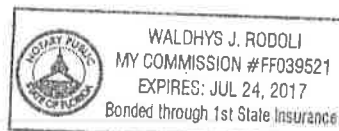


CFN 2014R0299947
OR BK 29125 Pgs 3181 - 3184 (4)
RECORDED 04/25/2014 14:15:05
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: March 11, 2014

FILE NO: 7263



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
Waldhys J. Rodoli 3-17-2014
(Signature of Planning Director or Designee) (Date)
Personally known to me or Produced ID: _____

PROPERTY: 1900 Collins Avenue & 1915
Liberty Avenue

Waldhys J. Rodoli
Notary Public, State of Florida at Large
Printed Name: Waldhys J. Rodoli
My Commission Expires: (Seal)

This document contains 4 pages.

LEGAL: Lots 7-11 and the south 5 feet of Lots 1, 2, & 3, Block D, Ocean Front Property of the Miami Beach Improvement Company, according to the Plat thereof, as recorded in Plat Book 5, at page 7 of the Public Records of Miami-Dade County, Florida.

IN RE: The application for modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation and restoration of an existing 3-story building and two 2-story buildings, and the total demolition of an existing 2-story building, as well as the construction of a new 5-story structure, as part of a new hotel development. Specifically, the applicant is requesting more extensive demolition than previously approved.

SUPPLEMENTAL ORDER

The applicant, Lennox Miami Corp., filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness.

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

- A. The subject structure is classified as 'Contributing' in the Miami Beach Historic Properties Database and is located within the Museum Local Historic District.
- B. The subject Certificate of Appropriateness was originally approved by the Historic Preservation Board on April 10, 2012. Modifications to the original approval were approved

on November 20, 2012 and September 10, 2013.

- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code, is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'b' 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.
-
- D. 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 to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. Approximately 75% of the storefront area shall remain unobstructed to provide clear views from the exterior through to the interior of the retail space, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. The metal trellis structure proposed for the south elevation shall be further developed and refined in a manner more consistent with the architectural character of the primary elevations, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. The final design and details of the perforated metal screens including materials, and finishes shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - d. All lighting masts proposed for the rooftop parking deck shall be sited in a manner in which they are not visible from any public right-of-way, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - e. 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. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
 3. The Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

4. The Supplemental Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
5. The previous Final Orders dated April 10, 2012, November 20, 2012 and September 10, 2013 shall remain in full force and effect.
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.

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. 1-7 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, "The Peter Miller Hotel, A Lennox Hotel", as prepared by Kobi Karp Architecture & Interior Design, dated 01-17-2014.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Final 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 Final Order, have been met.

The issuance of this 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, this Certificate of Appropriateness will expire and become null and void. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), this Certificate of Appropriateness will expire and become null and void.

Page 4 of 4
HPB File No. 7263
Meeting Date: March 11, 2014

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

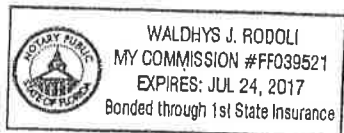
Dated this 14th day of MARCH, 2014.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

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

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

The foregoing instrument was acknowledged before me this 14th day of March 2014 by Thomas R. Mooney, Acting Planning Director, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



Waldhys J. Rodoli
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 7/24/17

Approved As To Form:
City Attorney's Office: [Signature] (3-13-14)

Filed with the Clerk of the Historic Preservation Board on 3-14-14 (WJR)

[Handwritten mark]



CFN 2013R0375611
 OR Bk 28626 Pgs 2954 - 2960; (7pgs)
 RECORDED 05/13/2013 14:29:27
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

HISTORIC PRESERVATION BOARD
 City of Miami Beach, Florida

MEETING DATE: April 9, 2013

FILE NO: 7336

PROPERTY: 1020-1050 Washington Avenue

LEGAL: Parcel 1: Lot 1 through 6, Inclusive, Block 36, OCEAN BEACH, FLA. ADDITION No. 3, According to the Plat thereof, as recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida.

