

MIAMIBEACH

PLANNING DEPARTMENT

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

LAND USE BOARD HEARING APPLICATION

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

Application Information			
FILE NUMBER HPB20-0441			
<input type="radio"/> Board of Adjustment <input type="checkbox"/> Variance from a provision of the Land Development Regulations <input type="checkbox"/> Appeal of an administrative decision		<input type="radio"/> Design Review Board <input type="checkbox"/> Design review approval <input type="checkbox"/> Variance	
<input type="radio"/> Planning Board <input type="checkbox"/> Conditional use permit <input type="checkbox"/> Lot split approval <input type="checkbox"/> Amendment to the Land Development Regulations or zoning map <input type="checkbox"/> Amendment to the Comprehensive Plan or future land use map		<input checked="" type="radio"/> Historic Preservation Board <input checked="" type="checkbox"/> Certificate of Appropriateness for design <input type="checkbox"/> Certificate of Appropriateness for demolition <input type="checkbox"/> Historic district/site designation <input checked="" type="checkbox"/> Variance	
<input type="checkbox"/> Other:			
Property Information – Please attach Legal Description as “Exhibit A”			
ADDRESS OF PROPERTY 3425 Collins Avenue			
FOLIO NUMBER(S) 02-3226-001-1440			
Property Owner Information			
PROPERTY OWNER NAME 3425 Collins, LLC			
ADDRESS 3201 Collins Avenue	CITY Miami Beach	STATE FL	ZIPCODE 33140
BUSINESS PHONE 305-534-8800	CELL PHONE	EMAIL ADDRESS sgeraghty@faena.com	
Applicant Information (if different than owner)			
APPLICANT NAME same as owner			
ADDRESS	CITY	STATE	ZIPCODE
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	
Summary of Request			
PROVIDE A BRIEF SCOPE OF REQUEST Modification of HPB File No. 7490 and 7603, and HPB20-0376, HPB20-0389 and HPB20-0430 for design of landscaping and hardscaping including in the oceanfront overlay zone and dune preservation overlay zone.			

Project Information			
Is there an existing building(s) on the site?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the project include interior or exterior demolition?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Provide the total floor area of the new construction.		0	SQ. FT.
Provide the gross floor area of the new construction (including required parking and all usable area).		0	SQ. FT.
Party responsible for project design			
NAME Joaquin Bonifaz		<input type="checkbox"/> Architect <input type="checkbox"/> Contractor <input checked="" type="checkbox"/> Landscape Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Other _____	
ADDRESS 248 Washington Avenue		CITY Miami Beach	STATE FL
ZIP CODE 33139			
BUSINESS PHONE 305-534-5725	CELL PHONE	EMAIL ADDRESS jb@islandplanningcorporation.com	
Authorized Representative(s) Information (if applicable)			
NAME Neisen Kasdin		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 98 SE 7 Street, Suite 1100		CITY Miami	STATE FL
ZIP CODE 33131			
BUSINESS PHONE 305-374-5600	CELL PHONE	EMAIL ADDRESS neisen.kasdin@akerman.com	
NAME Matthew Barnes		<input checked="" type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS 98 SE 7 Street, Suite 1100		CITY Miami	STATE FL
ZIP CODE 33131			
BUSINESS PHONE 305-755-5825	CELL PHONE	EMAIL ADDRESS matthew.barnes@akerman.com	
NAME		<input type="checkbox"/> Attorney <input type="checkbox"/> Contact <input type="checkbox"/> Agent <input type="checkbox"/> Other _____	
ADDRESS		CITY	STATE
ZIP CODE			
BUSINESS PHONE	CELL PHONE	EMAIL ADDRESS	

Please note the following information:

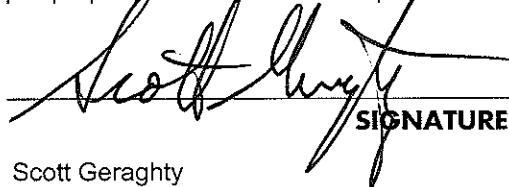
- A separate disclosure of interest form must be submitted with this application if the applicant or owner is a corporation, partnership, limited partnership or trustee.
- All applicable affidavits must be completed and the property owner must complete and sign the "Power of Attorney" portion of the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

Please read the following and acknowledge below:

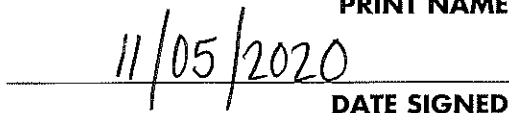
- Applications for any board hearing(s) will not be accepted without payment of the required fees. All checks are to be made payable to the "City of Miami Beach".
- Public records notice – All documentation submitted for this application is considered a public record subject to Chapter 119 of the Florida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

The aforementioned is acknowledged by:

☒ Owner of the subject property ☐ Authorized representative


SIGNATURE

Scott Geraghty

PRINT NAME

DATE SIGNED

OWNER AFFIDAVIT FOR INDIVIDUAL OWNER

STATE OF _____

COUNTY OF _____

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

SIGNATURE

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

NOTARY SEAL OR STAMP

NOTARY PUBLIC

My Commission Expires: _____

PRINT NAME**ALTERNATE OWNER AFFIDAVIT FOR CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY**STATE OF FloridaCOUNTY OF Miami-Dade

I, Scott Geraghty, being first duly sworn, depose and certify as follows: (1) I am the Manager (print title) of 3425 Collins, LLC (print name of corporate entity). (2) I am authorized to file this application on behalf of such entity. (3) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief. (4) The corporate entity named herein is the owner of the property that is the subject of this application. (5) I acknowledge and agree that, before this application may be publicly noticed and heard by a land development board, the application must be complete and all information submitted in support thereof must be accurate. (6) I also hereby authorize the City of Miami Beach to enter my property for the sole purpose of posting a Notice of Public Hearing on my property, as required by law. (7) I am responsible for remove this notice after the date of the hearing.

SIGNATURE

Sworn to and subscribed before me this 5 day of NOVEMBER, 2020. The foregoing instrument was acknowledged before me by SCOTT GERAGHTY, who has produced PERSONAL KNOWN as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

**NOTARY PUBLIC**My Commission Expires: 01-05-2024**PRINT NAME**

POWER OF ATTORNEY AFFIDAVITSTATE OF FloridaCOUNTY OF Miami-Dade

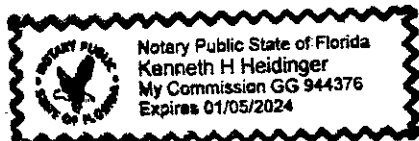
I, Scott Geraghty, being first duly sworn, depose and certify as follows: (1) I am the owner or representative of the owner of the real property that is the subject of this application. (2) I hereby authorize Neisen Kasdin to be my representative before the Historic Preservation Board. (3) I also hereby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

Scott Geraghty, Manager**PRINT NAME (and Title, if applicable)**

Scott Geraghty
SIGNATURE

Sworn to and subscribed before me this 5 day of NOVEMBER, 2020. The foregoing instrument was acknowledged before me by Scott Geraghty, who has produced Personally known as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP

My Commission Expires: 1-5-2024

Kenneth H. Heidinger
NOTARY PUBLIC
PRINT NAME

CONTRACT FOR PURCHASE

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

NAME**DATE OF CONTRACT**

NAME, ADDRESS AND OFFICE

% OF STOCK

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

DISCLOSURE OF INTEREST
CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY

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

3425 Collins, LLC

NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP
Leonard Blavatnik, 730 5th Ave, New York, NY 10019	100

NAME OF CORPORATE ENTITY

NAME AND ADDRESS	% OF OWNERSHIP

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

DISCLOSURE OF INTEREST
TRUSTEE

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

TRUST NAME	
NAME AND ADDRESS	% INTEREST

COMPENSATED LOBBYIST

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

NAME	ADDRESS	PHONE
Neisen Kasdin	98 SE 7 Street, Suite 1100, Miami, FL 33131	305-374-5600
Matthew Barnes	98 SE 7 Street, Suite 1100, Miami, FL 33131	305-374-5600

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

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

APPLICANT AFFIDAVIT

STATE OF Florida

COUNTY OF Miami-Dade

I, Scott Geraghty, being first duly sworn, depose and certify as follows: (1) I am the applicant or representative of the applicant. (2) This application and all information submitted in support of this application, including sketches, data, and other supplementary materials, are true and correct to the best of my knowledge and belief.

Scott Geraghty
SIGNATURE

Sworn to and subscribed before me this 5 day of November, 2020. The foregoing instrument was acknowledged before me by Scott Geraghty, who has produced Personal ID as identification and/or is personally known to me and who did/did not take an oath.

NOTARY SEAL OR STAMP



My Commission Expires: 1-5-2021

Kenneth H. Heidinger
NOTARY PUBLIC
PRINT NAME

LEGAL DESCRIPTION

PARCEL 1

LOTS 1 THROUGH 8, INCLUSIVE, AND THE 16.00 FOOT ALLEY, ALL IN BLOCK 21. OF AMENDED MAP OF THE OCEAN FRONT PROPERTY OF MIAMI BEACH IMPROVEMENT COMPANY. ACCORDING TO THE PLAT THEREOF. RECORDED IN PLAT BOOK 5. AT PAGES 7 AND 8. OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY. FLORIDA.

TOGETHER WITH:

PARCEL 2

A PARCEL OF LAND BEING A PORTION OF SECTION 26, TOWNSHIP 53 SOUTH, RANGE 42 EAST. LYING WITHIN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 8, BLOCK 21 OF THE AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGES 7 AND 8 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

THENCE SOUTH 82° 33' 12" E, ALONG THE SOUTH LINE OF LOTS 8 AND 1 OF SAID BLOCK 21, A DISTANCE OF 344.00 FEET TO THE EXISTING SOUTHEAST CORNER OF SAID LOT 1, BLOCK 21;

THENCE NORTH 06° 49' 29" EAST, ALONG THE EXISTING EAST LINE OF LOTS 1, 2, 3 AND 4 OF SAID BLOCK 21 AND ALSO ALONG THE BULKHEAD LINE. AS SHOWN IN THE PLAT MAP ENTITLED "ESTABLISHMENT OF EROSION CONTROL LINE". AS RECORDED IN PEAT BOCK 105, PAGE 62 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, A DISTANCE OF 200.72 FEET TO THE EXISTING NORTHEAST CORNER OF SAO LOT 4;

THENCE SOUTH 82° 38' 28" EAST, ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4. BLOCK 21, A DISTANCE OF 25.57 FEET TO A POINT ON THE EROSION CONTROL LINE AS SHOWN IN SAID PLAT MAP ENTITLED "ESTABLISHMENT OF EROSION CONTROL LINE";

THENCE SOUTH 06° 59' 18" WEST, ALONG SAID EROSION CONTROL LINE A DISTANCE OF 200.76 FEET TO A PONT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 1, BLOCK 21;

THENCE NORTH 82° 33' 12" WEST, ALONG SAID EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 1, BLOCK 21 A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE WITHIN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY. FLORIDA.

PARCELS 7 AND 2 COLLECTIVELY ALSO DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING A PORTION OF SECTION 26, TOWNSHIP 53 SOUTH, RANGE 42 EAST, LYING WITHIN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 8, BLOCK 21 OF THE AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, ACCORDING TO DE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGES 7 AND 8, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

THENCE NORTH 07° 26' 48" EAST, ALONG THE PEST LINE OF LOTS 8, 7, 6 AND 5 OF SAID BLOCK 21, A DISTANCE OF 200.19 FEET TO THE NORTHWEST CORNER OF SAID LOT 5, BLOCK 21;

THENCE THENCE SOUTH 82° .38' 28" EAST, ALONG THE NORTH LINE OF LOTS 5 AND 4, OF SAID BLOCK 21 AND ALONG THE EASTERLY EXTENSION OF SAID LOT 4, A DISTANCE OF 367.39 FEET TO A PONT ON THE EROSION CONTROL LINE, AS SHOWN IN PLAT MAP ENTITLED "ESTABLISHMENT OF EROSION CONTROL LINE", AS RECORDED W PLAT BOOK 105, PAGE 62 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA;

THENCE SOUTH 06° 59' 18 WEST, ALONG SAID EROSION CONTROL LINE, A DISTANCE OF 200.76 FEET TO A PONT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 1, BLOCK 21;

THENCE NORTH 82° 33' 72" WEST, ALONG SAID EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 1 AND ALONG THE SOUTH LINE OF SAID LOTS 1 AND 8, BLOCK 21 A DISTANCE OF 369.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE WITHIN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.



Response Sheet

FINAL & FORMAL SUBMITTAL

HPB20-0441, 3425 Collins Avenue.

Please provide a narrative response to the comments listed below.

