

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

**MEETING DATES: DECEMBER 1, 2000 and  
JANUARY 5, 2001  
FILE NO. 2778**

**IN RE: The application of  
PHILIPS SOUTH BEACH, L.P.  
1901 COLLINS AVENUE  
A PORTION OF BLOCK B  
THE OCEANFRONT PROPERTY OF THE MIAMI BEACH IMP. CO.  
PB 5/7&8; AND A PORTION OF BLOCK 1  
FISHERS FIRST SUB. OF ALTON BEACH; PB 2/77;  
AND A PARCEL OF LAND LYING EAST OF SAID BLOCKS B AND 1  
MIAMI-DADE COUNTY, FLORIDA**

**ORDER**

At the December 1, 2000 meeting, the Board of Adjustment heard the application of Philips South Beach, L.P., filed with the Planning Department, for variances in order to construct a swimming pool, decks, a jacuzzi and three pergolas in the rear yard of an oceanfront hotel currently under renovation and construction, as follows:

1. An "after the fact" variance to waive 9.7' of the minimum required 15' side setback facing a street for accessory structures located within the "Oceanfront Overlay District" (50' west of the bulkhead line) in order to complete the construction a jacuzzi 5.3' from the side property line facing 20th Street.
2. An "after the fact" variance to waive 4' of the minimum required 15' side setback facing a street in order to continue constructing a pool pergola 11' from the side yard facing 20th Street.
3. A variance to waive all of the minimum required 15' side setback for decks in order to construct a pool deck up to the north side property line facing 20th street.
4. An "after the fact variance" to waive 4' - 5" of the minimum required side setback for structures located within the "Oceanfront Overlay District" (50' west of the bulkhead line) in order to retain and continue construction on a swimming pool and cabana pergola 10' - 7" from the south property line.
5. A variance to waive 10' - 1" of the minimum required 15' side setback for decks located within the "Oceanfront Overlay District" (50' west of the bulkhead line) in order to construct a pool deck 4' - 11" from the south interior lot line.

19537

Board of Adjustment: File No. 2778  
Philips South Beach, L.P., 1901 Collins Avenue

6. A variance to waive 1' of the minimum required 15' side setback for structures located within the Dune Preservation Overlay District in order to retain a massage pergola 14' from the south interior lot line.
7. An "after the fact" variance to waive all of the minimum required 10' rear setback for structures and decks from the bulkhead line in order to retain a swimming pool and deck which projects past the bulkhead line into the Dune Preservation Overlay District.

At the January 5, 2001 meeting, the Board held a second hearing on the application of Philips South Beach, L.P., for two additional variance requests in order to retain an existing CBS wall and complete the construction of a swimming pool and deck in the rear yard of an oceanfront hotel currently under renovation and construction, as follows:

8. An "after the fact" variance to exceed by approximately 1.5' the maximum permitted height of 5' for walls and fences along a side property line facing a street in order to retain a 6.5' high wall along the north property line facing 20th street.
9. A variance to waive Section 142-774(2) which only permits decks and structures located within the Dune Preservation Overlay District to be constructed of wood materials, in order to retain a concrete pool and deck and to construct additional concrete and tile decks and benches.

Notice of the request for variances 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:

*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 variances 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;*

Board of Adjustment: File No. 2778  
Phillips South Beach, L.P., 1901 Collins Avenue

*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 variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure;*

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

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

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

1. The applicant shall comply with all the conditions imposed by the Historic Preservation Board.
2. The applicant shall comply with all of the approval conditions of Board of Adjustment File No. 2574.
3. The wall along 20th Street shall be further embellished to provide visual interest from 20th Street, in a manner to be approved by design staff.
4. The applicant shall redesign the rear layout within the Oceanfront Overlay District to comply with the required 50% open space requirement.
5. The cabana pool deck shall be reduced in width along the south side yard to provide a 6' - 7" setback and to allow a 4' deck on the south side of the pool.
6. The applicant has agreed to allow the proposed beach walk, as currently designed, along the rear of the property.
7. The applicant shall comply with any conditions required by the public works department.
8. The project, inclusive of compliance with the conditions imposed herein, shall receive a full building permit within one year of the date of the approval and be completed in accordance with the South Florida Building Code.

