

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: May 11, 2021

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: HPB20-0441 a.k.a. HPB 7490, **3425 Collins Avenue.**

An application has been filed requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition renovation and restoration of the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition. Specifically, the applicant is requesting approval of redesigned site and landscape plans including the introduction of several structures within the front and rear of the site and variances from the requirements of the Oceanfront and Dune Preservation overlay districts and a variance to reduce the required front setback.

#### **RECOMMENDATION**

Approval of modifications to the previously issued Certificate of Appropriateness with conditions  
Denial of variances #1, #2, #3, #4 and #6  
Approval of variance #5 with conditions

#### **BACKGROUND**

On September 13, 2011, the Board approved a Certificate of Appropriateness for the partial demolition, renovation and restoration of an existing 9-story building and an existing 16-story building, including the installation of new balconies on the east and south elevations, and the construction of a new 10-story multifamily building with a roof-top pool deck at the rear of the site, along with a new landscape and hardscape plan for the entire site.

On November 14, 2014, the Board approved a new Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition, as part of a new residential development (HPB 7490).

On March 8, 2016, Board approved modifications to the previously approved Certificate of Appropriateness including the approval of additional demolition, building design modifications and site plan modifications (HPB 7490). At the same meeting, the Board approved modifications to previously approved variances to reduce the Dune Overlay and Oceanfront Overlay required setbacks; to reduce the minimum required subterranean, pedestal and tower setbacks, to reduce the required sum of the side pedestal and tower setbacks, to exceed the maximum building and fence height and to exceed the maximum projection of balconies (BOA 3760). Additionally, new variances

were approved by the Board to reduce the required subterranean front, side and rear setbacks, to reduce the required front setback for a driveway, to exceed the maximum allowed height for a porte-cochere and to exceed its maximum length (HPB 7603).

On October 5, 2016, a full building permit (B1504467) was issued for the approved project. Since that time, a significant amount of demolition has occurred, including the removal of the 1955 south addition, portions of the ground level exterior walls and all exterior doors and windows.

On June 9, 2020, the Board reviewed and approved modifications to the contributing Versailles building including the design of the public interior, partial demolition and expansion of the floor plates eastward and modifications to the rooftop addition including variances from the required side facing a street setbacks (HPB20-0376).

On January 12, 2021, the Board reviewed and approved modifications to a previously issued Certificate of Appropriateness including the final design of the north, south and east elevations of the new eastern extension, porte-cochere and rooftop addition and modifications to the ground level north façade and a small 1-story ground level addition at the east side of the building (HPB20-0389).

On February 9, 2021, the Board reviewed and approved modifications to a previously issued Certificate of Appropriateness including a new design for the detached ground level tower addition and modifications to the site plan (HPB20-0430).

### **EXISTING STRUCTURE**

Local Historic District:	Collins Waterfront
Classification:	Contributing
Original Construction Date:	1940
Original Architect:	Roy France

### **ZONING / SITE DATA**

Legal Description:	Lots 1 through 8 inclusive, and the 16.00 foot Alley all in Block 21, AMENDED PLAT OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida.
--------------------	---

Zoning:	RM-3, Residential multi-family, high intensity
Future Land Use Designation:	RM-3, Residential multi-family, high intensity

### **THE PROJECT**

The applicant has submitted plans entitled “Aman Hotel & Residences”, as prepared by Revuelta Architecture International, dated March 8, 2021.

### **COMPLIANCE WITH ZONING CODE**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the variances requested.

**Dune Preservation Overlay District:**

1. Sec. 142-774(6). *Walkways and ramps be constructed of wood materials and which are not more than six feet in width.*

Stabilized granite is proposed as the surface material for the walkways and ramps where only wood material is permitted.

2. Sec. 142-775(a). *Minimum open space requirements. At least 80 percent of the site shall remain open to the sky, landscaped or maintained as sand beach. All areas covered by the uses permitted above, other than portable beach furniture, shall be considered in the lot coverage calculation.*

Stabilized granite is proposed for the areas the applicant is including in the required open space. Stabilized granite material is not considered natural landscape or sand beach.

3. Sec. 142-774(d)(3). *Minimum yards. Minimum yards in the dune preservation district shall be as follows: Ten feet from the erosion control line when any structure has a finished floor elevation of three feet or less than the elevation of the top of the dune. For every additional one foot increase in the finished floor elevation of the structure an additional one foot of setback is required, to a maximum of 15 feet.*

The proposed stabilized granite deck is encroaching into 10'-0" required rear setback.