Parcel 2: That portion of Drexel Avenue Conveyed by the City of Miami Beach by Quitclaim Deed Recorded in O.R. Book 15688, Page 557, of 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 1, 2 and 4-story buildings on the subject site, including the construction of roof-top additions, a new 1-story meeting room and a new 4-story ground level addition, as part of an existing hotel redevelopment.

ORDER

The applicant, The Witkoff Group, LLC., filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness.

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

- A. The subject structures are classified as 'Contributing' (Historic) in the Miami Beach Historic Properties Database and are located within the Flamingo Park Historic District.

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] 4-29
 (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 MAFLA
 My Commission Expires: (Seal) 12-2-13

TERESA MAFLA
 MY COMMISSION # DD 928148
 EXPIRES: December 2, 2013
 Backed Through Notary Services

This document contains 7 pages.



[Handwritten Signature]

- B. On December 11, 2012, the Board approved the proposed project, with the exception of the proposed new 4-story structure, roof-top addition proposed for the Bel-Aire Apartments building, landscape plan and construction phasing plan.
- C. On January 15, 2013, the Board approved the remainder of the project with the exception of the landscape plan.
- D. 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 not consistent with the Certificate of Appropriateness Criteria 'b' in Section 118-564(a)(1) of the Miami Beach Code, ~~is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'e' & 'n' 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.~~
- E. 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 to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The final design and details of the proposed 'Service Station' located at the southwest corner of the pool deck shall be provided to ensure compliance with the Restrictive Covenant for Parcel 2. The Service Station shall be completely open above counter level, and may have a minimal and modest shade canopy above, if necessary, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. All sidewalks located within the public-right-of way shall be 'Miami Beach Red' colored concrete with standard grey concrete curbs and gutters, as required by the City Commission within local historic districts.
 - c. The final design and details of the proposed surface materials and finishes, including material samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - d. The final design and details of all exterior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. Exterior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the historic hotel structures or the surrounding historic district.
 - e. The front entrance canopy along the pedestrian promenade shall be further developed, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

- f. 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.
2. A fully developed plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to the Board for review and approval. 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. All exterior walkways and driveways shall consist of decorative pavers, set in sand or other equally semi-pervious material, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. All landscape areas abutting driveways and parking areas shall be defined by decorative bollards, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. 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.
 - d. The landscape plan shall satisfy all requirements as specified in Chapter 33 of the Miami-Dade County Code. A landscape table shall be provided on final landscape plans addressing all minimum quantity and native requirements, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - e. The location of backflow preventor, siamese pipes or FPL boxes, if any, and how they are screened with landscape material from the right-of-way, shall be indicated on the plans, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - f. An exterior building and site lighting plan shall be developed, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
3. All building signage shall be consistent in type, composed of flush mounted, non-plastic, individual letters and shall require a separate permit.

4. The final exterior surface color scheme, including color samples, shall be developed, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
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. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.

7. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, , in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
8. 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.
9. An historic analysis of the existing structures, inclusive of a photographic and written description of the history and evolution of the original buildings on site, shall be developed in a manner satisfactory to staff, prior to the issuance of a Building Permit; such historic analysis shall be displayed prominently within the public area of the structure, in a location to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
10. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
11. 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.
12. 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. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable.
 - b. Mill/resurface asphalt in rear alley along property, if applicable.
 - c. Provide underground utility service connections and on-site transformer location, if necessary.
 - d. Provide back-flow prevention devices on all water services.

TRU

- e. Provide on-site, self-contained storm water drainage for the proposed development.
 - f. 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.
 - g. Payment of City utility impact fees for water meters/services.
 - h. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
 - i. Right-of-way permit must be obtained from Public Works.
 - j. All right-of-way encroachments must be removed.
 - k. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
13. A drawn plan and written procedure for the proposed demolition shall be prepared and submitted by a Professional Structural Engineer, registered in the State of Florida, which fully ensures the protection of the public safety, as well as the protection of the existing structure on the subject site and all existing structures adjacent to the subject site during the course of demolition.
14. 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.
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, entitled "Washington Park", as prepared by Raymond Jungles Inc., dated April 2013.

