

CAP FINAL SUBMISSION

May 11, 2017

PAPARAZZI AT THE BREAKWATER HOTEL

940 OCEAN DRIVE . MIAMI BEACH, FL. 33139

HPB# 17-0106

SCOPE OF WORK

This is an COMB-HPB Certificate of Appropriateness application for an awning system currently located at the iconic Breakwater Hotel, 940 Ocean Drive. The Hotel was originally built in 1936 by Yugoslavian architect Anton Skislewicz.

The scope of work includes reducing the existing awning arms to allow a maximum awning extension of 9'-0" outside of the property line. The current awnings are capable of fully extending 13'-6".

The scope also includes the removal of items (ie: speakers) suspended from the awnings as recommended by the staff at COMB Historic Preservation. The awning fabric will remain sunbrella marine-grade, color - white and will not obstruct views of the building's iconic facade. The awning will continue to provide maximum sun-protection for customers, while meeting compliance of the 'City of Miami Beach Mayor's Ocean Drive Task Force Final Report' dated January 13th, 2016.

ZONING DATA

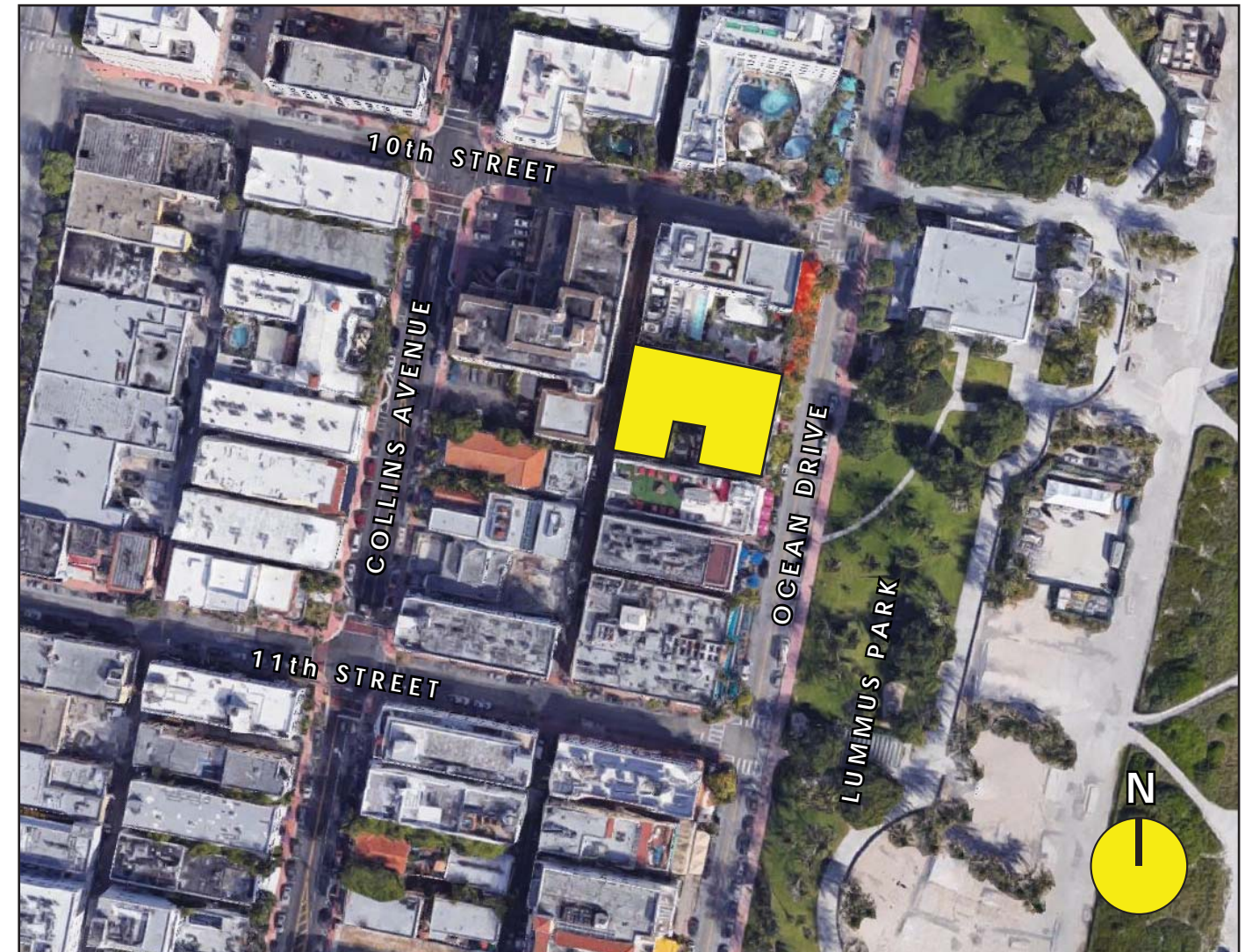
LOCAL CODE: CITY OF MIAMI BEACH, ZONING ORDINANCE

ZONING: 6501 COMMERCIAL (MXE) MIXED USED ENTERTAINMENT

FOLIO NO: 02-3234-008-0010

OCEAN BEACH ADDN NO 2 PB 2-56|LOTS 1 & 2 BLK

PROPOSED AREA: NO NEW AREA TO BE PROPOSED



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SUBMISSION INDEX

PAPARAZZI AT THE BREAKWATER HOTEL
940 OCEAN DRIVE
MIAMI BEACH, FL 33139

MAY 11, 2017

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DIVISION 13. - MXE MIXED USE ENTERTAINMENT DISTRICT^[7]

Footnotes:

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Cross reference— Businesses, ch. 18.

Sec. 142-540. - Purpose.

The MXE mixed use entertainment district is designed to encourage the substantial restoration of existing structures and allow for new construction.

(Ord. No. 89-2665, § 6-16(A)(1), eff. 10-1-89; Ord. No. 96-3050, § 2, 7-17-96; Ord. No. 96-3052, § 1, 9-11-96)

Sec. 142-541. - Main permitted uses.

The main permitted uses in the MXE mixed use entertainment district are apartments; apartment-hotels; hotels; commercial development as specified in section 142-546, and religious institutions with an occupancy of 199 persons or less.

(Ord. No. 89-2665, § 6-16(A)(2), eff. 10-1-89; Ord. No. 96-3050, § 2, 7-17-96; Ord. No. 96-3052, § 1, 9-11-96; Ord. No. 2014-3869, § 1, 5-21-14)

Sec. 142-542. - Conditional uses.

The conditional uses in the MXE mixed use entertainment district are major cultural dormitory facilities as specified in section 142-1332; public and private cultural institutions open to the public; religious institutions with an occupancy greater than 199 persons banquet facilities; new construction of structures 50,000 square feet and over (even when divided by a district boundary line), which review shall be the first step in the process before the review by any of the other land development boards; outdoor entertainment establishment; neighborhood impact establishment; and open air entertainment establishment. For purposes of this section, banquet facilities shall be defined as an establishment that provides catering and entertainment to private parties on the premises and are not otherwise accessory to another main use.

(Ord. No. 89-2665, § 6-16(A)(3), eff. 10-1-89; Ord. No. 96-3050, § 2, 7-17-96; Ord. No. 96-3052, § 1, 9-11-96; Ord. No. 2004-3447, § 1, 5-26-04; Ord. No. 2007-3546, 1-17-07; Ord. No. 2014-3869, § 1, 5-21-14)

Sec. 142-543. - Accessory uses.

The accessory uses in the MXE mixed use entertainment district are as follows:

- (1) Those uses permitted in Article IV, Division 2 of this chapter.
- (2) Uses that serve alcoholic beverages are also subject to the regulations set forth in Chapter 6.

