explicitly shown on the roof plans and elevations presented to the Board shall be approved at a later date by staff.

Modification of Condition B.13.b.vi.

Outdoor cooking anywhere on the premises is prohibited, except rooftop terraces of the penthouse units and the Association's rooftop pool deck. Kitchen and other cooking odors from non-rooftop terraces and the Association's non-rooftop pool deck will be contained within the premises. All kitchens and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the City Code. The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

CONSISTENCY WITH COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **residential use** appears to be **consistent** with the Future Land Use Map of the 2025 Comprehensive Plan.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Not Applicable
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied
3. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Satisfied

4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.
Satisfied
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.
Satisfied
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.
Satisfied
7. The design and layout of the proposed site plan, as well as all new and existing buildings shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.
Satisfied
8. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.
Not Applicable
9. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.
Not Satisfied; a lighting plan has not been submitted.
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Satisfied
11. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Not Satisfied
12. The proposed structure has an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Satisfied

13. The building has, where feasible, space in that part of the ground floor fronting a street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

Not Applicable

14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Not Applicable

15. An addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

Satisfied

16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.

Not Applicable

17. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

Not Applicable

18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.

Not Applicable

19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

Satisfied

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

1. A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable
2. Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable

3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Satisfied
5. Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.
Not Applicable
6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.
Not Applicable
7. Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Not Applicable
8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
Not Applicable
9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.
Not Applicable
10. Where feasible and appropriate, water retention systems shall be provided.
Not Applicable

STAFF ANALYSIS:

DESIGN REVIEW

The applicant is proposing exterior design modifications to an existing rooftop terrace at one of the penthouse units (unit 404) for 'Palau Condominium', a five-story residential building approved by the Design Review Board on October 2, 2012, pursuant to DRB File No. 22889. As part of the exterior improvements to the private rooftop penthouse deck, the applicant is proposing to modify two conditions of the original Final Order, to permit additional rooftop projecting elements and to allow outdoor cooking. Specifically, the following is proposed:

1. Deletion of Condition B.4.c.
The roof top, including any canopies, and stairwell or elevator bulkheads, shall be further developed and detailed to include any and all such elements that may be proposed above the main roof level, and shall be lowered in height to the extent possible, not to exceed a clear height of 8'-6" between any finished floor and the underside of the roof slab structure above, subject to the review and approval of

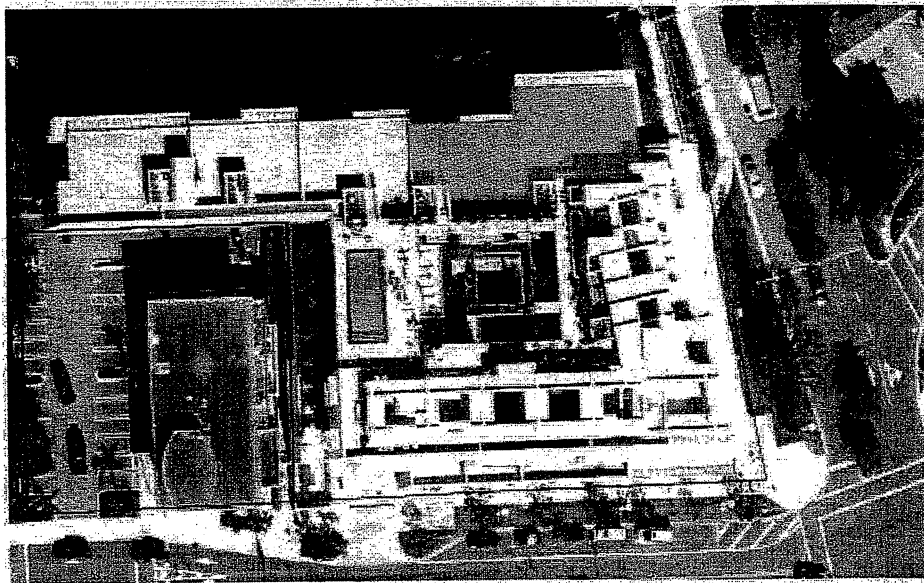
staff. No roof-top elements that are not explicitly shown on the roof plans and elevations presented to the Board shall be approved at a later date by staff.