**Oceanfront Overlay District:**

4. Sec. 142-802(7). *Lot coverage shall be at least 50 percent of the required rear yard setback, open to the sky and landscaped. All areas covered by permitted uses, other than portable beach furniture, shall be considered in the lot coverage calculation.*

Stabilized granite is proposed for the areas the applicant is including in the required open space. Stabilized granite material is not considered natural landscape or sand beach.

The landscape area underneath the proposed retractable canopy located at the northern portion of the property may not be included in the required open space calculation.

5. Sec. 142-802(3). *There shall be a minimum required 15-foot setback from a side lot line and a minimum required ten-foot setback from the bulkhead line.*

The proposed stabilized granite deck is encroaching into 10'-0" required setback from the bulkhead line.

This 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 2025 COMPREHENSIVE PLAN**

A preliminary review of the project indicates that the proposed **hotel and residential uses** are **consistent** with the Future Land Use Map of the Comprehensive Plan.

### **PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, only as it relates to variance #5 allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code only as it relates to variance #5:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.
- The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

### **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) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.  
**Satisfied**
- (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.  
**Satisfied**  
**The existing land elevation of the site is consistent with the surrounding properties.**
- (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 of up to three (3) additional feet in height.  
**Not Applicable**
- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.  
**Satisfied**
- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.  
**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) In all new projects, water retention systems shall be provided.  
**Satisfied**
- (11) Cool pavement materials or porous pavement materials shall be utilized.  
**Satisfied**
- (12) The project design shall minimize the potential for a project causing a heat island effect on site.  
**Satisfied**

**COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA**

A decision on an application for a Certificate of Appropriateness shall be based upon the following:

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
  - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.  
**Satisfied**
  - b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.  
**Satisfied**
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
  - a. Exterior architectural features.  
**Satisfied**
  - b. General design, scale, massing and arrangement.  
**Not Satisfied**  
**The informal, highly dense landscaping within the front yard is not consistent with the historic urban character of the Collins Waterfront Historic District.**
  - c. Texture and material and color.  
**Satisfied**
  - d. The relationship of a, b, c, above, to other structures and features of the district.  
**Not Satisfied**  
**The informal, highly dense landscaping within the front yard is not consistent with the historic urban character of the Collins Waterfront Historic District.**
  - e. The purpose for which the district was created.  
**Not Satisfied**  
**The informal, highly dense landscaping within the front yard is not consistent with the historic urban character of the Collins Waterfront Historic District.**
  - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.  
**Satisfied**

- g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.  
**Satisfied**
  - h. The original architectural design or any subsequent modifications that have acquired significance.  
**Satisfied**
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. 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.  
**Not Applicable**
  - b. 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.  
**Not Satisfied**  
**See Compliance with Zoning Code section of this report.**
  - c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.  
**Not Satisfied**  
**The informal, highly dense landscaping within the front yard is not consistent with the historic urban character of the Collins Waterfront Historic District.**
  - d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.  
**Satisfied**
  - e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces 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 preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

**Not Satisfied**

**The dense landscaping proposed within the front yard will obscure views to the historic Versailles Hotel.**

**The informal, highly dense landscaping within the front yard is not consistent with the historic urban character of the Collins Waterfront Historic District.**

- f. 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 any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

**Satisfied**

- g. 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 and consistent with a City master plan, where applicable.

**Not Applicable**

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

**Not Satisfied**

**The dense landscaping proposed within the front yard will obscure views to the historic Versailles Hotel.**

**The informal, highly dense landscaping within the front yard is not consistent with the historic urban character of the Collins Waterfront Historic District.**

- i. 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 Applicable**

- j. Any proposed new structure shall have 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**



- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, 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 sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.  
**Satisfied**
- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.  
**Satisfied**
- m. Any 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**
- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.  
**Not Applicable**
- o. 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**

### **ANALYSIS**

As noted in the background section of this report, earlier this year, the Board reviewed and approved the final design for both the historic Versailles Hotel and the new multifamily residential tower. The board did not approve, however, the portion of the basement located below the hotel (HPB21-0451, which will be heard concurrently with this application), the final hotel lobby design and the subject site improvements. As part of this application, the applicant is currently requesting approval for the landscape and hardscape plans as well as the introduction of several accessory structures within in the front and rear yards.

