

MIAMI BEACH

PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, Florida 33139; Tel: 305.673.7550; Web: www.miamibeachfl.gov/planning

LAND USE BOARD HEARING APPLICATION

The following application is submitted for review and consideration of the project described herein by the land use board selected below. A separate application must be completed for each board reviewing the proposed project.

Application Information			
FILE NUMBER HPB18 - 0240			
<input type="radio"/> Board of Adjustment <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision		<input type="radio"/> Design Review Board <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance	
<input type="radio"/> Planning Board <input type="checkbox"/> Conditional use permit <input type="checkbox"/> Lot split approval <input type="checkbox"/> Amendment to the Land Development Regulations or zoning map <input type="checkbox"/> Amendment to the Comprehensive Plan or future land use map		<input checked="" type="radio"/> Historic Preservation Board <input type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic district/site designation <input type="checkbox"/> Variance	
<input type="checkbox"/> Other:			
Property Information – Please attach Legal Description as “Exhibit A”			
ADDRESS OF PROPERTY 2000 Park Avenue, 2030 Park Avenue, 2035 Washington Avenue, 425 20th Street, 430 21st Street, 435 20th Street			
FOLIO NUMBER(S) 02-3234-016-0030; 02-3234-016-0010; 02-3234-016-0070; 02-3234-016-0050; 02-3234-016-0040; 02-3234-016-0060			
Property Owner Information			
PROPERTY OWNER NAME CG Sunny Isles, LLC, CG Sunny Isles I, LLC and CG Sunny Isles II, LLC			
ADDRESS 3200 Stirling Road		CITY Hollywood	STATE FL
ZIP CODE 33021			
BUSINESS PHONE (305) 747-6408	CELL PHONE	EMAIL ADDRESS jeanrod2626@gmail.com	
Applicant Information (if different than owner)			
APPLICANT NAME Same as Above			
ADDRESS		CITY	STATE
ZIP CODE			
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST Modification of HPB File 7320 to address additional demolition and reconstruction of Sunking 2 building and public interiors, and waiver to preserve nonconforming setbacks and parking credits. See letter of intent for more details.			

Project Information			
Is there an existing building(s) on the site?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the project include interior or exterior demolition?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Provide the total floor area of the new construction.			SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).			SQ. FT.
Party responsible for project design			
NAME Kobi Karp, Kobi Karp Architecture & Interior Design, Inc.		<input checked="" type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
ADDRESS 2915 Biscayne Boulevard, Suite 200		CITY Miami	STATE FL
		ZIPCODE 33137	
BUSINESS PHONE (305) 573-1818	CELL PHONE	EMAIL ADDRESS kobikarp@kobikarp.com	
Authorized Representative(s) Information (if applicable)			
NAME Michael W. Larkin, Esq., Bercow Radell Fernandez & Larkin, PLLC		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 200 S. Biscayne Blvd, Suite 850		CITY Miami	STATE FL
		ZIPCODE 33131	
BUSINESS PHONE (305) 374-5300	CELL PHONE	EMAIL ADDRESS mlarkin@brzoninglaw.com	
NAME Matthew Amster, Esq., Bercow Radell Fernandez & Larkin, PLLC		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 200 S. Biscayne Blvd, Suite 850		CITY Miami	STATE FL
		ZIPCODE 33131	
BUSINESS PHONE (305) 374-5300	CELL PHONE	EMAIL ADDRESS mamster@brzoninglaw.com	
NAME Robert Behar, Esq., Bercow Radell Fernandez & Larkin, PLLC		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 200 S. Biscayne Blvd, Suite 850		CITY Miami	STATE FL
		ZIPCODE 33131	
BUSINESS PHONE (305) 374-5300	CELL PHONE	EMAIL ADDRESS rbehar@brzoninglaw.com	

Please note the following information:

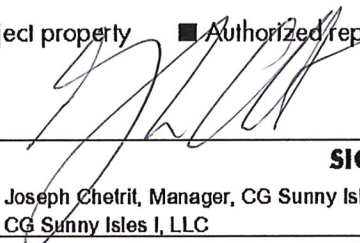
- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the affidavit if they will not be present at the hearing, or if other persons are speaking on their behalf.
- To request this material in alternate format, sign language interpreter (five-day notice is required), information on access for persons with disabilities, and accommodation to review any document or participate in any City sponsored proceedings, call 305.604.2489 and select (1) for English or (2) for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Please read the following and acknowledge below:

- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida Statutes and shall be disclosed upon request.
- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
- In accordance with Section 118-31. – Disclosure Requirement. Each person or entity requesting approval, relief or other action from the Planning Board, Design Review Board, Historic Preservation Board or the Board of Adjustment shall disclose, at the commencement (or continuance) of the public hearing(s), any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action, excluding from this requirement consideration for legal or design professional service rendered or to be rendered. The disclosure shall: (I) be in writing, (II) indicate to whom the consideration has been provided or committed, (III) generally describe the nature of the consideration, and (IV) be read into the record by the requesting person or entity prior to submission to the secretary/clerk of the respective board. Upon determination by the applicable board that the forgoing disclosure requirement was not timely satisfied by the person or entity requesting approval, relief or other action as provided above, then (I) the application or order, as applicable, shall immediately be deemed null and void without further force or effect, and (II) no application form said person or entity for the subject property shall be reviewed or considered by the applicable board(s) until expiration of a period of one year after the nullification of the application or order. It shall be unlawful to employ any device, scheme or artifice to circumvent the disclosure requirements of this section and such circumvention shall be deemed a violation of the disclosure requirements of this section.
- When the applicable board reaches a decision a final order will be issued stating the board's decision and any conditions imposed therein. The final order will be recorded with the Miami-Dade Clerk of Courts. The original board order shall remain on file with the City of Miami Beach Planning Department. Under no circumstances will a building permit be issued by the City of Miami Beach without a copy of the recorded final order being included and made a part of the plans submitted for a building permit.