2. Modification of Condition B.13.b.vi.

Outdoor cooking anywhere on the premises is prohibited, except rooftop terraces of the penthouse units and the Association's rooftop pool deck. Kitchen and other cooking odors from non-rooftop terraces and the Association's non-rooftop pool deck will be contained within the premises. All kitchens and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.

Palua is a contemporary waterfront residential building containing ground floor retail and 50 residential units. Parking is provided at the first floor and part of the second floor in the center of the project. Residential units are located on the upper four (4) floors, with a central landscaped courtyard provided above the parking garage, surrounded by residential units. A common pool and pool deck, as well as private roof-top terraces are also part of the approved project.

There are a total of eight penthouse units with private roof terraces; two face 20th Street, two face Sunset Drive, and four face the Sunset Islands waterway. The subject application is the largest of the eight, and is situated at the NE corner roof terrace unit fronting both Sunset Islands waterway and 20th Street. None of the four penthouse units facing Sunset Islands waterway currently have private vertical access directly from the interior of the units below.



Access to the subject property's rooftop is currently gained through a common stair and outdoor corridor that lines the south edge of the private terrace and leads to the communal pool and amenity deck at a higher level.

The original Palua development had a contentious path to its final approval. One of the more sensitive aspects of the discussions between the development team and the neighboring residents from the Sunset Islands was the reduction of the overall mass, height and encroachment elements on the line of sight from Sunset Island 4. The final approved plans

contained roof-top elements that had been further setback from the north elevation of the building, substantially reducing their visibility as viewed from the rear yards of the residential properties on Sunset Island 4.



The applicant is proposing to improve the existing 4,000 SF private rooftop terrace with new finishes, including new wood decking, artificial grass covering. The applicant is also proposing built-in cabinetry, a covered wood trellis with retractable sun shade, dumbwaiter, outdoor kitchen furniture, as well as a planter with expansive landscaping with salt tolerant and native Florida species. The perimeter northeast edge will be improved with a 2'-0" high continuous white fiberglass planter along the existing glass railing that will provide much needed landscaping on the barren rooftop. Most significantly, the applicant is proposing a new private enclosed stair that will lead directly from the interior of the penthouse to the roof.

Condition B.4.c. of the 2012 Final Order prohibits any new roof-top elements that were not explicitly shown on the approved roof plans and elevations. As such, the applicant seeks to delete this condition in order to modify the private terrace and introduce the proposed stair bulkhead, the dumbwaiter, trellis, and kitchen apparatus. The proposed dumbwaiter and exterior cabinetry and kitchen equipment is 3'-8" high, the proposed trellis is 8'-4" high and the new stairwell bulkhead is 8'-6". With the exception of the continuous edge planter, all of the projecting elements have been configured as far away from the north edge of the building as possible, in an effort to minimize any new projecting profile in a line of sight.

The building is under the maximum height permitted for the zoning district, and all of the projecting encroachments above the maximum height are allowable height exceptions. Staff is sensitive to and considered the analysis and recommendations in the original approval, which resulted in the conditions of the current final order. However, as buildings and neighborhoods evolve, staff is also open to new proposals and revisions for previously approved projects. In this regard, staff toured the entire property, including the subject rooftop terrace and we have concluded that the modifications proposed herein due not adversely affect the design vision of the original architecture and will not negatively impact any surrounding properties. As such, staff recommends that the design of the rooftop terrace be approved and the conditions of the original final order be amended as proposed.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be **approved**, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and Sea Level Rise criteria.

Exhibit A - Legal Description
1201 20th Street
Miami Beach, FL

Condominium:

All of Lots 22, 23 and 24, and the North 70.00 feet of Lots 25 and 26 in Block 15A of "ISLAND VIEW ADDITION" according to the plat thereof recorded in Plat Book 9, Page 144, of the Public Records of Miami—Dade County, Florida.

