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VIA ELECTRONIC SUBMITTAL

August 24, 2025

Deborah Tackett, Historic Preservation Officer
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: **HPB24-0616 Modification of HPB7424**
Certificate of Appropriateness for the Property Located
at 1620 Drexel Avenue, Miami Beach

Dear Ms. Tackett:

This law firm represents Maizon Miami LLC (the "Applicant") relating to the property located at 1620 Drexel Avenue (the "Property") in the City of Miami Beach (the "City"). Please allow this letter to serve as the letter of intent in support of the Applicant's request to modify the prior Certificate of Appropriateness, file No. HPB7424, to repurpose the approved retail building for a new restaurant. This request includes (i) a waiver to permit on-street loading in a local historic district and (ii) a variance to permit operation of an accessory outdoor bar counter on the proposed rooftop until 2:00 a.m. The Applicant has filed a concurrent, Conditional Use Permit application for a Neighborhood Impact Establishment ("NIE"), which is also operating as entertainment establishment, with an occupancy of 200 or more persons and an active rooftop for dining within 200 feet of residential uses, under Planning Department File No. PB24-0660.

Description of the Property. The subject property is located at the southwest corner of the intersection of Lincoln Road and Drexel Avenue. The Miami-Dade County Property Appraiser identifies the subject property with Folio No. 02-3234-003-0075 (the

"Property"). See Exhibit A, Property Appraiser Summary Report. The unique configuration of the Property is noteworthy and relevant. The Property comprises the northeast parcel of a unified development site with the abutting Miami Beach Community Church (the "Church"). The Church property and facilities wrap around the Property on the west and south in an "L" fashion, with the historic Church sanctuary facing Lincoln Road, and the Church administrative offices facing Drexel Avenue, with the address of 1620 Drexel Avenue. The City and Miami-Dade County do not have a freestanding address on file for the Property at this time. This Property and the surrounding commercial corridor are located within the CD-3, Commercial High Density Zoning District. The Property is also located within the Flamingo Park Historic District.

Unified Development Site. The Property is owned by the Church, or more specifically, the Property is owned by 500 Lincoln Road, Inc., which is a not-for-profit entity owned 100% by the not-for-profit Church. The Property is part of a unified development site with the adjacent Church property identified by Folio No. 02-3234-003-0070 pursuant to the Covenant in Lieu of Unity of Title recorded in Official Record Book 32813, Page 4036 of the Public Records of Miami-Dade County (the "Covenant"). See Exhibit B, Covenant.

Prior Approval. On May 13, 2014, the Historic Preservation Board ("HPB") granted a Certificate of Appropriateness ("COA") for a new commercial building within the vacant Property. See Exhibit C, HPB7424 Recorded Order. The original developer and Miami Beach Community Church proceeded with building permit and have an active building permit for the construction of the commercial building, Building Permit No. B1502240. Construction of the two-story building shell with a glass curtain wall, a stone facade on the exterior, and an open roof deck with landscaping is well underway.

Project. The Applicant is seeking to modify the prior COA to introduce a new restaurant tenant with rooftop bathrooms, pergola, and bar (the "Project"). The restaurant concept is modern Mediterranean, merging the culinary design influences of coastal regions globally in a manner that compliments and enhances the unique character of the City and Lincoln Road in particular. The design of the Project will be consistent with the prior COA; however, the Applicant anticipates modifying the COA from a garden rooftop to a restaurant with an accessory outdoor bar counter. Based on the proposed new use, the Applicant is seeking to delete condition 3.a.ii, of the prior COA in order to permit operations until 2:00 a.m. daily.

Certificate of Appropriateness Criteria. The Project is designed to be compatible with the Flamingo Park Historic District and surrounding businesses on Lincoln Road,

while remaining distinguishable from the surrounding contributing buildings in accordance with the Secretary of the Interior Standards for the Treatment and Rehabilitation of Historic Properties.