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 Final 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 Final Order, have been met.

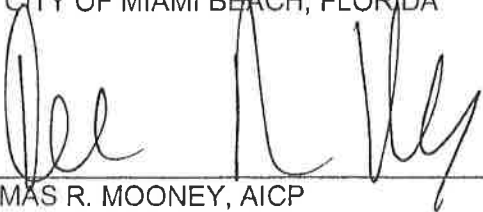
The issuance of this Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not 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, this Certificate of Appropriateness will expire and become null and void. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), this 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 this Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

Dated this 25th day of April, 2013.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: 
THOMAS R. MOONEY, AICP



Page 7 of 7
HPB File No. 7336
Meeting Date: April 9, 2013

DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 25th day of APRIL 2013 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 928146
EXPIRES: December 2, 2013
Bonded Through Budget Notary Services

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

Approved As To Form: _____
Legal Department: *JFK* (4-23-13)

Filed with the Clerk of the Historic Preservation Board on 4-25-13 (WJR)

JMK



CFN 2012R0803889
 OR Bk 28349 Pgs 1988 - 1996f (Pgs)
 RECORDED 11/07/2012 15:51:21
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA

HISTORIC PRESERVATION BOARD
 City of Miami Beach, Florida

MEETING DATE: September 11, 2012

FILE NO: 7263

PROPERTY: 1900 Collins Avenue & 1915
 Liberty Avenue

LEGAL: Lots 7-11 and the south 5 feet of Lots 1, 2, & 3, Block D, Ocean Front
 Property of the Miami Beach Improvement Company, according to the Plat
 thereof, as recorded in Plat Book 5, at page 7 of 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 an existing 3-story building and
 two 2-story buildings, and the total demolition of an existing 2-story building,
 as well as the construction of a new 5-story structure, as part of a new hotel
 development. Specifically, the applicant is requesting additional demolition
 and modifications to the original lobby area of the Peter Miller Hotel.

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) [Signature] 10-11-2012 (Date)
 Personally known to me or Produced ID: _____

Notary Public, State of Florida
 Printed Name: Teresa Maria
 My Commission Expires (Seat) 12-2-13

This document contains 9 pages.

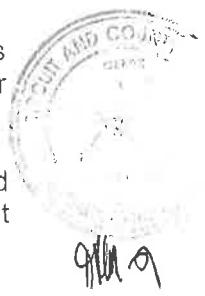


ORDER

The applicant, Lennox Miami Corp., filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness.

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

- A. The subject structure is classified as 'Contributing' in the Miami Beach Historic Properties Database and is located within the Museum Local Historic District and the National Register Architectural District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department



Staff Report, the project as submitted is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'a-f', & 'h' in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'c-e', 'j' & 'm' in Section 118-564(a)(3) of the Miami Beach Code, and is consistent with Certificate of Appropriateness for Demolition Criteria in Section 118-564(f)(4) of the Miami Beach Code.

