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HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: August 13, 2013

FILE NO: 7375

PROPERTY: 2912 Collins Avenue

LEGAL: Lots 1, 2, 6, 9 and 10, Block 12, Amended Map of the Ocean Front Property of the Miami Beach Improvement Company, a subdivision recorded in Plat Book 5 at page 7 and 8 of the public records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the construction of a new 7-story hotel with accessory commercial space and a mechanical parking garage on an existing parking lot.

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.

[Signature] 9-13-13
(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: (Seal)

This document contains 10 pages.



ORDER

The applicant, 2912 Collins Avenue, LLC., filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness.

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:

- A. The subject structure is classified as 'Contributing' in the Miami Beach Historic Properties Database and is located within the Collins Waterfront 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 is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code, is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code, is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code, and is consistent with Certificate of Appropriateness Criteria for Demolition in Section 118-564(f)(4) of the Miami Beach Code.

[Handwritten initials]

C. The project would remain consistent with the criteria and requirements of section 118-564 if the following conditions are met:

1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The design for the proposed canopy element located at the ground level along the north, east and south elevation shall be further studied and refined and kept as delicate and minimal as structurally possible. The final design and details, including materials 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.
 - b. The proposed projecting entry feature located on the south elevation above the center vehicular entrance/exit shall be further studied and refined to be more compatible and consistent with the architectural vocabulary of the upper façade of the structure, and shall be relocated to be above the pedestrian entrance to the hotel lobby on 29th Street, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. The amount of glass railings on the north, south and east elevations shall be reduced. The applicant shall explore replacing the glass railings in part or entirely with an open metal railing design, 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. The applicant shall fully explore eliminating one of the vehicular entrance/exit driveway pairs on 29th Street entirely, and if this is demonstrated to not be possible the applicant shall reduce the width of the curb cuts as well as the corresponding openings in the ground floor façade to the greatest extent possible, 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. Final details of all exterior surface finishes and materials, including the proposed interior walls surfaces adjacent to the vehicular entrance(s) of the hotel/garage, shall be required, including samples, 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 ground level retail space located along the south 29th Street elevation shall be expanded to the greatest extent possible to allow for greater connectivity to the hotel, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - g. The internal garage lighting shall be shielded to inhibit direct views of all internal light sources from either the street or adjacent properties, in a manner to be

reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

- h. The interior walls of the first level of the parking garage entrance and ramps shall be fully detailed on revised plans. Such interior areas shall consist of high quality, non-stucco surface materials which have a well finished appearance commensurate with the primary façade of the building, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - i. The design and details of the proposed storefront system located on the south and east elevations 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.
 - j. 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.
 - k. A detailed screening plan for all roof-top fixtures and mechanical devices shall be required, as part of the building permit 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.
 - l. Prior to the issuance of a Certificate of Occupancy, the Architect for the project architect shall verify, in writing, that the project is consistent with the elevations, floor plans, site plan and landscape plans approved by the Planning Department for Building Permit.
2. A restrictive covenant dedicating one-hundred twenty-five (125) basement level parking spaces for the sole use of the Marriott Edition located at 2912 Collins Avenue shall be executed, subject to the approval of the City Attorney, and shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
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. At a minimum, such plan shall incorporate the following:
- a. Additional landscape shall be introduced at the east dining terrace of the subject property, fronting on Collins Avenue, and shall incorporate canopy trees, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. Additional landscape shall be introduced at the western portion of the property and shall be adequate to shield any adverse impacts of the parking garage entrance on adjacent properties, in a manner to be reviewed and approved by



staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

- c. Street trees shall be required along Collins Avenue, placed with a minimum 36" clear space between the tree trunk and the back of curb, 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. Shade trees, spaced twenty (20') feet on center, shall be required along 29th Street, 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. Structural soils in 7'x7' tree pits, with the City Standard black and white bound aggregate system and fertilization trench, irrigation, and two (2) up-lights per City standards, shall be required for all street and shade trees, 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 utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
- 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 applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow prevention devices. Backflow prevention devices shall not be permitted within any required yard or any area fronting a street or sidewalk, unless otherwise permitted by the Land Development Regulations. The location of all backflow prevention devices, and how they are screened 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. The fire department shall require a post-indicator valve (PIV) visible and accessible from the street.
- i. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all post-indicator valves (PIV), fire department connections (FDC) and all other related devices and fixtures, which shall be clearly indicated on the site and landscape 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.
- j. 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 Certificate of Appropriateness Criteria and/or the directions from the Board.



