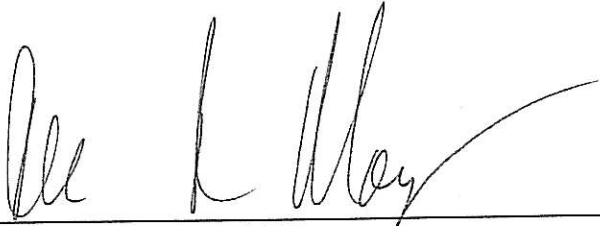


Page 11 of 11  
HPB File No. 7320  
Meeting Date: September 11, 2012


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

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

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



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

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

Approved As To Form: \_\_\_\_\_  
Legal Department:  ( 9-27-2012 )


Filed with the Clerk of the Historic Preservation Board on \_\_\_\_\_ (        )

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STATE OF FLORIDA, COUNT OF DADE

HEREBY CERTIFY that this is a true copy of the  
original filed in this office on 18 day of

July, A.D. 2013  
WITNESS my hand and Official Seal. 746690

HARVEY RUVIN, CLERK, of Circuit and County Courts  
By  D.C.





**HISTORIC PRESERVATION BOARD**  
City of Miami Beach, Florida

MEETING DATE: November 20, 2012

FILE NO: 7320

PROPERTY: 2030 Park Avenue, 425 & 435  
20<sup>th</sup> Street, 430 21<sup>st</sup> 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. Specifically the application is for the construction of the enclosed bar counters.



**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

**CERTIFICATION**

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

CITY OF MIAMI BEACH

(Signature of Planning Director or Designee)

(Date)

Personally known to me or Produced ID:

Notary Public, State of Florida at Large.

Printed Name: TERESA MARIA

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

This document contains 11 pages.

TERESA MARIA  
MY COMMISSION # DD 928148  
EXPIRES: December 2, 2013  
Bonded Title Budget Notary Services  
NOTARY PUBLIC  
STATE OF FLORIDA

and which are part of the record for this matter:

- 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 'b', & 'h' in Section 118-564(a)(2) of the Miami Beach Code, is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code, and is consistent with Certificate of Appropriateness Criteria for Demolition in Section 118-564(f)(4) of the Miami Beach Code.
- 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; at a minimum, such drawings shall incorporate the following:
    - a. The final design and details of the proposed surface materials and finishes, including samples for the bar enclosures and canopy construction, shall be submitted, in a manner to be reviewed and approved by staff, including any proposed changes in deck materials.
    - b. The final design and details of all exterior lighting shall be provided, in a manner to be reviewed and approved by staff. Exterior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the historic hotel structures or the surrounding historic district.
    - c. 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.
    - d. 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.
    - e. All proposed property gates shall be designed in a manner compatible with the architecture of the historic buildings, subject to staff review and approval.
    - f. The design for the front entrance canopy for the Collins Park Hotel shall be simplified, subject to staff review and approval.
    - g. 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.

- h. 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.
  - i. 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 Sun King #1 shall be provided, subject to staff review and approval.
  - j. 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.
  - k. 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.
  - l. The proposed recording studio within the original Lord Charles Apartment building shall be relocated to a more appropriate internal portion of the site.
  - m. 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.
  - n. 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.
  - o. 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.
  - p. 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

TBM



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.

- 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 ambient, background music only, which does not interfere with normal conversation, within the landscape areas or at floor level of the ground floor and rooftops may be permitted
- v. 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, except the proposed enclosed bar counters to be placed on the rooftop of the Gamshire and the Sun King #2.
- vi. 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.
- vii. 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.
- vi. Deliveries shall take place at the loading zones on 21<sup>st</sup> Street or 20<sup>th</sup> Street, as needed, and carefully supervised and coordinated, as proposed by the applicant.
- vii. Trash pick-up shall take place at the loading zone on 20<sup>th</sup> Street and the operation shall be carefully managed, as proposed by the applicant.
- viii. No patrons shall queue on public rights-of-way
- ix. The occupancy content for each venue and amenity would be as determined by the Fire Marshall.
- x. No accessory use shall have music, whether live or recorded, whether amplified or non-amplified, which is played at a volume that is defined as entertainment, i.e., louder than ambient background music (defined as a sound level that does not interfere with normal conversation), as proposed by the applicant.

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, "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



Page 11 of 11  
HPB File No. 7320  
Meeting Date: November 20, 2012

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 10<sup>th</sup> day of December, 2012.

HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
THOMAS R. MOONEY, AICP  
DESIGN AND PRESERVATION MANAGER  
FOR THE CHAIR

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE ) SS

STATE OF FLORIDA, COUNTY OF DADE

HEREBY CERTIFY that this is a true copy of the  
original filed in this office on 18 day of

July, A.D. 2013

WITNESS my hand and Official Seal.

