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VIA ELECTRONIC SUBMITTAL

November 30, 2021

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

Re: Request for Planning Board Approval of a CUP for the
Property located at 411 and 419 Michigan Avenue, and 944 5
Street, Miami Beach, Florida

Dear Tom:

This law firm represents 411 Michigan SOFI Owner, LLC ("Applicant") in their application concerning the three adjacent parcels located at 411 and 419 Michigan Avenue, and 944 5 Street (collectively the "Property") in the City of Miami Beach, Florida ("City"). Please consider this letter the Applicant's letter of intent in support of a Conditional Use Permit and associated variances allowing new construction in excess of 50,000 square feet and to allow the use of mechanical parking lifts in connection with an office development on the Property.

Property Description. The Property is located along the major 5th Street corridor. It is comprised of approximately 21,000 square feet (0.48 acres) located on the southwest corner of the intersection of 5th Street and Michigan Avenue and abuts a two-lane alley, presently both southbound, on the east. The Property's three (3) parcels are identified by Miami-Dade County Folio Nos. 02-4203-010-0030, 02-4203-009-6170, 02-4203-009-6160. The Property is located in the Ocean Beach Historic District and is zoned C-PS2, Commercial Performance Standard, General Mixed-Use Commercial ("C-PS2"), a zoning district allowing a wide range of commercial uses and office uses as main permitted uses.

Currently, the parcels located at 944 5 Street and 419 Michigan Avenue are developed with a foundation for an approved

project that planned to provide underground parking, including a car elevator on the east side. The parcel located at 411 Michigan Avenue contains two small buildings, both of which are listed as “contributing” in the City’s Historic Properties Database.

Property History. The two contributing structures were built one year apart. In 1933, a single-story structure located at the rear alley was built as a garage (“Garage Structure”). In 1934, a two-story residence (“Historic Building”) was built in front of the Garage Structure in the middle of the parcel. In 1954, the Garage Structure was converted into a bedroom and bathroom. In 2012, a previous owner received a Certificate of Appropriateness to demolish the Garage Structure, restore the Historic Building, and construct a new three-story and four-story buildings on each side of the Historic Building as part of an office complex. See Exhibit A, HPB File No. 7323. In 2014, a previous owner received a Certificate of Appropriateness to construct a 27,000 square foot boutique hotel with underground parking utilizing mechanical lifts and a car elevator on the two northern parcels located at 419 Michigan Avenue and 944 5 Street. See Exhibit B, HPB File No. 7450. Only the foundation, which accommodates underground parking and a car elevator, was completed before the project stalled.

Proposed Development. The Applicant proposes an elegant five-story Class A office development with ground floor retail at the north portion of the Property, the preservation and relocation of the existing Historic Building at the southeast corner on Michigan with open plaza at front and mechanical parking with car elevator exclusively managed by valet, both in the basement of the office building with double-car lifts utilizing the existing foundations for the same purpose and in a new ground level parking structure with triple-car lifts behind the Historic Building (“Proposed Development”).

Specifically, the Applicant seeks to relocate the Historic Building, taking it from obscurity at the center of the Property to prominence on Michigan and transforming it into an engaging space for retail or a small café for the public to enjoy. The Applicant will restore the exterior of two-story structure and remove the interior second floor, thus creating an engaging double-height space. The Applicant proposes to demolish the Garage Structure, as granted in the prior approval. The ground level of the main structure will contain approximately 3,200 square feet for retail, and a lobby. Levels two through five will serve solely as Class A office space with an expansive central atrium that will include landscaping. There will also be significant plantings on the roof, and access to the roof is for office tenants only.

Circulation and Access. The general vehicular circulation for the project is eastbound on 5th Street, southbound in the alley, westbound in the private driveway existing either north or south on Michigan Avenue. The main access to parking for visitors, patrons, tenants and

employees is via the car elevator located in the east alley and operated at all times by one or more parking attendants.

The majority of the vehicular traffic to the Project, for the office uses, will be arriving in the morning and be familiar with this drop-off location, but knowledgeable patrons and visitors can also arrive similarly. Upon arrival at the car elevator, the driver parks by the elevator, turns the car over to the valet, who then enters the elevator and parks the vehicle beneath the building. The driver and any passengers access the building either from the east or through the private driveway. Should any back-up occur with the operation at the car elevator, the valet attendants will direct arriving vehicles to queue in the private driveway and then the attendants take the vehicles around the block (north on Michigan, east on 5th and south in the alley, to the car elevator). Alternatively, attendants may park vehicles in the parking structure on the south side of the private driveway.