The aforementioned is acknowledged by:

☐ Owner of the subject property ☒ Authorized representative



SIGNATURE
 Joseph Chetrit, Manager, CG Sunny Isles, LLC,
 CG Sunny Isles I, LLC
PRINT NAME
 8/16/18
DATE SIGNED

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- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
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- In accordance with the requirements of Section 2-482 of the code of the City of Miami Beach, any individual or group that will be compensated to speak or refrain from speaking in favor or against an application being presented before any of the City's land use boards, shall fully disclose, prior to the public hearing, that they have been, or will be compensated. Such parties include: architects, engineers, landscape architects, contractors, or other persons responsible for project design, as well as authorized representatives attorneys or agents and contact persons who are representing or appearing on behalf of a third party; such individuals must register with the City Clerk prior to the hearing.
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☐ Owner of the subject property
 ☒ Authorized representative



SIGNATURE
 Meyer Chetrit, Manager, CG Sunny Isles II, LLC

PRINT NAME
 8/16/18

DATE SIGNED

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

I, N/A, being first duly sworn, depose and certify as follows: (1) I am the owner of the property that is the subject of this application. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (3) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (4) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (5) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20____. The foregoing instrument was acknowledged before me by _____, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires: _____

PRINT NAME**ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF New YorkCOUNTY OF Queens

I, Joseph Chetrit, being first duly sworn, depose and certify as follows: (1) I am the Manager (print title) of CG Sunny Isles, LLC, CG Sunny Isles I, LLC (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 16 day of August, 2018. The foregoing instrument was acknowledged before me by Joseph Chetrit, who has produced _____ as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

LOIS HUTTER SANCHEZ
Notary Public, State of New York
No. 01HU5042516

Qualified in Queens County
Commission Expires April 24, 2019

NOTARY PUBLIC

My Commission Expires: _____

PRINT NAME

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

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No. 01HU5042516
Qualified in Queens County
Commission Expires April 24, 2019

NOTARY PUBLIC

My Commission Expires: _____

PRINT NAME

POWER OF ATTORNEY AFFIDAVITSTATE OF New YorkCOUNTY OF QueensI, Joseph Chetrit, Manager, CG Sunny Isles, LLC, CG Sunny Isles I, LLC

, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Michael Larkin, Matthew Amster & Robert Behar to be my representative before the Historic Preservation Board. (3) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (4) I am responsible for remove this notice after the date of the hearing.

Joseph Chetrit Manager, CG Sunny Isles, LLC, CG Sunny Isles I, LLC

PRINT NAME (and Title, if applicable)**SIGNATURE**

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Notary Public, State of New York
No. 01HU5042516
Qualified in Queens County
Commission Expires April 24, 2019

NOTARY PUBLIC

My Commission Expires: _____

PRINT NAME**CONTRACT FOR PURCHASE**

If the applicant is not the owner of the property, but the applicant is a party to a contract to purchase the property, whether or not such contract is contingent on this application, the applicant shall list the names of the contract purchasers below, including any and all principal officers, stockholders, beneficiaries or partners. If any of the contract purchasers are corporations, partnerships, limited liability companies, trusts, or other corporate entities, the applicant shall further disclose the identity of the individuals(s) (natural persons) having the ultimate ownership interest in the entity. If any contingency clause or contract terms involve additional individuals, corporations, partnerships, limited liability companies, trusts, or other corporate entities, list all individuals and/or corporate entities.

N/A

NAME**DATE OF CONTRACT**

NAME, ADDRESS AND OFFICE

% OF STOCK

In the event of any changes of ownership or changes in contracts for purchase, subsequent to the date that this application is filed, but prior to the date of a final public hearing, the applicant shall file a supplemental disclosure of interest.

POWER OF ATTORNEY AFFIDAVITSTATE OF New YorkCOUNTY OF Queens

I, Meyer Chetrit, Manager, CG Sunny Isles II, LLC, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Michael W. Larkin, Matthew Amster & Robert Behar to be my representative before the Historic Preservation Board. (3) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (4) I am responsible for remove this notice after the date of the hearing.

Meyer Chetrit, Manager, CG Sunny Isles II, LLC

PRINT NAME (and Title, if applicable)**SIGNATURE**

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DISCLOSURE OF INTEREST
CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

If the property that is the subject of the application is owned or leased by a corporation, partnership or limited liability company, list ALL of the owners, shareholders, partners, managers and/or members, and the percentage of ownership held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

NAME OF CORPORATE ENTITY	
NAME AND ADDRESS	% OF OWNERSHIP
See attached Exhibit B	

NAME OF CORPORATE ENTITY	
NAME AND ADDRESS	% OF OWNERSHIP

If there are additional corporate owners, list such owners, including corporate name and the name, address and percentage of ownership of each additional owner, on a separate page.

DISCLOSURE OF INTEREST
TRUSTEE

If the property that is the subject of the application is owned or leased by a trust, list any and all trustees and beneficiaries of the trust, and the percentage of interest held by each. If the owners consist of one or more corporations, partnerships, trusts, partnerships or other corporate entities, the applicant shall further disclose the identity of the individual(s) (natural persons) having the ultimate ownership interest in the entity.

TRUST NAME	
NAME AND ADDRESS	% INTEREST

COMPENSATED LOBBYIST

Pursuant to Section 2-482 of the Miami Beach City Code, all lobbyists shall, before engaging in any lobbying activities, register with the City Clerk. Please list below any and all persons or entities retained by the applicant to lobby City staff or any of the City's land development boards in support of this application.

NAME	ADDRESS	PHONE
Michael W. Larkin, Esq.	200 S. Biscayne Blvd, Suite 850	(305) 374-5300
Matthew Amster, Esq. & Robert Behar, Esq.	200 S. Biscayne Blvd, Suite 850	(305) 374-5300
Kobi Karp	2915 Biscayne Boulevard, Suite 200	(305) 573-1818

Additional names can be placed on a separate page attached to this application.

APPLICANT HEREBY ACKNOWLEDGES AND AGREES THAT (1) AN APPROVAL GRANTED BY A LAND DEVELOPMENT BOARD OF THE CITY SHALL BE SUBJECT TO ANY AND ALL CONDITIONS IMPOSED BY SUCH BOARD AND BY ANY OTHER BOARD HAVING JURISDICTION, AND (2) APPLICANT'S PROJECT SHALL COMPLY WITH THE CODE OF THE CITY OF MIAMI BEACH AND ALL OTHER APPLICABLE CITY, STATE AND FEDERAL LAWS.