HARVEY RUVIN, CLERK, of Circuit and County Courts  
By [Signature] 12-6-13



The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of December, 2012 by Thomas R. Mooney, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



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

[Signature]  
NOTARY PUBLIC

Miami-Dade County, Florida

My commission expires: 12-2-13

Approved As To Form:  
Legal Department: [Signature]

(12-6-2012)

Filed with the Clerk of the Historic Preservation Board on Waldhys J. Rodale (12-12-12)

[Signature]

**HISTORIC PRESERVATION BOARD**  
City of Miami Beach, Florida

MEETING DATE: May 13, 2014

FILE NO: 7320

PROPERTY: 2000-2030 Park Avenue,  
425 & 435 20<sup>th</sup> Street,  
430 21<sup>st</sup> Street, &  
2035 Washington Avenue

**CERTIFICATION**

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

*[Signature]* 5-21-14  
(Signature of Planning Director or Designee) (Date)  
Personally known to me or Produced ID: *[Signature]*

Notary Public, State of Florida at Large  
Printed Name: *TERESA MARIA*  
My Commission Expires: (Seal) 12-2-17  
This document contains 3 pages.

TERESA MARIA  
MY COMMISSION # FF 042188  
EXPIRES: December 2, 2017  
Bonded Title Budget Notary Services  
NOTARY PUBLIC  
STATE OF FLORIDA

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 one (1) year Extension of Time for a previously issued Certificate of Appropriateness for the 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's Historic Preservation Board makes the following FINDING OF FACT based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

The applicant stated, among other things, that there were delays encountered in the



*[Handwritten signature]*



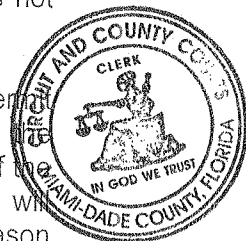
permitting process. The foregoing constitutes good cause for granting a one (1) year extension of time to the requirement that a Full Building Permit be obtained within eighteen (18) months of the original Certificate of Appropriateness.

IT IS HEREBY ORDERED, based upon the foregoing finding of fact and the staff report and analysis, which is adopted herein, including the recommendation, that a one (1) year extension of time to obtain a full building permit (which one year period shall run from the expiration date of the original approval, which was March 11, 2014) is GRANTED for the above-referenced project conditioned upon the following, to which the applicant has agreed:

1. A full building permit, not a foundation or shell permit, for the project shall be obtained by March 11, 2015.
2. Construction shall commence and continue in accordance with the applicable Building Code.
3. This extension of time shall run concurrent with any other extensions of time that may be provided to the property owner as a result of actions of non-City authorities with jurisdiction over such matters.
4. The subject site and existing site shall be maintained in good, clean, and secure conditions at all times.
5. 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.
6. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
7. 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.

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 and the Order for the September 11, 2012, approval 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 conditions set forth in this Order and the Final Order for the September 11, 2012 meeting. If the Full Building Permit is not issued by March 11, 2015, the Certificate of Appropriateness will expire and become null and void. If the Full Building Permit should expire for any reason



Handwritten signature or initials.

Page 3 of 3  
HPB File No. 7320  
Meeting Date: May 13, 2014

(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.

Dated this 20<sup>th</sup> day of MAY, 2014.

HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

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

STATE OF FLORIDA, COUNTY OF DADE  
I HEREBY CERTIFY that this is a true copy of the  
original filed in this office on JUL 07 2014 day of  
A.D. 2014  
WITNESS my hand and Official Seal  
HARVEY RUBIN, CLERK, of Circuit and County Courts  
D.C.



STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE ) SS

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of May, 2014 by Thomas R. Mooney, Planning Director, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



TERESA MARIA  
MY COMMISSION # FF 042188  
EXPIRES: December 2, 2017  
Bonded Thru Budget Notary Services

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

Approved As To Form:  
Legal Department: [Signature] (5-20-2014)

Filed with the Clerk of the Historic Preservation Board on 5-21-14 (WJR)

**PLANNING BOARD  
CITY OF MIAMI BEACH, FLORIDA**

CFN 2013R0564021  
OR Bk 28729 Pgs 1747 - 1758 (12pgs)  
RECORDED 07/18/2013 09:38:22  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

**PROPERTY:** 2000 - 2030 Park Avenue, 430 - 450 21<sup>st</sup> Street, 2035 Washington Avenue, and 425 - 435 20<sup>th</sup> Street

**FILE NO:** 2083

**IN RE:** The application by CG Sunny Isles, LLC, CG Sunny Isles I, LLC, and CG Sunny Isles II, LLC, requesting a Conditional Use Permit pursuant to Section 130-38 (4) of the City Code, to build a valet-only mechanical parking garage in a single basement level with 77 spaces (38 mechanical lifts and 1 additional space) located in the new 5-story building proposed to be constructed as part of the redevelopment and restoration of 7 historic buildings to function as one hotel with 305 units.