- (3) Accessory outdoor bar counters, pursuant to the regulations set forth in Chapter 6, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is adjacent to a property with an apartment unit, the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m.
- (4) Oceanfront hotels with at least 100 hotel units may operate and utilize an accessory outdoor bar counter, notwithstanding the restriction on the hours of operation, set forth in subsection (1) of this section, provided the accessory outdoor bar counter is located in the rear yard and set back 20 percent of the lot width (50 feet minimum) from any property line adjacent to a property with an apartment unit thereon.

(Ord. No. 89-2665, § 6-16(A)(4), eff. 10-1-89; Ord. No. 96-3050, § 2, 7-17-96; Ord. No. 96-3052, § 1, 9-11-96; Ord. No. 2016-4005, § 1, 3-9-16)

Sec. 142-544. - Prohibited uses.

The prohibited uses in the MXE mixed use entertainment district are accessory outdoor bar counters, except as provided in this chapter.

(Ord. No. 89-2665, § 6-16(A)(5), eff. 10-1-89)

Sec. 142-545. - Development regulations.

The development regulations in the MXE mixed use entertainment district are as follows:

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
All uses—2.0 Except convention hotel development (as set forth in section 142-841)—3.5	N/A	N/A	Existing structures: Apartment units—400 Hotel units— in a local historic district/site— 200 Otherwise: 15%: 300— 335 85%: 335+ New construction: Apartment	Existing structures: Apartment units—550 Hotel units—N/A New construction: Apartment units—800 Hotel units—N/A	Architectural district: Oceanfront— 150 Non-oceanfront— 50 (except as provided in section 142-1161) All other areas—75 (except as provided in section 142-	Architectural district: Oceanfront— 16 Non-oceanfront—5 (except as provided in section 142-1161) All other areas—8 (except as provided in section 142-

			units—550 Hotel units: 15%: 300— 335 85%: 335+		1161)	1161)
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(Ord. No. 89-2665, § 6-16(B), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 92-2830, eff. 1-16-93; Ord. No. 94-2949, eff. 10-15-94; Ord. No. 96-3052, § 1, 9-11-96; Ord. No. 97-3097, § 2, 10-8-97; Ord. No. 98-3107, § 1, 1-21-98; Ord. No. 98-3150, § 1, 11-4-98)

Sec. 142-546. - Additional restrictions for lots fronting on Ocean Drive, Ocean Terrace and Collins Avenue.

In the MXE **mixed use entertainment** district permitted uses in existing buildings at the time of adoption of this section with two stories or less fronting on Ocean Drive or Ocean Terrace and any building fronting on Collins Avenue from Sixth Street to 16th Street shall comply with the following:

- (1) The entire building shall be substantially renovated and comply with the South Florida Building Code, fire prevention safety code and the property maintenance standards. If the building is a historic structure, the plans shall substantially comply with the Secretary of the Interior Standards and Guidelines for Rehabilitating Historic Structures, U.S. Department of the Interior (revised 1983), as amended.
- (2) The buildings may contain offices, retail, food service establishments, alcoholic beverage establishments, and residential uses or any combination thereof. Medical and dental offices shall be prohibited uses in the MXE districts. Commercial uses located above the ground floor shall only have access from the interior of the building; no exterior access shall be permitted, unless a variance from this requirement is granted.
- (3) Required parking may be satisfied through participation in the parking impact fee program as set forth in chapter 130, article V, where applicable under the regulations contained therein.
- (4) No existing building shall be internally reconstructed to change the number of stories except that 20 percent of each floor plate may be removed to create an open area or atrium.
- (5) For existing buildings with two stories or less fronting on Ocean Drive or Ocean Terrace, the addition of a story shall require that commercial uses comply with all provisions of section 142-904 for accessory uses, unless a variance from the provisions of section 142-904 is granted. For purposes of example only, in buildings described in the foregoing sentence, the existence of commercial uses on the ground floor which exceed 25 percent of the floor area shall not, upon the addition of one story, be deemed grandfathered in, and the percentage of commercial uses on the ground floor, upon the addition of one story, must comply with the requirements of section 142-904, except if a variance is granted.
- (6) No variances shall be granted from the requirements of this section 142-546, except as specified in subsections 142-546(2) and 142-546(5).

(Ord. No. 89-2665, § 6-16(C), eff. 10-1-89; Ord. No. 92-2830, eff. 1-16-93; Ord. No. 96-3052, § 1, 9-11-96; Ord. No. 2016-4005, § 1, 3-9-16)

Sec. 142-547. - Setback requirements.

(a) The setback requirements for the MXE **mixed use entertainment** district are as follows:

- (1) *Front.*
 - a. Oceanfront: Pedestal and tower, 50 feet; however, sculptures, fountains or architectural features when approved by the design review board are permitted in the required front yard.
 - b. Non-oceanfront:
 - 1. Pedestal, ten feet.
 - 2. Lots 100 feet in width or greater, 20 feet; for buildings with a ten-foot-deep covered front porch running substantially the full width of the building front, the front setback shall be five feet. Furthermore, for lots 100 feet in width or greater, the front setback shall be extended to include at least one courtyard, open to the sky, with a minimum width of ten feet and a minimum area of three square feet for every linear foot of lot frontage.
 - 3. Tower, 50 feet.
- (2) *Side, interior.*
 - a. Oceanfront: Pedestal and tower, 15 percent of the lot width.
 - b. Nonoceanfront:
 - 1. Architectural district, five feet.
 - 2. All other areas:
 - i. Pedestal, five feet.
 - ii. Tower, 7.5 feet.
- (3) *Side, facing a street.*
 - a. Oceanfront: Pedestal and tower, 15 percent of the lot width, plus five feet.
 - b. Nonoceanfront: Ten percent of the lot width plus five feet, not to exceed 25 feet. However, lots less than 100 feet in width shall have a setback of five feet.
 - 1. Nonoceanfront structures may comply with these requirements or have the option of the following:
 - i. Pedestal, five feet.
 - ii. Tower, 7.5 feet.
 - 2. Provided that nonoceanfront lots 100 feet or greater in width shall incorporate the following:
 - i. A ten-foot-deep porch running substantially the full side length of the building, with a minimum floor-to-ceiling height of 12 feet; and
 - ii. One courtyard, open to the sky, with a minimum of 1,000 square feet and a minimum average depth of 20 feet. The long edge of the courtyard shall be along the side property line. The area of the courtyard shall be increased by an additional 50 square feet for every one foot of building height above 30 feet as measured from grade.
- (4) *Rear.*
 - a. Oceanfront: 25 percent of the lot depth or 75 feet minimum from the bulkhead line, whichever is greater.

- b. Nonooceanfront:
1. Architectural district, zero feet if abutting an alley, otherwise ten feet.
 2. All other areas, ten feet.
- (b) Existing structures which are being substantially renovated are permitted to retain the existing setback areas; however, the setback area shall not be reduced. When additional floors are constructed, they shall be permitted to retain the same setbacks as the existing floors. The provisions of section 118-398 relating to bulk shall not be applicable to the foregoing setback requirements.

(Ord. No. 89-2665, § 6-16(D), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 96-3052, § 1, 9-11-96)

Sec. 142-548. - Reserved.

Editor's note— Ord. No. 98-3150, § 1, adopted Nov. 4, 1998, repealed § 142-548, which pertained to additional maximum height regulations, and derived from Ord. No. 89-2665, § 6-16(e), eff. 10-1-89; Ord. No. 92-2830, eff. 1-16-93; and Ord. No. 96-3052, § 1, adopted 9-11-96.

Sec. 142-549. - Noise overlay district.

Section 46-151 et seq. establishes noise exceptions for a specific area as described in those sections.

