

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: May 10, 2016

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB File No. 7515. **1901 Collins Avenue – The Shore Club.**

The applicant, Shore Club Property Owner LLC, is requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition and renovation of the existing 'Contributing' structures on the site, total demolition of the existing 2-story cabana structure, the construction of two 2-story ground level cabana structures, modifications to the existing 22-story 'Non-Contributing' structure and landscape and hardscape modifications. Specifically, the applicant is requesting design modifications and additional demolition within the existing Shore Club Hotel building.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions

EXISTING STRUCTURES

Local Historic District: Ocean Drive/Collins Avenue

Cromwell Hotel

Original Construction Date: 1939
Original Architect: Robert A. Taylor
Status: Contributing

The Cromwell Hotel, located at 110 20th Street, was constructed in 1939 and designed by Robert A. Taylor. The original 7-story structure was first owned and developed by N.B.T. Roney and is an excellent example of classic Art-Deco, resort hotel architecture. With significant nautical references, stepped pedestal, vertical window openings, raised vertical bands on the west elevation and portholes on the east elevation; the subject structure is very reflective of the period of architecture in which it was built. In 1997, the Joint DRB/HPB reviewed and approved a Certificate of Appropriateness for a 1-story roof top addition, designed by David Chipperfield Architects.

Shore Club Hotel

Original Construction Date: 1949
Original Architect: Albert Anis
Status: Contributing

The Shore Club Hotel, located at 1901 Collins Avenue, was constructed in 1949 and designed by Albert Anis as a 3-story hotel. This structure is a very good example of the Post War Modern

style by Anis. In 1955, an 8-story attached addition, designed by Melvin Grossman, was constructed at the end of the southeast wing of the hotel. In 1997, the Joint DRB/HPB reviewed and approved a Certificate of Appropriateness for a 17-story tower addition, designed by David Chipperfield Architects, on top of the existing 3-story north wing of the hotel.

The lobby of the Shore Club Hotel is also significant, including feature columns, which have a rounded cross shape in plan and increase in width as they rise to a special "cloud like" ceiling feature, backlit wall sculpture mounted on a sweeping curved wall and a decorative terrazzo floor. Equally significant is the stepped glass curtain wall of the lobby which overlooks the central courtyard.

BACKGROUND

On February 11, 2015, the City Commission adopted an ordinance which allows for projecting balconies and balconies supported by columns to extend up to 30 feet from an existing building wall up to the highest habitable floor of the non-conforming building and not be considered a ground floor addition.

On March 10, 2015, the Board continued the application to the April 14, 2015 meeting.

On April 14, 2015, the Board continued the application to the May 12, 2015 meeting.

On May 12, 2015, the Board reviewed and approved a Certificate of Appropriateness for the partial demolition and renovation of the existing 'Contributing' structures on the site, total demolition of the existing 2-story cabana structure, the construction of two 2-story ground level cabana structures, modifications to the existing 22-story 'Non-Contributing' structure and landscape and hardscape modifications, with the exception of the demolition plan for the Cromwell Hotel structure fronting on 20th Street. The Board continued the demolition plan for the Cromwell building to a date certain of July 14, 2015.

On July 14, 2015, the Board approved the demolition plan for the Cromwell Hotel.

On September 9, 2015, the Board denied an application for modification of the previous Orders in order to introduce projecting balconies on the primary façade of the Cromwell Hotel.

On November 10, 2015, the Board approved an application for design modifications and additional demolition within the existing Shore Club Hotel building.

Setai Resort and Residences Condominium Association, Inc., Dr. Stephen Soloway, and Setai Hotel Acquisition, LLC appealed the May 19, 2015 HPB Order to the City's Special Master. G200 Exchange LLC appealed the May 19, 2015 and July 21, 2015 HPB Orders to the Special Master.

Having reviewed the parties' briefs, and having heard oral argument, the Special Master (i) affirmed the May 2015 and July 2015 HPB Orders, (ii) directed the Planning Director to deliver a written report to the Board regarding the satisfaction of all conditions of the May and July Orders (with no requirement of a public hearing), and (iii) directed the Planning Director to definitively determine, as part of that report, whether "loading zones" were required to be shown on the site plan accompanying the completed application, and that the expert reports submitted at the May hearing were reviewed.

ZONING / SITE DATA

Legal Description:

All of Lot 1 and a portion of Lots 2 and 3, Block B, of the OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, According to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida and all of Lots 5, 6, 8, 9 and 10 and a portion of Lots 4 and 7, Block 1, FISHER'S FIRST SUBDIVISION OF ALTION BEACH, According to the Plat Thereof, as Recorded in Plat Book 2, Page 77, of the Public Records of Miami-Dade County, Florida; and a portion of land lying East of and contiguous to the East line of said Blocks B and 1.