**LEGAL  
DESCRIPTION:** See Exhibit A

**MEETING DATE:** November 28, 2012

**CONDITIONAL USE PERMIT**

CG Sunny Isles, LLC, CG Sunny Isles I, LLC, and CG Sunny Isles II, LLC (collectively, the Applicant) filed an application with the Planning Director for a Conditional Use Permit pursuant to Section 130-38(4) of the City Code, to build a valet-only mechanical parking garage in a single basement level with 77 spaces (38 mechanical lifts and 1 additional space) located in the new 5-story building proposed to be constructed as part of the redevelopment and restoration of 7 historic buildings to function as one hotel with 305 units.

The Planning Board of the City of Miami Beach 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:

That the property in question is located in the RM-2 Residential Multifamily Medium Intensity zoning district;

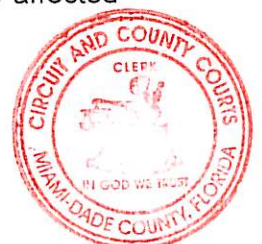
That the intended Use is consistent with the Comprehensive Plan for the area in which the property is located;

That the majority of surrounding uses are residential multifamily and condominiums;

That the intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

That structures and uses associated with the request are consistent with the Ordinance;

That the public health, safety, morals, and general welfare will not be adversely affected if the Applicant complies with the conditions stated herein;





That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values if the following conditions are met.

**IT IS THEREFORE 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 is adopted herein, including the staff recommendations, that the modifications to the Conditional Use Permit be GRANTED, as provided below:

1. This Conditional Use Permit is issued to CG Sunny Isles, LLC, CG Sunny Isles I, LLC, and CG Sunny Isles II, LLC, collectively, the Applicant, as owners of the property. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest, or the equivalent, shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein.
2. The subject parking garage shall consist of 77 spaces, as proposed. Prior to the issuance of a building permit for the project, the Applicant shall submit an operational plan and narrative for the operation of the mechanical parking system and the parking garage area as a whole. This operational plan and narrative shall be subject to the review and approval of staff and, at a minimum, shall satisfy the following:
  - a) The garage shall be in operation 24 hours per day, seven days a week, as proposed by the Applicant. There shall be security personnel of at least one person on-site monitoring the garage operation 24 hours a day, seven days a week. The structure, operation, procedures, maintenance, service response procedures, remote technical service team, local on-site service team, and spare parts inventory shall be in accordance with manufacturer's specifications, and as detailed in the operations plan, as proposed by the Applicant.
  - b) The facility shall maintain adequate backup generators sufficient to power the car elevators. The generators shall be maintained in proper operating condition. The location of the generators shall be submitted for the review and approval by staff to ensure that any negative impacts associated with the operation or testing of the equipment are minimized. The generators shall be installed in accordance with Code requirements regarding minimum flood plain criteria.
  - c) A traffic and access management plan for the one-way access drive into the parking garage area shall be provided, and shall be subject to the review and approval of staff.
  - d) An emergency procedure that includes a quick-response service contract with the mechanical lifts and manual operations service provider shall be implemented, as proffered by the Applicant.
  - e) Repair personnel for the mechanical lifts shall be on call 24 hours per day, seven days per week.
  - f) Warning signs prohibiting horn honking or car alarm sounding shall be posted prominently by the Applicant or valet operator, and valet attendants shall be instructed to observe them strictly.

- g) Valet storage of vehicles in the mechanical parking garage shall be exclusively for the hotel use, as proposed by the Applicant.
  - h) A delivery and refuse plan, including all delivery access points and routes, as well as the location of all trash and refuse areas, shall be provided and shall be subject to the review and approval of staff.
3. As part of the Building Permit plans for the hotel project, the Applicant shall submit revised architectural drawings, which shall be subject to the review and approval of staff; at a minimum, such plans shall satisfy the following:
- a) The final details and plans for the proposed mechanical parking system shall be made part of the building permit plans for the hotel project and shall be subject to the review and approval of staff. Such plans shall comply with all applicable regulations and requirements of the City Code.
  - b) Details of the signals, striping, gate arms, signage, and all other design and operational features and fixtures associated with the one-way access drive to the basement level shall be provided, and shall be subject to the review and approval of staff.
  - c) Site and floor plan drawings, illustrating final design details and dimensions of the proposed pick up/drop off driveway at the SE corner of the site (Collins Park Hotel Building), shall be submitted and shall be subject to the review and approval of staff. All guest check-in and check-out shall occur at the main lobby of the Collins Park Hotel, and all valet drop-off and pick-up shall occur at the circular driveway located at the main entrance of the Collins Park Hotel.
  - d) The Applicant shall install any sound attenuating design devices that may be required, throughout the property, in order to minimize any spillover of sound to adjacent properties, which may be generated by the mechanical parking system or the driveway access to the basement parking area, in a manner consistent with the requirements of the City Code and subject to the review and approval of staff.
4. As part of the Building Permit plans for the hotel project, the Applicant shall submit a bicycle parking plan, which shall be subject to the review and approval of staff; at a minimum, such plan shall satisfy the following:
- a) The site plan shall clearly indicate the location, design, and quantity of all exterior bike racks. Such bike racks shall be located within those areas of the property that are easily accessible by the public and/or guests of the hotel. The final design details, dimensions, location and quantity of exterior bike racks shall be subject to the review and approval of staff. Such plans shall also comply with all applicable regulations and requirements of the City Code.
  - b) Bicycle parking for employees shall be provided either within one or more of the existing structures, or within the basement parking area. The dimensions, location, and quantity of bikes shall be subject to the review and approval of staff. Such plans shall comply with all applicable regulations and requirements of the City Code.

