



200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6238 office

305.377.6222 fax

mmarrero@brzoninglaw.com

VIA ELECTRONIC SUBMITTAL

June 2, 2024

Michael Belush, Planning & Design Officer
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33131

Re: **PB22-0539** – Conditional Use Permit to allow
Entertainment at 660 Washington Avenue, Miami Beach

Dear Mr. Belush:

This law firm represents Anglers Boutique Resort LLC and KHP Capital Partners (collectively the "Applicant"), owner and operators of the existing Anglers Boutique Hotel at 600-660 Washington Avenue (the "Property") in the City of Miami Beach (the "City"). Please consider this the Applicant's letter of intent in connection with a request to the Planning Board for Conditional Use Permit for a Neighborhood Impact Establishment ("NIE"). Specifically, the Applicant is requesting to add ambient, background music provided by a musician or DJ to the existing rooftop pool deck. The combined venues have an occupant content of 200 or more persons and a rooftop establishment within 200 feet of a property containing a residential unit; therefore, the inclusion of entertainment, at ambient levels, falls within the definition of NIE provided in Section 1.2.2.3. of the City's Resiliency Code.

Property Description. The total Property is on the western side of Washington Avenue between 6th and 7th Street and is approximately 0.95 acres in size. See Figure 1 below, Aerial. The Miami-Dade County Property Appraiser identifies the Property with Folio No. 02-4203-009-1720. See Exhibit A, Summary Report. According to the Official Zoning Map of the City, the Property is in the RM-2,

Residential Multi-family District. The Property is also located within the Flamingo Park Local Historic District.

Prior Approvals. In 2014, and then modified in 2017, the Historic Preservation Board approved a Certificate of Appropriateness to construct a five-story hotel on the southern portion of the Property. See Exhibits B and C, Recorded orders HPB 7419 and HPB17-0149. The hotel was constructed in 2018 and includes eighty-five (85) hotel units. There is an existing bar/lounge on the ground floor and pool deck on the roof top.

Development Program. The Applicant's goal is to improve the ambiance of the existing pool deck (the "Project"). This will enhance the experience for the hotel guests. The ground floor bar/lounge contains twenty-eight (28) indoor seats and thirty-three (33) outdoor seats. The total pool deck area contains fifty-three (53) seats. No physical changes to the Property are proposed. The hours of operation for the rooftop are 11:00 AM until 11:00 PM. Additional details regarding the operation of the roof top and staff required are detailed in the Operations Plan included in the application materials.

The plans included with the application materials note the auspicious location of the existing outdoor speakers. The speakers are close to Washington Avenue, away from any residential uses to the west. A new sound system is not proposed, as explained in the Sound Study prepared by Edward Dugger + Associates, P.A. and included in the application materials.

Satisfaction of Conditional Use Criteria. Every conditional use permit application requires the Planning Board to determine the application's consistency with eight (8) criteria. The Applicant's satisfaction of the conditional use permit criteria, codified in Section 2.5.2.2.a. of the Resiliency Code, is outlined below.

(1) The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

Policy RLU 1.1.6 of the Comprehensive Plan provides that the RM-2 hotels are permitted. Additionally, the RM-2 Future Land Use Designation permits accessory uses and conditional uses approved at public hearings as permitted by the Land Development Regulations, such as this application. The proposed uses are consistent with Policy RLU 1.1.6 as they are permitted conditional uses that are incidental and customarily associated with hotels. This request will enhance the operational viability of the existing hotel.

(2) The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

The Project will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan. The goal is to reduce or maintain current levels of service with additional amenities in close proximity to other hotels and transit. The hours of operations proposed do not differ from what is currently operating today at the Angler's Hotel.

(3) Structures and uses associated with the request are consistent with these land development regulations.

The design, scale and massing of the Project is compatible with the surrounding area, which contains large, mixed-use buildings. The ground floor restaurant and pool deck are minimal in size and do not result in an increase in occupancy or seat count. Additionally, there is no proposed changes to the ground floor bar/lounge operation. Therefore, the proposed structure and uses are consistent with the intent of the land development regulations.

(4) The public health, safety, morals, and general welfare will not be adversely affected. Nothing in the Project will negatively affect the public health, safety, morals and general welfare of the City of Miami Beach.