Zoning:	RM-3, Residential Multifamily, High Intensity
Future Land Use Designation:	RM-3, Residential Multifamily, High Intensity
Lot Size:	125,604 S.F. (Max FAR 3.0)
Existing FAR:	282,472 S.F. / 2.24
Proposed FAR:	354,406 S.F. / 2.82 FAR, as represented by the architect
Existing Height:	21-stories / ~200'-0"
Proposed Height:	No change
Existing Use/Condition:	307 room hotel
Proposed Use:	106 room hotel & 89 residential units

THE PROJECT

The applicant has submitted plans entitled "The Shore Club" as prepared by ADD Inc, dated March 17, 2016.

The applicant is requesting design modifications and additional demolition within the existing Shore Club Hotel building.

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

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

COMPLIANCE WITH ZONING CODE

The application for modifications to a previously issued Certificate of Appropriateness appears consistent with the City Code; this shall not be considered final zoning review or approval.

These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA

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

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

- a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.
Not Satisfied
The encroachment of the proposed curved wall into the original lobby area will adversely impact the architectural integrity of this significant public space. Additionally, the curved wall would be perceived as being original to the design of the lobby. Further, the white painted floor-to-ceiling vertical wood slats proposed to be installed on the north face of the curved wall are highly inconsistent with the Post War Modern lobby.
 - b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.
Satisfied
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. Exterior architectural features.
Satisfied
 - b. General design, scale, massing and arrangement.
Not Satisfied
The encroachment of the proposed curved wall into the original lobby area will adversely impact the architectural integrity of this significant public space. Additionally, the curved wall would be perceived as being original to the design of the lobby. Further, the white painted floor-to-ceiling vertical wood slats proposed to be installed on the north face of the curved wall are highly inconsistent with the Post War Modern lobby.
 - c. Texture and material and color.
Not Satisfied
Material samples have not been provided.
The white painted floor-to-ceiling vertical wood slats proposed to be installed on the north face of the curved wall are highly inconsistent with the Post War Modern lobby.
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Satisfied
 - e. The purpose for which the district was created.
Satisfied
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Not Applicable
 - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.

Satisfied

- h. The original architectural design or any subsequent modifications that have acquired significance.

Not Satisfied

The encroachment of the proposed curved wall into the original lobby area will adversely impact the architectural integrity of this significant public space. Additionally, the curved wall would be perceived as being original to the design of the lobby. Further, the white painted floor-to-ceiling vertical wood slats proposed to be installed on the north face of the curved wall are highly inconsistent with the Post War Modern lobby.

- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.

Not Applicable

- b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.

Satisfied

- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.

Not Satisfied

The encroachment of the proposed curved wall into the original lobby area will adversely impact the architectural integrity of this significant public space. Additionally, the curved wall would be perceived as being original to the design of the lobby. Further, the white painted floor-to-ceiling vertical wood slats proposed to be installed on the north face of the curved wall are highly inconsistent with the Post War Modern lobby.

- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.

Not Applicable

- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

Not Satisfied

The encroachment of the proposed curved wall into the original lobby area will adversely impact the architectural integrity of this significant public space. Additionally, the curved wall would be perceived as being original to the design of the lobby. Further, the white painted floor-to-ceiling vertical wood slats proposed to be installed on the north face of the curved wall are highly inconsistent with the Post War Modern lobby.

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

Not Applicable

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.

Not Applicable

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

Satisfied

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Not Applicable

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Not Applicable

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a

residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

Not Applicable

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Not Applicable

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

Not Applicable

- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

Not Applicable

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

Not Applicable

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

Section 118-564 (f)(4) of the Land Development Regulations of the Miami Beach Code provides criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. The following is an analysis of the request based upon these criteria:

- a. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code as a Historic Building, Historic Structure or Historic Site, Historic Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.

Satisfied

The existing structures are designated as part of the Ocean Drive/Collins Avenue Local Historic District; the 3 and 8-story Shore Club Hotel and the 7-story Cromwell Hotel are designated as 'Contributing' structures in the historic district. The 18-story roof top addition is designated 'Non-Contributing'.

- b. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

Satisfied

The principal hotel structures on the site possess surviving original detailing, craftsmanship and materials that would be difficult and costly to reproduce today, and hence should be preserved.