1. DEFICIENCIES IN PRESENTATION

- a. The front (west) portion of the site inclusive of the monumental stair for the residence should be removed from this set of plans and added into HPB20-0430 or this application will need to be delayed until an approval for HPB20-0430 is approved by the Board.
R: Comment addressed on sheet A-001.
- b. Plans should more clearly indicate the areas that are part of this application. Areas that are not part of the application should be noted that they are not within the current scope and should be faded out.
R: Comment addressed on sheet A-001.
- c. Additional details of the trellis structure shall be provided including the tension fabric system proposed. It is not currently clear how or if the fabric retracts. The width of the trellis should be noted, additional development in terms of constructability will need to be submitted (the note on the plans that that it may change after engineering is not sufficient if there are any significant changes. For example, if after approval it is determined that cross beams are required, this structure would need to return to the Board). How is the trellis attached to the wall of the lounge/patisserie?
R: Refer to sheets AS-1.101 and 1.102 where more details were included. The Tensile Membrane is fixed but can be removed in the event of a mayor storm.
- d. Additional details of the pergola structures are required. Sheet AS-1.202 is illegible and should be removed. These structures will need to be clearly identified a dimensioned site plan.
R: Sheets AS-1.201 and 1.202 were redesigned and improve with more notes and dimensions.
- e. Provide additional information regarding the architectural glass wall including height.
R: Glass Feature Wall by Artist to be Selected, 9'-9.5" Tall x 20'-0" Wide.
- f. Provide all required setback lines for the Oceanfront Overlay on plans.
R: Lines have been provided in Red on new drawings.
- g. The landscape material notes shown on L-100.00 are not legible.
R: Notes have been clarified. Hatches removed for better legibility.
- h. The diagrams shown on L-102.01 are not legible.
R: Diagram has been clarified. Only color shown for better readability.



- i. Additional information will need to be provided for the bar counters, including drawings that show that no part of the bar counter, including any back bar is visible from the Beachwalk. Please include dimensioned elevation and plan drawings for the bar counter(s) and pizza oven.

R: Sheet A-100.3 shows a section with a line of sight that explain that no bar counter would be visible from the Beachwalk.

- j. Provide additional details of the proposed bathroom, elevator and both buildings including dimensioned plan and elevation including setback lines.

R: Sheet AS-1.201 and 1.203 present the

- k. Provide site elevation drawings showing the changes in levels for the rear yard, include heights in NGVD. Update site section drawings to show heights.

R: Refer to new sheets A-100.2 and A-100.3

2. DESIGN/APPROPRIATENESS COMMENTS (Recommendations)

- a. We recommend that the landscape plan within the dune overlay be amended to remove non-tree landscape that exceeds 36" at maturity for 50% of the linear rear frontage.

R: We have cleared 50% of the rear frontage of landscape material that grows past 36" at maturity. Corridors of low grasses and low ground cover have been created at 50% of the length

Additional comments made by Irina Villegas.

1. The Planning Director shall approve the use of 'stabilized granite' as applicable for open space required.

R: We have included further documentation and will be able to provide a sample at the Director's request. The stabilized granite (or other forms of aggregate) is naturally stabilized without using polymers and it is fully permeable. The aggregate we plan to use (from coquina stone or similar) has a high albedo to prevent overheating. In texture it is just slightly rougher than sand, requires less maintenance and is ADA accessible. In summary, our strategy is to keep this area cool, permeable, accessible and to prevent the high maintenance and intense water consumption of a lawn.

2. Elevated walkway and ramp that require a handrail shall be setback 15'-0" from the side property lines.

R: Refer to the requested variance for this item.

3. Setbacks and dimensions are missing.

R: Sheet A-100.P was revised to address the comment.

4. If the stabilized granite on walkways in the Dune Overlay is considered not open space material, why is considered as open space in the Oceanfront Overlay.

R: Diagram has been corrected to show Stabilized granite (aggregate) as Open to Sky.



5. The covered terrace on the north side of the Oceanfront Overlay do not count as open space for the portion with grass below, unless the area is open to the sky. Retractable cover is not considered as open space. Revise drawings to clearly indicate if the covered terrace is trellis or retractable roof. Plans are not consistent.

R: The covering on the trellis has been removed in this area.

6. Height of fence shall be measured from the elevation of the Beachwalk at the center of the property.

R: Noted and indicated on the section drawings 3/L-200.00 and 3/L-201.00

Additional comments from Ricardo Guzman.

A minimum of 50% of the property frontage facing the Beachwalk (private and public property) should consist of plant species that would naturally not exceed 36" in height at maturity and would not require periodic pruning in order to maintain such height. Please identify view corridors created by the low height plant material and dimension areas intended to be transparent.

R: We have cleared 50% of the rear frontage of landscape material that grows past 36" at maturity. Corridors of low grasses and low ground cover have been created at 50% of the length.



Akerman LLP
Three Brickell City Centre
98 Southeast Seventh Street
Suite 1100
Miami, FL 33131
Tel: 305.374.5600
Fax: 305.374.5095

January 4, 2021

Chair and Members of the Historic Preservation Board
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

RE: Versailles — COA for modifications to the previously approved COA for a new design for the landscaping and hardscaping and ground floor amenities in the rear yard including in the Oceanfront Overlay Zone and Dune Preservation Overlay Zone; HPB20-0441

Dear Mr. Mooney,

Our firm represents 3425 Collins, LLC ("Owner") the owner of the parcel of land located at 3425 Collins Avenue (the "Property"), which is improved with the Versailles Hotel, a contributing historic structure in the Collins Waterfront Historic District.

Recently Aman Resorts/OKO Group joined with Owner to develop the Property as the last element of the Faena District. The proposed redevelopment is generally similar to the currently approved certificate of appropriateness ("COA")¹ in that the historic structure will be renovated and a new tower (a detached ground floor addition) will be constructed on the south side of the property as a residential condominium building.

This application is for a COA for the design of landscaping and hardscaping on the Property and certain improvements in the rear yard portion of the Property ("Proposed Project"), including those areas designated as the Oceanfront Overlay Zone (the area 50' west of the bulkhead line) and the Dune Preservation Overlay Zone (the area in-between the Erosion Control Line (a.k.a. the eastern property line) and the bulkhead line).

The Proposed Project, along with the previously submitted applications involving restoring the historic building and constructing the detached ground floor addition, demonstrates how the Aman design team is committed to preserving and restoring the past grandeur of the Property while maintaining the extremely high program requirements of Aman.

¹ HPB File No. 7490 (design) and 7603 (variances), approved on March 8, 2016, as modified by HPB20-0376, HPB20-0389 and HPB20-0430.

Faena District

The redevelopment of the Property is the last piece of the larger Faena District, stretching in parts from 32nd Street to 35th Street. The Faena District includes the neighboring Faena Hotel (formerly the Saxony and also a Roy France designed building), the Faena House condominium (designed by Sir Norman Foster and Brandon Haw and whose condominiums have sold for record high prices), the Casa Faena (formerly the Claridge), the Faena Parking Garage, the Bazaar (the historically replicated Atlantic Beach Hotel and another Roy France building), and the Forum (designed by Rem Koolhaas of the Office of Metropolitan Architecture). Beneath Faena Park, the Bazaar and the Forum is an underground parking garage. Altogether, the Faena District provides a couple of hundred parking spaces where before only a handful of surface parking spaces existed. The Faena District also involved the complete reconstruction of the beachwalk within the District boundaries as well as the construction of the 32nd Street and 35th Street end improvements and improvements to the 34th Street right of way ("34th").

The proposed project will continue the pattern that has made the Faena District a special place for residents and visitors alike — the preservation of important and invaluable historic buildings while injecting new life into the historic buildings and introducing new architecture and new uses that buoy the vibrancy and property values.

Description of Proposed Project

Aman Miami Beach Hotel and Residences embodies the beauty and balance of duality on a multitude of levels. IPC's design for the project seeks to fuse seemingly contrasting components through landscape with particular focus on scale, natural transitions and native botanical diversity. The new residential building, designed by Japanese architect Kengo Kuma, sits adjacent to the Versailles Hotel, a historic Miami Art Deco mainstay, which houses the hotel.

The architect for the Residences wanted IPC to bring a Japanese sensitivity to the landscape, with reference to the delicate textured bamboo forests of Northern Japan, while paying homage to regional Caribbean flora. Through the integration of layered vegetation, clumping tropical bamboos and *Dysoxylum* species, punctuated by rare regional palms and native ground cover, IPC developed a naturalized botanical transition mediating between old and new, native and exotic. Radiating out from the core area of the two buildings towards the street, IPC's plantings transition to a Caribbean palm canopy emphasizing texture and dappled shade with *Coccothrinax*, *Sabal*, and *Litsea* species.

Moving from the Kuma residential building to the adjacent restored Versailles Hotel, IPC's landscape reflects the architectural symmetry of Art Deco. Native plant compositions transition from their natural growth habit into sculptural, formalized privacy hedges.

Pool decks in both the residential and hotel areas are treated with different cuts and patterns of local filled and sealed limestone while a stabilized regional aggregate is used for pathways and terraces on the beach side.

The intent of the Dune Preservation Overlay Zone and Oceanfront Overlay Zone regulations is to gradually reduce the intensity of oceanfront property usage closer to the Atlantic Ocean. The Proposed Project meets that intent by concentrating the more active pool

uses in the Oceanfront Overlay Zone, while 100% of the Dune Preservation Overlay Zone is landscaped or open space, which is 20% more than what is required.

Sea Level Rise Criteria

In order to ensure that the Project is resilient in light of the effects of sea level rise, the sea level rise and resiliency review criteria from Section 133-50 of the LDRs is addressed below:

- 1) **A recycling or salvage plan for partial or total demolition shall be provided.**
Not applicable.
- 2) **Windows that are proposed to be replaced shall be hurricane proof impact windows.**
Not applicable.
- 3) **Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**
Not applicable.
- 4) **Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with chapter 126 of the city Code.**
Resilient landscaping has been provided.
- 5) **The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.**
Most of the rear yard area will be built up to approximately 14'-2" NGVD whereas currently the elevation varies between 5' and 6' NGVD. Base Flood Elevation is 8' NGVD. The Property will step and slope down as one heads east, coming down to meet the existing elevation of the beachwalk of approximately 9'-6" NGVD.
- 6) **The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-way and adjacent land, and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three additional feet in height.**
Not applicable, but in the prior modifications to the COA all ramps will be able to absorb the additional 3 feet in height based on the current street elevation of Collins Avenue and side streets.
- 7) **As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.**

All critical mechanical and electrical equipment will be located between 1 and 2 feet above base flood elevation with the exception of the FPL vault, which will be located at grade elevation as required by FPL.

8) Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.

The existing building is located above the base flood elevation but it cannot be raised up to the freeboard due to its historic designation.

9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

All proposed construction located below BFE will be dry flood proof construction up to the BFE plus freeboard. All entrances to the basement located below BFE plus freeboard will be protected with flood panels or gates.

10) As applicable to all new construction, stormwater retention systems shall be provided.

The project's Stormwater Management System will be designed to meet the requirements for on-site retention for the State of Florida Department Of Environmental Protection, the City of Miami Beach and the State of Florida Department of Transportation.

11) Cool pavement materials or porous pavement materials shall be utilized.

Cool pavement materials have been utilized.

12) The design of each project shall minimize the potential for heat island effects on-site.

The project's parking is located below grade, eliminating parking lots which contribute to the heat island effect. Hardscape areas will be limited. Landscaped areas will be planted with green lawns, bushes and trees for shade.

Variances

The Proposed Project requires the approval of three (3) variances from the Dune Preservation Overlay Zone and Oceanfront Overlay regulations.

1. Sec. 142-774(4). Sites having less than 300 linear feet of oceanfront frontage shall be limited to one dune crossing and/or promenade linkage. Proposed to have two promenade linkages.

2. Sec. 142-775(d)(2). Minimum yards Minimum yards in the dune preservation district shall be as follows: Fifteen feet adjacent to any side property line, municipal park, street end, or right-of-way. Proposed 9'-10" setback from the north property line and 4'-3" setback from the south property line.

3. *Sec. 142-802(3). There shall be a minimum required 15-foot setback from a side lot line and a minimum required ten-foot setback from the bulkhead line.* Proposed 9'-10" setback from the north property line and 4'-3" setback from the south property line.

The Property has 200 feet of ocean frontage and Owner proposes to have two promenade linkages. The two linkages are proposed because there are two different uses on the Property, hotel and residential condominium. Each use would have its own connection to the beachwalk. This is a fairly common setup for properties with multiple uses, including next door in the Faena District as the Faena House Condominium and Faena Hotel each have their own connection to the beachwalk.

Variances #2 and #3 are so that two walkways, one for the hotel and one for the condo, each of which has a handrail, can be located at the north and south ends of the Property. The two walkways tie directly into the two promenade linkages.

The City Code establishes seven (7) individual criteria by which requests for variances are evaluated by the HPB. These criteria are listed below in bold and underline text, with our response following each criterion in plain text.

The City Charter, Subpart B, Article I, Sec. 2 also states, *"Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of said Zoning Ordinance, the Board of Adjustment shall have the power in passing upon appeals, to vary or modify any regulations or provisions of such ordinance relating to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done."*

We believe our responses below will demonstrate that there are both practical difficulties and unnecessary hardships associated with our request for the variances.

(1) 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;

Not every property in the RM-3 zoning district has multiple land use on the same property but those that do tend to have separate connections to the beachwalk for each use. Also, the Property is unique in that on both the north and south sides it abuts public parking lots and rights of way/street-ends that are over 100' wide. Therefore, the small side setback variances, which are only for the pedestrian walkways, do not negatively affect any abutting property owner or the public because the side yards are heavily landscaped and screened

(2) The special conditions and circumstances do not result from the action of the applicant;

Introducing two uses – hotel and residential condominium – is the result of the applicant but is necessary to create an economically viable project that is able to restore the historic Versailles building. The unique situation of the Property in terms of it being situated between two extra wide public spaces is not the result of the applicant.

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;

Many properties with multiple land uses in the RM-3 district have multiple connections to the beachwalk to accommodate the users of the different land uses.

(4) Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;

Many properties with multiple land uses in the RM-3 district have multiple connections to the beachwalk to accommodate the users of the different land uses.

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

One additional connection to the beachwalk is the minimum number of additional connections needed to make reasonable use of the land. The side yard setback variances are the minimum necessary to still be able to provide landscape screening.