### **Front yard design**

The applicant is proposing to introduce extensive landscaping including a significant amount of low ground cover and palm trees. While having no objection to the landscape materials proposed, staff is concerned that the informal, highly dense landscape plan proposed, as it is not consistent with the historic urban character of the Collins Waterfront Historic District. Additionally, staff is concerned that the magnitude of the landscape will obscure views to the historic Versailles Hotel, after much effort was taken by the applicant to restore these views. Further, staff would note that the historic Saxony (Faena) Hotel, located to the south, has a more formal and transparent landscape plan that enhances views to the Contributing hotel building. Consequently, staff recommends that the landscape plan for the front yard be further developed in a more formal and transparent manner that maintains important views the Versailles Hotel.

Additionally, two small guardhouse buildings are proposed to be introduced within the front yard to control access to the site. Each of the guardhouses is less than 200 sq. ft. and incorporate a natural green roof system that allows planting on angled surfaces. Staff has no objection to the design of either building, but does have concerns relative to the proposed front setback of the guardhouse as noted in the variance analysis herein.

### **Rear yard design**

The applicant is currently proposing to redevelop the entire rear yard of the site in order to introduce a raised amenity deck. The northern portion of the deck will be for the use of the hotel guests and the southern portion will be for the use of the residents. A number of structures are also proposed to be introduced within the hotel portion of the deck including a trellis and water feature and beach club pavilion with an outdoor bar counter. Additionally, a series of stepped terraces divided by manicured hedges are proposed to be introduced at the rear of the property. Staff has no significant design concerns with the modifications proposed, but we do have concerns relative to the projects compliance with the Oceanfront and Dune Preservation Overlay districts as noted in the variance analysis below.

### **VARIANCE ANALYSIS**

As part of this application, the following variances have been requested:

1. A variance to reduce by 5'-2" the required setback of 15'-0" from the side property line in order to construct a walkway and ramp at 9'-10" from the north side property line within the Dune Preservation Overlay District.
2. A variance to reduce by 10'-9" the required setback of 15'-0" from the side property line in order to construct a walkway and ramp at 4'-3" from the south side property line on the Dune Preservation Overlay District.

- Variances requested from:

#### **Sec. 142-775. - Development regulations**

*(d) Minimum yards. Minimum yards in the dune preservation district shall be as follows:*

- (2) Fifteen feet adjacent to any side property line, municipal park, street end, or right-of-way.*

3. A variance to reduce by 5'-2" the required setback of 15'-0" from the side property line in order to construct a walkway with guardrails at 9'-10" from the north side property line on the Oceanfront Overlay District.
4. A variance to reduce by 10'-9" the required setback of 15'-0" from the side property line in order to construct a walkway with guardrails at 4'-3" from the south side property line on the Oceanfront Overlay District.

- Variances requested from:

#### **Sec. 142-802. - Additional regulations for oceanfront lots.**

*These regulations apply to buildings and structures located west of the bulkhead line. Oceanfront lots shall have a minimum required rear yard setback of 50 feet at grade and*

*subterranean levels measured from the bulkhead line in which there shall be no construction of any dwelling, hotel, apartment building, commercial building, seawall, parking areas, revetment or other structure incidental to or related to such structure except in accordance with the following provisions:*

*(3) There shall be a minimum required 15-foot setback from a side lot line and a minimum required ten-foot setback from the bulkhead line.*

Four variances are being requested pertaining to the proposed new ramped walkways within the north and south required side yards noted above. Variances #1 and #3 are specific to the encroachment of the northern walkway within the required 15'-0" side setback of the Dune Preservation and Oceanfront Overlay districts. Variances #2 and #4 are specific to the encroachment of the southern walkway within the required 15'-0" side setback of the Dune Preservation and Oceanfront Overlay districts.

As part of the redevelopment of the property, the entire rear yard, including the area of both overlay districts, is proposed to be fully redesigned. Staff would note that the subject property is 200'-0" wide and believes that both the north and south walkways could easily comply with the required 15'-0" setbacks. As such, staff is unable to find practical difficulties or hardship for these variances. Further, the introduction of natural landscape within the side yards would be more compatible with the beachfront park system and the natural beach environment. These variance requests do not comply with the criteria for approval as they are not the minimum required to make a reasonable use of the property or to retain existing contributing structures. As such, staff would recommend denial of variances 1-4..

