MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: January 26, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **File No. 1840 –2301-2399 Collins Ave and 102 24th Street–The 1Hotel–Progress Report**

UPDATE

At the December 15, 2015 Board meeting, an application for mechanical lifts at the property was approved. The applicant proffered to hire a traffic control person who would be responsible for the direction of traffic on 24th Street.

BACKGROUND

September 25, 2007 Sandy Lane Residential LLC, and related entities obtained approval for a Conditional Use Permit to operate two restaurants on site, a ground level VIP lounge, a ballroom and a rooftop pool and bar, which in the aggregate constituted a Neighborhood Impact Establishment.

September 23, 2008 Several conditions of the Conditional Use Permit were modified by the Board to clarify terms and impose further restrictions intended to reduce negative impact on the residential neighbors.

June 22, 2010 The applicants, Sandy Lane Residential, LLC, Sandy Lane Retail LLC, and Sandy Lane Beach Front, LLC were approved for a modification to a Conditional Use Permit (MCUP) to introduce the new operator and for the operator to affirm its understanding of the conditions of the Conditional Use Permit; and to modify the condition that refers to decibels in order to be consistent with the City's noise ordinance.

December 14, 2010 Modifications were made to the final order due to a modification hearing resulting from a Progress Report. The modifications clarified terms and imposed further safeguards and restrictions intended to reduce negative impact on the residential neighbors.

April 24, 2012 The applicant, 2377 Collins Resort, L.P., was approved for a modification to the MCUP to introduce new property owners and operators of the property as required by Condition 3 of the Modified Conditional Use Permit.

October 29, 2013 The applicant, 2377 Collins Resort, L.P., was approved for a Conditional Use Permit (File No. 2138), for a mechanical parking system within the existing parking garage.

June 24, 2014 The applicant, 2377 Collins Resort, LP, was approved for a Modification to the MCUP, in order to relocate a portion of the hotel kitchen serving the rooftop level from the ground floor to just below the rooftop level.

November 24, 2015 The applicant appeared before the Board for a Progress Report and the Board requested a further Progress Report be scheduled for the January 26, 2016 meeting.

December 15, 2015 An application for the re-approval of mechanical lifts in the existing garage (PB File # 2301) was approved.

As a point of reference, this Progress Report encompasses the entire building with the addresses of 2301-2399 Collins Ave and 102 24th Street. This includes but is not limited to the Roney Plaza condominium (2301 Collins Ave) and the 1Hotel (2377 Collins Ave) and Residences (102 24th Street).

Additionally, in the interest of clarity, during the last decade, the hotel component has been known as "The Paradiso", "The Gansevoort", and "The Perry" (not necessarily in that order). And the restaurants, lounge and rooftop operations have been known as "STK", "Phillipe Chow", "The Gansevoort Lounge", "Louis", "Beachcraft", and "Plunge".

PROGRESS REPORT

Staff research found that the following open violations are showing in the City's records as of this writing (the current status is in parenthesis):

1. **CE15007779** *04/13/2015* STK MIAMI LLC at 2305 Collins Avenue (Open) "Failing to obtain a BTR/CU."

2. **CE15008856** *5/12/2015* 2377 COLLINS RESORT LP, DBA 1 HOTEL SOUTH BEACH at 2341 Collins Avenue (Open) "Failing to obtain a BTR/CU."

3. **CE15013854** *10/3/2015* 2377 COLLINS RESORT, LP. D/B/A 1 HOTEL SOUTH BEACH at 2377 Collins Avenue (Violation) "LOUD MUSIC" appealed to Special Master under case number **JC16000047**.

STAFF ANALYSIS

Since the last Progress Report on November 24, 2015, new violations have not been issued. Additionally the existing noise violation is being appealed to the special master and the applicant is working toward obtaining all required BTR'S and BCU'S.

STAFF RECOMMENDATION

Staff recommends that the Board discuss the item, and continue the Progress Report to a date certain of February 23, 2016 so that the Board can be updated on the status of the noise violation.

TRM/MAB/TUI

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MIAMI-DADE COUNTY, FLORIDA

PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA

PROPERTY: 2301 Collins Avenue

FILE NO. 1840

IN RE: The applicant, 2377 Collins Resort, LP, is requesting a Modification to a Conditional Use Permit, pursuant to Article IV, Section 118 of the Miami Beach City Code, in order to relocate a portion of the hotel kitchen serving the rooftop level from the ground floor to just below the rooftop level.