(6) The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

Approval of the Variances will not be injurious or detrimental to the area or public welfare. Each connection to the beachwalk will be a secured connection.

(7) 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.

Granting this request would be consistent with the comprehensive plan and it does not reduce levels of service as set forth in the comprehensive plan.

For all of the aforementioned reasons we respectfully request your favorable review of the Proposed Project and we look forward to working with your staff and presenting the project to the Historic Preservation Board.

Sincerely,

A handwritten signature in black ink, appearing to read 'Neisen O. Kasdin', written over a horizontal line.

Neisen O. Kasdin

PLANNING DEPARTMENT

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

BOARD APPLICATION CHECKLIST

A Pre-Application meeting must be scheduled via CAP to obtain a plan case number and for board staff review of all submittals.

Pre-Application meetings for applications that do not require a traffic study are scheduled on a first come-first served basis and must occur no later than five (5) business days prior to CAP First submittal.

Applications requiring a traffic study must meet with the Transportation Department and peer reviewer thirty (30) calendar days prior to the CAP First Submittal deadline to determine the methodology for the traffic impact study and obtain the Transportation Department's checklist. Fifteen (15) days prior to the First submittal the applicant must submit the traffic study via CAP. Seven (7) days prior to First submittal the Transportation Department/Peer Reviewer will provide first round of comments to the applicant. The applicant must address the comments and submit revised traffic study/plans by the CAP First Submittal deadline including a narrative responding to Transportation/Peer Reviewer comments.

Incomplete, or submittals found to be insufficient will not be placed on a Board agenda.

Property address: 3425 Collins Ave

Board: HPB

Date: 12/11/2020

ITEM #	ITEM DESCRIPTION	REQUIRED
CAP FIRST SUBMITTAL To be uploaded online (CAP) by the applicant before 12:00 pm by First submittal deadline. ALL PLANS MUST BE DIMENSIONED AND LEGIBLE. INCLUDE A GRAPHIC SCALE.		
1	Application Fee and Peer review fees shall be paid after Pre-Application meeting and before the First submittal. It is the applicant's responsibility to make this payment, if an invoice is not generated by the CAP system, the applicant should contact staff prior to first submittal to be invoiced and make payment.	✓
a	Is the property the primary residence & homestead of the applicant/property owner? (If yes, provide office of the Property Appraiser Summary Report).	
2	Copy of signed and dated check list issued at Pre-Application meeting.	✓
3	Completed Board Application, Affidavits & Disclosures of Interest (original signatures).	✓
4	Signed and dated Letter of Intent. Letter must outline application details and identify hardships if Variances are requested. (see also Items # 42,43 and 44).	✓
5	Mailing Labels: Upload property owner's list and copy of original certified letter from provider. See #52 for submittal of Hard copy / originals of these items.	✓
6	Copies of all current or previously active Business Tax Receipts.	
7	School Concurrency Application for projects with a net increase in residential units (no SFH). Provide Planning Department - Miami Dade - School Concurrency Application for Transmittal	
8	Survey: Electronic version of original signed & sealed, dated no more than six months from date of application. Survey must provide: lot area, grade per Section 114-1 of the City Code. (If no sidewalk exists, provide the elevation of the crown of the road) and spot elevations.	✓
9	Architectural Plans and Exhibits (must be 11"x 17")	
a	Cover Sheet with bullet point scope of work, clearly labeled "First Submittal" and dated with First Submittal deadline date. Include copies of previous recorded board orders, if applicable.	✓

Property address: 3425 Collins Ave

Board: HPB

Date: 12/11/2020

ITEM #	ITEM DESCRIPTION	REQUIRED
b	Copy of the original survey included in plan package. See No. 8 above for survey requirements	✓
c	All Applicable Zoning Information (Use Planning Department zoning data sheet format).	✓
d	Context Location Plan, Min 8.5"x11" Color Aerial 1/2 mile radius, identifying project and showing name of streets. (no Google images)	✓
e	Full legal description of the property if not included in survey (for lengthy legal descriptions, attach as a separate document - label clearly).	✓
f	Existing FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable	
g	Proposed FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams), if applicable.	
h	Site Plan (fully <u>dimensioned</u> with setbacks, existing and proposed, including adjacent right-of-way widths).	✓
i	Current color photographs, dated, Min 4"x 6" of project site and existing structures (no Google images)	✓
j	Current, color photographs, dated, Min 4"x6" of interior space (no Google images)	
k	Current color photographs, dated, Min 4"x 6" of context, corner to corner, across the street and surrounding properties with a key directional plan (no Google images)	
l	Existing Conditions Drawings (Floor Plans & Elevations with dimensions). Number of seats, furniture layout if applicable	✓
m	Demolition Plans (Floor Plans & Elevations with dimensions)	✓
n	Proposed Floor Plans and Roof Plan, including mechanical equipment plan and section marks. Plans shall indicate location of all property lines and setbacks.	✓
o	Proposed Elevations, materials & finishes noted (showing grade, base flood elevation, heights in NGVD values and free board if applicable)	✓
p	Proposed Section Drawings	✓
q	Color Renderings (elevations and three dimensional perspective drawings).	
10	Landscape Plans and Exhibits (must be 11"x 17")	
a	Landscape Plan - street and onsite - identifying existing, proposed landscape material, lighting, irrigation, raised curbs, tree survey and tree disposition plan, as well as underground and overhead utilities when street trees are required.	✓
b	Hardscape Plan, i.e. paving materials, pattern, etc.	✓
11	Copy of original Building Permit Card, & Microfilm, if available.	
12	Copy of previously approved building permits (provide building permit number) and/or Board Orders.	
13	Existing and Proposed detailed topographic survey depicting existing spot grades (NAVD) as well as all underground/overhead utilities and easements/agreements with recording data. See Part 1 / Section 1 / A. Surveying & Mapping Standards and submittal Requirements of the Public Works Manual. http://www.miamibeachfl.gov/publicworks/engineering/engineeringmanual.aspx?id=12920	✓
14	Vacant/Unoccupied structures or sites shall provide recent photographic evidence that the site and structure are secured and maintained. The applicant shall obtain and post a No Trespassing Sign from the City's Police Dept.	

Property address: 3425 Collins Ave

Board: HPB

Date: 12/11/2020

ITEM #	ITEM DESCRIPTION	REQUIRED
15	Historic Resources Report (This report shall include, but not be limited to, copy of the original Building Permit Card and subsequent modifications, Microfilm records, existing condition analysis, photographic and written description of the history and evolution of the original building on the site, all available historic data including original plans, historic photographs and permit history of the structure and any other related information on the property.	
16	Contextual Elevation Line Drawings, corner to corner, across the street and surrounding properties (dated).	
17	Line of Sight studies.	
18	Structural Analysis of existing building including methodology for shoring and bracing.	
19	Proposed exterior and interior lighting plan, including photometric calculations.	
20	Exploded Axonometric Diagram (showing second floor in relationship to first floor).	
21	Neighborhood Context Study. (Planning will provide guidance if necessary for application.)	
22	Required yards open space calculations and shaded diagrams.	✓
23	Required yards section drawings.	✓
24	Variance and/or Waiver Diagram	✓
25	Schematic signage program	
26	Detailed sign(s) with dimensions and elevation drawings showing exact location.	
27	Elevation drawings showing area of building façade for sign calculation (Building ID signs).	
28	Daytime and nighttime renderings for illuminated signs.	
29	Floor Plan Indicating area where alcoholic beverages will be displayed.	
30	Survey showing width of the canal (Dimension shall be certified by a surveyor)	
31	Site Plan showing total projection of structures from seawall, location and dimension of all structures inclusive of dock, mooring piles, boat lift, etc.	
32	DERM recommendation/preliminary approval. Docks or any structures shall have approval stamp from DERM or other regulatory agency before submitting for a variance. A letter from DERM or other agency, explaining specific requirements for the project is recommended.	
33	Technical specifications of the boat lift and/ or boat, ship of vessel to be docked or moored.	
34	Survey shall include spot elevations in rear yard and elevation points on the dune adjacent to the property. Provide highest elevation point on the dune within the property. Erosion control line and Bulkhead line shall be indicated if present.	✓
35	Scaled, signed, sealed and dated specific purpose survey (Alcohol License/Distance Separation) distance shown on survey with a straight line.	
36	Proposed Operational Plan: Include deliveries and trash pickup times, hours of operations, number of employees, security and restaurant menu (if applicable).	
37	Maneuvering plan for loading within the existing/proposed conditions, delivery and garbage trucks size (length and width).	
38	Traffic Study, Site plan(s) : Revised version and narrative addressing first round of comments from Transportation Department and peer review, provide a narrative. (See Transportation Department check list for requirements.)	
39	Sound Study report (Hard copy) with 1 CD.	
40	Site Plan (Identify streets and alleys)	
a	Identify: setbacks _____ Height _____ Drive aisle widths _____ Streets and sidewalks widths _____	

Property address: 3425 Collins Ave Board: HPB Date: 12/11/2020

ITEM #	ITEM DESCRIPTION	REQUIRED
b	# parking spaces & dimensions_____ Loading spaces locations & dimensions_____	
c	# of bicycle parking spaces_____	
d	Interior and loading area location & dimensions_____	
e	Street level trash room location and dimensions_____	
f	Delivery route_____ Sanitation operation_____ Valet drop-off & pick-up_____ Valet route in and out_____	
g	Valet route to and from _____ auto-turn analysis for delivery and sanitation vehicles_____	
h	Indicate any backflow preventer and FPL vault if applicable	
i	Indicate location of the area included in the application if applicable	
j	Preliminary on-street loading plan	
41	Floor Plan (dimensioned)	
a	Total floor area	
b	Identify # seats indoors_____ outdoors_____ seating in public right of way _____ Total_____	
c	Occupancy load indoors and outdoors per venue_____ Total when applicable_____	
42	The letter of Intent shall include and respond to all sea level rise and resiliency review criteria per section 133-50 of the City Code.	✓
43	The Letter of Intent for Variances shall include and respond to all review guidelines in the code as follows:	
a	Section 118-53 (d) of the City Code for each Variance.	✓
44	The Letter of Intent for Planning Board shall include and respond to all review guidelines in the code as follows:	
a	For Conditional Use -Section 118-192 (a)(1)-(7)	
b	CU - NIE and or outdoor Entertainment Establishments - Section 142-1362 (a)(1)-(9)	
c	CU - Mechanical Parking - Section 130-38 (3)(c)(i)(1)-(2) & (4)(a)-(k)	
d	CU - Structures over 50,000 SQ.FT. - Section 118-192 (b) (1)-(11)	
e	CU - Religious Institutions - Section 118-192 (c) (1)-(11)	
f	For Lot Splits - Section 118-321 (B) (1)-(6). Also see application instructions	
	Notes: The applicant is responsible for checking above referenced sections of the Code. If not applicable write N/A	
Other	Detailed plans and section drawings of improvements within the Dune and Oceanfront Overlay districts	✓
Other		
Other		

****ADDITIONAL INFORMATION AS MAY BE REQUIRED AT THE PRE-APPLICATION MEETING**



Property address: 3425 Collins Ave Board: HPB Date: 12/11/2020

ITEM #	ITEM DESCRIPTION	REQUIRED
FINAL SUBMITTAL (CAP & PAPER) Plans should be clearly labeled "Final Submittal" and dated with Final Submittal deadline date. Final Submittal Documents must be uploaded to the CAP and hard copies must be submitted to the Planning Department prior to 12:00 P.M. on final submittal deadline. Staff will review and issue a notice to proceed or to continue submittal to a future meeting if the application is found incomplete.		
45	Traffic Study, Site plan(s): This is the final traffic study including any modifications required to address comments from the City's Transportation Department. City's required permit by FDOT should be obtained prior to Final submittal (via CAP).	
	PAPER FINAL SUBMITTAL:	
46	Original application with all signed and notarized applicable affidavits and disclosures.	✓
47	Original of all applicable items.	✓
48	One (1) signed and sealed 11"X17" bound, collated set of all the required documents.	✓
49	14 collated copies of all required documents	✓
50	One (1) CD/DVD with electronic copy of entire final application package (plans, application, Letter of Intent, traffic/sound study, etc.) see CD/DVD formatting attached, for instructions.	✓
51	Traffic Study (Hard copy)	
52	Mailing Labels -2 sets of gummed labels and a CD including: Property owner's list and Original certified letter from provider.	✓

ADDITIONAL INFORMATION AND ACKNOWLEDGEMENTS

- A. Other information/documentation required for First submittal will be identified during Pre-Application meeting but may be modified based on further analysis.
- B. It is the responsibility of the applicant to confirm that documents submitted via CAP, Paper Submittal sets (14 copies), and electronic version on CD are consistent with each other and legible.
- C. Plan revisions and supplemental documentation will not be accepted after the Final Submittal deadline
- D. All documents required for Board applications must be submitted in an electronic format (PDF) via CD in the manner prescribed herein. The CD is considered the "Formal Submission", and must include the electronic version of all hard copy documents associated with the application. A new Updated CD will be required if any modifications are made before or after hearing. Failure to comply with the aforementioned may result in a rehearing before the applicable board at the applicant's expense.
- E. Please note that the applicant will be required to submit revised plans pursuant to applicable Board Conditions no later than 60 days after Board Approval. (If applicable)

Matthew Barnes

Applicant or Designee's Name



Applicant or Designee's Signature

12/11/20

Date

* Due to Covid-19 Paper Copies may be placed with an electric copy of all final, original submittal documents, uploaded into CSS and labeled as "Formal Submittal". Staff will provide further details on processes at First Submittal and Notice to Proceed Comments

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: June 9, 2020

PROPERTY/FOLIO: 3425 Collins Avenue / 02-3226-001-1440

FILE NO: HPB20-0376

LEGAL: Lots 1 through 8 inclusive, and the 16.00 foot Alley all in Block 21, AMENDED PLAT OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 5, Pages 7 and 8, 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 the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition. Specifically, the applicant is requesting modifications relative to the contributing Versailles building including the design of the public interior, partial demolition and expansion of the floor plates eastward and modifications to the rooftop addition including variances from the required side facing a street setbacks.