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

1. Revised elevations, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

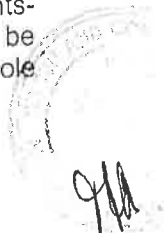
- a. The proposed roof-top penthouse addition to the main Peter Miller Hotel structure, located at 1900 Collins Avenue, shall be further studied and developed to determine if such an addition can be designed and situated in a manner that will not overwhelm the design integrity of the historic structure or have an adverse impact upon the special character of the historic district, and returned to the Board for review and approval on November 13, 2012.
- b. The proposed reception desk to be located within the historic lobby of the Peter Miller Hotel shall be designed as a free standing piece of furniture, revealing the terrazzo floor, in a manner to be reviewed and approved by staff.
- c. The original sliding pocket doors within the north lobby wall of the main Peter Miller Hotel building shall be fully retained, restored and made operational.
- d. The proposed railings for Building No.2 (929 19th St.) and Building No. 3 (1915 Liberty Avenue) shall be of a high quality material such as wrought iron, designed in a manner appropriate to the historic architecture, and shall not exceed 42" in height, subject to staff review and approval. Aluminum picket railings shall not be permitted.
- e. The final design and details of all exterior railings and all railings located within interior public interiors shall be provided, in a manner to be reviewed and approved by staff.
- f. The final details of all exterior and lobby railing systems, including materials, dimensions and finishes, shall be subject to the review and approval of staff.
- g. Only handrails with a flat profile shall be permitted on the exterior and in the lobby of the proposed project site, subject to the review and approval of staff.
- h. The final design and details of the proposed interior surface materials and finishes, including samples, shall be submitted, in a manner to be reviewed and approved by staff.



- i. All new proposed windows located at the south terrace enclosure shall substantially match the original window and door configurations, subject to the review and approval of staff.
 - j. With the exception of service personnel, roof-top access shall be prohibited, and elevator access to the roof-top shall be prohibited.
 - k. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required.
 - l. The final design and details of all interior and exterior lighting shall be provided, in a manner to be reviewed and approved by staff. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the historic hotel or the surrounding historic district.
 - m. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be approved by staff.
 - n. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. The landscape material proposed for Building No. 2 and Building No.3 in conjunction with the proposed ornamental railings shall not exceed 42" in height.
 - b. All existing original exterior stairs, terraces, walkways, and site walls facing Liberty Avenue and 19th Street shall be substantially retained with their original materials, in a manner to be reviewed and approved by staff.
 - c. Street trees shall be required along Collins Avenue, with the City standard bound aggregate system, with irrigation and uplighting, if not in conflict with existing underground utilities, in a manner to be reviewed and approved by staff.
 - d. Fencing of any kind, shall not be permitted anywhere within the landscaped yards facing 19th Street or Liberty Avenue, except for the 42" high ornamental railing barriers for Building No. 2 and Building No. 3. Limited fencing between the buildings, at the building setback lines, may be permitted, subject to the review and approval of staff.
 - e. All exterior walkways shall consist of decorative pavers, decorative concrete or other decorative material, subject to the review and approval of staff.



- f. 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.
 - g. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - h. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors 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 preventors, 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.
 - i. 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.
 - j. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
3. All building signage shall be consistent in type, composed of flush mounted, non-plastic, individual letters and shall require a separate permit.
 4. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
 5. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
 6. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
 7. 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. Specifically, all streetscape, sidewalk and landscape improvements in the public rights-of-way along the Collins Avenue and Third Street sides of the project site shall be consistent with the approved CIP plans for this area and shall be paid for at the sole expense of the applicant, prior to the issuance of a CO.

A circular stamp is located in the bottom right corner of the page. It contains a handwritten signature that appears to be 'JMA' in black ink. The stamp itself is faint and mostly illegible, but it seems to be an official seal or mark.

8. Any proposed valet drop off location shall be subject to the approval of the Parking Department.

9. 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. Any current or future accessory outdoor restaurant use shall not operate between midnight and 6:00 A.M. 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.

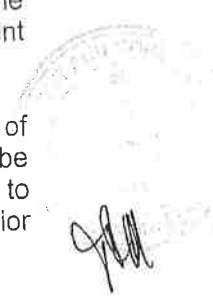
ii. Rooftop lighting fixtures shall be designed to deflect light from spilling over to adjacent and nearby properties.

iii. 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.

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 speakers, 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

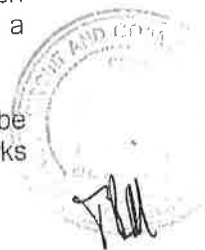


approvals as provided for in the Code, and subject the applicant to the review provided for in the first sentence of this subparagraph.