Board of Adjustment: File No. 2778  
Philips South Beach, L.P.  
1901 Collins Avenue

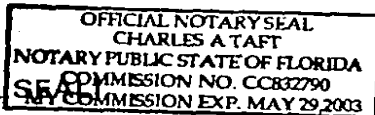
PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Board of Adjustment with any applicable modifications. The applicant shall have a building permit for the work contemplated herein issued by the Building Department on or before January 5, 2002 (within one year of the date of this hearing), otherwise this Order shall 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: Jorge Gomez  
Jorge Gomez  
Planning and Zoning 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 16th day of FEBRUARY, 2001, by Jorge Gomez, Planning and Zoning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



INOTARIAL SEAL

Notary: Charles A. Taft  
Print Name: CHARLES A. TAFT  
Notary Public, State of Florida  
My Commission Expires: -  
Commission Number:

Approved As To Form:  
Legal Department ( filed 2-15-01 )

RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA  
RECORD VERIFIED  
HARVEY RUVIN  
CLERK CIRCUIT COURT

Filed with the Clerk of the Board of Adjustment on 2-16-2001 ALT

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

**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  
*Charles A. Taft* 3/26/04  
(Signature of Planning Director or Designee) (Date)  
Personally known to me or Produced ID: *2/26/04*

*Charles A. Taft*  
Notary Public, State of Florida at Large  
Printed Name: CHARLES A. TAFT  
My Commission Expires: (Seal)

This document contains 4 pages.

MEETING DATE: March 9, 2004



FILE NO: 2069

PROPERTY: 1901 Collins Avenue – The Shore Club

LEGAL: Beginning at the Southwest Corner of Lot 10, Block 1, Alton Beach, run Northeasterly along the Easterly lin of Collins Avenue 200 feet to a point, run Southeasterly on a line parallel to the Northern Line of Block B 19.34 feet, then run East parallel to the South line of Block 1, Miami Beach Improvement Company Subdivision, According to the Plat Thereof, as Recorded in Plat Book 2-77, Page 5-7 & 8, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the demolition of an existing porte-cochere and the construction of a new porte-cochere.

**ORDER**

The applicant, Philips South Beach, 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 located within the Ocean Drive/Collins Avenue Local Historic District and National Register Architectural District and is designated contributing in the Miami Beach Historic Properties Database.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria a, b, c, d, e, f, and h in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria b, c, d, e, h, and m in Section 118-564(a)(3) of the Miami Beach Code, and is not consistent with Certificate of Appropriateness Criteria for Demolition 2, 3, 5, 8, and 9 in Section 118-564(f)(4).
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:

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1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
  - a. The applicant shall thin the edges of the proposed new porte-cochere, in order to reduce the profile, in a manner to be reviewed and approved by staff.
  - b. The original, historic signage shall be reintroduced in a manner consistent with the design and location of the original sign on the canopy, subject to the review and approval of staff.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
  - a. All bamboo at the front of the property along Collins Avenue shall be eliminated and removed prior to the completion of construction; such bamboo may be relocated to the rear of the site. Appropriate ground cover, along with Coconut Palms shall be added along Collins Avenue, subject to the review and approval of staff.
  - b. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
  - c. The landscape plan shall satisfy all requirements as specified in Chapter 18A of the Miami-Dade County Code. A landscape table shall be provided on final landscape plans addressing all minimum quantity and native requirements, subject to the review and approval of staff.
3. 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.
4. 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.

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5. 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.
6. 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.
7. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
8. 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.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations which were amended by the Board, that the Certificate of Appropriateness is GRANTED for the above-referenced project subject to those certain conditions specified in paragraph C of the Findings of Fact (Condition Nos. 1-8, inclusive) hereof, to which the applicant has agreed.

No building permit may be issued unless and until all conditions of approval as set forth herein 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 zoning approval. If adequate handicapped access is not provided, this approval does not mean that such handicapped access is not required or that the Board supports an applicant's effort to seek waivers relating to handicapped accessibility requirements.

When requesting a building permit, three (3) sets of plans approved by the Board, modified in accordance with the above conditions, as well as annotated floor plans which clearly delineate the Floor Area Ratio (FAR) calculations for the project, shall be submitted to the Planning Department. If all of the above-specified conditions are satisfactorily addressed, the plans will be reviewed for building permit approval. Two (2) sets will be returned to you for submission for a building permit and one (1) set will be retained for the Historic Preservation Board's file.