The public health, safety, morals, and general welfare will not be adversely affected with the introduction of ambient, background music through a DJ at the existing hotel. In fact, the Project will enhance the public health, safety, morals, and general welfare of the community by keeping patrons of the hotel off the streets and within the existing establishments. The use of the Property is consistent and compatible with the intent of the RM-2 and the CD-2 District, which it fronts. The proposed uses will provide additional food and beverage opportunities in close proximity to businesses and offices.

(5) Adequate off-street parking facilities will be provided.

The Project provides adequate parking facilities as required by the Land Development Regulations. Specifically, the Property has fifty-four (54) on-site parking spaces.

(6) Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

The Project will provide necessary safeguards for the protection of surrounding property, persons, and neighborhood values. The safeguards include limited hours of operation, subject to approval of the Planning Board. Also, the entertainment will, at all times, be at ambient levels. This ensures pleasurable experience for the patrons and no negative impact on the surrounding property, persons, and neighborhood. Last, the Applicant is not proposing the introduction of a new, enhanced sound system. The rooftop has an existing, controlled system.

(7) The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

The Project is consistent with the Washington Avenue neighborhood regulations and existing fabric. The Project does not increase the number of seats, but rather is seeking to enhance the experience for the existing capacity of patrons. Also, ambient, background music by a live performer or DJ is minimal. The goal of the Project is to improve the site with uses that will benefit the area with additional residents and new, local restaurants.

Neighborhood Impact Establishment. Pursuant to Section 7.5.5.4. of the Resiliency Code, there are additional standards that must be addressed when seeking approval for a neighborhood impact establishment with entertainment and an occupancy of more than 200 or more persons and a rooftop establishment within 200 feet of a property containing a residential unit. The Applicant's satisfaction of the additional criteria is outlined below.

(1) An operational/business plan which addresses hours of operation, number of employees, menu items, goals of business, and other operational characteristics pertinent to the application.

Included in the application materials is an Operations Plan, which includes details relating to the hours of operation, employees, and the proposed ambient entertainment.

(2) A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, selfpark, shared parking, after-hour metered spaces and the manner in which it is to be managed.

Vehicular traffic will be monitored by the hotel on the ground floor lobby and valet. The Operations Plan and Traffic Study included in the application materials provide specific details as to the existing parking plan and valet operations.

- (3) An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises will be controlled.**

The proposed rooftop is modest in size and does not anticipate any large groups. All access will continue to be managed from the ground floor lobby. There are ample areas for patrons to queue within the Property and there will be no spillover on to the abutting sidewalks.

- (4) A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.**

Any access to the rooftop pool deck requires approval by management at the lobby on the ground floor.

- (5) A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.**

The Traffic Study under review by the Transportation Department provides additional details relating to the traffic impact to the immediate neighborhood, as well as the traffic circulation within the existing hotel.

- (6) A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.**

Any sanitation on-site or off-site as a result of the operation of the Project will be the responsibility of the Applicant. There is an existing air-conditioned trash room and daily refuse pick-up, which are accessible from the rear alleyway.

- (7) A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance.**

A sound study prepared by Edward Dugger + Associates, P.A. is included with the application materials. Continued operation of the ground floor restaurant, which will have no entertainment, and rooftop pool, with modest background music, will be controlled and meet the requirements of the noise ordinance.

(8) Proximity of proposed establishment to residential uses.

There are existing multifamily residential uses to the west of the Project.

(9) Cumulative effect of proposed establishment and adjacent pre-existing uses.

The effect of the Project will enhance the adjacent pre-existing uses. Enhancing the existing restaurants and amenities on the Property.

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

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

No demolition is proposed.

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

Hurricane proof impact windows 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.

Existing landscaping is Florida-friendly and resilient.

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 are being considered.

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 Project is entirely new construction above base floor elevation.

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

All mechanical and electrical systems is located above base flood elevation.

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

The Project is entirely new construction above base floor elevation.

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.

The Project is entirely new construction above base floor elevation.

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

Where feasible, water retention systems will be provided.

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

Cool pavement materials and/or porous pavement materials have been utilized.


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

The existing design minimizes potential for heat island effects on-site.

Conclusion. Granting of this Conditional Use Permit for a Neighborhood Impact Establishment is in harmony with the intent and purpose of the City's Comprehensive Plan and Land Development Regulations. The Project will enhance the viability of the existing Angler's Hotel and will be compatible with the surrounding uses. The Applicant is not proposing to increase the size of the existing food and beverage venues, has proposing modest hours of operation, and ultimately not negatively impact the neighboring properties.