A new, exciting restaurant is consistent with the Comprehensive Plan and permitted by the underlying CD-3 regulations. It is also consistent with the vision for Lincoln Road. The purpose of the High Intensity Commercial Category is designed to accommodate a highly concentrated business core in which activities serving the entire City are located. The Project will inject new life and diversify the uses on Lincoln Road, which is the City's community epicenter for retail, dining, culture, and art. The Project will not adversely impact the public health, safety, morals, and general welfare. Rather, it will enhance the pedestrian experience with an active use. The Project benefits the community by continuing the revitalization of Lincoln Road. The attractive design of the Project also improves the aesthetics of the area, while the compliance with all required resilience measures ensures enhanced resiliency for the area. The proposed rooftop is modest in size and will complement the architecture of the approved design.

The Project will also be consistent with the future pedestrianization of Drexel Avenue. The City anticipates introducing new street tree planting, outdoor café areas, and an outdoor performance space with amphitheater-like seating immediately in front of the Property. See Application materials associated with File No. HPB23-0569, Lincoln Road District Improvements. The cumulative effect of the Project will enhance the pedestrian experience and contribute to the viability of Lincoln Road.

Off-Street Loading Waiver. Due to the lack of vehicular access on Lincoln Road and being within the Miami Beach Community Church site, a waiver of off-street loading spaces is needed to allow loading to occur on Drexel Avenue, Lincoln Lane, 16 Street, and the surrounding area. The Project requires a total of two (2) loading spaces based on the square footage of the restaurant. Pursuant to the City's Freight and Commercial Loading Zones Map, there are multiple commercial loading zones on Drexel Avenue immediately abutting the Property. For larger trucks, there are existing freight loading spaces on 16 Street. No deliveries will occur before 9:00 a.m., and most are anticipated between 10:00 and 11:00 a.m. The Applicant is proposing limited use of the shared loading zones to ensure minimal impact on local residences.

Variance Request. The Project substantially complies with the City of Miami Beach Resiliency Code (the "Code"). The requested variance is necessary to accommodate the fullest rooftop restaurant dining experience and ensure efficient operation of the restaurant. Pursuant to Section 7.2.12.2.c.2 of the Code, accessory outdoor bar counters

in the CD-3 district may not be operated or utilized between 12:00 a.m. and 8:00 a.m. Due to the Property's confining characteristics, the Applicant requests a variance of Section 7.2.12.2.c.2 to operate the accessory outdoor bar counter until 2:00 a.m. (the "Variance").

Satisfaction of Hardship Criteria. The Variance requested satisfies the hardship criteria pursuant to Section 2.8.3.a of the City Code, as follows:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

For this Variance, special conditions exist which are peculiar to the Property as the site was a long-vacant corner lot on Lincoln Road with no alley or rear service access. The success of a modern restaurant on this site depends on maximizing the rooftop experience. Based on the surrounding conditions and current hospitality market, activation of the rooftop with a bar counter, and allowing its operation until 2:00 a.m., is essential to the restaurant's viability. Moreover, the Property where the proposed restaurant and rooftop bar will be located is essentially surrounded on two sides by an "L" of the Church property and structures. The Church main sanctuary faces Lincoln Road to the east, while the Church classrooms, administrative offices, and the King Chapel of Hope all line the south boundary of the Property and face Drexel Avenue. The substantial two-story Church buildings to the south of the Property will serve as a mitigating buffer to any residential uses to the south, and consequently make this Property uniquely qualified for the requested variance as compared to other sites that are not similarly configured.

2. The special conditions and circumstances do not result from the action of the applicant;

The special circumstances, in this case, do not result from the actions of the Applicant. The Property was a long-vacant lot on Lincoln Road, constrained by its corner location and lack of rear service access. These are inherent site conditions that predate the Applicant's involvement. The Applicant's goal is to make the operation of the restaurant use successful and provide the best experience for patrons.

3. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;

The Code allows other similarly situated property owners, particularly along Lincoln Road, to seek similar variances to accommodate accessible and successful development. The Variance ensures that the Project can compete in the hospitality market and offer a variety of dining experiences. Introduction of the rooftop bar counter is necessary for the viability of the venue. This is not a special privilege, but an essential element for longevity. Moreover, to have a smooth operation of the establishment, it is vitally important to have both the indoor and outdoor bars operating and closing cohesively. Similar variances have been granted for Mila, the Albion Hotel, and Andres Carne de Res, each of which demonstrates the City's recognition that rooftop and late-night uses are integral to maintaining the vibrancy and competitiveness of Lincoln Road.

4. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;

A literal interpretation of the provisions of the land development regulations would deprive the Applicant rights enjoyed by other properties in the same zoning district. The Project, with a dynamic new restaurant, will positively contribute to the Lincoln Road atmosphere. Granting the Variance will allow the Property to be used in a manner consistent with the City's vision for Lincoln Road as a vibrant dining and cultural destination.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure

The Variance request is the minimum variation of the Code that will make possible the reasonable use of the Property. Furthermore, the Applicant has submitted a professional sound study to confirm that adverse impacts will not be caused by the proposed rooftop operations. The additional time is the minimum variance needed to allow for sufficient use of the rooftop bar counter. Without this modest extension, the rooftop would be underutilized and the restaurant's operations would be unnecessarily constrained. The request is narrowly tailored to ensure the restaurant can function cohesively while remaining compatible with the surrounding district.

6. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will

not be injurious to the area involved or otherwise detrimental to the public welfare; and

Granting of the Variance will be in harmony with the general intent and purpose of the land development regulations. The proposed Variance is intended to improve the guest experience and will have a minimal impact on the surrounding area. The Applicant has provided a sound study to demonstrate reduced auditory impact, and operations will be carefully managed to ensure compatibility with the neighborhood. Moreover, the Property where the proposed restaurant and rooftop bar will be located is essentially surrounded on two sides by an "L" of the Church property and structures. The Church main sanctuary faces Lincoln Road to the east, while the Church classrooms, administrative offices, and the King Chapel of Hope all line the south boundary of the Property and face Drexel Avenue. The substantial two-story Church buildings to the south of the Property will serve as a mitigating buffer to any residential uses to the south, and consequently make this Property uniquely qualified for the requested variance as compared to other sites that are not similarly configured.

7. The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or any time prior to the board of adjustment voting on the applicant's request.

The purpose of the CD-3 district is to provide development opportunities for and to enhance the desirability and quality of existing and/or new medium intensity commercial areas that serve the entire City. The permitted uses specifically include eating and drinking establishments, such as the Project. The Applicant is proposing a beautiful and innovative design to contribute to Lincoln Road. Granting of the Variance is necessary for the design and function of the site, and will not reduce levels of service along major thoroughfares. The Project ensures that patrons can enjoy the roof deck at the vibrant and upscale restaurant.

Practical Difficulty. Granting the requested Variance is consistent with similar variances in the area, such as those granted along Lincoln Road for the Albion Hotel, Mila, and Andres Carne de Res. There are multiple practical difficulties that arise from the Property's geographic constraints and the essential need to utilize the rooftop for cohesive restaurant operations. Enforcing the strict letter of the zoning regulations would deprive the Applicant of the ability to efficiently and effectively operate a restaurant on the Property, even though such use is consistent with the character of modern restaurants

and entertainment establishments in the area. Moreover, the Variance is vital to the smooth operation of the restaurant and dining experience. As a result, strict enforcement of the land development regulations would produce practical difficulties for the Applicant. The CD-3 district contemplates establishments which allow patrons to enjoy Miami Beach's ambiance both indoors and outdoors. A rooftop terrace along Lincoln Road is the ideal location to experience the City's cultural uniqueness. Further, the rooftop terrace is adequately setback and well landscaped, which reduces the impact of the outdoor use of the Property on the surrounding area. Accordingly, the requested Variance is in harmony with the spirit of the Resiliency Code and will not be a detriment to the neighborhood.

Sea Level Rise and Resiliency Criteria. The Project extensively advances the sea level rise and resiliency criteria in Section 7.1.2.4 of the Resiliency Code as follows:

(1) A recycling or salvage plan for partial or total demolition shall be provided.

A recycling and salvage plan for any demolition be provided.

(2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

Hurricane proof impact windows will be provided.

(3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

The Applicant will provide, where feasible, passive cooling systems.