If the Full Building Permit is not issued within eighteen (18) months of the meeting date at which this Certificate of Appropriateness was granted and construction does not commence and continue in accordance with the requirements of the applicable Building Code, the Certificate of Appropriateness will expire and become null and void, unless the applicant, prior to expiration of such period, makes application to the Board for an extension of time; the granting of any such extension of time shall be at the discretion of the Board. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional

Page 4 of 4  
HPB File No. 2069  
Meeting Date: March 9, 2004

conditions. 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 25 day of MARCH, 2004.

HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

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

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

The foregoing instrument was acknowledged before me this 25TH day of MARCH 2004 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.

 Charles A Taft  
My Commission DD233174  
Expires July 17, 2007

*Charles A. Taft*  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: \_\_\_\_\_  
*CHARLES A. TAFT*

Approved As To Form: \_\_\_\_\_  
Legal Department: *J. Reed* (3-23-04)

Filed with the Clerk of the Historic Preservation Board on 3/25/04 (*ent*)

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*TM*





**CFN 2015R0342033**  
 DR BK 29634 Pgs 1580-1587 (8Pgs)  
 RECORDED 05/29/2015 10:03:48  
 HARVEY RUVIN, CLERK OF COURT  
 MIAMI-DADE COUNTY, FLORIDA

**DOCUMENT COVER PAGE**

For those documents not providing the **required** 3 x 3 inch space on the first page, this cover page must be attached.

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

An additional recording fee for this page must be remitted.

(Space above this line reserved for recording office use)

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

**Executing Party:** Historic Preservation Board The City of Miami Beach, Florida

**Legal Description:** \_\_\_\_\_  
 (If Applicable)  
 \_\_\_\_\_  
 As more fully described in above described document.

**Return Document To / Prepared By:**  
Alfredo J. Gonzalez, Greenberg Traurig, P.A.  
333 S.E. 2nd Avenue  
Miami, FL 33131-3238

**(Relevant excerpts)**

**Rule 2.520 (d)** On all . . . documents prepared . . . . . which are to be recorded in the public records of any county . . . a **3- inch by 3- inch space at the top right-hand corner** on the first page and a **1 - inch by 3- inch space at the top right-hand corner on each subsequent page** shall be left blank and reserved for use by the clerk of court.

**F.S. 695.26 Requirements for recording instruments affecting real property—**

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

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

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

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

*[Signature]* 5/19/15  
(Signature of Planning Director or Designee) (Date)  
Personally known to me or Produced ID:   
*[Signature]*  
Notary Public, State of Florida at Large  
Printed Name: **STEVEN GREENE**  
My Commission Expires: (Seal)  
This document contains 7 pages.

MEETING DATE: May 12, 2015

FILE NO: 7515

PROPERTY: 1901 Collins Avenue

APPLICANT: Shore Club Property Owner LLC

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

IN RE: The Application for a Certificate of Appropriateness for the partial demolition and renovation of the existing 'Contributing' structures on the site, total demolition of the existing 2-story cabana structure, the construction of two 2-story ground level cabana structures, modifications to the existing 22-story 'Non-Contributing' structure and landscape and hardscape modifications.

**ORDER**

The applicant filed an application with the City of Miami Beach Planning Department for a Certificate of Appropriateness and for one or more variances.

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

**I. Certificate of Appropriateness**

A. The subject site is located within the Ocean Drive/Collins Avenue Local Historic District.



*CO*

- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
1. Is not consistent with the Certificate of Appropriateness Criteria 'a' in Section 118-564(a)(1) of the Miami Beach Code.
  2. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'c', 'd', 'f' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
  3. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'c', 'd', 'h', 'j', 'k', 'm', 'n' & 'o' in Section 118-564(a)(3) of the Miami Beach Code.
1. Is consistent with Certificate of Appropriateness Criteria for Demolition in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
    - a. The level of demolition proposed for the Cromwell Hotel shall be minimized and the applicant shall submit additional information with regard to the structural integrity of the existing building, in a manner to be reviewed and approved by the Historic Preservation Board.
    - b. The balconies proposed for the north elevation of the Cromwell Hotel structure shall not be permitted. The balconies proposed for the east elevation may be permitted, provided the degree of demolition is the minimum required to accommodate the new projecting balconies and sliding glass doors, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - c. The north elevation of the north cabana building shall be further developed and shall incorporate additional fenestration, changes in material, changes in plane, and/or landscape elements, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - d. Final design and details of the Shore Club Hotel lobby shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:
      - i. Existing features of the lobby, including the four cross shaped columns with cloud shaped capitals, terrazzo steps and curved terrazzo planter at the northeast portion of the lobby, terrazzo flooring, curved wall and sculpture shall be retained and restored, in a manner to be reviewed and approved by

staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

- ii. White wood wall cladding shall not be approved in the original lobby space. A plaster finish or a cladding material more consistent with the Post War Modern period of architecture shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- iii. Final design and details, including elevation drawings and materials samples shall be provided for the proposed reception desk, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- e. The two existing "Shore Club" open-face neon signs facing Collins Avenue shall be fully restored, 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. Final design and details of the proposed 20-story tower terraces, including material and finish samples of the proposed architectural screening and details of the planters including method of irrigation and drainage shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- g. Final details of all proposed glazing systems and associated details shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. The finish of the frames shall be clear anodized aluminum and the glass shall be clear.
- h. The final design and details of all exterior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. Exterior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights or way or adjacent properties shall be permitted.
- i. 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 approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- j. The relocation of all existing required parking spaces either onsite or within 1,200 feet of the site, shall be permitted and constructed, prior to the issuance of any building permit to remove such parking spaces, which may require Planning Board review and approval depending on the proposed location.

2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
  - a. A revised landscape and hardscape plan for the entire site shall be submitted and shall include the following:
    - i. The following canopy shade trees identified on the Tree Disposition Plans (Sheets L-1 through L-3 with a submittal date of March 16, 2015): nos. 56(street tree on 20<sup>th</sup> Street), 111, 138, 192,193, 197, 198, 199, 200, 202, 205, 206, 207, 208, 209, 243, 244, 255 shall be retained; such trees may be relocated within the project site, subject to the review and approval of staff.
    - ii. The overall size of the tree planters for the existing trees that are required to remain shall be significantly enlarged in order to protect the root system and enhance planting conditions.
    - iii. The overall size of the pool and square footage of hardscape within the area delineated by the two cabana structures shall be substantially reduced, and replaced with green space, in a manner to be approved by staff.
    - iv. Hedge material of any kind shall not be permitted anywhere along the north, east and west perimeter of the property. The overall height of the understory plant material facing the public ROW's and beachwalk shall naturally not exceed 36" at maturity and shall not require periodic pruning in order to maintain such height subject to the review and approval of staff.
  - b. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
  - c. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.

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

## **II. Variance(s)**

- A. No variance(s) were filed as part of this application.

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

- A. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- B. 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 April 14, 2015 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.
- C. A modification to the current Conditional Use Permit shall be reviewed and approved by the Planning Board prior to the issuance of a full building permit or phased building permit.
- D. 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.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. 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.
- 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.

Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code. IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the Certificate of Appropriateness 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 approved by the Historic Preservation Board, as determined by staff, entitled "The Shore Club" as prepared by ADD Inc, dated March 16, 2015.

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 18<sup>th</sup> day of May, 2015.

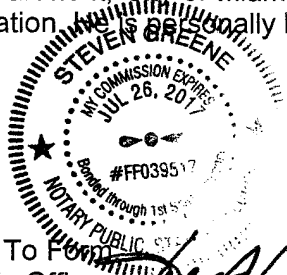
HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY:   
DEBORAH TACKETT  
PRESERVATION AND DESIGN MANAGER  
FOR THE CHAIR

Page 7 of 7  
HPB File No. 7515  
Meeting Date: May 12, 2015

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

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of May 2015 by Deborah Tackett, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation, who is personally known to me.



[Signature]  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: July 26, 2017

Approved As To Form  
City Attorney's Office: [Signature]

(5/18/2015)

Filed with the Clerk of the Historic Preservation Board on Yusuf Momin 5-19-15

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[Signature]



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

MEETING DATE: July 14, 2015

FILE NO: 7515

PROPERTY: 1901 Collins Avenue

APPLICANT: Shore Club Property Owner LLC

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

IN RE: The Application for a Certificate of Appropriateness for the partial demolition and renovation of the existing 'Contributing' structures on the site, total demolition of the existing 2-story cabana structure, the construction of two 2-story ground level cabana structures, modifications to the existing 22-story 'Non-Contributing' structure and landscape and hardscape modifications.