5. Pursuant to Section 130-251 of the City Code, a declaration of restrictive covenants, running with the land, and stipulating that a valet operator shall be provided for such parking for so long as the use continues, shall be provided by the Applicant in a form acceptable to the City Attorney and the Planning Director, and recorded in the official records of Miami Dade County. Such covenant shall be fully executed and recorded prior to the issuance of a building permit.
6. The accessory uses for the hotel, as proposed by the Applicant, shall be operated in accordance with the following:
  - a) Café at ground floor of The Adams: Open to hotel guests and their guests only, 7:00 AM – 10:00 PM, 7 days a week.
  - b) Library at ground floor of The Gamshire: Open to hotel guests and their guests only, 24 hours/7 days a week.
  - c) Screening Room at ground floor of The Tyler: Open to hotel guests and their guests only, 24 hours/7 days a week.
  - d) Restaurant and indoor bar at the ground floor of Sun King #2: Open to the general public. Indoor area open from 6:00 AM – 2:00 AM, 7 days a week and outdoor area open from 6:00 AM – 12:00 AM, 7 days a week. Outdoor seating located within 60 feet of any street shall follow the outdoor area hours and seating located beyond 60 feet of any street shall follow the indoor hours.
  - e) Rooftops at Collins Park and The Adams: Open to hotel guests and their guests only, Sunday through Thursday 6:00 AM – 12:00 AM, Friday and Saturday 6:00 AM – 2:00 AM.
  - f) Rooftop Lounge at Lord Charles & The Gamshire: Open to hotel guests and their guests only, Sunday through Thursday 6:00 AM – 12:00 AM, Friday and Saturday 6:00 AM – 2:00 AM.
  - g) Rooftop Lounge at Sun King #2: Open to hotel guests and their guests only, Sunday through Thursday 6:00 AM – 12:00 AM, Friday and Saturday 6:00 AM – 2:00 AM.
  - h) Rooftop Lounge at new 5-story building: Open to the general public, Sunday through Thursday 6:00 AM – 12:00 AM, Friday and Saturday 6:00 AM – 2:00 AM.
7. The Planning Board shall retain the right to call the owner or operator, both now and in the future, back before the Board and modify this Conditional Use should there be valid complaints or violations (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise, as related to the Mechanical Parking System, as well as the entire parking operation as a whole.
8. The Applicant shall address the following Concurrency and Parking requirements:
  - a) A Method of Transportation (MOT) shall be submitted to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.

- b) Prior to the issuance of a building permit, the Applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as may be determined as determined by the Concurrency Management Division.
  - c) A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs, if required, shall be paid prior to the issuance of any Building Permit.
  - d) Prior to the issuance of a Building Permit, calculations for required parking for the project shall be determined by the Planning Department. Such parking calculations shall be based upon both the number of hotel rooms, and the intensity of the proposed accessory uses. A final determination for the required parking shall be conducted prior to the issuance of a Certificate of Occupancy or Business Tax Receipt, whichever comes first. If required, a one-time fee in lieu of providing the required parking on site or in combination with an annual fee, as determined by staff, shall be paid prior to the issuance of the Certificate of Occupancy.
- 9. The Applicant is subject to all conditions of BOA Order No. 3605 and BOA Order No. 3609, as may be amended, and with all conditions of HPB Order No. 7320, as may be amended, as well as any other lawful orders, now in effect or hereafter issued, by the Historic Preservation Board, the Design Review Board, and/or the Board of Adjustment.
  - 10. The Applicant, operator and/or owner, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Order.
  - 11. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the Applicant shall provide a progress report to the Board. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
  - 12. The conditions of approval for this Conditional Use Permit are binding on the Applicant, the property owners, operators, and all successors in interest and assigns.
  - 13. Any substantial modifications to the plans submitted and approved as part of this application, as determined by the Planning Director or designee, may require the Applicant to return to the Board for approval of the modified plans.
  - 14. The Applicant shall obtain a full building permit within 18 months from the date of the meeting at which the original CUP was issued, and the work shall proceed in accordance with the Florida Building Code. Extensions of time for good cause, not to exceed a total of one year for all extensions, may be granted by the Planning Board, in accordance with the requirements and procedures in the land Development Regulations.
  - 15. The Applicant shall resolve all outstanding violations and fines on the property, if any, prior to the issuance of a building permit for the project.



16. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194 of the City Code.
17. This 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.
18. Within a reasonable period of time after receipt of the executed Conditional Use Permit, the Applicant, at its sole expense, shall record it in the Public Records of Miami-Dade County, and return the recorded instrument to the Planning Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
19. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the Code and such other enforcement procedures as are permitted by law. Any failure by the Applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
20. 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.

Dated this 24<sup>th</sup> day of January, 2013

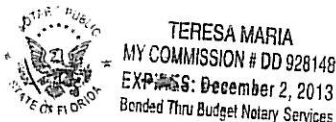
PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: 

Richard G. Lorber, AICP, LEED AP  
Acting Planning Director FOR THE  
CHAIRMAN

STATE OF FLORIDA       )  
COUNTY OF MIAMI-DADE   )

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of JANUARY, 2013, by Richard G. Lorber, AICP, LEED AP, Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



{NOTARIAL SEAL OR STAMP}

A handwritten signature in cursive script, appearing to read "Teresa Maria".

Notary:  
Print Name TERESA MARIA  
Notary Public, State of Florida  
My Commission Expires: 12-2-13  
Commission Number: DD 928148

Approved As To Form:  
Legal Department

*(Debra Turner)*  
*1/10/13*

F:\PLAN\PLB\2012\11-28-2012\2083 - 2000 Park Avenue Mechanical Garage\CUP.docx

## Exhibit A

### Legal Description Collins Park Properties

#### 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: 430 21st ST 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

**NOTICE**

**NO  
HORN  
HONKING  
-or-  
TIRE  
SCREECHING**

**NOTICE**  
**Section 46-161**  
**of the Code of**  
**the City of**  
**Miami Beach**  
**permits your**  
**car to be towed**  
**or**  
**fines imposed**  
**if your car**  
**alarm system is**  
**activated**  
**improperly.**

STATE OF FLORIDA, COUNTY OF DADE

HEREBY CERTIFY that this is a true copy of the  
original filed in this office on 18 day of  
July, A.D. 2013

WITNESS my hand and Official Seal.

HARVEY RUBIN, CLERK, of Circuit and County Courts

By Mona Massaro 11/26/13





CFN 2014R0476155  
OR Bk 29219 Pgs 1076 - 1085 (10pgs)  
RECORDED 07/07/2014 15:24:15  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

**PLANNING BOARD  
CITY OF MIAMI BEACH, FLORIDA**

**PROPERTY:** 2000 - 2030 Park Avenue, 430 - 450 21st Street, 2035 Washington Avenue, and 425 - 435 20th Street

**FILE NO.** 2083

**IN RE:** The application by CG Sunny Isles, LLC, CG Sunny Isles I, LLC, and CG Sunny Isles II, LLC requesting a one-year extension of time to obtain a full building permit for a previously issued Conditional Use approval for the construction of a valet-only mechanical parking garage located within a new 5-story structure, which is part of the redevelopment and restoration of seven historic buildings. The applicants are also requesting a modification to the existing Conditional Use Permit in order to reduce the number of parking spaces, pursuant to Article IV Section 118 of the Miami Beach City Code.

**LEGAL  
DESCRIPTION:** See "Exhibit A"

**MEETING DATE:** May 5, 2014

**MODIFIED CONDITIONAL USE PERMIT**

The applicant, CG Sunny Isles, LLC, CG Sunny Isles I, LLC, and CG Sunny Isles II, LLC filed an application with the Planning Director requesting a one-year extension of time to obtain a full building permit for a previously issued Conditional Use approval for the construction of a valet-only mechanical parking garage located within a new 5-story structure, which is part of the redevelopment and restoration of seven historic buildings. The applicant is also requesting a modification to the existing Conditional Use Permit in order to reduce the number of parking spaces, pursuant to Article IV Section 118 of the Miami Beach City Code. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach 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 of the record for this matter:

That the property in question is located in the RM-2 Residential Multifamily Medium Intensity zoning district;

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That the intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;





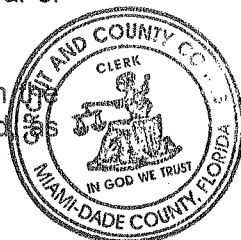
That structures and uses associated with the request are consistent with the Land Development Regulations;

That the public health, safety, morals, and general welfare will not be adversely affected if the Applicant complies with the conditions stated herein;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

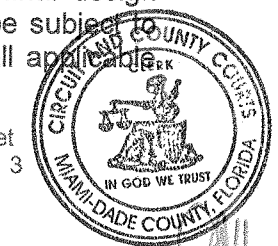
**IT IS THEREFORE ORDERED**, based upon the foregoing findings of fact, the evidence, information, testimony, and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendations, that the modifications to the Conditional Use Permit be GRANTED, as provided below:

1. The requested one year extension of time to obtain a full building permit is granted.
2. This Conditional Use Permit is issued to CG Sunny Isles, LLC, CG Sunny Isles I, LLC, and CG Sunny Isles II, LLC, collectively the applicant, as owner of the property. Any change of operator or 50% (fifty percent) or more stock ownership, partnership interest, or the equivalent, shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein.
3. The subject parking garage shall consist of ~~77~~ 71 spaces, as proposed. Prior to the issuance of a building permit for the project, the Applicant shall submit an operational plan and narrative for the operation of the mechanical parking system and the parking garage area as a whole. This operational plan and narrative shall be subject to the review and approval of staff and, at a minimum, shall satisfy the following:
  - a) The garage shall be in operation 24 hours per day, seven days a week, as proposed by the applicant. There shall be security personnel of at least one person on-site monitoring the garage operation 24 hours a day, seven days a week. The structure, operation, procedures, maintenance, service response procedures, remote technical service team, local, on-site service team, and spare parts inventory shall be in accordance with manufacturer's specifications, and as detailed in the operations plan, as proposed by the applicant.
  - b) The facility shall maintain adequate backup generators sufficient to power the car elevators. The generators shall be maintained in proper operating condition. The location of the generators shall be submitted for the review and approval by staff to ensure that any negative impacts associated with the operation or testing of the equipment are minimized. The generators shall be installed in accordance with Code requirements regarding minimum flood plain criteria.
  - c) A traffic and access management plan for the one-way access drive into the parking garage area shall be provided, and shall be subject to the review and approval of staff.
  - d) An emergency procedure that includes a quick-response service contract with mechanical lifts and manual operations service provider shall be implemented proffered by the applicant.

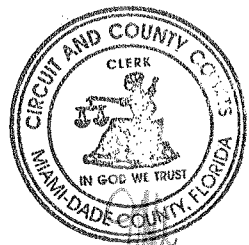


*Qm*

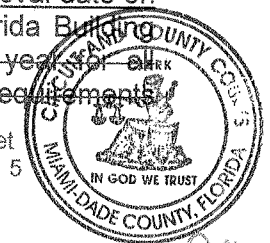
- e) Repair personnel for the mechanical lifts shall be on call 24 hours per day seven days per week.
  - f) Warning signs prohibiting horn honking or car alarm sounding shall be posted prominently by the applicant or valet operator, and valet attendants shall be instructed to observe them strictly.
  - g) Valet storage of vehicles in the mechanical parking garage shall be exclusively for the hotel use, as proposed by the applicant.
  - h) A delivery and refuse plan, including all delivery access points and routes, as well as the location of all trash and refuse areas, shall be provided and shall be subject to the review and approval of staff.
4. As part of the Building Permit plans for hotel project, the applicant shall submit revised architectural drawings, which shall be subject to the review and approval of staff; at a minimum, such plans shall satisfy the following:
- a) The final details and plans for the proposed mechanical parking system shall be made part of the building permit plans for the hotel project and shall be subject to the review and approval of staff. Such plans shall comply with all applicable regulations and requirements of the City Code.
  - b) Details of the signals, striping, gate arms, signage and all other design and operational features and fixtures associated with the one-way access drive to the basement level shall be provided, and shall be subject to the review and approval of staff.
  - c) Site and floor plan drawings, illustrating final design details and dimensions of the proposed pick up/drop off driveway at the SE corner of the site (Collins Park Hotel Building), shall be submitted and shall be subject to the review and approval of staff. All guest check-in and check-out shall occur at the main lobby of the Collins Park Hotel, and all valet drop-off and pick-up shall occur at the circular driveway located at the main entrance of the Collins Park Hotel.
  - d) The applicant shall install any sound attenuating design devices that may be required, throughout the property, in order to minimize any spillover of sound to adjacent properties, which may be generated by the mechanical parking system or the driveway access to the basement parking area, in a manner consistent with the requirements of the City Code and subject to the review and approval of staff.
5. As part of the Building Permit plans for hotel project, the applicant shall submit a bicycle parking plan, which shall be subject to the review and approval of staff; at a minimum, such plan shall satisfy the following:
- a) The site plan shall clearly indicate the location, design and quantity of all exterior bike racks. Such bike racks shall be located within those areas of the property that are easily accessible by the public and/or guests of the hotel. The final design details, dimensions, location and quantity of exterior bike racks shall be subject to the review and approval of staff. Such plans shall also comply with all applicable regulations and requirements of the City Code.