- c. The Building, Structure, Improvement, or Site is one of the last remaining examples of its kind in the neighborhood, the country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

Satisfied

Both principal original hotel structures on the subject site are distinctive examples of their respective architectural styles and periods of construction in Miami Beach (1949 Post War Modern and 1939 Art Deco respectively); both make a significant contribution to the special design character of the Ocean Drive/Collins Avenue Local Historic District as well as the National Register District.

- d. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

Satisfied

Both principal original hotel structures on the subject site are distinctive examples of their respective architectural styles and periods of construction in Miami Beach (1949 Post War Modern and 1939 Art Deco respectively); both make a significant contribution to the special design character of the Ocean Drive/Collins Avenue Local Historic District as well as the National Register District.

- e. Retention of the Building, Structure, Improvement, Landscape Feature or Site promotes the general welfare of the City by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage.

Satisfied

Retention of the *Shore Club* and *Cromwell* original structures, including significant public areas will promote and benefit the general welfare of the City by providing an opportunity to experience, understand and appreciate excellent examples of the unique evolution of resort hotel architecture in Miami Beach between 1939 and 1949.

- f. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district.

Not Applicable

The demolition proposed in the subject application is not for the purpose of constructing a parking garage.

- g. In the event an applicant or property owner proposes the total demolition of a contributing structure, historic structure or architecturally significant feature, there shall be definite plans presented to the board for the reuse of the property if the proposed demolition is approved and carried out.

Satisfied

The applicant has presented plans for renovation and restoration of the property.

- h. The Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.

Not Applicable

The Miami-Dade County Unsafe Structures Board has not ordered the demolition of any of the subject structures.

ANALYSIS

The applicant is proposing several alterations to the Shore Club Hotel building including the introduction of a new design for the upper lounge area and additional demolition and reconstruction of portions of the floor plates and roof structure.

Lobby/upper lounge modifications

The currently approved upper lounge plan consists of a projecting platform and low wall allowing for a high level of transparency between the original hotel lobby and this space. Although the design of the new upper lounge level has been approved by the Board, the demolition required to implement this new design has not been approved. As such the applicant is now requesting demolition of the ground level floor plate of the south wing of the original portion of the Shore Club Hotel in order to effectuate the previously approved plan. Staff would note that the area of the upper lounge was originally back of house space and not part of the original public interior space.

Further, the applicant is requesting limited demolition of the upper floors and roof structure above the upper lounge area in order to remove the existing elevator core in this location. Based on a letter written by structural engineer Andrew P. Sullivan, P.E., dated March 17, 2106, staff is reasonably confident that if the conceptual scheme for demolition is appropriately implemented, the proposed demolition will not have an adverse impact on the historic lobby space.

Additionally, the applicant is currently proposing to introduce a new curved wall between the original lobby and the approved upper lounge area. Staff has two concerns with regard to this proposal. First, staff believes that the encroachment of the wall into the original lobby area will adversely impact the architectural integrity of this significant public space. Second, staff would note that the design of the proposed wall is substantially similar to an original curved wall located within the northern portion of the lobby. As such, the new proposed curved wall would be perceived as being original to the design of the lobby. Consequently, staff recommends that the plan configuration of this area be consistent with the currently approved plans and that any wall proposed to divide these spaces be straight and perpendicular to the west lobby wall.

Further, the applicant is proposing to install white painted floor-to-ceiling vertical wood slats on the north face of the curved wall. Per condition I.C.d.ii. of the May 12, 2015 Order, white wood wall cladding is not permitted within the original Shore Club Hotel lobby.

Condition I.C.d.ii. of the May 12, 2015 Order states:

White wood wall cladding shall not be approved in the original lobby space. A plaster finish or a cladding material more consistent with the Post War Modern period of architecture 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.

Staff maintains its position, as previously stated in the May 12, 2015 Staff Report, that the introduction of white wood wall cladding within the original hotel lobby space is highly inconsistent with surfaces finishes of the Post War Modern period of architecture, and would recommend that this condition remain.

Demolition of floor plates within the 8-story 1955 south wing addition

The applicant is proposing the demolition of portions of the floors plates and roof structure of the 8-story 1955 south wing addition in order to construct a new Code compliant egress stair. The currently proposed demolition is minimal and will not impact the exterior facades of this portion of the building. Further, staff would note that this area contains no public interior spaces.

Finally, staff notes that the amount of new demolition proposed, which exceeds 25% of the first floor slab, will require a waiver from Section 118-395 of the City Code (which is set forth below) to be approved by the Historic Preservation Board.

Sec. 118-395. - Repair and/or rehabilitation of nonconforming buildings and uses.