- iii. No outdoor bar counters except for the bar counter proposed for the western portion of the pool deck shall be permitted on the premises.
- iv. No amplified music or live entertainment shall be permitted on the outdoor dining terrace.
- 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. No bar counter, except for the proposed bar counter at the western portion of the pool deck, shall be placed on any of these areas at any time.
- 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 speakers, 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.

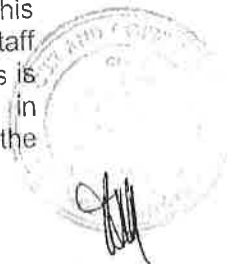
d. OPERATIONAL CONDITIONS

- i. Entertainment establishments shall not be permitted anywhere on the site
- ii. The hours of operations for the outdoor bar counter shall be:
Sunday through Thursday: 11:30 am – 11:00 p.m.
Friday through Saturday: 11:30 am – 12:00 am
- iii. 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.
- iv. 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.
- v. 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.
 - vi. Permanent outdoor cooking anywhere on the premises is prohibited with the exception of non-permanent outdoor cooking located within the pool deck area only. 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.
 - vii. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
10. 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.
11. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
12. 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.
13. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
14. 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. 1-14, 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, "The Peter Miller Hotel, A Lennox Hotel", as prepared by Kobi Karp Architecture and Interior Design, Inc., dated 9-11-12.

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


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

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Certificate of Appropriateness was granted, the Certificate of Appropriateness will expire and become null and void. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the Certificate of Appropriateness will expire and become null and void.

In accordance with Section 118-561 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

Dated this 28th day of SEPTEMBER, 2012

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

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



Page 9 of 9
HPB File No. 7263
Meeting Date: September 11, 2012

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

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



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

Teresa Maria

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

Approved As To Form: _____
Legal Department: *J. Hill* (9-27-2012)

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

F:\PLAN\HHPB\12HPB\Sep12\7263-SEP2012.FO.docx

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT.
NOV 07 2012
HARVEY DUNN, CLERK of Court and County Clerk
By *Harvey Dunn* 1509, D.C.



JM



CFN 2011R0672996
OR Bk 27851 Pgs 1160 - 1170; (11p)
RECORDED 10/06/2011 15:59:50
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

DOCUMENT COVER PAGE

For those documents not providing the required space on the first page, this cover page must be attached.

It must describe the document in sufficient detail to prohibit its transference to another document.

An additional recording fee for this page must be remitted.

(Space above this line reserved for recording office use)

Document Title: HPB Order
(Mortgage, Deed, Construction Lien, Etc.)

Executing Party: _____

Legal Description: _____
(If Applicable)

As more fully described in above described document.

Return Document To / Prepared By: _____

**F.S. 695.26 Requirements for recording instruments affecting real property—
(Relevant excerpts of statute)**

(1) No instrument by which the title to real property or any interest therein is conveyed, assigned, encumbered, or otherwise disposed of shall be recorded by the clerk of the circuit court unless:

(e) A 3-inch by 3-inch space at the top right-hand corner on the first page and a 1-inch by 3-inch space at the top right-hand corner on each subsequent page are reserved for use by the clerk of the court...

CLK/CT 155 Rev. 04/11

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

MEETING DATE: September 13, 2011

FILE NO: 7263



PROPERTY: 1900 Collins Avenue & 1915 Liberty Avenue

LEGAL: Lots 7-11 and the south 5 feet of Lots 1, 2, & 3, Block D, Ocean Front Property of the Miami Beach Improvement Company, according to the Plat thereof, as recorded in Plat Book 5, at page 7 of 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 an existing 3-story building and two 2-story buildings, and the total demolition of an existing 2-story building, as well as the construction of a new 5-story structure, as part of a new hotel development.

ORDER

The applicant, Lennox Miami Corp, filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness.