(4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

The Project includes resilient, Florida-native, or Florida-friendly landscaping.

(5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.

Sea level rise projections have been considered in the design and development of the Project.

(6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.

The ground floor areas will be adaptable to raised public rights-of way and adjacent properties.

(7) Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

All mechanical and electrical systems will be located above base flood elevation.

(8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

All habitable spaces within the Project are new construction and will be elevated.

(9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

No habitable space is located below base flood elevation.

(10) Where feasible and appropriate, water retention systems shall be provided.

Water retention systems will be provided as part of the resiliency goals of the Project.

(11) Cool pavement materials or porous pavement materials shall be utilized.

Cool pavement and porous materials are proposed where appropriate.

(12) The design of each project shall minimize the potential for heat island effects on-site.

The proposed design has considered the potential for heat island effects on-site and will minimize the potential to the greatest extent possible.

Conclusion. The proposed Project is an important part of the historic preservation of the Miami Beach Community Church and the revitalization of Lincoln Road as an upscale dining and entertainment destination. The exterior of the Project is substantially similar to the COA obtained in 2014, and the proposed restaurant will finally bring an exciting community amenity to this long-inactive corner on Lincoln Road.

Based on these reasons, the Applicant respectfully requests your favorable review and recommendation of this Application. If you have any questions or comments with regard to the Application or this letter, please contact me at (305) 377-6236.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Larkin".

Michael Larkin

Enclosures

cc: Michael Belush
Paul C. Savage, Esq.
Roberto A. Alvarez, Esq.

EXHIBIT A



OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On: 04/14/2024

PROPERTY INFORMATION	
Folio	02-3234-003-0075
Property Address	0 , FL
Owner	500 LINCOLN ROAD INC
Mailing Address	1620 DREXEL AVE MIAMI, FL 33139
Primary Zone	6600 COMMERCIAL - LIBERAL
Primary Land Use	1081 VACANT LAND - COMMERCIAL : VACANT LAND
Beds / Baths /Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	8,477 Sq.Ft
Year Built	0



ASSESSMENT INFORMATION				
Year	2023	2022	2021	
Land Value	\$5,086,200	\$0	\$0	
Building Value	\$0	\$0	\$0	
Extra Feature Value	\$0	\$0	\$0	
Market Value	\$5,086,200	\$0	\$0	
Assessed Value	\$3,729,880	\$0	\$0	

BENEFITS INFORMATION				
Benefit	Type	2023	2022	2021
Non-Homestead Cap	Assessment Reduction	\$1,356,320		
Religious	Exemption	\$3,729,880		

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

SHORT LEGAL DESCRIPTION
ALTON BEACH REALTY CO 2 COMM SUB
PB 6-33
PORT OF LOT 1 BLK 52 DESC BEG
82.93FTE OF NW COR OF LOT 1 TH
E62.08FT SELY AD 23.56FT S95.61FT

TAXABLE VALUE INFORMATION			
Year	2023	2022	2021
COUNTY			
Exemption Value	\$3,729,880	\$0	\$0
Taxable Value	\$0	\$0	\$0
SCHOOL BOARD			
Exemption Value	\$5,086,200	\$0	\$0
Taxable Value	\$0	\$0	\$0
CITY			
Exemption Value	\$3,729,880	\$0	\$0
Taxable Value	\$0	\$0	\$0
REGIONAL			
Exemption Value	\$3,729,880	\$0	\$0
Taxable Value	\$0	\$0	\$0

SALES INFORMATION			
Previous Sale	Price	OR Book-Page	Qualification Description
06/27/2023	\$100	33776-3224	Corrective, tax or QCD; min consideration
03/30/2023	\$100	33653-0272	Unable to process sale due to deed errors

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

EXHIBIT B

This instrument was prepared by:

**David J. Coviello, Esq.
Shutts & Bowen LLP
200 South Biscayne Boulevard, Suite 4100
Miami, FL 33131**

Folio No. 02-3234-003-0070

(Space Reserved for Clerk)