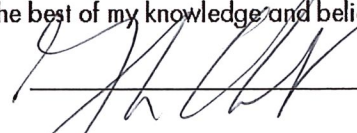
APPLICANT AFFIDAVIT

STATE OF New York

COUNTY OF Queens

Joseph Chetrit, Manager, CG Sunny Isles, LLC, CG Sunny Isles I, LLC

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SIGNATURE

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NOTARY SEAL OR STAMP

LOIS HUTTER SANCHEZ
Notary Public, State of New York
No. 01HU5042516

My Commission Expires: Commission Expires April 24, 2019


NOTARY PUBLIC

PRINT NAME

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APPLICANT AFFIDAVIT

STATE OF New York

COUNTY OF Queens

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[Signature]
SIGNATURE

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NOTARY SEAL OR STAMP

LOIS HUTTER SANCHEZ
Notary Public, State of New York
No. 01HU5042516
Qualified in Queens County

[Signature]
NOTARY PUBLIC

My Commission Expires: Commission Expires April 24, 2019

PRINT NAME

Exhibit A

Legal Description

PARCEL I:

THAT CERTAIN LOT SITUATED IN THE CITY OF MIAMI-BEACH, COUNTY OF MIAMI-DADE, STATE OF FLORIDA, AND KNOWN AS BEING A PART OF BLOCK "G" OF THE RESUBDIVISION OF BLOCKS "G, H, J & K", AND OTHER LANDS OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY'S PROPERTY, ACCORDING TO THE PLAT OF SAID RESUBDIVISION AS RECORDED IN PLAT BOOK 6, PAGE 102, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID BLOCK "G", WHICH CORNER IS THE INTERSECTION OF THE WESTERLY LINE OF SHERIDAN AVENUE (NOW KNOWN AS PARK AVENUE) WITH THE NORTHERLY LINE OF 20TH STREET; THENCE NORTHWESTERLY ALONG THE NORTHERLY LINE OF 20TH STREET, A DISTANCE OF 125 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING NORTHWESTERLY ALONG THE NORTHERLY LINE OF 20TH STREET, A DISTANCE OF 100 FEET; THENCE NORTHEASTERLY IN A LINE DRAWN PARALLEL WITH THE WESTERLY LINE OF SHERIDAN AVENUE (NOW KNOWN AS PARK AVENUE) A DISTANCE OF 125 FEET; THENCE SOUTHEASTERLY IN A LINE PARALLEL WITH THE NORTHERLY LINE OF 20TH STREET, A DISTANCE OF 100 FEET; THENCE SOUTHWESTERLY IN A LINE DRAWN PARALLEL WITH THE WESTERLY LINE OF SHERIDAN AVENUE (NOW KNOWN AS PARK AVENUE), A DISTANCE OF 125 FEET TO A POINT OF BEGINNING, BEING A LOT 100 FEET IN WIDTH ON 20TH STREET, WITH A DEPTH OF 125 FEET.

FOLIO: 02-3234-016-0050 & 02-3234-016-0060

PROPERTY ADDRESS: 425 & 435 20th ST MIAMI BEACH, FL 33139

PARCEL II:

THAT PART OF BLOCK "G" OF THE RESUBDIVISION OF BLOCKS G, J, H, K, AND OTHER LANDS OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY'S PROPERTY, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED IN PLAT BOOK 6, PAGE 102, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID BLOCK "G" WHICH CORNER IS THE INTERSECTION OF THE WESTERLY LINE OF SHERIDAN AVENUE WITH THE NORTHERLY LINE OF TWENTIETH STREET; THENCE NORTHWESTERLY ALONG THE NORTHERLY LINE OF TWENTIETH STREET, A DISTANCE OF 125 FEET; THENCE NORTHEASTERLY IN A LINE DRAWN PARALLEL WITH THE WESTERLY LINE OF SHERIDAN AVENUE, A DISTANCE OF 125 FEET; THENCE SOUTHEASTERLY IN A LINE DRAWN WITH THE NORTHERLY LINE OF TWENTIETH STREET, A DISTANCE OF 125 FEET TO THE WESTERLY LINE OF SHERIDAN AVENUE; THENCE SOUTHWESTERLY ALONG THE WESTERLY LINE OF SHERIDAN AVENUE, A DISTANCE OF 125 FEET TO THE PLACE OF BEGINNING.

ALSO KNOWN AS:

THAT CERTAIN TRACT OF LAND 125 FEET SQUARE IN THE SOUTHEAST CORNER OF BLOCK "G" OF RESUBDIVISION OF BLOCKS G, H, J, K, AND TRIANGULAR TRACT ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6, PAGE 102, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF BLOCK "G" AS AFORESAID THENCE NORTHERLY ALONG THE EASTERLY BOUNDARY OF SAID BLOCK "G" AND THE WESTERLY LINE OF PARK AVENUE FOR A DISTANCE OF 125 FEET TO A POINT; THENCE WESTERLY PARALLEL TO THE SOUTHERLY BOUNDARY OF SAID BLOCK "G" FOR A DISTANCE OF 125 FEET TO A POINT; THENCE SOUTHERLY PARALLEL TO THE EASTERLY BOUNDARY OF SAID BLOCK "G", FOR A DISTANCE OF 125 FEET TO THE SOUTHERLY BOUNDARY OF BLOCK "G", AND THE NORTHERLY LINE OF 20TH STREET; THENCE EASTERLY ALONG THE SOUTHERLY BOUNDARY OF BLOCK "G" FOR A DISTANCE OF 125 FEET TO THE POINT OF BEGINNING.

ALSO KNOWN AS:

THE SOUTH 125 FEET OF THE EAST 125 FEET OF BLOCK "G" OF MIAMI BEACH IMPROVEMENT COMPANY'S OCEAN FRONT PROPERTY RESUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 102, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

FOLIO: 02-3234-016-0030

PROPERTY ADDRESS: 2000 PARK AVE MIAMI BEACH, FL 33139

PARCEL III:

BEGIN AT THE NORTHEAST CORNER OF BLOCK "G", AS SHOWN ON PLAT OF OCEAN FRONT BLOCKS G, H, J, K AND TRIANGULAR TRACT, A RESUBDIVISION, RECORDED IN PLAT BOOK 6, PAGE 102; THENCE RUN IN A SOUTHWESTERLY DIRECTION ALONG THE WESTERLY LINE OF SHERIDAN AVENUE 125 FEET TO A POINT; THENCE RUN IN A NORTHWESTERLY DIRECTION AND PARALLEL TO THE SOUTH LINE OF 20TH STREET 125 FEET TO A POINT; THENCE RUN IN A NORTHEASTERLY DIRECTION AND PARALLEL TO THE WESTERLY SIDE OF SHERIDAN AVENUE 125 FEET TO A POINT; THENCE RUN IN A SOUTHEASTERLY DIRECTION ALONG THE SOUTHERLY LINE OF 21ST STREET, 125 FEET TO A POINT OF BEGINNING.

