

Subpart B - LAND DEVELOPMENT REGULATIONS
Chapter 118 - ADMINISTRATION AND REVIEW PROCEDURES
ARTICLE X. - HISTORIC PRESERVATION
DIVISION 3. ISSUANCE OF CERTIFICATE OF APPROPRIATENESS/CERTIFICATE TO DIG/CERTIFICATE OF
APPROPRIATENESS FOR DEMOLITION

***DIVISION 3. ISSUANCE OF CERTIFICATE OF APPROPRIATENESS/CERTIFICATE TO
DIG/CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION***

Sec. 118-561. General requirements.

- (a) A certificate of appropriateness issued under this chapter shall be required prior to the issuance of any permit for new construction, demolition, alteration, rehabilitation, renovation, restoration, signage or any other physical modification affecting any building, structure, improvement, landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district unless the permit applied for is exempted pursuant to subsection 118-503(b), or prior to any construction, demolition, alteration, rehabilitation, signage or any other exterior or public interior physical modification, whether temporary or permanent, without a permit, being undertaken. A certificate to dig shall be required prior to the initiation of any development involving the excavation or fill on a historic site or in a historic district designated as archaeologically significant pursuant to the provisions of this article. The procedure to obtain a certificate to dig, or to designate a historic site as archaeologically significant, shall be the same as indicated in section 118-562 for a certificate of appropriateness.
- (b) Certificate of appropriateness conditions and safeguards. In granting a certificate of appropriateness, the historic preservation board and the planning department may prescribe appropriate conditions and safeguards, either as part of a written order or on approved plans. Violation of such conditions and safeguards, when made a part of the terms under which the certificate of appropriateness is granted, shall be deemed a violation of these land development regulations.

(Ord. No. 89-2665, § 19-6, eff. 10-1-89; Ord. No. 94-2926, eff. 4-14-94; Ord. No. 2000-3262, § 4, 7-26-00; Ord. No. 2001-3314, § 5, 7-18-01; Ord. No. 2007-3566, § 2, 9-5-07)

Sec. 118-562. Application.

- (a) An application for a certificate of appropriateness may be filed with the historic preservation board at the same time or in advance of the submission of an application for a building permit. Copies of all filed applications shall be made available for inspection by the general public.
- (b) All applications involving demolition, new building construction, alteration, rehabilitation, renovation, restoration or any other physical modification of any building, structure, improvement, landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district shall be on a form provided by the planning department and shall include such information and attached exhibits as the board and the planning department determine are needed to allow for complete evaluation of the proposed demolition, construction and other physical improvements, alterations or modifications including, but not limited to, the following:
 - (1) Written description of proposed action.
 - (2) Survey.
 - (3) Complete site plan.

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- (4) Materials containing detailed data as to architectural elevations and plans showing proposed changes and existing conditions to be preserved.
 - (5) Preliminary plans showing new construction in cases of demolition.
 - (6) An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
 - (7) Any application which involves substantial structural alterations to or the substantial or full demolition of any building, structure, improvement, significant landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district, with the exception of non-substantial exterior structural repairs, alterations and improvements (as may be more specifically defined by the board in its by-laws and application procedures), shall be required to include a structural evaluation and corrective action report prepared by a professional (structural) engineer, licensed in the state as a part of the application at time of submission. A financial analysis or feasibility study addressing the demolition proposed shall not be required by the historic preservation board in their evaluation. For non-substantial exterior structural repairs, alterations and improvements (as may be more specifically defined by the board in its by-laws and application procedures), a signed and sealed engineering drawing shall be required. The structural evaluation and corrective action report shall include, but not be limited to, the following:
 - a. Review and analysis of structural conditions, based upon the engineer's direct on-site inspection and analysis of the structural condition of the subject property, as well as any and all earlier structural records and drawings, as may be available. This shall include documentation, in the form of photographs, plans, elevations, and written descriptions, of any and all areas, portions, or elements of the building or structure that shows existing or potential structural problems or concerns, in full accordance with the requirements of the building official.
 - b. Results of testing and analysis of structural materials and concrete core samples, taken at a sufficient number of locations in and about the building, inclusive of but not limited to foundations, columns, beams, walls, floors and roofs. The report shall professionally analyze and evaluate the compressive strength, chloride content, and overall structural condition of each and every core sample and assess the condition of all other structural elements or systems in the building or structure, regardless of material, that may be of structural concern.
 - c. Proposed corrective measures and monitoring of the work, including detailed plans, elevations, sections and specifications, as well as written descriptions of any and all structural corrective measures that will be undertaken for any and all areas, portions, or elements of the building or structure that may be of structural concern. These documents shall contain sufficient supporting evidence to establish that the corrective measures proposed will be adequate to restore and preserve the structural integrity of the identified areas, portions, or elements to be preserved, including a written and detailed description of the process by which the proposed corrective work will proceed, as well as the sequencing of the work. Finally, a written verification shall be included stating that all structural conditions throughout the building or structure shall be closely monitored by a special inspector, approved by the building department and employed by the applicant, during the course of all demolition, new construction, and bracing and shoring work. This provision is required in order to immediately identify any and all adverse changes in the structural integrity or stability of the subject building or structure during the course of the work, inclusive of architectural features. The special inspector shall provide expeditious direction to the contractor specific to how the observed adverse changes shall be quickly and properly stabilized and permanently corrected. This information shall be immediately conveyed to the city's planning and building departments for their review and any necessary actions.

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- d. Proposed methodology and process for demolition, including detailed plans, elevations, sections and specifications, as well as a written description of any and all temporary shoring and bracing measures and all measures required to protect the safety of the public and workers. These measures shall be fully implemented and in place prior to and during the course of any demolition and construction activity on the subject property. The documents shall contain sufficient supporting evidence to establish that the corrective measures proposed will be adequate to restore and preserve the structural integrity of the identified areas, portions, and elements, including a written and detailed description of the proposed process and sequencing of demolition, as well as a detailed description of the demolition methods to be utilized. Finally, a written verification shall be included stating that all work as described above shall be closely monitored during the course of work by a special inspector approved by the building department. This inspector shall be employed by the applicant.
 - e. A signed and sealed certification that the structural integrity and stability of the subject building(s)/structure(s), and its architectural features, shall not be compromised in any way during the course of any and all proposed work on the subject site.
- (8) The historic preservation board, for applications involving the full demolition of any contributing building, structure or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district, may request the city to retain a licensed independent structural engineer, with expertise in historic structures, to perform an independent evaluation of the structure proposed to be demolished. The city commission, in its sole discretion, may review the request and appropriate funds to cover the costs associated with the retention of such engineer. The planning department shall select the independent structural engineer from a qualified list it maintains. If it is determined by the independent structural engineer that the building, structure or site can be retained, preserved or restored, and a certificate of appropriateness is issued based upon such determination, then the property owner shall reimburse the city for all costs it paid to such engineer, and the property may be lienied to assure payment. If it is determined by the independent structural engineer that the building, structure or site cannot be retained, preserved or restored, then the city shall bear the responsibility of all costs incurred by such independent structural engineer.
- (9) Commercial and mixed-use developments over 5,000 gross square feet and multifamily projects with more than four units or 15,000 gross square feet shall submit a transportation analysis and mitigation plan, prepared by a professional traffic engineer, licensed and registered in the State of Florida. The analysis and plan shall at a minimum provide the following:
- a. Details on the impact of projected traffic on the adjacent corridors, intersections, and areas to be determined by the city.
 - b. Strategies to mitigate the impact of the proposed development on the adjacent transportation network, to the maximum extent feasible, in a manner consistent with the adopted transportation master plan and adopted mode share goals.
 - c. Whenever possible, driveways shall be minimized and use common access points to reduce potential turn movements and conflict points with pedestrians.
 - d. Applicable treatments may include, without limitation, transportation demand management strategies included in the transportation element of the comprehensive plan.

(Ord. No. 89-2665, § 19-6(A), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 94-2926, eff. 4-14-94; Ord. No. 2000-3262, § 4, 7-26-00; Ord. No. 2005-3495, § 2, 10-19-05; Ord. No. 2008-3597, § 1, 2-13-08; Ord. No. 2016-3986, § 2, 1-13-16; Ord. No. 2019-4306, § 2, 10-16-19)

Sec. 118-563. Review procedure.

Any applicant requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.

- (a) All quasi-judicial public hearing applications involving demolition, new construction, alteration, rehabilitation, renovation, restoration or any other physical modification of any building, structure, improvement, significant landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district shall be placed on the next available agenda of the historic preservation board for its review and consideration after the date of receipt of a completed application.
- (b) The historic preservation board shall decide, based upon the criteria set forth in subsection 118-564(f)(4), whether or not to issue a certificate of appropriateness for demolition. A demolition permit shall not be issued until all of the following criteria are satisfied, except as permitted under subsection 118-564(f)(6):
 - i. The issuance of a building permit process number for the new construction;
 - ii. The building permit application and all required plans for the new construction shall be reviewed and approved by the Planning Department;
 - iii. All applicable fees for the new construction shall be paid, including, but not limited to, building permit and impact fees, as well as applicable concurrency and parking impact fees;
 - iv. A tree survey, if required, shall be submitted and a replacement plan, if required, shall be reviewed and approved by the Greenspace Management Division;
 - v. All debris associated with the demolition of the structure shall be recycled, in accordance with the applicable requirements of the Florida Building Code.
- (c) All applications for a certificate of appropriateness for the demolition or partial demolition of any building, structure, improvement, significant landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district and all applications for a certificate of appropriateness for new building construction, alteration, rehabilitation, renovation, restoration or any other physical modification of any building, structure, improvement, significant landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district shall only be considered by the board following a public hearing and shall comply with the notice requirements in accordance with section 118-8.
- (d) Notwithstanding subsections 118-563(a) through (c) above, all applications for certificates of appropriateness involving minor repairs, demolition, alterations and improvements (as defined below and by additional design guidelines to be adopted by the board in consultation with the planning director or designee) shall be reviewed by the staff of the board. The staff shall approve, approve with conditions, or deny a certificate of appropriateness or a certificate to dig after the date of receipt of a completed application. Such minor repairs, alterations and improvements include the following:
 - (1) Ground level additions to existing structures, not to exceed two stories in height, which are not substantially visible from the public right-of-way (excluding rear alleys), any waterfront or public parks, provided such ground level additions do not require the demolition or alteration of architecturally significant portions of a building or structure. For those lots under 5,000 square feet, the floor area of the proposed addition may not exceed 30 percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed

1,500 square feet. For those lots between 5,000 square feet and 10,000 square feet, the floor area of the proposed addition may not exceed 20 percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 2,000 square feet. For those lots greater than 10,000 square feet, the floor area of the proposed addition may not exceed 10 percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 5,000 square feet.

- (2) Replacement of windows, doors, storefront frames and windows, or the approval of awnings, canopies, exterior surface colors, storm shutters and signs.
 - (3) Facade and building restorations, recommended by staff, which are consistent with historic documentation, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
 - (4) Minor demolition and alterations to address accessibility, life safety, mechanical and other applicable code requirements, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
 - (5) Minor demolition and alterations to rear and secondary facades to accommodate utilities, refuse disposal and storage, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
- (e) Any decision of the planning director regarding subsections 118-563(d)(1) and 118-563(d)(3), may be appealed to the board of adjustment pursuant to the requirements of section 118-9.
- (f) The approval of a certificate of appropriateness, shall not excuse the applicant from responsibility to comply with all other zoning and building laws and regulations of the city, county and state, including the receipt of applicable zoning variances, site plan approvals and building permits except as provided for in subsection 118-503(b).
- (g) The historic preservation board may at its sole discretion, on an individual, case-by-case basis, allow a two-step process for approval of a certificate of appropriateness. The two-step process shall consist of, first, a binding, preliminary concept approval on the issues of urbanism, massing and siting; and second, approval of the project's design details (style, fenestration, materials, etc.). This two-step process shall be subject to the following:
- (1) The historic preservation board shall have the sole discretion, on an individual, case-by-case basis, to decide which development projects may qualify for this two-step approval process for a certificate of appropriateness.
 - (2) In the event the historic preservation board should authorize the two-step approval process, the applicant shall have a maximum of 120 days from the date of preliminary concept approval on the issues of urbanism, massing and siting, to return to the board with fully developed design drawings and substantial details (style, fenestration, materials, etc.) for final approval, or the entire application shall become null and void. The applicant shall have six months from the date of preliminary concept approval on the issues of urbanism, massing and siting, to obtain final approval for the remainder of the project or the entire application shall become null and void. The board, at its sole discretion, may extend the time period to obtain final approval for the remainder of the project up to a maximum of one year from the date of the original submission of the application.
- (h) In the event the applicant seeks a preliminary evaluation of a project from the board for information and guidance purposes only, an application for preliminary evaluation shall be required. The planning

director, or designee, shall determine the supplemental documents and exhibits necessary and appropriate to complete an application for a preliminary evaluation; the required supplemental documents and exhibits shall serve to describe and illustrate the project proposed in the application in a manner sufficient to enable the board to provide general comments, feedback, information and guidance with respect to the application. Preliminary evaluations by the board shall be for informational purposes only; a preliminary evaluation by the board shall not constitute a binding approval, nor shall any comments, feedback, information or guidance provided by the board be binding upon the board during subsequent review of the preliminary application or a related final application. The board may provide general comment, feedback, information and guidance during the initial hearing on the application for preliminary evaluations, and may continue discussion on a preliminary evaluation to subsequent meetings in order for the applicant to further address any specific concerns raised by the board or staff, or may elect to terminate the preliminary evaluation process after providing general comments. All preliminary evaluations shall be subject to the noticing requirements provided in subsection 118-563(c). Preliminary evaluation applications shall not constitute a certificate of appropriateness approval, and therefore an applicant acquires no equitable estoppel rights or protections of any kind, type or nature based upon the filing of the preliminary evaluation application. The board will not issue an order either approving or denying a project or take any formal action on preliminary evaluation applications. Preliminary evaluations shall not entitle applicants to any of the benefits accorded to applicants who have received certificate of appropriateness approval, inclusive of appeals or rehearings. Except as used in this section, the use of the phrase "application" throughout this article refers to a completed application for approval and not to a preliminary evaluation application.

- (i) Notwithstanding any other provisions of this chapter, certificates of appropriateness for demolition for any building, structure, improvement, or landscape feature on a historic site or located within a historic district and located on city-owned property or rights-of-way, and property owned by the Miami Beach Redevelopment Agency, the actions of the historic preservation board shall be advisory with the right of approval or disapproval vested with the city commission.

(Ord. No. 89-2665, § 19-6(B), eff. 10-1-89; Ord. No. 90-2697, eff. 6-30-90; Ord. No. 94-2926, eff. 4-14-94; Ord. No. 94-2959, eff. 12-17-94; Ord. No. 2000-3262, § 4, 7-26-00; Ord. No. 2001-3285, § 1, 1-10-01; Ord. No. 2002-3349, § 2, 2-20-02; Ord. No. 2010-3711, § 4, 12-8-10; Ord. No. 2015-3937, § 1, 5-6-15; Ord. No. 2015-3976, § 5, eff. 12-19-15; Ord. No. 2015-3977, § 21, eff. 12-19-15; Ord. No. 2015-3978, § 9, 12-9-15, eff. 4-1-16; Ord. No. 2017-4083, § 4, 4-26-17)

Sec. 118-564. Decisions on certificates of appropriateness.

Any applicant requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.

- (a) A decision on an application for a certificate of appropriateness shall be based upon the following:
 - (1) Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable compliance with the following:
 - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time; and
 - b. Other guidelines/policies/plans adopted or approved by resolution or ordinance by the city commission.

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- (2) In determining whether a particular application is compatible with surrounding properties the historic preservation board shall consider the following:
- a. Exterior architectural features.
 - b. General design, scale, massing and arrangement.
 - c. Texture and material and color.
 - d. The relationship of subsections a., b., c., above, to other structures and features of the district.
 - e. The purpose for which the district was created.
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
 - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
 - h. The original architectural design or any subsequent modifications that have acquired significance.
- (3) The examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The historic preservation board and planning department shall review plans based upon the below stated criteria and recommendations of the planning department may include, but not be limited to, comments from the building department. The criteria referenced above are as follows:
- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
 - b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
 - c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.
 - d. The proposed structure, and/or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and enhance the appearance of the surrounding properties, or the purposes for which the district was created.
 - e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
 - f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and

conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a city master plan, where applicable.
- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.
- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.
- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
- p. In addition to the foregoing criteria, subsection [118-]104(6)(t), and the requirements of chapter 104, of the City Code shall apply to the historic preservation board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
- q. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

(b) Reserved.

(c) Where, by reason of particular site conditions and restraints or because of unusual circumstances applicable to a particular applicant's property, strict enforcement of the provisions of this article would result in an undue economic hardship to the applicant, the board shall have the power to vary or modify the provisions in this article, including adherence to the adopted evaluation guidelines. However, the board shall not have the power to vary or modify any portion of subsection 118-532(f)

and subsection 118-564(f)(11) pertaining to the required timeframes to obtain a building permit or the granting of extensions of time to obtain a building permit. Any applicant wishing to assert undue hardship must furnish to the board's staff no later than 15 days prior to the board's meeting, to consider the request, ten copies of a written statement presenting the factual data establishing such economic hardship. The written statement presenting factual data shall be in the form of a sworn affidavit containing all of the following information:

- (1) The amount paid for the property, the date of purchase and the party from whom purchased;
- (2) The assessed value of the land and improvements thereon according to the three most recent assessments;
- (3) Real estate taxes for the previous five years;
- (4) All appraisals obtained within the previous five years by the owner or applicant in connection with his purchase, financing or ownership of the property;
- (5) Any listing of the property for sale or rent, price asked and offers received, if any;
- (6) Any consideration by the applicant as to profitable adaptive uses for the property;
- (7) With respect to income producing property only, annual gross income from the property for the previous five years, operating and maintenance expenses for the previous five years, and annual cash flow, if any, for the previous five years; and
- (8) Such additional information as may be relevant to a determination of undue economic hardship.

In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained. The fact that compliance would result in some increase in costs shall not be considered undue economic hardship if the use of the property is still economically viable.

- (d) An approved certificate of appropriateness, together with any conditions or limitations imposed by the board, shall be in written form and attached to the site plan and/or the schematics submitted as part of the applications. Copies of the certificate shall be kept on file with the board and shall be transmitted to the building official. The applicant shall receive a copy of the certificate of appropriateness.
- (e) After deciding to grant a request for a certificate of appropriateness for demolition the historic preservation board may stay for a fixed period of time, not to exceed six months, the issuance of the certificate of appropriateness for demolition. Should the board grant a stay for demolition, the length of such a stay shall be determined by the board based upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. The effective date of the stay shall be from the date of the historic preservation board's public hearing. Alternatively, if an appeal to a special magistrate is filed, upon request of the petitioner, the board may stay demolition pending the conclusion of that appeal and any subsequent court review of the matter.
- (f) Certificate of appropriateness for demolition.
 - (1) Demolition of any building, structure, improvement, landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district may occur in emergency situations pursuant to an order of a government agency or a court of appropriate jurisdiction or, if granted, pursuant to an application by the owner for a certificate of appropriateness for the demolition of a designated historic building, structure, improvement, landscape feature or site.

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- (2) Government agencies having the authority to demolish unsafe structures shall receive notice that a building or structure considered for demolition is a building, structure, improvement, landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district. The historic preservation board shall be deemed an interested party and shall be entitled to receive notice of any public hearings conducted by such government agency regarding demolition of any building, structure, improvement, landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district. The board may make recommendations and suggestions to the government agency and the owner relative to the feasibility of and the public interest in preserving it. Prior to requesting a hearing regarding an unsafe structure which is a building, structure, improvement, landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district, the city's building official shall send notice of the request to the historic preservation board. The matter shall be placed on the agenda of the next board meeting, or on the agenda of an emergency meeting of the board. However, action or inaction by the board shall not delay action of the building official.
- (3) No permit for voluntary demolition of any building, structure, improvement, landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district shall be issued to the owner thereof until an application for a certificate of appropriateness for demolition has been submitted and approved pursuant to the procedures in these land development regulations. In determining whether any building, structure, improvement, landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district should be demolished the historic preservation board shall be guided by the criteria contained in subsection 118-564(f)(4). After a demolition denial, or during a demolition delay period, the historic preservation board may take such steps as it deems necessary to preserve the structure concerned in accordance with the purposes and procedures of these land development regulations. Such steps may include, but shall not be limited to, consultation with civil groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structure or other feature.
- (4) Evaluation criteria. The historic preservation board shall consider the following criteria in evaluating applications for a certificate of appropriateness for demolition of historic buildings, historic structures, historic improvements or historic sites, historic landscape features and all public interior spaces, structures and buildings located in a historic district or architecturally significant feature of a public area of the interior of a historic or contributing building.
- a. The building, structure, improvement, or site is designated on either a national or state level, as part of a historic preservation district or as a historic architectural landmark or site, or is designated pursuant to division 4 of this article as a historic building, historic structure or historic site, historic improvement, historic landscape feature, historic interior or the structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.
 - b. The building, structure, improvement, or site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.
 - c. The building, structure, improvement, or site is one of the last remaining examples of its kind in the neighborhood, the county, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

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- d. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.
 - e. Retention of the building, structure, improvement, landscape feature or site promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage.
 - f. If the proposed demolition is for the purpose of constructing a parking garage, the board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district. If the district in which the property is located lists retail uses as an allowable use then the ground floor shall contain such uses. At-grade parking lots shall not be considered under this regulation. Parking lots or garages as main permitted uses shall not be permitted on lots which have a lot line on Ocean Drive or Espanola Way.
 - g. In the event an applicant or property owner proposes the total demolition of a contributing structure, historic structure or architecturally significant feature, there shall be definite plans presented to the board for the reuse of the property if the proposed demolition is approved and carried out.
 - h. The county unsafe structures board has ordered the demolition of a structure without option.
- (5) If a certificate of appropriateness for demolition is issued, the historic preservation board may require a marker on the property which provides the historic background of the structure.
- (6) A building permit shall not be issued for the demolition of any building, structure, improvement, landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district until the new or replacement construction for the property has been approved and until all of the following criteria are satisfied:
- a. The issuance of a building permit process number for the new construction;
 - b. The building permit application and all required plans for the new construction shall be reviewed and approved by the planning department;
 - c. All applicable fees for the new construction shall be paid, including, but not limited to, building permit and impact fees, as well as applicable concurrency and parking impact fees;
 - d. A tree survey, if required, shall be submitted and a replacement plan, if required, shall be reviewed and approved by the Greenspace Management Division;
 - e. All debris associated with the demolition of the structure shall be recycled, in accordance with the applicable requirements of the Florida Building Code.
- For noncontributing structures located in one of the city's historic districts, this requirement may be waived or another permit substituted at the sole discretion of the historic preservation board.
- (7) Reserved.

-
- (8) No building permit shall be issued by the building official which affects any building, structure, improvement, landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district without a certificate of appropriateness.
- (9) All work performed pursuant to the issuance of any certificate of appropriateness shall conform to the requirements of the certificate. The building official is designated as the individual to assist the board by making necessary inspections in connection with enforcement of these land development regulations and shall be empowered to issue a stop work order if performance is not in accordance with the issued certificate or these land development regulations. No work shall proceed as long as a stop work order continues in effect. Copies of inspection reports shall be furnished to the historic preservation board and copies of any stop work orders both, to the historic preservation board and the applicant. The building official shall be responsible for ensuring that any work not in accordance with an issued certificate of appropriateness shall be corrected to comply with the certificate of appropriateness prior to withdrawing the stop work order.
- (10) For the purpose of remedying emergency conditions determined to be dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction or other repairs to a building or site pursuant to an order of a government agency or a court of competent jurisdiction. Provided, however, that in the event of demolition of any building, structure, improvement, landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district, an emergency meeting of the historic preservation board shall first be convened as set forth in subsection 118-503(b)(2). The owner of a building damaged by fire or natural calamity shall be permitted to stabilize the building immediately without historic preservation board approval, and to rehabilitate at a later date under the procedures as set forth in these land development regulations.
- (11) *Expiration of order of board.* The applicant shall have up to 18 months, or such lesser time as may be specified by the board, from the date of the board meeting at which a certificate of appropriateness for demolition was granted to obtain a full building permit or a phased development permit. The foregoing 18-month time period or such lesser time as may be specified by the board, includes the time period during which an appeal of the decision of the historic preservation board may be filed. If the applicant fails to obtain a full building permit or a phased development permit within 18 months, or such lesser time as may be specified by the board, of the board meeting date at which a certificate of appropriateness for demolition was granted and/or construction does not commence and proceed in accordance with said permit and the requirements of the applicable Florida Building Code, the certificate of appropriateness for demolition shall be deemed null and void. Extensions for good cause, not to exceed a total of one year for all extensions, may be granted by the historic preservation board, at its sole discretion, provided the applicant submits a request in writing to the planning department no later than 90 calendar days after the expiration of the original approval, setting forth good cause for such an extension. At the discretion of the planning director, an applicant may have up to 30 days (not to extend beyond 30 months from the date of original approval) to complete the building permit review process and obtain a full building permit, provided that within the time provided by the board to obtain a full building permit a valid full building permit application and plans have been filed with the building department, a building permit process number has been issued and the planning department has reviewed the plans and provided initial comments.