DECLARATION OF RESTRICTIVE COVENANTS IN LIEU OF UNITY OF TITLE

KNOW ALL BY THESE PRESENTS that the undersigned Owner hereby makes, declares and imposes on the land herein described, the easement and covenants running with the title to the land, which shall be binding on the Owner, its heirs, successors and assigns, personal representatives, mortgagees, lessees, and against all persons claiming by, through or under them;

WITNESSETH:

WHEREAS, the Owner holds fee simple title to certain property in the City of Miami Beach, Florida, located at 1620 Drexel Avenue, Miami Beach, Florida, bearing the following folio number 02-3234-003-0070, legally described in **Exhibit "A,"** attached hereto and made a part hereof ("Property"); and

WHEREAS, on May 13, 2014 Owner obtained approval of the Historic Preservation Board (HPB) under File No. 7424 as recorded in Official Records Book 29935, at Page 2841 of the Public Records of Miami-Dade; and

WHEREAS, the Owner may develop the buildings on the Property in a condominium format of ownership and/or in two or more phases; and

WHEREAS, the Owner may develop the buildings on the Property for sale to multiple owners or in a condominium or association format of ownership and/or in two or more phases; and

WHEREAS, the Owner may wish to convey portions of the Property from time to time, and may wish to offer units as condominiums, this instrument is executed in order to assure that the phased development, or development of the property with future multiple ownership, will not violate the Land Development Regulations of the City of Miami Beach.

NOW THEREFORE, in consideration of the premises, Owner hereby agrees as follows:

Declaration of Restrictive Covenants in Lieu of Unity of Title

Address 1620 Drexel Avenue
Folio No.: 02-3234-003-0070
Page 2 of 7

1. The subject site will be developed as a unified development site in substantial accordance with the approved site plan, after one has been submitted and approved under the City's land development regulations. No modification shall be effectuated in such site plan without the written consent of the then owner(s) of the phase or portion of the property for which modification is sought, all owners within the original unified development site, or their successors, whose consent shall not be unreasonably withheld, and the Director of the City's Planning Department; provided the Director finds that the modification is in compliance with the land development regulations. Should the Director withhold such approval, the then owner(s) of the phase or portion of the property for which modification is sought shall be permitted to seek such modification by application to modify the plan at public hearing before the appropriate City board or the City Commission of Miami Beach, Florida, (whichever by law has jurisdiction over such matters). Such application shall be in addition to all other required approvals necessary for the modification sought. Proposed modifications to the property's use, operation, physical condition or site plan shall also be required to return to the appropriate development review board or boards for consideration of the effect on prior approvals and the affirmation, modification or release of previously issued approvals or imposed conditions.

2. If the subject property will be developed in phases, each phase will be developed in substantial accordance with the approved site plan.

3. In the event of multiple ownerships subsequent to site plan approval, each of the subsequent owners shall be bound by the terms, provisions and conditions of the declaration of restrictive covenants. Owner further agrees that it will not convey portions of the subject property to such other parties unless and until the Owner and such other party or parties shall have executed and mutually delivered, in recordable form, an instrument to be known as an easement and operating agreement which shall contain, among other things:

- (i) Easements in the common area of each parcel for ingress to and egress from the other parcels;
- (ii) Easements in the common area of each parcel for the passage and parking of vehicles;
- (iii) Easements in the common area of each parcel for the passage and accommodation of pedestrians;

Declaration of Restrictive Covenants in Lieu of Unity of Title

**Address 1620 Drexel Avenue
Folio No.: 02-3234-003-0070
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- (iv) Easements for access roads across the common area of each parcel to public and private roadways;
- (v) Easements for the installation, use, operation, maintenance, repair, replacement, relocation and removal of utility facilities in appropriate areas in each such parcel;
- (vi) Easements on each such parcel for construction of buildings and improvements in favor of each such other parcel;
- (vii) Easements upon each such parcel in favor of each adjoining parcel for the installation, use, maintenance, repair, replacement and removal of common construction improvements such as footings, supports and foundations;
- (viii) Easements on each parcel for attachment of buildings;
- (ix) Easements on each parcel for building overhangs and other overhangs and projections encroaching upon such parcel from the adjoining parcels such as, by way of example, marquees, canopies, lights, lighting devices, awnings, wing walls and the like;
- (x) Appropriate reservation of rights to grant easements to utility companies;
- (xi) Appropriate reservation of rights to road right-of-ways and curb cuts;
- (xii) Easements in favor of each such parcel for pedestrian and vehicular traffic over dedicated private ring roads and access roads; and
- (xiii) Appropriate agreements between the owners of the several parcels as to the obligation to maintain and repair all private roadways, parking facilities, common areas and common facilities and the like.