**S U P P L E M E N T A L   O R D E R**

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

**I. Certificate of Appropriateness**

A. The subject site is located within the Ocean Drive/Collins Avenue Local Historic District.



Page 2 of 7  
 HPB File No. 7515  
 Meeting Date: July 14, 2015

- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
1. Is not consistent with the Certificate of Appropriateness Criteria 'a' in Section 118-564(a)(1) of the Miami Beach Code.
  2. Is not consistent with Certificate of Appropriateness Criteria 'h' in Section 118-564(a)(2) of the Miami Beach Code.
  3. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c', 'd', 'h', 'j', 'k', 'm', 'n' & 'o' in Section 118-564(a)(3) of the Miami Beach Code.
1. Is consistent with Certificate of Appropriateness Criteria for Demolition in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
    - a. The level of demolition proposed for the Cromwell Hotel shall be minimized and the applicant shall submit additional information with regard to the structural integrity of the existing building, in a manner to be reviewed and approved by the Historic Preservation Board. A revised ground level demolition plan shall be submitted, which indicates the demolition required for the new structural columns, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - b. The applicant shall submit revised plans substantiating that at least 75% of the front façade and 66% of the interior side walls of the 1999 penthouse rooftop addition shall be retained, preserved and restored. In the event that these thresholds are not met, said addition shall not be permitted to remain or be reconstructed.
    - c. Adequate materials testing of all exterior wall structures as well as all other structural components of the Cromwell Hotel proposed to be retained shall be required to be undertaken to ascertain that the existing structure is capable of withstanding all of the proposed work prior to the issuance of a demolition permit, subject to staff review and approval.
    - d. The balconies proposed for the north elevation of the Cromwell Hotel structure shall not be permitted. The balconies proposed for the east elevation may be permitted, provided the degree of demolition is the minimum required to accommodate the new projecting balconies and sliding glass doors, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

Page 3 of 7  
HPB File No. 7515  
Meeting Date: July 14, 2015

- e. The north elevation of the north cabana building shall be further developed and shall incorporate additional fenestration, changes in material, changes in plane, and/or landscape elements, 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. Final design and details of the Shore Club Hotel lobby shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:
  - i. Existing features of the lobby, including the four cross shaped columns with cloud shaped capitals, terrazzo steps and curved terrazzo planter at the northeast portion of the lobby, terrazzo flooring, curved wall and sculpture shall be retained and restored, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
  - ii. White wood wall cladding shall not be approved in the original lobby space. A plaster finish or a cladding material more consistent with the Post War Modern period of architecture shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
  - iii. Final design and details, including elevation drawings and materials samples shall be provided for the proposed reception desk, 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 two existing "Shore Club" open-face neon signs facing Collins Avenue shall be fully restored, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- h. Final design and details of the proposed 20-story tower terraces, including material and finish samples of the proposed architectural screening and details of the planters including method of irrigation and drainage shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- i. Final details of all proposed glazing systems and associated details shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. The finish of the frames shall be clear anodized aluminum and the glass shall be clear.
- j. The final design and details of all exterior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. Exterior lighting



Page 4 of 7  
 HPB File No. 7515  
 Meeting Date: July 14, 2015

shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. No florescent or intensive 'white' lighting (or similar intensive lighting) visible from the adjacent public rights or way or adjacent properties shall be permitted.

- k. 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 approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
  - l. The relocation of all existing required parking spaces either onsite or within 1,200 feet of the site, shall be permitted and constructed, prior to the issuance of any building permit to remove such parking spaces, which may require Planning Board review and approval depending on the proposed location.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. A revised landscape and hardscape plan for the entire site shall be submitted and shall include the following:
    - i. The following canopy shade trees identified on the Tree Disposition Plans (Sheets L-1 through L-3 with a submittal date of March 16, 2015): nos. 56(street tree on 20<sup>th</sup> Street), 111, 138, 192,193, 197, 198, 199, 200, 202, 205, 206, 207, 208, 209, 243, 244, 255 shall be retained; such trees may be relocated within the project site, subject to the review and approval of staff.
    - ii. The overall size of the tree planters for the existing trees that are required to remain shall be significantly enlarged in order to protect the root system and enhance planting conditions.
    - ~~iii. The overall size of the pool and square footage of hardscape within the area delineated by the two cabana structures shall be substantially reduced, and replaced with green space, in a manner to be approved by staff.~~
    - iv. Hedge material of any kind shall not be permitted anywhere along the north, east and west perimeter of the property. The overall height of the understory plant material facing the public ROW's and beachwalk shall naturally not exceed 36" at maturity and shall not require periodic pruning in order to maintain such height subject to the review and approval of staff.