Please refer to [section] 118-9 relating to appealed orders, and tolling.

(Ord. No. 89-2665, § 19-6(C), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 94-2926, eff. 4-14-94; Ord. No. 94-2959, eff. 12-17-94; Ord. No. 95-2993, eff. 5-27-95; Ord. No. 96-3056, § 1, 9-25-96; Ord. No. 97-3095, § 1, 9-24-97; Ord. No. 2000-3262, §§ 4, 6, 7-26-00; Ord. No. 2003-3416, § 4, 6-11-03; Ord. No. 2007-3566, § 2, 9-5-07; Ord. No. 2008-3597, § 1, 2-13-08; Ord. No. 2008-3599, § 4, 3-12-08; Ord. No. 2015-3924, § 5, 2-11-15; Ord. No. 2015-3937, § 1, 5-6-15; Ord. No. 2015-3977, § 22, eff. 12-19-15; Ord. No. 2015-3978, § 9, 12-9-15, eff. 4-1-16; Ord. No. 2017-4123, § 6, 7-26-17; Ord. No. 2021-4431, 7-28-21)

Sec. 118-565. Special review procedure.

For minor exterior structural repairs, alterations and improvements, associated with single-family homes located within designated historic districts, that are visible from a public way, or work that affects the exterior of the building associated with rehabilitations and additions to existing buildings, the planning director, or designee, shall have the authority to approve, approve with conditions or deny an application on behalf of the board. The director's decision shall be based upon the criteria listed in this article. Any appeal of the decision of the planning director shall be filed pursuant to the requirements of section 118-9, rehearing and appeal procedures.

(Ord. No. 89-2665, § 19-6(D), eff. 10-1-89; Ord. No. 92-2786, eff. 7-19-92; Ord. No. 94-2926, eff. 4-14-94; Ord. No. 2000-3262, § 4, 7-26-00; Ord. No. 2015-3977, § 23, eff. 12-19-15)

Secs. 118-566—118-590. Reserved.

HISTORIC PRESERVATION BOARD AGENDA

Property: 1901 Collins Avenue

File No.: HPB21-0481

IN RE: HPB21-0481, 1901 Collins Avenue. An application has been filed requesting a Certificate of Appropriateness for the partial demolition and renovation of two buildings on the site, the total demolition of two buildings, the construction of two new additions and landscape and hardscape modifications.

Tuesday, May 10, 2022

1700 Convention Center Drive
3rd Floor, Room 237
Miami Beach, Florida 33139

Stenographically Reported By:
LAURIE K. BELLE

EXHIBIT B

APPEARANCES

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Kirk Paskal

Ray Breslin

Rick Lopez

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19 Also present:

20 Deborah Tackett, Advisory Board Member

21 Jake Seiberling, Principal Planner

22 Daniel Ciraldo, Executive Director, Miami Design
23 Preservation League

24 Kobi Karp, architect and founder of Kobi Karp
25 Architecture & Interior Design

 Paul Whalen, Partner at Robert A.M. Stern
 Architects (RAMSA)

1 (The following proceedings were had:)

2 MS. TACKETT: Okay. Moving on to our next
3 application: HPB 210481. This is 1901 Collins
4 Avenue. An application has been filed requesting a
5 certificate of appropriateness for the partial
6 demolition and renovation of two buildings on the
7 site: The total demolition of the two buildings,
8 the construction of two new additions, and
9 landscape and hardscape modification.

10 The board previously reviewed this particular
11 application at the March 8th meeting. It was a
12 very extensive presentation. So staff is going to
13 be brief in our comments this morning.

14 At the March 8th meeting there was some
15 significant concern expressed both by the Historic
16 Preservation Board and some members of the public
17 regarding the Melvin Grossman rear addition. There
18 was direction to the applicant from several of the
19 board members to retain this rear addition and
20 incorporate it as part of the project.

21 Since that time, staff has been working very
22 collaboratively with the entire team. They have
23 revised the plans. They are now retaining the
24 entirety of the Melvin Grossman addition that has
25 resulted in a reduction in the floor plate of the

1 tower. So the tower size has been reduced, which
2 was also brought up by one or two of the board
3 members.

4 In addition to that the third item that was
5 expressed as concern from one of the board members
6 was the reintroduction of the Flutex glass within
7 those framed windows. And the applicant, I will
8 say, has done a good amount of additional research.
9 We were -- they were able to find some evidence of
10 what the original glass looked like and they are
11 currently proposing to -- to include that as part
12 of the project.

13 In summary, it is my opinion that the
14 applicant has done everything that this board and
15 members of the public have requested during the
16 last hearing. And I really do want to thank the
17 entire team, the architects, the developer, even
18 the attorneys, for really listening and really
19 being completely open without ego and being excited
20 about redesigning this project. They really do
21 want to be a good neighbor. They do want the
22 community to embrace the project. And from all of
23 my time here I have -- you know, I have enjoyed
24 working with this particular team in terms of their
25 process and their sensitivity, and really, it was

1 very impressive, and we usually do try to find a
2 compromise or a, you know, the push and pull of --
3 of sorts. And in this case they -- they really, in
4 my opinion, addressed everything that was asked of
5 them, so I want to thank you.

6 And with that we are recommending approval and
7 there are no variances, there are no waivers
8 associated with this particular application.

9 MR. KASDIN: Mr. Chair, good morning.

10 Before we start, Robert Stern, could he be
11 promoted as a presenter by, I take -- I'm sure that
12 is done?

13 MS. TACKETT: Mr. Stern, if -- oh, I see.

14 Yes.

15 MR. KASDIN: He will be part -- okay.

16 Good morning.

17 Neisen Kasdin and Michael Larkin, co-counsel
18 for the applicant.

19 Debby has very succinctly stated how the
20 applicant has been responsive specifically to each
21 and every request by this board and others in the
22 community to make a magnificent project. With us
23 today for our presentation are Paul Whalen from
24 Robert A.M. Stern Architects; Kobi Karp; Steve
25 Avdakov, preservation consultant; as well as Cory

1 Doorman from Kimley-Horn, our transportation
2 traffic consultant; as well as principals of the
3 project, in particular, Steve and Alex Witkoff, who
4 are here, all of us to answer any questions that
5 you may have.

6 I will now turn it over to Paul Whalen to go
7 through the changes that Debby described and I
8 would ask that we just have sufficient time for
9 rebuttal, as I know we will have to make
10 presentations on things that will be presented.

11 So thank you and I'll turn it over to
12 Mr. Whalen.

13 MR. WHALEN: Thank you, Neisen.

14 Can you all hear me?

15 And good morning, Mr. Chair, and members of
16 the board, and thank you, Debby, for that summary.

17 We -- that is exactly how we understood all
18 the feedback and we spent a lot of time trying to
19 really respond to that feedback. I have to say at
20 the end of the meeting I was really concerned as to
21 whether we would be able to do it; you probably
22 heard that in my voice. But in that two months, I
23 have to say, it seems like about six months to me,
24 because we worked so hard on this to try to get
25 this to work and to do floor plans that really work

1 and just to do a viable project. At the same time,
2 it would add up to a great piece of urbanism for
3 Miami Beach.

4 So if we can go to the first image, please.

5 And the next, please.

6 So here you see the existing site plan. In
7 red we are showing the -- all the contributing
8 buildings, the Cromwell, the Shore Club, and very
9 importantly, the south addition or the Grossman
10 addition, which we are now -- we have -- we have
11 now worked very hard to keep and which we're
12 working around and, I think, very successfully as
13 you will see.

14 Next, please.

15 This is a fascinating site, partly because
16 it's a triangular site and it's interesting
17 geometry to the site, but also because it already
18 includes two examples of the history of Miami
19 Beach, architecturally speaking. There's a great
20 Art Deco building and there is a great MiMo
21 building. What we are hoping to do is a grade
22 early 20th century building, which will add a third
23 layer to this very layered site and to a very
24 layered neighborhood.

25 MR. STERN: Early 21st.

1 MR. WHALEN: I did -- I did that last time
2 too.

3 Thank you. Thank you, Bob.

4 Bob is really good with numbers in addition to
5 other things.

6 Next, please.

7 Here we have two site plans that we presented
8 to you before: On the left, we have the December
9 scheme that we showed you; on the right, we have
10 the March scheme. In the March scheme we had
11 restored the south wing of the -- the south wing,
12 the Anis wing, so we started to carve away a bit at
13 the project. That clearly wasn't enough. We were
14 asked to maintain the entire Grossman addition.

15 So we can go to the next, please.

16 Here we see our current site plan. As you can
17 see the south addition is there. Our building has
18 now become a bar building and it's -- I love
19 actually how this very complex site -- I think that
20 the bar building makes a lot of sense out of a
21 complex triangular site and I'm going to explain
22 that further to you as we go through it.

23 The residential building is now 50,000 square
24 feet smaller than it was the last time we showed it
25 to you. And the largest floor plate at the bottom

1 has gone from 19,000 square feet to 16,000 square
2 feet.

3 In addition, the north-south mention of the
4 building is almost half what it was originally in
5 December, and so the entire building has gotten
6 much lighter and it sits in a lighter way on the
7 site.

8 If you go to the next, please.

9 And here we have an enlarged site plan, which
10 is very important. On the left we have the Shore
11 Club lobby, which we always thought was a vestibule
12 to the garden and it will still work that way. You
13 will come into a linear garden that will be bounded
14 on the north side by a colonnade, similar to what
15 we had before, but narrower. So there will be a
16 wonderful linear passageway that will come out, but
17 then will open up to the pool area. And then
18 you'll turn around and you'll look back to the
19 Cromwell onto a beautiful symmetrical courtyard
20 that will really highlight the Cromwell in a way
21 that I think it's never been highlighted before in
22 its entire history.

23 I need some water. Excuse me.

24 If we could go to the next, please.

25 I'm going to walk you around the building and

1 then we'll go inside the courtyard.

2 First, we've showed you before the port that
3 we're proposing for the Cromwell. It sits apart
4 from the historical facade of the Cromwell; it goes
5 all the way down to the street. But what we're
6 doing is really calling attention to this entrance
7 in a way that, I think, it hasn't been called
8 attention to in a long time. The walls have been
9 lowered, it's much friendlier, it's all part of an
10 effort to make this really feel like a residential
11 street, 20th street, that is.

12 If we go to the next, please.

13 We are also going to restore the historic
14 Cromwell lobby. We have these photographs and
15 other information that is going to allow us to
16 restore it, including its wonderful classical
17 columns, to something quite close to what it was
18 originally.

19 Next, please.

20 And here we have the -- the existing Shore
21 Club elevation on Collins. This whole building is
22 going to be restored. And we got very particular
23 requests last time from Mr. Paskal about the glass.

24 If we can go to the next image, please.

25 And we've researched the original Flutex glass

1 and we have found somebody that makes it, and so
2 the Flutex glass was located on the square windows
3 that you see on the image.

4 The playful trim that surrounds those windows
5 is something that we have talked about before, but
6 we're really looking forward to seeing that Flutex
7 glass reinstated on that stairwell so that it will
8 kind of have a tower of square windows rising up.
9 If you remember, we take this theme and reprise it
10 in our tower and we still have that in our latest
11 design.

12 Next, please.

13 Then going inside the lobby of the Shore Club
14 it will be restored. You can see here in kind of a
15 clean, restored state with that, of course, all the
16 beautiful furniture being brought in -- into this
17 very low horizontal space that really is kind of
18 land- -- like a landscape and which will serve as
19 the prelude into the landscape beyond.

20 Go to the next image, please.

21 Here we have two schemes that we've shown you
22 before: On the left, the December scheme; on the
23 right, the March scheme. In both of these schemes
24 you walked out of the -- of the lobby into kind of
25 a courtyard and you saw an arcade that took you

1 the -- that brought you around the -- to a side
2 garden and then out to the pools and to the beach
3 and we thought that these worked very nicely; it
4 was very dramatic. But now, of course, that we've
5 taken the great chunk out of the residential
6 building that we're doing and put it on the side in
7 the Grossman addition, the story is quite
8 different, but we think equally dramatic and
9 perhaps better.

10 Next, please.

11 So here is -- where we are now, the Grossman
12 addition to the south is very clearly visible and
13 you can see our building that we're proposing on
14 the left side. We still have that colonnade going
15 all the way down to the pools and to the beach.
16 The columns still grow out of the column design
17 that exists in the lobby of the Shore Club.

18 What we noted in the Grossman building is it's
19 a very crystalline building and it's all that
20 verticals, and we did not want to do the same thing
21 with our building. We wanted to play off of that
22 in order to make the Grossman addition stand out.
23 So what it is, it's crystalline, and it's got
24 verticals. Our building right here is about
25 horizontals and it's wavy and it's cloud-like, just

1 sort of creates a difference between the two
2 buildings. We think the two of them will play
3 together very nicely right across this very
4 dramatic courtyard and colonnade that lead out to
5 the beach.

6 Next, please.

7 Now, coming back from the beach or from the
8 pools to the Shore Club is going to be equally
9 important. Here you see how the -- you see the
10 Grossman on the left, you see the end of our
11 colonnade on the right, and all this -- this pin
12 space will open up just as it does to the pools on
13 the other side. It will open up to the sunny
14 courtyard of the Cromwell with all its great west
15 light. It will be an experience for everybody to
16 enjoy as (inaudible) now, of course --

17 MR. STERN: Not of the Cromwell, Paul; of the
18 Shore Club.

19 MR. WHALEN: Shore Club. Shore Club, yes.

20 There is a lot going on up here.

21 Thank you, Bob.

22 Next, please.

23 Now, coming around the gardens after we go to
24 the pools, we come to -- to the Cromwell. We are
25 very proud of the way we've been able to take this

1 linear building and some cabanas on the right side
2 and a villa and create a beautiful rectangular
3 courtyard that is symmetrical on the Cromwell and
4 that really highlights the Cromwell in a way, as I
5 said earlier, I don't think it's ever been
6 highlighted before. Many people don't even notice
7 it's there, it's so subtle. We think that by
8 setting up the symmetry in this pool we're calling
9 a lot of attention to it and it will be noticed as
10 it hasn't been before.

11 Next, please.

12 Then going out to the street we have our villa
13 in the foreground, which grows out of the Cromwell,
14 bringing the Cromwell down to a -- may I go ahead
15 for just a minute?

16 MR. LOPEZ: Yes.

17 How much additional time would you say that
18 you need?

19 MR. WHALEN: I need probably two minutes.

20 Thank you.

21 MR. LOPEZ: Okay.

22 MR. WHALEN: You see the Cromwell stepping
23 down to the villa and then the proposed building
24 that we're -- the proposed residential building on
25 the left side as it rises up.

1 I would like to show you an image, though, of
2 what the street really feels like right now.

3 Do you have that image, Kobi?

4 Because there are three ways of experiencing
5 the site: One of them is when you're inside and
6 you're walking around these courtyards and you're
7 looking at the bottom of the buildings; another way
8 is when you're right outside the site and you're
9 looking at it and there is a lot of landscape; and
10 the third way is when you're further away.

11 And when you're in that center area when
12 you're looking at the site, so much of these
13 buildings, especially this taller building, is
14 blocked because it's set back from all the public
15 streets. There is a hundred-foot setback, which
16 means the taller building that we're proposing and
17 20th Street.

18 And I just took this photograph yesterday. I
19 don't have to walk up to it, you can see it. I
20 took this photograph yesterday standing on 20th
21 Street looking west. You can see the Setai rising
22 up right from the street; on the left, you see the
23 Cromwell rising up; and then what you don't see
24 here is you don't see the top of the -- the
25 Chipperfield building. And if you can't see the

1 top of the Chipperfield building, you won't be able
2 to see the top of our building either.

3 And this is just to point out that when you're
4 walking right around this building, because of all
5 these great setbacks, you will really not be very
6 aware of the building that we're proposing to you
7 today, just as you're not very aware of the
8 Chipperfield building.

9 Let's go to the next image, please.

10 Go to the next image.

11 Right now -- the one after this, please.

12 Currently the street reads a bit like an
13 alley. We're going to -- we're narrowing passages
14 into service and we're adding continuance
15 landscaping to make the street feel like a great
16 access to the beach, as it should.

17 Next, please.

18 There is some concern as to whether these
19 narrow openings will still work for loading. They
20 will as shown in this diagram and we can show you
21 more information if you would like to hear about
22 it.

23 Next, please.

24 And we have our two previous designs that we
25 showed you: December, March.

1 Next, please.

2 Our current design is -- is narrower. It's
3 almost half the width that it was before. It has
4 a -- it's curved and glassy and nautical as it
5 faces the beach and it still has all the -- the
6 punched windows to bring up sort of the masonry
7 quality of the neighborhood up onto the building.
8 I want to show you that.

9 MR. LOPEZ: Do you need another minute to wrap
10 up? Paul?

11 MR. WHALEN: Yup.

12 So this image is more of a diagonal view,
13 because I want to make sure that you see that we
14 really are keeping this masonry from the
15 surrounding buildings and wrapping it up onto the
16 building everywhere except on the waterside where
17 it becomes more glassy.

18 And then if you go to the next image, please.

19 Here we are from the water, quite far away
20 looking back showing on the left side where we
21 were, on the right side where we are now with a
22 narrower tower.

23 Next, please.

24 And here you see the close-up of that narrow
25 tower almost half the width that we had before.

1 It's still stepped; it's hard to see in this
2 elevation.

3 And next, please.

4 And more of a diagonal view showing that the
5 punch windows from the Cromwell go up onto the
6 north side of the building so that the Cromwell
7 character goes right up that north facade.

8 Next, please.

9 Here are the two schemes we showed you before.

10 Let's just move ahead to where we are right now.

11 Where we are right now is a narrow building.

12 Next, please.

13 Sorry.

14 Here we are. We still have the punch windows
15 rising up the building, the curves. What we're
16 doing right now that we didn't do before is we're
17 expressing on this elevation of the tower both
18 the -- the geometry of -- of columns and the
19 geometry of 20th Street on the building. I think
20 it's interesting, because it's such an unusual
21 site. You see both those geometries coming
22 together in that tower as it rises above.

23 Thank you for your patience.

24 And if you don't mind, it would be great if we
25 could hear from Bob Stern with whatever comments

1 that he has, perhaps other mistakes that I made in
2 this presentation.

3 MR. LOPEZ: How many minutes shall we set the
4 timer for? Bob?

5 MR. WHALEN: Bob, two minutes?

6 MR. STERN: I just want to say very few
7 things.

8 First of all, Paul --

9 MR. KALLERGIS: Mr. Stern -- Mr. Stern, do you
10 swear that the testimony you're about to give is
11 the truth, the whole truth, and nothing but the
12 truth?

13 MR. STERN: Yes, I do.

14 MR. KALLERGIS: Thank you.

15 MR. STERN: I want to say that I'm -- Paul
16 Whalen's presentation excellently reflects not only
17 my point of view on redesigning this project and
18 evolving its design, but that I believe I can say
19 it represents our clients and the team as a whole
20 who have worked together excellently.

21 I see this site as a campus, which I think
22 it's unusual among the hotel sites along Miami
23 Beach and the South Beach area, where we have
24 buildings that have been built over time in a
25 landscape setting and we -- diverse expressions,

1 but complimentary expressions and by (inaudible).

2 And I think the landscape needs to be thought
3 of in -- as a very important component in the
4 overall project. Where we practice in New York,
5 our landscape is bare six months of our eight --
6 four months of the year, but in Miami, you have
7 greenery that can be counted on all the year round,
8 and so it would be a very important part of our
9 landscape -- of our scheme.

10 Also the sequence of spaces which Paul alluded
11 to will be remarkably different from the typical
12 situation, as I understand it, and as I've
13 experienced it along the beachfront hotels.

14 So I'm very excited about how we've been able
15 to work together to evolve this scheme and I do
16 hope that this commission will see the merit in
17 what we have, together with our colleagues and with
18 staff consultation, evolved over this four- or
19 five-month period.

20 The Witkoffs, by the way, are our clients and
21 they have been exemplary in tolerating our
22 continual changes and tweaks in order to get this
23 project the best possible way that it is. So I
24 thank you for giving me a few minutes.

25 Sorry I can't be with you, but in an hour or

1 so I have to go to New Haven for my last day of
2 teaching after 50 years of teaching, so I hope you
3 indulge me in that.

4 Thank you.

5 MR. LOPEZ: Thank you so much for your
6 presentation, sir, and team.

7 Does that conclude the presentation?

8 MR. KASDIN: That concludes us. Again, we
9 will want time for a rebuttal.

10 MR. LOPEZ: Of course.

11 At this time I'll ask if any board members
12 have questions for the applicants and we'll hear
13 all the questions, and then we'll give the team a
14 chance to respond to all of them together.

15 Board members, does anybody have any
16 questions?

17 Barry?

18 MR. KLEIN: I had a question. I had a little
19 bit of a concern when the -- you showed a
20 photograph of what you took yesterday, you said, on
21 the 20th Street. And that the -- since the two
22 buildings are of the same height, we're not going
23 to see the building behind the Cromwell, but the
24 new building is much longer.

25 MR. LOPEZ: We're going to -- excuse me.

1 We're going to try to stick to this format
2 where we hear all the questions, and then we'll
3 give you guys a chance to respond to all of them
4 altogether so we can avoid that kind of back and
5 forth because that seems to drag our meetings on.

6 MR. KLEIN: So when there is a response to it
7 I would just like clarification, because it just
8 seems, you know, the existing building is this tall
9 pin, and now I have this more linear tower, and so
10 I -- I wondered about that.

11 And then the other thing that keeps coming to
12 my mind, and they can discuss, is the congestion on
13 20th Street.

14 MR. LOPEZ: Nan- -- I'm sorry.

15 MR. KLEIN: So that's it.

16 Thank you.

17 MR. LOPEZ: Okay. Nancy.

18 MS. LIEBMAN: I was also going to talk about
19 20th Street. I wanted to see it. I don't want
20 to -- I'm -- the question I would like to hear from
21 anybody who has been there and seen it to express
22 yourselves and let's hear about 20th Street away
23 from the beach.

24 MR. BRESLIN: I actually went with Martin,
25 when Martin asked me, from the Setai, to meet him

1 on 20th Street and, believe me, I live five blocks
2 away, I'm well aware of 20th Street, and all the
3 problems that are on it. And when we got there,
4 there was a truck trying to make a K-turn at the
5 end, it was like several maneuvers, because there
6 were five cars parked on the circle, which isn't
7 supposed to be there at all.

8 Now, right now, there is nothing going on, on
9 the other side of the street; therefore, everything
10 on that street had to do with the Setai and people
11 visiting the Setai. There has to be something
12 that's done to maintain the street the way it's
13 supposed to be maintained and one of the --

14 MR. LOPEZ: Is this a question for the
15 applicants?

16 MR. BRESLIN: No, no, I'm just telling you,
17 I'm just telling you what I observed.

18 And one of the things -- remember the City is
19 the one that owns that street so any changes to get
20 done with the street have to be in -- partly
21 between the Setai and the Shore Club to make that
22 street work for everybody, and we should not
23 certainly rake this project based on --

24 MR. LOPEZ: We'll have a chance for all the
25 board members to comment.

1 Are there any other questions for the
2 applicant at this time?

3 Kirk?

4 MR. PASKAL: Two questions I would just like
5 to -- to mention. One has to do with landscaping
6 on the Collins elevation. In the historical photos
7 the building is pretty visible; currently, I don't
8 feel like the features within the building are very
9 visible. They are also pretty low slung
10 relevant -- or relative to many of the other Art
11 Deco buildings. And I'm just wondering if there
12 was a thought process behind the landscaping for
13 the Collins elevation or if it's just incidental?

14 And my other question which refers to the
15 history of the structure, it appears within the
16 historical documentation that the original
17 porte-cochère columns were originally just beam
18 poles. And then subsequently, if you look in the
19 historical resource's report, Page 28, Figure 62,
20 it looks like at one point they actually matched
21 the interior columns, and I'm just curious about
22 that. Again, if you're referring to the book, it's
23 Page 28. So I'm just curious if anyone has any
24 insight to share on that.

25 MR. LOPEZ: Any other board questions?

1 Seeing none.

2 Okay. So I'll ask the applicant to have a

3 chance to respond to all that.

4 MR. KASDIN: Thank you.

5 And first there are -- let me deal with the

6 set of questions that involve 20th Street and the

7 concern about traffic and circulation. And I would

8 like to bring forward Cory Doorman, professional

9 traffic engineer, who can address that, because he

10 has -- he's with Kimley-Horn, if I can have you --

11 he can give his brief curriculum vitae résumé as

12 his expertise. But more importantly, I would like

13 him to show you what causes the problems on 20th

14 Street and how our project is actually alleviating

15 the current conditions.

16 So, Cory, if you would explain.

17 MR. DOORMAN: Sure.

18 Good morning, Mr. Chair.

19 Good morning, members of the board.

20 As it relates to the 20th Street in addressing

21 the concerns about traffic congestion, just a few

22 items to note about what the project is doing as

23 far as mitigation, and also how the project itself

24 and loading vehicles from the project will not

25 exacerbate the current situation on 20th Street.