CONSOLIDATED ORDER

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

I. Certificate of Appropriateness

- A. The subject site is located within the Collins Waterfront Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
 - 1. Is consistent with Sea Level Rise and Resiliency Review Criteria in Section 133-50(a) of the Miami Beach Code.
 - 2. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
 - 3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
 - 4. Is not consistent with Certificate of Appropriateness Criteria 'b', & 'k' in Section 118-564(a)(3) of the Miami Beach Code.



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5. Is consistent with Certificate of Appropriateness 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 and 133-50(a) if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The design of the north, south and east elevations of the new eastern extension of the Versailles building, as shown in the plans dated February 10, 2020, inclusive of the balcony design shall be further developed, in a manner to be reviewed and approved by the Board prior to the issuance of a Building Permit or a revision to any active Building Permit.
 - b. The plans for porte-cochere/entry canopy on the west side of the Versailles building, as shown in the plans dated February 10, 2020, shall be further developed and shall require the review and approval of the Board, prior to the issuance of a Building Permit or a revision to any active Building Permit that includes a porte-cochere/entry canopy.
 - c. The interior design, including but not limited to materials, finishes and lighting elements of the new lobby of the Versailles building, as shown in the plans dated February 10, 2020, shall be further developed, in a manner to be reviewed and approved by the Board prior to the issuance of a Building Permit or a revision to any active Building Permit.
 - d. The design of the entire rooftop addition on the Versailles building, as shown in the plans dated February 10, 2020, shall be further developed, in a manner to be reviewed and approved by the Board prior to the issuance of a Building Permit or a revision to any active Building Permit that includes a rooftop addition.
 - e. The loading space proposed to be located at the drop off area for the new residential tower along Collins Avenue shall not be permitted. All loading spaces required for the new residential tower shall be located internal to the structure.
 - f. Any kitchen equipment and venting systems associated with the ground level café shall be chased internally through to the roof.
 - g. The maximum FAR for the project site shall not exceed 3.0.
 - ~~d. The design for the new tower addition shall be presented to the Board in the form of a Status Report at the December 9, 2014 meeting.~~
 - ~~e. The proposed glass railings for the new balconies at the east elevation of the historic Versailles structure shall be replaced with masonry and glass railings and shall be consistent with the revised plans presented to the Board on November 14,~~

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- ~~2014, 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. The vertical supports for the proposed front canopy structure at the west elevation of the historic Versailles structure shall incorporate decorative urns and palm trees and shall be consistent with the revised plans presented to the Board on November 14, 2014, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.~~
- g. h. The enclosed corridors located on the roof terrace of the new tower shall not be permitted, and shall be redesigned as open air corridors.
- ~~h. i.~~ i. The facades of the existing building shall be fully restored to the greatest extent possible, with the exceptions noted 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.
- ~~i. The historic lobby of the existing building shall be fully restored to the greatest extent possible, according to available historic documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.~~
- j. The original historic "Versailles" signage located on the west elevation shall be recreated to the greatest extent possible, according to available historic documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- k. The final design and details of the proposed canopy located at the west elevation of the historic Versailles tower shall be provided, and all lighting and any required sprinkler systems shall be completely recessed into the structure, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- l. Final details of all exterior surface finishes and materials for the historic Versailles tower and the new residential tower, including 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.
- m. A museum quality historic analysis and display of the existing historic structure, inclusive of a photographic and written description of the history and evolution of the original building and its changes of use over time, shall be submitted to and approved by staff, prior to the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy; such historic analysis shall be displayed prominently within the public area of the historic structure, in a location to be determined by staff.
- n. 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

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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.

2. In accordance with Section 118-395(b)(2) of the City Code, the requirement pertaining to an existing structure's setbacks and parking credits, is hereby waived, to allow for the reconstruction of the original floor slabs.
3. In accordance with Section 118-564(f)(6) of the City Code, the requirement that a full building permit for the new construction be issued prior to the issuance of a demolition permit for existing noncontributing structures, is hereby waived, if the following requirement is met:
 - a. A Building Permit for the reconstruction of the south wall of the historic Versailles tower, according to the plans approved by the Board, shall be issued prior to or concurrently with the permit for the total demolition of the 8-story 1955 south addition.
4. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
5. 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. Street trees shall be required along 35th Street and Collins Avenue, if feasible, in a manner to be reviewed and approved by the Public Works Department.
 - 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. Any overhead utilities located in the adjacent public right-of-ways, shall be placed underground, if feasible, and subject to the review and approval of the Public Works Department.
 - d. Pursuant to the Escrow Agreement executed between the owner and the City, signed by both parties in March 2009, the owner has agreed to enter into a Streetscape Agreement for all public right-of-way improvements abutting the subject property, including 32nd Street between Collins Avenue and the Ocean, Collins Avenue, and 34th Street between Collins Avenue and the Ocean, inclusive of the City's public surface parking lot. The following conditions shall be required to be completed, as part of the Streetscape improvements, prior to the issuance of

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- a Partial Certificate of Occupancy (P.C.O), Temporary Certificate of Occupancy (T.C.O.) or final Certificate of Occupancy (C.O.) for either the new building or existing building on the Versailles property (3425 Collins Avenue), whichever occurs last.
 - e. 34th Street: The owner will install drainage structures and hardscape improvements (including sidewalks, A.D.A. ramps, and vehicular approaches, as described in the City right-of-way plans adjacent to the east side of Collins Avenue at 34th Street), or will provide funding for such work, at the discretion of the City's Capital Improvement Projects Department.
 - f. 34th Street Surface Parking Lot: The owner will provide landscape and irrigation, or will provide funding for such improvements at the discretion of the City's Capital Improvement Projects Department for the 34th Street surface lot.
 - g. Public Beach Access at 34th Street: The owner will construct the paved public beach access, including all associated hardscape, landscape, and irrigation, from Collins Avenue to the Ocean. This shall also include all landscape, hardscape, and irrigation located between the east end of the 34th Street parking lot and the Ocean.
 - h. Pursuant to Condition 3.d.i below, the owner shall provide lighting in all landscape areas constructed or funded by the owner, in a manner to be reviewed and approved by staff.
6. The applicant has proffered and agreed to construct a grade level Public Beach Walk along the rear of the subject site, subject to the following conditions. The approval of the subject application is contingent upon such Public Beach Walk being constructed in accordance with the following conditions:
- a. The existing raised boardwalk adjacent to the dune and the site, in between 34th and 35th Streets, shall be demolished and removed. A new Public Beach Walk shall be designed, permitted and built by the applicant and shall connect to the existing raised boardwalks to the north and to the south. All costs associated with the design, permitting and construction of the Public Beach Walk, as described herein, shall be borne by the applicant.
 - b. The applicant shall enter into and record a restrictive covenant, approved by the Miami Beach City Attorney, which runs with the land, confirming the applicant's agreement to design, permit and construct a Public Beach Walk, in accordance with the conditions herein. The restrictive covenant shall be recorded in the public records, at the expense of the applicant.
 - c. The Public Beach Walk shall be generally consistent with the beach walk master plan, and shall require the review and approval of the Public Works Department, as well as all other applicable regulatory agencies and authorities.
 - d. The Public Beach Walk shall be substantially completed as soon as reasonably possible after the issuance of all required permits for its construction.

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- e. The construction of the Public Beach Walk will be timed to coincide with the beach walk project behind the Saxony Hotel. If the Versailles is ready for C.O. and construction of the Public Beach Walk has not commenced and completed, then the applicant shall post a bond, or provide other security acceptable to the City Attorney, for the cost of construction of the Public Beach Walk, to guarantee its construction and completion.

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

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):

1. A variance to reduce 6'-0" from the minimum required setback of 11'-0" from the Erosion Control Line in order to construct a perimeter fence in the Dune Preservation Overlay District at 5'-0" from the Erosion Control Line and a height up to 16.50 NGVD.
2. A. A variance to reduce 10'-0" from the minimum required setback of 15'-0" from the side property line in order to construct a perimeter fence in the Oceanfront Overlay District at 5'-0" from the north property line and a height up to 16.50 NGVD.
 B. A variance to reduce 10'-0" from the minimum required setback of 15'-0" from the side property line in order to construct a perimeter fence in the Oceanfront Overlay District at 5'-0" from the south property line and a height up to 16.50 NGVD.
3. A. A variance to reduce all minimum required pedestal street side setback of 16'-0" in order to construct new stairs up to the north property line facing 35th Street.
 B. A variance to reduce 5'-7" from the minimum required pedestal street side setback of 16'-0" in order to construct a column in the elevated terrace at 10'-5" from the north property line facing 35th Street.
4. A. A variance to reduce by a range from 13'-2" to 5'-2" the minimum required pedestal street side setback of 16'-0" in order to construct the first and second floor at a setback ranging from 2'-10" to 10'-10" from the south property line facing 34th Street.
 B. A variance to reduce a range from 15'-4" to 3" the minimum required pedestal street side setback of 16'-0" in order to construct the third and fourth floors of the

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new 16 story addition at a range from 8" to 15'-9" from the south property line facing 34th Street.

C. A variance to reduce 11'-0" from the minimum required pedestal street side setback of 16'-0" in order to construct a perimeter fence at 5'-0" from the south property line facing 34th Street and a maximum height of 16.50 NGVD.

5. A variance to reduce 31'-4" from the minimum required pedestal sum of the side setbacks of 32'-0" in order to provide a sum of the side yards of 8".
6. A variance to reduce 1'-10" from the minimum required subterranean street side setback of 10'-0" in order to construct columns at 8'-2" from the south property line facing 34th Street.
7. A. A variance to reduce a range from 15'-4" to 3" the minimum required tower street side setback of 16'-0" in order to construct the fourth through sixteen floors of the new 16 story addition at a range from 8" to 15'-9" from the south property line facing 34th Street.
 B. A variance to reduce 7'-2" from the minimum required tower street side setback of 16'-0" in order to construct the pool and pool deck at 8'-10" from the south property line facing 34th Street.
8. A variance to reduce 25'-9" from the minimum required tower sum of the side setbacks of 32'-0" in order to provide a sum of the side yards of 6'-3".
9. A variance to exceed by 3'-0" the maximum permitted building height of 200'-0" in order to construct a new 16 story residential addition on the southwest side of the property with a maximum height of 203'-0" measured from base flood elevation plus 1'-0" (9.00' NGVD) to the top of the roof kitchen counter.
10. A. A variance to reduce 4'-0" from the minimum required subterranean street side setback of 10'-0" in order to leave underground sheet piles for the construction of the basement retaining walls at 6'-0" from the north property line facing 35th Street.
 B. A variance to reduce a range from 10'-0" to 6'-0" from the minimum required subterranean street side setback of 10'-0" in order to leave underground sheet piles for the construction of the basement retaining walls at a range from 0'-0" to 4'-0" from the south property line facing 34th Street.
11. A variance to reduce 4'-0" from the minimum required subterranean rear setback of 50'-0" in order to leave underground sheet piles for the construction of the basement retaining walls at 46'-0" from the rear property line.
12. A variance to reduce 4'-0" from the minimum required subterranean front setback of 20'-0" in order to leave underground sheet piles for the construction of the basement retaining walls at 16'-0" from the front property line facing Collins Avenue.

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13. A variance to exceed by 10.6% (9'-5") the maximum permitted width of 30% (26'-7") of the building's core front (88'-8") in order to construct a new porte-cochere with a width of 40.6% (36'-0") of the building's front, facing Collins Ave.
 14. A variance to exceed by 3'-0" the maximum permitted height of 16'-0" for a porte-cochere in order to construct a new porte-cochere in front of the property up to 19'-0" in height, facing Collins Ave.
 15. A variance to reduce 11'-6" from the minimum required front setback of 20'-0" for at grade parking in order to construct a new driveway at 8'-6" from the front property line facing Collins Avenue.
 16. A variance to reduce by 10.47' the minimum required pedestal side facing a street setback of 16.0' in order to extend the floorplates on floors 2 through 5.
 17. A variance to reduce by 10.47' the minimum required tower side facing a street setback of 16.0' in order to extend the floorplates on floors 6 through 14.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

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;

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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.

- C. The Board hereby grants the requested variance(s) and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
 2. Revised detailed drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - f. The top of the foundation of any structure and the top of underground sheet piles shall be at least 3' below the grade elevation (3.58' NGVD) established for the property in order to provide enough rooting space for the proposed landscape.
 3. 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.
 4. A revised landscape plan, 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. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
 - b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
 - c. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a

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Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.

- d. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
- e. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
- f. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of the Public Works Department.
- g. 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.
- h. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- 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, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- j. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or 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.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

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

- A. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness approval as same are contained herein, in the original Orders dated November 14, 2014 and March 8, 2016. Accordingly, this Order shall serve as the Final Order for the proposed project and, in the event of conflict between the provisions hereof

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and those of the November 14, 2014 or March 8, 2016 Orders, the provisions hereof shall control.