For pick-up of vehicles for departures, mainly in the late afternoon, valet attendants will bring the vehicles, either via the car elevator, south in the alley and west into the private driveway, or directly from the south parking structure at the private driveway, to a valet stand located just east of the historic building.

For visitors unfamiliar with the car elevator for drop-off, valet attendants will properly manage the egress at Michigan Avenue during business hours to safely direct them to the on-street parking spaces on Michigan or to the car elevator in the alley, especially during the afternoon departures, to safely handle any conflicting traffic during these peak times. Specifically during the afternoon peak hour for departures, a valet operator will be stationed at Michigan Avenue with temporary sign to manage any vehicles arriving to the project.

A long loading space will be located along the alley and deliveries and waste collection will be managed outside of the morning and afternoon peak arrival and departure times.

Historic Preservation Board Application. The Applicant has submitted a separate application to the Historic Preservation Board ("HPB") requesting approval of the preservation and relocation of the existing Historic Building and construction of the new five-story office building with mechanical parking lifts. See HPB File No. HPB21-0486. The HPB application includes a request to waive the number of required off-street loading spaces from 3 to 1.

Code Amendment. To achieve the Class A Office component, the Applicant is working with the City on a Code Amendment to allow office uses at 75 feet where currently limited to 50 feet for this localized area by Jefferson and Michigan Avenues ("Code Amendment"). The purpose is not for extra floors, rather for the additional floor to ceiling heights necessary to attract Class A office tenants. Notably, 5th Street is a major transit and commercial corridor with many buildings on both the north and south side at or above 50 feet, including substantial rooftop elements. Importantly, hotel and residential uses are already allowed at 75 feet at the Property and nearby west of Lenox Ave, office uses are allowed at 75 feet. Further, the Proposed Development carefully places the additional height at the north end abutting the wide 5th Street corridor and appropriately transitions to the lower scale development to the south with the internal drive and 2-story Historic Building and parking structure. Taken together, the additional height necessary for this needed use will be compatible with the surrounding neighborhood.

To summarize, the Proposed Development will highlight the long obscured Historic Building and provide Class A office space with retail on the ground floor. The Proposed Development will result in a signature building designed by a well renowned international architect that features a clean, transparent, and elegant design. The Proposed Development is compatible with the nearby structures and will be a welcomed addition to the 5th Street corridor.

Conditional Use Requests. The Applicant requests a CUP from the Planning Board for two items: new construction exceeding 50,000 gross square feet,¹ pursuant to Section 142-693(g) of the City Code ("Code"), and to provide on-site parking through the use of mechanical parking lifts, in accordance with Code Section 130-38(5).

- (i) General Guidelines for Conditional Uses. Pursuant to Code Section 118-192(a), review and approval of conditional uses includes evaluation of the proposed use in relation to the following guidelines:

(1) The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

In conjunction with the Code Amendment, a commercial project with on-site mechanical parking along a major City corridor is consistent with the comprehensive plan and permitted by the underlying C-PS2 district regulations.

¹ Note that only 41,787 net square feet

(2) The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

The construction of the Proposed Development is not expected to have any negative impact in excess of the thresholds of level of service provided for in the comprehensive plan. The Proposed Development will satisfy its own required parking supply, and will also provide desired retail uses along the 5th Street corridor. A traffic study included with the application materials concludes that the Proposed Development, including the 100% valet only parking, will not adversely impact the traffic in the area.

(3) Structures and uses associated with the request are consistent with these land development regulations.

In conjunction with the Code Amendment, a commercial project with on-site mechanical parking is designed to be consistent with the C-PS2 district regulations.

(4) The public health, safety, morals, and general welfare will not be adversely affected.

The Proposed Development will benefit the community by beautifying the Property, offering Class A office space to the South of Fifth neighborhood, and enhancing the pedestrian experience on 5th Street and Michigan Avenue. The simplistic yet elegant architecture, 14-foot tall ceilings, and ample parking opportunities will attract companies and firms to the City. The new uses will generate jobs and increase the tax base, thereby stimulating the local economy and jumpstarting consumer activity. Further, by developing the unused lot, this area will be activated during the daytime and attract more people to the other nearby daytime uses.