1 So first of all, I just want to note that the
2 traffic assessment that we prepared as it was
3 submitted to the City, this project represents a
4 decrease in traffic as compared to what was
5 previously on the site. Specifically the project
6 will generate 61 fewer trips during the a.m. peak
7 hour, the a.m. commuter rush hour period, and 160
8 fewer trips during the p.m. peak hour, the p.m.
9 commuter rush hour period, and that's driven by the
10 significant reduction in hotel rooms, restaurant
11 seats, and bar space. So I just want to make sure
12 that everyone keeps that in mind that the project
13 overall is a reduction in traffic as to what was
14 there previously.

15 With regard to the loading: The loading space
16 was vetted for the site to ensure that loading
17 vehicles could adequately, you know, access the
18 loading bay and serve the site with -- while
19 minimizing impacts to 20th Street and the public
20 right-of-way. That was a critical piece of the
21 analysis that was submitted to the City for review,
22 and we used an SU 40, which is a 40-foot design
23 vehicle, which is typical of a site like this,
24 which is a conservative design vehicle to ensure
25 that the curb cut and loading bay itself were

1 designed adequately, like I said.

2 A piece of the curb was identified that would
3 need to be modified to accommodate this loading --
4 loading vehicle, and as a result, a mountable curb
5 will be provided.

6 So it was a critical piece of the analysis to
7 make sure that loading vehicles could enter and
8 exit the site, again, while minimizing impacts to
9 20th Street.

10 I think a comment was made about the
11 cul-de-sac and the cars parked in the cul-de-sac.
12 The -- the critical piece of why the loading bay
13 and its design is so important is that a loading
14 vehicle serving the site will never have to go and
15 use the cul-de-sac; it will be able to pull in and
16 out of the site and leave back onto Collins Avenue
17 without ever having travel to the end of the 20th
18 Street.

19 Thank you.

20 MR. KLEIN: Just a point of information,
21 you're -- the numbers that you're referring to,
22 less trips, that's to -- to previous proposals,
23 because nothing's happening on the site now?

24 MR. DOORMAN: What was previously in operation
25 at the site.

1 MR. KASDIN: If I may, it was a
2 314-approximately-room hotel, and now it's going to
3 be approximately a 70-room hotel and 60 residential
4 units with a reduced restaurant. So it could open
5 up today again as a hotel and it would have a much
6 more significant impact from the proposed
7 development.

8 And if I may just, one other point to address
9 that as well, the cause -- if you would address the
10 cause of the current congestion on the street and
11 specifically as well we have this survey of the
12 property across the street showing that access of
13 the easement, if you would explain why there is a
14 problem today.

15 MR. DOORMAN: Right.

16 So the problem today is a result of on-street
17 loading and the inability of loading vehicles on
18 the street to access the property on the north and
19 along 20th Street. So in our observation, the
20 issues of 20th Street at least are in part due to
21 the on-street loading occurring on the north side
22 of 20th Street. And so again, that's why the fact
23 that we are providing our loading on-site is such
24 an important piece.

25 MR. KASDIN: And just to put one more finer

1 point on that. The -- I will distribute now and I
2 put a poster, a board up that shows that there is
3 an easement in -- behind the original
4 Dempsey-Vanderbilt Hotel, which is a dedicated
5 easement -- and we will distribute the easement
6 documents that are recorded of the public
7 records -- and that easement was from 20th Street
8 to 21st Street, and it's to serve for the loading
9 for -- at that time, it was the Dempsey-Vanderbilt
10 Hotel when it was built -- which by the way, my
11 father had a big drugstore and restaurant right
12 there -- as well as the Seagull Hotel, which is not
13 going to be the Bulgari Hotel. That -- the Setai
14 itself, as you will see if you observe the
15 property, has actually loading docks on the west
16 side of the building, of the tower; they are
17 supposed to be using that easement for loading and
18 unloading. Instead what they are now doing is just
19 doing it not using that. They have converted part
20 of that easement to their own business uses and
21 they're doing all of their loading and unloading on
22 the street, as well as all the waiting SUVs sitting
23 on the street.

24 So the problems that are caused on 20th Street
25 are caused by the Setai's improper usage of that

1 street. This project will not only have reduced
2 traffic demand because of the reduction and the
3 intensity of the uses, but will also have fully
4 internalized loading and drop-off, which the
5 property doesn't even have today. So this will be
6 the -- part of the solution and the way forward for
7 making this street a better street for the
8 pedestrians. That deals with the traffic issue.

9 I would like to turn it to over to Paul to
10 deal with --

11 MR. WITCROFT: Thank you.

12 Just so we address your remark directly, as
13 you were talking, we actually had this sort of
14 resources report so we pulled up the image. I
15 apologize, it's not big, but of course, we're
16 responding to your comment extemporaneously, but we
17 do see the columns. Of course, as you know, we're
18 referencing them in our project and design as you
19 walk through the project through the courtyard, but
20 we're very -- we will accept, which we think is a
21 great suggestion and idea, these columns which you
22 clearly see from this image from 1956. I
23 apologize, it's really small, but the columns that
24 you referenced that are similar to the original
25 columns in the Shore Club.

1 MR. PASKAL: Were those exterior columns, were
2 they original?

3 MR. WITKOFF: Yes.

4 I'm happy to share it. I apologize for the
5 size.

6 MR. WHALEN: It seems to me that they made it
7 look more sort of 1950s later on with the skinny
8 columns.

9 MR. KASDIN: And before Paul addresses the
10 remainder of this, Mr. Paskal, I would like to also
11 respond to your question regarding the landscaping
12 on the Collins Avenue side. What you're seeing is
13 not the proposed landscaping for that property,
14 that landscaping scheme will come back. And your
15 specific concern is actually very well taken so
16 that the facade, any landscape plan will -- will
17 allow the facade of the Shore Club -- the original
18 Shore Club to be seen. So that was just
19 superimposing basically the trees that exist there
20 today, it's not the landscape plan.

21 MR. PASKAL: Thank you.

22 MR. WHALEN: So, Barry, you were -- you were
23 commenting on the -- the height of the building,
24 whether it would be seen and all that. Yeah, I was
25 trying to make a point that the closer you are to

1 the building, the more the landscaping and the
2 height of the Cromwell, and when you're on Collins,
3 the height of other buildings that are historic
4 currently hide the top of the Chipperfield
5 building; therefore, they would really hide the top
6 of our building too.

7 Our building, by the way, it is a longer
8 building, but it does step up; it steps back
9 60 feet to the top and then another 30 feet to the
10 crown of the building, so that's 90 -- 90 feet set
11 back from the beach. I'm not saying you're not
12 going to see it at all. The further away you get
13 when you're -- especially when you're on the beach
14 you're going to see it, but it's just when you're
15 really close up to it when you might be most
16 concerned about will it feel too big and all that;
17 that is when you won't see it. You'll see it more,
18 I think, as part of the skyline.

19 Okay. Is that clear?

20 Okay. Thank you.

21 MR. KASDIN: Thank you.

22 MR. LOPEZ: Okay. Thank you for your
23 responses.

24 We -- we can now open the public hearing --

25 MR. KALLERGIS: And Mr. Chairman, before we

1 open to the public, I would like to ask the board
2 if any board members have any ex-parte disclosures
3 to make on this application. And again, that's the
4 names of individuals -- any individual you spoke
5 with outside of today's public hearing regarding
6 this application.

7 MR. LOPEZ: Yeah, I guess, I'll go first. I
8 was contacted by the Setai management, I don't
9 remember the name, to arrange for a visit to the
10 site over the weekend; I couldn't do it. I did,
11 however, take a 15-minute call last week with the
12 applicant. I think there were a number of folks on
13 that call, including Paul. Right.

14 MS. LIEBMAN: I had a meeting with Neisen --
15 this needs a new -- I spoke to Neisen about the
16 project. He explained the difference from the
17 original that we had seen and how it was now. I'm
18 very impressed with it. I think there's not a
19 thing wrong over there, but I must go back to 20th
20 Street, because I did go to look at 20th Street.

21 Well, isn't this a disclosure? I mean, I
22 didn't -- I didn't have a chance to say what I had
23 to say. And you don't want me to talk about it?

24 MR. LOPEZ: Yeah, we'll do the board comment
25 in a moment, but this is just if there is any --

1 MS. LIEBMAN: Okay. I'll come back with it.

2 MS. WEINSTEIN: I met with Mr. Nakash.

3 MR. KLEIN: I was contacted by Michael Larkin
4 and invited to a meeting or visiting a site, I
5 really don't recall. I wasn't able to do so, and
6 then in the conver- -- and in the call that I had
7 from Daniel Ciraldo last evening, this subject was
8 brought up, and I can be unbiased.

9 MR. REED: I spoke with Daniel Ciraldo. I
10 received an e-mail from a manager at the Setai
11 inviting me to -- I didn't do any site visits with
12 anybody. I only spoke with Daniel and anything --
13 oh, but I did before I was on the board and I
14 visited the property with MDPL's advocacy committee
15 many months ago.

16 MR. BRESLIN: After our last meeting and
17 everybody was interested in saving the Grossman
18 building, I actually called Alex and went and
19 looked at it and thought maybe I was missing
20 something, and then last week I was invited to take
21 a look at the new plan.

22 Thank you.

23 MR. KLEIN: Also, I forgot to mention, I'm
24 sorry, I received a call that came out of the blue
25 from somebody from the Setai, and it just kind of

1 shocked me, and I was traveling at the time and
2 just -- I was in the middle of something and just
3 said, "I can't speak." And so I don't even know
4 who called me, but I know I got a call from
5 somebody in reference -- someone from the Setai.

6 MR. PASKAL: Ancient history, a long time ago,
7 I had a phone conversation with the mayor in which
8 he mentioned this project. Former Commissioner
9 Michael Góngora invited me to connect with the
10 architect, which I was not able to, did not. I
11 received various communications. Christopher
12 Gonzalez as well mentioned the project to me in a
13 conversation a long time ago. And the meeting with
14 Daniel Ciraldo as well, we discussed the project,
15 and I can remain fair and impartial.

16 MR. LOPEZ: I think that's all of us.

17 MR. KALLERGIS: Okay.

18 MR. LOPEZ: So we'll go ahead and open public
19 comment at this time. Should we start with those
20 in the audience and then those on Zoom?

21 Sure. Okay.

22 Who would like to go first?

23 Welcome.

24 MR. STUART: Hello. I'm John Stuart, 900 Bay
25 Drive, and it's so good to see you all here. I

1 just want to say I've been so impressed by your
2 conversation this morning, one of the most
3 important conversations I think this board has ever
4 had, and I appreciate the -- the intensity and the
5 passion and the ideas that you're pursuing.

6 So this project -- I live in a Melvin
7 Grossman -- contributing Melvin Grossman building.
8 I work in an Albert Anis building. I went to
9 school and Bob Stern was my professor and there is
10 really very little -- and that was 30 years ago,
11 and then I worked for him briefly on a holocaust
12 memorial project in Manhattan, a competition, and
13 so there's almost nothing about this project that
14 doesn't kind of touch me in -- in a way that's
15 about the architecture and architectural
16 preservation. And likewise, I was going to say I
17 think before almost any of you guys were on the
18 board, this project came up in a very different --
19 very different scenario, and it was one of our
20 toughest projects where we were desperately trying
21 to figure out how pieces were going to be saved
22 while other pieces were going to be kind of
23 transformed.

24 Were you there, Kirk? Maybe it was one of
25 your first meetings.

1 No.
2 Or Nancy.
3 But anyway, it was -- when I -- when I saw
4 that this was coming up and that this had been
5 actually kind of so thoughtfully ping-ponged back
6 and forth between you guys and the architects, and
7 I was just looking at the plans and how -- just
8 going down from 20th Street from north to south,
9 you just see the incredible way, I think, this plan
10 has negotiated, and I would say it's a negotiation
11 between you guys and the architects have negotiated
12 the Cromwell, the entrance on 20th Street. 20th
13 Street was never -- had never been proposed to be
14 this -- this successful.

15 And I think when you go into the interior,
16 just the idea of kind of changing the Chipperfield
17 tower out and having this other kind of positioning
18 there. The Shore Club being completely renovated.
19 The Cromwell being -- a lobby being renovated, the
20 Shore Club renovated -- lobby being renovated. And
21 then the Grossman addition being part of this, I
22 think -- it was -- well, it was sad that -- not
23 sad, it was great that Professor Stern -- Dean
24 Stern was able to be on the call, but he did kind
25 of steal a little bit of my thunder, because I have

1 thought that the way you guys are pulling this
2 together with these negotiations, because I know
3 these are not -- not just singular kind of
4 directives by the architect or by you, that this
5 has really been the best possible solution that I
6 couldn't even have imagined seven -- eight years
7 ago when it came up. So -- or however many years
8 ago, it was -- maybe Neisen knows -- but anyway, I
9 thank you for your service on this and I totally
10 appreciate what you're doing and hope that you
11 support this project, because I think this is where
12 historic preservation is really going.

13 So thank you.

14 MR. LOPEZ: Another familiar face.

15 Welcome.

16 MS. BRADLEY: Hi. Wyn Bradley.

17 And -- hello.

18 So I used to -- for those of you who don't
19 know me, I used to sit on the board. John and I
20 were together on that board and I actually do
21 remember that application; it probably was 8,
22 10 years ago, something like that. And you all
23 have the pleasure of seeing a -- a much more
24 thoughtful, well-knitted project that I hope I'm
25 here to support and encourage you to support. I

1 have been both in your seat there on the board for
2 many years. I've also practiced in this and built
3 in this community. My son was born in this
4 community, Bar Mitzvah, Bat Mitzvah, birthdays,
5 weddings, you know, so I am an integral part.
6 Miami Beach is part of my life and has been for
7 over 20 years.

8 You've heard a very good presentation and I
9 don't think I have anything to add that the
10 architects have not already said or material that
11 you don't already have before you or know, but
12 something that you don't know that I can speak to,
13 I've been a faculty member at the University of
14 Miami. And the University of Miami has a very
15 particular relationship with Bob Stern's office.
16 They are our largest high -- they take our -- they
17 have the largest alumni. They take and hire the
18 most amount of students out of the University of
19 Miami architecture school. Why do I tell you this?
20 I tell you this because their formative years are
21 spent here. These young architects are spent here.
22 Their formative years are on Miami Beach. They're
23 measuring our buildings. They're learning about
24 architecture from our buildings and they're going
25 to New York and they're working for Bob Stern and

1 they are designing in your building -- in our city.
2 I mean, that's an important piece of information
3 that you all don't have and so this -- while they
4 are an architecture firm in New York, they are very
5 sensitive and have deep roots to South Florida and
6 particularly Miami Beach, so that is a piece that I
7 want to share with you all.

8 I hope that this project will be approved.
9 I've looked at all of the public materials that are
10 available and I hope that you do approve it.

11 Thank you. Thanks again for your service too;
12 it's not an easy hot seat to sit in.

13 MR. LOPEZ: Thank you.

14 Other public comments?

15 MR. CIRALDO: Yes. Hi. Thank you, Chairman.

16 My name is Daniel Ciraldo. I'm here
17 representing Miami Design Preservation League and
18 we did submit a slideshow, so I would like, similar
19 to the prior application, I believe I could do this
20 under ten minutes if that pleases Chair and the
21 board.

22 So as soon as it's up, we can start.

23 Okay. Thank you.

24 So first of all, thank you all for -- this has
25 been a real evolution, and while we're on the topic

1 of like architecture school, I think this could be
2 a teachable moment for many people. So I'm
3 thankful to the applicants and their team, as well
4 as to the board and the community.

5 So next slide, please.

6 I want to really step back and take up all of
7 the great things we've heard and really start to
8 focus on your purview, those criteria that are
9 really important to uphold. This is the Cromwell
10 as it was originally sited. What's unique about
11 this is actually the front of the Cromwell face to
12 the north, and you can imagine, look at your Art
13 Deco hotel room over to the Roney Plaza and then
14 the back of the Cromwell, the south side looked
15 over on all of our beautiful Art Deco skyscrapers.

16 Next slide, please.

17 So back in the 1990s there was a movement --
18 some of you may have been around -- it was called,
19 "Save Miami Beach," and this was sort of a preFAR
20 time. So this Chipperfield tower was designed
21 during that period and you could sort of see -- the
22 program may have been a little different for
23 Chipperfield. Chipperfield, my guess, looked at
24 the criteria, the capability, sensitivity to
25 surrounding historic structures and built a tower

1 that is --

2 Next slide, please.

3 -- that is you look at here, I've circled it

4 that is separated, it is removed from the Cromwell,

5 it maintains the Cromwell open air and light from

6 360 degrees. And, you know, after this was

7 approved, the Setai property was built. So if you

8 look at that area, there has been an evolution from

9 the '90s, from the movement to eventual

10 downzoning -- you can't build the Setai anymore,

11 because of some of these towers that were built

12 before. And there's a beautiful sighting to this

13 and --

14 Next slide, please.

15 So here's just an image from the aerial, which

16 you can kind of see how they are very separate,

17 distinct parts. It's wonderful that they have come

18 back to save the Grossman, but I do want to make it

19 clear that, you know, it is -- it is a policy of

20 the City that we do preserve contributing

21 buildings.

22 Our -- if you look at the evolution of our

23 position, it started with the overall loss of the

24 Grossman as number one, but then it also talked

25 about how by retaining those 30,000 square feet, we

1 expected there to be a significant decrease in the
2 overall scale of that new tower.

3 Next slide, please.

4 Here is actually from a prior application, the
5 Raleigh Hotel where this board asked for, you know,
6 the heights of the different buildings in the area,
7 so that's just for reference.

8 Next slide.

9 Another thing here is that the height
10 elevations, and you can see that like the
11 Shellborne is at 171 feet, that's sort of like the
12 tallest one in that area, but then the Chipperfield
13 went up to 225.

14 Next slide, please.

15 Also it was important that those of you who
16 were here on the board with the Raleigh, it was
17 very important looking at the length of the
18 building, because you know, we're not in the
19 neighborhood of spite walls like we had next to the
20 Fontainebleau; this is a very low -- low rise, you
21 know, beautiful Art Deco. It's really our
22 postcard.

23 And so -- next slide, please.

24 What we wanted to do was really get into the
25 nitty-gritty and so we made this chart based on the

1 publicly available data. You could see that the
2 current Shore Club tower that is there on the left
3 in yellow is very nice, thin and skinny. And the
4 Raleigh, which it has not been built yet, so it's
5 hard for us to really judge whether it was a great
6 success esthetically or not, you know, and the UPL
7 did think what was approved was too big. Obviously
8 the Setai, we all know, is 250 feet in length. So
9 it was kind of surprising, and I don't think you
10 heard it in the discussion from the architect, is
11 the Shore Club is actually longer than the Setai,
12 which you know, on a smaller triangular site, you
13 know, it does lead to some issues of compatibility.

14 Next slide, please.

15 And here you go, and I think maybe a teachable
16 moment here is: What were the programs for these
17 two proposals? My guess back in the day in the
18 '90s it was follow the criteria of the preservation
19 code. Right now, though, my guess is that these
20 amazing architects were told to build to a certain
21 floor area and then just make it very beautiful.
22 And that is sort of the struggle that we're at now,
23 because this site as proposed maximizes every
24 square inch of floor area, and it's just looming,
25 and I'm sorry, but you will see this, you know, any

1 way you look.

2 Next slide, please.

3 Okay. You can go back one slide. That was my

4 last slide.

5 So basically just to put onto the record,

6 we -- we don't believe that it meets the following

7 criteria of Section 118-564 of the code that's:

8 (3)(d), proposed structure is compatible with

9 the environment and adjacent structures and that

10 this proposed structure enhances the appearance of

11 the surrounding properties and the purposes for

12 which the district was created;

13 We also think (3)(e) -- and I'll paraphrase --

14 that the impact on preserving the historic

15 character of the neighborhood and district in

16 contiguous and adjacent buildings and lands,

17 important pedestrian sight lines, and view

18 corridors;

19 And (3)(j), sensitive to and compatible with

20 the building site and the surrounding area.

21 So our recommendation in summing up is that we

22 believe that as currently proposed it's a very

23 beautiful material -- materialized amazing,

24 beautiful design. It's just too big. It's not

25 compatible. It should be smaller. And you all as

1 the board have that ability, and I know you'll
2 probably hear in the rebuttal that they're entitled
3 to every square inch; the code does not say that.

4 So my personal recommendation is: If we could
5 talk to the applicants and have them come back with
6 something that is more -- a little bit more
7 refined, maybe not using 100 percent of what they
8 can, but knowing that they would have the ability
9 to build a beautiful design that is more compatible
10 with its surroundings.

11 And finally I just want to note we kind of
12 (inaudible) from 1989 back when actually Nancy was
13 executive director of MDPL, and if you look at the
14 elevation on that, and you look at this, you know,
15 I've got to say that there's certainly -- some of
16 us might have a little déjà vu. We want to really
17 try to preserve the reason for these districts and
18 we thank you for upholding those stringent
19 requirements.

20 Thank you.

21 MR. LOPEZ: Thank you.

22 Any other?

23 Welcome.

24 MR. HARRISON ROBBINS: Hello.

25 This is a very interesting urban infill site

1 and it's on a block that temporally transitioned
2 from MiMo -- from Art Deco to MiMo, a very
3 important block.

4 My name is Kent Harrison Robbins. I represent
5 four private owners of property units in the Setai.

6 Okay. Should I start over?

7 MR. LOPEZ: No.

8 MR. HARRISON ROBBINS: No.

9 So let's go in -- if we could put up my
10 presentation, please.

11 Next slide, please.

12 Would you pass out the objections also.

13 We submitted four objections in writing and we
14 presented this entire presentation to you
15 previously, but we wanted -- by hand, but we wish
16 to -- for you to go through it now.

17 There are four complex problems to this -- to
18 this presentation and to this proposal. The
19 site -- we have to deal with site context, the
20 scale of the tower, the villa setback, and the
21 loading.

22 Next slide.

23 Next slide.

24 We'd like to first look at the proposed north
25 elevation. Statistically the north elevation

1 length, in fact, went up by three feet from the
2 last application. Although it's less of a
3 footprint, it's actually longer, but skinnier. So
4 from -- looking from the east and west it looks a
5 lot better, but from north to south there is no
6 improvement. And, in fact, it was pushed 20 feet
7 further to the east.

8 As you can see -- next slide, please.

9 As you can see, the Cromwell -- this is the
10 rendering of the applicant. As you can see, the
11 Cromwell is overwhelmed by the tower.

12 Next slide.

13 We outline the Cromwell to show that it will
14 be lost in the shadows of the proposed tower.

15 Next slide.

16 We did a comparative analysis, a visual study,
17 and as you can see, on the upper level is the
18 Sheffield -- the Chipperfield building, and you can
19 see how well it's juxtaposed and proportional to
20 the Cromwell, but in the lower one, the Cromwell is
21 overwhelmed.

22 Next slide, please.

23 In fact, the proposed tower is three times the
24 width of the Chipperfield building.

25 Next slide.

1 This site is a very prominent block. It's
2 prominent because it's a mid-century modern site.
3 It's -- and it's also very interesting, because as
4 pointed out earlier, it's a wedge shape so it gets
5 tighter and tighter as you approach the ocean.

6 Next slide, please.

7 So we have this most pristine, crisp
8 mid-century MiMo architecture block, and we have
9 some of the most auspicious architects from the
10 mid-century period. We have Lapidus, Polevitzky,
11 we have Grossman, we have Anis, and we have Taylor.
12 Taylor, we don't hear his name that often, but he
13 was the one that designed Española Way and the
14 lifeguard stand behind our MDPL auditorium.

15 So this is a very important block for
16 mid-century study and we need to preserve those
17 respectful relationships.

18 Next slide, please.

19 Next slide.

20 We go back to the northern elevation to show
21 you the villa. The villa there has no -- no
22 reference either to the tower nor the Cromwell;
23 it's just there. It can be dropped from anywhere.
24 It's 141 feet long. It's going to be just for one
25 person.

1 Next slide, please.

2 As you can see, the south elevation does not
3 show any respect; it completely disregards the
4 Grossman. It was saved, but it was not -- not
5 respected in its design.

6 Next slide, please.

7 So this is the actual site. As you can see,
8 once again, the triangular shape of it and what we
9 really need to look at is how that impacts the
10 overall views and view corridors.

11 Next slide.

12 The key view corridors, if you see "3," that's
13 the intersection of 19th Street and Collins Avenue.
14 There are no studies of view corridors from that
15 location. And if you go down 19th Street up to the
16 driveway from where the Raleigh will exit, there is
17 no analysis from that direction.

18 So we essentially have a situation where we
19 really do not know how this huge, long building is
20 going to impact this block. And you have to look
21 at it from a block standpoint, not just a site
22 standpoint, because it will impact the entire
23 block, but we don't have the studies and you don't
24 have the information data to make a determination.

25 I also note that I'm moving to strike and I

1 filed a letter to strike concerning any view
2 corridor analysis that were provided on Friday;
3 they should have been submitted with the original
4 plans, but they were not, and they should be
5 stricken from the record.

6 Next -- the next three slides concern the
7 impact of the three-wide tower on the site to the
8 views from the Setai.

9 Next slide, please.

10 That's the first view.

11 Next slide.

12 Second view.

13 Next slide.

14 Third view. As you can see in reference to
15 the Chipperfield building, the project is going to
16 be three times wider and all those views are going
17 to be gone. All of them.