- B. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- C. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- D. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, 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. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. 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.
- H. 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.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. 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.
- K. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.

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- L. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- M. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- N. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

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

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "plans entitled "Versailles" as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc, dated September 22, 2014, plans entitled "Versailles" as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc, dated January 25, 2016, and plans entitled "Aman Resort at the Historic Versailles Hotel", as prepared by Revuelta architecture international, dated February 10, 2020, as approved by the Historic Preservation Board, as determined by staff.

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

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

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

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Code), the application will expire and become null and void.

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

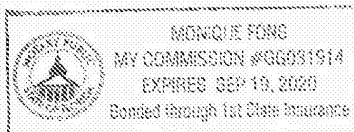
Dated this 18 day of June, 2020.

HISTORIC PRESERVATION BOARD
 THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
 DEBORAH TACKETT
 CHIEF OF HISTORIC PRESERVATION
 FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 18th day of JUNE, 2020 by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.



[Signature]
 NOTARY PUBLIC
 Miami-Dade County, Florida
 My commission expires: 9/19/2020

Approved As To Form: [Signature] (6/11/2020 | 10:14 AM EDT)
 City Attorney's Office: [Signature]

Filed with the Clerk of the Historic Preservation Board on Jessia Goulby (6/23/20)

Strike-Thru denotes deleted language
 Underscore denotes new language

[Signature]

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: March 8, 2016

FILE NO: 7490

PROPERTY: 3425 Collins Avenue

APPLICANT: 3425 Collins, LLC

LEGAL: Lots 1 through 8 inclusive, and the 16.00 foot Alley all in Block 21, AMENDED PLAT OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida.

IN RE: The applicant is requesting modifications to previously approved Certificate of Appropriateness for the partial demolition renovation and restoration of the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition. Specifically, the applicant is requesting approval of additional demolition, design modifications and site plan modifications.

CONSOLIDATED ORDER

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

I. Certificate of Appropriateness

A. The subject site is located within the Collins Waterfront Local Historic District.

B. A Certificate of Appropriateness for the partial demolition renovation and restoration of the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition was approved by the Board on November 14, 2014.

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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:

1. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
2. Is not consistent with Certificate of Appropriateness Criteria 'a' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
3. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c' & 'o' in Section 118-564(a)(3) of the Miami Beach Code.
4. Is consistent with Certificate of Appropriateness Criteria for Demolition in Section 118-564(f)(4) of the Miami Beach Code.

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 and, at a minimum, such drawings shall incorporate the following:
 - a. The loading space proposed to be located at the drop off area for the new residential tower along Collins Avenue shall not be permitted. All loading spaces required for the new residential tower shall be located internal to the structure.
 - b. Any kitchen equipment and venting systems associated with the ground level café shall be chased internally through to the roof.
 - c. The maximum FAR for one project site shall not exceed 3.0.
 - d. The design for the new tower addition shall be presented to the Board in the form of a Status Report at the December 9, 2014 meeting.
 - e. The proposed glass railings for the new balconies at the east elevation of the historic Versailles structure shall be replaced with masonry and glass railings and shall be consistent with the revised plans presented to the Board on November 14, 2014, 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. The vertical supports for the proposed front canopy structure at the west elevation of the historic Versailles structure shall incorporate decorative urns and palm trees and shall be consistent with the revised plans presented to the Board on November 14, 2014, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - g. The enclosed corridors located on the roof terrace of the new tower shall not be permitted, and shall be redesigned as open air corridors.

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- h. The facades of the existing building shall be fully restored to the greatest extent possible, with the exceptions noted 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.
 - i. The historic lobby of the existing building shall be fully restored to the greatest extent possible, according to available historic documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - j. The original historic "Versailles" signage located on the west elevation shall be recreated to the greatest extent possible, according to available historic documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - k. The final design and details of the proposed canopy located at the west elevation of the historic Versailles tower shall be provided, and all lighting and any required sprinkler systems shall be completely recessed into the structure, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - l. Final details of all exterior surface finishes and materials for the historic Versailles tower and the new residential tower, including 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.
 - m. A museum quality historic analysis and display of the existing historic structure, inclusive of a photographic and written description of the history and evolution of the original building and its changes of use over time, shall be submitted to and approved by staff, prior to the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy; such historic analysis shall be displayed prominently within the public area of the historic structure, in a location to be determined by staff.
 - n. 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 reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
2. In accordance with Section 118-395(b)(2) of the City Code, the requirement pertaining to an existing structure's setbacks and parking credits, is hereby waived, to allow for the reconstruction of the original floor slabs.
 3. In accordance with Section 118-564(f)(6) of the City Code, the requirement that a full building permit for the new construction be issued prior to the issuance of a demolition permit for existing noncontributing structures, is hereby waived, if the following requirement is met:

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- a. A Building Permit for the reconstruction of the south wall of the historic Versailles tower, according to the plans approved by the Board, shall be issued prior to or concurrently with the permit for the total demolition of the 8-story 1955 south addition.
4. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
5. 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. Street trees shall be required along 35th Street and Collins Avenue, if feasible, in a manner to be reviewed and approved by the Public Works Department.
 - 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. Any overhead utilities located in the adjacent public right-of-ways, shall be placed underground, if feasible, and subject to the review and approval of the Public Works Department.
6. Pursuant to the Escrow Agreement executed between the owner and the City, signed by both parties in March 2009, the owner has agreed to enter into a Streetscape Agreement for all public right-of-way improvements abutting the subject property, including 32nd Street between Collins Avenue and the Ocean, Collins Avenue, and 34th Street between Collins Avenue and the Ocean, inclusive of the City's public surface parking lot. The following conditions shall be required to be completed, as part of the Streetscape improvements, prior to the issuance of a Partial Certificate of Occupancy (P.C.O.), Temporary Certificate of Occupancy (T.C.O.) or final Certificate of Occupancy (C.O.) for either the new building or existing building on the Versailles property (3425 Collins Avenue), whichever occurs last.
 - a. 34th Street: The owner will install drainage structures and hardscape improvements (including sidewalks, A.D.A. ramps, and vehicular approaches, as described in the City right-of-way plans adjacent to the east side of Collins Avenue at 34th Street), or will provide funding for such work, at the discretion of the City's Capital Improvement Projects Department.
 - b. 34th Street Surface Parking Lot: The owner will provide landscape and irrigation, or will provide funding for such improvements at the discretion of

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the City's Capital Improvement Projects Department for the 34th Street surface lot.

- c. Public Beach Access at 34th Street: The owner will construct the paved public beach access, including all associated hardscape, landscape, and irrigation, from Collins Avenue to the Ocean. This shall also include all landscape, hardscape, and irrigation located between the east end of the 34th Street parking lot and the Ocean.
- d. Pursuant to Condition 3.d.i below, the owner shall provide lighting in all landscape areas constructed or funded by the owner, in a manner to be reviewed and approved by staff.

7. The applicant has proffered and agreed to construct a grade level Public Beach Walk along the rear of the subject site, subject to the following conditions. The approval of the subject application is contingent upon such Public Beach Walk being constructed in accordance with the following conditions:

- a. The existing raised boardwalk adjacent to the dune and the site, in between 34th and 35th Streets, shall be demolished and removed. A new Public Beach Walk shall be designed, permitted and built by the applicant and shall connect to the existing raised boardwalks to the north and to the south. All costs associated with the design, permitting and construction of the Public Beach Walk, as described herein, shall be borne by the applicant.
- b. The applicant shall enter into and record a restrictive covenant, approved by the Miami Beach City Attorney, which runs with the land, confirming the applicant's agreement to design, permit and construct a Public Beach Walk, in accordance with the conditions herein. The restrictive covenant shall be recorded in the public records, at the expense of the applicant.
- c. The Public Beach Walk shall be generally consistent with the beach walk master plan, and shall require the review and approval of the Public Works Department, as well as all other applicable regulatory agencies and authorities.
- d. The Public Beach Walk shall be substantially completed as soon as reasonably possible after the issuance of all required permits for its construction.
- e. The construction of the Public Beach Walk will be timed to coincide with the beach walk project behind the Saxony Hotel. If the Versailles is ready for C.O. and construction of the Public Beach Walk has not commenced and completed, then the applicant shall post a bond, or provide other security acceptable to the City Attorney, for the cost of construction of the Public Beach Walk, to guarantee its construction and completion.

II. Variance(s)

- A. No Variances were requested as a part of this application.

Page 6 of 8
 HPB File No. 7490
 Meeting Date: March 8, 2016

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

- A. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness approval as same are contained herein, in the original Order dated November 14, 2014. Accordingly, this Order shall serve as the Final Order for the proposed project and, in the event of conflict between the provisions hereof and those of the November 14, 2014 Order, the provisions hereof shall control.
- B. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- C. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- D. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, 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. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. 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.
- H. 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.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. 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.

Page 7 of 8
 HPB File No. 7490
 Meeting Date: March 8, 2016

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the November 14, 2014 and March 16, 2016 public hearings, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "Versailles" as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc, dated September 22, 2014 and plans entitled "Versailles" as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc, dated January 25, 2016, as approved by the Historic Preservation Board, as determined by staff.

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


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

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

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

Dated this 9th day of March, 2016

HISTORIC PRESERVATION BOARD
 THE CITY OF MIAMI BEACH, FLORIDA

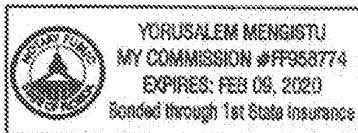
BY: 
 DEBORAH TACKETT

Page 8 of 8
HPB File No. 7490
Meeting Date: March 8, 2016

PRESERVATION AND DESIGN MANAGER
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 4th day of March 2016 by Deborah Tackett, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



Yorusalem Mengistu
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 2-9-20

Approved As To Form: _____
City Attorney's Office: Frederick A. Burk (3/9/2016)

Filed with the Clerk of the Historic Preservation Board on Yorusalem M. (3-9-16)

Strike-Thru denotes deleted language
Underscore denotes new language

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: March 8, 2016

FILE NO: 7803

PROPERTY: 3425 Collins Avenue

APPLICANT: 3425 Collins, LLC.

LEGAL: Lots 1 through 8, inclusive, and the 16.00 foot alley, all in block 21, of the amended map of the Ocean Front Property of Miami Beach Improvement Company, according to the plat thereof, recorded in plat book 5, pages 7 & 8 of the Public Records of Miami-Dade County, Florida.

IN RE: The application for modifications to previously approved variances to reduce the Dune Overlay and Oceanfront Overlay required setbacks; to reduce the minimum required subterranean, pedestal and tower setbacks, to reduce the required sum of the side pedestal and tower setbacks, to exceed the maximum building and fence height and to exceed the maximum projection of balconies. Additionally, new variances are requested to leave underground sheet piles within the required front, side and rear setbacks, to reduce the required front setback for a driveway, to exceed the maximum allowed height for a porte-cochere and to exceed its maximum length, all as part of the renovation of an existing historic building and the construction of a new 16-story residential building.

CONSOLIDATED ORDER

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

I. Certificate of Appropriateness

A. Certificate of Appropriateness has not been requested as part of this application.

II. Variance(s)

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 HPB File No. 7603
 Meeting Date: March 8, 2016

A. The applicant filed an application with the Planning Department for the following variance(s):

1. A variance to reduce 6'-0" from the minimum required setback of 11'-0" from the Erosion Control Line in order to construct a perimeter fence in the Dune Preservation Overlay District at 5'-0" from the Erosion Control Line and a height up to 16.50 NGVD.
2. A. A variance to reduce 10'-0" from the minimum required setback of 15'-0" from the side property line in order to construct a perimeter fence in the Oceanfront Overlay District at 5'-0" from the north property line and a height up to 16.50 NGVD.

B. A variance to reduce 10'-0" from the minimum required setback of 15'-0" from the side property line in order to construct a perimeter fence in the Oceanfront Overlay District at 5'-0" from the south property line and a height up to 16.50 NGVD.
3. A. A variance to reduce all minimum required pedestal street side setback of 16'-0" in order to construct new stairs up to the north property line facing 35th Street.

B. A variance to reduce 5'-7" from the minimum required pedestal street side setback of 16'-0" in order to construct a column in the elevated terrace at 10'-5" from the north property line facing 35th Street.
4. A. A variance to reduce by a range from 13'-2" to 5'-2" the minimum required pedestal street side setback of 16'-0" in order to construct the first and second floor at a setback ranging from 2'-10" to 10'-10" from the south property line facing 34th Street.

B. A variance to reduce a range from 15'-4" to 3" the minimum required pedestal street side setback of 16'-0" in order to construct the third and fourth floors of the new 16 story addition at a range from 8" to 15'-9" from the south property line facing 34th Street.

C. A variance to reduce 11'-0" from the minimum required pedestal street side setback of 16'-0" in order to construct a perimeter fence at 5'-0" from the south property line facing 34th Street and a maximum height of 16.50 NGVD.
5. A variance to reduce 31'-4" from the minimum required pedestal sum of the side setbacks of 32'-0" in order to provide a sum of the side yards of 8".
6. A variance to reduce 1'-10" from the minimum required subterranean street side setback of 1'-0" in order to construct columns at 8'-2" from the south property line facing 34th Street.
7. A. A variance to reduce a range from 15'-4" to 3" the minimum required tower street side setback of 16'-0" in order to construct the fourth through sixteen floors

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 HPB File No. 7603
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of the new 16 story addition at a range from 8" to 15'-9" from the south property line facing 34th Street.