Based on these reasons, the Applicant respectfully requests your favorable review and recommendation of this application. If you have any questions or comments with regards to the application, please contact me at (305) 377-6238.

Sincerely,



Michael J. Marrero

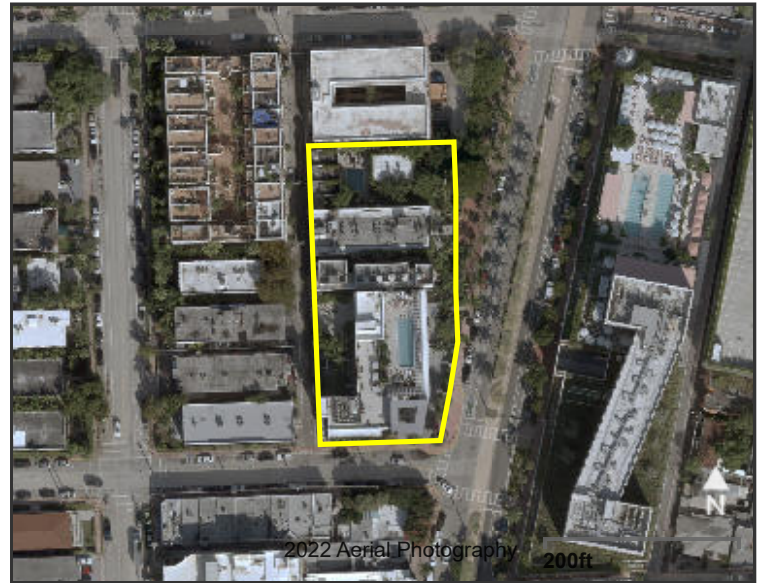
Enclosures

CC: Emily K. Balter

**EXHIBIT A****OFFICE OF THE PROPERTY APPRAISER****Summary Report**

Generated On : 4/10/2023

Property Information	
Folio:	02-4203-009-1720
Property Address:	600 WASHINGTON AVE Miami Beach, FL 33139-6208
Owner	ANGLERS BOUTIQUE RESORT LLC KHP CAPITAL PARTNERS
Mailing Address	101 CALIFORNIA ST STE 980 SAN FRANCISCO, CA 94111 USA
PA Primary Zone	4000 MULTI-FAMILY - 63-100 U/A
Primary Land Use	3921 HOTEL OR MOTEL : HOTEL
Beds / Baths / Half	28 / 132 / 12
Floors	6
Living Units	125
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	101,741 Sq.Ft
Lot Size	41,473 Sq.Ft
Year Built	Multiple (See Building Info.)



Assessment Information			
Year	2022	2021	2020
Land Value	\$10,368,250	\$3,368,250	\$3,368,250
Building Value	\$11,031,750	\$8,131,750	\$8,740,443
XF Value	\$0	\$0	\$659,822
Market Value	\$21,400,000	\$11,500,000	\$12,768,515
Assessed Value	\$21,180,603	\$11,500,000	\$12,768,515

Benefits Information				
Benefit	Type	2022	2021	2020
Non-Homestead Cap	Assessment Reduction	\$219,397		
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
3-4 54 42 34 53 42	
OCEAN BEACH ADD NO 3 PB 2-81	
LOTS 3 THRU 8 BLK 47	
PER UNITY OF TITLE OR 29535-1333	
LOT SIZE 41473 SQ FT M/L	

Taxable Value Information			
	2022	2021	2020
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$21,180,603	\$11,500,000	\$12,768,515
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$21,400,000	\$11,500,000	\$12,768,515
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$21,180,603	\$11,500,000	\$12,768,515
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$21,180,603	\$11,500,000	\$12,768,515

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
11/21/2013	\$5,400,000	28922-3783	Qual on DOS, multi-parcel sale
11/15/2012	\$5,100,000	28363-3931	Qual on DOS, multi-parcel sale
03/01/1997	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed
08/01/1992	\$0	00000-00000	Sales which are disqualified as a result of examination of the deed

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>

Version:

EXHIBIT B

CFN 2014R0476150
OR Bk 29219 Pgs 1064 - 1069; (6pgs)
RECORDED 07/07/2014 15:22:22
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

HISTORIC PRESERVATION BOARD City of Miami Beach, Florida

MEETING DATE: June 10, 2014

FILE NO: 7419

PROPERTY: 660 Washington Avenue

LEGAL: Parcel 1
Lots 3, 4 and 5, Block 47, "Ocean Beach Addition No. 3", according to the Plat thereof recorded in Plat Book 2, page 81 of the Public Records of Miami-Dade County, Florida.

