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HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: March 12, 2013

FILE NO: 7355

PROPERTY: 4041 Collins Avenue

LEGAL: Lots 1-8, Block 33, Miami Beach Improvement Company Subdivision, as recorded in the plat thereof, Plat Book 5, Page 7 and 8 of the Public Record of Miami-Dade County, FL.

IN RE: The Application for a Certificate of Appropriateness for the partial demolition, alteration, renovation and rehabilitation of the existing multi-family complex.

CERTIFICATION
THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT
IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON
FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.
CITY OF MIAMI BEACH
[Signature] 3-21-20
(Signature of Planning Director or Designee) (Date)
Personally known to me or Produced ID:
[Signature]
Notary Public, State of Florida at Large
Printed Name: *TERESA MARIA*
My Commission Expires: (Seal) 12-2-13
This document contains 8 pages.

TERESA MARIA
MY COMMISSION # DD 928148
EXPIRES December 2, 2013
Bonded thru Budget Notary Services
NOTARY PUBLIC
STATE OF FLORIDA

ORDER

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

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

- A. The subject structure is classified as 'Contributing' in the Miami Beach Historic Properties Database and is located within the Collins Waterfront Historic District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is not consistent with the Certificate of Appropriateness Criteria 'b' n Section 118-564(a)(1) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'c' in Section 118-564(a)(2) of the Miami Beach Code, is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code, and is consistent with Certificate of Appropriateness Criteria for Demolition in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 if the

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following conditions are met:

1. Revised elevation, site plan and floor plan drawings shall be submitted; at a minimum, such drawings shall incorporate the following:
 - a. The final design and details of all new exterior architectural features, including but not limited to the proposed porte-cochere, alterations to the façade(s) of the 2004 tower addition, and cabana structures shall be provided, in a manner to be reviewed and approved by staff.
 - b. The final design and details of all modifications to public interior spaces shall be provided, in a manner to be reviewed and approved by staff.
 - c. The final design and details of all railings shall be provided, in a manner to be reviewed and approved by staff.
 - d. The historic crown icon originally located on the parapet of the west façade shall be recreated according to historical documentation, and incorporated into the exterior façade design, in a manner to be reviewed and approved by staff.
 - e. The applicant shall address any potential safety issues relative to the proposed surface materials for the pool deck, in a manner to be reviewed and approved by staff.
 - f. All sidewalks located within the public-right-of way shall be 'Miami Beach Red' colored concrete with standard grey concrete curbs and gutters, as required by the City Commission within local historic districts.
 - g. All exterior lighting elements, electrical components, sprinkler lines and sprinkler heads shall be integrated within the porte-cochere structure and shall not be surface mounted where they may have an adverse aesthetic impact upon the design integrity of the structure or site, in a manner to be reviewed and approved by staff.
 - h. The final design and details of all exterior lighting shall be provided, in a manner to be reviewed and approved by staff. Exterior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the historic hotel structures or the surrounding historic district, in a manner to be reviewed and approved by staff.
 - i. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff. Any rooftop mechanical equipment, structures or screening not shown on the plans approved by the Board shall require later Board approval.
 - j. Any security fencing or gates shall not be located within the required front yard and shall be setback behind the face of the front building.

- k. Adequate trash room space shall be provided, in a manner to be approved by the Planning and Public Works Departments. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise.
 - l. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.
 - m. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. The applicant has voluntarily offered, proffered and agreed to construct a grade level public beach walk ("Public Beach Walk") along the rear of the subject site (4041 Collins Avenue), from 40th Street to 41st Street. This proffer and agreement is based on a particularized evaluation and assessment of the subject project, the rational nexus between such project and its impact on the local transportation network, and the rational nexus and rough proportionality between the subject project and the beach walk master plan. The approval of the subject application is contingent upon such Public Beach Walk being constructed in accordance with the following conditions.
- a. The existing raised board walk adjacent to the dune, in between 40th and 41st Streets, shall be demolished and removed. A new Public Beach Walk shall be designed, permitted and built by the applicant and shall connect to the existing raised boardwalk to the north of 40th Street and to the south of 41st Street. All costs associated with the design, permitting and construction of the Public Beach Walk, as described herein, shall be borne by the applicant.
 - b. The applicant shall enter into and record a restrictive covenant, approved by the Miami Beach City Attorney, which runs with the land, confirming the applicant's agreement to design, permit and construct a Public Beach Walk, in accordance with the conditions herein. The restrictive covenant shall be recorded in the public records, at the expense of the applicant.
 - c. The Public Beach Walk shall be consistent with the beach walk master plan, and shall require the review and approval of the Public Works Department, as well as all other applicable regulatory agencies and authorities.
 - d. The Public Beach Walk shall be permitted and substantially completed no later than the completion of construction of the Public Beach Walk adjacent to both properties to the north (4101 Collins Avenue) and south (3925 Collins Avenue) of the subject property. In the event that the applicant obtains approval for, and commences construction on improvements to the dune area of the subject property (that area east of the existing structure and west of the Erosion Control Line) prior to the completion of the work approved herein, the requirement for the permitting and completion of the Public Beach Walk may be extended, at the discretion of the Planning Director, and would be required to be fully completed no later than the completion of construction of the Public Beach Walk adjacent to

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both properties to the north or south of the subject property.