5. A variance to exceed the maximum number of one (1) dune crossing for a site with less than 300 linear feet of frontage in order to provide two (2) dune crossings in the Dune Preservation Overlay District.

- Variance requested from:

**Sec. 142-774. – Uses and structures permitted.**

*Uses and structures permitted under this division shall be designed to accommodate and channel pedestrian movement in such a manner as to protect and enhance vegetation and the beach. No land or structure shall be used, in whole or in part, except for one or more of the following permitted uses:*

*(4) Promenade linkage shall be constructed of wood materials and shall conform to the design specifications established in the beachfront park and promenade plan. Sites having less than 300 linear feet of oceanfront frontage shall be limited to one dune crossing and/or promenade linkage. Sites having more than 300 linear feet of oceanfront frontage shall be permitted one crossing or linkage per each additional 100 linear feet of frontage or part thereof. In no instance, however, shall the total aggregate number of crossings and linkages exceed four per site.*

The applicant is proposing two dune crossings with access gates connecting the rear of the property with the beach walk to the east. The site will be developed with two distinct uses; hotel (northern portion) and residential (southern portion). Each use will have segregated rear yard amenities and separate beach access points, essentially functioning as two separate properties. The reintroduction of the original hotel use within the contributing Versailles Hotel building, consistent with the Secretary of Interior's Guidelines for Rehabilitation (Standard No. 1), satisfies

the practical difficulty standard for this variance request. As such, staff recommends approval of variance #5.

6. A variance to reduce by 10'-8" the required setback of 20'-0" from the front property line in order to construct a guardhouse structure at 9'-4" from the west property line.
  - Variance requested from:

**Sec. 142-247. – Setback requirements.**

*(a) The setback requirements for the RM-3residential multifamily, high intensity district are as follows:*

**Subterranean and pedestal, Front: 20 feet**

The subject variance request pertains to the proposed introduction of a new approximately 120 sq. ft. guardhouse structure within the required front yard at a setback of 9'-4" from the front property line. As part of the redevelopment of the property, the entire southern portion of the front yard is proposed to be fully redesigned. Staff would note that the approved new residential building will be setback approximately 93'-0" from Collins Avenue. This generous front setback would allow for the guardhouse to be easily accommodated beyond the 20'-0" required setback. Consequently, staff has found that this variance does not satisfy the hardship or practical difficulty criteria for approval, as it is not the minimum required to make a reasonable use of the property or to retain existing contributing structures. As such, staff would recommend denial of variance #6.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends the application be **approved** including variance #5, and that variances #1- #4 and #6 be **denied**, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Hardship and Practical Difficulties criteria, as applicable.

**HISTORIC PRESERVATION BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: May 11, 2021

PROPERTY/FOLIO: 3425 Collins Avenue / 02-3226-001-1440

FILE NO: HPB20-0441

IN RE: An application has been filed by 3425 Collins, LLC requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition renovation and restoration of the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition. Specifically, the applicant is requesting approval of redesigned site and landscape plans including the introduction of several structures within the front and rear of the site and variances from the requirements of the Oceanfront and Dune Preservation overlay districts and a variance to reduce the required front setback.

LEGAL: Lots 1 through 8 inclusive, and the 16.00 foot Alley all in Block 21, AMENDED PLAT OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida.

**CONSOLIDATED ORDER**

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

**I. Certificate of Appropriateness**

- A. The subject site is located within the Collins Waterfront Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
  1. Is consistent with Sea Level Rise and Resiliency Review Criteria in Section 133-50(a) of the Miami Beach Code.
  2. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
  3. Is not consistent with Certificate of Appropriateness Criteria 'e' in Section 118-564(a)(2) of the Miami Beach Code.

4. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code.
  5. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of section 118-564 and 133-50(a) if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
    - a. The Board acknowledges and accepts the applicant's proffer to pay for nine (9) injection wells at a total estimated value of \$225,000, in a continuous system with a total capacity of 18,000 GPM, which will provide water quality treatment for 27 acres in the Indian Creek drainage basin, The City shall select the sites for the injection wells and conduct all construction work and the applicant shall finalize such agreement in a form approved by the City Attorney's Office prior to the issuance of a building permit for the new tower design.
    - b. The applicant has proffered to donate the Jack Stewart "Apollo" mural to the City including covering all the cost for its relocation, installation and restoration. Prior to the issuance of a building permit for the new residential tower, the applicant shall return to the Board to present the final plan for the restoration of the mural including the specific location where it will be installed.
    - c. Final details of all exterior surface finishes and materials of the new residential tower, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - d. Detailed information prepared by a licensed engineer shall be provided regarding the excavation and construction of a 3-level basement below the Versailles Hotel building, as shown in the plans dated December 8, 2020, as well as additional information regarding the contractor's experience in successfully completing projects of similar magnitude, in a manner to be reviewed and approved by the Board, prior to the issuance of a Building Permit or a revision to any active Building Permit that includes this basement area.
    - e. No more than two curb cuts shall be permitted along the Collins Avenue property line with the northern curb cut not to exceed 12'-0" in width and the southern curb cut not to exceed 24'-0" in width, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - f. The design of the eastern extension shall be consistent with the plans entitled "Aman Hotel & Residences", as prepared by Revuelta Architecture International, dated January 12, 2021. The final details and materials of the new eastern

extension of the Versailles building, inclusive of balconies and guardrails shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. The applicant shall explore more substantially designed column encasements. For the columns located on the balcony projections.

- g. The design of the porte cochere shall be consistent with the plans entitled "Aman Hotel & Residences", as prepared by Revuelta Architecture International, dated January 12, 2021. Final details and materials of the porte-cochere on the west side of the Versailles building shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. All lighting and any required sprinkler systems shall be completely recessed into the structure.
- h. The interior design, including but not limited to materials, finishes and lighting elements of the new lobby of the Versailles building, as shown in the plans dated February 10, 2020, shall be further developed, in a manner to be reviewed and approved by the Board prior to the issuance of a Building Permit or a revision to any active Building Permit.
- i. The design of the rooftop addition shall be consistent with the plans entitled "Aman Hotel & Residences", as prepared by Revuelta Architecture International, dated January 12, 2021. Final details and materials of the proposed rooftop addition shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. The rooftop addition shall have a maximum floor to ceiling height of 12'-0".
- j. The loading space proposed to be located at the drop off area for the new residential tower along Collins Avenue shall not be permitted. All loading spaces required for the new residential tower shall be located internal to the structure.
- k. Any kitchen equipment and venting systems associated with the ground level café shall be chased internally through to the roof.
- l. The maximum FAR for the project site shall not exceed 3.0.
- m. The facades of the existing building shall be fully restored to the greatest extent possible, with the exceptions noted on the plans, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- n. The original historic "Versailles" signage located on the west elevation shall be recreated to the greatest extent possible, according to available historic documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- o. Final design and details of the proposed entrance on the ground level of the north side of the Versailles building shall be provided, in a manner to be reviewed and

approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. The original windows to the west of the proposed entrance shall be reintroduced to the greatest extent possible and the design of the north entrance shall be consistent with the plans presented at the January 12, 2021 meeting.

- p. Final details of all exterior surface finishes and materials for the historic Versailles tower and the new residential tower, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- q. A museum quality historic analysis and display of the existing historic structure, inclusive of a photographic and written description of the history and evolution of the original building and its changes of use over time, shall be submitted to and approved by staff, prior to the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy; such historic analysis shall be displayed prominently within the public area of the historic structure, in a location to be determined by staff.
- r. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- s. There shall be no TCO or CO issued for the new residential tower portion of the project until the exterior and public interior restoration, as approved by the Board, of the Contributing structure on the site is substantially complete. Staff will perform an inspection of the property to ensure substantial completeness of the approved restoration prior to the approval of any TCO or CO for the new residential tower.
- t. The applicant shall take every precaution to protect the adjacent structures during construction, consistent with applicable strategies outlined in the National Park Service Preservation Tech Notes Bulletin entitled *Temporary Protection, Number 3, Protecting a Historic Structure during Adjacent Construction*, dated July 2001.
- u. If the applicant proceeds with construction of additional basement area, the applicant shall implement comprehensive stormwater management and floodproofing systems in consultation with the Building and Public Works Departments. The systems shall incorporate the following:
  - i. The stormwater management system shall be designed in accordance with the 10/25-year storm event criteria, as determined by the Building Official.
  - ii. The stormwater management system shall include a combination of bio-swales and/or rain gardens, exfiltration trenches, and stormwater injection wells.