Page 5 of 7  
 HPB File No. 7515  
 Meeting Date: July 14, 2015

- v. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
- vi. 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.

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

## II. Variance(s)

- A. No variance(s) were filed as part of this application.

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

- A. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- B. 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 April 14, 2015 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.
- C. A modification to the current Conditional Use Permit shall be reviewed and approved by the Planning Board prior to the issuance of a full building permit or phased building permit.
- D. 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.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. 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.
- G. 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

Page 6 of 7  
 HPB File No. 7515  
 Meeting Date: July 14, 2015

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.

- H. 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.
- I. The Supplemental Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- J. The previous Final Order dated May 12, 2005 shall remain in full force and effect, except to the extent modified herein.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. 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 April 14, 2015, May 12, 2015 and July 14, 2015 public hearings, which are part of the record for this matter, and the staff report and analysis from the April 14, 2015, May 12, 2015 and July, 14 2015 public hearings, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "The Shore Club" as prepared by ADD Inc, dated March 16, 2015 and June 5, 2015, and 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.

Page 7 of 7  
HPB File No. 7515  
Meeting Date: July 14, 2015

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 21<sup>st</sup> day of July, 2015.

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 21<sup>st</sup> day of July, 2015 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: July 26, 2017

Approved As To Form:  
City Attorney's Office: [Signature]

Filed with the Clerk of the Historic Preservation Board on July 21, 2015

Strike-Thru denotes deleted language  
Underscore denotes new language

[Handwritten mark]

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

MEETING DATE: November 10, 2015

FILE NO: 7515

PROPERTY: 1901 Collins Avenue

APPLICANT: Shore Club Property Owner LLC

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

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

**S U P P L E M E N T A L O R D E R**

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

**I. Certificate of Appropriateness**

A. The subject site is located within the Ocean Drive/Collins Avenue Local Historic District.





Page 2 of 5  
 HPB File No. 7515  
 Meeting Date: November 10, 2015

B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:

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

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

1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
  - a. The proposed atriums located at the upper levels shall not be permitted and the the level of demolition proposed for the floor plates within the Shore Club Hotel structure shall be minimized and shall be limited to the amount of demolition required to provide the minimum vertical circulation areas required by Code, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
  - b. The following modifications as outlined in the applicant's letter of intent, dated August 6, 2015 are permitted:
    - i. II.1. Changes to layout of Building B (Central Tower) Restaurant
    - ii. II.2. Changes to Courtyard North Façade
    - iii. II.3. Changes to Courtyard South Façade and Shore Club Restaurant Layout
    - iv. II.4. Shore Club North Side Elevators and Stair Relocation
    - v. II.5. Program Location Change of Bar and Front Desk (this shall not include the demolition of the ground floor plate at the southern portion of the ground floor)
    - vi. II.6. New Demolition and Removal of an Existing Stair and Elevator North Side of Shore Club
    - vii. II.7. New Skylights at Rood Level ONLY
    - viii. II.8. Two Proposed Private Terraces at NW corner of Shore Club

**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**

Page 3 of 5  
 HPB File No. 7515  
 Meeting Date: November 10, 2015

**person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.**

**II. Variance(s)**

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

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

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

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

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "The

Page 4 of 5  
HPB File No. 7515  
Meeting Date: November 10, 2015

Shore Club" as prepared by ADD Inc, dated October 19, 2015, 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 18<sup>th</sup> day of November, 2015

HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY   
DEBORAH TACKETT  
PRESERVATION AND DESIGN MANAGER  
FOR THE CHAIR

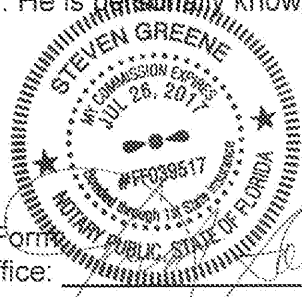
STATE OF FLORIDA            )  
  )SS  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of November, 2015 by Deborah Tackett, Preservation and Design Manager,



Page 5 of 5  
HPB File No. 7515  
Meeting Date: November 10, 2015

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: 07-28-2017

Approved As To Form \_\_\_\_\_  
City Attorney's Office: [Signature]

Filed with the Clerk of the Historic Preservation Board on [Signature] (11-18-15)

Strike-Thru denotes deleted language  
Underscore denotes new language

[Signature]

**PLANNING BOARD**

**CITY OF MIAMI BEACH, FLORIDA**

**PROPERTY:** 1901 Collins Avenue

**FILE NO:** 1484

**IN RE:** The Application by Philips South Beach, L.P., Requesting Conditional Use Approval in Order to Operate a Neighborhood Impact Establishment (Restaurant) with an Occupant Content in excess of Three-Hundred (300) Persons, located at The Shore Club, 1901 Collins Avenue.