LEGAL DESCRIPTION: See Attached Exhibit "A"

MEETING DATE: June 24, 2014

MODIFIED CONDITIONAL USE PERMIT

The applicant, 2377 Collins Resort, L.P., filed an application with the Planning Director for a Modified Conditional Use Permit pursuant to Article IV, Section 118 of the Miami Beach City Code, in order to relocate a portion of the hotel kitchen serving the rooftop level from the ground floor to just below the rooftop level. Notice of the request was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach 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 of the record for this matter:

That the property in question is located in the RM-3 - Residential Multi Family, High Intensity Zoning District;

That the use is consistent with the Comprehensive Plan for the area in which the property is located;

That 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;

That structures and uses associated with the request are consistent with the Land Development Regulations;

That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

RECORD & RETURN TO:
Carter N. McDowell, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
1450 Brickell Ave., 23rd Floor
Miami, FL 33131

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact and the staff report and analysis, which are adopted herein, including the staff recommendations, that the Conditional Use Permit be Granted subject to the following conditions to which the applicant has agreed:

1. The Planning Board shall maintain jurisdiction over this Conditional Use Permit. If deemed necessary, at the request of the Planning Director, the applicant shall provide a progress report to the Board before the time stipulated herein. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c). This condition does not limit any other remedies available to the Board or the City with respect to this Conditional Use.

2. Prior to the issuance of a building permit, the applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), if deemed necessary, by paying its fair share cost, as determined by the Transportation/Concurrency Management Division.

3. This Conditional Use Permit is issued to 2377 Collins Resort, L.P. Any change of control shall require review by the Planning Board as a modification to this Conditional Use Permit. Subsequent owners and operators shall be required to appear before the Board, within 90 days of the change of ownership or operator, to affirm their understanding of the conditions listed herein.

4. This Conditional Use Permit includes the rooftop area (n/k/a "Rooftop Operation") and the commercial uses within the building - two restaurants: on the southwest and northwest corners; the VIP Lounge; the ballroom; the Gym and spa; and the commercial/retail spaces are hereby approved as part of this request for Conditional Use approval.

5. The relocation of the kitchen servicing the rooftop area from the ground floor to the rooftop level shall be subject to verification that the former mechanical area was previously included in the floor area calculations for the entire building, as determined by the Planning Director, and with the requirement that the floor slab of the existing mechanical room shall remain at its current height.

6. The applicant shall continue to pay a fee in lieu of providing required parking as determined by staff in accordance with applicable law and any newly provided spaces.

7. Live music outdoors shall be prohibited. This condition is applicable to the entirety of Applicants' property, as set forth in Item 3 of their Application dated July 17, 2007. Music played outdoors shall be background music only, played at a level that does not interfere with normal conversation. Additional conditions for sound applicable to the Rooftop Operation, as set forth in this Conditional Use Permit, are incorporated into this condition as well. Non-compliance with this condition shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in Section 118-194 of the City Code.

8. Only the permanently installed, hotel management-controlled sound system shall be permitted in the Rooftop Operation, which shall be under the strict and complete control of management subject to all other terms and conditions of this Conditional Use Permit. No other sound system shall be permitted. Non-compliance with this condition shall be deemed a violation of this

Conditional Use Permit and subject to the remedies as described in Section 118-194 of the City Code.

9. Entertainment, as defined in the City Code shall be prohibited in the Rooftop Operation. Non-compliance with this condition shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in Section 118-194 of the City Code.

10. Any stage structure as well as smoke machines shall be prohibited in the Rooftop Operation, except that a temporary stage may be approved through the normal City of Miami Beach Special Events permitting process, except that the restriction on temporary stage structure is not applicable to the existing management-owned bridge used to bridge the pool. However, at no time during any Special Event shall the provisions of Conditions number **6, 13, 14, 16, 19 and 20** herein be contravened.

11. No temporary lighting equipment on the rooftop shall be permitted other than that associated with a City approved Film and Print Permit. However no temporary lighting equipment shall be set up during the hours of midnight and 7:00 a.m.

12. Lighting shall not shine on or into any neighboring residential units and all lights shall be appropriately shielded to minimize spillover onto neighboring residential areas. There shall be no flashing or spinning lights.