(5) Adequate off-street parking facilities will be provided.

The Applicant will provide ample off-street parking spaces on-site for all land uses on the Property, as well as provide alternatives, such as bicycle parking and showers, scooter and carpool spaces, to encourage other modes of transportation. The Proposed Development will utilize mechanical parking lifts operated exclusively by valet. The structures will offer 85 parking spaces on-site, which satisfies the required parking for the Proposed Development once applicable reductions are applied. Specifically, the basement of the main structure will house 58 spaces using double-height mechanical parking lifts and the new garage structure located on the southern most portion of the Property will house 27 spaces in triple-height mechanical parking lifts.

(6) Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

The Applicant's design team has taken great care to design a quality project that will provide for the safety and security of the entire area. The Applicant will be implementing all necessary tools to mitigate any potential harmful effects, including operational constraints such as limited hours and valet-only parking with valet attendants specifically managing the Michigan Avenue exit. Building and relocation of the two-story contributing structure and placement of taller structure towards the north ensure a beautiful development that is compatible with the neighborhood. The Applicant has taken steps to optimize the valet operation to minimize impacts on traffic in the neighborhood by utilizing the existing alley for the main vehicular circulation. This almost completely internalizes the valet trips and reduces the response time.

(7) The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

The redevelopment of the Property will provide much needed Class A office space to a major corridor of Miami Beach. The office and ground level retail will complement and service the major corridor and residential uses in the area.

- (ii) Supplemental Review Criteria for New Construction. Pursuant to Code Section 118-192(b), the Planning Board's review of an application for conditional use for new structures 50,000 square feet and over considers the following supplemental review guidelines:

(1) Whether the proposed business operations plan has been provided, including hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application, and that such plan is compatible with the neighborhood in which it is located.

The Applicant is providing a building designed to accommodate Class A office space with retail space on the ground level. Like other area office and retail, the businesses will hire the necessary employees to manage their operations and will generally be open standard business hours and as appropriate in evenings to serve their clients and customers. The Proposed Development will consist of four (4) levels of Class A office use. The ground level retail and lobby amenity will have pedestrian access along the street frontage of Michigan Avenue. Please see more details in the operations plan submitted with the application materials.

(2) Whether a plan for the mass delivery of merchandise has been provided, including the hours of operation for delivery trucks to come into and exit from the neighborhood

and how such plan will mitigate any adverse impacts to adjoining and nearby properties, and neighborhood.

The Applicant does not anticipate a high degree of deliveries and trash collection due to the small amount of office and very limited retail uses. The Applicant provides an extra-long, narrow loading space (5' x 30'-10") along the alley and will utilize the alley as needed for short-term loading and trash collection during off peak hours. Delivery trucks will access the loading bay, which is over 30 feet long, from the alley by driving south from 5th Street and into the east edge of the Property.

(3) Whether the scale of the proposed use is compatible with the urban character of the surrounding area and create adverse impacts on the surrounding area, and how the adverse impacts are proposed to be addressed.

The nearby area contains numerous buildings of similar or greater scale and massing along the 5th Street corridor. The buildings to the east and west of the Property are approximately 50 feet tall with rooftop structures even higher. On the northwest corner of the intersection of Alton Road and 5th Street, less than 600 feet from the Property, are buildings greater than 50 feet in height. Further, hotel and residential uses can be built at 75 feet at the Property. As such, the proposed height through the Code Amendment will allow high-quality development and street activation that are in line with the character of the area. The design of the structure ensures that the Proposed Development's massing does not impact the context and scale of the surrounding built environment. The Proposed Development also incorporates architectural and artistic design features, such as deep balconies, to beautify the structure facing the 5th Street corridor to the north and Michigan Avenue and the two-way alley to centralize the massing. The private driveway and the lower scale Historic Building and parking structure serve as an appropriate transition to the neighborhood to the south.

(4) Whether the proposed parking plan has been provided, including where and how the parking is located, utilized, and managed, that meets the required parking and operational needs of the structure and proposed uses.

A parking plan operated exclusively by valet has been included along with the traffic study. The proposed structure will provide 85 on-site parking spaces. Parking will be valet-only using the driveway located on the southern portion of the Property. The basement will house double-height mechanical parking lifts and behind the Historic Building will be triple-height mechanical parking lifts.