(Ord. No. 89-2665, § 12C, eff. 10-1-89)

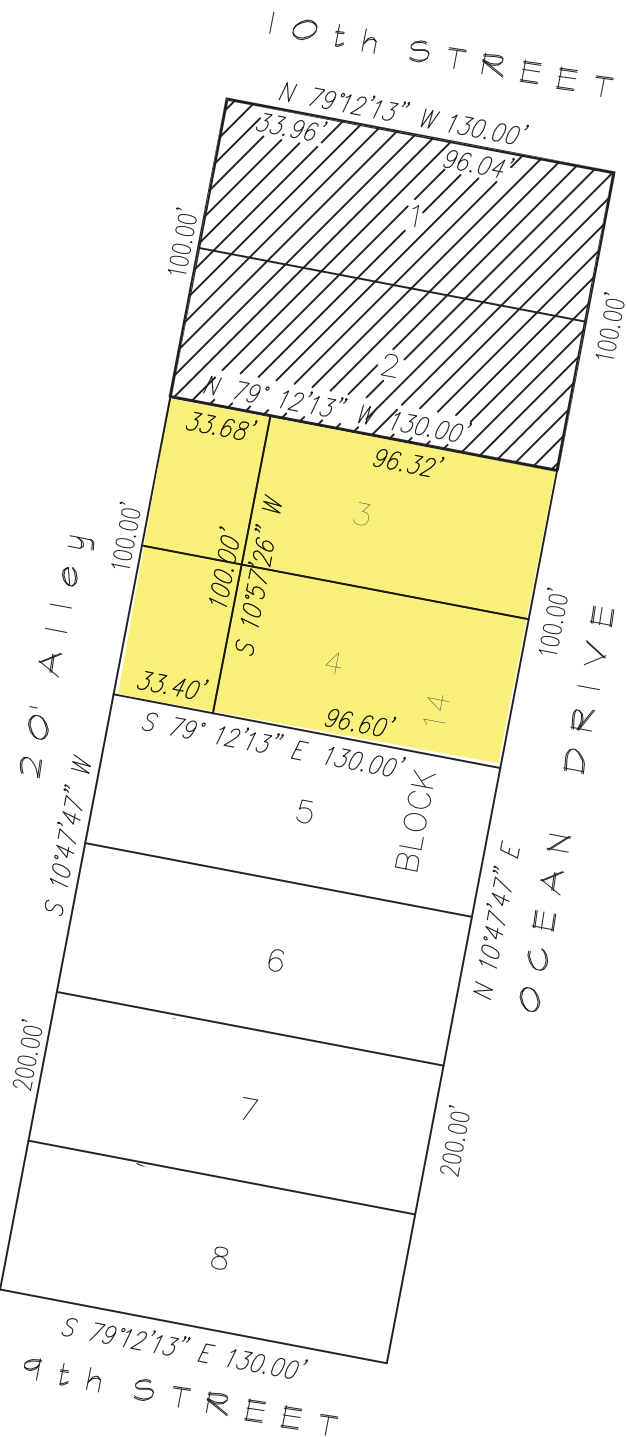
Sec. 142-550. - Additional regulations for new construction.

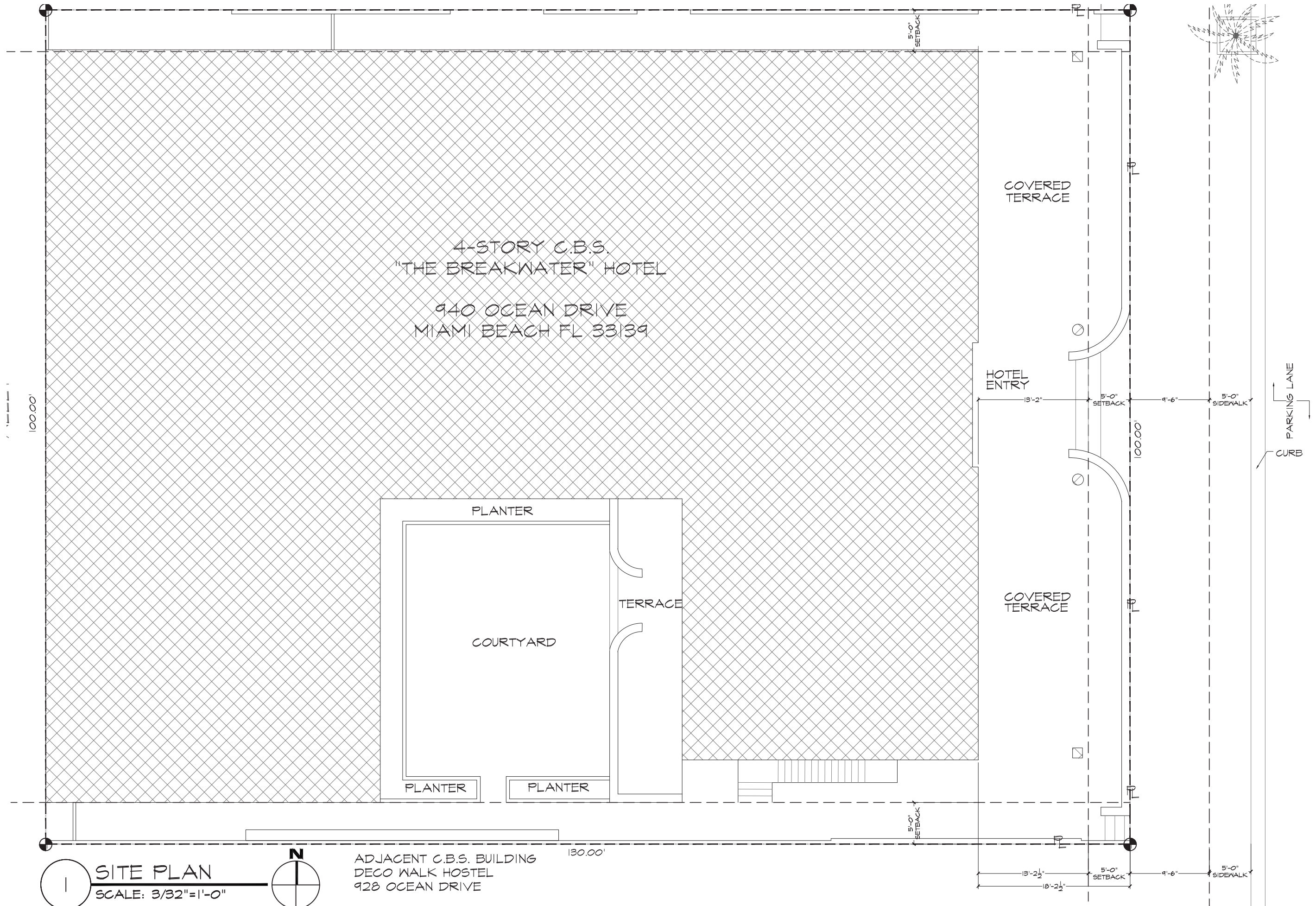
In the MXE district, all floors of a building containing parking spaces shall incorporate the following:

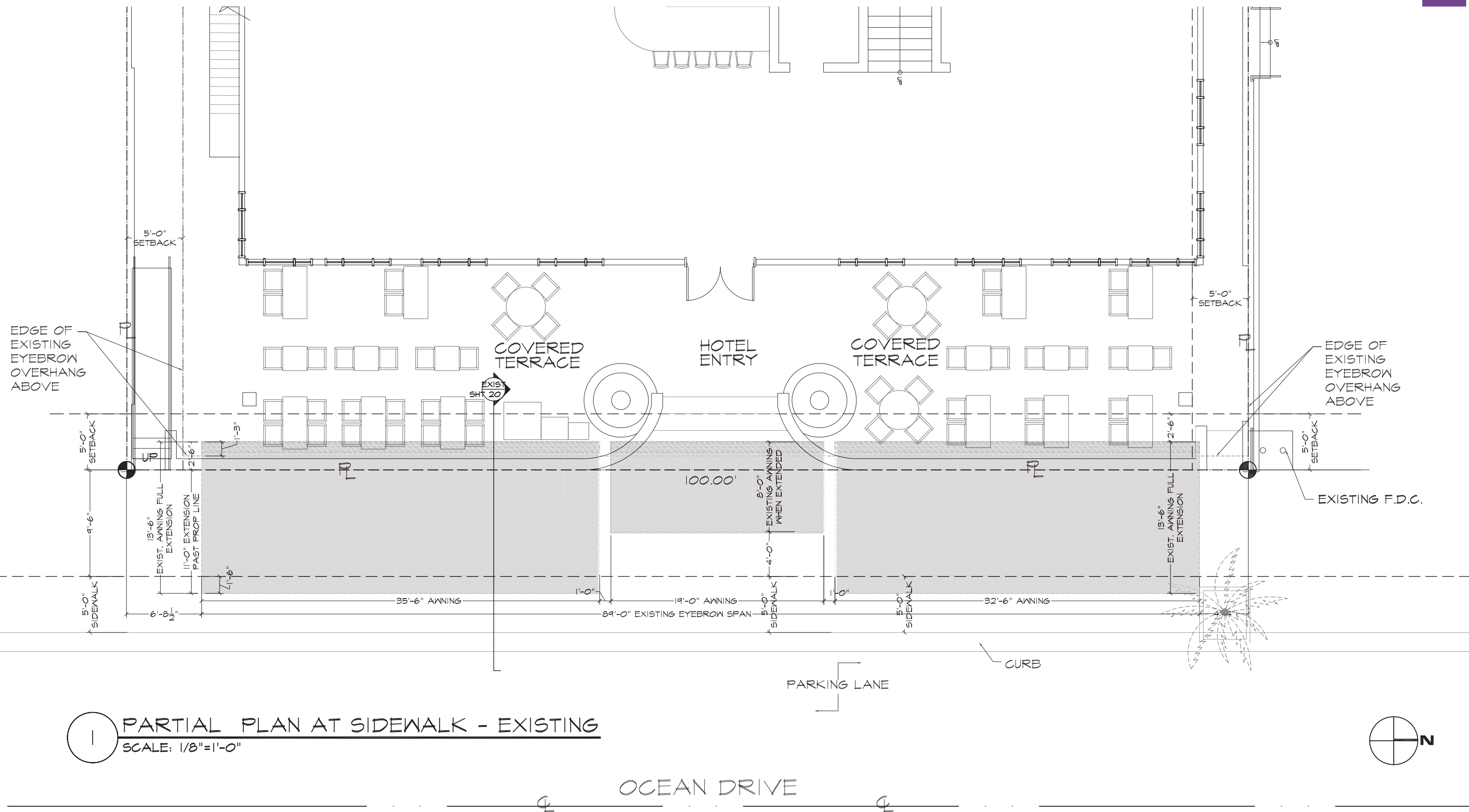
- (1) Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
- (2) Residential or commercial uses above the first level along every facade facing a waterway.
- (3) For properties less than 60 feet in width, the total amount of residential or commercial space at the first level along a street side shall be determined by the design review or historic preservation board, as applicable. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential or commercial uses; the total amount of residential or commercial space shall be determined by the design review or historic preservation board, as applicable, based upon their respective criteria.

(Ord. No. 2006-3510, § 8, 3-8-06)

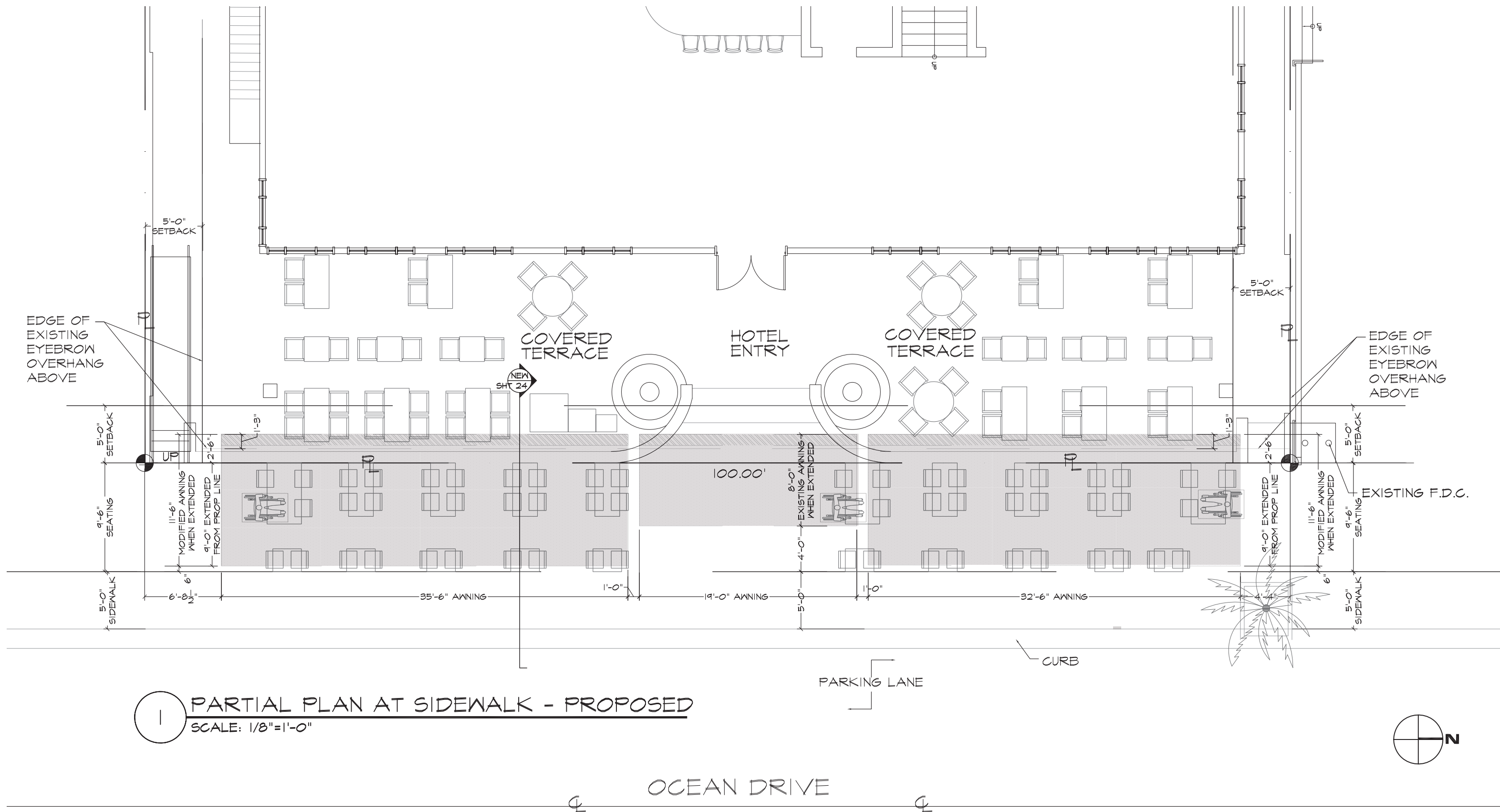
Secs. 142-551—142-570. - Reserved.