- * * *
- (b) *Nonconforming buildings.*
- * * *
- (2) Nonconforming buildings which are repaired or rehabilitated by more than 50 percent of the value of the building as determined by the building official shall be subject to the following conditions:
- * * *
- d. Development regulations for buildings located within a designated historic district or for an historic site:
1. The existing structure's floor area, height, setbacks and any existing parking credits may remain, if the following portions of the building remain substantially intact, and are retained, preserved and restored:
 - i. At least 75 percent of the front and street side facades;
 - ii. At least 75 percent of the original first floor slab;
 - iii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls; and
 - iv. All architecturally significant public interiors.
 2. For the replication or restoration of contributing buildings, but not for noncontributing buildings, the historic preservation board may, at their discretion, waive the requirements of subsection(b)(2)d.1. above, and allow for the retention of the existing structure's floor area, height, setbacks or parking credits, if at least one of the following criteria is satisfied, as determined by the historic preservation board:
 - i. The structure is architecturally significant in terms of design, scale, or massing;
 - ii. The structure embodies a distinctive style that is unique to Miami Beach or the historic district in which it is located;
 - iii. The structure is associated with the life or events of significant persons in the City;
 - iv. The structure represents the outstanding work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;

- v. The structure has yielded or is likely to yield information important in prehistory or history; or
- vi. The structure is listed in the National Register of Historic Places.

If the Board should determine that the level of demolition is appropriate, staff has found that Criteria i., ii., iv., v. & vi, above are satisfied.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **approved** subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: May 10, 2016

FILE NO: 7515

PROPERTY: 1901 Collins Avenue

APPLICANT: Shore Club Property Owner LLC

LEGAL: All of Lot 1 and a portion of Lots 2 and 3, Block B, of the OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, According to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida and all of Lots 5, 6, 8, 9 and 10 and a portion of Lots 4 and 7, Block 1, FISHER'S FIRST SUBDIVISION OF ALTION BEACH, According to the Plat Thereof, as Recorded in Plat Book 2, Page 77, of the Public Records of Miami-Dade County, Florida; and a portion of land lying East of and contiguous to the East line of said Blocks B and 1.

IN RE: The Application for modifications to a previously issued Certificate of Appropriateness for the partial demolition and renovation of the existing 'Contributing' structures on the site, total demolition of the existing 2-story cabana structure, the construction of two 2-story ground level cabana structures, modifications to the existing 22-story 'Non-Contributing' structure and landscape and hardscape modifications. Specifically, the applicant is requesting design modifications and additional demolition within the existing Shore Club Hotel building.

SUPPLEMENTAL ORDER

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

I. Certificate of Appropriateness

- A. The subject site is located within the Ocean Drive/Collins Avenue Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
 - 1. Is not consistent with the Certificate of Appropriateness Criteria 'a' in Section 118-564(a)(1) of the Miami Beach Code.

2. Is not consistent with Certificate of Appropriateness Criteria 'c', & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
 3. Is not consistent with Certificate of Appropriateness Criteria 'c' & 'e' in Section 118-564(a)(3) of the Miami Beach Code.
 4. Is consistent with Certificate of Appropriateness Criteria for Demolition 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. ~~The proposed atriums located at the upper levels shall not be permitted and the level of demolition proposed for the floor plates within the Shore Club Hotel structure shall be minimized and shall be limited to the amount of demolition required to provide the minimum vertical circulation areas required by Code, 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 plan configuration of the upper lounge area of the Shore Club Hotel building shall be consistent with the plans approved on May 12, 2015.
 - c. Any wall proposed to divide the upper lounge area and the original lobby of the shore Club Hotel building shall be straight and perpendicular to the west lobby wall, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 2. In accordance with Section 118-395(b)(2) of the City Code, the requirement pertaining to an existing structure's setbacks and parking credits, is hereby waived, to allow for the reconstruction of the original floor slabs.

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

II. Variance(s)

- A. No variances have been requested as part of the application.

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

- A. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- B. A copy of all pages of the recorded Final Orders shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- C. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- D. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- E. The Supplemental Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- F. The previous Orders dated May 12, 2015, July 14, 2015, September 8, 2015 and November 10, 2015 shall remain in full force and effect, except to the extent modified herein.
- G. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- H. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

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

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "The Shore Club" as prepared by ADD Inc., dated March 17, 2016, as approved by the Historic Preservation Board, as determined by staff.

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

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

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

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

Dated this _____ day of _____, 20____.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH TACKETT
PRESERVATION AND DESIGN MANAGER
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this _____ day of

_____ 20____ by Deborah Tackett, Preservation and Design Manager,
Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf
of the corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

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

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

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

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