(5) Whether an indoor and outdoor customer circulation plan has been provided that facilitates ingress and egress to the site and structure.

The Applicant has streamlined the development by offering mechanical parking and valet-only to minimize traffic and maximize pedestrian activity. The main traffic to the Proposed Development will be arriving in the morning at the alley and departing in the late afternoon via the private driveway to Michigan Avenue. As such, the valet operation will appropriately manage the ingress and egress, with sufficient valet operators to accommodate the volume. Specifically during afternoon peak departure time, a valet operator will be stationed at Michigan Avenue exit with a temporary sign to safely manage the flow of traffic. Pedestrians will have direct access to the uses from Michigan Avenue. The use of the driveway on the southern portion of the Property in conjunction with appropriate signage and valet-only services will facilitate successful circulation within the Property and Michigan Avenue.

(6) Whether a security plan for the establishment and supporting parking facility has been provided that addresses the safety of the business and its users and minimizes impacts on the neighborhood.

Safety on the Property will be maintained by on-site security personnel, as well as a comprehensive security system employing video camera monitoring within all areas throughout the Property. Additional security will be provided through access-controlled entry to the offices, via key card, fobs or similar.

(7) Whether a traffic circulation analysis and plan has been provided that details means of ingress and egress into and out of the neighborhood, addresses the impact of projected traffic on the immediate neighborhood, traffic circulation pattern for the neighborhood, traffic flow through immediate intersections and arterials, and how these impacts are to be mitigated.

The Applicant has engaged a traffic engineer to determine the effect of the project on the roads and traffic. The original report and supplemental analysis produced by Langan Engineering & Environmental Services, Inc. have been submitted with the application for peer review. The proposed Project will not adversely impact the neighborhood.

(8) Whether a noise attenuation plan has been provided that addresses how noise will be controlled in the loading zone, parking structures and delivery and sanitation areas, to minimize adverse impacts to adjoining and nearby properties.

The Applicant proposes an off-street loading area at the east side and anticipates low volume of deliveries due to the nature and small scale of the Proposed Development. Loading will take place during off peak hours, outside of the morning arrival and afternoon departure times. This location does not abut residential uses. Further, all parking is enclosed, either in the basement or the new parking structure to mitigate for sound.

(9) Whether a sanitation plan has been provided that addresses on-site facilities as well as off-premises issues resulting from the operation of the structure.

The Applicant will contract with a waste collection company for refuse collection via the alley as needed during daytime hours only from the trash room. Internally, cleaning and maintenance staff will monitor the Property and its adjoining rights-of-way to maintain the areas clean and free from debris.

(10) Whether the proximity of the proposed structure to similar sized structures and to residential uses creates adverse impacts and how such impacts are mitigated.

The project is comparable in size to other existing commercial structures and approved projects along 5th Street and in the nearby area, and its unique design reduces the building's presence when viewed from the north, northeast and east. The taller office building is situated toward the north and buffered to the south by the driveway and Historic Building and new parking structure, thus providing an appropriate transition to the other uses to the south.

(11) Whether a cumulative effect from the proposed structure with adjacent and nearby structures arises, and how such cumulative effect will be addressed.

This urban, mixed-use area is active with a variety of uses, pedestrian activity and automobile activity. The Proposed Development will bring Class A office to this major commercial corridor, where none exists today, and thus add to the mixed-use environment and service the area and the needs of the City.

- (iii) Satisfaction of Mechanical Parking Review Criteria. The Applicant's request satisfies the mechanical parking review criteria and guidelines as described in Section 130-38(5):

(1) Whether the scale of the proposed structure is compatible with the existing urban character of the surrounding neighborhood.

The nearby area contains numerous buildings of similar scale and massing. The high-quality development and street activation are in line with the desired direction for the neighborhood, and the project's size is consistent with the buildings already existing in the immediate vicinity. The Proposed Development's size, design and buffering to the south with the driveway and Historic Building and new parking structure ensure that the project's massing does not impact the context and scale of the surrounding built environment.

(2) Whether the proposed use of mechanical parking results in an improvement of design characteristics and compatibility with the surrounding neighborhood.

The proposed use of mechanical parking results in the improvement of design characteristics and compatibility with the surrounding neighborhood. Specifically, the use of the mechanical parking allows this signature, streamlined building to shine without need of a parking pedestal fronting the major roadways, thus making it more compatible and pedestrian-friendly.