13. Fireworks shall be permitted only on the ground level east of the building.

14. Special "teen night," "all-ages" events, "wet T-shirt," "thong" or "bikini" contests or games shall be prohibited in all the venues proposed in this application. This shall include, but not be limited to events such as Jell-O wrestling, best-tan contests, and similar type of activities.

15. Enforcement of age restriction of 21 years and over, as provided in Section 6-5 of the City Code shall be the responsibility of the applicant. A violation of this condition shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in Section 118-194 of the City Code.

16. Street flyers and handouts shall be prohibited, including handbills from third-party promotions.

17. The Rooftop Operation shall be subject to the conditions proffered by the applicant, which are hereby enumerated:

    a. The maximum number of guests that may be permitted shall not exceed 425 persons.

    b. Closing time shall be 3:00 a.m. Thursday, Friday and Saturday nights, as well as for citywide special events and on national holidays, and 12:00 midnight all other nights.

    c. The following sound conditions shall govern the Rooftop Operation:

        (i) Compliance in all respects with the following noise studies: Cerami & Associates, Inc., dated June 9, 2006, and The Audio Bug, Inc., all as submitted by Applicant under Tab 16 of its "Hearing Notebook" filed with the Planning Board at the Board's July 29, 2008 meeting, as amended by The Audio Bug, Inc. report dated September 17, 2008; and under second amendment by The Audio Bug. Inc.

November 16, 2010; and the following ten additional sound conditions (ii – xi) shall govern to the extent that they are not inconsistent with said studies and report:

(ii) The Audio Bug, Inc. or other sound engineer acceptable to City Staff, commencing on January 15, 2011 and quarterly thereafter shall provide to the Planning Director, Riviera Condominium Association and Roney Condominium Association a copy of a report that confirms that the sound system is in compliance with all the noise studies in 16 c. (i) in this Conditional Use Permit. The report shall also confirm that, based upon a recent inspection, the sound system has not been altered in any manner that would permit the sound system to operate at sound levels that violate the City's Noise Ordinance.

(iii) The applicant shall notify the Riviera Condominium Association and Roney Condominium Association when The Audio Bug, Inc., or other sound engineer acceptable to City staff, will be performing his inspections. The Condominium associations, at their discretion have the right to send board members and/ or their own sound engineers to be present and participate while Audio Bug, Inc. (or another qualified engineer acceptable to City staff) conducts inspections of the sound system.

(iv) Deployment of many small, closely spaced speakers, each of which is unable to operate above the maximum sound levels specified above in 17 c (i); No speaker shall exceed 8 inches in diameter.

(v) A distributed sound system which distributes sound uniformly within the Rooftop Operation and which operates in a manner that does not interfere with normal conversation;

(vi) A sound system which is locked and which will not permit sound above the maximum levels specified above;

(vii) A sound system for which only the hotel general manager will have full responsibility and to which disc jockeys and other individuals, whether employed by the hotel or not, will not have access;

(viii) A sound system which has a centralized computer control and digital processor which will allow only limited access via password security among other security options;

(ix) Speakers, each of which is equipped with small woofers incapable of producing appreciable levels of low frequency energy;

(x) Speakers, each of which will be aimed in a manner which will minimize sound propagation to other properties; and

(xi) A prohibition upon the introduction or use of any other sound-generating equipment of any kind, whether from an outside source or from within the Applicant's property.

18. Regular valet protocol, other than for unit owners of the Paradiso Condominium shall be as follows:

a. Cars returned via the garage exit on 23rd Street and make only right turns. However, at times of excessive demand, the valet manager may use his reasonable discretion in using the 24th Street out ramp for all customers who parked at the valet station on 24th Street in order to maintain appropriate car return times. This valet station, Valet Station #4, shall be located at the westernmost corner of 24th Street and the porte-cochere and no awning shall be permitted on this station.

b. All of the valet spots on Valet Station #4 will be for transient valet use only; no parking shall be permitted on this valet station ramp.

c. There shall not be any drop off/pick up at valet stations 3 and 4, for customers of the commercial uses past the hours of 11:00 p.m. on Sunday through Thursday and 12:00 a.m. on Friday and Saturday.

d. Unit owners of Paradiso Condominium shall have full access at all times to the 24th Street porte cochere for drop-off/pick up.

e. Valet Station No. 2 shall have signs posted indicating that this is the location for drop-off/pick-up area for the Rooftop bar and restaurants.

f. Senior hotel manager and food and beverage manager shall meet on a monthly basis with the Boards of 2401 Collins Avenue (Riviera Condominium) and the Roney Palace Condominium to maintain an open dialogue to air concerns, answer questions and respond to issues that may come up.