B. A variance to reduce 7'-2" from the minimum required tower street side setback of 16'-0" in order to construct the pool and pool deck at 8'-10" from the south property line facing 34th Street.

8. A variance to reduce 25'-9" from the minimum required tower sum of the side setbacks of 32'-0" in order to provide a sum of the side yards of 6'-3".
9. A variance to exceed by 3'-0" the maximum permitted building height of 200'-0" in order to construct a new 16 story residential addition on the southwest side of the property with a maximum height of 203'-0" measured from base flood elevation plus 1'-0" (9.00' NGVD) to the top of the roof kitchen counter.
10. A. A variance to reduce 4'-0" from the minimum required subterranean street side setback of 10'-0" in order to leave underground sheet piles for the construction of the basement retaining walls at 6'-0" from the north property line facing 35th Street.
 B. A variance to reduce a range from 10'-0" to 6'-0" from the minimum required subterranean street side setback of 10'-0" in order to leave underground sheet piles for the construction of the basement retaining walls at a range from 0'-0" to 4'-0" from the south property line facing 34th Street.
11. A variance to reduce 4'-0" from the minimum required subterranean rear setback of 50'-0" in order to leave underground sheet piles for the construction of the basement retaining walls at 46'-0" from the rear property line.
12. A variance to reduce 4'-0" from the minimum required subterranean front setback of 20'-0" in order to leave underground sheet piles for the construction of the basement retaining walls at 16'-0" from the front property line facing Collins Avenue.
13. A variance to exceed by 10.6% (9'-5") the maximum permitted width of 30% (26'-7") of the building's core front (88'-8") in order to construct a new porte-cochere with a width of 40.6% (36'-0") of the building's front, facing Collins Ave.
14. A variance to exceed by 3'-0" the maximum permitted height of 16'-0" for a porte-cochere in order to construct a new porte-cochere in front of the property up to 19'-0" in height, facing Collins Ave.
15. A variance to reduce 11'-6" from the minimum required front setback of 20'-0" for at grade parking in order to construct a new driveway at 8'-6" from the front property line facing Collins Avenue.

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Meeting Date: March 8, 2016

- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

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.

- C. The Board hereby grants the requested variance(s) and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
 2. Revised detailed drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:

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HPB File No. 7603
Meeting Date: March 8, 2016

- a. The top of the foundation of any structure and the top of underground sheet piles shall be at least 3' below the grade elevation (3.58' NGVD) established for the property in order to provide enough rooting space for the proposed landscape.
3. 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.
4. A revised landscape plan, 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. Prior to the issuance of a building permit, the applicant shall submit a tree protection plan for all trees to be retained on site. Such plan shall be subject to the review and approval of staff, and shall include, but not be limited to a sturdy tree protection fence installed at the dripline of the trees prior to any construction.
 - b. In order to identify, protect and preserve mature trees on site, which are suitable for retention and relocation, a Tree Report prepared by a Certified Tree Arborist shall be submitted for the mature trees on site.
 - c. Any tree identified to be in good overall condition shall be retained, and protected in their current location if they are not in conflict with the proposed home, or they shall be relocated on site, if determined feasible, subject to the review and approval of staff. A tree care and watering plan also prepared by a Certified Arborist shall be submitted prior to the issuance of a Building Permit or Tree Removal/Relocation Permit. Subsequent to any approved relocation, a monthly report prepared by a Certified Arborist shall be provided to staff describing the overall tree performance and adjustments to the maintenance plan in order to ensure survivability, such report shall continue for a period of 18 months unless determined otherwise by staff.
 - d. Existing trees to be retained on site shall be protected from all types of construction disturbance. Root cutting, storage of soil or construction materials, movement of heavy vehicles, change in drainage patterns, and wash of concrete or other materials shall be prohibited.
 - e. Street trees shall be required within the swale at the front of the property if not in conflict with existing utilities, in a manner to be reviewed and approved by the Public Works Department.
 - f. Any existing plant material within the public right-of-way may be required to be removed, at the discretion of the Public Works Department.

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 HPB File No. 7603
 Meeting Date: March 8, 2016

- g. 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.
- h. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
- 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, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- j. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect or 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.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

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

- A. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- B. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of the Board Order.
- C. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
- D. The Applicant agrees that a project manager will be retained to ensure that all aspects of the development permitting and licensing processes are coordinated and consistent with the approved plans. The applicant agrees to submit the name and contact information for the project manager to the Planning Department within 90 days of the March 8, 2016

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Meeting Date: March 8, 2016

meeting. Failure to comply with this condition within the specified time shall result in notice and a hearing before the Board to extend the timeframe.

- E. All costs associated with the design, construction and maintenance of all improvements required within the public right-of-way shall be the responsibility of the applicant.
- F. This Final Order consolidates all conditions and requirements for Variance approvals as same are contained herein, in the original BOA Final Order dated December 5, 2014. Accordingly, this Order shall serve as the Final Order for the proposed project and, in the event of conflict between the provisions hereof and those of the December 5, 2014 Order, the provisions hereof shall control.
- G. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
- H. The applicant shall comply with all conditions imposed by the Public Works Department.
- I. The applicant shall submit a Hold Harmless Covenant Running with the Land to the City Attorney's Office in a form acceptable to the City Attorney indemnifying and holding harmless the city against any claim or loss in the event of an accident involving a motor vehicle or other instrumentality due to the proximity of the new building to the public right-of-way
- J. 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.
- K. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- L. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- M. 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.
- N. 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.
- O. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

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 HPB File No. 7603
 Meeting Date: March 8, 2016

- P. 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 December 5, 2014 Board of Adjustment public hearing and the March 16, 2016 Historic Preservation Board public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "Versailles", as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc., dated January 20, 2016, as approved by the Historic Preservation Board, as determined by staff.

This Final Order consolidates all conditions and requirements for variance approval as same are contained herein, in the original Order of December 5, 2014 and in the Consolidated Order of March 16, 2016. Accordingly, this Order shall serve as the Final Order for the proposed project and, in the event of conflict between the provisions hereof and those of the December 5, 2014 and March 16, 2016 Orders, the provisions hereof shall control.

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

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

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted (December 5, 2014), the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

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

Page 9 of 9
 HPB File No. 7603
 Meeting Date: March 8, 2016

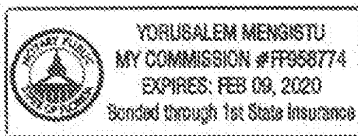
Dated this 9th day of March, 2016.

HISTORIC PRESERVATION BOARD
 THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
 DEBORAH TACKETT
 PRESERVATION AND DESIGN MANAGER
 FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 9th day of March, 2016 by Deborah Tackett, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



[Signature]
 NOTARY PUBLIC
 Miami-Dade County, Florida
 My commission expires: 2-9-26

Approved As To Form: [Signature]
 City Attorney's Office: [Signature] (3/9/2016)

Filed with the Clerk of the Historic Preservation Board on [Signature] (3-9-16)

DOCUMENT COVER PAGE :

HPB 7266

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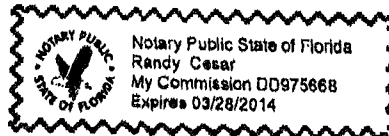
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**ORDER/HISTORIC PRESERVATION BOARD
VERSAILLES ON THE OCEAN, LLC
PROPERTY LOCATED AT:
3425 COLLINS AVENUE, MIAMI BEACH, FL**

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: September 13, 2011

FILE NO: 7266



PROPERTY: 3425 Collins 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] 9-21-11
(Signature of Planning Director or Designee) (Date)
Personally known to me or Producer ID

Randy Cesar
Notary Public, State of Florida, No. Large
Printed Name: *Randy Cesar*
My Commission Expires: (Seal)

This document contains 9 pages.

LEGAL: Lots 1 through 8 inclusive, and the 16.00 foot Alley all in Block 21, AMENDED PLAT OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 5, Pages 7 and 8, 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 9-story building and an existing 13-story building, including the installation of new balconies on the east and south elevations, and the construction of a new 10-story multifamily building with a roof-top pool deck at the rear of the site, along with a new landscape and hardscape plan for the entire site.

ORDER

The applicant, Versailles on the Ocean, 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 structure is classified as 'Contributing' in the Miami Beach Historic Properties Database and is located within the Collins Waterfront Local Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code, is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'c', 'h' & 'n-o' in Section 118-564(a)(3) of the Miami Beach Code, and is consistent with the Certificate of Appropriateness 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:

[Handwritten signature]

Page 2 of 9
HPB File No. 7266
Meeting Date: September 13, 2011

1. A detailed study and analysis, drawn plans and written procedures, for the rehabilitation and restoration of the existing structures on site, including all proposed demolition and methods of attachment to the new structures on site, shall be prepared and submitted by a Professional Structural Engineer, registered in the State of Florida, and submitted to City staff prior to the issuance of any Building Permit. Such study, plans and procedures shall fully ensure the safety of the public, as well as the protection of the existing structures on the subject site and all existing structures adjacent to the subject site during the course of construction.
2. 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 west elevation of the residential tower shall be provided, subject to the review and approval of staff.
 - b. The lobby of the 1940 hotel shall be fully restored to the greatest extent possible, consistent with available historic documentation, in a manner to be reviewed and approved by staff.
 - c. The facades of the existing buildings shall be fully restored to the greatest extent possible, with the exceptions noted on the plans, subject to the review and approval of staff.
 - d. The final design and details of the restored ballroom of the 1940 building shall be provided and its original south wall shall be substantially restored to the original design, subject to the review and approval of staff.
 - e. The final design and details of the proposed porte-cocheres shall be provided, and all lighting and any required sprinkler systems shall be completely recessed into the structure, in a manner to be reviewed and approved by staff.
 - f. Further study and development of the north elevation of the first floor, inclusive of the porte-cochere, shall be required, in order to eliminate any conflict with the existing ballroom and better enhance the pedestrian character of the street, subject to the review and approval of staff. The final design and details of the proposed drop-off area shall be subject to the review and approval of staff.
 - g. The final design and details of the proposed concrete roof-top canopy of the new residential tower shall be provided, in a manner to be reviewed and approved by staff.
 - h. A fully enclosed air conditioned trash room that is sufficiently sized to handle the entire trash load of the building at all times shall be required, located within the envelope of the building, in a manner to be reviewed and approved by staff. It shall not be located fronting any street.

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- i. The final location and details of all exterior ramp and railing systems, including materials, dimensions and finishes, shall be subject to the review and approval of staff.
 - j. The design and location of the proposed 'satellite kitchen, storage, and prep area' at the southeast corner of the site, shall not be fully developed and designed, in a manner to be approved by staff.
 - k. Unless otherwise permitted by Code, accessory outdoor bar counters shall not be operated or utilized between 8:00 p.m. and 8:00 a.m., as required by City Code.
 - l. The final design and details of all exterior site structures shall be provided, and shall be subject to the review and approval of staff.
 - m. 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 and its changes of use over time, shall be submitted to and approved by staff, prior to the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy; such historic analysis shall be displayed prominently within the public area of the historic structure, in a location to be determined by staff.
 - n. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required.
 - o. 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.
 - 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.
3. 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. Tall hedge material shall not be permitted anywhere along the perimeter of the property.
 - b. Any trees adjacent to the right-of-way shall be consistent compatible with the streetscape plan for the neighborhood, subject to the review and approval of staff.
 - c. All exterior walkways shall consist of decorative pavers, decorative concrete or other decorative material, subject to the review and approval of staff.



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- d. 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.
 - e. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - f. 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.
 - g. 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.
 - h. 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.
- 4. All building signage shall be consistent in type, composed of flush mounted, non-plastic, individual letters and shall require a separate permit.
 - 5. 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.
 - 6. 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.
 - 7. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
 - 8. 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 34th Street, Collins Avenue and 35th Street, shall be consistent with the

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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.

9. The Applicant agrees to the following operational conditions for all permitted 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. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced and the applicant agrees to include the rules and regulations set forth in these conditions in any contract or assignment.

a. 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, 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. Exterior speakers, except those required to address Building and Life Safety Code, shall not be attached to the exterior of any building or structure on the property. Small, ground level speakers, within the landscape areas, may be permitted, but only for ambient, back ground music, which does not interfere with normal conversation.

b. 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. Sufficient interior space must be provided so that doors can remain closed while trash and trash bags are being deposited in dumpsters. Doors shall remain closed and secured when not in active use.

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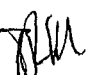
- iii. Trash room(s)/garbage room(s) shall be large enough, or sufficient in number to accommodate enough dumpsters so that no more than one pick up of garbage per day will be necessary.
 - iv. Garbage dumpster covers shall be closed at all times except when in active use.
 - v. Garbage pickups and service deliveries shall not take place between 7PM and 8AM.
 - vi. 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.
 - vii. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.
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.



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- 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. 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.
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.
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



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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 "Versaille Hotel", as prepared by Kobi Karp Architecture and Interior Design, Inc., dated 7/2011.

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.

Dated this 16th day of SEPTEMBER, 2011.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: 

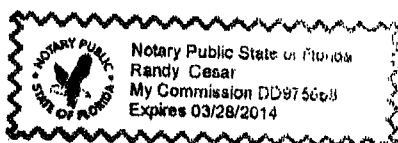
THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR



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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.