- iii. A conventional cistern shall be provided to collect and store runoff from roof and deck drains and shall include an overflow system to divert runoff to the drainage wells.
- iv. The existing and proposed basement area shall be dry floodproofed to BFE +1. The basement driveway entrance and exit shall be dry floodproofed to BFE +4.
- v. Sump pumps shall be provided in the basement and shall have the capacity to remove accumulated water, as well as all vapor and seepage of water during a flooding event.
- vi. All construction materials below BFE +1 shall be flood damage resistant.
- vii. A Floodproofing Emergency Operations Plan and a Floodproofing Inspection and Maintenance Plan shall be filed with the Building Department.
- v. The applicant shall submit an engineering analysis confirming that the basement area could be modified to expand water management capacity at a future point in time where the basement is compromised and can no longer serve other functions, in a manner to be reviewed and approved by the Planning Department, in consultation with the Building and Public Works Departments.
- w. Final design and details of the proposed front yard guardhouses and rear yard accessory structures shall be provided, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- x. The outdoor bar counter shall be screened in a manner that it is not visible from any point along the property line adjacent to any right-of-way including the public Beachwalk.
- y. Within the Dune Preservation Overlay District, any walkway, ramp or deck shall be constructed of wood material only. Any wood deck shall be setback a minimum of 10'-0" from the erosion control line.
- z. The area within the Dune Preservation Overlay District shall have a minimum required open space of 80%. The open space shall consist of natural landscape, sand beach and may also incorporate artificial turf for up to 50% of the open space requirement. Any artificial turf shall not be located within a required side yard.
- aa. Within the Oceanfront Overlay District, any deck shall be setback a minimum of 10'-0" from the bulkhead line.
- bb. The area within the Oceanfront Overlay District shall have a maximum required lot coverage of 50%. A minimum of 50% of the area shall be open to the sky and landscaped. The proposed stabilized granite deck and the landscape area located

underneath the retractable canopy along the north portion of the site shall be included in the lot coverage calculation.

2. In accordance with Section 118-395(b)(2) of the City Code, the requirement pertaining to an existing structure's setbacks and parking credits, is hereby waived, to allow for the reconstruction of the original floor slabs.
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. 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 by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. At a minimum, such plan shall incorporate the following:
  - a. Street trees shall be required along 35th Street and Collins Avenue, if feasible, in a manner to be reviewed and approved by the Public Works Department.
  - b. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
  - c. Any overhead utilities located in the adjacent public right-of-ways, shall be placed underground, if feasible, and subject to the review and approval of the Public Works Department.
  - d. A view corridor shall be created by maintaining a minimum of 50% of the required rear yard setback open and unencumbered, apart from landscaping and decorative open picket fences, from the erosion control line to the rear setback line.
  - e. All shrubs, hedges, low planting and ground cover, and any non-tree proposed to be located within the front yard of the property, shall not exceed 42" in height at maturity.
  - f. The front yard landscaping plan shall be further developed in a more formal, less dense manner that preserves views to the Versailles Hotel.
  - g. Final details of the proposed planting system for the guardhouses shall be provided.
  - h. The project design shall minimize the potential for a project causing a heat island effect on site.

- i. Cool pavement materials or porous pavement materials shall be utilized.
- j. The use of Silva Cells or approved equal should be specified for canopy shade trees planted in areas where rooting space may be limited, inclusive of street trees.

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

## II. Variance(s)

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

~~1. A variance to reduce 6' 0" from the minimum required setback of 11' 0" from the Erosion Control Line in order to construct a perimeter fence in the Dune Preservation Overlay District at 5' 0" from the Erosion Control Line and a height up to 16.50 NGVD.~~

~~2. A. A variance to reduce 10' 0" from the minimum required setback of 15' 0" from the side property line in order to construct a perimeter fence in the Oceanfront Overlay District at 5' 0" from the north property line and a height up to 16.50 NGVD.~~

~~B. A variance to reduce 10' 0" from the minimum required setback of 15' 0" from the side property line in order to construct a perimeter fence in the Oceanfront Overlay District at 5' 0" from the south property line and a height up to 16.50 NGVD.~~