18 Next slide, please.

19 Now, let's go down to the ground. As you can
20 see on the upper left-hand corner, this is the
21 beauty of the walkway from the cul-de-sac on 20th
22 Street to the beach. It's gorgeous and it's
23 dappled in light. If this villa is placed, the
24 villa is placed as proposed, only five feet south
25 of it, it will put a -- the entire walkway in

1 shadow, that villa needs to be pushed back 20 feet
2 to protect the light and the public. And I also
3 note that the lower corner, I'm just trying to
4 figure out that picture, how they got the sun
5 coming from the north, it just doesn't make sense
6 to me.

7 Next -- next slide.

8 As you can see the -- between the villa and
9 the tower, 50 percent of the beach accessway will
10 be in shade. Now, the applicant did not submit any
11 shadow studies, and I think the members of this
12 board asked for them previously; none of it was
13 incorporated in the proposal. I actually sent a
14 letter to the applicant asking them for their
15 shadow studies, reminding them about that, but no
16 one submitted the -- in the record that I know of.

17 So 50 percent of the pedestrian way is in
18 shadow. And I'll tell you how important this
19 pedestrian way is. It was in the infancy of the
20 City, the City fathers had such insight that they
21 actually purchased and got a fee simple for 20th
22 Street, and in a matter of public record, they own
23 that, and they also specify that the 14 feet on the
24 north side of that street shall be a sidewalk. So
25 from the very beginning, it was a vision that those

1 14 feet from Collins Avenue to the ocean to the
2 beach would be a key accessway. It's your duty to
3 protect that accessway and protect us from the
4 shade and to preserve the sunlight on that walkway.

5 Next -- next slide, please.

6 Let's go quickly to the use. The proposed
7 food and beverage seating --

8 Next slide.

9 Next slide.

10 Next slide.

11 -- is going to total 679 seats times -- if you
12 have three times the seating, that comes out to
13 about 1,900 seats. Do you know that there is not
14 one parking space on this site for parking the cars
15 for that? Moreover, there is no designated spot at
16 this time where are these -- where these cars are
17 going to park. There's nothing. They have not
18 identified where they're going to go. We don't
19 know how they're going to handle it. We don't know
20 how they're going to handle -- also we don't know
21 how they're going to handle the employees. There
22 is no employee parking nor designate -- designation
23 for employee. Do you realize how many employees
24 they're going to need to be able to take care of a
25 food court, a dining court with 679 seats? It's

1 unaccounted for. No planning for that.

2 Let's go to 20th Street. This is --

3 Next slide, please.

4 Next slide.

5 This is the aerial of 20th Street, it's very

6 narrow, it's only two lanes, it's a cul-de-sac. We

7 want to work, and I know that the association wants

8 to work closely to assure that we can control the

9 traffic along that -- the street and I want to

10 let -- make it clear that they want to work with

11 this project and they actually want this project to

12 work, but they are very concerned about the mass,

13 they're very concerned about the massing, the

14 impact on the corridor, they're very concerned

15 about how it's going to look, how it impacts the

16 most important block.

17 May I have two more minutes, please.

18 MR. LOPEZ: Two more minutes.

19 MR. HARRISON ROBBINS: Thank you.

20 So -- next page.

21 The loading space, let's go really quickly on

22 that. Right now, what is proposed --

23 Next -- next slide.

24 As you can see, right now, they went from a

25 double-loading, double-wide driveway to a single,

1 and they're proposing to put the two loading spaces
2 in -- with tandem parking. How could you have a
3 loading space with tandem parking? It doesn't make
4 sense and it needs two loading spaces; that is what
5 the code requires. You need to go back to the
6 double parking.

7 Now, next -- next, please.

8 Next.

9 It shows with double loading the trucks work,
10 they go in and out. It's going to be hard to do
11 with the cars there, but the trucks will be able to
12 get out if they have a dockmaster they may be able
13 to get that to work, and hopefully they will have
14 one.

15 Next slide.

16 Next slide.

17 Next slide.

18 Here is their traffic study and this is the
19 auto turn and let's go into detail.

20 The next slide.

21 So you can see in the auto turn that, in fact,
22 the trucks -- the tires will go over the curbs and
23 the sidewalks. That is their study. That's where
24 I'm taking this from.

25 So the single-lane driveway entryway doesn't

1 work. We need to go back to what was originally
2 proposed by Kobi; we need to go to the double-wide
3 right there.

4 In summary, there are a lot of flaws in this
5 building and we can't even go to the next step of
6 really doing the stylization of the building and we
7 really can't begin the analysis of this amorphous,
8 boldest building on the site, this long building.

9 Remember, it's bigger than it was, as far as the
10 width, wider than it was than the original one by
11 three feet and, in fact, it was moved 20 feet to
12 the east. We need to push it back. We need to
13 scale it down. We will support a scaled-down
14 building. We will support this project. My client
15 said just get them to make something that is
16 reasonable, that doesn't overbuild on the site.
17 They're trying to put too much on a very small
18 site, on a very small wedge site.

19 Thank you very much.

20 Please, please save this beautiful block.

21 Save this site. Save the City. That's your job.

22 Thank you.

23 MR. LOPEZ: Thank you for your comments, sir.

24 Are there other public comments?

25 Please walk up.

1 MR. DICKMAN: Good morning, Mr. Chair.
2 My name is Andrew Dickman with the Dickman Law
3 Firm, and I do represent the Setai Resort and
4 Residences Condominium Association, Inc. I'm here
5 with their manager, Martin Scasserra, and I have
6 not presented in front of you before.

7 What is being given to you now is a letter
8 that I supplied to the City, hopefully reached you
9 all last -- last Friday. As well there were some
10 videos that we submitted, and because we're not
11 going to show those videos, I wanted to give you
12 some screenshots of that.

13 I have -- I would respectfully ask for ten
14 minutes combined between myself and Mr. Scasserra.
15 He is going to give testimony. He is layperson
16 testimony. He's got facts that he would like to
17 present and then, of course, I would like to
18 conclude with some legal comments, etc.

19 So if I -- I think we could do it in ten
20 minutes. We'll do our best, but I would appreciate
21 your indulgence on that.

22 So with that, Martin, why don't you go
23 ahead -- and he's going to be the -- the document
24 you have with the -- with the e-mail and the images
25 behind it are actually just screenshots of the

1 videos. I don't know if you all had a chance to
2 click on them or not. I didn't know if you did,
3 but those will give you images that Mr. Scasserra
4 will refer to.

5 Thank you.

6 MR. SCASSERRA: Thank you.

7 Good morning.

8 Again, my name is Martin Scasserra and I'm the
9 CAM license manager at the Setai. I've been in
10 that position continually for 18 years. I've been
11 working in the Collins part of the neighborhood for
12 25 years. I actually came down here with my wife
13 and children in 1997, and we renovated, restored,
14 and operated the Abbey Hotel on 21st Street, so
15 I've really been in the neighborhood for about
16 25 years.

17 I'm appearing before you again today to
18 revisit traffic challenges that exist along the
19 100th block of 20th Street and how we believe that
20 the impacts of the current design of the Shore Club
21 will be detrimental to the Setai, but also all who
22 use this block, and I think from the images that
23 you see, a lot of people use the block:
24 Pedestrians, bicyclists, as well as the myriad
25 deliveries that take place on the street.

1 If -- on Page 2, I'm -- you can see that there
2 are trash pickups. That is actually from a
3 Townhouse tenant's dumpster. It's blocking the
4 entrance to the Shore Club's proposed on-site
5 loading area. This is a problem that -- it's an
6 issue and obligation that I don't know that you're
7 aware of, but there are five businesses in the
8 Townhouse that are tenants that keep their
9 dumpsters on the proposed loading zone, which was
10 narrowed.

11 In Kent's overhead picture that he just
12 showed, if you look at it, you can see all of those
13 dumpsters there today. They're out in the open,
14 they're there, they're an obligation that the Shore
15 Club has to provide that space for the Sultan
16 restaurant, Mynt and Myn-Tu nightclubs, the Kith
17 Boutique, as well as the Townhouse itself.

18 Page 3 is a view looking west of Collins from
19 the Townhouse Hotel's entrance. You can see a
20 truck parked on the wrong way in the commercial
21 loading space, and in the distance, another
22 westbound truck that is actually entering Collins
23 Avenue's intersection from the wrong travel lane,
24 which is dangerous.

25 Page 4 is a view of the Townhouse Hotel's

1 loading zone and there's a commercial vehicle
2 parked there in the loading zone, and so arriving
3 Townhouse guests are forced to double-park in the
4 travel lane. There is also a truck double-parked
5 in the westbound travel lane, and you see a
6 bicyclist passing through the space that is at that
7 moment not wide enough for a single car.

8 Pages 4, 5, and 6 are actually sequential from
9 the same video.

10 Number 5 is that a different truck shown on
11 the left in the westbound travel lane, you see that
12 Townhouse-arriving vehicle that we saw now move
13 partially out of the way and block this proposed
14 receiving area for the Shore Club. They've been
15 honked at by the white car behind them and are
16 trying to get out of the way. This is someone's
17 arrival experience to 20th Street and checking in
18 at the Townhouse. The blue car you see also in the
19 foreground is the Setai valet returning a resident
20 car to the tower's entrance. You can see that he's
21 been held up a while and is rushing, if you watch
22 the video.

23 Page 6 is another double-parked truck in the
24 westbound travel lane. I think you should -- at
25 the very end of the block on the right, you can see

1 an 18-wheeler that is backed up into the
2 cul-de-sac. That is the largest truck that would
3 be received at the Shore Club when it operated
4 previously. It's a Sysco truck. It shows for
5 whatever reason not to try to attempt to get into
6 that loading space that is described. I have
7 videos in there that are included that shows a
8 truck backing in just as described here. It takes
9 about two minutes in total and the truck had to
10 wait for oncoming traffic and double-parked
11 vehicles to get out of the way for it actually to
12 make that maneuver.

13 At that time, the dumpsters weren't there.
14 For whatever reason they were pushed to the left
15 and so it was -- they were able to do that. If the
16 dumpsters were in their current position, that
17 truck wouldn't even be able to move in there.

18 Last picture, Page 7, I think, is telling just
19 because that is present day. The Shore Club is
20 closed at the moment, but the street is still often
21 overrun with vehicles. You can see, again,
22 double-parked vehicles at the Townhouse, a tanker
23 truck doubled-parked in the travel lane, and a van
24 does a U-turn right in the middle of the street in
25 order to grab a commercial space that's on the left

1 side, on the westbound-facing side.

2 I hope you do pay attention to this issue

3 of -- of trash receptacles that, you know, each of

4 those tenants or several of them have different

5 trash companies so we have at least four or five

6 different garbage companies coming to the block

7 every day backing up, beeping. They come early,

8 5:00 a.m., to try to be able to maneuver in and out

9 quickly and our residents suffer for it.

10 I'd say that -- I'd just like to point out now

11 also the subject of these bump-outs, the trees that

12 are planted in the street. Over 20 years ago, the

13 Setai installed the street trees inside these

14 bump -- bump-outs on both sides of 20th Street from

15 the beach walk to Collins. These are in addition

16 to the palm trees that we just saw pictured at the

17 beautiful street-end of the street, which the Setai

18 also had planted years earlier and became the basis

19 for our two-palm-tree logo that you may see on --

20 on our hats and other things.

21 These bump-outs have been operationally

22 problematic since day one. In fact, the tree

23 planning in the center of the cul-de-sac had to be

24 removed for safety reasons because branches were

25 knocked off by trucks a few times over just the

1 first few first months. A few years later after
2 discussions with the City, we were permitted to
3 remove six more bump-outs at our expense to create
4 commercial loading zones on both sides of the
5 block's western end, as well as mid-block to
6 provide one more public parking space, which the
7 City insisted on. And while today we would lament
8 the loss of our shade canopy that we've grown over
9 18 years, 20th Street is too narrow to accommodate
10 trees in the street.

11 The rest of the bump-outs should be removed
12 and the palm trees planted in the sidewalk similar
13 to the ones that are at the street end.

14 I think with that, I'm going to end my
15 presentation and just say, again, we're not opposed
16 to a properly designed project for this block. We
17 want a thriving Shore Club; therefore, we -- at
18 this time respectfully request that you deny the
19 application.

20 Thank you.

21 MR. DICKMAN: Thank you, Martin.

22 Mr. Chair, thank you.

23 I'm going to be remiss if I didn't mention
24 some legal things as an attorney. As you've heard
25 already that Section 118.564 of our code outlines

1 your criteria, the criteria that you are obligated
2 to look at, your staff is also obligated to look at
3 when evaluating all of this, and you have to decide
4 is there enough confident substantial evidence to
5 meet those criteria? Not some, all; that is what
6 the code is for. It's law.

7 Just to highlight, some of these things your
8 code addresses things like compatibility under
9 design, scale, massing, and arrangement. It talks
10 about the dimensions of existing structures
11 appropriate to be compatible and appropriate with
12 the environment and adjacent structures. It
13 addresses the need to address contiguous and
14 adjacent buildings, pedestrian sight lines, view
15 corridors. It goes on to say that any proposed new
16 structure shall have any -- shall have an
17 orientation and massing which is sensitive to and
18 compatible with surround -- the surrounding area in
19 which it creates, maintains important view
20 corridors.

21 So I'm not going to go into all those
22 criterias, but at least a third of your criteria
23 has you look outward, not so much just inward on
24 the site.

25 Now, granted, this is a complicated site;

1 there are some important buildings on it, but I ask
2 you to remember that 20th Street, the Setai,
3 whether you like it or not or indifferent about it,
4 I know there's been some barbs thrown at it --
5 about it for whatever reason, but it exists. Your
6 job is to look into the future. These buildings
7 are all going to be here long after we are and
8 placed upon the street grid. It's your obligation
9 to make sure that it works.

10 Now, I will submit to you that in the staff
11 report -- and I put this in my letter and I do
12 respect staff quite fondly -- but you know, it's
13 not enough to just work collaboratively and
14 complement each other to work collaboratively. The
15 staff report has to be competent, substantial
16 evidence and give you analysis, tell you, your
17 professional planning staff, not the applicant or
18 me or anybody else -- if I could have a few more
19 minutes, please -- that gives you confidence that
20 all of these criteria have sufficiently been
21 evaluated, not just internally and how they
22 redesigned the tower so now that it is longer and
23 moves towards the beach and east, but to look at
24 how does it affect the Setai? Like the Setai or
25 not, how does it affect 20th? How does it affect

1 the public that are on that beach walk and out onto
2 the beach?

3 I'll submit to you that the current staff
4 report really doesn't provide you anything other
5 than conclusory statements. I think probably they
6 were just going to rely on the applicant to provide
7 you with that information, but we're here to
8 provide you with that information that, in fact,
9 there are going to be significant adverse impacts
10 on the Setai, 20th, and also the contributing
11 buildings that are on-site.

12 The -- with -- wrapping that up, I do want to
13 state a couple of things: Please, we ask you --
14 and you've heard it before -- please don't turn
15 your back on 20th Street; don't relinquish
16 jurisdiction here, because if you relinquish
17 jurisdiction here and ask staff to work with
18 everybody and ask the parties to work together.
19 It's not going to happen. Let's really work on
20 20th Street; there are a lot of problems there.

21 I don't think the Setai is going to stand here
22 and say, We're completely the innocent party here.
23 But in fact, they're 240 units as it's been
24 designed. Their on-site parking is through 20th;
25 that's where it is. That's how it was designed and

1 that is how it was approved. You know, they do
2 have drop off, drop on, but their on-site parking
3 is in the tower. Their -- their garbage and
4 utilities and everything are on 20th, and so then
5 you're going to have the Shore Club doing the same
6 thing, as well as public parking and pedestrians
7 and things. This is a very complicated street. I
8 don't think you should relinquish jurisdiction. We
9 want to work with the City. For sure, it's going
10 to require the City to work on this, because it is
11 a public right-of-way.

12 The design, I believe, as it has progressed,
13 has gotten worse, even though I know it's tried to
14 achieve a few things that you wanted, but it's
15 gotten elongated as you've heard already and it's
16 moved east, which means that the shadows -- and no
17 one has mentioned shadows today -- the shadows now
18 are going to be all over 20th and into the Setai.
19 We were scouring the record online last week. My
20 office was to try to find the shadow study, because
21 we had reached out to counsel for the developer to
22 just say, Hey, we've been retained. And finally,
23 we were provided with this two-page shadow study,
24 and I don't think it's been provided to you. This
25 is their shadow study. I know that my client has

1 done a shadow study of their own and I'll put these
2 into the record, but I don't think you should go
3 forward without having them really showing you the
4 actual shadows and how they're going to impact the
5 pool areas, the beaches, everything. I don't -- a
6 project this significant, you must be required to
7 look at those shadows, because they affect the view
8 corridors, and all of those view corridors and
9 light in there are addressed in your criteria.

10 The property, of course, is a wedge-type
11 property, it's complicated, but in 2016, the very
12 same parties, the developers, the owners, etc.,
13 were here, got approved for a project that was
14 completely different, and that the Setai was --
15 would accept, is fine. It's a taller, thinner
16 tower. It was approved. I think it was approved
17 by your board in 2016, so why isn't that acceptable
18 now and we have to go to this?

19 I would like adopt --

20 MR. LOPEZ: Sir, we've gone through 13
21 minutes. Are you close to wrapping it up?

22 MR. DICKMAN: Give me about one minute, yes,
23 sir.

24 MR. LOPEZ: Thank you.

25 MR. DICKMAN: We're an affected party. I

1 appreciate it.

2 I do want to adopt the comments by the Miami
3 Design Preservation League. They did some good
4 work showing you why that tower the way it is now
5 and how it's progressed has actually become more
6 impactful to everything outside of the site.

7 I want to adopt Mr. Robbins' presentation. He
8 did some good graphics and good illustrations on
9 that.

10 And then I want to make sure that -- as far as
11 the exhibits, my letter is in the -- is an exhibit
12 in the -- the e-mail with the exhibits is there,
13 the videos are there, and then I'm going to put
14 these shadow studies into the record, although they
15 came to me, I believe, on Thursday or Friday.
16 Neisen, I think, sent them to us, but I don't know
17 why they are not showing them to you.

18 So I would simply request that you not move
19 forward on this or deny it, because it's simply
20 addressing the site; it's not addressing all of the
21 things that you're required to address externally.
22 Okay.

23 We're not saying that this should not be
24 redeveloped. It's a beautiful place that needs to
25 be redeveloped, but it needs to be done correctly.

1 This will last long before we're all -- when we're
2 all gone and it needs to be done very carefully.

3 So thank you very much.

4 MR. LOPEZ: Thank you for your comments.

5 I think you've had a chance to speak already.

6 MR. HARRISON ROBBINS: Other clients --

7 MR. LOPEZ: Excuse me.

8 There are other people -- I think that there
9 are other people waiting who haven't spoken yet on
10 Zoom.

11 Mike, could you tell us?

12 MR. BELUSH: Sure. Yes. We have several
13 callers on Zoom. Would you like to start with
14 the -- the first one is Brian Davis.

15 MR. KALLERGIS: Brian, so you swear that the
16 testimony you're about to give is the truth, the
17 whole truth, and nothing but the truth?

18 MR. DAVIS: Yes, I do.

19 MR. KALLERGIS: Thank you.

20 You have three minutes.

21 MR. DAVIS: Okay. Good afternoon.

22 Brian Davis on behalf of 1825 Collins Avenue,
23 the Nautilus Hotel. We're the immediate southern
24 neighbor to the Shore Club property and I'm also a
25 resident of Miami Beach.

1 First, I will start by saying, I'm very much
2 in support of this project. We and Nautilus Hotel
3 is very much in support of this project. We will
4 be the most impacted by construction at the Shore
5 Club, and while, yes, we prefer the previous design
6 iterations, we appreciate the way that this project
7 has evolved and are still very much in support of
8 the project.

9 We're in favor of replacing the existing tall
10 tower, the reduction and intensity of the hotel
11 units, and the introduction of a residential
12 component for a few reasons.

13 We definitely appreciate the care taken to
14 restore and enhance the conservative portions of
15 the Shore Club and the Cromwell Hotels. We find
16 the height and design of the proposed tower to be
17 appropriate for the context of the neighborhood.

18 The design by Robert A.M. Stern Architects is
19 very high quality, and we believe as a developer,
20 the Witkoff Group is very strong, well-capitalized,
21 and they have a great track record of delivering
22 first-class projects, which -- which would really
23 benefit the community and this immediate submarket.

24 And not to mention we certainly appreciate the
25 proactive outreach by the Witkoff Group to us as

1 neighbors throughout this entire process and
2 listening to our concerns regarding the project and
3 then addressing them.

4 So we hope that you'll vote in support of this
5 wonderful addition to our part of Miami Beach and
6 that would be it.

7 Thank you.

8 MR. LOPEZ: Thank you, Mr. Davis.

9 MR. BELUSH: And our next caller is Timothy
10 Schmand.

11 MR. KALLERGIS: Timothy, do you swear that the
12 testimony you'll give is the truth, the whole
13 truth, and nothing but the truth?

14 MR. SCHMAND: I do.

15 MR. KALLERGIS: Thank you.

16 MR. SCHMAND: I want to thank everybody on the
17 Historic Preservation Board for the deep thought
18 that they put into every issue that comes before
19 them. I've been -- I was hoping to be in and out
20 of this meeting by 10 o'clock today, but watching
21 your efforts makes me sort of happy that you're all
22 up there.

23 In February, the Lincoln Road Business
24 Improvement District Executive Committee voted
25 unanimously in support of this project. The

1 Witkoff Group and Robert A.M. Stern's long history
2 and historic preservation in restoring historic
3 structures goes a long way towards installing
4 confidence in the bid that this project will
5 certain (inaudible) Miami Beach's reputation as a
6 destination and as a place where historic
7 preservation is something that is important. And
8 we encourage you to support this project.

9 Thank you very much.

10 MR. BELUSH: Okay. The next caller is Herb
11 Sosa.

12 MR. KALLERGIS: Herb, do you swear the
13 testimony you'll give will be the truth, the whole
14 truth, and nothing but the truth?

15 MR. SOSA: I do.

16 MR. KALLERGIS: Thank you.

17 MR. SOSA: Good afternoon. Good morning.
18 It's still afternoon.

19 Thank you.

20 First and foremost, I truly could not praise
21 this board enough as to your patience and your
22 commitment really to this project ongoing. I think
23 it says a lot to, you know, just to the body of
24 your work.

25 As you know, I'm a property owner, resident of

1 Miami Beach for most of my life, former director of
2 Miami Design Preservation League, as well as the
3 heritage trust, and God knows, I think other than
4 Nancy (inaudible) I've probably sat and chaired on
5 that board, probably second only to her over the
6 years.

7 I mention all of this, because I find it very
8 interesting and actually refreshing that my
9 colleagues Wyn and John Stuart, as well as myself
10 took time from our days to, you know, be here and
11 present for you. You know, I don't remember that
12 really happening ever, if at all, and I think it's
13 a testament to a couple of things. I think we've
14 all seen this project and many versions, we
15 approved some of them and we have not approved
16 others, but I think that we all have a -- you know,
17 an affection, if you will, to this property for
18 multiple reasons. And I'll just speak for myself,
19 you know, seeing it over the last few months
20 evolve, and Debby and staff said it best, it's rare
21 to see a team, obviously lead by the amazing
22 Mr. Stern and everybody else involved, that puts
23 their ego aside and has been able to actually
24 respond to, as far as I can tell, every single
25 concern, every single thing that this board has

1 brought up, and done it really in record time.
2 Even quite honestly from the last meeting -- what
3 was it? Two months ago -- I walked away and I
4 thought there is no way that they're going to be
5 able to address all of this, but they did; they
6 gave you the full historic structures that you
7 asked for. They did reduce the tower. And I
8 believe, if I read my numbers correctly, by 50,000
9 square feet. Is that a compromise? It's always a
10 compromise.

11 In regards to 20th Street, I'll give you my
12 personal experience over the last ten days. I've
13 had ten continuous days and evenings of a special
14 contract with Tiffany & Company where I've done
15 over two dozen tours for them, and interestingly
16 enough, almost all of their guests were staying at
17 the Setai. So I had a very interesting perspective
18 on 20th Street, and the gentlest way I can say this
19 is: Many of the arguments that have been brought
20 up about 20th Street certainly are true. It would
21 go a long way if the current users of 20th Street
22 kind of practice what they preach and use their own
23 loading zones. And actually a lot of the things
24 that they are concerned about, you know, it would
25 go a long way if they kind of did their part now

1 instead of waiting for this boogeyman of a project,
2 which mind you is -- had been there actually
3 predated to -- its neighbors to the north and never
4 really seemed to have issues.

5 Again, I'll just keep it short and sweet. I
6 really encourage you to look at the facts.
7 Everything that you have asked of this applicant
8 has been met, the design of the building I -- dare
9 I predict the future is certainly going to be much
10 more memorable architecturally than the
11 Chipperfield Tower, and I urge you to vote
12 positively for this, and I look forward to hearing
13 your vote.

14 Thank you.

15 MR. LOPEZ: Thank you.

16 MR. BELUSH: Thanks.

17 Our next speaker is Jonathan Plutzik.

18 MR. KALLERGIS: Jonathan, do you swear that
19 the testimony you'll give is the truth, the whole
20 truth, and nothing but the truth?