Randy Cesar
 NOTARY PUBLIC
 Miami-Dade County, Florida
 My commission expires: 3/28/2014

Approved As To Form:
 Legal Department:

Green

(9-15-2011)

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

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**ORDER/HISTORIC PRESERVATION BOARD
VERSAILLES ON THE OCEAN, LLC
PROPERTY LOCATED AT:
3425 COLLINS AVENUE, MIAMI BEACH, FL**



CFN 2012R0609485
OR Bk 28247 Pgs 4095 - 4102 (8pgs)
RECORDED 08/29/2012 09:40:44
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

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

PROPERTY: 3425 Collins Avenue

FILE NO. 2050

IN RE: The Application by Versailles on the Ocean, LLC., requesting a Conditional Use Permit pursuant to Sections 130-38 and 118-193 of the Land Development Regulations of the City Code to construct and operate subterranean parking with approximately 56 mechanical lift spaces and approximately 10 standard spaces, as required parking for a new 10-story, 54-unit residential addition inclusive of a rooftop pool deck, as well as, Conditional Use approval, pursuant to Section 142-1362 of the Land Development Regulations of the City Code, for the aggregate of Neighborhood Impact Establishment within the historic Versailles Hotel, inclusive of outdoor venues, not operating as entertainment establishments, open to the public, with background music only.

LEGAL

DESCRIPTION: Lots 1 through 8 inclusive, and the 16.00 foot Alley, Block 21, "Amended Plat of the Ocean Front property of Miami Beach Subdivision, according to the plat thereof, as recorded in Plat Book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida.

MEETING DATE: March 27, 2012

CONDITIONAL USE PERMIT

The applicant, Versailles on the Ocean, LLC., filed an application with the Planning Director for a Conditional Use Permit pursuant to Sections 130-38, 118-193, and 142-1362 of the Land Development Regulations of the Code of the City of Miami Beach, Florida. Notice of the request for Conditional Use 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 record for this matter:

That the property in question is located in the RM-3, Residential multifamily high 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;

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 recommendation, that a Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions to which the applicant has agreed:

1. 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. Additionally, the applicant shall provide a progress report to the Board 120 days after facilities constituting a neighborhood impact establishment are open and operating. 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 possible 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).
2. This Conditional Use Permit is issued to Versailles on the Ocean, LLC, as owner and operator of the property. Subsequent owners and operators shall be required to appear before the Board to affirm their understanding of the conditions listed herein.
3. 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.
4. Any substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans.
5. The applicant, now and in the future, shall abide by all the documents and statements submitted with this application for Conditional Use permit for mechanical parking lifts and a Neighborhood Impact Establishment.
6. The hours of operation shall be as follows, as proposed by the applicant:
 - **The Hotel Dinner Service Restaurant** - from 6:00 PM to 2:00 AM, 7 days a week, and may provide supplemental beverage services to patrons from 12:00 noon to 2:00 AM.
 - **The Hotel Day Restaurant** – from 6:00 AM to 2:00 AM, 7 days a week
 - **The Hotel Lounge** - from 12:00 noon to 5:00 AM, 7 days a week
 - **The Beachside Lounge** – from 9:00 AM to 2:00 AM, 7 days a week

- **The Rooftop Pool Deck and Bar** – from 9:00 AM to 12:00 AM, Monday thru Thursday, and from 9:00 AM to 2:00 PM Friday, Saturday and Sunday
 - **Sky Lounge** – from 9:00 AM to 2:00 AM, 7 days a week
 - **The Coffee Bar** – from 9:00 AM to 2:00 AM, 7 days a week
7. The occupancy content for each venue and amenity would be as determined by the Fire Marshall.
 8. No outdoor venue 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 provided that:
 - a. Outdoor entertainment may take place, until 10:00 PM on Sunday through Thursday and until midnight on Friday and Saturday, on the hotel pool deck, for events which are either:
 - i. Events which have been granted a special event permit; or
 - ii. Events which are the usual and customary hotel accessory events, such as weddings and receptions.
 - b. In the outdoor dining area along the Collins Avenue side of the dinner service restaurant:
 - i. Small loudspeakers with limited low-frequency (bass) output be placed so that the sound is concentrated within the dining space away from Collins Avenue; and
 - ii. The ambient background music shall be turned off at 10:00 PM on Sunday through Thursday and at midnight on Friday and Saturday.
 - c. Access to any indoor area that plays music at a volume that is defined as entertainment, shall be restricted to the hotel lobby or a vestibule as a sound buffer effectively mitigating sound within the premises from reaching the outside.
 9. The sound systems shall be installed, maintained, and operated in compliance with the specifications and requirements of the Noise Ordinance and the Noise Study dated December 30, 2011 by The Audio Bug, Inc., and any amendments or supplements thereto. The installation of speakers shall be as recommended by the sound study and the installation plan shall be submitted to staff for review and approval prior to obtaining a building permit. Before business operations begin, The Audio Bug Inc., or similarly qualified sound consultant shall test the sound system for compliance with these requirements, and a report of such compliance shall be submitted to staff for review and approval before the issuance of a Business Tax Receipt.
 10. All hotel and all condominium vehicle parking and retrieval shall be performed by valet attendants; all self-parking shall be prohibited. Valet attendants shall adhere to the traffic route plan submitted by the applicant. No pick-up or drop-off shall be permitted on 34th Street. There shall be sufficient valet attendants to handle demand.

11. As per Section 130-251 of the City Code a declaration of restrictive covenant running with the land stipulating that a valet operator shall be provided for such parking for so long as the use continues, in form and substance acceptable to the City Attorney and the Planning Director, and recorded in the official records of Miami Dade County, shall be submitted prior to the issuance of a building permit. In all other respects, the hotel and the condominium shall conduct their respective operations in compliance with the specifications and requirements of the following Kimley-Horn and Associates, Inc. reports and correspondence. (a) Traffic Impact Analysis, December 2011; (b) Valet Operations Analysis, December 29, 2011; (c) Maneuverability Analysis, January 20, 2012; (d) Response to Peer Review Comments, February 15, 2012; (e) Response to City Review Comments; and (f) all other reports and correspondence dated on or before the date of the approval of this Conditional Use Permit.
12. Valet storage of vehicles on the upper level of the mechanical lifts in the parking garage shall be exclusively for the condominium use, as proposed by the applicant.
13. The applicant shall contact and make arrangements with the City's Parking Department for the use of the two municipal parking facilities. If those arrangements are not made, the applicant shall find other storage facilities for its hotel guests and patrons. In either event, the arrangements/plan shall be submitted to the Planning Department for review and approval. The arrangements/plan shall also specify where any vehicles which cannot be accommodated in the specified parking facilities may be parked.
14. The condominium valet and parking operations shall:
 - a. Use for vehicle drop-off and pick-up, the porte cochere on 35th Street, via a dedicated driveway loop and;
 - b. Park vehicles in the 56 mechanical spaces in the garage, which shall be exclusively for the condominium use, as proposed by the applicant. The applicant shall submit to the Planning Department, for review and approval, applicant's arrangements/plan specifying where any vehicles which cannot be accommodated in the garage may be parked.
15. The hotel valet parking operations shall:
 - a. Use for vehicle drop-off and pick-up, the porte cochere on Collins Avenue north of 34th Street via a dedicated driveway loop; and
 - b. Park vehicles in the municipal parking facilities on Collins Avenue at 34th Street and 35th Street, if an agreement with the City's Parking Department is reached. If an agreement is not reached, vehicles shall be parked at other storage facilities as may be available.
16. The applicant shall coordinate with the City's Parking Department for the removal of 5 parking spaces on the north side of 34th Street and the installation of signage on the sidewalk at the garage driveway.
17. The applicant shall coordinate with the City's Parking Department for the posting of cautionary "Vehicle Crossing" sidewalk signs at all vehicle entrance and exit points to the hotel and

condominium to alert pedestrians and bicyclists; and "Pedestrian/Bicycle Crossing" signs to alert drivers.

18. The garage and mechanical lifts shall be in operation 24 hours per day, seven days a week, as proposed by the applicant. In addition to the valet attendants, there shall be security personnel of at least one on site person monitoring the garage operation 24 hours a day, seven days a week to address any emergencies. The security office shall be located less than 100 feet from the mechanical lift operation. The mechanical parking lifts shall also be monitored by remote surveillance. The generators shall be tested every six months. The lifts shall also be capable of manual operation if the emergency stand-by generators fail. The generators shall be located where they will minimize negative impacts from their operation or testing, such as noise and fumes. The proposed generator locations shall be submitted for review and approval by staff. There shall be in place an emergency procedure which includes a quick response service contract with the supplier and the manual operation mechanism which provides for the availability of repair personnel 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 (a) manufacturer's specifications, and as detailed in the operations plan, as proposed by the applicant; and (b) the noise study dated December 30, 2011 by The Audio Bug, Inc., and all amendments and supplements to it up to the date of the Planning Board meeting at which this Conditional Use Permit is approved.
19. The calculations for the required parking for the project shall be determined by the Planning Department. A final determination for the required parking shall be conducted prior to approval of a Building Permit, Certificate of Occupancy or Business Tax Receipt, whichever comes first, and any deficiency shall be paid by a fee-in-lieu which shall be satisfied in one-time payment prior to the issuance of a Building Permit.
20. Mechanical parking systems shall also satisfy the following conditions:
 - (a) The noise or vibration from the operation of mechanical parking lifts, car elevators, or robotic parking systems shall not be plainly audible to or felt by any individual standing outside an apartment or hotel unit at any adjacent or nearby property. In addition, noise and vibration barriers shall be utilized to ensure that surrounding walls decrease sound and vibration emissions outside of the parking garage;
 - (b) For mechanical lifts, the parking lift platform must be sealed and of a sufficient width and length (minimum of eight feet by 16 feet) to completely cover the bottom of the vehicle on the platform to prevent dripping liquids or debris onto the vehicle below;
 - (c) All free-standing mechanical parking lifts must be designed so that power is required to lift the car, but that no power is required to lower the car, in order to ensure that the lift can be lowered and the top vehicle can be accessed in the event of a power outage; robotic garages and vehicle elevators must have backup generators sufficient to power the system;
 - (d) All mechanical lifts must be designed to prevent lowering of the lift when a vehicle is

parked below the lift;

- (e) The ceiling heights of any parking level with parking lifts within the parking garage shall be a minimum of 11 feet by six inches;
 - (f) All parking lifts shall only be operated using a spring loaded underwriters laboratories (UL) approved key switch control. No push button is allowed;
 - (g) All electrical components of the lifts shall be underwriters laboratories (UL) approved;
 - (h) All mechanical parking systems, including lifts, elevators and robotic systems must be inspected and serviced at least once per year with an annual safety report signed by a licensed mechanical engineer and submitted to the Planning Department; and
 - (i) All parking lifts shall be maintained and kept in good working order.
21. Deliveries and trash and garbage pick-ups shall take place at the loading zone on 35th Street next to the cul-de-sac drop off/pick up area for the condominium of the property, as shown on the plans. The applicant shall work with the City to have the area designated and signed as a loading zone, as proffered. The trash/garbage containers shall have rubber wheels and pick-up shall take place at the curb. Deliveries and trash and garbage pick-ups for the restaurant in the southwest corner of the site shall take place on 34th Street at the designated service area shown on the plans. All trash/garbage for residential, hotel and hotel accessory uses shall be compacted and located in air-conditioned trash/garbage holding rooms.
22. The applicant shall enter into a contract with an appropriate waste removal operator, and at that time a more detailed sanitation plan shall be provided to Planning Department staff for review and approval, such plan to include a copy of the fully-signed contract with the waste removal operator.
23. The applicant shall provide roaming security service at entry points and throughout the interior and exterior of the hotel and the condominium 24 hours a day, 7 days a week. Staffing shall be sufficient to meet demand. Security cameras shall be strategically placed throughout the property as shown on the submitted plans. During special events, or as otherwise needed, management shall hire off-duty police officers, or private security personnel for additional security.
24. The applicant shall submit an MOT (Method of Transportation) 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
25. 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. A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit.

26. The applicant has proffered and agreed to construct a grade level Public Beach Walk along the rear of the subject site, subject to the following conditions. The approval of the subject application is contingent upon such Public Beach Walk being constructed in accordance with the following conditions:
- a. The existing raised board walk adjacent to the dune and the site, in between 34th and 35th Streets, shall be demolished and removed. A new Public Beach Walk shall be designed, permitted and built by the applicant and shall connect to the existing raised boardwalks to the north and to the south. All costs associated with the design, permitting and construction of the Public Beach Walk, as described herein, shall be borne by the applicant.
 - b. The applicant shall enter into and record a restrictive covenant, approved by the Miami Beach City Attorney, which runs with the land, confirming the applicant's agreement to design, permit and construct a Public Beach Walk, in accordance with the conditions herein. The restrictive covenant shall be recorded in the public records, at the expense of the applicant.
 - c. The Public Beach Walk shall be generally consistent with the beach walk master plan, and shall require the review and approval of the Public Works Department, as well as all other applicable regulatory agencies and authorities.
 - d. The Public Beach Walk shall be substantially completed as soon as reasonably possible after the issuance of all required permits for its construction.
 - e. The construction of the Public Beach Walk will be timed to coincide with the beach walk project behind the Saxony Hotel. If the Versailles is ready for C.O. and construction of the Public Beach Walk has not commenced and completed, then the applicant shall post a bond, or provide other security acceptable to the City Attorney, for the cost of construction of the Public Beach Walk, to guarantee its construction and completion.
27. The applicant shall resolve outstanding violations and fines on the property, if any, prior to the issuance of a building permit for the redevelopment project.
28. Without in any manner limiting the general rights of the Planning Director or the Planning Board to recall the owner or operator or to modify this Conditional use Permit, the Planning Board shall retain the right to call the owner or operator back before them and modify the hours of operation should there be valid complaints about loud, excessive, unnecessary, or unusual noise.
29. A violation of any provision of the Code of the City of Miami Beach, Florida, as may be amended from time to time, including without limitation a violation of Chapter 46, Article IV, "Noise," (a.k.a. "noise ordinance") shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194.
30. 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.