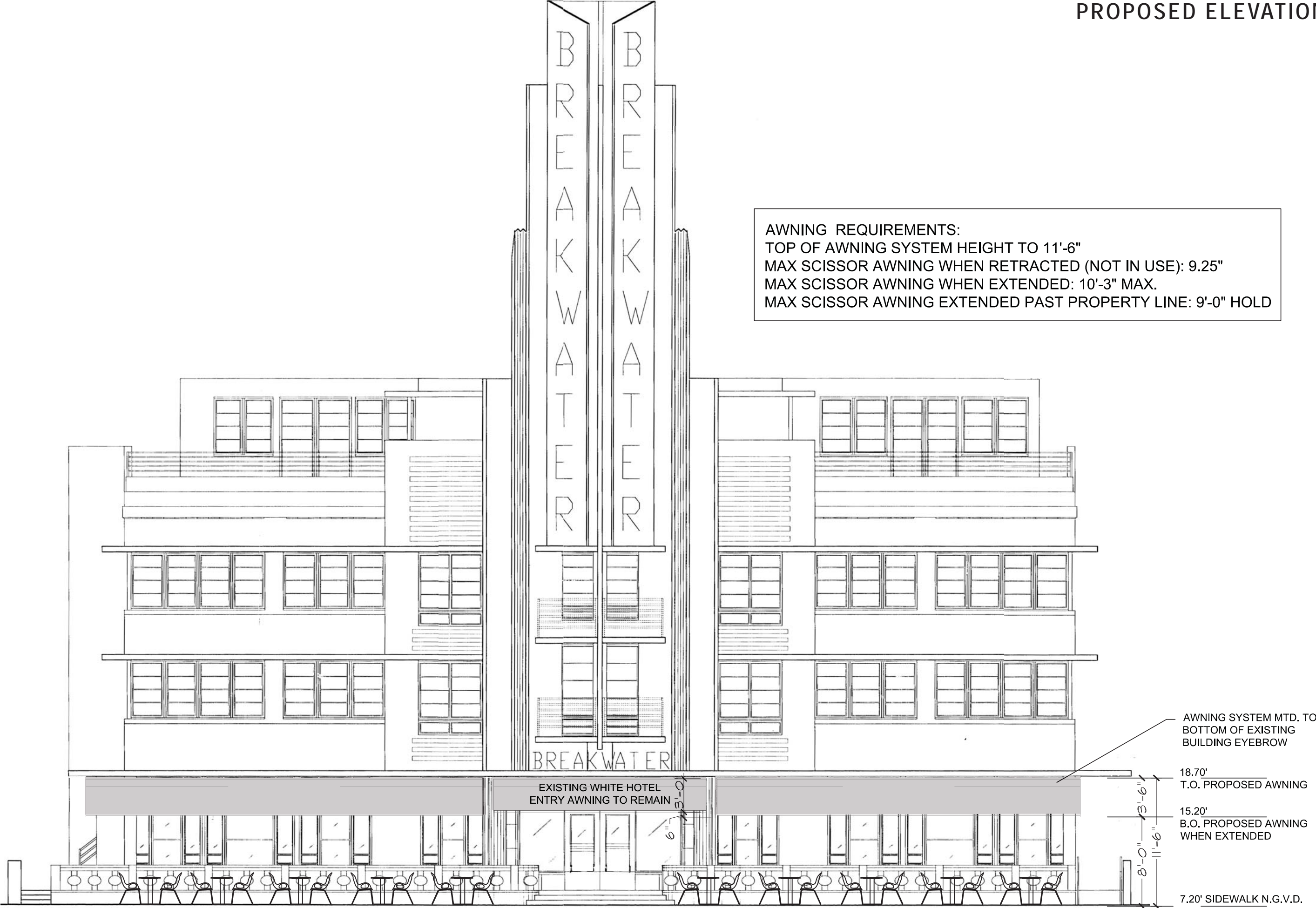


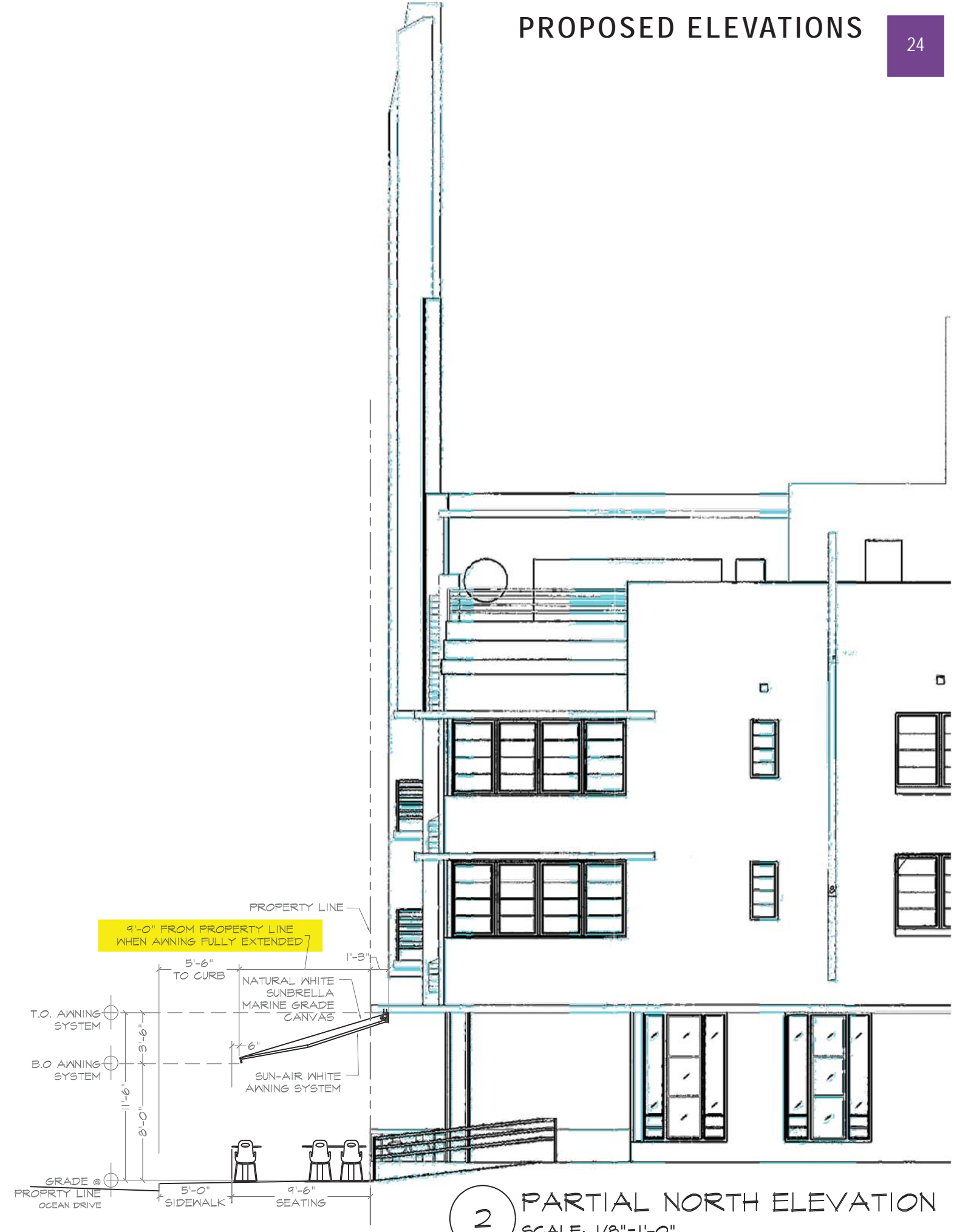
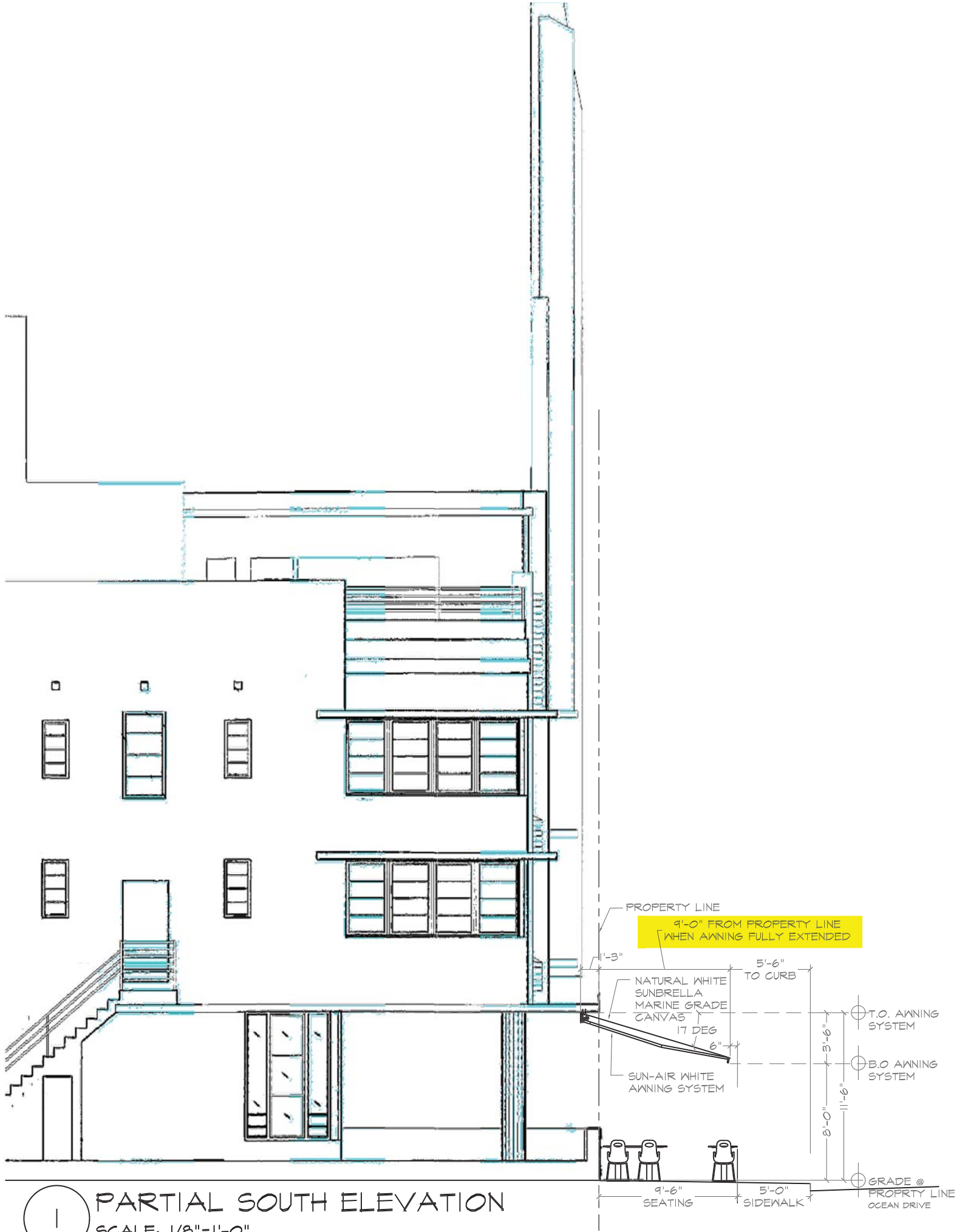