- b) Bicycle parking for employees shall be provided either within one or more of the existing structures, or within the basement parking area. The dimensions, location and quantity of bikes shall be subject to the review and approval of staff. Such plans shall comply with all applicable regulations and requirements of the City Code.
6. Pursuant to Section 130-251 of the City Code, a declaration of restrictive covenants, running with the land, and stipulating that a valet operator shall be provided for such parking for so long as the use continues, shall be provided by the applicant in a form acceptable to the City Attorney and the Planning Director, and recorded in the official records of Miami Dade County. Such covenant shall be fully executed and recorded prior to the issuance of a building permit.
7. The accessory uses for the hotel, as proposed by the applicant, shall be operated in accordance with the following:
- a) Café at ground floor of The Adams: Open to hotel guests and their guests only, 7:00 AM – 10:00 PM, 7 days a week.
  - b) Library at ground floor of The Gamshire: Open to hotel guests and their guests only, 24 hours 7 days a week.
  - c) Screening Room at ground floor of The Tyler: Open to hotel guests and their guests only, 24 hours 7 days a week.
  - d) Restaurant and indoor bar at the ground floor of Sun King #2: Open to the general public. Indoor area open from 6:00 AM – 2:00 AM, 7 days a week and outdoor area open from 6:00 AM – 12:00 AM, 7 days a week. Outdoor seating located within 60 feet of any street shall follow the outdoor area hours and seating located beyond 60 feet of any street shall follow the indoor hours.
  - e) Rooftops at Collins Park and The Adams: Open to hotel guests and their guests only, Sunday – Thursday 6:00 AM – 12:00 AM, Friday & Saturday 6:00 AM – 2:00 AM.
  - f) Rooftop Lounge at Lord Charles & The Gamshire: Open to hotel guests and their guests only, Sunday – Thursday 6:00 AM – 12:00 AM, Friday & Saturday 6:00 AM – 2:00 AM.
  - g) Rooftop Lounge at Sun King #2: Open to hotel guests and their guests only, Sunday – Thursday 6:00 AM – 12:00 AM, Friday & Saturday 6:00 AM – 2:00 AM.
  - h) Rooftop Lounge at new 5-story building: Open to the general public, Sunday – Thursday 6:00 AM – 12:00 AM, Friday & Saturday 6:00 AM – 2:00 AM.
8. The Planning Board shall retain the right to call the owner or operator, both now and in the future, back before the Board and modify this Conditional Use should there be valid complaints or violations (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise, as related to the Mechanical Parking System, as well as the entire parking operation as a whole.



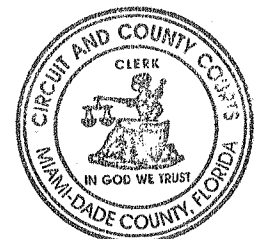
9. The applicant shall address the following Concurrency and Parking requirements:
- a) A Method of Transportation (MOT) shall be submitted to Public Works Department staff for review and approval prior to the issuance of a building permit. The MOT shall address any traffic flow disruption due to construction activity on the site.
  - b) Prior to the issuance of a building permit, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as may be determined as determined by the Concurrency Management Division.
  - c) A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs, if required, shall be paid prior to the issuance of any Building Permit.
  - d) Prior to the issuance of a Building Permit, calculations for required parking for the project shall be determined by the Planning Department. Such parking calculations shall be based upon both the number of hotel rooms, and the intensity of the proposed accessory uses. A final determination for the required parking shall be conducted prior to the issuance of a Certificate of Occupancy or Business Tax Receipt, whichever comes first. If required, a one-time fee in lieu of providing the required parking on site or in combination with an annual fee, as determined by staff, shall be paid prior to the issuance of the Certificate of Occupancy.
10. The applicant is subject to all conditions of BOA Order No. 3605 and BOA Order 3609, as may be amended, and with all conditions of HPB Order No. 7320, as may be amended, as well as any other lawful orders, now in effect or hereafter issued, by the Historic Preservation Board, the Design Review Board, and/or the Board of Adjustment.
11. The applicant, operator and/or owner, both now and in the future, shall abide by all the documents and statements submitted with this application, as well as all conditions of this Order.
12. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
13. The conditions of approval for this Conditional Use Permit are binding on the applicant, the property owners, operators, and all successors in interest and assigns.
14. Any substantial modifications to the plans submitted and approved as part of this application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans.
15. The applicant shall obtain a full building permit within ~~48 months from the date of the meeting at which the original CUP was issued~~ 30 months from the original approval date on November 28, 2012, and the work shall proceed in accordance with the Florida Building Code. ~~Extensions of time for good cause, not to exceed a total of one year, for all extensions, may be granted by the Planning Board, in accordance with the requirements~~





~~and procedures in the land Development Regulations.~~

16. The applicant shall resolve all outstanding violations and fines on the property, if any, prior to the issuance of a building permit for the project.
17. A violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as may be amended from time to time, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, of the City Code.
18. This 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.
19. ~~Within a reasonable period of time after receipt of the executed Conditional Use Permit, the applicant, at its sole expense, shall record it in the Public Records of Miami-Dade County, and return the recorded instrument to the Planning Department. The executed Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida at the expense of the applicant and returned to the Planning Department.~~ No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
20. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the City Code, and shall be subject to enforcement procedures set forth in Section 114-8 of the Code and such other enforcement procedures as are permitted by law. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
21. 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.