FOLIO: 02-3234-016-0010

PROPERTY ADDRESS: 2030 PARK AVE MIAMI BEACH, FL 33139

PARCEL IV:

COMMENCING AT THE NORTHEAST CORNER OF BLOCK "G", AS SHOWN ON A PLAT ENTITLED RESUBDIVISION OF BLOCKS G, H, J, K AND TRIANGULAR TRACT, RECORDED IN PLAT BOOK 6, PAGE 102, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND RUN NORTH 70 DEGREES 02 MINUTES 49.4 SECONDS WEST ALONG THE SOUTHERLY LINE OF 21ST STREET, A DISTANCE OF 225.00 FEET TO THE POINT OF BEGINNING (P.O.B.) OF THE ABOVE REFERENCED APARTMENT BUILDING PROPERTY, SAID (P.O.B.) BEING ON THE DIVIDING LINE BETWEEN THE LORD CHARLES APARTMENT BUILDING PROPERTY AND THE TYLER HOTEL PROPERTY; THENCE CONTINUE NORTH 70 DEGREES 02 MINUTES 49.4 SECONDS WEST ALONG THE SOUTHERLY LINE OF 21ST STREET, A DISTANCE OF 55.00 FEET TO A POINT ON THE DIVIDING LINE BETWEEN THE LORD CHARLES APARTMENT BUILDING PROPERTY AND THE GAMSHIRE APARTMENT BUILDING PROPERTY; THENCE RUN SOUTH 19 DEGREES 57 MINUTES 10.6 SECONDS WEST ALONG THE ABOVE REFERENCE DIVIDING LINE A DISTANCE OF 124.91 FEET TO A POINT; THENCE RUN SOUTH 70 DEGREES 02 MINUTES 49.4 SECONDS EAST, A DISTANCE OF 55.00 FEET TO A POINT ON THE DIVIDING LINE BETWEEN THE LORD CHARLES APARTMENT BUILDING PROPERTY AND THE TYLER HOTEL PROPERTY; THENCE RUN NORTH 19 DEGREES 57 MINUTES 10.6 SECONDS EAST ALONG SAID DIVIDING LINE A DISTANCE OF 124.91 FEET TO THE POINT OF BEGINNING (P.O.B.);

AND

COMMENCING AT THE NORTHEAST CORNER OF BLOCK "G" AS SHOWN ON THE PLAT ENTITLED RESUBDIVISION OF BLOCKS G, H, J, K AND TRIANGULAR TRACT, RECORDED IN PLAT BOOK 6, PAGE 102, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND RUN NORTH 70 DEGREES 02 MINUTES 49.4 SECONDS WEST ALONG THE SOUTHERLY LINE OF 21ST STREET, AS SAID STREET IS SHOWN ON THE ABOVE REFERENCED PLAT, A DISTANCE OF 280.00 FEET TO THE POINT OF BEGINNING (P.O.B.) OF THE ABOVE REFERENCED APARTMENT BUILDING PROPERTY, SAID POINT OF BEGINNING (P.O.B.) BEING ON THE DIVIDING LINE BETWEEN THE GAMSHIRE APARTMENT BUILDING PROPERTY AND THE LORD CHARLES APARTMENT PROPERTY; THENCE CONTINUE NORTH 70 DEGREES 02 MINUTES 49.4 SECONDS WEST ALONG THE SOUTHERLY LINE OF 21ST STREET, A DISTANCE OF 74.791 FEET TO THE POINT OF CURVATURE (P.C.) OF A CIRCULAR CURVE HAVING A RADIUS OF 15.00 FEET AND BEING CONCAVE SOUTHEASTERLY; THENCE RUN WESTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 111 DEGREES 56 MINUTES 30 SECONDS, A DISTANCE OF 29.306 FEET TO THE POINT OF TANGENCY (P.T.), SAID POINT OF TANGENCY (P.T.) BEING ON THE EASTERLY LINE OF MIAMI AVENUE, NOW WASHINGTON AVENUE; THENCE RUN SOUTH 01 DEGREE 59 MINUTES 19.4 SECONDS EAST ALONG THE EASTERLY LINE OF WASHINGTON AVENUE, A DISTANCE OF 112.45 FEET TO A POINT; THENCE RUN SOUTH 70 DEGREES 02 MINUTES 49.4 SECONDS EAST A DISTANCE OF 46.866 FEET TO A POINT ON THE DIVIDING LINE BETWEEN GAMSHIRE APARTMENT BUILDING PROPERTY AND THE LORD CHARLES APARTMENT BUILDING PROPERTY; THENCE RUN NORTH 19 DEGREES 57 MINUTES 10.6 SECONDS EAST ALONG SAID DIVIDING LINE, A DISTANCE OF 124.91 FEET TO THE POINT OF BEGINNING (P.O.B.).

FOLIO: 02-3234-016-0070

PROPERTY ADDRESS: 450 21st ST & 2035 WASHINGTON AVE MIAMI BEACH, FL 33139

PARCEL V:

COMMENCING AT THE NORTHEAST CORNER OF BLOCK "G" AS SHOWN ON THE PLAT OF THE RESUBDIVISION OF BLOCKS G, H, J, K AND TRIANGULAR TRACT AS RECORDED IN PLAT BOOK 6, PAGE 102 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN NORTHWESTERLY ALONG THE SOUTHERLY LINE OF 21ST STREET 125 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTHWESTERLY AND PARALLEL TO SHERIDAN AVENUE, 124.91 FEET TO A POINT; THENCE RUN NORTHWESTERLY AND PARALLEL TO THE SOUTHERLY SIDE OF 21ST STREET, 100 FEET TO A POINT; THENCE RUN NORTHEASTERLY AND PARALLEL TO THE EASTERLY SIDE OF SHERIDAN AVENUE, 124.91 FEET TO A POINT ON THE SOUTHERLY LINE OF 21ST STREET; THENCE RUN SUTHEASTERLY ALONG THE SOUTHERLY LINE OF 21ST STREET, 100 FEET TO THE POINT OF BEGINNING.