21 MR. PLUTZIK: I do.

22 MR. KALLERGIS: Thank you.

23 MR. PLUTZIK: And I'm Jonathan -- thank you.

24 I'm Jonathan Plutzik. First, let me say that

25 I'm humbled to follow John and Wyn and Herb who are

1 HPB professionals, I can call them that; I'm an
2 amateur in that respect.

3 I live at 1455 Ocean Drive. My family owns
4 the Betsy Hotel at 1440 Ocean Drive. Both of those
5 properties are between 14th and 15th Street. For
6 the last two years I've been chair of the Ocean
7 Drive Association, and I've just concluded 15
8 months of services chair of the mayor panel on the
9 future of the Art Deco Cultural District. I raise
10 that point to you, because in our document that we
11 delivered to the commission, we spoke very clearly
12 of our view about the sacrosanct nature of historic
13 architecture in Miami Beach, incredibly important
14 to us and to me, and I want to be clear, I'm
15 speaking for myself today.

16 I would like to make one point that has not
17 been mentioned, frankly, which is an eyesore, the
18 disrepair of the current Shore Club. You know, one
19 of the issues we have around Miami Beach, frankly,
20 we have a lot of historic architecture in need of
21 TLC and more. And by the way, in disrepair,
22 frankly, it creates an adverse impact on our
23 community every day, we feel it, and from
24 (inaudible) people from around the world.

25 I want to salute the Witkoffs and their teams

1 for what they've done as I've watched this proposal
2 evolve, and it has been described in detail today
3 by Mr. Stern's firm, but the retention ultimately
4 of all the contributing buildings of this site is
5 something that we should be celebrating. And this
6 is an opportunity, frankly, to move rapidly to
7 celebrate the retention of this important
8 architecture.

9 So I just wanted to appear today -- my battery
10 now running low -- to say that I support this
11 project.

12 Thank you.

13 MR. BELUSH: And our last speaker on Zoom is
14 Lyle Stern.

15 MR. KALLERGIS: Lyle, do you swear to tell the
16 truth, the whole truth, and nothing but the truth?

17 MR. LYLE STERN: I do.

18 MR. KALLERGIS: Thank you.

19 MR. LYLE STERN: I'll be incredibly brief. I
20 mean, following Herb and John, it's quite
21 (inaudible) and I appreciate everybody's time and I
22 want to thank the board for all their efforts. I
23 rarely speak in (inaudible) public court
24 (inaudible) but I find this one important, because
25 of the district that it is in and the nature of the

1 architecture, the quality of the urban planning,
2 and the net positive value to our city. I'm not
3 being compensated, I'm not involved in this
4 project, but as a long-term resident and business
5 owner in the City and one who cares about our
6 City's fabric, our City's urbanism, our City's
7 growth, our sense of place, and our ability to
8 impact what are currently some of the finer, most
9 magnificent architectural structures (inaudible)
10 which close the ability to activate them.

11 When I learned of what the Witkoffs were
12 doing, I felt it was important to see (inaudible)
13 and the public in support of this project. I think
14 it's important to the City when we look at the City
15 from a 30-, 40,000 square-foot perspective, you
16 know, height rather perspective in terms of what is
17 going on in our City and which areas will benefit
18 from well-planned capital improvements and
19 structural improvements, building improvements, and
20 the contribution that this building will make to
21 the neighborhood and the ongoing evolutions, I felt
22 it was important to speak. So I seek in favor of
23 this project and I hope you will support it and I
24 thank you for your efforts, staff.

25 MR. BELUSH: Thank you.

1 That is the last of our callers on Zoom.

2 MR. LOPEZ: Anyone else here?

3 MR. McDOWELL: Good afternoon.

4 For the record, my name is Carter McDowell of

5 Bilzin Sumberg, 1450 Brickell Avenue, representing

6 the BHI Miami, the developer, the Bulgari Hotel

7 just on the north side of the Setai. And as you --

8 as you all are aware, this board unanimously

9 approved a project, and the Setai has chosen to

10 file, I think so far, six separate challenges to

11 our unanimous approval by this board. They have

12 managed so far to delay any substantive hearing on

13 the project and to the life of the project.

14 They've even gone so far, and I say this to you who

15 are interested in historic preservation, as

16 challenging the entire special magistrate process.

17 They've claimed that it's unconstitutional.

18 They're challenging the City code addressing the

19 special magistrate and they have as recently as

20 yesterday filed something claiming that the special

21 magistrate doesn't have jurisdiction to hold

22 hearings on their challenge to your approval of the

23 Bulgari. That's their approach to life.

24 The Setai continues to stand up and say, We

25 like this project. As long as they do what we

1 want, we like this project. They've done it, I
2 know of, four times, because of all these
3 challenges. They've challenged us. They've
4 challenged the prior Shore Club approval. They now
5 chall- -- clearly intending to challenge this one.
6 Their modus operandi is to say, We're here first,
7 we get to use all the public facilities, we get to
8 take all the capacity, nobody else should be here,
9 because we're more important. That's the way that
10 they have approached every project around them,
11 including the Bulgari that this board unanimously
12 approved and we're nine stories, nine stories next
13 to their 39-story building.

14 We're here to support the Shore Club. We
15 think this team has done a remarkable job
16 responding to this board's comments throughout the
17 process. Yes, it has evolved and you've asked for
18 changes; they've responded and given you those
19 changes and gone one better, I think, in a lot of
20 the ways, a lot of the things incorporated into the
21 design. They complain about roadway capacity, but
22 they have voluntarily closed off an alley access,
23 an easement that runs north-south behind their
24 building. They could put a significant portion of
25 their traffic on the 21st Street; they have chosen

1 not to. The comments about 21st -- 20th Street and
2 its capacity are directly related to their use of
3 it and their insistence that that is their only
4 access when they do have other access or they could
5 have other access, if they wanted.

6 I would -- and we ask you to support the Shore
7 Club. We -- as was suggested by Mr. Plutzik, it is
8 one of the keys to implementing the new City policy
9 to improve the guest experience with the Bulgari
10 and the Shore Club and the Raleigh and the Delano
11 and other projects in this area, we will elevate
12 the guest experience. We will do what this City
13 wants, which is to have a better cultural
14 experience. Please approve this project.

15 Thank you very much.

16 MR. LOPEZ: Thank you.

17 Additional public comment?

18 Welcome.

19 MR. NAKASH: Hi, everyone.

20 Thank you. Thank you for this time and
21 opportunity.

22 My name is Ariel Nakash of the Nakash family
23 and Nakash Holdings.

24 Our family's story began 50 years ago when my
25 father, Ralph, and his brothers, Joe and Avi, came

1 to America as penniless immigrants. With a lot of
2 hard work and a little bit of luck, they built an
3 apparel brand and turned that into a successful
4 hospitality business.

5 We are not developers. Today our business
6 includes 50 hotels around the world. My father and
7 his brothers truly embodied the American dream.

8 In 2005 we made our first hotel purchase in
9 Miami. The Hotel Ocean on 12th Street and Ocean
10 Drive. Then the Breakwater Hotel and Edison, then
11 the Hotel Victor followed by Casa Casuarina At The
12 Former Versace Mansion. We then acquired the Abby
13 Hotel, followed by the Dempsey-Vanderbilt Hotel,
14 now known as the Setai Art Deco building. Just
15 last month we purchased 1350 Collins; this is a
16 boutique hotel and restaurant that we will restore.

17 To my knowledge, there has been no group or
18 individual that has made a larger investment in
19 this community. These neighbors are trying to
20 portray us as bad. We never came to this board to
21 demolish a landmark or any building in art history.
22 This current proposal would not look at a place in
23 Sunny Isles or Downtown Miami among the tall glass
24 towers built by many other New York City
25 developers.

1 All of our investments were made with the
2 knowledge and respect for our important Miami Beach
3 landmarks and the laws that govern them. We
4 invested in this City because of this historical
5 board and duty. We understand and respect this
6 board's vision. The Shore Club should not be
7 rewarded for preserving the Melvin Grossman
8 building. This should have been an obvious given.
9 We want to know that we exclusively welcome
10 everyone to our properties. We converted the
11 former Versace Mansion from an exclusive private
12 members' club to become the second
13 most-photographed home allowing all visitors to
14 experience a part of history daily.

15 Disappointedly what Paul Whalen of amazing
16 Robert Stern Architects said in the last meeting
17 regarding the two-story building, now this is not a
18 villa for everybody. Whoever buys this villa is
19 going to want to be part of the action. So this is
20 a villa for one that our clients thought would be
21 sellable. There was someone out there. Do you
22 think they have the same vision for South Beach as
23 you do? As we do? Will this board approve the
24 only private beachfront mansion in South Beach and
25 in our neighborhood? For one person, one person,

1 which will probably cast a shadow on the 20th
2 Street public street entrance forever.

3 I would like to acknowledge that we are the
4 tallest -- the Setai is -- just one more minute,
5 please.

6 I would like to add that we acknowledge that
7 the Setai Condominium is the tallest building in
8 our neighborhood; however, to quote Daniel and the
9 Miami Design Preservation, "two wrongs don't make a
10 right."

11 The objective standards for historic
12 preservation still need to be adhered to. The
13 mistakes in the past should not be mistakes of the
14 present.

15 Although the Nakash family and my family did
16 not develop the building, we believe that the
17 property deserves some credit for spearheading the
18 renaissance of the South Beach we know today.

19 But as I stated at our last meeting, I support
20 a new Shore Club, one that matches with what this
21 board approved four years ago applied by the same
22 applicant and entity. And should this board agree
23 to a redesign, we believe that it should have a
24 smaller footprint, less massing, and be limited to
25 a height of 175 feet.

1 And lastly, we are eager to support a
2 well-thought-out plan for 20th Street by this board
3 and this City for the comfort and safety of our
4 neighbors. We ask the City to step in and assist
5 us in better planning of 20th Street.

6 Thank you.

7 MR. LOPEZ: Thank you.

8 Anyone else in the audience wish to speak?

9 There is someone behind you coming.

10 MR. BELUSH: And, Mr. Chair, we do have one
11 other speaker on Zoom now.

12 MR. LOPEZ: Okay.

13 MR. HARRISON ROBBINS: I actually have another
14 owner -- another property owner on that site that
15 asked me to say a few words.

16 I represent and have been a lobbyist for
17 the -- registered lobbyist for Setai Hotel
18 Acquisition, which is essentially the Dempsey
19 Hotel.

20 There is a reference to an easement or a
21 driveway in the back. Before we acquired the
22 property, that driveway was blocked off and
23 actually physically ended; however, we still
24 cooperated with the -- with the Seagull as far as
25 access so they can get their trucks on and they

1 have a -- we've allowed them to use half of the
2 driveway, even though the driveway probably is
3 legally expired and annulled by -- over these years
4 and, you know, we're in litigation. We're in
5 litigation with people, because we're trying to
6 protect that right.

7 We came in here, my clients came in here, and
8 they need to make certain that their investments
9 are protected. They have invested in the Art Deco
10 world like nobody else. They care about Art Deco
11 that's all they want. They want to have these
12 important buildings preserved. And they are
13 concerned not just -- they -- the Setai will do
14 well, no matter what. Maybe if 20th Street is
15 actually blocked off, maybe not, but the Setai will
16 do well if it's larger or smaller, but it's not
17 fair for the unit owners that bought those units
18 paying a million, two million, three million, their
19 view should not be blocked off.

20 More importantly, more importantly, this board
21 has a responsibility to preserve that block and
22 make certain that block is appropriately designed
23 and make certain that what's put there is
24 compatible with the rest of the block.

25 I think I made my presentation earlier, but we

1 want to preserve it. Remember, they purchased the
2 hotel, the Dempsey-Vanderbilt Hotel, and they got
3 the Setai with it, but they are the owners of 99
4 percent of that Dempsey Hotel, and they have done
5 everything they can to make that the most
6 functioning Art Deco hotel.

7 Please, do your job. Please, protect the
8 rights. Please, don't hold somebody's actions
9 against my clients.

10 Thank you very much.

11 MR. LOPEZ: Sir.

12 MR. MOUNAYYER: Good afternoon.

13 My name is Salem Mounayyer. I'm working
14 for -- managing the Setai Hotel Acquisition, LLC.
15 And I know this meeting today says, 1901 Collins
16 Avenue, the Shore Club, but there are other people
17 that talked about the Seagull Hotel BHI, and I was
18 not intending to talk today, but I heard Mr. Carter
19 talking about BHI and saying about the Setai, bad
20 neighbors. I would like to have less than one
21 minute to talk about that. That, in my eye,
22 Mr. Carter misrepresents this -- his
23 representation. The BHI project is not about the
24 tower. The BHI project became nine -- nine floors,
25 when the Setai -- the Dempsey is eight floors and

1 they're proposing to put a tower, nine floor, wall
2 front of the Dempsey and not front of the tower 39
3 floors.

4 My personal opinion, not as a Setai
5 representative, back then, I would not recommend to
6 approve the Setai tower, but it's there; it's not
7 meaning that we need to continue to do mistake
8 after mistake with the entire City because of one
9 mistake. But -- but people cannot come and curse
10 us, because we now own the Dempsey and the Setai,
11 it's condominium, residence; it has nothing to do
12 with the Setai Hotel Acquisition, which they come
13 to block our only view, corridor, a few feet
14 front -- front of the Seagull.

15 Thank you.

16 MR. LOPEZ: Thank you, sir.

17 Would anybody else from the public like to
18 speak?

19 MR. BELUSH: We do have one more speaker on
20 Zoom.

21 MR. LOPEZ: Okay.

22 MR. BELUSH: Mitch Novick.

23 MR. KALLERGIS: Good afternoon, Mitch.

24 Do you swear that the testimony that you're
25 about to give is the truth, the whole truth, and

1 nothing but the truth?

2 MR. NOVICK: Good afternoon.

3 Of course.

4 MR. KALLERGIS: Thank you.

5 MR. NOVICK: Of course I do.

6 I'm going to mute because I hear feedback.

7 Mitch Novick. I'm a historic preservation --

8 preservationist. I served as chairman of both the

9 Miami Beach and Miami-Dade County Historic

10 Preservation Board for a total of 13 years.

11 I like the project with the exception to the

12 new tower. I believe -- I strongly believe the

13 massing needs to be reduced. I'd like to see

14 something more slender and I would urge the board

15 to consider moving some of that mass to the

16 Grossman building, as you could add some height to

17 that without interfering with the

18 character-defining features on the exterior that

19 might be an option.

20 Thank you.

21 MR. LOPEZ: Thank you.

22 I think that concludes the public comment.

23 So we will now move onto an optional rebuttal

24 from the applicant.

25 MR. KASDIN: Mr. Chair, and on this rebuttal,

1 I would note that there were three presentations in
2 opposition of over ten minutes each, so we would --
3 we'll probably need about 15 minutes to be able to
4 respond to what was said.

5 And I'd like to make a brief point that I
6 think no one could have made better than Carter
7 McDowell, but let's be very clear about this: The
8 Setai and the Setai ownership will come up with a
9 reason to oppose any project in that area and to
10 continue to make 20th Street their personal domain,
11 loading area, and waiting area. That cannot be
12 allowed to hold back the progress of this City.

13 And I would point out they also opposed,
14 ownership interest or related to the ownership
15 interest of the Setai -- opposed a previous project
16 which came before this board, which is when it was
17 going to be a Fasano Hotel, and then they appealed
18 it; it was appealed in court.

19 So make no mistake, their intention is to stop
20 any project from happening here and to continue to
21 misuse that property.

22 MR. DICKMAN: That's now --

23 MR. LOPEZ: Excuse me, sir.

24 We're going to try to maintain a little bit of
25 order here.

1 MR. DICKMAN: This is --

2 MR. LOPEZ: I think that we -- we're having a
3 rebuttal here. You had a chance to speak.

4 MR. DICKMAN: Suing anybody --

5 MR. LOPEZ: Sir --

6 MR. KASDIN: And one other thing I would point
7 out before bringing Mr. Avdakov -- we'll hear from
8 Mr. Avdakov to address the compatibility with
9 historic criteria, from Mr. Whalen to address some
10 of the architectural questions, and then my
11 colleague, Michael Larkin, will address the traffic
12 issues that have been raised.

13 I would also like to point out that the staff
14 reports findings of the criteria being satisfied is
15 only the end of a long process of analysis that
16 goes into that recommendation. They have reviewed
17 hundreds of pages of documents, architectural
18 plans, historic resources reports, traffic studies.
19 All of that goes into making the conclusion or
20 finding from the staff who are professionals that
21 the criteria have been satisfied. With that said,
22 I would like to amplify that with Mr. Avdakov'
23 testimony.

24 MR. AVDAKOV: Thank you, Neisen.

25 Good afternoon, Chair, members of the board.

1 I would like to thank you for your time again
2 to speak before you today.

3 For the record, I'm Steven Avdakov, principal
4 and founder of Heritage Architectural Associates.
5 I devoted my entire professional career of 30
6 years, 24 of those as founder of my own firm. I am
7 working to preserve historic architectural
8 resources. I'm a registered architect in multiple
9 states, including Florida. I have a bachelor's
10 degree in Architecture from the University of Miami
11 and a master's degree in Historic Preservation from
12 Columbia University, where Professor Stern was the
13 head of my program 30 years ago. So my experience
14 meets federal qualification standards in
15 architecture, historic architecture, and
16 architectural history. I'm considered an expert in
17 the field of historic preservation and my CV is
18 being provided to you for your reference.

19 And my comments I'm about to present are in
20 response to those that have been submitted to the
21 opposition to the Shore Club application with
22 regard to compatibility and the historic
23 preservation criteria of the ordinance.

24 First of all, with regard to the context of
25 the site, there are three contributing resources on

1 the site: The Cromwell from 1939, an Art Deco
2 building; the Shore Club from 1949 by Albert Anis;
3 and the 1955 addition to the south wing of the
4 Shore Club by Melvin Grossman.

5 All three of those contributing resources are
6 being retained and preserved in this scenario here.

7 Additionally, there is a non-contributing,
8 existing 200-foot tower on this site that will be
9 replaced with a compatible contextual tower of the
10 same height, adjacent to the Setai, which is
11 400 feet tall. So this is an area which has
12 existing height, and we're incorporating the tower
13 in a manner that is contextual, and I'm going to
14 explain why, because part of it had to do with the
15 design process.

16 From the outset, we were retained to ensure
17 compatibility with a preservation consultant for
18 the team, and we've evolved from the beginning of
19 the project, not as an afterthought. Our work
20 involved the prep- -- our initial work involved the
21 preparation of an historic character analysis where
22 we documented and delineated the contributing
23 features of the Shore Club, the site, and the
24 Cromwell building for the purpose of the
25 restoration of those buildings, but also for

1 reintroduction as referential elements for the
2 design of the new -- new elements and new
3 contributing features and the new design elements
4 of the tower in this site.

5 The design team utilized the historic DNA in a
6 contextual design with the unparalleled expertise
7 of Robert AM Stern and his highly skilled team led
8 by Paul Whalen; they interpreted and referenced the
9 DNA of the layered, contributing historic
10 architecture into the new architecture proposed for
11 this site.

12 That is the exact intent of the preservation
13 standards, to accommodate new design in a matter --
14 in a manner that is compatible with the historic
15 architecture of the immediate site and the
16 surrounding district, and to enhance the appearance
17 of the site and the surrounding properties in
18 accordance with the requirements of the historic
19 preservation ordinance. The design of the Shore
20 Club, in my expert opinion, successfully achieves
21 this objective.

22 So I'm going to talk about the requirements of
23 the ordinance themselves.

24 The determination on certificate of
25 appropriateness essentially comes down to the

1 compliance for the Secretary of Interior's
2 Standards for Rehabilitation. Other guidelines and
3 plans that have been adopted by this City and their
4 evolu- -- and their resolutions.

5 So with regard to the Secretary of Standards,
6 I'm going to review the important ones for the
7 project here.

8 Standard Number 2: "The historic character of
9 a property shall be retained and preserved. The
10 removal of historic materials or alterations of
11 features and spaces that characterize a property
12 shall be avoided."

13 All the contributing resources on this
14 property are going to be retained, preserved and
15 restored.

16 Standard Number 3: "Each property shall be
17 recognized as a physical record of its time, place,
18 and use. Changes that created a false sense of
19 historical development, such as adding conjectural
20 features or architectural elements from other
21 buildings, shall not be undertaken."

22 The new design on the site is referential and
23 utilizes the DNA of the historic architecture, but
24 in a manner that is compatible with -- with a
25 distinct -- and is distinct from historic

1 contributing structures.

2 Standard Number 5: "Distinctive features,
3 finishes, and construction techniques are examples
4 of craftsmanship that characterize a property shall
5 be preserved."

6 All distinctive features will be preserved at
7 the project here. At its core, this project is
8 about restoring all contributing structures on the
9 property in their entirety.

10 Standard Number 6: "The deteriorated historic
11 features shall be repaired rather than replaced.

12 Where the severity of deterioration requires
13 replacement of a distinctive feature, the new
14 feature shall match the old in design, color,
15 texture, and other visual qualities and, where
16 possible, materials. Replacement of missing
17 features shall be substantiated by documentary,
18 physical, or pictorial evidence."

19 All the existing features are going to be
20 repaired, and when we are replacing features,
21 they're based upon photographic documentation and
22 research we're going to take. And such as the
23 Flutex glazing, which we incorporated and exhibited
24 the windows that are features with the undulating
25 vertical eyebrow -- we've seen an image of the

1 porte-cochère with the type of columns -- we're
2 going to be reintroducing those.

3 And in the Cromwell, we're reintroducing the
4 historic lobby based upon that documentation. So
5 we're in compliance with those -- with those terms
6 of the standards.

7 The following criteria of the ordinance
8 pertains to the compatibility of the new design
9 with the existing site and surrounding district.

10 Standard Number 9 stipulates: "New additions,
11 exterior alterations, or related new construction
12 shall not destroy historic materials that
13 characterize the property. The new work shall be
14 differentiated from the old and shall be compatible
15 with the massing, size, scale, and architectural
16 features to protect the historic integrity of the
17 property and its environment."

18 You know, additionally, Miami Beach Code
19 Section 118-564(a)(3) has similar, I would say,
20 compatible components that are essentially the same
21 and I'm going to paraphrase some of those,
22 particularly (d), I think, is the most analogous to
23 Standard Number 9.

24 "Any addition on a building shall be designed,
25 sited, massed in a manner which is sensitive to and

1 compatible with existing environment."

2 The design satisfies this criteria. I'm going
3 to explain as we go through, first of all, in terms
4 of the site and the connections that have been
5 established on this site: The Cromwell, for
6 instance, has this architecture reinforced by the
7 way that the pool aligns with the central axis and
8 reinforces the vertical tripartite character of
9 that eastern facade; the tower connection of the
10 site where the historic contributing architecture
11 has been sensitively articulated. The new
12 architecture aligns with the southern end of the
13 northern facade of the Shore Club. There's a
14 shadow line there that delineates the new
15 architecture of the tower from the existing
16 historic wing Anis building. The design reinforces
17 that sense of courtyard with the curved edges of
18 the tower; they served, as Paul noted, as a
19 complementary design counterpoint to the
20 crystalline form of the 1955 Grossman addition.

21 And significantly, we have the tapered columns
22 from the Shore Club lobby, which are referenced
23 into the design, into the courtyard, which I think
24 really is -- just a really integral link as
25 exemplified by how this project is tied together.

1 In terms of the exterior, the tower, you know,
2 each facade responds to the different context and
3 those elements are referenced up into the tower;
4 they complement the original architecture there.

5 So the DNA of the Deco Cromwell and the MiMo
6 Shore Club are brought up into the building to
7 unite the site vertically where the southern and
8 eastern relates to a larger context of the ocean
9 and the beach.

10 So the north facade where we have on that, the
11 Deco elements, we have the vertically proportioned
12 windows that are punched through the skin of a
13 stucco cladding. These features aligned above the
14 Cromwell vertically to reinforce that tripartite
15 vertical central axis and that facade. We also
16 have some porthole windows which are referenced on
17 the Cromwell.

18 On the western facade we have the horizontal
19 form of the Shore Club provides a visual vase and
20 counterpoints the verticality of the tower.

21 The tower references and interprets the MiMo
22 design elements from the Shore Club including the
23 vertical eyebrow and the horizontal window
24 proportions of fenestration.

25 I think one of the most important gestures

1 that the tower and the new design responds to in
2 terms of compatibility is the step massing; it
3 responds to the scale of the adjacent structures.
4 The lowest step of the tower aligns with the height
5 of the Cromwell on the -- and the Grossman. So it
6 links the building to its site and its context.
7 Most of the mass of the building is at the lower
8 level, as the building steps back, as Paul
9 mentioned, 60 feet and then 30 feet.

10 The height of the contextually designed tower
11 matches the height of the non-contributing tower.

12 So in conclusion, based upon the rigorous
13 design process and its response to the treatment
14 and retention of the contributing structures on the
15 site, based upon the contextual design of the new
16 tower which matches the height of the existing
17 non-contributing tower, and the specific treatments
18 and design approaches that are articulated, in my
19 expert opinion, the Shore Club successfully meets
20 the criteria of the Historic Preservation Ordinance
21 and should be granted a Certificate of
22 Appropriateness.