*Handwritten signature*

Dated this 2<sup>nd</sup> day of JULY, 2014

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
Thomas R. Mooney, AICP  
Planning Director  
For Chairman

STATE OF FLORIDA     )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of July, 2014, by Thomas R. Mooney, AICP, Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL]



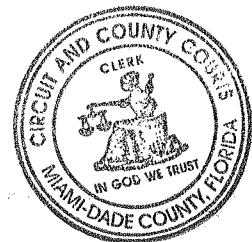
TERESA MARIA  
MY COMMISSION # FF 042188  
EXPIRES: December 2, 2017  
Bonded Three Budget Notary Services

[Signature]  
Notary:  
Print Name: TERESA MARIA  
Notary Public, State of Florida  
My Commission Expires: 12-2-17  
Commission Number: FF 042188

Approved As To Form: [Signature]  
Legal Department (7-1-14)

Filed with the Clerk of the Planning Board on 07/03/14, [Signature]

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9/11/14

**Exhibit A**

**Legal Description  
Collins Park Properties**

**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

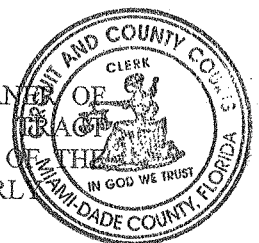
**PARCEL II:**

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



*Handwritten signature or initials.*

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



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: 430 21st ST 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

STATE OF FLORIDA, COUNTY OF DADE  
I HEREBY CERTIFY that this is a true copy of the  
original filed in this office JUL 07 2014 day of  
JULY A.D. 2014  
WITNESS my hand and Official Seal  
HARVEY RUVIN, CLERK, of Circuit and County Courts  
By *[Signature]* D.C.



162588  
*[Handwritten signature]*



**BEFORE THE  
BOARD OF ADJUSTMENT  
OF THE CITY OF MIAMI BEACH, FLORIDA**

CFN 2013R0563990  
DR Bk 28729 Pgs 1672 - 1675 (4pgs)  
RECORDED 07/18/2013 09:34:53  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

IN RE: The application of  
**CG SUNNY ISLES, LLC,  
CG SUNNY ISLES I, LLC,  
CG SUNNY ISLES II, LLC  
2000 & 2030 PARK AVENUE,  
2035 WASHINGTON AVENUE,  
425 & 435 20<sup>TH</sup> STREET AND  
430 21<sup>ST</sup> STREET  
MIAMI-DADE COUNTY, FLORIDA**

**Meeting Dates: October 5, 2012 and November 2, 2012  
File No. 3605 and 3609**

**CONSOLIDATED ORDER**

The applicant, CG Sunny Isles, LLC, CG Sunny Isles I, LLC, CG Sunny Isles II, LLC, filed applications with the Planning Department for variances in order to permit the renovation of the existing hotels, as follows:

1. A variance to waive the required minimum hotel unit size: 15% of the hotel units shall be between 300-335 s.f. and 85% of units shall be 335 s.f. or larger, in order to retain 81 hotel units at less than 300 s.f. (the smallest at 220 s.f., 41% of units), 68 hotel units between 300 and 335 s.f. (35% of units) and 46 units exceeding 335 s.f. (24% of units).
2. A variance to waive 10'-0" of the minimum required drive width of 22'-0" for two-way drive in order to build a 12'-0" wide two-way drive for the all valet underground garage.
3. A variance to waive 12'-8" of the minimum required interior side yard setback of 18'-0" in order to build the rooftop addition to the Sunking 1 at 5'-4" from the west property line, following the existing building line.
4. A. A variance to exceed by 4'-0 1/2" the maximum allowable projection of 3'-1 1/2" into the interior side yard at the south side in order to build balconies and terraces extending 7'-2" into the south required interior south yard of the Gamshire and Lord Charles, following the existing building line.  
  
B. A variance to exceed by 3'-7" the maximum allowable projection of 2'-7" for a terrace into the side yard facing the street in order to provide terraces projecting 6'-2" into the west yard of the Gamshire.



Notice of the request for variance was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS that the property in question is located in the RM-2 Zoning District.

THE BOARD FURTHER FINDS, based upon evidence, testimony, information and documentation presented to the Board, and portions of the staff report and recommendations, as applicable, which are incorporated herein by this reference, that with regard to the requested variances when conditioned as provided for in this Order:

*That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;*

*That the special conditions and circumstances do not result from the action of the applicant;*

*That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;*

*That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;*

*That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;*

*That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and*

*That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.*

IT IS THEREFORE ORDERED, by the Board, that the variances be APPROVED as requested and set forth above; with the following conditions to which the applicant has agreed:

1. A Unity of Title or a Covenant in Lieu per Section 118-5 shall be submitted and recorded subject to the review and approval of the City Attorney, prior to obtaining a full building permit for the project.
2. Parking shall be valet only, and appropriate operational controls, such as two-way radios, shall be used by valet operators to ensure safe ingress and egress to underground parking.