The easement provisions or portions thereof may be waived by the Director if they are not applicable to the subject property (such as for conveyances to purchasers of individual condominium units). These provisions of the easement and operating agreement shall not be amended without prior written approval of the City Attorney. In addition, such easement and operating agreement shall contain such other provisions with respect to the operation, maintenance and development of the property as to which the parties thereto may agree, or the Director may require, all to the end that although the property may have several owners, it will be constructed, conveyed, maintained and operated in accordance with the approved site plan.

Declaration of Restrictive Covenants in Lieu of Unity of Title

Address 1620 Drexel Avenue
Folio No.: 02-3234-003-0070
Page 4 of 7

4. The provisions of this instrument shall become effective upon their recordation in the public records of MiamiDade County, Florida, and shall continue in effect for a period of thirty (30) years after the date of such recordation, after which time they shall be extended automatically for successive periods of ten (10) years each, unless released in writing by the then owners of the Property and the Director of the Department of Planning, acting for and on behalf of the City of Miami Beach, Florida upon the demonstration and affirmative finding that the same is no longer necessary to preserve and protect the Property for the purposes herein intended.

5. The provisions of this instrument may be amended, modified or released by a written instrument executed by the then Owner or Owners of the Property, with joinders by all mortgagees, if any. Should this Declaration of Restrictive Covenants be so modified, amended or released, and the Director of the Department of Planning or his successor, approves, then such Director or successor shall forthwith execute a written instrument effectuating and acknowledging such amendment, modification or release. No modification, amendment or release shall be effective without the Director's, or his successor's, approval.

6. Enforcement shall be by action against any parties or persons violating or attempting to violate any covenants. The prevailing party to any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements, allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

7. Invalidation of any of these covenants by judgment of Court shall not affect any of the other provisions, which shall remain in full force and effect.

8. This Declaration shall be recorded in the public records of Miami-Dade County at the Owner's expense.

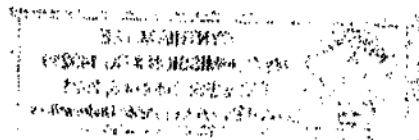
9. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Declaration of Restrictive Covenants in Lieu of Unity of Title

**Address 1620 Drexel Avenue
Folio No.: 02-3234-003-0070
Page 5 of 7**

10. In the event of a violation of this Declaration, in addition to any other remedies available, the City of Miami Beach is hereby authorized to withhold any future permits, and refuse to make any inspections or grant any approval, until such time as this Declaration is complied with.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK—SIGNATURE PAGES TO FOLLOW]



Declaration of Restrictive Covenants in Lieu of Unity of Title

Address 1620 Drexel Avenue
Folio No.: 02-3234-003-0070
Page 6 of 7

Signed, witnessed, executed and acknowledged on this 30th day of September, 2021.

WITNESSES:

[Signature]

Signature

Theresa Trevino

Print Name

[Signature]

Signature

[Signature]

Print Name

OWNER:

THE MIAMI BEACH COMMUNITY CHURCH, INC., a Florida corporation

[Signature]

Individual Signature

Peter A. CHEVALIER

Print Name

196 Miami Beach Community Church, Inc

Name of Corporate Entity

PRESIDENT

Position with Corporate Entity (Prez. VP, CEO)

Address: 1620 Drexel Ave

MIAMI BEACH, FL 33139

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

Sworn to (or affirmed) and subscribed before me by means of, physical presence or online notarization, this 30th day of September 2021 by Peter Chevalier, as president of THE MIAMI BEACH COMMUNITY CHURCH, INC., a Florida corporation who is personally known to me or has produced _____ as identification.