AND:

That portion of upland adjoining Lots 22 through 26, Block 15-A, of "ISLAND VIEW ADDITION" according to the plat thereof as recorded in Plat Book 9, Page 144, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Lot 22, Block 15-A; thence North 09°18'22" West along the East line of said Lot 22 for 228.50 feet to the Northeast corner of said Lot 22 and the Point of Beginning of the hereinafter described upland parcel of land, said point also being a point on a circular curve, concave to the Northwest and whose radius point bears North 16°48'30" West; thence Southwesterly along the Northerly line of said Lots 22 and 23 being a 675.00 foot radius curve, leading to the right, through a central angle of 11°05'59" for an arc distance of 130.77 feet to a point on a non-tangent line, said point being the Northwest corner of said Lot 23; thence West along said North lines of said Lots 24, 25 and 26, for 195 feet to the Northwest corner of said Lot 26; thence North along the Northerly extension of the West line of said Lot 26, for 3.00 feet to the Mean High Water Line, as located on October 18, 2011; the following 10 courses following said Mean High Water Line; (1) thence North 88°55'29" East for 28.76 feet; (2) thence North 85°49'32" East for 7.87 feet; (3) thence North 89°01'45" East for 75.86 feet; (4) thence North 89°07'14" East for 71.58 feet; (5) thence North 85°29'42" East for 68.93 feet; (6) thence North 86°27'11" East for 6.16 feet; (7) thence South 12°58'09" East for 0.50 feet; (8) thence North 79°20'39" East for 5.84 feet to a point of curvature; (9) thence Northeasterly along a 277.00 foot radius curve, leading to the left, through a central angle of 10°53'54" for an arc distance of 52.69 feet to a point of tangency; (10) thence North 68°26'45" East for 7.52 feet to a point on the Northerly extension of the East line of said Lot 22; thence South 09°18'22" East along said Northerly extension for 4.81 feet to said Northeast corner of Lot 22 and the Point of Beginning.

Unit PH 04:

Condominium Unit No. PH04, of PALAU SUNSET HARBOR, A CONDOMINIUM, together with an undivided Interest in the common elements, according to the Declaration of Condominium thereof, recorded July 27, 2016, in Official Records Book 30168, at Page 4010, of the Public Records of Miami-Dade County, Florida.

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

MEETING DATE: July 02, 2019

FILE NO: DRB19-0392 (aka DRB File No. 22889)

PROPERTY: **1201 20th Street, Unit 404**

APPLICANT: Aaron and Erica Nahmad

LEGAL: See Exhibit 'A'

IN RE: The application has been filed requesting Design Review Approval for exterior alterations to an existing five-story building including exterior design modifications to an existing private outdoor rooftop terrace, including new decking, new shade structures, a new stairwell bulkhead, new outdoor cooking areas, landscaping and installation of additional outdoor features, and including the deletion of conditions of the original Final Order, in order to accommodate the exterior improvements to the rooftop penthouse deck and to permit outdoor cooking and to allow other Penthouse owners and the Palau Sunset Harbor Condominium Association to do similar rooftop improvements, subject to staff review and approval, and permit outdoor cooking. This item was originally approved in 2012, pursuant to DRB File No. 22889.

SUPPLEMENTAL 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 in Section 118-251 of the Miami Beach Code.
- C. 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 Sea Level Rise Criteria 1 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/or Section 133-50(a) if the following conditions are met:

1. All of the original conditions of approval by this Board shall remain in full force and effect under the Final Order dated October 02, 2012 for DRB File No. 22889 except as modified herein:

Condition B.4.c.

~~The roof top, including any canopies, and stairwell or elevator bulkheads, shall be further developed and detailed to include any and all such elements that may be proposed above the main roof level, and shall be lowered in height to the extent possible, not to exceed a clear height of 8'-6" between any finished floor and the underside of the roof slab structure above, subject to the review and approval of staff. No roof top elements that are not explicitly shown on the roof plans and elevations presented to the Board shall be approved at a later date by staff.~~

Condition B.13.b.vi.