19. Loading bays located on 23rd and 24th Streets shall be used only in accordance with the following conditions:

a. 23rd Street – The applicant shall continue to use this loading bay for the disposal of garbage. The existing 34 yard compactor shall remain in use at this location. The applicant shall annually submit to the Planning Director documentation that Applicant has informed its tenants where to dispose of the garbage. This shall insure that no more than approximately sixty percent (60%) of the building's total garbage disposal shall be through 23rd Street. Garbage shall be picked up no more than two (4) times per week on weekdays. Best efforts shall be used so the compactor is only picked up between 10 a.m. and 5 p.m., and shall not be picked up on weekends or federal holidays. If, in the future, the applicant can clearly demonstrate the need to increase garbage pickup to five (5) times per week, that request can be brought to the Planning Director upon notice to the Riviera and Roney for consideration and approval.

b. 24th Street – The applicant shall install the awning for the loading bay at 24th Street, as depicted on the design dated November 22, 2010, entitled "24th Street Loading Bay Plan" within 90 days of this Modified Conditional Use Permit being rendered. The applicant shall maintain a retractable gate, approved by staff, that fully encloses the loading bay fronting 24th Street, which shall remain closed at all times when the loading bay is not in use, i.e.

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garbage pickup or deliveries. The Applicant within 30 days of the order being rendered shall apply to the Board of Adjustment for a variance to permit the height of the gates to be 8'. After the awning and gate are installed, the applicant shall install a 34 yard trash compactor within the enclosed and covered bay. The applicant shall annually submit to the Planning Director documentation that Applicant has informed its tenants where to dispose of the garbage. This shall insure that no more than approximately forty percent (40%) of the building's total garbage disposal shall be through 24th Street. Garbage shall be picked up no more than two (2) times per week on weekdays. Best efforts shall be used so the compactor is only picked up between 10 a.m. and 5 p.m. and shall not be picked up on weekends or federal holidays. If, in the future, the applicant can clearly demonstrate the need to increase garbage pickup to three (3) times per week, that request can be brought to the Planning Director upon notice to the Riviera and Roney for consideration and approval.

c. If requested by the City, including the Planning Board, the Applicant shall provide data illustrating the utilization of the loading bays for garbage as the building becomes fully operational. Repeated violation of the garbage pickup times and gate closure rules as provided above shall result in reconsideration of this issue by the Board. The Applicant shall put all tenants and other garbage producing entities on notice of these conditions, with a copy of such notice submitted to the Planning Department.

d. Regarding the loading of trucks and vehicles at the loading docks on the 23rd and 24th Streets, the Applicant shall propose a plan for the distribution to the Planning Director, the Roney and the Riviera for their approval within 120 days of rendition of this approval. In the event an agreement is not reached between the Roney, Riviera, Planning Director and Applicant the Planning Director shall bring the issue and proposed plan before the Planning Board for review and approval. The Applicant shall notify each of its tenants and operators that all vendors shall only be allowed to unload at the designated loading docks with a copy of such notice submitted to the Planning Director for the file. The plan shall be incorporated by reference into and enforced as part of this Modified Conditional Use Permit.

20. The Planning Board shall retain the right to call the operators back before them and modify the hours of operation should there be complaints about loud, excessive, unnecessary, or unusual noise.

21. A violation of Section 46-152, Code of the City of Miami Beach, Florida (a/k/a "noise ordinance"), as amended and as these sections may in the future be renumbered, shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in section 118-194, Code of the City of Miami Beach, Florida.

22. Fireworks shall be permitted on July 4 and New Years Eve without notice to the Roney or Riviera if approved by appropriate city officials in advance and in writing. At all other times notice shall be given by the Applicant to both the Riviera and Roney 30 days in advance of the proposed fireworks in order to file any objections. However, notice is not required if written permission is granted by the Association Boards of each Condominium. Compliance with all other requirements of applicable law is required for any fireworks display.

23. The Applicant shall prepare and submit to the Planning Department staff, the Riviera and the Roney a traffic circulation analysis prepared by a traffic engineer within 120 days from the rendition of the order. If the traffic engineer deems it necessary he may supply a revised traffic

circulation plan. The Roney and Riviera may also submit a traffic circulation analysis for consideration by the Planning Director. Any traffic improvements recommended by the analysis shall be implemented after approval by the Planning Director, Roney, Riviera and Applicant. Such agreement on such improvements shall be incorporated by reference and enforced as part of this Modified Conditional Use Permit. If an agreement is not reached between the Director, Applicant, Riviera and Roney, the Director shall bring the analysis and/or plan issue before the Planning Board to make a determination.