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

- A. The subject structure is classified as 'Contributing' in the Miami Beach Historic Properties Database and is located within the Museum Local Historic District and the National Register Architectural District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'a-b', 'd' & 'h' in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'a-f', 'h' & 'k-l' in Section 118-564(a)(3) of the Miami Beach Code, and is not consistent with Certificate of Appropriateness Criteria 'b' 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:

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) *[Signature]* 9-21-11
 Personally known to me or Produced ID
 Notary Public, State of Florida/Large
 Printed Name: *Randy Cesar*
 My Commission Expires: (Seal)
 This document contains 10 pages.

TRN

Page 2 of 10
HPB File No. 7263
Meeting Date: September 13, 2011

1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The lobby of the Peter Miller Hotel shall be restored to its historic design, consistent with available historic documentation, in a manner to be reviewed and approved by staff. The original demising walls located to the east and west sides of the original central opening shall be incorporated into the restored historic lobby, and shall not be eliminated as proposed. The applicant shall further reduce the amount of demolition proposed to better address the historic integrity of the existing lobby, in a manner to be approved by staff.
 - b. The original façade materials of the Peter Miller Hotel shall be retained, preserved, and restored if possible or recreated to match the original materials, subject to the review and approval of staff.
 - c. The final design and details of the proposed canopy on the south side of the Peter Miller Hotel, shall be provided, in a manner to be reviewed and approved by staff.
 - d. The original Hotel signage shall be retained and preserved in its original location, in a manner to be reviewed and approved by staff.
 - e. Covered walkways for the 2-story retained buildings, as proposed, shall not be permitted along any street facing building façade. This shall require the elimination of the proposed canopy at the southeast corner of building three, and the complete elimination of the canopy proposed along the south elevation of Building 2.
 - f. The proposed new door opening at the ground level at the southeast corner of Building No. 3 shall not be permitted.
 - g. The existing balcony railings of the 2-story retained buildings shall be retained, preserved, and restored, with the minor modifications required to meet code, in a manner to be reviewed and approved by staff. The relocation or reconfiguration of the vertical porch columns, as proposed, shall not be permitted.
 - h. The original shutters of the retained 2-story buildings shall be recreated and installed in their original locations on all street facing façades, in a manner to be reviewed and approved by staff.
 - i. A true barrel tile roof replacement shall be required for all roofs that were originally barrel tile, subject to the review and approval of staff.
 - j. The final design and details of all exterior railings and all railings located within interior public interiors shall be provided, in a manner to be reviewed and approved by staff.

Page 3 of 10
HPB File No. 7263
Meeting Date: September 13, 2011

- k. The railing design and roof structure proposed for the new exterior stairs attached to the existing 2-story buildings shall not be permitted and shall be redesigned and simplified, in a manner to be reviewed and approved by staff.
 - l. All window exterior door replacements within the existing structure shall match the original window and door configurations, subject to the review and approval of staff. All window bars and wall/window air conditioning units shall be completely removed.
 - m. The final design and details of the proposed new building shall be provided, in a manner to be reviewed and approved by staff. The proposed concrete parapet shall be replaced with a parapet design that closely matches the material and finish of the composite wood screens located elsewhere on the building facades, subject to the review and approval of staff.
 - n. With the exception of service personnel, roof-top access to the new 5-story building shall be prohibited, and elevator access to the roof-top shall be prohibited.
 - o. A fully enclosed air conditioned trash room that is sufficiently sized to handle the entire trash load of the building(s) at all times shall be required, located within the envelope of the building, in a manner to be reviewed and approved by staff.
 - p. The final details of all exterior and lobby railing systems, including materials, dimensions and finishes, shall be subject to the review and approval of staff. Only handrails and vertical supports with a flat profile and aluminum finish shall be permitted on the exterior and in the lobby of the proposed project site, subject to the review and approval of staff.
 - q. A museum quality historic analysis and display of the existing structure, inclusive of a photographic and written description of the history and evolution of the original building on site, shall be submitted to and approved by staff, prior to the issuance of a Building Permit; such historic analysis shall be displayed prominently within the public area of the historic structure, in a location to be determined by staff.
 - r. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required.
 - s. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view, in a manner to be approved by staff.
 - t. 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