Outdoor cooking anywhere on the premises is prohibited, except rooftop terraces of the penthouse units and the Association's rooftop pool deck. Kitchen and other cooking odors from non-rooftop terraces and the Association's non-rooftop pool deck will be contained within the premises. All kitchens and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.

2. 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. The final design and details of the proposed pergola/shade structures 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.
 - b. The final design and details of the proposed exterior 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.
 - c. The final design and details of the proposed new planters, decking, and materials and finishes 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.
 - d. 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.
 - e. 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.

2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. The final landscape selection, which shall include increasing the overall installed size for portions of the landscaping, location, quantity, and specifications of all existing and proposed new landscaping, shall be required, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape 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. No variance(s) were filed as part of this application.

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 Finding of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans, entitled "Nahmad Residence Roof Terrace" as designed by **blue a design company, inc.**, signed, sealed, and dated May 04, 2019, 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 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 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 shall 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 _____ day of _____, 20____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20____ by James G. Murphy, Chief of Urban Design, 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: _____

Approved As To Form:
City Attorney's Office: _____ ()

Filed with the Clerk of the Design Review Board on _____ ()

Exhibit A - Legal Description
1201 20th Street
Miami Beach, FL

Condominium:

All of Lots 22, 23 and 24, and the North 70.00 feet of Lots 25 and 26 in Block 15A of "ISLAND VIEW ADDITION" according to the plat thereof recorded in Plat Book 9, Page 144, of the Public Records of Miami—Dade County, Florida.

AND:

That portion of upland adjoining Lots 22 through 26, Block 15-A, of "ISLAND VIEW ADDITION" according to the plat thereof as recorded in Plat Book 9, Page 144, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Lot 22, Block 15-A; thence North 09°18'22" West along the East line of said Lot 22 for 228.50 feet to the Northeast corner of said Lot 22 and the Point of Beginning of the hereinafter described upland parcel of land, said point also being a point on a circular curve, concave to the Northwest and whose radius point bears North 16°48'30" West; thence Southwesterly along the Northerly line of said Lots 22 and 23 being a 675.00 foot radius curve, leading to the right, through a central angle of 11°05'59" for an arc distance of 130.77 feet to a point on a non-tangent line, said point being the Northwest corner of said Lot 23; thence West along said North lines of said Lots 24, 25 and 26, for 195 feet to the Northwest corner of said Lot 26; thence North along the Northerly extension of the West line of said Lot 26, for 3.00 feet to the Mean High Water Line, as located on October 18, 2011; the following 10 courses following said Mean High Water Line; (1) thence North 88°55'29" East for 28.76 feet; (2) thence North 85°49'32" East for 7.87 feet; (3) thence North 89°01'45" East for 75.86 feet; (4) thence North 89°07'14" East for 71.58 feet; (5) thence North 85°29'42" East for 68.93 feet; (6) thence North 86°27'11" East for 6.16 feet; (7) thence South 12°58'09" East for 0.50 feet; (8) thence North 79°20'39" East for 5.84 feet to a point of curvature; (9) thence Northeasterly along a 277.00 foot radius curve, leading to the left, through a central angle of 10°53'54" for an arc distance of 52.69 feet to a point of tangency; (10) thence North 68°26'45" East for 7.52 feet to a point on the Northerly extension of the East line of said Lot 22; thence South 09°18'22" East along said Northerly extension for 4.81 feet to said Northeast corner of Lot 22 and the Point of Beginning.

Unit PH 04:

Condominium Unit No. PH04, of PALAU SUNSET HARBOR, A CONDOMINIUM, together with an undivided Interest in the common elements, according to the Declaration of Condominium thereof, recorded July 27, 2016, in Official Records Book 30168, at Page 4010, of the Public Records of Miami-Dade County, Florida.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: July 02, 2019

FILE NO: 22889

PROPERTY: 1201-1237 20th Street Palau at Sunset Harbor

LEGAL: All of Lots 22, 23, and 24, and the north 70 feet of Lots 25 and 26 in Block 15A of "Island View Addition" According to the Plat Thereof, as Recorded in Plat Book 9, Page 144, of the Public Records of Miami-Dade County, Florida.