23 Thank you for your time and I'll be -- if you
24 have any questions, I'd be happy to address them.

25 Thank you.

1 MR. WHALEN: Boy, I wish I had said that; that
2 was amazing.

3 Thank you.

4 I want to hit on a couple of just specific
5 points and then I want to make a general point.

6 One specific point is the -- is the facades,
7 the north facade. We're very proud of that north
8 facade; we think it is going to be an amazing
9 facade, and we wish that just on that elevation
10 that was showed, it was looked over at a wonderful,
11 open park so that everybody can see it and so that
12 we could photograph it and, in fact, it's
13 completely blocked by the Setai, a much bigger
14 building than ours is. You'll never see that
15 elevation in the way that you see it in that -- or
16 that design of the north facade of the building in
17 the way that you do in pure elevation at the
18 diagrammatic drawing. In fact, you got pictures of
19 our beloved facade. We're probably going to have
20 to go to the beach and use a telephoto lens to get
21 a diagonal picture of it, because it's going to be
22 so difficult to see.

23 There was a comment that the building is
24 pushed -- has been pushed 20 feet towards the
25 water. It has been pushed 20 feet towards the

1 water in the lowest section, which is as high as
2 the Cromwell and which is a bit lower than the
3 parking garage of the Setai. So really what we're
4 doing is blocking, say, 20 feet at the very bottom
5 of the building of the view from their parking
6 garage. I think not a big problem.

7 There was also a mention -- I thought a very
8 interesting point about all the wonderful historic
9 buildings that one can see from the Setai looking
10 forward and are just part of the neighborhood. And
11 what's interesting is that those historic buildings
12 are not traditional modernist buildings sitting in
13 a park. They are interesting because they're
14 modernist buildings in a really dense, urban
15 situation; they're cheek by jowl. They're all
16 about street walls, defining columns. It's a
17 wonderful example of traditional-type urbanism
18 using modernist buildings. It's maybe the only one
19 in the world; that's why this place is so special.

20 What we're doing then is we're -- we can't do
21 a tower and the park, it's not what this
22 neighborhood is about. What we're doing is
23 creating a dense and really intricate and lovely
24 path around the historic buildings and around the
25 building that we're -- that we're proposing to you

1 today so that guests and people who live there,
2 anybody who comes to have dinner, will be able to
3 walk around this beautiful path and the pools and
4 the courtyard in front of the Cromwell and
5 experience those historic buildings in a way -- in
6 a way that is better than they have been able to
7 maybe ever, but certainly in a good number of
8 years. It's definitely what we're proposing is
9 better than what is there right now, and in the
10 spirit of this tight, modernist urbanism that is so
11 typical of this part of Miami Beach in particular.

12 Thank you.

13 MR. LARKIN: So good afternoon, board members.

14 Michael Larkin, 200 South Biscayne Boulevard,
15 here co-counsel with Neisen Kasdin, representing
16 the applicant.

17 You know, I have a unique perspective on the
18 interrelationship between 21st Street, 20th Street,
19 the private drive, the replicated hotel building
20 that fronts Collins, and the very large residential
21 tower for the Setai.

22 What has happened since the inception is that
23 the Setai has blocked the private drive at the
24 halfway point. So no longer you enter from 21st
25 Street, head south, and have that serve as an

1 internal loading zone area. What they still could
2 do even with the -- their half is still back into
3 and still use it as a loading zone area, but
4 instead they have chosen what they believe is a
5 higher and better use, which is their back-of-house
6 area. That is where their plates are, their
7 napkins, all the things that serve their food and
8 beverage uses. So much of what they complain of on
9 20th Street is a problem of their own creation.

10 I also have the advantage of living on the
11 Beach, taking my bike all over the beach, going
12 there, parking my bike on 20th Street, and watching
13 its operations, and I'm amazed at the impunity with
14 which they use 20th Street; there is typically a
15 fleet of 10 to 15 SUVs parked on the south side of
16 20th Street. They do that based on the dormant
17 nature of the Shore Club. When the Shore Club is
18 reactivated, where will they go?

19 Much of the problems on 20th Street are the
20 creation of the Setai and how they are choosing to
21 use it as their private street. It's wrong. It
22 could easily be rectified, but to end my remarks
23 with a conciliatory tone, we do want to be a good
24 neighbor. The idea that we have a dockmaster here
25 is a wise idea; it is implemented throughout the

1 Beach in different shared driveway situations, and
2 we would be open to that condition.

3 Thank you very much board members for your
4 time.

5 MR. KASDIN: That concludes -- that concludes
6 our rebuttal.

7 MR. LOPEZ: Thank you.

8 Board members, would anyone like to get us
9 started?

10 MR. REED: Can I ask a question before we make
11 comments of the --

12 MR. LOPEZ: Sure.

13 MR. REED: Can somebody describe in more
14 detail the parking arrangements for residents,
15 guests? I mean, I think I heard that there's no
16 parking on-site, but that can't be true.

17 MR. KASDIN: That is absolutely not true.
18 There is ample parking. That was a misstatement by
19 whoever made that statement. And there is an
20 underground garage. In fact, we can bring up the
21 plans. The valet -- the drop-off and pick-up is
22 internalized and within the complex, not out on the
23 street. So that was a complete
24 mischaracterization.

25 MR. REED: Do you have diagrams which show

1 the -- where the drop-off for the parking is? And
2 where the parking -- because I was leafing through
3 the plans and I couldn't -- I couldn't see it.

4 MR. LOPEZ: I was just looking at it. I think
5 it's (A)2.30.

6 MR. KARP: Correct.

7 That's -- what we did is -- Hi.

8 Kobi Karp for the record.

9 And what we did is we took an opportunity and
10 made the Cromwell lobby, brought it back to its
11 original gesture as the residential (inaudible).

12 At the same time the -- because we have a reduction
13 in guest room quantity, what we did is we were able
14 to introduce a basement -- give me a minute. Okay?

15 Unless you want to jump in. You want to jump
16 in?

17 No, no, please. You're welcome.

18 MR. HARRISON ROBBINS: (Inaudible) about the
19 residential --

20 MR. KARP: You are right. We do have -- he is
21 right. We do have a residential component here,
22 which is complimentary to the hotel. So the hotel
23 entry is on Collins Avenue at the Shore Club. The
24 residential entry, specifically vehicles, are going
25 to slope down and have a basement drop-off and

1 parking. So the lobby, the daily functions, the
2 Uber, for you, for the residential, will be in the
3 basement, because we see what's going on, on 20th
4 Street, and we want to disengage the traffic and
5 that's why, Stuart, we brought it down below grade,
6 and that's what the plan that Rick was referring to
7 has the parking below grade. That's where you will
8 go to your residences.

9 The hotel, which is now lower in quantity in
10 rooms, will have larger rooms and they will enter
11 the historic Shore Club, that's where they enter on
12 Collins Avenue.

13 The residences will enter the Cromwell. The
14 Cromwell previously was used as Nobu restaurant and
15 other food and beverages. We are restoring that so
16 a guest can walk up the steps under the cover and
17 walk to the elevator and come up to your apartment,
18 but being and seeing what the traffic is we brought
19 the parking below grade and we made it into a very
20 nice, well-lit, finished point of arrival for the
21 residents, which then allowed us to restore the
22 Cromwell to its original condition and take the
23 loading, which has an easement to the Townhouse
24 next door.

25 So the loading right now is being -- has an

1 opportunity to reduce, because we have less rooms
2 so we have been working with the staff, we've been
3 working with Public Works, we've been working with
4 the fire department, and that's why we created the
5 loading when you look down onto it now. If you go
6 to the Setai and go to the top floor of the
7 parking, which is 100-and-some feet up in the air
8 and you -- which is the same height as the
9 Cromwell, and you look down and you see the loading
10 area all open. If you look at the landscape plan
11 or the architectural plans, you'll see what we did
12 is we caged it with a landscape area on top of the
13 loading so when you look down to the loading,
14 whether it is from the top Townhouse or whether you
15 look down to it from the Setai, the rooftop of the
16 loading area is a lush, tropical landscape area for
17 the facades of the Cromwell and, of course, facades
18 also of the Townhouse, the Setai, and the new
19 building.

20 The new building, which is the residential
21 building, will have its own entry below grade. So
22 what happens is that we are defusing the services
23 in the loading into our area. The loading area
24 that we had previously, we shrunk it. We made it
25 slope down and we kept the loading where it is,

1 because we have an easement with our immediate
2 neighbor on the corner, which is called the
3 Townhouse.

4 And that's why we believe, and Kimley-Horn is
5 here, that we can make that work and that's how the
6 process has evolved since we decided not only to
7 restore the Shore -- the Cromwell, not only to
8 restore the entry of the historic lobby into the --
9 our historic hotel on Collins Avenue, that is
10 really the opportunity that nobody had. The
11 Cromwell was always regulated in all the previous
12 designs into something else. We said maybe we --
13 there is something here that we can do. We met
14 with staff. We met with people in the community
15 and we all felt that 20th Street should deserve to
16 be upgraded and that's what we are proposing this
17 upgrade. Most of the guests, whether it's for the
18 hotel or the residences, are not going to go to the
19 beach through the public right-of-way; they will
20 probably go through the property. So all of those
21 things --

22 MR. LOPEZ: Does that answer the question
23 about parking? I was wondering how many --

24 MR. KARP: I'm sorry, Rick. I took --

25 MR. LOPEZ: -- on sites are there --

1 MR. KASDIN: We can get you the exact number,
2 but all required parking is being provided, and I
3 would also tell you that when the Chipperfield
4 Tower was built, a portion of the parking that was
5 required was actually provided offsite. In this
6 instance, we're improving that condition and
7 providing all of the required parking and all the
8 residential parking on-site in a garage.

9 MR. REED: So I think what I heard is that
10 there is going to be 127 on-site spots and there's
11 going to be 60-something residences. So is it
12 going to be that each resident -- each unit is
13 going to be assigned two spots or one spot? How is
14 it going to work?

15 MR. KASDIN: I don't know how the spaces will
16 be allocated between the residents -- amongst the
17 residential units.

18 MR. REED: But there is no park -- on-site
19 parking for the hotel or for the restaurants?

20 MR. KASDIN: As you also know, Mr. Reed, that
21 a contributing building in the historic district
22 does not have to provide additional parking, and
23 you can change the uses. In fact, the only thing
24 that's changing here is the deintensification of
25 the uses from 314 hotel rooms to less and less food

1 and beverage, but one of the fundamentals of the
2 historic district is that historic buildings do not
3 have to require -- do not have to provide any
4 additional parking as long as -- for what is
5 contained within that building. Nevertheless, they
6 are providing 127 parking spaces and the five
7 handicap, which is more than -- significantly more
8 than what was provided before and that's all
9 on-site.

10 MR. LOPEZ: Other comments, Stuart?

11 MR. REED: Oh, other comments?

12 Sure.

13 MR. LOPEZ: Board comments.

14 MR. REED: Sure.

15 I'll start it off. Well, first I would like
16 to ask a question that at the very beginning I
17 think Debby had mentioned, okay.

18 So there is no -- it was different from the
19 last time when they came before the board -- there
20 is no request for variances and there's no request
21 for waivers, but I recall that this issue of -- of
22 allowing them to have more than 15,000 square feet
23 per floor plate over a certain -- that that was a
24 waiver -- I think that's what it was called last
25 time -- but it's not like a variance where there

1 are certain criteria that have to be reviewed, that
2 this waiver is pretty much up to our discretion,
3 but that there is a requirement that it's up to
4 15,000 square feet for the applicable levels, but
5 that the HPB can approve it up to 20,000, so we're
6 waiving, in essence, the 15,000 square-foot
7 limitation allowing up to 20,000 square feet.

8 So before, I understand they were seeking more
9 in terms of additional square foot per floor plate,
10 and this time, it's less, and it's only two floors,
11 but still it's -- we would need as a board to say
12 it's okay to exceed what the code allows and we're
13 allowed to let them exceed it up to 20,000 square
14 feet.

15 MR. KASDIN: No.

16 MS. TACKETT: Let me -- let me respond.

17 It's not a waiver.

18 MR. REED: Well, I was asking the City
19 attorney, because I think --

20 MS. TACKETT: Oh.

21 MR. REED: -- I recall he mentioned -- he was
22 speaking about it last time, because I was asking
23 if there were criteria for waivers and there were
24 none; it's pretty much up to us to decide on a
25 case-by-case if it's appropriate.

1 MR. KALLERGIS: I would like to hear from
2 Debby on whether it is a waiver, but if it is a
3 waiver -- if it is a waiver then there are
4 criteria. It's the appropriateness criteria
5 that -- that you are required to apply to any other
6 aspect of the application. It's not -- you're
7 not -- you're not relaxing a requirement of the
8 code when you approve a waiver. The code
9 specifically allows you to approve that waiver
10 subject to -- subject to the appropriateness; it's
11 very different from a variance.

12 MS. TACKETT: And I can just add to that, it's
13 not specified as a waiver. Certain things in the
14 code are clearly spelled out as waivers, such as
15 the loading space waiver. So this is not a waiver,
16 it is something that the board can allow for up to
17 a certain amount of square footage per floor plate
18 if the project is found to satisfy the Certificate
19 of Appropriateness criteria, which I believe is
20 what, you know, Nick had said would be a review
21 criteria.

22 That's correct.

23 MR. KASDIN: Mr. Chair, for the record,
24 though -- Mr. Reed, we are only seeking -- we were
25 originally seeking upwards of 20,000-foot floor

1 plates for the lower level. Now, it's slightly
2 over 900 feet only, so it's under 16,000 feet for
3 the lower levels.

4 MR. REED: So that's sort of back to my next
5 comment. I think that this plan is a great
6 improvement on -- per the last one, as far as
7 massing, as far as just attractiveness, the fact
8 that the contributing buildings are being
9 preserved, and the way I like to approach these
10 applications is: Does the law allow it? If it
11 does and they're not seeking variances and -- or --
12 or any waivers from the law, do they satisfy the
13 criteria in order to get those sort of variances or
14 waivers?

15 When I -- I first looked at the elevations, my
16 first impression, not being an architect or design
17 expert, just the water expert attorney on the
18 board, is that it looked really big to me. It did
19 seem to be massive, but that's just my opinion, but
20 then looking at it in another way and nobody
21 mentioned it, it sort of resembles to me that the
22 stepping down is like the back end of a cruise
23 ship. So like if you're down in the South Point
24 neighborhood looking down Washington Avenue,
25 Collins Avenue, and one of those cruise ships

1 passes by, this building sort of -- is reminiscent
2 of that to me, whether you're looking at it from
3 the south side or if you're in the Nautilus or that
4 little park that maybe -- you say that they are
5 going to see it from the north. So I kind of -- I
6 like it. I think it's attractive and I appreciate
7 the fact that we're preserving and improving the
8 historical buildings on the property, but it does
9 seem to me to be a little massive. It looked like,
10 when I'm looking at it, I'm thinking, it kind of
11 looks like a building that would be in Las Vegas,
12 for example. So I would not be inclined to allow
13 them to exceed the 15,000 square feet per floor for
14 the floors that are over 50 feet, because I think
15 it's too massive already, and I don't know if that
16 would change the design greatly. I'm not an
17 architect; I'm thinking it probably would not. So
18 my -- my preference is that it would be continued
19 so that they would not be exceeding anything that
20 the law would allow. They wouldn't need any sort
21 of special accommodation from us to exceed what the
22 law allows.

23 It's a good -- I think it's a great design,
24 which is why a lot of people have opposed it, but
25 then also I agree that it does feel massive and

1 it's sort of subjective and so my opinions sort of
2 counts for what's compatible for the massing.
3 And I would -- I do recall at the prior
4 meeting, I think, Kirk, you specifically asked and
5 I think it was part of our motion that there would
6 be a shade study and we haven't seen a shade study.
7 Other people mentioned that we had asked for it as
8 well and I think that's important as far as for us
9 to make a determination of compatibility.

10 And regarding the traffic on 20th Street and
11 the adequacy of the parking. Now, Mr. Karp had
12 mentioned about the improvements to the loading and
13 I noticed that too. I was surprised that somebody
14 didn't speak about that during the presentation,
15 that it's landscaped and covered and so that they
16 are making some improvements with the vehicles and
17 the design on 20th Street. But I would like to
18 know more whether that street is going to be able
19 to serve all these uses adequately, the restaurant
20 seating the guests, the employees, because it seems
21 that 127 seats, parking spots for 60 or so
22 residences -- and it's not just the new tower that
23 would be residences. I understand there is going
24 to be residential use into the Grossman building as
25 well or -- so I would like to -- because I don't

1 want this 20th Street to be sort of like a flash
2 point where people come to pick the car, get
3 dropped off, and they think, I'm never coming back
4 to Miami Beach again. It's so crowded. In fact,
5 that's what people usually say to me when I ask
6 them, Hey, why don't you come to Miami Beach?

7 They're like, Oh, it's so crowded. Where do
8 you park?

9 Like are you crazy? There are a lot of places
10 to park; there are. But it seems that if there was
11 a place where it was going to be a problem, 20th
12 Street is where it is right now, whether or not
13 it's contributed because of the Setai's activities.
14 I think it needs to be hashed out with the
15 neighbors that there is going to -- that street end
16 is going to meet everybody's needs for drop-off and
17 loading and -- because I see it's going to be a --
18 create a negative impression on visitors.

19 MR. KASDIN: Well, the hotel entrance and
20 driveway is on Collins, not 20th Street.

21 MR. REED: But the valets are going to be
22 coming back onto the 20th Street.

23 MR. LOPEZ: We're going to stick to just
24 public comment right now, guys.

25 Thank you.

1 MR. KASDIN: Sorry.

2 MR. REED: So -- so those are really my
3 concerns that it's massive enough without us
4 allowing them to exceed the 15,000 thousand foot
5 limitation for the floor plates over 50 feet in
6 height. And we need to know more about the shade
7 that will be cast on 20th Street and certain times
8 a year when the sun is lower on the northern --
9 southern horizon. And I'd like to know more about
10 the parking and the drop-offs. I think we got a
11 professional opinion, but we didn't get many --
12 much detail analysis to satisfy me that that's not
13 going to be an issue.

14 MR. LOPEZ: Thank you, Stuart.
15 Barry?

16 MR. KLEIN: Thank you first to everybody
17 involved here. I think you -- you know, it's been
18 a -- certainly been a process and I think it's been
19 probably painful for some, but it's getting better.
20 And I'm comfortable with the density. I'm not
21 comfortable with the -- the north elevation and
22 that's where I'm kind of -- and I do appreciate,
23 though, the residential tower over the 20th Street
24 building. They were late. They don't look like --
25 like it's just some alien thing behind it, the

1 Cromwell and the residential tower fit in together
2 and look -- it's a good composition.
3 I noted last time about that villa and
4 wondered about its use, but the only thing holding
5 me back from saying like giving a hundred percent
6 backing to this is the length, the building length,
7 and I feel like -- I don't want to create another
8 concrete canyon on 20th Street. That's the part
9 that concerns me. I think the project was brought
10 here that, okay, we're going to have this same --
11 same height as what's there and maybe that's the
12 only reason that I was comfortable with that
13 height, because that's not my right, but that's
14 what was there and we're replacing it, but we're
15 going more. And, you know, I think we've -- the
16 ownership, the design team is maxing out the site
17 and maybe -- maybe that's too much and it's -- I
18 don't think is it my right to max it out. So
19 that's -- that is my concern, the length of the
20 building.

21 I appreciate how this -- the -- I really think
22 that the east and the west elevations are really
23 nice and -- and it fits and it would look great and
24 even at that height, but that -- but that width
25 and -- and I had the same problem with the Raleigh

1 and I wasn't here on that vote and I wouldn't have
2 voted for it.

3 This -- you know, this stepping down is a
4 great effort, but I think -- I just have a hard
5 time with that mass that's -- that's the only
6 thing.

7 That's all.

8 And not a problem so much, I wonder -- have a
9 concern for the people getting into the residential
10 tower having to come on 20th Street and, you know,
11 how am I going to get in there, but hopefully that
12 gets worked out.

13 MR. BRESLIN: I would like to go second to
14 last; it's my neighborhood.

15 MS. WEINSTEIN: Thank you so much and to have
16 the development team, design team, I'm sure -- I
17 know it was a massive effort and I'm glad it was
18 possible to save the contributing buildings
19 that just shows your dedication to the project and
20 I'm very grateful for that.

21 I definitely buy into the vision of this being
22 another layer of the history, part of the 21st
23 century, a landmark, you know, in its own right
24 eventually.

25 I do think just getting back to the code that

1 the project does enhance the appearance of the
2 surrounding properties, but I -- I'm also a little
3 hung up on the compatibility with the environment,
4 specifically. And I agree on the north elevation,
5 if there was a way to the east kind of, you know,
6 of the extent of the Cromwell, if that could
7 somehow mirror the new building, I think it would
8 be more appropriate and contextual.

9 I think we're -- I actually love -- even I
10 don't know if we can go higher, and maybe I'm
11 making things worse, but if there was a way to even
12 make the building higher, but not encroach on that
13 eastern boundary of the Cromwell, that would, to
14 me, meet more of the criteria for it to be more
15 contextual and compatible with its surrounding
16 buildings.

17 But I think it's a beautiful project. All the
18 details of the landscape and the interiors, I
19 think, are beautiful and I can't wait to see the
20 project realized.

21 Thank you.

22 MS. LIEBMAN: I don't -- I don't know where to
23 start. This is just -- there is so much that needs
24 to be said, and it's been said. Half of it, I
25 don't agree with; the other half, I'm trying to

1 grab onto.

2 I think that the -- all of that development

3 that is coming together is not the problem there.

4 The problem there is that driveway and everything

5 that comes in. It hasn't been expressed: If you

6 haven't seen it, you have to go see it, especially

7 when it's a busy season. I went to see it in

8 person and stood there, and there was about three

9 times I felt like I was going to be run over with

10 the cars, because they don't care where they go.

11 There are cars coming at you, the same car is going

12 the other way at you. I've never seen anything in

13 my life, which is a long time, that acted like

14 this, and I've been involved in the preservation

15 movement since I -- I can't remember -- years. I

16 have never seen something like this. And I respond

17 to it all as a problem with the driving into the --

18 all of them. I like all of the buildings, but the

19 idea of one straight line, and it's not from the

20 ocean, the part from the ocean to the beginning of

21 the -- of first part of development is beautiful,

22 beautiful, and you go there and you see that, and

23 then you turn your head and you take a look at

24 what's happening every minute, cars coming at each

25 other or around each other into a space where they

1 have to make a U-turn. They can't get out of 20th
2 Street and just cross over to 21st Street. It's a
3 mess.

4 So not to belabor it, but I do believe if
5 anything has to go back to the board I have not --
6 something has to be done to correct that whole
7 first floor and all of those cars. There are cars
8 that park there every single day to go to work. I
9 am sure that they have a place to go, someplace
10 besides 20th Street. There are so many things
11 going on, on that street that need to be gotten rid
12 of. The trucks, the trucks don't come -- and I
13 stood there for a good two hours -- the trucks
14 come, they don't -- they don't unload and leave.
15 First of all, they can't get out if there is
16 another truck coming.

17 So how do you live like that? How do you make
18 an important place with all of these beautiful --
19 they're all beautiful, all of the projects -- but
20 how do you do it with 20th Street? Maybe somebody
21 just needs to blow a hole into the -- to the next
22 street on 21st Street. Something has to be done on
23 that.

24 The rest of it, I agree with it. I think all
25 of the labors that have gone on, everything I have

1 heard from all of these people who have something
2 important to say, not just talk, talk, talk, talk
3 about nothing. I think that that has to be a
4 separate -- just separated and maybe put together
5 that people -- what are there? Five? There are
6 five buildings contained in this.

7 Am I right?

8 MR. KASDIN: At the site?

9 MS. LIEBERMAN: Not the -- the whole site of
10 20th Street. I'm only talking about 20th Street
11 and how we improve that and how we do something.

12 But are there five -- there are five --

13 MR. KASDIN: There are four that are front on
14 20th Street.

15 MS. LIEBMAN: Okay. That's plenty. That's
16 more than enough. But that's fine, because each
17 one is important, each one deserves to be there;
18 it's only the street itself that needs to be fixed,
19 and I think it should be separated so we don't have
20 to keep coming back and forth to listen to all of
21 the other wannabe things.

22 Good luck.

23 MR. KASDIN: Thank you.

24 MR. PASKAL: First off, I think the team has
25 done an exceptional job with -- with so many

1 aspects of this proposal and I want to start off
2 with the ribbed glass, because I appreciate Debby
3 and everyone taking the time. I want to say so
4 striking was that feature of that building that I
5 visited Miami Beach in 1993, and it's in my head,
6 and it's been in my head that long, and I was
7 unable to actually find photos to represent that,
8 but the corner the undulating windows added with
9 the ribbed feature was just exceptional, and I
10 appreciate everybody taking the time, because I'm
11 not sure how -- it was pretty well-shaded in the
12 photos, and I can still remember seeing it in
13 person more than, you know, 25-some years ago, so
14 that -- the details I think -- I think you all have
15 done a tremendous job on so many of the details.