Parcel 2
Lots 6, 7 and 8, Block 47, "Ocean Beach Addition No. 3", according to the Plat thereof recorded in Plat Book 2, page 81 of the Public Records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the construction of a new 5-story ground level addition, as part of a new hotel development.

ORDER

The applicant, Angler's Boutique Resort, 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 Flamingo Park Historic District and the National 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

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 of Planning Director or Designee)

(Date)

Personally known to me, or Produced ID:

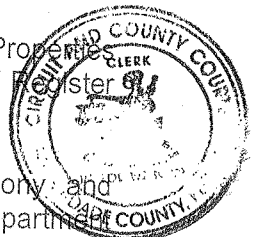
Notary Public, State of Florida at Large

Printed Name: TERESA MARIA

My Commission Expires: (Seal)

This document contains 6 pages.

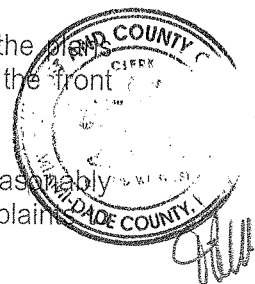
TERESA MARIA
MY COMMISSION # FF 042188
EXPIRES: December 2, 2017
Bonded Thru Budget Notary Services



Allen

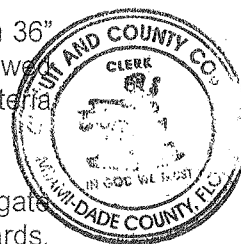
Criteria in Section 118-564(a)(1) of the Miami Beach Code, is not consistent with Certificate of Appropriateness Criteria 'a', 'c' & 'd' in Section 118-564(a)(2) of the Miami Beach Code, and is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'c', 'e', 'h' & 'o' in Section 118-564(a)(3) 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 maximum FAR for one project site shall not exceed 2.0
 - b. The open aluminum frame element located at the corner above the roof level shall be removed, 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. Final details of all exterior surface finishes and materials, including samples, shall be submitted, 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. Final details of all proposed storefront systems and associated details shall be provided for all of the structures on the project site, 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. The final design and details of all exterior 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.
 - f. The final design and details of all railings 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.
 - g. The interior walls of the first level of the parking garage entrance and ramps shall be fully detailed on revised plans. Such interior areas shall consist of high quality, non-stucco surface materials which have a well finished appearance commensurate with the primary façade of the building, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - h. A copy of all pages of the recorded Final Order shall be scanned into the permit submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
 2. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaint



be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, 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. 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 in a manner to be reviewed and approved by staff consistent with the directions from the Board and/or the Certificate of Appropriateness Criteria. At a minimum, such plan shall incorporate the following:
 - a. The material pallet for the proposed hardscape plan shall be simplified, 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. Washingtonian Palms shall be incorporated into the landscape plan and shall be located at the southeast corner of the property, as proposed, 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 paving within the required front yard along Washington Avenue shall be substantially reduced and replaced with landscape material including the introduction of 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.
 - d. Hedge material shall not be permitted within the required front yard along Washington Avenue or within the required side yard along 6th Street. All understory and accent plan material proposed within the required front yard or side yard along 6th Street, shall consist of plant material that does not exceed approximately 24" in height at maturity. The final selection of perimeter landscaping shall be submitted, 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. The landscape plan for the rear yard shall be further developed and include a variety of native species at varying heights, 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. Street trees shall be required along Washington Avenue, placed with a minimum 36" clear space between the tree trunk and the back of curb, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - g. 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.

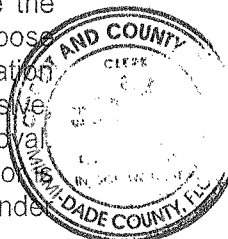
- h. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the revised landscape plan.
 - i. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
 - j. 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.
4. 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. 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. All rooftop facilities shall cease operation at 12:00 am, 7 days a week. Special Events pursuant to the Miami Beach City Code shall not exceed the permitted hours of operation.
- iii. All facilities located within the west courtyard shall cease operation at 10:00 p.m., 7 days a week. Special Events pursuant to the Miami Beach City Code shall not exceed the permitted hours of operation.