IN RE: The application has been filed requesting Design Review Approval for exterior alterations to an existing five-story building including exterior design modifications to an existing private outdoor rooftop terrace, including new decking, new shade structures, a new stairwell bulkhead, new outdoor cooking areas, landscaping and installation of additional outdoor features, and including the deletion of conditions of the original Final Order, in order to accommodate the exterior improvements to the rooftop penthouse deck and to permit outdoor cooking and to allow other Penthouse owners and the Palau Sunset Harbor Condominium Association to do similar rooftop improvements, subject to staff review and approval, and permit outdoor cooking. This item was originally approved in 2012, pursuant to DRB File No. 22889.

MODIFIED ORDER

The applicant, Palau Sunset Harbor, LLC., filed an application with the City of Miami Beach Planning Department for Design Review Approval.

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:

- A. 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 consistent with the Design Review Criteria in Section 118-251 of the Miami Beach Code.
- B. The project would remain consistent with the criteria and requirements of section 118-251 if the following conditions are met:
 - 1. The applicant shall comply with City Code section 118-5 by executing and recording in the public records a unity of title or covenant in lieu, subject to the approval of the City Attorney, combining the lots comprising the subject property, before submitting its application for a building permit.
 - 2. The applicant shall execute and record in the public records of Miami-Dade County an easement providing for public access between the hours of sunrise and sunset, over its waterfront walkway, subject to the approval of the City Attorney, prior to the issuance of a Building Permit for the proposed project.

3. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
4. 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. The drive aisle on the north side of the site shall be reduced from 23'-10" to 22'-0" in width, and the entire garage structure, along with adjoining steps to the residential terraces above shall be setback an additional 1'-10" from the north property line, and the additional area landscaped in a manner to be reviewed and approved by staff.
 - b. The final design and details, including materials, finishes, glazing, railings, and any architectural projections and features, shall be provided in a manner to be reviewed and approved by staff.
 - c. ~~The roof top, including any canopies, and stairwell or elevator bulkheads, shall be further developed and detailed to include any and all such elements that may be proposed above the main roof level, and shall be lowered in height to the extent possible, not to exceed a clear height of 8'-6" between any finished floor and the underside of the roof slab structure above, subject to the review and approval of staff. No roof-top elements that are not explicitly shown on the roof plans and elevations presented to the Board shall be approved at a later date by staff.~~
 - d. The final design and details, including landscaping, walkways, fences, and architectural treatment of west elevation facing the former bank building, shall be provided, in a manner to be reviewed and approved by staff.
 - e. The applicant shall engage a soils engineer to evaluate the former Mark's Cleaners site for possible chemicals contamination, shall provide such report to staff, and shall take any and all necessary action to decontaminate the site, if necessary.
 - f. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
 - g. 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.
5. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and

subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:

- a. The plaza at the northeast corner of the site shall be further studied and enlarged to improve its visibility and functionality, and shall be added to the waterfront walkway easement for public access, subject to the review and approval of staff.
- b. Irrigation, uplighting and the City's standard bound aggregate system with fertilization trench may be required for all street trees located within the sidewalk, subject to the review and approval of staff.
- c. Along the north elevation in the areas where the stairway access to the first level of residential units is not in conflict with the partially underground parking, such stairs shall be relocated to be in-set into the terraces in order to increase the available landscape area for at-grade landscaping in the common outdoor area.
- d. The applicant shall further study and prepare plans, including cross sections, for the transition area from the Sunset Isle bridge approach to the project plaza at the northeast corner of the site. These plans should also include the public access corridor to the canal walk, which may be required by the County's Shoreline Review Board.
- e. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- f. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
- g. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- h. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- i. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.

