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MIAMI-DADE COUNTY, FLORIDA

DOCUMENT COVER PAGE

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Document Title: HISTORIC PRESERVATION BOARD ORDER
(Mortgage, Deed, Construction Lien, Etc.)

Executing Party: CITY OF MIAMI BEACH

Legal Description: _____
(If Applicable)

As more fully described in above described document.

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**F.S. 695.26 Requirements for recording instruments affecting real property—
(Relevant excerpts of statute)**

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

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

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HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

CERTIFICATION

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

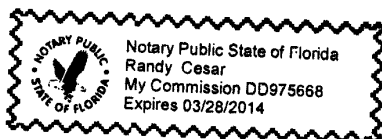
CITY OF MIAMI BEACH
[Signature] 5-23-11
(Signature of Planning Director or Designee) (Date)

Personally known to me or Produced ID:
[Signature]
Notary Public, State of Florida at Large
Printed Name: Randy Cesar
My Commission Expires: (See)

This document contains 9 pages.

MEETING DATE: May 10, 2011

FILE NO: 7245



PROPERTY: 1545 Collins Avenue – The James Royal Palm Hotel

LEGAL: S12.65FT of Lots 7 & 14 & all of Lots 5, 6, 15, 16, & N ½ of Lots 4 & 17, Block 56 of Alton Beach 1st Subdivision, According to the Plat Thereof, as Recorded in Plat Book 2, Page 77, of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing structures on site, including a new landscape plan and pool deck, new roof-top terraces, and new signage.

ORDER

The applicant, Sunstone RP Collins, 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 existing structures are classified as 'Contributing' in the Miami Beach Historic Properties Database and are located within the Ocean Drive/Collins Avenue Local Historic District and the National Register Architectural District.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code, is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'b' in Section 118-564(a)(3) of the Miami Beach Code, and is not consistent with Certificate of Appropriateness for Demolition Criteria 'a-e' in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:
 - 1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

[Handwritten initials]

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- a. All proposed door or window replacements at the front (west) elevation of the Royal Palm Hotel shall be fully consistent with historic documentation, subject to the review and approval of staff.
- b. The existing electrical boxes located below the original urns on the west elevation of the Royal Palm shall be removed or relocated so as to not be visible, and such urns shall be lowered accordingly, in a manner to be reviewed and approved by staff.
- c. The design of the modified east elevation of the 3-story Shorecrest Hotel addition shall be consistent with the perspective renderings provided in the application, subject to the review and approval of staff.
- d. The final design and details of the proposed new veneer on the east elevations shall be provided, including a material sample, subject to the review and approval of staff.
- e. The design of the new fountain located the front of the Royal Palm Hotel shall not be permitted as proposed; any new fountain shall be designed in a manner more consistent with the collective architecture of the site, subject to the review and approval of staff.
- f. The design of the new railings proposed between the Royal Palm Hotel and Shorecrest Hotel addition shall recall, not replicate, the design of the original Royal Palm railings, in a manner to be reviewed and approved by staff.
- g. The existing three (3) panel historic display shall be retained and incorporated into an updated display, in a highly visible public location to be determined by staff and with an additional panel to reflect the changes proposed as part of this application. Such display shall be submitted to and approved by staff and installed, prior to the issuance of a Certificate of Occupancy (C.O.) or Temporary Certificate of Occupancy (T.C.O.).
- h. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and shall be screened from view.
- i. The historic lobby of the Shorecrest Hotel shall be restored to its original condition in accordance with available historical documentation and measured drawings, subject to the review and approval of staff.
- j. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
- k. 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.



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2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. Tall hedge type material such as that proposed in the application shall not be permitted at the rear of the property along the beachwalk, with the exception of the limited material required for the circular topiary structure at the access point from the beachwalk to the rear pool deck. The final selection of all landscape material within this area shall be subject to the review and approval of staff.
 - b. The final design and details of all paving located in the front and rear of the property shall be provided, in a manner to be reviewed and approved by staff.
 - c. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
 - d. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - e. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventers and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventers, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - f. 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.
 - g. 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.

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3. All building signage shall be consistent in type, composed of flush mounted, non-plastic, individual letters and shall require a separate permit.
4. 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.
5. 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.
6. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
7. 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.
8. The Applicant agrees to the following operational conditions for any and all permitted hotel and accessory uses and shall bind itself, lessees, permittees, concessionaires, renters, guests, users, and successors and assigns and all successors in interest in whole or in part to comply with the following operational and noise attenuation requirements and/or limitations.
 - a. OUTDOOR CONDITIONS
 - i. The applicant shall ensure through appropriate contracts, assignments and management rules that these restrictions are enforced. Owner agrees to include the rules and regulations set forth in these conditions in any contract or assignment.
 - ii. The applicant shall install a distributive sound system for providing ambient music in all open areas, as well as in facilities, such as the proposed restaurant on the first level, which are open to the outside. The controls for the distributive sound system shall be adjusted by a sound engineer professional to limit the amplitude of music and adjust the sound system so that it will comply with all applicable noise ordinances. Other than the sound engineer professional, only the Hotel Manager may have access to the controls which shall be locked.
 - iii. All DJ or live music associated with "customary" accessory uses not for the general public in the outside areas, on and around the pool deck on the first level, such as the restaurant on the first level which facilities are open to the outside, shall be prohibited except from 11:30 am to 11:00 pm, Sunday through Thursday, and from 11:30 a.m. to midnight, Friday and Saturday. No other live music or DJ shall occur

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in these areas except according to a special event permit. Any DJ shall use the distributed sound system.