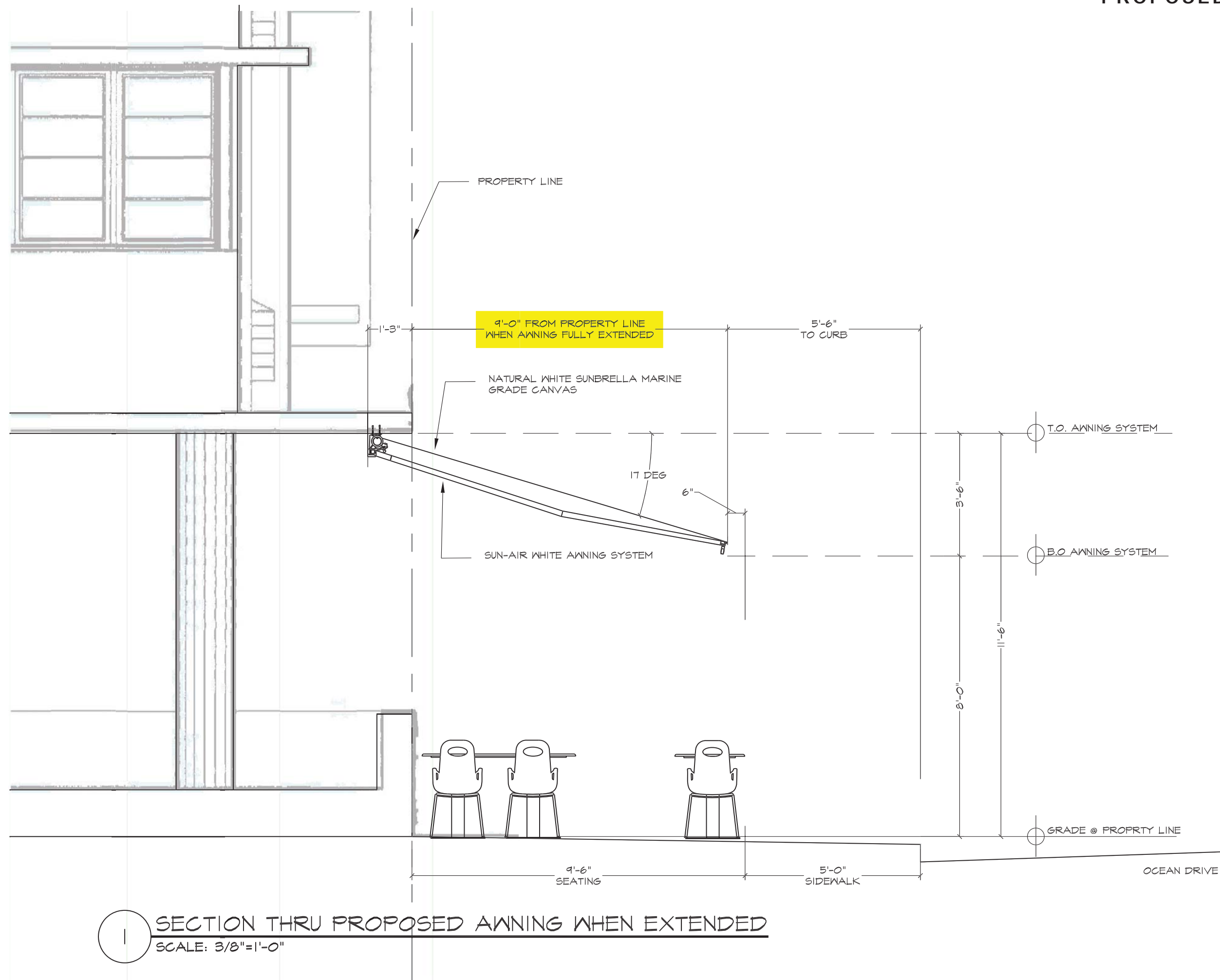
*NOTE: FOR EXISTING PARTIAL FLOOR PLAN IN THE RETRACTED AWNING POSITION, REFER TO PAGE 21 THIS PACKAGE.
THE EXISTING AND PROPOSED RETRACTED CONDITIONS ARE THE SAME.