~~3. A. A variance to reduce all minimum required pedestal street side setback of 16' 0" in order to construct new stairs up to the north property line facing 35<sup>th</sup> Street.~~

~~B. A variance to reduce 5' 7" from the minimum required pedestal street side setback of 16' 0" in order to construct a column in the elevated terrace at 10' 5" from the north property line facing 35<sup>th</sup> Street.~~

~~4. A. A variance to reduce by a range from 13' 2" to 5' 2" the minimum required pedestal street side setback of 16' 0" in order to construct the first and second floor at a setback ranging from 2' 10" to 10' 10" from the south property line facing 34<sup>th</sup> Street.~~

~~B. A variance to reduce a range from 15' 4" to 3" the minimum required pedestal street side setback of 16' 0" in order to construct the third and fourth floors of the new 16 story addition at a range from 8" to 15' 9" from the south property line facing 34<sup>th</sup> Street.~~

~~C. A variance to reduce 11'-0" from the minimum required pedestal street side setback of 16'-0" in order to construct a perimeter fence at 5'-0" from the south property line facing 34<sup>th</sup> Street and a maximum height of 16.50 NGVD.~~

~~5. A variance to reduce 31'-4" from the minimum required pedestal sum of the side setbacks of 32'-0" in order to provide a sum of the side yards of 8".~~

~~6. A variance to reduce 1'-10" from the minimum required subterranean street side setback of 10'-0" in order to construct columns at 8'-2" from the south property line facing 34<sup>th</sup> Street.~~

~~7. A. A variance to reduce a range from 15'-4" to 3" the minimum required tower street side setback of 16'-0" in order to construct the fourth through sixteen floors of the new 16 story addition at a range from 8" to 15'-9" from the south property line facing 34<sup>th</sup> Street.~~

~~B. A variance to reduce 7'-2" from the minimum required tower street side setback of 16'-0" in order to construct the pool and pool deck at 8'-10" from the south property line facing 34<sup>th</sup> Street.~~

~~8. A variance to reduce 25'-9" from the minimum required tower sum of the side setbacks of 32'-0" in order to provide a sum of the side yards of 6'-3".~~

~~9. A variance to exceed by 3'-0" the maximum permitted building height of 200'-0" in order to construct a new 16 story residential addition on the southwest side of the property with a maximum height of 203'-0" measured from base flood elevation plus 1'-0" (9.00' NGVD) to the top of the roof kitchen counter.~~

~~10. A. A variance to reduce 4'-0" from the minimum required subterranean street side setback of 10'-0" in order to leave underground sheet piles for the construction of the basement retaining walls at 6'-0" from the north property line facing 35<sup>th</sup> Street.~~

~~B. A variance to reduce a range from 10'-0" to 6'-0" from the minimum required subterranean street side setback of 10'-0" in order to leave underground sheet piles for the construction of the basement retaining walls at a range from 0'-0" to 4'-0" from the south property line facing 34<sup>th</sup> Street.~~

~~11. A variance to reduce 4'-0" from the minimum required subterranean rear setback of 50'-0" in order to leave underground sheet piles for the construction of the basement retaining walls at 46'-0" from the rear property line.~~

~~12. A variance to reduce 4'-0" from the minimum required subterranean front setback of 20'-0" in order to leave underground sheet piles for the construction of the basement retaining walls at 16'-0" from the front property line facing Collins Avenue.~~

- ~~13. A variance to exceed by 10.6% (9' 5") the maximum permitted width of 30% (26' 7") of the building's core front (88' 8") in order to construct a new porte-cochere with a width of 40.6% (36' 0") of the building's front, facing Collins Ave.~~
  - ~~14. A variance to exceed by 3' 0" the maximum permitted height of 16' 0" for a porte-cochere in order to construct a new porte-cochere in front of the property up to 19' 0" in height, facing Collins Ave.~~
  - ~~15. A variance to reduce 11' 6" from the minimum required front setback of 20' 0" for at-grade parking in order to construct a new driveway at 8' 6" from the front property line facing Collins Avenue.~~
  - ~~16. A variance to reduce by 10.47' the minimum required pedestal side facing a street setback of 16.0' in order to extend the floorplates on floors 2 through 5.~~
  - ~~17. A variance to reduce by 10.47' the minimum required tower side facing a street setback of 16.0' in order to extend the floorplates on floors 6 through 14.~~
- ~~B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.~~
- ~~The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:~~
- ~~That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;~~
- ~~That the special conditions and circumstances do not result from the action of the applicant;~~
- ~~That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;~~
- ~~That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;~~
- ~~That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;~~
- ~~That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and~~