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, 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.

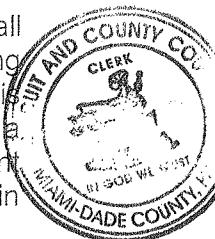
5. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
6. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
7. 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.
8. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
9. 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. 1-9 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 Angler's Hotel", as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc., dated April 25, 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 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.



[Handwritten signature]

Page 6 of 6
HPB File No. 7419
Meeting Date: June 10, 2014

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.

Dated this 13th day of JUNE, 2014.

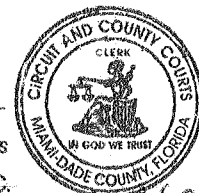
HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

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

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE) SS

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the
original filed in this office on JUL 09 2014 day of

AD 20
WITNESS my hand and Official Seal
HARVEY RUVIN, CLERK, of Circuit and County Courts
By [Signature] D.C.



The foregoing instrument was acknowledged before me this 13th day of JUNE, 2014 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 # FF 042188
EXPIRES: December 2, 2017
Bonded Thru Budget Notary Services

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

Approved As To Form:
Legal Department: [Signature] (6-12-14)

Filed with the Clerk of the Historic Preservation Board on 6-16-14 (WJR)

[Signature]

Exhibit C

CFN: 20170673544 BOOK 30774 PAGE 4660
DATE: 11/30/2017 12:10:04 PM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

HISTORIC PRESERVATION BOARD City of Miami Beach, Florida

MEETING DATE: November 14, 2017

FILE NO: HPB17-0149

PROPERTY: 600-660 Washington Avenue

APPLICANT: Angler's Boutique Resort, LLC a/k/a LBL Development, LLC.

LEGAL: Lots 3, 4, 5, 6, 7 and 8 Block 47, "Ocean Beach Addition No. 3", according to the Plat thereof recorded in Plat Book 2, page 81 of the Public Records of Miami-Dade County Florida.

IN RE: The application for modifications of a previously issued Certificate of Appropriateness including an after-the-fact variance to reduce the required width for a two-way driveway, and variances to relocate an allowable wall sign to the parapet of the building and to exceed the maximum area for a wall sign.

ORDER

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:

I. Certificate of Appropriateness

A. Certificate of Appropriateness has not been requested as part of this application.

II. Variance(s)

A. The applicant filed an application with the Planning Department for the following variances:

1. An after-the-fact variance to reduce by 2'-0" the required width of 22'-0" for a two-way driveway in order to retain a two-way driveway with a width of 20'-0".
2. A variance to relocate an allowable wall sign from the ground floor to the top of the building, fronting 6th Street.
3. A variance to exceed by 53.7 s.f. the maximum allowable area of 30 s.f. for flat signs in order to permit one sign with 83.7 s.f., fronting 6th Street.

B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City

Page 2 of 4
HPB17-0149
Meeting Date: November 14, 2017

Code:

That 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;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That 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.

- C. The Board hereby grants the requested variance(s) and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. 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.



Page 3 of 4
HPB17-0149
Meeting Date: November 14, 2017

- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. 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.
- D. 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.
- E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- F. 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 and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "The Angler's Hotel" as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc., signed and dated August 21, 2017, as amended and approved by the Historic Preservation Board, as determined by staff.

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 the approval 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 approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in



Page 4 of 4
 HPB17-0149
 Meeting Date: November 14, 2017

accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. 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 application will expire and become null and void.

In accordance with Chapter 118 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 application to Chapter 118 of the City Code, for revocation or modification of the application.

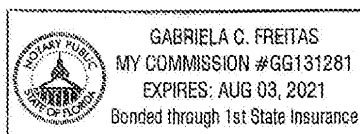
Dated this 21 day of November, 2017.

HISTORIC PRESERVATION BOARD
 THE CITY OF MIAMI BEACH, FLORIDA

BY [Signature]
 DEBORAH TACKETT
 CHIEF OF HISTORIC PRESERVATION
 FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 21st day of November, 2017 by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.



[Signature]
 NOTARY PUBLIC
 Miami-Dade County, Florida
 My commission expires: 8-3-21

Approved As To Form: [Signature] (11/16/17)
 City Attorney's Office:

Filed with the Clerk of the Historic Preservation Board on [Signature] (11/21/17)