**LEGAL**

**DESCRIPTION:** Lot 1 and a portion of Lots 2 and 3, Block "B" of the Ocean front property of the Miami Beach Improvement Company, according to the plat thereof, recorded in PB 5-7 of the public records of Miami-Dade County, Florida; and all of Lots 5, 6, 8, 9 and 10 and a portion of Lots 4 and 7, Block 1 Fisher's First Subdivision of Alton Beach, according to the plat thereof as recorded in PB 2-77 of the public records of Miami-Dade County, Florida.

**MEETING DATE:** December 19, 2000

**CONDITIONAL USE PERMIT**

The applicant, Philips South Beach, L.P., filed an application with the Planning Director for a Conditional Use Permit pursuant to Section 142-1361 of the Land Development Regulations of the Code of the City of Miami Beach, Florida in order to operate a Neighborhood Impact Establishment in excess of three-hundred (300) persons, as proposed in the application. 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 Multi Family, High Intensity Zoning District;

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

Handwritten initials and marks.

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 and the staff report and analysis, which are adopted herein, including the recommendations, that a Conditional Use Permit as requested and set forth above be GRANTED, upon the following conditions to which the applicant has agreed:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall give a written progress report to the Board within 60 days of the date of issuance of a Certificate of Completion, Certificate of Occupancy, or Certificate of Use, whichever occurs first. The Board reserves the right to modify the Conditional Use approval at the time of the 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 approval is for Philips South Beach, L.P. only. Any substantive change in the operation from a restaurant shall require review and approval by the Planning Board as an amendment to this Conditional Use Permit.
3. The hours of operation shall be as requested by the applicant, from 7:00 a.m. to 11:00 p.m., seven days a week. Non-compliance with this condition shall be deemed a violation of the final order and subject to the remedies as described in Sec. 118-194 of the City Code.
4. A detailed security plan shall be filed with Planning Department staff prior to the issuance of a Certificate of Completion, Certificate of Occupancy, or Certificate of Use, whichever occurs first.
5. Prior to the issuance of a Certificate of Occupancy, Certificate of Use, or Occupational License, whichever occurs first, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan) by paying its fair share cost, unless previously satisfied, as determined by the Transportation/Concurrency Management Division.
6. The pick-up and drop-off area for the valet parking service shall be reviewed with Planning Department staff in consultation with the Concurrency Management Division, so that a determination can be made where valet service is best suited.

7. In the event that there is queuing of people on the sidewalk impeding the free-flow of pedestrians on the sidewalk, the operator shall be required to have staff take action to remove such crowds from the sidewalk.
8. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a building permit for the improvements to the facility approved by this Conditional Use Permit.
9. This Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County at the expense of the applicant, prior to the issuance of a Building Permit; compliance with the conditions of this permit shall be a prerequisite to obtaining a Certificate of Occupancy.
10. A building permit shall be obtained within one (1) year of this public hearing, and the project completed in accordance with the requirements of the South Florida Building Code.
11. The establishment and operation of this Conditional Use shall comply with all the conditions of this 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 114-7 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.

**PROVIDED**, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Planning Board with any applicable modifications. This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning Department, a building permit shall be approved (subject to compliance with the conditions hereof) and processed in accordance with and pursuant to the ordinances of the City of Miami Beach.

Dated this 8TH day of JANUARY, 2004.

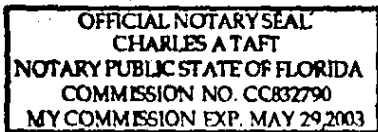
PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: 

Jorge G. Gomez, Planning Director  
For Chairman

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 17th day of JANUARY, 2001, by Jorge G. Gomez, Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me



[NOTARIAL SEAL]

*Charles A. Taft*

Notary:  
Print Name: CHARLES A. TAFT  
Notary Public, State of Florida  
My Commission Expires:  
Commission Number:

Approved As To Form:  
Legal Department (*gkell 1-2-01*)

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RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA  
RECORD VERIFIED  
HARVEY RUVIN  
CLERK CIRCUIT COURT



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

**PROPERTY:** 1901 Collins Avenue - The Shore Club

**FILE NO:** 1629

**IN RE:** The applicant, Shore Club Property Owner, LLC., is requesting a Modification to a previously issued Modified Conditional Use Permit to change the name of the owner/operator from Philips South Beach, LLC., to Shore Club Property Owner, LLC., pursuant to Section 118, Article IV.