FOLIO: 02-3234-016-0040

PROPERTY ADDRESS: 430 21st ST MIAMI BEACH, FL 33139

EXHIBIT B

DISCLOSURE OF INTEREST

<u>NAME OF INTEREST HOLDER</u>	<u>% INTEREST</u>
1. CG Sunny Isles, LLC, a Florida Limited Liability Corporation 3200 Stirling Rd Hollywood, FL 33021	51%
Judah Chetrit, Manager 3200 Stirling Rd Hollywood, FL 33021	100%
2. CG Sunny Isles I, LLC, a Florida Limited Liability Corporation 3200 Stirling Rd Hollywood, FL 33021	20%
Joseph Chetrit, Manager 3200 Stirling Rd Hollywood, FL 33021	100%
3. CG Sunny Isles II, LLC, a Florida Limited Liability Corporation 3200 Stirling Rd Hollywood, FL 33021	29%
Meyer Chetrit, Manager 3200 Stirling Rd Hollywood, FL 33021	100%
TOTAL for Applicant	<u>100%</u>



BERCOW RADELL FERNANDEZ & LARKIN

ZONING, LAND USE AND ENVIRONMENTAL LAW

DIRECT LINE: (305) 377-6236
E-Mail: MAMster@BRZoningLaw.com

VIA ELECTRONIC SUBMITTAL & HAND DELIVERY

September 7, 2018

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

Re: HPB18-0240 – Modification to Certificate of Appropriateness for Demolition and
Design Regarding 2000 Park Avenue, Miami Beach, Florida (HPB File No. 7320).

Dear Tom:

This firm represents CG Sunny Isles, LLC, CG Sunny Isles I, LLC, and CG Sunny Isles II, LLC (collectively the “Applicant”), in connection with the properties located at 2000 Park Avenue (Collins Park), 2030 Park Avenue (Adams), 430 21st Street (Tyler), 450 21st Street (Lord Charles), 2035 Washington Avenue (Gamshire)¹, 435 20th Street (Sun King #1), and 425 20th Street (Sun King #2) (collectively, the “Property”). Please consider this letter the Applicant’s letter of intent in support of a Modification to the Certificate of Appropriateness for Demolition and Design approved through the HPB Order No. 7320 to address after-the-fact demolition and full recreation of some portions of the project.

Description of the Property. The Property is comprised of six lots located between 20th Street and 21st Street, and between Park Avenue and Washington Avenue. The Property contains all but the southwest lot on this block (2001 Washington Avenue), which is currently occupied by public housing. The Property is located in the RM-2, medium intensity Residential Multifamily Zoning District and is directly east of the Convention Center District. Also, it is in the Museum Local Historic District and the National Register Architectural District.

The Property contains seven historic buildings, all listed as contributing in the historic properties database. Collins Park sits in the southeast corner of the Property with the Adams directly north. Due west of the Adams is the Tyler, followed by the Lord

¹ The Lord Charles and the Gamshire buildings are located on the same parcel.

Charles, and the Gamshire. Sun King #1 and Sun King #2 are located due south of the Tyler and due west of Collins Park.

The buildings were constructed during the period from 1939 to 1953, and exhibit four different styles of architecture characteristic of Miami Beach and designed by acclaimed architects. Collins Park, the Adams, and the Tyler showcase the "Streamline Art Deco" style and were designed by Henry Hohauser, L. Murray Dixon, and Albert Anis, respectively. Albert Anis also designed the Lord Charles and the Gamshire in the Miami Modern style. Unlike the other buildings on the properties built in the late 1930s, Sun King #1 was designed in the Masonry Vernacular style by L. Murray Dixon. Milton Sherman designed the Sun King #2 in the Postwar Modern style.

Name	Architect	Year	Style
Collins Park	Henry Hohauser	1939	Streamline Art Deco
Adams	L. Murray Dixon	1938	Streamline Art Deco
Tyler	Albert Anis	1940	Streamline Art Deco
Lord Charles	Albert Anis	1953	Miami Modern
Gamshire	Albert Anis	1953	Miami Modern
Sun King #1	L. Murray Dixon	1938	Masonry Vernacular
Sun King #2	Milton Sherman	1948	Postwar Modern

This collection of buildings represents a microcosm of historic Miami Beach: beautifully diverse, historic structures within a stone's throw of one another. Unfortunately, the prior owners were unable to maintain the buildings in a manner befitting the original architecture. It is an understatement to say that by the 1990s the buildings had fallen into severe disrepair. In 2000, the then-owner received two HPB approvals for renovations to the Property and obtained building permits for three buildings. However in mid-2003, the holder of the mortgage for the Property filed for bankruptcy. As a result, the Property became mired in legal difficulties, the approved project never moved forward and the Property has remained vacant and effectively abandoned since that time. To further compound the problem, in 2011 an arsonist struck and caused even greater damage. Collins Park, the Tyler, and Sun King #1 were extensively damaged. Until the Applicant stepped in 2012, there had been few to no repairs to any of the Property since that time. These historic buildings desperately need to be restored to their former prominence.

Description of the Development Approvals. The Applicant obtained approvals from the Historic Preservation Board (HPB File No. 7320 on 9/11/2012, 11/20/2012, & 5/13/2014), Planning Board (PB File No. 2083 on 11/28/2012 and 5/5/2014), the Board

of Adjustment (BOA File Nos. 3605 & 3609 on 10/5/2012 and 11/2/2012, respectively, and 5/2/2014) and the Floodplain Management Board (FPMB File No. FP13-05 on 10/4/2013) (See Composite Exhibit A), to rescue these buildings from certain lapse into dereliction and permanent loss. The Applicant has already shored and braced the structures to prevent destruction of these historic gems. Through these approvals and corresponding building permit, the Applicant is in the process of renovating the historic buildings and uniting their unique character into one cohesive hotel with 293 units to be called the Collins Park Hotel.

The comprehensive project will preserve as much of the historic buildings as is feasible. Each street-facing historic façade will be revived and restored. The historic courtyard between Collins Park, the Adams, the Tyler and Sun King #2 will be preserved, including recreating the historic terrazzo compass which was in very poor condition and sat in the Adams' rear yard. Further, the historic lobbies will be revitalized and maintained as interior public spaces with special attention to the preservation of historical elements. Uses for these spaces include a cafe, a library, a restaurant, and a screening room. Rooftop additions will be made to Collins Park, the Adams, and Sun King #1. These additions will be visually recessed and unperceivable from across the buildings' respective rights of way.