Page 4 of 10
HPB File No. 7263
Meeting Date: September 13, 2011

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. All existing original exterior stairs, terraces, walkways, and site walls facing Liberty Avenue and 19th Street shall be substantially retained with their original materials, in a manner to be reviewed and approved by staff.
 - b. Street trees shall be required along Collins Avenue, with the City standard bound aggregate system, with irrigation and uplighting, if not in conflict with existing underground utilities, in a manner to be reviewed and approved by staff.
 - c. Fencing of any kind shall not be permitted anywhere within the landscaped yards facing 19th Street or Liberty Avenue. Limited fencing between the buildings, at the building setback lines, may be permitted, subject to the review and approval of staff.
 - d. All exterior walkways shall consist of decorative pavers, decorative concrete or other decorative material, subject to the review and approval of staff.
 - e. 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.
 - f. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - g. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors 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 preventors, 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.
 - h. 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.
 - i. 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.

Page 5 of 10
HPB File No. 7263
Meeting Date: September 13, 2011

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. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
7. 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. Specifically, all streetscape, sidewalk and landscape improvements in the public rights-of-way along the Collins Avenue and Third Street sides of the project site shall be consistent with the approved CIP plans for this area and shall be paid for at the sole expense of the applicant, prior to the issuance of a CO.
8. 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.

JPM

Page 6 of 10
HPB File No. 7263
Meeting Date: September 13, 2011

- 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.
9. A drawn plan and written procedure for the proposed demolition shall be prepared and submitted by a Professional Structural Engineer, registered in the State of Florida, which fully ensures the protection of the public safety, as well as the protection of the existing structure on the subject site and all existing structures adjacent to the subject site during the course of demolition.
10. 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.
11. 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. Any current or future accessory restaurant use shall not operate between midnight and 6:00 A.M. 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. No bar counter shall be placed on the roof or on any terraces, private decks or balconies at any time.
 - iii. All roof-top fixtures, air-conditioning units and mechanical devices shall be screened from view. In addition, Owner agrees to install an exhaust system

Page 7 of 10
HPB File No. 7263
Meeting Date: September 13, 2011

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.

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. Except as may be required for fire or building code/Life Safety Code purposes, no loudspeakers shall be affixed to or otherwise located on the exterior of the premises.
- 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. No bar counter shall be placed on any of these areas at any time.
- 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

Page 8 of 10
HPB File No. 7263
Meeting Date: September 13, 2011

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.
12. 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.
13. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
14. 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.
15. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

Page 9 of 10
HPB File No. 7263
Meeting Date: September 13, 2011

16. 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. 1-16, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Historic Preservation Board, as determined by staff, entitled "The Peter Miller Hotel", as prepared by Kobi Karp Architecture & Interior Design, dated 7-15-2011.

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

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

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Certificate of Appropriateness was granted, the Certificate of Appropriateness will expire and become null and void. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the Certificate of Appropriateness will expire and become null and void.

In accordance with Section 118-561 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this Order shall subject the Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

OR BK 27851 PG 1170
LAST PAGE

Page 10 of 10
HPB File No. 7263
Meeting Date: September 13, 2011

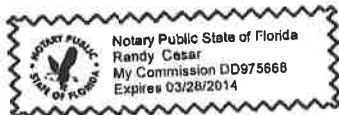
Dated this 16th day of SEPTEMBER, 2011.

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)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 16 day of September 2011 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.



[Signature]
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 3-28-2014

Approved As To Form:
Legal Department: [Signature] (9-15-2011)

Filed with the Clerk of the Historic Preservation Board on 9-16-2011 (RC)

F:\PLAN\SHPB\11HPB\SepHPB11\7263-SEP2011.FO.docx

[Signature]