24. The applicant shall be responsible for maintaining the areas adjacent to the facility, such as the sidewalks, curb and gutter on Collins Avenue and 24th Street, in excellent condition, keeping these areas in a clean condition, free of all refuse, at all times during the hours of operation.

25. Non-compliance with any of the conditions specified herein shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in Section 118-194 of the City Code, including but not limited to revocation of this Permit.

26. The approval of this Conditional Use Permit shall be based upon the Operational Plan submitted as part of this application for Neighborhood Impact Establishment and other conditions and restrictions as articulated herein.

27. This 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.

28. Mitigation measures to improve level of service standards and traffic conditions, especially on 24th Street shall be the sole responsibility of the applicant. The applicant shall coordinate these mitigation measures with the City's Transportation Manager, including but not limited to traffic light timing, left-hand turn signal for westbound traffic, and similar.

29. ~~This Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County at the expense of the applicant, prior to the issuance of a modified certificate of use.~~ The executed Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant and returned to the Planning Department. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.

30. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.

31. Nothing in this order authorizes a violation of the City Code or other applicable law, nor supersedes any requirement or standard set forth in the City Code (or City's Noise Ordinance, etc).

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32. References to third parties in this Order are at the request of and by agreement of the Applicant, and shall not be considered an unlawful delegation of legislative authority.

Dated this 2nd day of JULY, 2014.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: _____
Thomas R. Mooney, AICP
Planning Director
For Chairman

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 2nd day of July, 2014, by Thomas R. Mooney, AICP, Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

[NOTARIAL SEAL] NOTARY PUBLIC STATE OF FLORIDA TERESA MARIA MY COMMISSION # FF 042188 EXPIRES: December 2, 2017 Bonded Thru Budget Notary Services

Notary: _____
Print Name: TERESA MARIA
Notary Public, State of Florida
My Commission Expires: 12-2-17
Commission Number: FF 042188

Approved As To Form:
Legal Department _____ (7-1-14)

Filed with the Clerk of the Planning Board 07/03/2014 ( )

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EXHIBIT "A"

LEGAL DESCRIPTION

Parcel I:
From a POINT OF BEGINNING, start at the Southeast corner of the intersection of Collins Avenue and Hotel Place (now known as Twenty Fourth Street); thence South along the East boundary line of Collins Avenue, and Collins Avenue produced across formerly Atlantic Avenue (and also formerly known as Twenty Third Street); a distance of six hundred twenty-five feet; thence East parallel to the South boundary of formerly Atlantic Avenue (and formerly Twenty Third Street) to the low water mark of the Atlantic Ocean; thence North along the low water mark of the Atlantic Ocean to a point where it intersects the South boundary line of Hotel Place (now known as Twenty Fourth Street) extended Eastwardly; thence West along the South boundary line and projection of Hotel Place (now known as Twenty Fourth Street) to the POINT OF BEGINNING, all as shown by an amended map or Plat of OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, recorded in Plat Book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida.

AND TOGETHER WITH
Easements and other rights, to the extent such rights constitute real property rights under Florida laws, as granted and reserved by that certain Declaration of Protective Covenants recorded in Official Records Book 17787, Page 1592, and as amended by the First Amendment recorded in Official Records Book 20545, Page 3905, both of the Public Records of Miami-Dade County, Florida.