31. Within a reasonable time after applicant's receipt of this Modified Conditional Use Permit as signed and issued by the Planning Director, the applicant shall record it in the Public Records of Miami-Dade County at applicant's expense and then return the recorded instrument to the Planning Department. No building permit, certificate of use, certificate of occupancy, certificate of completion, or business tax receipt shall be issued until this requirement has been satisfied.
32. 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 Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of the Code and such enforcement procedures as are otherwise available. 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.
33. 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 5th day of June, 2012.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
Richard G. Lorber, Acting Planning Director, AICP,
LEED AP
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 5th day of June, 2012, by Richard G. Lorber, 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.



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

[NOTARIAL SEAL]

[Signature]
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 (Weld 6-5-2012)



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

CFN 2010R0842030
DR Bk 27523 Pgs 3893 - 3897; (5pgs)
RECORDED 12/16/2010 10:59:15
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

IN RE: The application of
VERSAILLES HOTEL AND CONDOMINIUM ASSOC.
3425 COLLINS AVENUE
MIAMI BEACH, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE
SEE EXHIBIT "A".)

MEETING DATE: JULY 12, 2010
FILE NO. 3465

ORDER

The applicant, Versailles Hotel and Condominium Assoc., filed an application with the Planning Department for a variance in order to provide cooking facilities in the existing 274 units, as follows:

1. A variance to waive a range of 140 s.f. to 8 s.f. of the required 400 s.f. minimum unit size in order to retain the existing units at a range of 260 s.f. to 392 s.f. and to provide cooking facilities within them.

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-3 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 variance be APPROVED as requested and set forth above; with the following conditions to which the applicant has agreed:

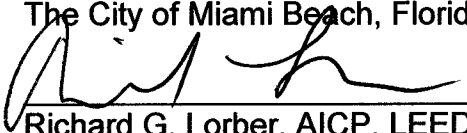
1. This variance only applies to the residential units. This variance does not apply to any commercial condominium units.
2. The applicant shall ensure that the residential units are brought up to code, with respect to all required building, structural, electrical, and plumbing permits necessary to legalize work previously performed within the building without proper permits.
3. The permits necessary to achieve Condition #2 above shall be applied for within six (6) months of this hearing date, and be obtained within one (1) year of this hearing date. Any required work associated with these permits shall be completed within eighteen months (18) months from the date of this hearing, and any equipment, kitchen facilities, etc. that cannot be permitted within this timeframe shall be removed. If the necessary building permits are not obtained within the specified time limits, the applicant shall, prior to expiration of such period, apply to the Board for an extension of time. At the hearing on such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. Failure to comply with this order shall subject the variance to Section 118-356, City Code, for revocation or modification of the variance.
4. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
5. A landscape plan for the entire site, prepared by a Professional Landscape Architect, inclusive of street trees as per the City of Miami Beach Master Street Tree Plan, shall be submitted to and approved by staff before a building permit is issued for the construction.

6. The applicant shall comply with all conditions imposed by the Public Works Department.
7. The conditions on this Order are binding on the applicant, the property's owners and all successors in interest and assigns.
8. 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.
9. 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, except to the extent of the variance granted herein.
10. This Order shall be recorded, at the expense of the applicant, in the Public Records of Miami-Dade County; the original or a certified copy shall be provided to the Planning Department prior to the issuance of a Building Permit.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Board of Adjustment, as determined by staff, entitled "Versailles Hotel", as prepared by UCI Design, dated May 11, 2010, modified in accordance with the conditions set forth in this Order and staff review and approval.

The applicant shall have a full building permit for the work contemplated herein issued by the Building Department on or before July 12, 2011 (within twelve months of the date of this hearing) as per the above conditions. If the full building permit is not obtained within the specified time limits, the applicant shall apply to the Board for an extension of time prior to expiration of such period; otherwise, this Order will expire, and become null and void, unless the issuance of such permit is stayed by an appeal of this Order to a court of competent jurisdiction.

This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning Department, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance with and pursuant to the ordinances of the City of Miami Beach.

Board of Adjustment of
The City of Miami Beach, Florida
By: 
Richard G. Lorber, AICP, LEED AP
Acting Planning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 5th day of AUGUST, 2010, by Richard G. Lorber, 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.



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

Notary:
Print Name:
Notary Public, State of Florida

[NOTARIAL SEAL]
My Commission Expires:

Approved As To Form:
Legal Department (*S. L. Turner*)

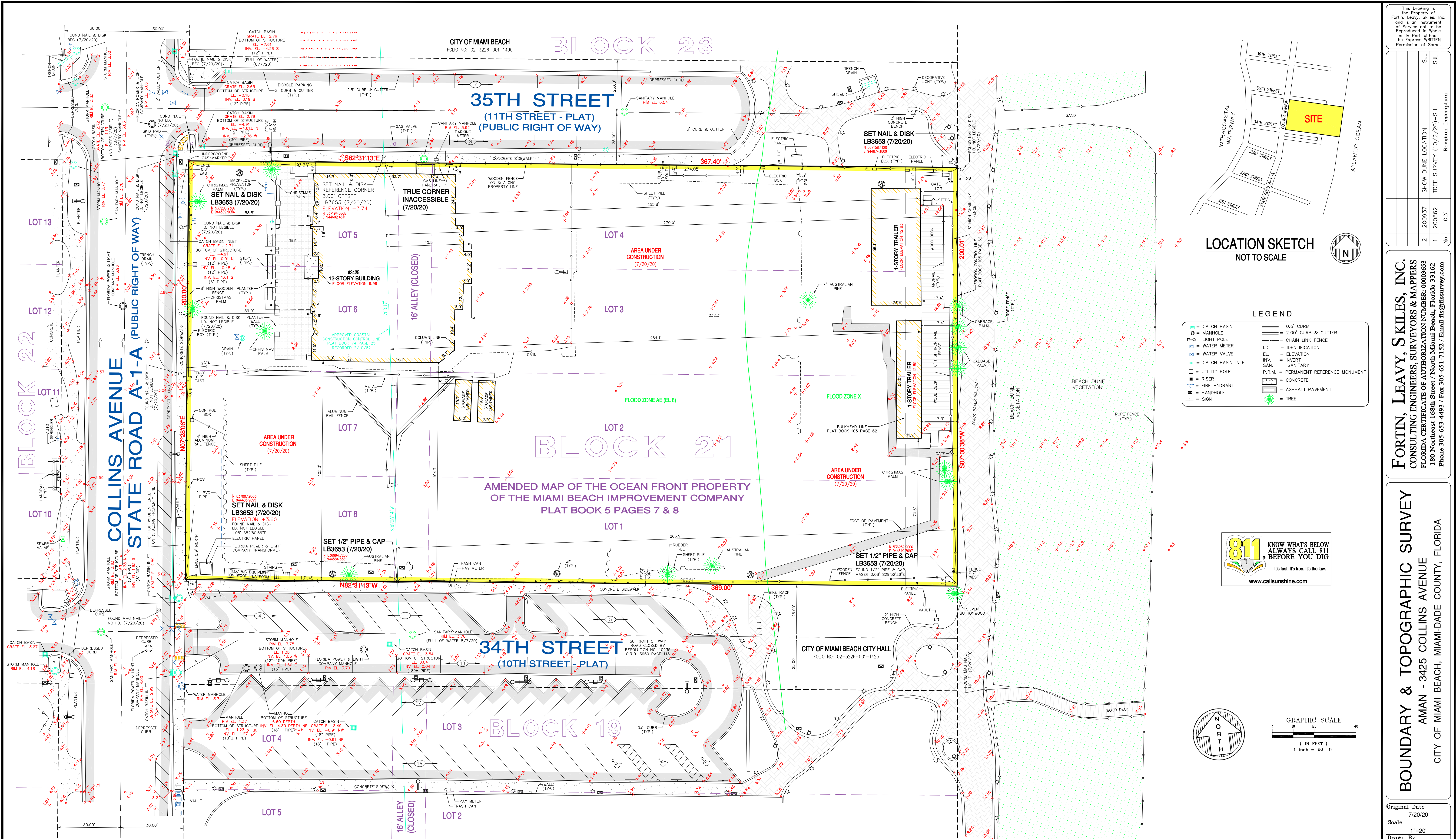
Filed with the Clerk of the Board of Adjustment on 08/05/10

F:\PLAN\zba\FINALORD\3465 - Order - 3425 Collins Av - 07-10.doc

EXHIBIT "A"

Lots 1 through 8, and the 16.00 foot alley, All in, Block 21, AMENDED PLAT OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY SUBDIVISION, a subdivision recorded in Plat Book 5 at page 7 & 8 of the public records of Dade County, Florida, more particularly described as follows:

Bounded on the West by the Westerly line of Block 21; Bounded on the East by the Erosion Control Line of the Atlantic Ocean, recorded in Plat Book 195, at page 62 of the public records of Dade County, Florida; Bounded on the North by the Northerly line of Block 21, extended Easterly to the Erosion Control Line; Bounded on the South by the Southerly line of Block 21, extended Easterly to the Erosion Control Line.



LEGAL DESCRIPTION:

Lots 1 through 8 and the 16 foot alley, Block 21, AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, according to the plat thereof, as recorded in Plat Book 5 at Pages 7 and 8, of the Public Records of Miami-Dade County, Florida.

SURVEYOR'S NOTES:

- This site lies in Section 34, Township 53 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida.
- All documents are recorded in the Public Records of Miami-Dade County, Florida unless otherwise noted.
- Lands shown hereon were NOT abstracted for restrictions, easements and/or rights-of-way of records.
- Bearings hereon are referred to an assumed value of N 07°28'06" E for the East right of way line of Collins Avenue, and evidenced by (2) set nail & disk.

SURVEYOR'S NOTES: (continued)

- Elevations shown hereon are relative to the National Geodetic Vertical Datum of 1929, based on Miami-Dade County Bench Mark No. 8-313, Elevation +4.33 and located by US C&G brass disk on top of concrete ramp directly over a catch basin at 36th Street (81.7' South of South curb) and Collins Avenue (57.8' East of East curb).
- Lands shown hereon are located within an area having a Zone Designation X and AE (EL 8) by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 12086C0336L, for Community No. 120851, dated September 11, 2009, and index map revised September 11, 2009, and is relative to the National Geodetic Vertical Datum of 1929.
- Dimensions indicated hereon are field measured by electronic measurement, unless otherwise noted.
- Lands shown hereon containing 73,640 square feet, or 1.691 acres, more or less.
- All horizontal control measurements are within a precision of 1:10,000.
- This map is intended to be displayed at the graphic scale shown hereon or smaller.
- Roof overhang not located unless otherwise shown.

SURVEYOR'S NOTES: (continued)

- Trees shown are surveyed for their horizontal location and/or size.
- Identification and/or name verification of all trees should be confirmed by the Division of Forestry, a certified Arborist or a professional in that field.
- The State Plane Coordinates shown hereon are relative to the North American Datum of 1983 (NAD83), using Real Time Kinematic (RTK) Equipment and real-time adjustment software connected through Florida Department of Transportation (FDOT) to the Florida Permanent reference Network (FPRN).
- Underground improvements and/or underground encroachments not shown unless otherwise indicated.
- The approximate location of all utilities shown hereon were determined from As-Built plans and/or on-site locations and should be verified before construction.
- Legal description shown hereon furnished by client and no claims as to ownership are made or implied.
- Pursuant to Florida State Statutes in Chapter 161.141, it designates that an upland property landward of the established Erosion Control Line shall remain the property of the upland owner.
- Tax Folio No. 02-3226-001-1440

SURVEYOR'S CERTIFICATION:

I hereby certify that this "Boundary and Topographic Survey" was made under my responsible charge on July 20, 2020, and meets the applicable codes as set forth in the Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. The fieldwork was completed on July 20, 2020.

Not valid without the signature and original raised seal or a digital signature of the Florida Licensed Surveyor and Mapper shown below

FORTIN, LEAVY, SKILES, INC., LB3653

Digitally signed by Daniel C Fortin
DN: c=US, o=unaffiliated,
ou=A014100000017402A28F4200042958,
cn=Daniel C Fortin
Date: 2020.11.08 12:19:31 -0500

By: Daniel C. Fortin Jr., For The Firm
Surveyor and Mapper, LS6435
State of Florida.

PROPERTY OWNER: 3425 COLLINS LLC

This Drawing is the Property of Fortin, Leavy, Skiles, Inc. and is an instrument of service not to be reproduced in whole or in part without the Express WRITTEN permission of Fortin, Leavy, Skiles, Inc.

No.	Revision	Description
1	200862	TREE SURVEY (10/2/20)-SH
2	200837	SHOW DUNE LOCATION

FORTIN, LEAVY, SKILES, INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER: 00006653
180 Northeast 168th Street / North Miami Beach, Florida 33162
Phone 305-653-4493 / Fax 305-651-7132 / Email flg@flsurvey.com

BOUNDARY & TOPOGRAPHIC SURVEY
AMAN - 3425 COLLINS AVENUE
CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA

Original Date	7/20/20
Scale	1"=20'
Drawn By	MAP
CAD No.	200450
Plotted	11/6/20 12:07a
Ref. Dwg.	
Field Book	566/49-51 RLL
Job No.	200450
Dwg. No.	2020-071-NGVD
Sheet	1 of 1