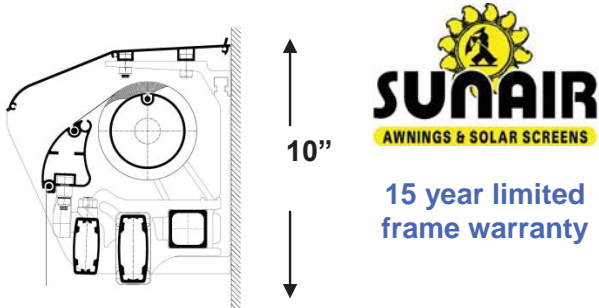
*NOTE: FOR EXISTING PARTIAL FLOOR PLAN IN THE RETRACTED AWNING POSITION, REFER TO PAGE 21 THIS PACKAGE.
THE EXISTING AND PROPOSED RETRACTED CONDITIONS ARE THE SAME.







SUNAIR®
Retractable patio awning



- Highest quality Lateral Arm Awning.
- Forged aluminum elbow and shoulder components.
- Double stainless PVC coated cable arm design for durability.
- 4:1 / 8:1 Bevel gear for most efficient operation.
- All aluminum extruded front bar, Torsion bar, and roller tube.
- Powder coated components and extrusions.
- A stop in the gear to prevent the fabric from over rolling
- Stainless steel fasteners
- Optional: One-piece aluminum hood system.
- Optional: XP Cross over arms & Valance Plus.

The Sunair® retractable patio awning model is the matriarch of our retractable awning line. This product has evolved over the years as a top of the line awning product on the market using only the finest materials, with extremely attractive styling. The Sunair® model also comes standard with many of options not normally associated standard on other awning system.

Awning Style	Type	Standard Frame Colors	Standard Widths	Standard Projections	Recommend Application	Recommend Fabrics to Use
	Sunair Lateral Arm Awning	White, Ivory, Mocha, Brown, Bronze, Grey, Taupe, Forest Green, & Black	Through 35' 40' Possible	4'2", 5'7" 6'11", 8'7", 10'2", 11'6", 13'0" 14'0"	Deck, Patio, or Storefront	Para, Sunbrella, Sattler, Dickson

SUNAIR® FEATURES:			COMPETITION	SUNAIR® BENEFIT:
ARMS		All arm parts under stress are made of forged aluminum including the shoulder, elbow, and arm components. All arms 8' 7" and above use three heavy duty steel springs.	Typically the competition uses all Die-cast or extruded aluminum arm parts. The competition typically uses one or two springs to save on cost.	Forged aluminum arm components are stronger than all die castings or extrusions resulting in a stronger awning against the elements. Three heavy duty steel springs provide better arm tension and longer arm life.
FLEXIBILITY		Sunair® uses only the strongest materials yet is engineered for flexibility with a unique two way movable front arm attachment.	Most systems use a single front pin that only moves in one direction.	Our unique two way movable front arm attachment relieves strain, increases flexibility and strength in the arm which reduces damage.
ELBOW		The Sunair® uses twin high quality stainless aircraft cable covered in a vinyl PVC sleeve. The hinge is triple angled with an elliptical cable radius.	Typically the competition uses a single smaller cable which is not always coated. Most systems do not have this angle and the fabric rubs on the arms.	Twin covered cables are far superior to a single cable, as cable wear is reduced, allowing better arm and fabric tension and durability. The elliptical cable radius increases tension as the awning extends. The angles help keep the fabric from dragging on the arms.
FABRIC		Hundreds of 100% acrylic premium grade solid and striped fabric colors to choose from. You surely will find a fabric to suite your need and taste.	Sometimes the competition uses vinyl or a non acrylic fabric. Some companies use poor quality lighter thickness acrylics fabrics.	Acrylic fabric is more attractive and breaths better than vinyl. Vinyl traps heat and will crack over time. Acrylic fiber is also resistant to fading and mildew and has a water repellant Teflon coating.
PROFILES & PAINT		All extrusions and components are exclusively made of the highest quality aluminum. The extrusions and aluminum parts all electro statically powder coated.	The competition often mixes aluminum and steel profiles to save on cost. Many competitors also say that they powder coat the components, but they actually wet – lacquer the extrusions to save on cost.	Aluminum extrusions are strong, yet will not corrode over time like steel. This equates to a longer lasting awning.
GEARS		Sunair® uses a heavy duty German 4:1 ratio bevel gear with a stop. A 13:1 gear is used on larger widths.	The competition often uses inferior quality 7:1 gears without a stop	The 4:1 gear is the most efficient gear made. This gear minimizes the time and effort needed in operating a manual awning. The stop eliminates fabric damage due to over rolling.
THREAD		All fabrics are sewn with Tenara® thread. This thread is manufactured from GORE-Tex, and is clear and nearly invisible.	The competition typically uses a synthetic thread. Often the competition cuts corners and uses only a white thread which is very visible on the fabric.	Tenara® thread is made of Teflon and will not deteriorate from exposure to the elements. The clear thread is nearly invisible on most fabric colors.

SUNAIR® OPTIONS:

MOTORIZING



Telis 1 remote
for RTS motors



Standard
toggle switch



Eolis Wirefree
Motion sensor



Sunis Sun
sensor

MOTORIZING YOUR AWNING MAKES IT EASY TO OPERATE

The SOMFY RTS motor features an integrated radio receiver that allows you to operate the awning by remote. With the plug-in cord, you can eliminate the electrician and plug the motor into an exterior outlet. This motor can be hard wired as well by cutting off the plug at the end of the cord.

Somfy motors are also available as a traditional hardwire system and a normal toggle switch can be installed inside on the wall. With a simple flick of a switch either on the wall or with a remote, the awning will extend or retract automatically.

SOMFY offers two Sun and Wind systems. These sensors either retract or extend your awning when sunny, or help protect it from damaging wind.

The Battery operated Eolis Wirefree motion sensor can be used if you only require wind control. Add a Sunis sun sensor for sun control. These controls are battery operated and do not require an electrician.

9 STANDARD FRAME COLORS

Note:
Standard colors depicted
on right are not exact.
See sample color chips for
actual color.



The Sunair® model is available in 9 each standard powder coat frame colors, the most in the industry. Over 200 each custom "RAL" frame colors are available by special order and upcharge.

100's OF FABRIC COLORS

FABRIC



Sunair® offers hundreds of 100% acrylic fabric colors from the leading national fabric weavers like, Tempotest by Para, Sattler, Sunbrella, and Dickson by Glen Raven Mills.

Fabric Covers:

Every sewn fabric cover from Sunair® is cut and sewn using state of the art computer aided ultrasonic machines, assuring a better fit and performance of the fabric on the awning frame.