~~That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.~~

~~C. The Board hereby grants the requested variance(s) and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:~~

- ~~1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.~~
- ~~2. Revised detailed drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
  - ~~w. The top of the foundation of any structure and the top of underground sheet piles shall be at least 3' below the grade elevation (3.58' NGVD) established for the property in order to provide enough rooting space for the proposed landscape.~~~~
- ~~3. 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.~~
- ~~4. A revised landscape plan, 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. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.~~
  - ~~b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.~~
  - ~~c. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such~~~~

~~report shall continue for a period of 18 months unless determined otherwise by staff.~~

- ~~d. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.~~
  - ~~e. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.~~
  - ~~f. Any existing plant material within the public right of way may be required to be removed, at the discretion of the Public Works Department.~~
  - ~~g. 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.~~
  - ~~h. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.~~
  - ~~i. 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, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.~~
  - ~~j. 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.~~
- A. The applicant filed an application with the Planning Department for the following variance(s), which were either approved by the Board with modifications, or denied:

The following variances were denied by the Board:

1. A variance to reduce by 5'-2" the required setback of 15'-0" from the side property line in order to construct a walkway with guardrails at 9'-10" from the north side property line on the Dune Preservation Overlay District.
2. A variance to reduce by 10'-9" the required setback of 15'-0" from the side property line in order to construct a walkway with guardrails at 4'-3" from the south side property line on the Dune Preservation Overlay District.

3. A variance to reduce by 5'-2" the required setback of 15'-0" from the side property line in order to construct a walkway with guardrails at 9'-10" from the north side property line on the Oceanfront Overlay District.
4. A variance to reduce by 10'-9" the required setback of 15'-0" from the side property line in order to construct a walkway with guardrails at 4'-3" from the south side property line on the Oceanfront Overlay District.
6. A variance to reduce by 10'-8" the required setback of 20'-0" from the front property line in order to construct a guardhouse structure at 9'-4" from the west property line.

The following variance was approved by the Board:

5. A variance to exceed the required number of one (1) dune crossing for a site with less than 300 linear feet of frontage in order to provide two (2) dune crossings in the Dune Preservation Overlay District.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

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

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

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

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

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

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

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



That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

- C. The Board hereby grants the requested variance(s) #5 and denies variances #1, #2, #3, #4 and #6, and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

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

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

- A. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness approval as same are contained herein, in the Orders dated November 14, 2014 (HPB 7490), March 8, 2016 (HPB 7490), ~~and January 12, 2021 (HPB20-0389) and February 9, 2021 (HPB20-0430).~~ Accordingly, this Order shall serve as the Final Order for the proposed project. In the event of a conflict between the provisions hereof and those of the previous November 14, 2014, March 8, 2016, or January 12, 2021 or February 9, 2021 Orders, the provisions hereof shall control.
- B. 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.
- C. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- D. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- E. 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.

- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. 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.
- H. 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.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. 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.
- K. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- L. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.
- M. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- N. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- O. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code, as applicable.

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

PROVIDED, the applicant shall build substantially in accordance with the plans entitled “plans entitled “Versailles” as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc, dated September 22, 2014, plans entitled “Versailles” as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc, dated January 25, 2016, plans entitled “Aman Resort at the Historic Versailles Hotel”, as prepared by Revuelta architecture international, dated February 10, 2020, plans entitled “Aman Hotel & Residences”, as prepared by Revuelta Architecture International, dated January 12, 2021, ~~and plans entitled “Aman Hotel & Residences”, as prepared by Revuelta Architecture International, dated February 9, 2021,~~ and plans entitled “Aman Hotel & Residences”, as prepared by Revuelta Architecture International, dated March 8, 2021, as approved by the Historic Preservation Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
DEBORAH TACKETT  
HISTORIC PRESERVATION & ARCHITECTURE OFFICER  
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ by Deborah Tackett, Historic Preservation & Architecture Officer, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She 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 Historic Preservation Board on \_\_\_\_\_ (                    ) )

~~Strike-Thru~~ denotes deleted language  
Underscore denotes new language