- k. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for 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.
- 4. All building signage shall be composed of flush mounted, non-plastic, individual letters and shall require a separate permit.
- 5. 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.
- 6. 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.
- 7. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
- 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. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
- 10. 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.
- 11. 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.
12. The Applicant agrees to the following operational conditions for any and all permitted hotel and accessory 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.
- a. RESTAURANT CONDITIONS
 - i. No ground floor accessory restaurant use shall operate between 2:00 A.M. and 6:00 A.M., seven (7) days a week. Ground floor outdoor restaurant seating located within 60 feet of any street shall cease operation at 12:00 A.M., seven (7) days a week. This shall not apply to room service.
 - b. ROOFTOP CONDITIONS
 - i. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced. Owner

agrees to include the rules and regulations set forth in these conditions in any contract or assignment.

- ii. Rooftop facilities, inclusive of any pool or spa and pool or spa deck, shall be for the exclusive use of registered hotel guests and their invitees, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board, for a total occupancy of 299 or fewer for the public areas of the hotel. Alternatively, if the Code of the City of Miami Beach is amended in the future to conditionally permit Neighborhood Impact Establishments (NIE) in the RM-2 Zoning District, then the Applicant may seek approval for a NIE from the City of Miami Beach Planning Board for a total occupancy of 300 or more occupants for the public areas of the hotel. No bar counter shall be placed on the roof or on any terraces, private decks or balconies at any time.
- iii. All food served on the rooftop or on exterior public areas of the hotel shall be prepared in the hotel kitchens. All patron use of assembly areas of the rooftop shall cease Sunday through Thursday at 12:00 A.M., and Friday through Saturday at 2:00 A.M. and staff clean up shall cease by one (1) hour past these times. The hotel rules and practices shall require that any rooftop pool or spa be closed from 2:00 A.M. to 8:00 A.M.
- iv. Owner agrees to install sound attenuating design elements throughout the property in order to minimize any spillover of sound to adjacent properties, in a manner consistent with the limits and requirements of the City Code. Rooftop lighting fixtures shall be designed to deflect light from spilling over to adjacent and nearby properties.
- v. All roof-top fixtures, air-conditioning units and mechanical devices shall be screened from view. In addition, Owner agrees to install an exhaust system for the kitchen that will substantially reduce all grease and smoke that would otherwise escape to the surrounding area. Finally, Owner agrees to install the fan in connection with the kitchen exhaust system within the interior of the building in order to reduce noise levels at the exhaust outlet.
- vi. All stair towers, elevators, and mechanical equipment shall be appropriately designed, screened and detailed in a manner consistent with the building's design, subject to the review and approval of staff.

c. NOISE CONDITIONS

- i. 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.



- ii. No outdoor bar counters shall be permitted on the premises.
- iii. No speakers, except as may be required for fire or building code/Life Safety Code purposes and those associated with the distributed sound system within the landscape areas or at floor level, may be permitted on the ground floor and rooftops.
- iv. The hotel rules and practices shall prohibit registered guests, visitors, invitees and others using the hotel facilities or otherwise on the premises, from operating audio amplification equipment, inclusive of loudspeakers, radio receivers, television sets, musical instruments, or other machines or devices for the producing or reproducing of sound, that produces noise that is plainly audible at any apartment unit in the adjacent and nearby properties.
- v. Notwithstanding the occupancy and seat counts shown on the plans submitted, calculations for required parking and concurrency for the project shall be determined by the Planning Department prior to approval of a building permit. Such parking and traffic calculations shall be based upon both the number of hotel rooms, and, additionally, the intensity of the proposed accessory restaurant as measured by the number of seats in dining areas, and by the square footage of the liquor service areas not included in the areas for which seats are calculated as provided for in this subparagraph.

d. 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. Doors shall remain closed and secured when not in active use.
- iii. Garbage dumpster covers shall be closed at all times except when in active use and garbage pickups and service deliveries shall not take place between 7PM and 8AM.
- iv. 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.
- v. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.



13. 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.
14. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
15. 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.
16. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
17. 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 by the Board, that the Certificate of Appropriateness is **GRANTED** for the above-referenced project subject to those certain conditions specified in paragraph C of the Findings of Fact (Condition Nos. 1-17 inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Historic Preservation Board, as determined by staff, entitled "2912 Collins Avenue", as prepared by Kobi Karp, Architecture, Interior Design, Planning, dated June 2013.

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 Final 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 Final Order, have been met.

The issuance of this Certificate of Appropriateness 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



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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 Certificate of Appropriateness was granted, this Certificate of Appropriateness will expire and become null and void. 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), this Certificate of Appropriateness will expire and become null and void.

In accordance with Section 118-561 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 this Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

Dated this 12th day of September, 2013

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
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 12th day of September, 2013 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

[Signature]
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 12-2-13

Approved As To Form:
Legal Department: [Signature] (9-11-2013)

Filed with the Clerk of the Historic Preservation Board on 9-12-2013 (WJR)
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