**LEGAL**

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

**MEETING DATE:** October 9, 2015

**MODIFIED CONDITIONAL USE PERMIT**

The applicant, Shore Club Property Owner, LLC., filed an application with the Planning Director to modify a previously approved Conditional Use Permit to change the name of the operator from Philips South Beach, LLC., to Shore Club Property Owner, LLC., pursuant to Section 118 Article IV. 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;

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;

*MB*

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

**IT IS THEREFORE ORDERED**, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which is adopted herein, including the staff recommendations, and accepted by the applicant, that the Modification to the previously approved Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions: Underlining denotes new language and ~~strikethrough~~ denotes stricken language from the previous Order.

1. The Planning Board shall maintain jurisdiction of this Modified Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address 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. The applicant shall resolve outstanding violations and fines, if any, prior to the issuance of a Certificate of Use.
3. This Modified Conditional Use approval is issued to ~~Philips South Beach LLC, Shore Club Property Owner, LLC~~, as operator of the SkyBar at The Shore Club, for the outdoor/open air area of the courtyard and pool deck as identified in the documents provided as part of this application. Any change of operator shall require review and approval by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board, in advance, to affirm their understanding of the conditions listed herein.
4. Entrance to SkyBar from 20th Street shall be permitted. The Board reserves the right to revisit the entrance location at the time of a progress report. In the event that there is queuing of people on sidewalk restricting the free-flow of pedestrians on the sidewalk, the operator shall be required to have staff take action to remove such crowds from the sidewalk and shall not permit the crowd to spill uncontrolled into the street area.
5. The valet drop off and pick up area for SkyBar patrons shall be at the entrance of The Shore Club on Collins Avenue. Valet drop off and pick up for SkyBar patrons shall be prohibited on 20th Street. The valet operator and hotel security personnel shall monitor the area to ensure queuing of cars will not interfere with street traffic on Collins Avenue. Additional security, such as off-duty police officers shall be contracted when necessary to monitor adequate traffic circulation.
6. No live music shall be permitted outdoors. All music shall be played as background music only, at a level that will not interfere with normal conversation. The volume of music shall be controlled by the hotel management only; DJs shall be prohibited from manipulating volume controls. Non-compliance with this condition shall be deemed a violation of the Permit and subject to the remedies as described in Sec. 118-194 of the City Code.
7. Special "teen night" promotions, "all-ages" events, "wet T-shirt," or "thong" contests shall be prohibited. The applicant shall be responsible for enforcing the patron-age restriction of 21 years of age and over by not allowing the admission of under-age patrons.

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8. The hours of operation shall be from 10:00 a.m. to 3:00 a.m. A dedicated dance area shall be prohibited anywhere in the outdoor areas of SkyBar.
9. Violation of the Miami-Dade County Code Section 21-28 (a/k/a "noise ordinance") shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in Sec. 118-194 of the City Code.
10. The applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if required, by paying its fair share cost, as determined by the Transportation/Concurrency Management Division.
11. The applicant shall be responsible for maintaining the areas adjacent to the facility, such as the area of the street end of 20th Street and the beach area to the east of the facility, in excellent condition, keeping these areas in a clean condition, free of all refuse, at all times.
12. This Modified Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida at the expense of the applicant.
13. 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.
14. 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 114-7 of said 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 permit.
15. 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 10<sup>th</sup> day of NOVEMBER, 2015

PLANNING BOARD OF THE  
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush  
Michael Belush, Planning and Zoning Manager  
For Chairman

MB

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of November, 2015, by Michael Belush, Planning and Zoning Manager of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

{NOTARIAL SEAL}



[Signature]

Notary:  
Print Name STEVEN GREENE  
Notary Public, State of Florida  
My Commission Expires:  
Commission Number: 07-26-2017

Approved As To Form:  
Legal Department on [Signature] ( 11-9-2015 )

Filed with the Clerk of the Planning Board on 11/10/2015 ( [Signature] )

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