A new five-story building will be constructed in the northwest portion of the Property, directly behind the Gamshire, Lord Charles, and the Tyler. Some of the rear portions of these three buildings will be demolished in order to construct the new building. A basement level, originally approved with 38 valet-only mechanical parking lifts, and one stand-alone standard parking space (a total of 77 spaces), was revised and will have 35 lifts and one standard parking space for a total of 71 spaces. Structural considerations with the renovation of the historic buildings and the new construction are the reason for this reduction of 3 lifts (6 parking spaces).

The ingress and egress to the site, as well as loading and deliveries will remain as originally approved. The valet operator will access the basement parking level at 21st Street between the Tyler and the Adams. The basement level will also contain the main hotel kitchen under the rear half of the Sun King #2, which will be demolished to permit the new structure. It should be noted that the basement level with parking and back of house uses will not extend beneath the historic structures.

Collins Park will serve as the main hotel entrance to the Property. Accordingly, the Applicant proposes to reintroduce a semi-circular driveway and add a minimal porte-cochere. All drop-off and pick-up will take place at this driveway. Guests will enter Collins Park into the historic lobby and lounge area. From there, guests will be able to access all other buildings through walkways on the ground level. It will be possible for

guests to walk around the entire hotel campus while remaining almost entirely indoors. Additionally, walkways will connect some of the upper levels of the buildings. Deliveries and trash collection, supervised by hotel staff, are proposed to occur via two loading zones, one by the entrance to the parking level on 21st Street and one by the restaurant in Sun King #2.

Proposed Modifications and clarifications. At this time, the Applicant respectfully requests four after-the-fact modifications to the approved design:

- 1) Demolition of the front portion of the Sun King #2 and recreation of same based on historic documentation;
- 2) Demolition of courtyard compass and recreation of same based on historic documentation; and
- 3) Demolition of the porches on the Sun King #1 building and recreation of same based on historic documentation.
- 4) Waivers, as applicable, for existing nonconforming setbacks of contributing structures, including recreation of Sun King #2, and for parking credits for contributing structures, including recreated portion of Sun King #2.

The complexity and extent of rehabilitation and restoration approved in the original design combined with the deteriorated conditions of the structures has led the Applicant to request these modifications.

Front portion of Sun King #2. The Applicant is seeking a modification pursuant to Section 118-503(b)(1) to alter the amount of demolition proposed, and approve after-the-fact demolition. The original design preserved the front portion of the Sun King #2; however, the intricate site work and unanticipated deterioration led to the demolition of the Sun King #2. The Sun King #2 sits in between both the Sun King #1 and the Collins Hotel. Both of these historic structures are to be completely restored, and the new 5-story building with basement will rise up at the rear of the Sun King #2 at the central part of the Property. These conditions create great difficulties in avoiding the structures while demolishing only part of the Sun King #2. During this intricate site work, the stress caused to the Sun King #2 was beyond what the structure could handle. The Sun King #2 had unanticipated deterioration and ultimately could not be saved. The Applicant has taken great care to restore, preserve, and retain the structural features of all the other historic structures and compiled extensive historic documentation, as provided in the application packets. The Applicant will replicate the Sun King #2 based on such historic documentation.

Courtyard Compass. The compass has been in poor condition since before the original approval. The Compass will be replicated based on historic documentation included in the application packets.

Sunking #1. The Applicant is seeking a modification pursuant to Section 118-503(b)(1) to alter the amount of demolition proposed, and approve after-the-fact demolition. The original design preserved the porches of the Sun King #1; however, the unanticipated deterioration led to the demolition of the Sun King #1 porches. The Applicant has taken great care to restore, preserve, and retain the structural features of all the other historic structures and compiled extensive historic documentation, as provided in the application packets. The Applicant will replicate the Sun King #1 porches based on such historic documentation.

Compliance with COA Criteria for Demolition and Design. The Applicant's proposal maintains the essence of the original approval, and the final project will look identical to the original approval. The project preserves three contributing structures on the Property nearly in their entirety and largely preserves three other contributing structures, including their street frontages. In total the Applicant proposes to rescue six contributing structures, recreate the front half of a seventh (Sun King #2), and meld them all into a project that highlights each of the historic structure's uniqueness. Additionally, the general design, scale, and arrangement of the buildings mesh not only with each other, but with the general character of the surrounding buildings. The increased building heights will be visually recessed, but further, the buildings in this area are of generally similar size. Of the ten buildings that surround the property nearly all fall within the range of three to five floors. Among these neighbors are the Miami Beach Convention Center, Artcity at 2100 Park Avenue, the Allen at 2001 Washington Avenue, the Governor at 435 21st Street, and the Plymouth at 336 21st Street. These buildings present an eclectic mix of historic and modern architecture into which this project fits perfectly.

The Applicant remains committed to the Project. The Applicant's proposal as modified aims to preserve, restore and replicate, as necessary, the historic character of the Property, and revitalize the Collins Park area.

Waiver. As part of this modification request, the Applicant requests a waiver from Section 118-395(b)(2)(d)(1) regarding the amount of building portions to remain intact to meet the requirements for preserving front setbacks and parking credits. As mentioned above, the Sun King #2 and the porches of Sun King #1 were deteriorated far beyond anticipated. Additionally, the complexity and intricate site work caused damage that could not be mitigated. Despite the unfortunate demolition, the Applicant is moving forward with the same project as previously approved. The Applicant has secured the

site, with all buildings properly braced for preservation. The granting of this waiver will allow the Applicant to move forward with the exiting design and ensure that no change to the final design and use are needed.

Due to the amount of demolition of front and side facades, the Applicant requests to maintain the existing, nonconforming setbacks for 4 of the 7 buildings as follows (Collins Park, Adams and Sun King #1 are being substantially preserved and restored):

Building Name	Required Setback	Existing Setback	Proposed Setback
Tyler	Front, North: 20' 0"	Front, North: 11' 6"	Front, North: 11' 6"
Lord Charles	Front, North: 20' 0"	Front, North: 10' 0 "	Front, North: 10' 0"
Gamshire	Front, West: 20' 0" Front, North: 20' 0" Side: 10' 0"	Front, West: 10' 4" Front, North: 10' 0" Side: 5' 4"	Front, West: 10' 4" Front, North: 10' 0" Side: 5' 4"
Sun King #2	Front, South: 20' 0"	Front, South: 10' 1"	Front, South: 10'1"

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria in Section 133-50(a) as follows:

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

The demolition associated with this modification application has already been completed. No further demolition is needed.