16 I wanted to also just touch on, for me, in
17 terms of the architectural history of Miami Beach,
18 touching on the significance of this structure. If
19 it were up to me, we've had amazing, you know, Roy
20 France and all these amazing Art Deco architects,
21 but I think the story of Albert Anis and Melvin
22 Grossman and then Morris Lapidus, it's such a --
23 just with those three architects alone and the way
24 that they collaborated starting with Albert Anis
25 with like the Waldorf Tower on Ocean Drive, and

1 then this project where Albert Anis was lead
2 architect and Melvin Grossman, the associate
3 architect. And then going to the Biltmore and Di
4 Lido, I believe, were all three, Morris Lapidus,
5 Melvin Grossman, and Albert Anis collaborated on
6 those, and I think it's fascinating. I think the
7 Biltmore Terrace, Lapidus did the interior, and
8 Grossman and Anis did the actual structure.

9 I also want to say that -- I mean, I'm so
10 excited with the architecture of this structure,
11 the Shore Club, and I think it really breaks the
12 Art Deco mold and that it's a very horizontally
13 oriented building. It's low-slung and I'm making a
14 big deal about the visibility, because I feel like
15 the ribbed windows, I feel like the landscaping,
16 the fact that you haven't really been able to see
17 the building very well, because of the landscaping,
18 I think it's just an oversight. I think that it is
19 something that back when this project was brought
20 forward for the Chipperfield Tower, nobody kept
21 that in mind, but to me when you look at the
22 historical photos, I believe that this facade will
23 be beautiful, I think it will be amazing, and I
24 want to ensure that it will be seen. And I feel
25 like that clustering of the coconut palms, it

1 exactly is the right configuration to cover most of
2 the three-story building from the pedestrian
3 experience to the across-the-street experience.
4 And so I know it may sound stupid and
5 insignificant, but I think that should be included
6 in the order as is within the historical photos
7 where most of the shrubbery is about waist-level or
8 below maybe some specimen features. I want these
9 features when they're restored to be visible.

10 I also wanted to ask about the signage. I
11 know that the two roof-mounted signs are
12 represented throughout the plans. I think the
13 signage above the porte-cochère within the
14 historical photos is included someplace in the
15 renderings and elsewhere it's not. If it can be
16 included I would like for it to be included.

17 I also brought the tapered columns in the
18 porte-cochère, but I'm not sure that they were
19 original. I think you all were very agreeable in
20 saying that you would reincorporate them. From
21 what I can see, it looks like they did not exist in
22 the 1950, and then they did in 1956. What I think
23 is important is that it's brought to what it was
24 originally, and so I would like that to be
25 included, but I'm willing to leave that up to

1 staff.

2 I think it is great that John Stuart and Wyn
3 and Herb Sosa, Nancy, you all are mentors of mine,
4 and so it's really awesome for -- to have them to
5 actually take their time and be here.

6 In terms of 20th Street. I know I'm going
7 through all of these details, but I think the
8 details are important if we're trying to activate
9 20th Street and bring vibrancy. It wasn't very
10 well-documented within the historic resources, but
11 in one of the photos that Daniel had in his
12 representation, there was signage on the Cromwell,
13 and if we're interested in bringing vibrancy to
14 20th Street, why not reincorporate a Cromwell sign
15 if there was one existing that could be
16 reincorporated. I'm assuming that could be
17 documented somehow. Just a sign on the building --
18 on the actual building, mounted.

19 Okay. Anyway, let's see. I'm sorry, I'm
20 rattling on.

21 The parking -- I mean, Stuart, you mentioned
22 that incidentally I went to go visit MDPL on Sunday
23 and got down there, no issues, drove around for 40
24 minutes, and legitimately could not find parking.
25 I called them and said I was leaving. There was

1 nothing that I could do. There was no parking and
2 he covered me with a residential guest pass
3 temporarily since he is a resident. But parking is
4 an issue. I mean, it is something that we should
5 take into account, because if you're there in a car
6 and you can't park, you have to leave. What do you
7 do?

8 The one thing that I have to say and
9 everything that I have to -- I feel about this
10 project is positive, but here we go with my one
11 concern is the massing. It's the massing, and yes,
12 this building is super, super long. The footprint
13 is super long, you know; it's a concern of mine.
14 It sort of will become, I think, a visual wall that
15 will block a lot looking north to south and south
16 to north, but same as I said on the Raleigh, I feel
17 like really the Shellborne is -- it's what I hold
18 to be the model of the highest building, that if it
19 historically existed within that collection of
20 buildings, it's 171 feet. If you actually go below
21 the actual sign you'd be closer to the 150 feet in
22 height.

23 I also want to mention with the Raleigh, we
24 were talking about the -- that was a touch project,
25 for me, as a board member. We were talking about a

1 lot in terms of public benefit, in terms of a
2 building that was gutted, open to the elements,
3 that it was a risk of kind of going out of the
4 public realm and being turned into a private condo
5 that, you know, that tourists may never get to
6 actually visit and explore the beauty. We were
7 talking about a pretty substantial sized landscaped
8 area, which this build -- I mean, this project
9 doesn't really have that stuff. It does have
10 amazing benefits, I think, to have the Shore Club
11 renovated properly, to have it be visible. I think
12 it is a public benefit, but in terms of capability,
13 the gauge for me, I'm stuck at that 171 feet. And
14 if it were up to me, I'd be thinking 150 would be
15 more appropriate, because otherwise, you're just --
16 you're blocking the Shellborne. The Shellborne
17 sign is iconic.

18 I know it's not what everyone wants to hear,
19 because I know what's funding this project is
20 square footage that can be sold and I'm open to
21 discussion. I understand that there is compromise,
22 but I feel like there has to be a -- a little bit
23 of leeway on the massing and -- and that I feel
24 strongly about. I don't want to be a jerk. I want
25 this project to move forward. I want it to be

1 successful. I just feel like there needs to be a
2 little bit of middle ground on the massing, just
3 because you have the available FAR -- I'm assuming
4 that you have explored every other possible place
5 that FAR would go. But in terms of compatibility,
6 I feel like it's just a little bit too big. It's a
7 little bigger than it should need to be.

8 But so much of this is amazing. So thank you
9 so much. Thank you so much for listening and
10 responding to every single comment, I think, any of
11 us have made with a lot of thought and dedication.

12 Thank you.

13 MR. LOPEZ: Thanks, Kirk.

14 Ray?

15 MR. BRESLIN: All right. First off, I have
16 owned property five blocks from the Shore Club
17 since 1994. I lived there since -- oh, sorry, I've
18 lived there since 1998, and so therefore, I've
19 watched everything that goes on in this
20 neighborhood, so I would like to comment about some
21 of the things that you've got.

22 First off, on the 20th Street, you can easily
23 solve the problem as Martin mentioned by taking out
24 the bumper -- the bump-outs, remove the parking
25 that is currently on that street, which only

1 employees park there for the Setai, and Martin even
2 said that. So that would widen the street up and
3 make it much more usable, and that's something you
4 work on with the City of Miami Beach and -- and the
5 Setai and also the Shore Club, but that is no
6 reason to hold this project up. You simply say, We
7 have a problem. We need to address it and it's
8 addressable.

9 When you talk about the massing, you know, I'm
10 sorry, but right next door is the Goliath, and then
11 if you go another block further down and you look
12 at the 1 Hotel and Homes, that takes up full block
13 from 23rd to 24th Street, and from the air, it
14 looks like the Greek letter pi. It's the hugest
15 footprint, I think, in all of Miami Beach; it
16 certainly is in the neighborhood. So I don't think
17 that this massing is out of place.

18 And I really commend the Shore Club project
19 for listening to everything that we said in the
20 last meeting. Even though I didn't see any reason
21 to save the Grossman addition -- it looked exactly
22 like the Anis -- they -- they listened to you and
23 did exactly what everything was asked for. There
24 isn't one thing that they didn't do, and now we're
25 coming back and like throwing some other little

1 things to them and I -- I think it's sort of unfair
2 for us as a board to do that.

3 The City is now really trying to set up live,
4 work, play all in Miami Beach. We're building
5 Class-A office space. You have to have that
6 Class-A residential to have it work. We need to
7 build residences that people, whether you like it
8 or not, that can spend more than a million dollars
9 on a residence and have a place to go. So I think
10 that we really have to consider that.

11 As far as the views go, I mean, the Setai
12 already blocks a lot of views, and if you talk
13 about shadows, nobody is going to have a bigger
14 shadow than the Setai.

15 Carter McDowell, when he -- what he said about
16 the Setai is probably very accurate and I couldn't
17 say it any better; the only other thing is I say --
18 I say they throw more shadows.

19 When you talk about parking, there's a parking
20 garage on 20th Street, there is service parking on
21 21st, between 21st and 22nd, there is a 23rd Street
22 parking garage, there is more parking in that
23 neighborhood than many other places in Miami Beach,
24 and I think that we really should be looking at
25 that. Personally, just like Brian Davis from the

1 Nautilus, I like the plan that they came with last
2 time better than this one, but they listened to us;
3 they brought something to us that I think is just
4 as good as what they brought last time, and they
5 answered all of our questions.

6 And as you said, Stuart, I love the fact that
7 it looks like a ship. I thought the same things.
8 I'm glad that you mentioned it because it does; it
9 steps up like the back of a ship, it's rounded.

10 I think that they have done absolutely
11 everything that we could possibly ask for. And I
12 don't know what else to say. For me, living in
13 this neighborhood, it's an amazing project. I
14 would be proud to see this built.

15 Thank you.

16 MR. LOPEZ: Thank you, Ray.

17 I have to agree with a lot of what Kirk said,
18 and in particular, I think that the team has done
19 an amazing job and I really appreciate and was
20 surprised to see how much you guys went back to the
21 drawing boards and, you know, responded to the
22 board comments.

23 I think, in general, everybody seems very
24 positive about the project. Although I'm trying to
25 keep track, I think I've heard four members mention

1 the massing or the length, and so I'm in favor of
2 the project. I'm curious to see where we are in
3 terms of a motion and maybe because of -- maybe we
4 can do a straw poll --

5 MR. KASDIN: In response to the comments, I'm
6 authorized to make a proposed modification, which I
7 would like to present to the Board, because we
8 would like to try to bring this to closure and a
9 final vote, because everyone does agree this is a
10 great project. And although it has been said, the
11 view of the building from the north is impaired by
12 the Setai, and our neighbor to the south, the
13 Nautilus, is in favor of what we've proposed;
14 nevertheless, we hear the concerns of the Board
15 members, and so we -- what we would be willing to
16 do is to eliminate the 900-foot or so vari- --
17 waiver over the 15,000 feet. So each floor area
18 would be within the 15,000 feet of floor area
19 allowed, and at the same time, move back from the
20 east the -- each level 20 feet. So we will be
21 narrowing the building or making it less wide,
22 stepping it back and eliminating the extra -- on
23 the lower floors the extra footage, and we would
24 hope that that would be sufficient to address the
25 concerns of this Board so this beautiful project

1 can go forward.

2 MR. LOPEZ: Thank you, Mr. Kasdin.

3 I'd ask the Board to consider what we've all

4 seen and heard and see if we have a motion.

5 MS. LIEBMAN: I am happy to support this and I

6 hope we have all come finally to a very worthy end

7 to what's happening.

8 MR. LOPEZ: Is that a --

9 MS. LIEBMAN: That's my motion.

10 MR. BRESLIN: I second that motion.

11 MR. DICKMAN: Just can I be clear, are we

12 supporting this?

13 MR. LOPEZ: Straw poll.

14 MS. LIEBMAN: I think that's a good idea.

15 MR. LOPEZ: Can we do a straw poll?

16 MS. TACKETT: And if I could just have a

17 clarification from the maker of the motion: Is

18 that to accept the applicant's proffer to reduce

19 the floor plate so it shall not exceed the 15,000

20 square feet as identified in that code section --

21 MS. LIEBMAN: Yes.

22 MS. TACKETT: -- and to reduce the length of

23 the tower from the east 20 feet?

24 MR. KASDIN: At each level.

25 MS. TACKETT: At each level?

1 MS. LIEBMAN: That's fine. That's fine.

2 MR. KLEIN: What does the -- I'm sitting here

3 trying to understand what was proposed --

4 MS. LIEBMAN: Wait. Wait. Before -- the

5 other thing that I didn't mention, but it has to go

6 together because I talked about the first floor and

7 the --

8 MS. TACKETT: The traffic situation.

9 MS. LIEBMAN: The traf- -- the traffic, I'd

10 like to see that separated so that --

11 MS. TACKETT: So --

12 MS. LIEBMAN: -- that some people who know how

13 can really put it together, maybe a few people from

14 each one of the buildings can sit together and

15 figure out how they're going to put together

16 something to have people use, but as far as the

17 buildings, that's my motion. It was about the rest

18 of it.

19 MS. TACKETT: Okay. So we -- we can't require

20 other property owners to negotiate anything;

21 however, we could --

22 MS. LIEBMAN: Change it.

23 MS. TACKETT: -- include a condition that --

24 that is subject to review of our transportation

25 department -- because we have a full transportation

1 department -- that the transportation department
2 shall reevaluate their circulation and operation
3 plans in context of the existing activity on 20th
4 Street, and if transportation has recommendations
5 that require any type of significant design
6 changes, that, at that point, we would -- we would
7 bring it back to the Board.

8 MS. LIEBMAN: Perfect.

9 MS. TACKETT: Okay.

10 MR. KLEIN: So my question -- I'm sorry, and
11 I'm trying to rush this -- but I'm just trying to
12 grasp what that 900 square feet means per plate.
13 Is that bringing my building down? Is that
14 narrowing the --

15 MR. KASDIN: You can answer that.

16 MR. KLEIN: -- east to west?

17 MR. WHALEN: It's narrowing it east to west.
18 We would do it -- the entire building would be
19 20 feet -- if you look at the long side it will be
20 20 feet narrower and all the length would come off
21 the east side. So it would be pulling back 20 feet
22 further from the beach, the lowest level, the
23 middle level, the upper level, every level would
24 come back 20 feet. So the steps are just the same
25 size as now, but the whole building is pulled back

1 further -- 20 feet from the beach, and that also
2 gets us under the 15,000 maximum on the ground
3 floor.

4 MR. DICKMAN: Mr. Chair, may I --

5 MR. LOPEZ: Sir, no. We're having board
6 discussion right now.

7 MR. DICKMAN: Okay.

8 MR. LOPEZ: Anybody else from the Board?

9 MR. PASKAL: Are we getting ready to go to a
10 vote?

11 MR. BRESLIN: Well, I did -- and I did second
12 Nancy's motion as changed.

13 MR. LOPEZ: We have a motion and a second. We
14 are having board discussion, and then I think we'll
15 do a straw poll.

16 MS. TACKETT: You can -- you have a motion and
17 a --

18 MR. PASKAL: A vote --

19 MS. TACKETT: -- second so there is a pending
20 motion to vote on, but before you take the vote,
21 you can do a straw poll, yes.

22 MR. LOPEZ: Any other board discussion before
23 we do the --

24 MS. WEINSTEIN: How -- with the --

25 MR. LOPEZ: Sorry, Laura.

1 MS. WEINSTEIN: Sorry.

2 With the 20 feet, how far would it extend
3 beyond the Cromwell on the east side? Like, 50
4 feet, or 60, or 70?

5 MR. WHALEN: I have to get that number for
6 you. I don't know.

7 MR. HARRISON ROBBINS: That's what I'm --

8 MR. WHALEN: I have to look at the --

9 MR. HARRISON ROBBINS: That's the whole point.

10 MS. WEINSTEIN: Yeah, just because I --

11 MR. KARP: I'm sorry, Laura. I didn't hear
12 the question.

13 MS. WEINSTEIN: So if we go back 20 feet on
14 the east in new addition --

15 MR. KARP: Yes.

16 MS. WEINSTEIN: -- the new building, how --
17 what is this delta between the east side of the
18 Cromwell to the new -- to the new east of the new
19 building?

20 MR. KARP: It would be approximately -- well,
21 it will be approximately 45, 50 feet.

22 MS. WEINSTEIN: 45, 50.

23 And there's no way to --

24 MR. KARP: No.

25 MS. WEINSTEIN: -- reduce that floor?

1 MR. KARP: Because we also agree not to have a
2 plate larger than 15,000 square feet.

3 MS. WEINSTEIN: Yeah, I think for me, my
4 concern is just, again, the compatibility, and I
5 appreciate the, you know, the 20 feet, but I -- I
6 would -- if there was a way for it to be more, I
7 think that would be more appropriate and
8 compatible.

9 MR. KARP: If -- if we push it, because we did
10 the map while everybody was talking, if I push it
11 30 feet back and not the upper plates, I keep the
12 upper plates as they are, because they are less
13 than 15. The upper plates are like 10,000 square
14 feet and as you step down.

15 So if you let me keep the upper plates and
16 just the lower plates where the Cromwell is, push
17 it 30 feet, we can do that.

18 MR. KLEIN: So you went from 20 --

19 MR. KARP: From 20 to 30.

20 MR. KLEIN: -- to 30.

21 (Inaudible) the lower plate?

22 MR. KARP: Yes, sir.

23 MR. KLEIN: That's just the first --

24 MS. WEINSTEIN: Yeah. Right.

25 MR. KLEIN: That means that you're going to

1 come all the way into the first -- the second step.

2 MR. KARP: Yeah, if you want me to come to the
3 desk I'll point it out, and then we can be -- it's
4 the first -- it's the first step pushed back
5 30 feet, and then go straight up, and then the next
6 step is above the Cromwell. Right.

7 MR. KLEIN: You eliminate all the --

8 MR. PASKAL: We can't hear.

9 MS. TACKETT: We can't hear.

10 MR. PASKAL: Could you guys talk on mic,
11 because I can't hear the discussion. I appreciate
12 it. I'm interested.

13 MR. KLEIN: So the -- if I'm understanding
14 what's being -- being offered here is you're
15 eliminating that first bottom eastern step, and so
16 we have the building that has -- instead of one,
17 two, three, four, five, you have six, seven, eight,
18 nine -- you have a 10-story balcony section, then
19 it steps back, goes up about five more floors.

20 Am I correct?

21 MR. KARP: Yes, Barry, you are correct.

22 MR. BRESLIN: It will look more like a cruise
23 ship. The bottom of the cruise ship is always
24 bigger.

25 MR. KLEIN: I think it's a -- I think --

1 personally, I think it helps the massing --

2 MS. WEINSTEIN: I do too.

3 MR. KLEIN: -- and I would back that.

4 MR. KARP: And the length.

5 MS. WEINSTEIN: Right.

6 MR. KLEIN: And if you worked with staff even

7 to --

8 MS. WEINSTEIN: I mean, are the upper floors

9 then going to follow that same?

10 MR. KARP: The upper floors stay as shown on

11 page 84.14, yes, ma'am.

12 MS. WEINSTEIN: Okay.

13 MR. KARP: Which is less than the 15,000

14 square foot plates.

15 And as Stuart said, you know, be below the

16 15,000 so it helps us in the directions.

17 Thank you.

18 MR. PASKAL: Can -- I want to ask regarding my

19 little things, the little details, can I add those

20 as friendly amendments, design signage subject to

21 staff recommendation to restore --

22 MS. TACKETT: I can -- maybe I can help out

23 here, but first -- first, I want to clarify: So

24 the motion that we have is with regard to a 20-foot

25 setback on all floors from the east, so reduction,

1 but we just discussed 30 feet for just the
2 ground-level tier.

3 MR. KARP: Correct.

4 MS. TACKETT: So does the maker of the motion
5 accept that amendment?

6 So instead of 20 feet all the way up, we're
7 going 30 feet at that ground podium tier.

8 MS. LIEBMAN: How many floors are here? Up to
9 the top of the --

10 MS. TACKETT: Up to the top of the first tier
11 it's going to be -- it's going to be reduced by
12 30 feet from the east.

13 MR. KARP: Yes.

14 MS. LIEBMAN: Somebody is talking about the
15 Cromwell over here.

16 MS. TACKETT: Okay. We don't need to -- we
17 don't have anything specific to the Cromwell at
18 this point.

19 MR. KALLERGIS: Mics. Mics. The mics are not
20 on. Nancy, use your mic.

21 MS. LIEBMAN: I'm sorry.

22 MS. TACKETT: Get your mic closer.

23 MS. LIEBMAN: I thought that this was the
24 Cromwell up to the top, but you're talking about
25 just the first -- when you --

1 MS. TACKETT: Well, the first level is --

2 MS. LIEBMAN: Is --

3 MS. TACKETT: How many levels is the first

4 tier, Kobi?

5 MR. KARP: Eight.

6 MS. TACKETT: Eight levels.

7 So the first eight levels and the Cromwell

8 is --

9 MS. LIEBMAN: That's the same.

10 MS. TACKETT: -- is an eight-story building.

11 MS. LIEBMAN: Yes.

12 MS. TACKETT: Okay.

13 UNIDENTIFIED SPEAKER: It's about the same

14 height.

15 MR. KARP: Correct.

16 MS. TACKETT: Right. Okay. So that -- that

17 was the amendment that I think the Board -- there

18 was consensus on.

19 So, Nancy, can we modify your motion to say

20 that the --

21 MS. LIEBMAN: Yes, you put it into -- I'll

22 tell you -- I can't talk.

23 MS. TACKETT: Okay. The first eight stories

24 of the new addition shall be reduced in length by

25 30 feet from the east.

1 MS. LIEBMAN: Yes.

2 MR. KARP: She accepts. Good.

3 MS. TACKETT: Okay. Thank you.

4 And then now to Mr. Paskal. I was taking
5 notes and I can respond -- some of them I think are
6 already in our draft.

7 MR. PASKAL: Signage, landscaping, porte
8 cochere to original documentation subject to staff
9 review, those are my questions, plus --

10 MR. KARP: Yes. Yes.

11 MR. PASKAL: -- if signage for the Cromwell on
12 20th Street can be documented to reincorporate
13 this?

14 MR. KARP: Yes.

15 MS. TACKETT: So the signage for the Shore
16 Club is already in the order -- in our draft order.
17 The Cromwell --

18 MR. PASKAL: Including signage on the porte
19 cochere?

20 MS. TACKETT: Yes.

21 MR. PASKAL: Yes.

22 MS. TACKETT: The Cromwell, however, is not
23 and I noticed on Page 20 of their historic research
24 report there are two signs -- they're relatively
25 modest signs -- that do appear, and if you would

1 like the maker of the motion to consider
2 incorporating that condition for the Cromwell
3 historic signage. If you look at Page 20 on the
4 historic research report -- I believe it's
5 Page 20 -- it's, you know, pretty clear. On the
6 west side and on the north side you see the
7 relatively modest signage. We can certainly work
8 with the -- with the applicant to return those to
9 the building.

10 MR. KARP: Yes.

11 MR. PASKAL: You're open to that?

12 MR. KARP: Yes, sir.

13 MR. PASKAL: Thank you.

14 MS. TACKETT: Okay. And then we have the
15 landscape plan for the west side of the Shore Club
16 shall be further developed in a manner which opens
17 up views to the original architectural features.

18 MR. PASKAL: Right. That ensures that the
19 views don't get covered --

20 MS. TACKETT: It ensures the views and the
21 porte cochere be further developed in a manner that
22 is existent with the original design.

23 MR. PASKAL: Subject to staff review, correct.

24 MS. TACKETT: Do you accept, Nancy?

25 MS. LIEBMAN: Absolutely.

1 MR. KARP: Thank you, Nancy.

2 MS. TACKETT: Okay. Excellent.

3 MR. REED: I think we left out one thing,
4 though. Although we spoke about the building
5 coming in from the east 20 to 30 feet, I don't
6 think the amendment specifically references that
7 all of the floor plates will be within 15,000
8 square feet.

9 MS. TACKETT: We will -- we will --

10 MR. REED: And it would probably just --

11 MR. KARP: We can --

12 MS. TACKETT: We can include that in the -- in
13 the condition, absolutely.

14 MR. BRESLIN: And to that I will still second.

15 MS. TACKETT: Okay. So we do have a motion
16 and a second. It's up to you if you want to take a
17 roll call or do a straw poll.

18 MR. LOPEZ: Okay. I would suggest that --

19 UNIDENTIFIED SPEAKER: Go for it.

20 MR. LOPEZ: Just a moment. Just a moment.

21 -- that we do a straw poll and then we'll hear
22 from both Mr. Robbins and Mr. Dickman for one
23 minute each so you have a chance to say something
24 and then we will proceed with our vote.

25 Okay. So should we go ahead and do that straw

1 poll now based on the motion? We got a -- Ray,
2 yes.

3 MR. BRESLIN: Yes.

4 MR. LOPEZ: Stuart?

5 MR. REED: What?

6 MR. LOPEZ: We're going with a straw poll
7 based on the motion as amended; would you be in
8 favor of that?

9 MR. REED: No, I would like to see the revised
10 plans.

11 MR. LOPEZ: Oh.

12 MR. REED: I'd like to see them and I don't
13 think that this addresses like when we were told
14 that if -- that if there is an issue with the
15 parking and transportation that the staff would
16 address that. I would like for them to give us an
17 opinion about it.

18 MR. LOPEZ: So you would defer?

19 MR. REED: Yes.

20 MS. LIEBMAN: Wait. Wait.

21 MR. LOPEZ: We're taking a quick straw poll.

22 MR. KLEIN: Let's just vote. Let's vote.

23 Call them -- let's vote.

24 MR. LOPEZ: Barry, would you be in favor of
25 this?

1 MR. KLEIN: Yes.

2 MR. LOPEZ: Laura?

3 MS. WEINSTEIN: Yes.

4 MR. LOPEZ: Nancy? Yes?

5 MS. LIEBMAN: Yes.

6 MR. PASKAL: I'm a little on the fence. I'm

7 so supportive of the project, but I -- I'm

8 struggling with it.