(3) Whether the proposed use of mechanical parking does not result in an increase in density or intensity over what could be constructed with conventional parking.

The proposed use of mechanical parking does not result in an increased density or intensity over that which could be constructed with conventional parking methods. See the alternative parking analysis in the plans submitted as part of this application. The proposed Project aims to meet the City's off-street parking requirement and desires to accomplish this with the addition of mechanical parking.

(4) Whether parking lifts or mechanisms are located inside, within a fully enclosed building, and not visible from exterior view.

The proposed mechanical parking lifts will be located under the office building as previously approved, which is completely out of view, and within a new enclosed and screened building along the south side only fronting the two-way alley. Vehicles will not be visible as the structure has decorative breeze block to both screen and provide a sensitive elevation along the alley.

(5) In cases where mechanical parking lifts are used for self-parking in multifamily residential buildings; whether approval is conditioned upon the proper restrictive covenant being provided limiting the use of each lift to the same unit owner.

Not applicable as all parking will be 100% valet-operated.

- (6) In cases where mechanical parking lifts are used for valet parking; whether approval is conditioned upon the proper restrictive covenant being provided stipulating that a valet service or operator must be provided for such parking for so long as the use continues.**

The proposed mechanical parking lifts will be operated exclusively by a valet. Accordingly, a restrictive covenant will be proffered by the Applicant through the building permit and certificate of occupancy processes.

- (7) Whether a traffic study has been provided that details the ingress, egress and circulation within the mechanical parking facility, and the technical and staffing requirements necessary to ensure that the proposed mechanical parking system does not cause excessive stacking, waiting, or backups onto the public right-of-way.**

A traffic study has been provided which addresses the details of the mechanical parking facility.

- (8) Whether a proposed operations plan, including hours of operation, number of employees, maintenance requirements, noise specifications, and emergency procedures, has been provided.**

An operations plan has been provided with the application materials.

- (9) In cases where the proposed facility includes accessory uses in addition to the parking garage, whether the accessory uses are in proportion to the facility as a whole, and delivery of merchandise and removal of refuse, and any additional impacts upon the surrounding neighborhood created by the scale and intensity of the proposed accessory uses, are adequately addressed.**

The proposed parking plan is meant to service the required parking for the mixed-use office and retail development. The 100% valet-only plan and use of mechanical parking lifts will provide for ample on-site parking and ease of use. The operations plan included with the Application describes the functions of the development.

- (10) Whether the proximity of the proposed facility to similar size structures and to residential uses creates adverse impacts and how such impacts are mitigated.**

There are similar size structures in the Proposed Development's vicinity, including commercial to the east and west. Notably, the Proposed Development is appropriately buffered on the south

side to be compatible with the area and will not create any adverse impacts, especially as all required parking will be provided on-site.

(11) Whether a cumulative effect from the proposed facility with adjacent and nearby structures arises, and how such cumulative effect will be addressed.

There will be no cumulative effect from the proposed facility with adjacent and nearby structures.

Sea Level Rise and Resiliency Criteria. The Applicant's proposal is compliant with the sea level rise and resiliency review criteria provided in City Code Section 133-50(a) as follows:

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

The northern portion of the Property contains the foundation of the stalled project, which will be utilized so no demolition will be needed. For the demolition associated with the Garage Structure, the Applicant will provide a recycling or salvage plan during the permitting phase of the project.

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

The Applicant's project will include hurricane impact windows.

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

The balconies of the offices will be operable and will allow passive cooling system. The central atrium opening to the rooftop provides additional passive cooling.

(4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

The Applicant will be providing landscaping on the Property, at ground level, in the atrium and on the rooftop, which will be resilient.

(5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.

Sea level rise projections, land elevation and elevation of surrounding properties were considered, as was the City's general plan to elevate the adjacent roadways. The Project has been designed to accommodate the raising of the roads, both now and in the future (see response to item (6) below), and complies with the minimum elevation requirements of the Florida Building Code.

(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.

The ground floor, driveways, and garage ramping will be adaptable to raising of the adjacent public rights-of-way, both for the minimal raising in the short-term and potential for significant raising in the future. The future first floor will be at 9 feet NGVD, where BFE is 8 feet. Also, the height of the first floor will be able to accommodate any future need to increase the height of the ground level. This will ensure continued use of the lobby and retail. Further, the critical mechanical and electrical systems will be located above BFE and flood proofing will be provided within habitable space where necessary.