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

Windows will be hurricane-impact.

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

Operable windows will be provided where feasible for a hotel development.

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

The Applicant's proposed landscape plan is resilient as it will serve to be comprised of native and Florida-friendly plants that are appropriate for the area.

(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.

The City has already issued a building permit for the approved historic preservation of the Property in accordance with the building requirements at time of issuance. All structures will have new hydrostatic slabs and be flood proofed as necessary to ensure their longevity.

(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.

By working as needed with the City, the Project will be able to adjust for the raising of public rights of ways and adjacent land.

(7) Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

All critical mechanical and electrical systems will be located above BFE.

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

As approved and already permitted the existing buildings will be preserved in place and new construction, except the permitted basement used for parking and non-habitable back of house uses, will be elevated to 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.

Proper precautions will be taken to protect the Property from potential floods.

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

Thomas Mooney, Director
September 7, 2018
Page 8

The Applicant has engaged the services of an engineer to analyze and provide an appropriate drainage plan for the Property. Accordingly, a water retention system will be implemented.

Conclusion. The renovation of and addition to this Property will allow for the adaptive reuse of the entire Property for hotel purposes. Importantly, the modification requests do not alter the final project as originally approved and the Applicant will renovate and/or replicate the historic exteriors and public interiors of seven historic buildings

, restoring them to their former glory. The new structures are also well-designed to be compatible with the existing buildings and the surrounding area. Further, the new structures have been specifically designed to complement the historic mosaic in which they sit. We look forward to your favorable recommendation. If you have any questions or comments, please call me at 305-377-6236.

Sincerely,



Matthew Amster

Attachments

cc: Jeanine Rodriguez
Michael W. Larkin, Esq.
Robert Behar, Esq.

Exhibit A



CFN 2013R0543908
DR Bk 28729 Pgs 1546 - 1556 (11pgs)
RECORDED 07/18/2013 09:29:11
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

HISTORIC PRESERVATION BOARD City of Miami Beach, Florida

MEETING DATE: September 11, 2012

FILE NO: 7320

PROPERTY: 2030 Park Avenue, 425 & 435
20th Street, 430 21st Street, &
2035 Washington Avenue

LEGAL: That Part of the North 124.91 Feet of Block G Lying West of the East 225 Feet of Block G (2035 Washington Avenue & 450 21st Street), the North 125 Feet of the West 100 Feet of the East 225 Feet of Block G (430 21st Street), the North 125 Feet of the East 125 Feet of Block G (2030 Park Avenue), the South 125 Feet of the East 125 Feet of Block G (2000 Park Avenue), the South 125 Feet of the West 50 Feet of the East 175 Feet of Block G (425 20th Street), the South 125 Feet of the West 50 Feet of the East 225 Feet of Block G (435 20th Street), of the Miami Beach Improvement Company, Ocean Front Property Resubdivision, Plat Book 6, Page 102, as Recorded in the Public Records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the partial demolition, renovation, and restoration of the existing two (2) and three (3) story buildings on the subject site, including the construction of roof-top additions and a new 5-story ground level addition, as part of a new hotel development.



ORDER

The applicant, CG Sunny Isles, 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:

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) 10-11-2012

Personally known to me or Produced ID:

(Signature of Notary Public)

Notary Public, State of Florida at Large

Printed Name: TERESA MARIA

My Commission Expires: (Seal) 12-2-13

This document contains 11 pages.



- A. The subject structures are classified as 'Contributing' in the Miami Beach Historic Properties Database and are located within the Museum 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 not consistent with Certificate of Appropriateness Criteria 'a', & 'b' in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'b' & 'h' in Section 118-564(a)(3) of the Miami Beach Code, and is consistent with Certificate of Appropriateness Criteria for Demolition in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:
 - 1. Revised elevations, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The proposed enclosed rooftop bar counters located on the Gamshire and Sun King #2 and the proposed enclosed bar counter located within the ground level courtyard shall be further detailed and returned to the Board for review and approval on October 9, 2012.
 - b. The design of all elevated bridge connections shall be open, not enclosed, and all ground level connections between buildings shall be designed to be as transparent as possible, in a manner to be reviewed and approved by staff.
 - c. Glass railings shall not be permitted. The design for all new exterior railings shall be further studied and detailed to include a combination of stainless steel stanchions and "open" cable railings. Where new roof-top railings are proposed, such railings shall be setback from the perimeter of the existing roofs in order to minimize the appearance of such railings as viewed from street level, in a manner to be reviewed and approved by staff.
 - d. All proposed property gates shall be designed in a manner compatible with the architecture of the historic buildings, subject to staff review and approval.
 - e. The design for the front entrance canopy for the Collins Park Hotel shall be simplified, subject to staff review and approval.
 - f. The design for all new balconies proposed for the courtyard elevations shall be further refined in a manner compatible with the historic architecture, and shall be differentiated for each of the historic buildings, subject to staff review and approval.
 - g. Where balconies are proposed for the courtyard elevations, the length of the balconies shall be increased to comfortably accommodate more than one person, in a manner to be reviewed and approved by staff.



- h. The design of all roof-top structures and additions shall be further developed and detailed in a manner to be reviewed and approved by staff. Any proposed privacy dividers, and cabana structures shall be indicated on the plans and detailed for further review and approval. The design for the proposed mechanical area proposed above Sinking #1 shall be provided, subject to staff review and approval.
 - i. The original planters adjacent to the northeast corner of the Adams building shall be recreated to the greatest extent possible, in a manner to be approved by staff.
 - j. The proposed new terraces at the first level along Washington Avenue, shall not be continuous and shall contain a separation of at least five (5') feet between hotel rooms in order to allow for the placement of additional landscaping, in a manner to be reviewed and approved by staff.
 - k. The proposed recording studio within the original Lord Charles Apartment building shall be relocated to a more appropriate internal portion of the site.
 - l. An identification marker of the proposed new structure or new addition to an existing structure, including the name of the design architect and year of construction, shall be required. The design, dimensions, material and location of such marker shall be consistent with the prototype B (oval), adopted for approval by the Board and shall be submitted to and approved by staff, prior to the issuance of a Building Permit. Such marker shall be two (2) square feet in size, consist of a stainless steel, brushed aluminum or similar finish and utilize an Arial font with routed out or engraved black letters.
 - m. All existing construction chain link and barbed wire fencing surrounding the site shall be removed. Any new construction fencing shall consist of solid plywood with an artistic mural along all street fronts, subject to the review and approval of staff.
 - n. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be architecturally screened from view.
 - o. 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. Where feasible, canopy trees shall be required along all street frontages and in the central courtyard.