(NOTARY SEAL)

Notary Public, State of Florida
Name: Cynthia M. Lee



Declaration of Restrictive Covenants in Lieu of Unity of Title

Address 1620 Drexel Avenue
Folio No.: 02-3234-003-0070
Page 7 of 7

Approved:


DocuSigned by:


Director of Planning

10/6/2021 | 5:45 PM EDT

Date

Approved as to form & language & for execution:

DocuSigned by:


City Attorney

10/6/2021 | 4:16 PM EDT

Date

EXHIBIT A

Lot 1, Block 52, SECOND COMMERCIAL SUBDIVISION OF THE ALTON BEACH REALTY COMPANY, according to the Plat thereof, as recorded in Plat Book 6 at page 33 of the public records of Miami-Dade County, Florida.

EXHIBIT C

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: May 13, 2014

FILE NO: 7424

PROPERTY: 1620 Drexel Avenue

LEGAL: Lot 1, Block 52 of the Alton Beach Realty Company 2nd Commercial Subdivision, according to the plat thereof, as recorded in Plat Book 6 at page 33 of the public records of Miami-Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the construction of a new 2-story commercial building with active roof deck, including the demolition of the existing raised terrace located at the north elevation facing Lincoln Road, the demolition of the existing site wall, and partial demolition of the existing 2-story building located along Drexel Avenue.

ORDER

The applicant, Miami Beach Community Church, Inc., 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 Flamingo Park Local 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 consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'b', 'c' & 'd' in Section 118-564(a)(2) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'b' & 'g' in Section 118-564(a)(3) of the Miami Beach Code, and is consistent

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] 501-14
(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) 10-2-17

This document contains 5 pages.

TERESA MARIA
MY COMMISSION # FF 042188
EXPIRES: December 2, 2017
Bonded Three Budget Notary Services



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with Certificate of Appropriateness Criteria for Demolition in Section 118-564(f)(4) of the Miami Beach Code.

- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The applicant shall enter into an escrow agreement subject to the approval of the Planning Director and the City Attorney that provides for the restoration of all buildings on the site, prior to the issuance of a Certificate of Occupancy, a Temporary Certificate of Occupancy or Partial Certificate of Occupancy.
 - b. An additional pair of windows shall be introduced at the second level of the west elevation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. The proposed rooftop structures including the back-of-house structure and mechanical equipment enclosure shall be minimized to the greatest extent possible, and the applicant shall explore relocating these structures westward, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - d. The proposed bronze storefront frames shall be a light or medium bronze color, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - e. Final details of all exterior surface finishes and materials shall be required, including samples, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - f. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district.
 - g. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
 2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted

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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. Any existing street trees proposed to be removed shall be replaced with canopy shade trees, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. Silva Cells in tree pits, with the City Standard black and white bound aggregate system and fertilization trench, irrigation, and two (2) up-lights per City standards, shall be required for all street and shade trees, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
 - d. 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.
 - e. FPL transformers or vault rooms, backflow preventers and all other related devices and fixtures shall not be permitted within any required yard or any area fronting a street or sidewalk. Their location and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
3. The Applicant agrees to the following operational conditions for any and all permitted main 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 requirements and/or limitations.
- a. ROOFTOP 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. All rooftop facilities shall cease operation at 12am Sunday through Thursday and at 1am on Friday and Saturday.

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4. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
5. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
6. 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.
7. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
8. 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. 1-8 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 "1620 Drexel Ave", as prepared by Touzet Studio Design & Architecture, dated April 08, 2014.

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.

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

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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 MAY, 2014.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
THOMAS R. MOONEY, AICP
PLANNING DIRECTOR
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 20th day of May 2014 by Thomas R. Mooney, Planning Director, 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 # FF 042188
EXPIRES: December 2, 2017
Bonded Three Budget Notary Services

[Signature]
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 12-2-17

Approved As To Form:
City Attorney's Office: [Signature] (5-20-2014)

Filed with the Clerk of the Historic Preservation Board on 5-21-14 (WJR)

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