- e. If construction of the Public Beach Walk adjacent to both properties to the north (4101 Collins Avenue) or south (3925 Collins Avenue) of the subject property, or the second of these properties if construction of the Public Beach Walk occurs at different times and the work approved herein is ready for C.O., and construction of the Public Beach Walk adjacent to the subject property has not commenced or been completed, then the applicant shall post a bond, or provide other security acceptable to the City Attorney, for the cost of construction of the Public Beach Walk, to guarantee its construction and completion.
 - f. In the event the City Commission resolves to preserve, or replace the existing boardwalk with another boardwalk, the foregoing conditions shall be interpreted to accomplish that decision.
3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. All existing overhead utilities shall be placed underground; in the event FPL requires the undergrounding of the utilities of the adjacent properties, this condition may be waived.
 - b. If feasible, and not in conflict with underground utilities, street trees with the City's standard bound aggregate system with fertilization trench, irrigation and up lighting shall be incorporated into the City right of way along Ocean Drive, in a manner to be reviewed and approved by staff.
 - c. Hedge material of any kind shall not be permitted within the front area of the property.
 - d. All exterior walkways and driveways shall consist of decorative pavers, set in sand or other equally semi-pervious material, subject to the review and approval of staff.
 - e. All sidewalks located within the public-right-of way shall be 'Miami Beach Red' colored concrete with standard grey concrete curbs and gutters, as required by the City Commission within local historic districts.
 - f. All landscape areas abutting driveways and parking areas shall be defined by decorative bollards.
 - g. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.

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- h. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - i. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow prevention devices. Backflow prevention devices shall not be permitted within any required yard or any area fronting a street or sidewalk, unless otherwise permitted by the Land Development Regulations. The location of all backflow prevention devices, and how they are screened from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff. The fire department shall require a post-indicator valve (PIV) visible and accessible from the street.
 - j. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all post-indicator valves (PIV), fire department connections (FDC) and all other related devices and fixtures, which shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
 - k. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - l. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
- 4. All building signage shall be consistent in type, composed of flush mounted, non-plastic, individual letters and shall require a separate permit.
 - 5. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
 - 6. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
 - 7. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
 - 8. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy.



9. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
- a. A traffic and neighborhood impact study shall be conducted as a means to measure a proposed development's impact on transportation and neighborhoods. The study shall address all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, and if required, shall be submitted prior to the issuance of a Building Permit. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code. The developer shall refer to the most recent City of Miami Beach's Traffic and Neighborhood Impact Methodology as issued by the Public Works Department.
 - b. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
 - c. Mill/resurface asphalt in rear alley along property, if applicable.
 - d. Provide underground utility service connections and on-site transformer location, if necessary.
 - e. Provide back-flow prevention devices on all water services.
 - f. Provide on-site, self-contained storm water drainage for the proposed development.
 - g. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
 - h. Payment of City utility impact fees for water meters/services.
 - i. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
 - j. Right-of-way permit must be obtained from Public Works.
 - k. All right-of-way encroachments must be removed.
 - l. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
10. At the time of completion of the project, only a **Final** Certificate of Occupancy (CO) or **Final** Certificate of Completion (CC) may be applied for; the staging and scheduling of the construction on site shall take this into account. All work on site must be completed

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in accordance with the plans approved herein, as well as any modifications approved or required by the Building, Fire, Planning, CIP and Public Works Departments, inclusive of all conditions imposed herein, and by other Development Review Boards, and any modifications required pursuant to field inspections, prior to the issuance of a CO or CC. This shall not prohibit the issuance of a Partial or Temporary CO, or a Partial or Temporary CC.

11. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
12. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
13. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
14. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended by the Board, that the Certificate of Appropriateness is GRANTED for the above-referenced project subject to those certain conditions specified in paragraph C of the Findings of Fact (Condition Nos. 1-14 inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Historic Preservation Board, as determined by staff, entitled "Crown", as prepared by Kobi Karp Architecture, Interior Design, Planning, dated Jan 2013.

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

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



Page 8 of 8
HPB File No. 7355
Meeting Date: March 12, 2013

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

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

Dated this 20th day of MARCH, 2013.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

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

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

The foregoing instrument was acknowledged before me this 20th day of March, 2013 by Thomas R. Mooney, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



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

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

Approved As To Form:
Legal Department: [Signature] (3-19-13)

Filed with the Clerk of the Historic Preservation Board on 3-21-2013 (W.S.R.)

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