- iv. Live music is prohibited on the second level pool deck, except in accordance with a valid Special Event Permit.
- v. Should the applicant materially increase the outside pool deck areas greater than as proposed in the application, that change must be presented and approved by the HPB in a subsequent application, and not by staff review, unless such change is approved in writing by 1500 Ocean Drive.
- vi. The applicant will establish rules that prohibit guests from bringing electronic amplification devices on the decks and balconies that may disturb the residents of 1500 Collins Avenue.
- vii. The rooftops of the lanai building shall not be used as habitable areas.
- viii. Owner agrees to install an exhaust system, if required by code, for the kitchen that will substantially reduce grease and smoke that would otherwise escape to the surrounding area. This may include the installation of a fan in connection with the kitchen exhaust system within the interior of the building in order to reduce noise levels at the exhaust outlet.

b. NOISE CONDITIONS

- i. The Historic Preservation Board (HPB) or the Planning Director shall retain the right to call the owners and/or operators back before the HPB, at the expense of the owners and/ or operators, to impose and/or modify the hours of operation, and the placement or use on the property of exterior loudspeakers, fixed or portable, or amend or impose other conditions, should there be a valid violation (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise or other conditions of this approval. An adverse adjudication of a violation against the owner or operator is not necessary for the board to have jurisdiction over the matter under this condition. This condition vests jurisdiction independent of any other condition hereof.
- ii. A valid violation of Chapter 46, Article IV, "Noise," of the Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended, shall be deemed a violation of this approval and subject the approval to modification in accordance with the procedures for modification of prior approvals as provided for in the Code, and subject the applicant to the review provided for in the first sentence of this subparagraph.
- iii. Notwithstanding the occupancy and seat counts shown on the plans submitted, calculations for required parking and concurrency for the



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project shall be determined by the Planning Department prior to approval of a building permit. Such parking and traffic calculations shall be based upon both the number of hotel rooms, and, additionally, the intensity of the proposed accessory uses as measured by the number of seats in dining areas, and by the square footage of the liquor service areas not included in the areas for which seats are calculated as provided for in this subparagraph.

c. OPERATIONAL CONDITIONS

- i. All trash containers shall utilize rubber wheels, or the path for the trash containers shall consist of a surface finish that reduces noise, in a manner to be reviewed and approved by staff.
- ii. Adequate trash room space, air conditioned and noise baffled, shall be provided, in a manner to be approved by the Planning and Public Works Departments. Doors shall remain closed and secured when not in active use.
- iii. All kitchens and other venting shall be chased to the nearest roof and venting systems shall be employed as necessary to minimize or dissipate smoke, fumes and odors.
- iv. Equipment and supplies shall not be stored in areas visible from streets, alleys or nearby buildings.

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.

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- 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. A drawn plan and written procedure for the proposed demolition shall be prepared and submitted by a Professional Structural Engineer, registered in the State of Florida, which fully ensures the protection of the public safety, as well as the protection of all existing structures adjacent to the subject site during the course of demolition.
 11. The Certificate of Appropriateness for Demolition shall only remain in effect for the period of time that there is an active Certificate of Appropriateness for the associated new construction on the subject property.
 12. At the time of completion of the project, only a **Final** Certificate of Occupancy (CO) or **Final** Certificate of Completion (CC) may be applied for; the staging and scheduling of the construction on site shall take this into account. All work on site must be completed in accordance with the plans approved herein, as well as by the Building, Fire, Planning, CIP and Public Works Departments, inclusive of all conditions imposed herein, and by other Development Review Boards, and any modifications required pursuant to field inspections, prior to the issuance of a CO or CC. This shall not prohibit the issuance of a Partial or Temporary CO, or a Partial or Temporary CC.
 13. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
 14. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the



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criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

15. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
16. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended by the Board, that the Certificate of Appropriateness is GRANTED for the above-referenced project subject to those certain conditions specified in paragraph C of the Findings of Fact (Condition Nos. 1-16, inclusive) hereof, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Historic Preservation Board, as determined by staff, entitled "The James Royal Palm additions and alterations", as prepared by Nichols, Brosch, Wurst, Wolfe & Associates, dated February 18, 2011.

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

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

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

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



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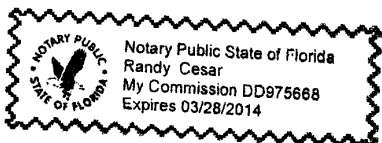
Dated this 18th day of MAY, 2011.

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 18 day of May 2011 by Thomas R. Mooney, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



[Signature]
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 3/28/2014

Approved As To Form:
Legal Department: [Signature] (5-16-2011)

Filed with the Clerk of the Historic Preservation Board on 5/18/11 (RC)

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[Signature]