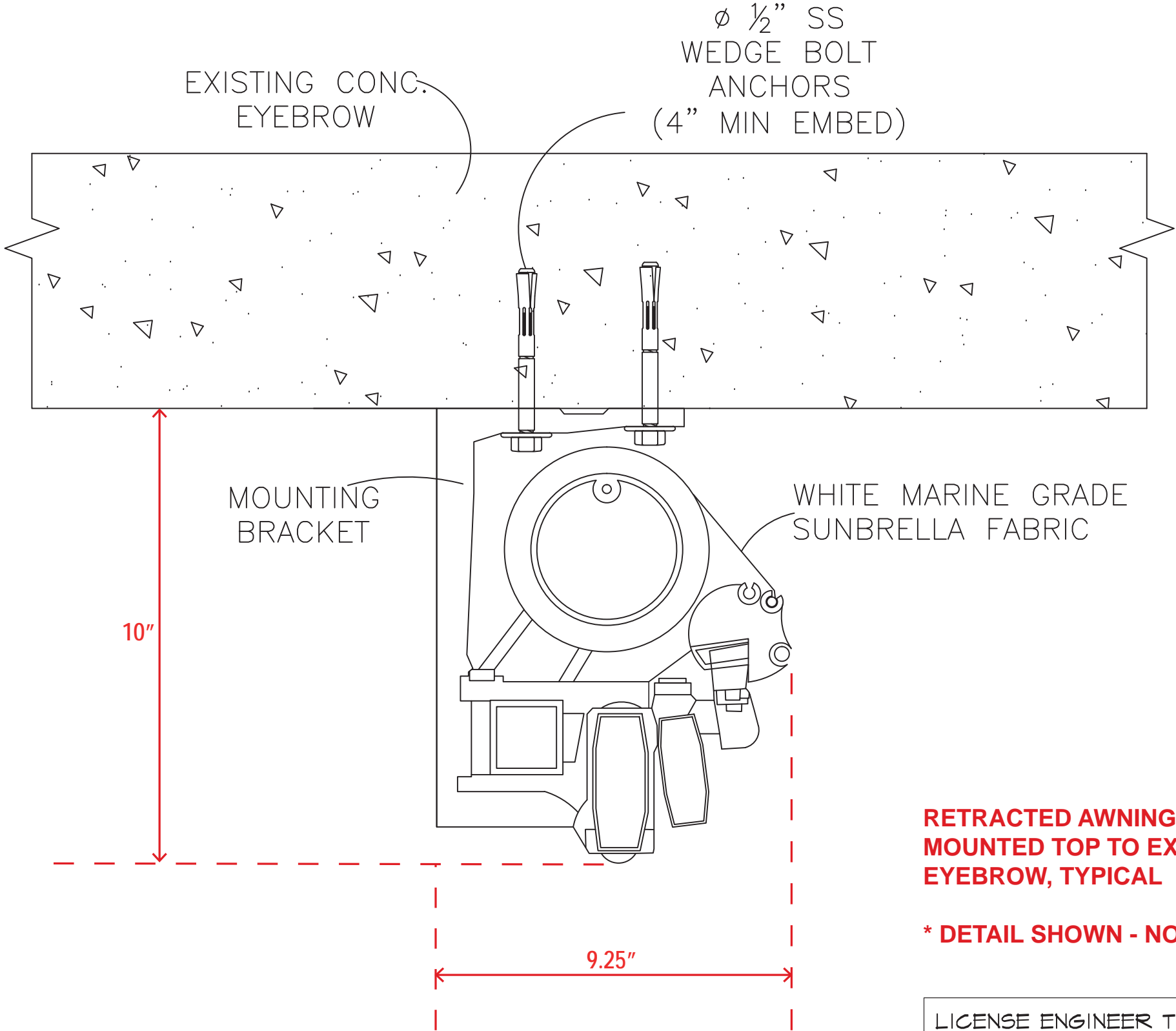
All fabric covers are sewn with Tenara® clear Teflon Thread.



OPTIONAL HOOD

Sunair® offers an optional aluminum one piece hood, made from the highest quality aluminum. The hood protects the fabric when the awning is in retracted position. With the aluminum hood, your awning is always automatically covered when you retract it. If the awning is mounted under an overhang protruding at least 10", then the optional hood is not needed.





**RETRACTED AWNING DETAIL
MOUNTED TOP TO EXISTING BUILDING
EYEBROW, TYPICAL**

*** DETAIL SHOWN - NOT TO SCALE**

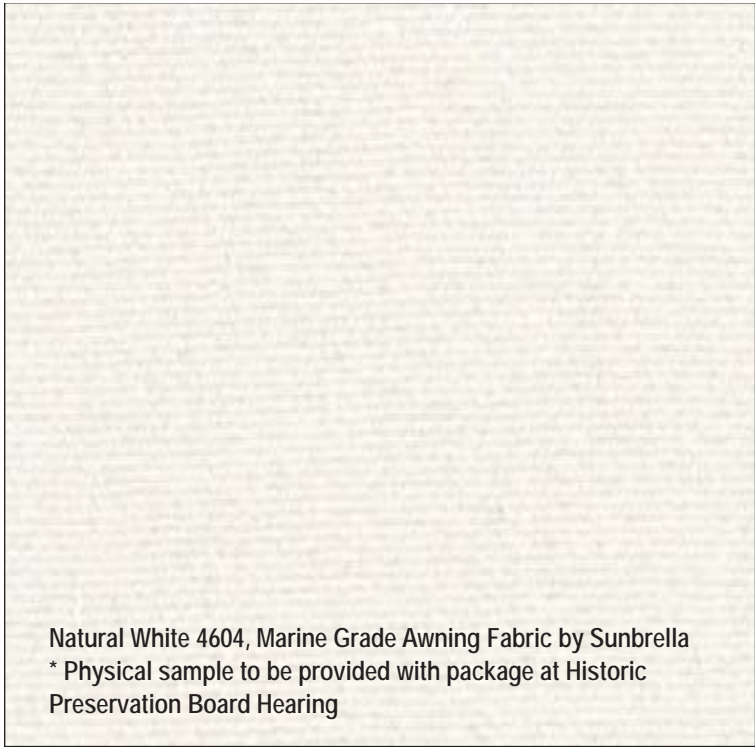
LICENSE ENGINEER TO APPROVE AWNING
STRUCTURE SYSTEM



Sunbrella® Awning and Marine Fabric Specifications

A favorite for awning and marine use, Sunbrella fabric offers excellent fade and weather resistance. The fabric is water repellent, yet is also soft and easy to work with. A wide selection of colors and patterns are available to choose from, and also coordinate with Sunbrella upholstery fabrics. Sunbrella makes it easy to create beautiful designs that outperform the elements.

- Base Fabric: 100% Sunbrella Acrylic
- Finish/Coating: Fluorocarbon
- Government Specifications Met: None
- Heat Sealable: Yes with Seam Seal Tape
- Mildew Repellent: Yes
- Opaque: Yes
- Pattern Direction: Selvage is Left / Right
- Put Up: 60 yd.
- Repeat Height: 0
- Repeat Width: 0
- Shrinkage Factor: None
- Style#: 6066-0000
- Translucent: Depends on Color
- Underside Color: same
- Warranty: 10-Year
- Water Repellent: Yes
- Weight: 9.25 oz.
- Width: 60 in.



10

YEAR

LIMITED WARRANTY

THIS WARRANTY COVERS

Sunbrella Shade and Marine Fabrics

Performance improvements introduced on November 1, 2008 allowed Glen Raven to increase the warranty period for Sunbrella fabrics. For installations on or after November 1, 2008, the warranty coverage period is 10 years from the original purchase date. Glen Raven will provide replacement fabric at no cost during years one through eight. In the ninth year, Glen Raven will refund 85% of the original cost of the fabric, and in the tenth year, refund 70% of the original cost of the fabric.

	“Technical Data Sheet” Revision Date: 1/31/2014
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Product Type:	Sunbrella® Awning/Marine 46”
Fiber Content:	100% Sunbrella Acrylic

Test Name	Test Method	Basis	Nominal Value
Fabric Construction: Ends	ASTM D3775-98	Each	76
Fabric Construction: Picks	ASTM D3775-98	Each	36
Fabric Weight	ASTM D3776-96	Ounces/Square Yard	9.00
Finished Fabric Width	ASTM D3774-96	Inches	46.0
Hydrostatic Test	AATCC 127-1998	cm.	45.0
Oil Repellency	AATCC 118-1997	Grade	5
Spray (Large)	AATCC 22-2001 (Modified)	Rating	100 Front 100 Back
Break Strength	ASTM D5034-95	Lbs. of Force	285 Warp 180 Filling
Tear Strength	ASTM D2261-96	Lbs. of Force	12 Warp 8 Filling
Tabor Stiffness	ASTM D1388-96	Tabor Unit	13.0
Wyzenbeek Abrasion-Wire Screen	ASTM D4157-92	Cycle	40,000 Warp 40,000 Filling
California Technical Bulletin #117	TB 117-2013	Pass/Fail	Meets Class 1 Requirements
Colorfastness to Light	AATCC 169-2003 Option 3	Grade	Grade 4 @ 2200 Kj
	SAE 1960J	Grade	Grade 4/5 @ 1500 Kj
Warranty	Limited	Year	10