6. All building signage shall be consistent in type, composed of flush mounted, non-plastic individual letters and shall require a separate permit. No illuminated signage shall be permitted facing north.
7. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
8. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
9. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.
10. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
11. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
12. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
 - a. A traffic and neighborhood impact study shall be conducted as a means to measure a proposed development's impact on transportation and neighborhoods. The study shall address all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, and if required, shall be submitted prior to the issuance of a Building Permit. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code. The developer shall refer to the most recent City of Miami Beach's Traffic and Neighborhood Impact Methodology as issued by the Public Works Department.
 - b. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
 - c. Mill/resurface asphalt in rear alley along property, if applicable.
 - d. Provide underground utility service connections and on-site transformer location, if necessary.
 - e. Provide back-flow prevention devices on all water services.
 - f. Provide on-site, self-contained storm water drainage for the proposed development.

- g. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
 - h. Payment of City utility impact fees for water meters/services.
 - i. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
 - j. Right-of-way permit must be obtained from Public Works.
 - k. All right-of-way encroachments must be removed.
 - l. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
13. The Applicant agrees to the following operational conditions for all permitted uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment.
- a. NOISE CONDITIONS
 - i. No commercial outdoor bar counters shall be permitted on the premises.
 - ii. The Design Review Board (DRB) or the Planning Director shall retain the right to call the owners and/or operators back before the DRB, at the expense of the owners and/ or operators, to impose and/or modify the hours of operation, or amend or impose other conditions, should there be a valid violation (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise or other conditions of this approval. An adverse adjudication of a violation against the owner or operator is not necessary for the board to have jurisdiction over the matter under this condition. This condition vests jurisdiction independent of any other condition hereof.
 - iii. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended, shall be deemed a violation of this approval and subject the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code, and subject the applicant to the review provided for in the first sentence of this subparagraph.

- iv. Except as may be required for fire or building code/Life Safety Code purposes, no loudspeakers shall be affixed to or otherwise located on the exterior of the premises.
- v. No outdoor live music shall be permitted at any time, inclusive of percussion, musical instrument, or vocal.
- vi. Entertainment establishments, as well as dance halls, as defined in the Miami Beach City Code, shall be prohibited, and the applicant will not seek permits therefore.
- vii. Special events pursuant to the Miami Beach City Code may not be held on the premises and the applicant agrees that it will not seek or authorize applications for such permits.

b. OPERATIONAL CONDITIONS

- i. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
 - ii. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.
 - iii. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that no more than one pick up of garbage per day will be necessary.
 - iv. Garbage dumpster covers shall be closed at all times except when in active use.
 - v. Garbage pickups and service deliveries shall not take place between 6PM and 8AM.
 - vi. *Outdoor cooking anywhere on the premises is prohibited, except rooftop terraces of the penthouse units and the Association's rooftop pool deck. Kitchen and other cooking odors from non-rooftop terraces and the Association's non-rooftop pool deck will be contained within the premises. All kitchens and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.*
 - vii. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
14. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy.

15. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
16. At the time of completion of the project, only a **Final** Certificate of Occupancy (CO) or **Final** Certificate of Completion (CC) may be applied for; the staging and scheduling of the construction on site shall take this into account. All work on site must be completed in accordance with the plans approved herein, as well as any modifications approved or required by the Building, Fire, Planning, CIP and Public Works Departments, inclusive of all conditions imposed herein, and by other Development Review Boards, and any modifications required pursuant to field inspections, prior to the issuance of a CO or CC. This shall not prohibit the issuance of a Partial or Temporary CO, or a Partial or Temporary CC.
17. 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.
18. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
19. 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 adopted by the Board, that the Application for Design Review approval is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph B of the Findings of Fact (Condition Nos. 1-19, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Design Review Board, as determined by staff, entitled "Palau at Sunset Harbour", as prepared by Kobi Karp Architecture, Interior Design & Planning, dated August 2012, modified in accordance with the conditions set forth in this Order and staff review and approval.

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 Design Review 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 Design Review Approval was granted, the Design Review Approval will expire and become null and void, unless the applicant makes application to the Board for an

Filed with the Clerk of the Design Review Board on _____ (