(7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

All critical mechanical and electrical systems will be located above base flood elevation.

(8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

The Historic Building will be raised so its floor is at the future crown of the road to provide flood protection and ensure compatibility with the sidewalks for appropriate pedestrian experience. The new structure will be above base flood elevation.

(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.

Habitable space is not located below the BFE, and the lowest floor may be substantially raised above BFE.

(10) Where feasible and appropriate, water retention systems shall be provided.

The Applicant will analyze and provide a water retention system, if feasible, during the permitting phase.

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

Cool pavement materials or porous pavement materials will be utilized where possible.

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

The proposed design provides a number of shaded open spaces and non-air-conditioned shaded spaces to strategically minimize the potential for heat island effects on site.

Conclusion. We believe that the approval of the proposed request will promote quality infill redevelopment on the Property by preserving and showcasing a historic structure and attracting much needed Class A office in a beautifully designed new building. We look forward to your favorable review of the Project. Please contact me on my direct line at (305) 377-6236 should you have any questions or concerns.

Sincerely,



Matthew Amster

Attachments

cc: Jeffrey Bercow, Esq.
Michael W. Larkin, Esq.



CFN 2012R0744174
 DR Bk 28318 Pgs 4973 - 4979 (7pgs)
 RECORDED 10/18/2012 13:09:43
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: September 11, 2012

FILE NO: 7323

PROPERTY: 411 Michigan Avenue

LEGAL: Lot 8, Block 83 of "Ocean Beach, Fla.", according to the Plat thereof, as recorded in Plat Book 2, at page 81 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the demolition of an existing single story building, the partial demolition, renovation and restoration of an existing 2-story building, and the construction of a new 3-story building and a new 4-story building, as part of a new office complex.

CERTIFICATION

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

CITY OF MIAMI BEACH

[Signature] 10-11-2012
 (Signature of Planning Director or Designee) (Date)

Personally known to me or Produced ID:

[Signature]
 Notary Public, State of Florida at Large

Printed Name: TERESA MARIA
 My Commission Expires: (Seal) 12-2-13

This document contains 7 pages.

TERESA MARIA
 MY COMMISSION # DD 92146
 EXPIRES: December 2, 2013
 Bonded Third Budget Notary Services



ORDER

The applicant, The applicant, 411 Aqua, 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' (Historic) in the Miami Beach Historic Properties Database and is located within the Ocean Beach 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 not

[Handwritten initials]

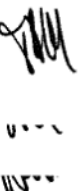
consistent with Certificate of Appropriateness Criteria 'b' in Section 118-564(a)(3) of the Miami Beach Code, and is not consistent with Certificate of Appropriateness for Demolition Criteria 'b', 'c' and 'e' in Section 118-564(f)(4) of the Miami Beach Code.

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

1. Revised elevation, site plan and floor plan drawings shall be submitted; at a minimum, such drawings shall incorporate the following:
 - a. Building 'B' shall be shifted to the west between 3'-0" and 4'-0".
 - b. The design of the north elevation of Building 'B' (the rear building) shall be further developed in order to further break down the massing and provide more architectural interest, in a manner to be reviewed and approved by staff.
 - c. The design of the south elevation of Building 'B' (the rear building) shall be further developed in order to further break down the massing and provide more architectural interest, in a manner to be reviewed and approved by staff.
 - d. The upper portion of the west elevation of Building 'A' (the front building), facing Meridian Avenue, shall be modified to make all glass heights equal, in a manner to be reviewed and approved by staff.
 - e. The exterior elevations of the historic residence, located in the center of the property, shall be restored to match the original design to the maximum extent possible, in a manner to be reviewed and approved by staff.
 - f. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view.
 - g. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. The applicant has proffered to landscape the east side of the neighboring property located immediately to the south, subject to the review and approval by staff
 - 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. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - d. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventers, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - e. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - f. 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.
- 3. All building signage shall be consistent in type, composed of flush mounted, non-plastic, individual letters and shall require a separate permit.
 - 4. 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.
 - 5. 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.
 - 6. Revised drawings, with corresponding color photographs, that are separate from the construction documents, drawn to scale and clearly documenting the existing conditions of the subject building, shall be submitted. Such drawings and photographs shall include all four elevations and interior floor plans of the building, as well as a site plan.
 - 7. An historic analysis of the existing structure, inclusive of a photographic and written description of the history and evolution of the original building on site, shall be submitted to and approved by staff and installed, prior to the issuance of a Certificate of Occupancy (C.O.) or Temporary Certificate of Occupancy (T.C.O.); such historic analysis shall be displayed prominently within the public area of the structure, in a location to be determined by staff.

8. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
9. 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.
10. 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.



- I. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
11. A drawn plan and written procedure for the proposed demolition shall be prepared and submitted by a Professional Structural Engineer, registered in the State of Florida, which fully ensures the protection of the public safety, as well as the protection of the existing structure on the subject site and all existing structures adjacent to the subject site during the course of demolition.
12. The Certificate of Appropriateness for Demolition shall only remain in effect for the period of time that there is an active Certificate of Appropriateness for the associated new construction on the subject property.
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 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, "411 Michigan Avenue", as prepared by 3 Design Architecture, undated.



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 a 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 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, the 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), the 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 the Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

Dated this 28th day of SEPTEMBER, 2012.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: 

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

Page 7 of 7
HPB File No. 7323
Meeting Date: September 11, 2012

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

The foregoing instrument was acknowledged before me this 28th day of September 2012 by Thomas R. Mooney, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



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

Teresa Maria
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 12-2-13

Approved As To Form: _____
Legal Department: *[Signature]* (9-27-2012)

Filed with the Clerk of the Historic Preservation Board on _____ ()

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[Handwritten mark]

Exhibit B



CFN 2014R0794314
OR Bk 29394 Pgs 1805 - 1811; (7pgs)
RECORDED 11/18/2014 09:52:30
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: September 9, 2014

FILE NO: 7450

PROPERTY: 419 Michigan Avenue

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

(Signature of Planning Director or Designee) (Date)
Personally known to me or Produced ID: 9-23-14

Notary Public, State of Florida at Large

Printed Name: Miriam M. Merino

My Commission Expires: (Seal) November 15, 2015

This document contains 7 pages.

#EE 142165

Bonded thru TFC Pain Insurance

NOTARY PUBLIC, STATE OF FLORIDA

LEGAL: **Parcel 1:** The south 50 feet of Lots 1, 2, 3, 4 and 5 of Witham's Resubdivision of Lots 10, 11 and 12, Block 83, Ocean Beach Addition No. 3, According to the Plat Thereof, as Recorded in Plat Book 9, Page 10, of the Public Records of Miami-Dade County, Florida.

Parcel 2: Lot 9, Block 83, Ocean Beach Addition No. 3, According to the Plat Thereof, as Recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the total demolition of two existing non-contributing structures and the construction of a new 4-story hotel.

ORDER

The applicant, RG Michigan 2014, 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 structures are classified as a 'Non-Contributing' structure in the Miami Beach Historic Properties Database, and are located within the Ocean Beach 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 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 not consistent with Certificate of Appropriateness Criteria 'c', 'g' & 'i' in Section 118-564(a)(3) of

[Handwritten signature]

the Miami Beach Code, and is not consistent with Certificate of Appropriateness Criteria for Demolition 'a-e' in Section 118-564(f)(4) of the Miami Beach Code.

- C. The project would be 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 and, at a minimum, such drawings shall incorporate the following:
 - a. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. The final location and details of all exterior ramp and railings systems, including materials, dimensions and finishes, 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.
 - c. Final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - d. The final design and details of all exterior lighting 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. Exterior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights or way or adjacent properties shall be permitted.
 - e. A fully enclosed air conditioned trash room that is sufficiently sized to handle the entire trash load of the building at all times shall be required, located within the envelope of the building, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - f. 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.
 2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. Street trees shall be required along 5th Street and Michigan 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.

- b. Silva Cells in 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 the Board.
 - c. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
 - d. 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.
3. 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. OUTDOOR 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. No exterior loudspeakers are permitted except those necessary for fire and life safety purposes.
- iii. All DJ or live music is prohibited in the exterior spaces of the property. Rooftop accessory bar counters shall be directly associated with the ground level restaurant, including all services from the rooftop accessory bar. All rooftop food and beverage services to hotel guests and their invitees, shall cease no later than 8:00 PM.
- iv. The applicant will establish rules that prohibit guests from operating electronic amplification devices on the exterior areas of the premises, with the exception of headphones, earphones, personal computers and hand held communication devices.
- v. Owner agrees to install an exhaust system, if required by code, for the future kitchen that will substantially reduce grease and smoke that would otherwise escape to the surrounding area. This may include the installation of a fan in connection with the kitchen exhaust system within the interior of the building in order to reduce noise levels at the exhaust outlet. Any such exhaust system shall be located along the east end of



the property, near the centerline, and not directly adjacent to the southernmost property line.