- 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. Any illuminated letters shall be composed of reverse channel letters only.
 - 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 site, inclusive of a photographic and written description of the history and evolution of the original and existing 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 areas of EACH retail 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.
 - l. 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 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. The Applicant agrees to the following operational conditions for any and all permitted hotel and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations.
- a. RESTAURANT CONDITIONS
 - i. No ground floor accessory restaurant use shall operate between 2:00 A.M. and 6:00 A.M., seven (7) days a week. Ground floor outdoor restaurant seating located within 60 feet of any street shall cease operation at 12:00 A.M., seven (7) days a week. This shall not apply to room service.
 - b. ROOFTOP CONDITIONS
 - i. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced. Owner agrees to include the rules and regulations set forth in these conditions in any contract or assignment.
 - ii. Rooftop facilities, inclusive of any pool or spa and pool or spa deck, shall be for the exclusive use of registered hotel guests and their invitees, except that the general public shall be permitted on the rooftop of the new 5-story building, subject to review and approval by staff for a total occupancy of 299 or fewer for the public areas of the hotel. Alternatively, if the Code of the City of Miami Beach is amended in the future to conditionally permit Neighborhood Impact Establishments (NIE) in the RM-2 Zoning District, then the Applicant may seek approval for a NIE from the City of Miami Beach Planning Board for a total occupancy of 300 or more occupants for the public areas of the hotel. No bar counter shall be placed on the roof or on any terraces, private decks or balconies at

any time except the proposed enclosed bar counters to be placed on the rooftop of the Gamshire and the Sun King #2, subject to the review and approval of the Historic Preservation Board at a later date.

- iii. All food served on the rooftop or on exterior public areas of the hotel shall be prepared in the hotel kitchens. All patron use of assembly areas of the rooftop shall cease Sunday through Thursday at 12:00 A.M., and Friday through Saturday at 2:00 A.M. and staff clean up shall cease by one (1) hour past these times. The hotel rules and practices shall require that any rooftop pool or spa be closed from 2:00 A.M. to 8:00 A.M.
- iv. Owner agrees to install sound attenuating design elements throughout the property in order to minimize any spillover of sound to adjacent properties, in a manner consistent with the limits and requirements of the City Code. Rooftop lighting fixtures shall be designed to deflect light from spilling over to adjacent and nearby properties.
- v. All roof-top fixtures, air-conditioning units and mechanical devices shall be screened from view. In addition, Owner agrees to install an exhaust system for the kitchen that will substantially reduce all grease and smoke that would otherwise escape to the surrounding area. Finally, Owner agrees to install the fan in connection with the kitchen exhaust system within the interior of the building in order to reduce noise levels at the exhaust outlet.
- vi. All stair towers, elevators, and mechanical equipment shall be appropriately designed, screened and detailed in a manner consistent with the building's design, subject to the review and approval of staff.

c. NOISE CONDITIONS

- i. 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 the hours of operation, and the placement or use on the property of exterior loudspeakers, fixed or portable, or amend or impose other conditions, should there be a valid violation (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise or other conditions of this approval. 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, shall be deemed a violation of this approval and subject the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code, and subject the applicant to the review provided for in the first sentence of this subparagraph.



- iii. No outdoor bar counters shall be permitted on the premises.
- iv. No speakers, except as may be required for fire or building code/Life Safety Code purposes and those associated with the distributed sound system for the within the landscape areas or at floor level, may be permitted on the ground floor and rooftops, subject to the review and approval of the Historic Preservation Board at a later date.
- v. Except as may be required for fire or building code/Life Safety Code purposes, no loudspeakers shall be affixed to or otherwise located on the exterior of the premises.
- vi. In addition to rooftop facilities, use of any pool or spa and pool or spa deck, courtyards and open air portions of the public areas of the hotel premises, as well as all terraces, private decks, and balconies associated with hotel units, shall be for the exclusive use of registered hotel guests and their invitees, except that the general public shall be permitted on the rooftop of the new 5-story building and at ground level outdoor areas adjacent to the restaurant located in the Sun King #2, subject to the review and approval by staff for a total occupancy of 299 or fewer for the public areas of the hotel. Alternatively, if the Code of the City of Miami Beach is amended in the future to conditionally permit Neighborhood Impact Establishments (NIE) in the RM-2 Zoning District, then the Applicant may seek approval for a NIE from the City of Miami Beach Planning Board for a total occupancy of 300 or more occupants for the public areas of the hotel. No bar counter shall be placed on the roof or on any terraces, private decks or balconies at any time. No bar counter shall be placed on any of these areas at any time except the proposed enclosed bar counters to be placed on the rooftop of the Gamshire and the Sun King #2, subject to the review and approval of the Historic Preservation Board at a later date.
- vii. The hotel rules and practices shall prohibit registered guests, visitors, invitees and others using the hotel facilities or otherwise on the premises, from operating audio amplification equipment, inclusive of loudspeakers, radio receivers, television sets, musical instruments, or other machines or devices for the producing or reproducing of sound, that produces noise that is plainly audible at any apartment unit in the adjacent and nearby properties.
- viii. Notwithstanding the occupancy and seat counts shown on the plans submitted, calculations for required parking and concurrency for the project shall be determined by the Planning Department prior to approval of a building permit. Such parking and traffic calculations shall be based upon both the number of hotel rooms, and, additionally, the intensity of the proposed accessory restaurant as measured by the number of seats in dining areas, and by the square footage of the liquor service areas not included in the areas for which seats are calculated as provided for in this subparagraph.



d. OPERATIONAL CONDITIONS

- i. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
 - ii. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Doors shall remain closed and secured when not in active use.
 - iii. Garbage dumpster covers shall be closed at all times except when in active use and garbage pickups and service deliveries shall not take place between 7PM and 8AM.
 - iv. Outdoor cooking anywhere on the premises is prohibited. Kitchen and other cooking odors will be contained within the premises. All kitchens and other venting shall be chased to the roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.
 - v. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
14. 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.
 15. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
 16. 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.
 17. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
 18. 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. 1-18, 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, "2360 Collins Park Hotel", as prepared by Kobi Karp Architecture Interior Design Planning, dated August 2012.

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

