

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

MEETING DATE: November 05, 2019  
FILE NO: DRB19-0455 (DRB19-0392)  
PROPERTY: **1201 20th Street - Unit 404**  
APPLICANT: Sunset Islands 3 and 4 Property Owners, Inc., and Terry Bienstock  
LEGAL: See attached Exhibit "A".

IN RE: An application has been filed requesting a re-hearing of a previous decision of the Design Review Board, wherein the Board approved exterior alterations to an existing five-story building including exterior design modifications to an existing private outdoor rooftop terrace, including new decking, new shade structures, a new stairwell bulkhead, new outdoor cooking areas, landscaping and installation of additional outdoor features, and including the deletion of conditions of the original Final Order, in order to accommodate the exterior improvements to the rooftop penthouse deck and to permit outdoor cooking and to allow other Penthouse owners and the Palau Sunset Harbor Condominium Association to do similar rooftop improvements, subject to staff review and approval, and permit outdoor cooking. This item was originally approved in 2012, pursuant to DRB File No. 22889. If the request for a rehearing is granted, the matter may be heard immediately or heard at a later date.

**ORDER**

The City of Miami Beach Design Review Board makes the following FINDING 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:

The applicants, Sunset Islands 3 and 4 Property Owners, Inc. and Terry Bienstock, filed an application with the City of Miami Beach Planning Department; petitioning for rehearing of a previously issued Design Review Approval.

Following argument of the parties, the Design Review Board determined that the petition for rehearing failed to demonstrate, pursuant to City Code Section 118-9(a)(2)(C), "(i) [n]ewly discovered evidence which is likely to be relevant to the decision of the board, or (ii) [t]he board has overlooked or failed to consider something which renders the decision issued erroneous."

IT IS HEREBY ORDERED, based upon the foregoing finding 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 recommendation, that the subject Petition for Rehearing is **DENIED**.



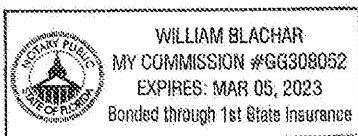
Dated this 13<sup>th</sup> day of November, 2019.

DESIGN REVIEW BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
JAMES G. MURPHY  
CHIEF OF URBAN DESIGN  
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of November 2019 by James G. Murphy, Chief of Urban Design, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.



[Signature]  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: March 5<sup>th</sup>, 2023

Approved As To Form: \_\_\_\_\_ )  
City Attorney's Office: Nick Kellegi 11/12/2019 )

Filed with the Clerk of the Design Review Board on Jessie Guly 11/13/19 )

[Signature]

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

**Condominium:**

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

AND:

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

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

**Unit PH 04:**

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