9 MR. REED: One more point -- can I make one
10 comment?

11 I mean, just so that it holds, also I think
12 it's better to defer it where everybody has a
13 chance to look at it and comment on it again and
14 address concerns because I think that if we vote
15 now that there will be a number of parties that
16 feel that their concerns were not addressed.

17 MR. LOPEZ: Okay. Thank you.

18 And I'm going to -- I would support it too.

19 So that is our straw poll right now. Okay.

20 We're almost ready to vote, but we've had such
21 eager and patient folks up here I would like to
22 give them just a brief moment to make a statement.

23 One minute each, please.

24 MR. DICKMAN: Thank you, Mr. Chair.

25 As an attorney that represents local

1 governments myself, I'm very worried that you are
2 making a procedural defect that will unravel
3 everything that you are doing. The easiest way to
4 do it is just to defer, have images come back. The
5 public deserves the right to see what exactly
6 you're voting on. There's -- all you're hearing is
7 verbal discussions about redesigns. We don't know
8 what the impacts of those are. I think it would be
9 a shame for just a due process problem to unravel
10 all the good work that you're doing and thinking.
11 The reason for the concessions, I think that is a
12 good move, but you still own 20th. You have the --
13 you have the power to tell the adjoining property
14 owners, Get your asses together before you come
15 back here and come up with some solutions, so 20th
16 Street can be worked out and we can see the
17 designs, but don't have a due process violation
18 unravel everything that you're doing. Please, make
19 them come back with some sketches, nothing
20 expensive.

21 MR. LOPEZ: Thank you, Mr. Dickman.

22 Mr. Robbins.

23 MR. HARRISON ROBBINS: I was going to say what
24 Mr. Dickman said, and I do not understand what is
25 being proposed here, and I don't think it's fair

1 for us to be -- I don't know if even this whole
2 Board understands it. I don't think these verbal
3 representations without demonstrations is fair to
4 you, because I don't know if -- normally you have
5 to show drawings, normally you have to show design,
6 normally you have to show plans, and you don't have
7 plans. You're voting for something without the
8 plans. So you're opening yourself up to the due
9 process issue, but I think it's -- it's important
10 for you to really understand this and understand
11 what the impact will be.

12 In fact, there is no discussion about pushing
13 the villa back to 20 feet away from the -- the
14 walkway, I just want to mention that to you the
15 (inaudible) usual. Okay.

16 So but I'd ask you to let it come back. I'm
17 going to work with Kobi. I've already looked at
18 some sketches with him and we're working on it; we
19 already started it. So if we can get this done,
20 I'll go to Kobi's place tomorrow morning and sketch
21 out everything.

22 MR. LOPEZ: Thank you, Mr. Robbins.

23 Mr. Ciraldo.

24 MR. CIRALDO: I wanted to say thank you,
25 Chair, for putting the rules in place and

1 applicants should sit down after. I don't -- I
2 didn't really see it at this part and now coming to
3 you at full approval without the public's benefit
4 of whatever was proffered. So, you know, I would
5 hope that you guys can just remember what happened
6 with the Rally that that -- they haven't even
7 broken ground and we still don't know what it looks
8 like because at the last minute, this Board said
9 something very similar, lop off a little here, lop
10 off some there; we still don't know what it looks
11 like.

12 So for the benefit of the public's ability
13 and, you know, there is a lot of people that care
14 about this, it sounds like we're making progress.
15 I would ask that you please continue it. We know
16 it's going straight to court if you don't, so
17 please keep that in mind.

18 Thank you.

19 MR. KASDIN: Mr. Chair, I would like to
20 address the procedural issue for one minute that
21 was raised.

22 MR. LOPEZ: Okay. This is the last one minute
23 and then -- and then we're going to ask Nick a
24 question, and then I think we're going to proceed
25 with a vote.

1 MR. KASDIN: So yeah, we -- we had three of
2 them.

3 So this Board is steeped in the plans that are
4 before you and has gone over them for months. The
5 element that is being talked about being modified
6 now is a very minor element, typical of what is
7 done at the level of Boards. You know the rest --
8 all of the buildings that are being restored, the
9 Grossman, a full Anis, the Cromwell, you know, the
10 treatments of the lobbies, the facades, the
11 exterior facades, the pool area. We are talking
12 about a small item, a reduction, which is not going
13 to change the design. You know exactly what's
14 happening and the world knows exactly what is
15 happening.

16 I would also point out that in terms of
17 precedent and in terms of this Board and this City,
18 that when the W Hotel was proposed, it was going to
19 be a two-tower building, it was opposed by the
20 Roney Palace Condominium Association, and at that
21 same meeting, it went from a two-tower building to
22 a one-tower meeting (sic) with the agreement of the
23 attorney representing Roney Palace, who is Kent
24 Robbins.

25 So this is the most minor change. He knows

1 that changes are made at board meetings. And we
2 appreciate how you have worked with us to help
3 birth this magnificent project.

4 Thank you.

5 MR. LOPEZ: Thank you, everyone.

6 I think that the presentations have been
7 thorough; the teams representing both the applicant
8 and the public have been excellent. I think we
9 have had great communication here today. I think
10 the Board has had a chance to ask questions, to
11 voice concerns, to make comments. We've had the
12 applicant proffer some solutions that will actually
13 preserve the ocean views for many residents in the
14 Setai, which I think is important to many of the
15 individuals here, and I think that we may be ready
16 for a vote.

17 MS. TACKETT: Okay.

18 MR. LOPEZ: Nick, a question, though: There
19 was an issue brought up by someone here about a
20 procedural issue.

21 Is there something here that we're doing that
22 is going to become a problem down the road.

23 MR. KALLERGIS: I don't need to remind this
24 Board that you have the authority to impose
25 conditions on your approval. The Historic

1 Preservation Ordinance specifically empowers the
2 Board to -- to attach reasonable conditions and
3 safeguards to your approval.

4 The particular changes that -- that the Board
5 has included in this motion are -- are specific and
6 measurable, and I would just ask staff to confirm
7 for the record whether -- whether the planning
8 department has been given sufficient detail to --
9 to review the revised plans prior to building
10 permit.

11 MS. TACKETT: And I can confirm that I believe
12 your direction is crystal clear and specific and
13 staff has no concerns with implementing your
14 direction.

15 MR. LOPEZ: Okay. Thank you.

16 I think the Board is ready for a vote.

17 MS. TACKETT: Okay. I will call the roll.

18 Mr. Breslin?

19 MR. BRESLIN: Yes.

20 MS. TACKETT: Mr. Klein?

21 MR. KLEIN: Yes.

22 MS. TACKETT: Ms. Liebman?

23 MS. LIEBMAN: Yes.

24 MS. TACKETT: Mr. Stuart?

25 MR. REED: No.

1 MS. TACKETT: Ms. Weinstein-Berman?

2 MS. WEINSTEIN: Yes.

3 MS. TACKETT: Mr. Paskal?

4 MR. PASKAL: Yes.

5 MS. TACKETT: Mr. Lopez?

6 MR. LOPEZ: Yes.

7 MS. TACKETT: Okay. Motion passes.

8 MR. KASDIN: Thank you very much all for

9 working with us.

10 MR. LOPEZ: I think we can take a 15-minute

11 break for lunch.

12 (Thereupon, the hearing was concluded 1:57 p.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, LAURIE K. BELLE, Stenographer, certify
that I was authorized to and did stenographically report
the foregoing proceedings and that the transcript is a
true record of my stenographic notes.

I further certify that I am not a
relative, employee, attorney, or counsel of any of the
parties, nor am I a relative or employee of any of the
parties' attorneys or counsel connected with the action,
nor am I financially interested in the action.

Dated this 23rd day of May 2022.

A handwritten signature in cursive script that reads "Laurie K. Belle". The signature is written in black ink and is positioned above a horizontal line.

LAURIE K. BELLE, Stenographer

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Sec. 118-9. - Rehearing and appeal procedures.

The following requirements shall apply to all rehearings and appeals to or from the city's boards unless otherwise more specifically provided for in these land development regulations, and applicable fees and costs shall be paid to the city as required under section 118-7 and appendix A to the City Code. As used herein, "land use board(s)" shall mean the board of adjustment, design review board, historic preservation board and planning board.

(a) *Rehearings.*

(1) The types of land use board decisions eligible for a rehearing are as follows:

- A. Historic preservation board. Historic preservation board order relating to the issuance of a certificate of appropriateness, dig or demolition. Bert J. Harris rehearing is separately addressed at subsection (a)(6), below.
- B. Design review board. Design review board final order relating to design review approval, only.
- C. Except as delineated above. Rehearings are not available for any other application, or for any other land use board action without a final order.
- D. There shall only be allowed one rehearing for each final order arising from an application, although multiple persons may participate in or request the rehearing.

(2) Eligible rehearing applications shall be filed in accordance with the process as outlined in subsections A through D below:

- A. *Timeframe to file.* A petition for rehearing shall be submitted to the planning director on or before the 15th day after the rendition of the board order. Rendition shall be the date upon which a signed written order is executed by the board's clerk.
- B. *Eligible parties.* Parties eligible to file an application for rehearing are limited to:
 - (i) Original applicant(s);
 - (ii) The city manager on behalf of the city administration;
 - (iii) An affected person, which for purposes of this section shall mean either a person owning property within 375 feet of the applicant's project reviewed by the board, or a person that appeared before the board (directly or represented by counsel), and whose appearance is confirmed in the record of the board's public hearing(s) for such project;
 - (iv) Miami Design Preservation League;
 - (v) Dade Heritage Trust.
- C. *Application requirements.* The petition to the board shall be in a writing that contains all facts, law and argument, by or on behalf of an eligible party, and demonstrate the

following:

- (i) Newly discovered evidence which is likely to be relevant to the decision of the board, or
- (ii) The board has overlooked or failed to consider something which renders the decision issued erroneous.

- D. *Notice requirements.* All land use board applications eligible to request a rehearing are subject to the same noticing requirements as an application for a public hearing, in accordance with section 118-8, "Notice Procedures for Quasi-Judicial Land Use Board Actions and for Administrative Decisions Requiring Notice". The rehearing applicant shall be responsible for all associated costs and fees.
- (3) Outside counsel to the planning department. In the event of a rehearing to the applicable land use board, the planning director may engage the services of an attorney, or utilize a separate, independent, attorney from the city attorney's office, for the purpose of representing the administrative officer and planning staff during the rehearing.
 - (4) Actions by the applicable land use board. After the rehearing request is heard, the applicable land use board may take the actions outlined in subsections (i) through (v) below:
 - (i) Rehear or not rehear a case,
 - (ii) If the decision is to rehear the application, the board may take additional testimony,
 - (iii) Reaffirm their previous decision,
 - (iv) Issue a new decision, and/or
 - (v) Reverse or modify the previous decision.
 - (5) Stay of work. A rehearing application to the applicable land use board stays all work on the premises and all proceedings in furtherance of the board action; however, nothing herein shall prevent the issuance of building permits or partial building permits necessary to prevent imminent peril to life, health or property, as determined by the building official.
 - (6) Tolling. See tolling provision under (c)(6).
 - (7) Rehearings due to Bert J. Harris Claim. A petition for rehearing pursuant to a Harris Act claim, the petition shall include the following documentation which shall be submitted no later than 15 days after the submission of the petition for rehearing:
 - A. A bona fide, valid appraisal supporting the claim of inordinate burden and demonstrating the loss, or expected loss, in fair market value to the real property as a result of the board's action;
 - B. All factual data described in subsection 118-564(c), "Decisions on certificates of

appropriateness"; provided, however, in the event all or any portion of the factual data was available to the applicant prior to the conclusion of the public hearing before the historic preservation or joint design review board/historic preservation board and the applicant failed to furnish same to the board's staff as specified in subsection 118-564(c), "Decisions on certificates of appropriateness" then, the board may, in its discretion, deny the applicant's request to introduce such factual data;

- C. A report prepared by a licensed architect or engineer analyzing the financial implications of the requirements, conditions or restrictions imposed by the board on the property or development proposed by the applicant with respect to which the applicant is requesting a rehearing;
- D. A report prepared by a licensed architect or engineer analyzing alternative uses for the real property, if any;
- E. A report prepared by a licensed architect or engineer determining whether, as a result of the board action, the owner is permanently unable to attain the reasonable, investment-backed expectation for the existing use of the real property or a vested right to a specific use of the real property with respect to the real property as a whole, or that the property owner is left with existing or vested uses that are unreasonable; and
- F. A report prepared by a licensed architect or engineer addressing the feasibility, or lack of feasibility, of effectuating the board's requirements, conditions or restrictions and the impact of same on the existing use of the real property or a vested right to a specific use of the real property.

(b) *Board of adjustment—Administrative appeal procedures:*

- (1) The board of adjustment shall have the exclusive authority to hear and decide all administrative appeals when it is alleged that there is error in any written planning order, requirement, decision, or determination made by the planning director or his designee in the enforcement of these land development regulations. The planning director's decision shall be published within 30 days on the city's website for at least 30 days. An eligible party, as defined in this code, shall have 30 days, from posting on the web page to appeal the administrative determination.
- (2) Eligible administrative appeals shall be filed in accordance with the process as outlined in subsections A through D below:
 - A. *Timeframe to file:* A petition for an administrative appeal, by an eligible party, as defined in this code, shall be submitted to the planning director on or before the 30th day after the date of the publication.
 - B. *Eligible parties.* Parties eligible to file an application for an administrative appeal are

limited to the following:

- (i) Original applicant/property owner.
 - (ii) The city manager on behalf of the city administration, except for administrative appeals pursuant to sections 118-260, "Special review procedure," 118-395, "Repair and/or rehabilitation of nonconforming buildings and uses," 118-609, "Completion of work" and 142-108, "Provisions for the demolition of single-family homes located outside of historic districts".
 - (iii) An affected person, which for purposes of this section shall mean a person owning property within 375 feet of the site or application which is the subject of the administrative appeal, except for administrative appeals pursuant to sections 118-260, "Special review procedure" 118-395, "Repair and/or rehabilitation of nonconforming buildings and uses," 118-609, "Completion of work," and 118-260, "Special review procedure."
 - (iv) Miami Design Preservation League, except for administrative appeals pursuant to sections 118-260, "Special review procedure," 118-395, "Repair and/or rehabilitation of nonconforming buildings and uses," 118-260, "Special review procedure," 118-609, "Completion of work," and 142-108, "Provisions for the demolition of single-family homes located outside of historic districts."
 - (v) Dade Heritage Trust, except for administrative appeals pursuant to sections 118-260, "Special review procedure," 118-395, "Repair and/or rehabilitation of nonconforming buildings and uses," 118-260, "Special review procedure," 118-609, "Completion of work," and 142-108, "Provisions for the demolition of single-family homes located outside of historic districts."
- C. *Application requirements.* The following shall be required for all applications for administrative appeals:
- (i) The petition to the board shall be in writing; and
 - (ii) Shall be submitted by or on behalf of an eligible party; and
 - (iii) Shall set forth the factual, technical, architectural, historic and legal bases for the appeal; and
 - (iv) The party filing the appeal shall be responsible for providing all plans and exhibits, subject to planning department procedures, as well as the duplication of all pertinent plans and exhibits.
- D. *Notice requirements.* All administrative appeal applications are subject to the same noticing requirements as an application for a public hearing, in accordance with section 118-8, "Notice Procedures for Quasi-Judicial Land Use Board Actions and for

Administrative Decisions Requiring Notice." The hearing applicant shall be responsible for all associated costs and fees.

- E. *Standard of review.* The appeal shall be "de novo," meaning that the party appealing the administrative decision bears burden of going forward with evidence and of persuasion at the board of adjustment administrative appeal proceeding, and to that end, the board shall have all the powers of the officer from whom the appeal is taken. Witnesses and testimony may be considered during the hearing. The hearing is considered quasi-judicial in nature, and a public hearing is required.
- (3) *Outside counsel to the planning department.* In the event of an administrative appeal to the board of adjustment, the planning director may engage the services of an attorney, or utilize a separate, independent, attorney from the city attorney's office, for the purpose of representing the planning director who made the decision that is the subject of the appeal.
- (4) *Board of adjustment decisions on administrative appeals.* The board of adjustment may, upon appeal, reverse or affirm, wholly or partly, the order, requirement, decision, or determination. The concurring vote of five members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of the planning director or to decide in favor of the applicant on any matter upon which the board of adjustment is required to pass under these land development regulations.
- No permit shall be issued for work prior to expiration of the appeal period or final disposition of any appeal.
- (5) *Stay of work and proceedings on appeal.* An administrative appeal to the board of adjustment stays all work on the premises and all proceedings in furtherance of the action appealed from, unless one of the exceptions below applies:
- A. The planning director shall certify to the board of adjustment that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such a case, proceedings or work shall not be stayed except by a restraining order, which may be granted by the board or by a court of competent jurisdiction, upon application, with notice to the officer from whom the appeal is taken and for good cause shown; or
- B. Associated land use board hearings, may proceed to a final order, provided, however, (i) no building permit, or certificate of occupancy, or business tax receipt, dependent upon such hearing approval, shall be issued until the final resolution of all administrative and court proceedings as certified by the city attorney; and (ii) the applicant for such land use board hearing shall hold the city harmless and agree to indemnify the city from any liability or loss resulting from such proceedings.

(c) *Appeals of land use board applications.*

- (1) Decisions of the following 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:
 - A. Planning board.
 - B. Board of adjustment.
 - C. Design review board, with respect to variance decisions and administrative appeals, only.
 - D. Historic preservation board, with respect to variance decisions and administrative appeals, only.
 - E. Historic preservation special magistrate.
- (2) Decisions from the following may be appealed as noted:
 - A. *Historic preservation board.*
 - (i) Any applicant requesting an appeal of an approved application from the historic preservation board (for a certificate of appropriateness only) shall be made to the historic preservation special magistrate, except that a land use board order granting or denying a request for rehearing shall not be reviewed by the historic preservation special magistrate.
 - (ii) The historic preservation special magistrate shall meet the following requirements:
 - a. Historic preservation special magistrate qualifications, Historic preservation special magistrates appointed to hear appeals pursuant to this subsection shall be attorneys who are members in good standing of the Florida Bar and have expertise in the area of historic preservation.
 - b. Historic preservation special magistrate terms. Historic preservation special magistrates shall serve terms of three years, provided however, that they may be removed without cause upon a majority vote of the city commission. Compensation for historic preservation special magistrates shall be determined by the city commission.
 - B. *Design review board.* Any applicant requesting an appeal of an approved application from the design review board (for design review approval only) shall be made to the city commission, except that orders granting or denying a request for rehearing shall not be reviewed by the city commission.
- (3) Eligible appeals of the design review board or historic preservation board shall be filed in accordance with the process as outlined in subsections A through D) below:
 - A. Timeframe to file. A petition for an appeal shall be submitted to city clerk on or before

the 20th day after the rendition of the board order. Rendition shall be the date upon which a signed written order is executed by the board's clerk.

- B. Eligible parties to file an application for an appeal are limited to the following:
- (i) Original applicant;
 - (ii) The city manager on behalf of the city administration;
 - (iii) An affected person, which for purposes of this section shall mean either a person owning property within 375 feet of the applicant's project reviewed by the board, or a person that appeared before the board (directly or represented by counsel) and whose appearance is confirmed in the record of the board's public hearing(s) for such project;
 - (iv) Miami Design Preservation League;
 - (v) Dade Heritage Trust.
- C. Application requirements:
- (i) The appeal shall be in writing, and include all record evidence, facts, law and arguments necessary for the appeal (this appellate document shall be called the "brief"); and
 - (ii) Shall include all applicable fees, as provided in appendix A; and
 - (iii) Shall be by or on behalf of a named appellant(s); and
 - (iv) Shall state the factual bases and legal argument in support of the appeal; and
 - (v) A full verbatim transcript of all proceedings which are the subject of the appeal shall be provided by the party filing the petition, along with a written statement identifying those specific portions of the transcript upon which the party filing it will rely for purposes of the appeal. The verbatim transcript and written statement shall be filed no later than two weeks prior to the first scheduled public hearing to consider the appeal.
- D. Notice requirements. All applications for an appeal of the design review board or historic preservation board are subject to the same noticing requirements as an application for a public hearing, in accordance with section 118-8, "Notice Procedures for Quasi-Judicial Land Use Board Actions and for Administrative Decisions Requiring Notice." The appeal applicant shall be responsible for all associated costs and fees.
- (4) Action. In order to reverse, amend, modify, or remand amendment, modification, or rehearing the decision of the board, the city commission (for design review board appeals), and the historic preservation special magistrate (for historic preservation board appeals of certificates of appropriateness. Dig or demolition), shall find that the board did not comply with any of the following:

- (i) Provide procedural due process;
- (ii) Observe essential requirements of law; and
- (iii) Based its decision upon substantial competent evidence.

The decision on the appeal shall be set forth in writing, and shall be promptly mailed to all parties to the appeal. In order to reverse, or remand, a five-sevenths vote of the city commission is required for appeals of the design review board to the city commission.

- (5) Stay of work and proceedings on appeal. An appeal of a board order stays all work on the premises and all proceedings in furtherance of the action appealed from, unless one of the exceptions below applies:
- (i) A stay would cause imminent peril to life or property. In such a case, proceedings or work shall not be stayed except by a restraining order, which may be granted by the board or by a court of competent jurisdiction, upon application for good cause shown;
 - (ii) As applicable only to an appeal arising from the planning board's approval of a conditional use permit, the city may accept, for review purposes only, a building permit application during a pending appeal in circuit court. The applicant shall be required to pay all building permit fees, which fees shall be nonrefundable. Despite the foregoing, no building permit shall issue while the circuit court appeal is pending. Should the decision on the circuit court appeal (petition for certiorari) decision be rendered in favor of the conditional use permit applicant, the applicant may proceed with construction and operations, excluding entertainment operations, pending any further appeals to the Third District Court of Appeal or other appellate proceedings, so long as the following conditions are met:
 - a. The building permit may issue and shall remain active until the final resolution of all administrative and court proceedings;
 - b. No final certificate of occupancy (CO) or certificate of completion (CC) shall be issued, and no entertainment operations or entertainment business shall commence or take place, until the final resolution of all administrative and court proceedings;
 - c. The conditional use permit was appealed by a party other than (i) the city, or (ii) an applicant appealing a denial of a conditional use permit application;
 - d. The property subject to the conditional use permit is located within (i) a commercial district, and (ii) a historic district;
 - e. The scope of the conditional use permit is limited to modifications to an existing structure;
 - f. The applicant shall prior to the issuance of the building permit, either: (i) place

funds in escrow, or (ii) obtain a bond, either of which must be in an amount that is at least equal to or greater than 100 percent of the value of the work proposed under the building permit;

- g. The applicant is not seeking the demolition of any portion of a contributing structure; and
- h. In the event that the conditional use permit is reversed on appeal, the applicant must immediately amend or abandon the building permit or building permit application without any liability to the city, and a CC or CO shall not be issued. Additionally, no BTR for entertainment shall issue.

In order for a building permit to issue pursuant to this subsection (c)(5)(ii), pending any further appeals to the Third District Court of Appeal or other appellate proceedings, the applicant shall be required to comply with all of the conditions in subsections (c)(5)(ii)a. through h., as well as all conditions of the conditional use permit. The applicant shall also be required to execute a written agreement (in a form acceptable to the city attorney) holding the city harmless and indemnifying the city from any liability or loss resulting from the underlying appellate or administrative proceedings, any civil actions relating to the application of this subsection (c)(5)(ii), and any proceedings resulting from the issuance of a building permit, and the non-issuance of a TCO, TCC, CC, CO or BTR for the property. Such written agreement shall also bind the applicant to all requirements of the conditional use permit, including all enforcement, modification, and revocation provisions; except that the applicant shall be ineligible to apply for any modifications to the conditional use permit or any other land use board order impacting the property, until the final resolution of all administrative and court proceedings as certified by the city attorney. Additionally, the applicant must agree that in the event that the conditional use permit is reversed, the applicant shall be required to restore the property to its original condition. The city may utilize the bond to ensure compliance with the foregoing provisions.

- (6) Tolling during all appeals. Notwithstanding the provisions of subsections 118-193(2), "Applications for conditional uses," 118-258(c), "Building permit application," 118-532(c), "Proceedings before the historic preservation board," or 118-564(11), "Decisions on certificates of appropriateness," in the event the original decision (board order) of the applicable board, is timely appealed, the applicant shall have 18 months, or such lesser time as may be specified by the board, from the date of final resolution of all administrative and/or court proceedings to obtain a full building permit, a certificate of

occupancy, a certificate of use or a certificate of completion, whichever occurs first. This tolling provision shall only be applicable to the original approval of the board and shall not apply to any subsequent requests for revisions or requests for extensions of time.

(Ord. No. 2015-3977, § 1, eff. 12-19-15; Ord. No. 2017-4083, § 1, 4-26-17; Ord. No. 2018-4185, § 1, 4-11-18; Ord. No. 2021-4431, 7-28-21)