- vi. No cooling towers will be permitted on the rooftop, unless as a direct result of emergency circumstances and may only be used on a temporary basis. Any exterior mechanical devices must be low noise emitting and must be screened from site; also any fan/exhaust for the garage shall be located along the east end of the property, near the centerline, and not directly adjacent to the southernmost property line.

b. NOISE CONDITIONS

- i. The Historic Preservation Board (HPB) or the Planning Director shall retain the right to call the owners and/or operators back before the HPB at the expense of the owners and/ or operators, to impose and/or modify any operating conditions if necessary. An adverse adjudication of a violation against the owner or operator is not necessary for the board to have jurisdiction over the matter under this condition. This condition vests jurisdiction independent of any other condition hereof.
- ii. 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, as determined by Code Compliance shall be deemed a violation of this Order 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.
- iii. 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 manufacturers specifications, the applicant shall take such reasonable steps as to mitigate the noise with noise attenuating materials as reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- iv. Notwithstanding the occupancy and seat counts shown on the plans submitted, calculations for concurrency for the project shall be determined by the Planning Department prior to approval of a building permit. Such calculations shall be based upon the intensity of any proposed accessory uses as measured by the number of seats in dining areas.

a. OPERATIONAL CONDITIONS

- i. All trash containers shall utilize inflatable or other noise mitigating rubber wheels, or the path for the trash containers shall consist of a suitable 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 and recycling dumpsters / containers shall be closed at all times except when in active use.
- iv. Garbage pickups and service deliveries shall not take place between 5 PM and 8 AM, seven days a week. Deliveries of daily perishable food items may occur in the alley, located along the east end of the property, or such other location as the City deems appropriate.
- v. Applicant shall ensure that hotel personnel do not place trash or recycling into any exterior dumpsters or receptacles between 5 PM and 8 AM, seven days a week.
- vi. In the event rooftop lights are installed, they shall be shielded from nearby residential uses, and not exceed 42" in height above the roof deck.
- vii. Any kitchen and other venting shall be chased along the east end of the property, near the centerline, and not directly adjacent to the southernmost property line and any venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.
- viii. Equipment and supplies shall not be stored in areas visible from adjacent streets, alleys or nearby buildings.
- ix. Management will ensure that the premises are maintained litter-free.
- x. Valet service for the hotel and its accessory uses shall be limited to an "on call" operation, with no outdoor valet stand located on the property or the public right of way. Unless otherwise permitted by the City, valets shall be limited to the use of a single passenger loading space.
- xi. Applicant agrees not to seek an entertainment or dance hall license for the premises or authorize lessees to do so.
- xii. No members of the public may enter the restaurant establishment or bar, and be seated for services after 11:00 PM Sunday through Thursday or after 1:00 AM Friday or Saturday. Seating may continue to occur through closing times (12:00 AM Sunday through Thursday and 2:00 AM Friday and Saturdays) at the hotel restaurant and bar, for hotel guests and their invitees.
- xiii. No sidewalk café will be sought or utilized by the applicant or any lessees.



4. 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.
5. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
6. 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.
7. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
8. 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. 1-8 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 "Michigan Hotel" as prepared by Kobi Karp, Architecture, Interior Design, Planning, dated 7.18.2014.

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 a 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 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, the Certificate of Appropriateness will expire and become null and void. If the Full Building Permit for the project



Page 7 of 7
HPB File No. 7440
Meeting Date: September 9, 2014

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 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 the Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

Dated this 18th day of SEPTEMBER, 2014.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
THOMAS R. MOONEY, AICP
PLANNING DIRECTOR
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 18th day of September, 2014 by Thomas R. Mooney, Planning Director, 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 # FF 042188
EXPIRES: December 2, 2017
Bonded Thru Budget Notary Services

[Signature]
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 12-2-17

Approved As To Form: [Signature]
City Attorney's Office: (9-16-14)

Filed with the Clerk of the Historic Preservation Board on [Signature] (9-19-14)

[Signature]