LESS AND EXCEPT THEREFROM:
All of the RONEY PALACE, A CONDOMINIUM, according to the Declaration of Condominium thereof, as recorded in Official Records Book 17787, at Page 1644; and as amended by the First Amendment of Declaration of Condominium of the RONEY PALACE, a Condominium, made by the RONEY PALACE Condominium Association, Inc., a Florida Corporation not for profit (the "Association"), adopted as of December 29, 1998, (but not executed or recorded) and dated May 2, 2001, and recorded on May 9, 2001, in Official Records Book 19650, at Page 1529; as further amended by the Second Amendment to Declaration of Condominium of the RONEY PALACE, a Condominium, made by the Association, dated May 5, 1999, and recorded on June 2, 1999, in Official Records Book 18631, at Page 2583; as further amended by the Third Amendment to Declaration of Condominium, made by the Association, dated February 20, 2002, and recorded on February 28, 2002, in Official Records Book 20231, at Page 3400; said Amendment being re-recorded on March 18, 2002, in Official Records Book 20297, at Page 579; as further amended by the Fourth Amendment to Declaration of Condominium, made by the Association, dated February 20, 2003, and recorded on March 31, 2003, in Official Records Book 21135, at Page 1153; as further amended by the Fifth Amendment to Declaration of Condominium, made by the Association, dated July 14, 2003, and recorded on July 17, 2003, in Official Records Book 21434, at Page 4207, all of the Public Records of Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT THEREFROM:
All of RONEY PALACE COMMERCIAL CONDOMINIUM, according to the Declaration of Condominium thereof, as recorded in Official Records Book 21816, at Page 4877; and as amended by First Amendment of Declaration of Condominium, dated August 9, 2004, and recorded on September 16, 2004, in Official Records Book 22662, at Page 647; as further amended by the Second Amendment to the Declaration of Condominium, dated September 10, 2004, and recorded on September 16, 2004, in Official Records Book 22662, at Page 694; said Second Amendment having been re-recorded on October 19, 2004, in Official Records Book 22744, at Page 2136, all of the Public Records of Miami-Dade County, Florida.

FURTHER LESS AND EXCEPT THEREFROM:
All of PARADISO, a Condominium according to the Declaration of Condominium thereof, as recorded in Official Records Book 26402, Page 2451, in the Public Records of Miami-Dade County, Florida.

Parcel II: (Lot on West side of Collins Avenue)
Beginning at the Northeast corner of Lot 12, Block 3 of the AMENDED PLAT OF THE OCEAN FRONT PROPERTY OF THE MIAMI-BEACH IMPROVEMENT COMPANY, according to the Plat thereof, as recorded in Plat Book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida; Thence Southerly along the Westerly line of Collins Avenue a distance of 45 feet to a point; Thence Westerly, parallel to the North line of Atlantic Avenue (now known as 23rd street) for a distance of 285 feet to a point on the Easterly line of Palm Avenue (now known as Liberty Avenue); Thence Northerly along the said Easterly line of said Palm Avenue (now known as Liberty Avenue) a distance of 145 feet to a point; Thence run Easterly, parallel to said 23rd St. a distance of 285 feet; Thence Southerly along the Westerly line of Collins Avenue a distance of 100 feet to the Point of Beginning.

Parcel III: (Strip of Land on the West Side of Collins Avenue)
A strip of land described as follows: For a Point of Beginning, extend the South line of Hotel Place (now known as 24th St.) Westerly until it intersects with the West line of Collins Avenue; Thence South along the West line of Collins Avenue a distance of 217 feet; Thence West to the low water mark or bulkhead of that body of water designated as a "Lake". Thence Northerly along the low water mark or bulkhead of said lake to a point where the South line of Hotel Place (now known as 24th St.) extended Westerly intersects said low water mark or bulkhead; Thence Easterly to the Point of Beginning; All as shown by AMENDED MAP (PLAT) OF MIAMI BEACH OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, recorded in Plat Book 5, Pages 7 and 8, of the Public records of Miami-Dade County, Florida.

LEGAL DESCRIPTION

Parcel IV: (Submerged Land – Easterly 1/2 of Lagoon):
(Surveyor's Revised Legal Description)
Commence at the concrete monument situated at the Northwest corner of Block 2, as said Block 2 is shown on a plat entitled "Amended Map of the Ocean Front Property of the Miami Beach Improvement Company", recorded in Plat Book 5 at Pages 7 and 8, of the Public Records of Miami-Dade County, Florida; Thence run Northerly along the East Right-of-Way line of Palm Avenue (now Liberty Avenue), for 493.28 feet to point of curvature of a circular curve to the left; Thence continue along the arc of said curve having for its elements a central angle of 01'58'23", a radius of 494.0 feet, for an arc distance of 17.01 feet to the point of intersection of the East right-of-way line of Palm Avenue (now Liberty Avenue) and the Northerly face of concrete bulkhead on the Southerly shore of the Collins Canal; Thence run Northeasterly and Southeasterly meandering said Northerly face of concrete bulkhead for 204.6 feet to a point; Thence along a line from last described point, to a point where the South right-of-way line of Hotel Place (now 24th Street) extended to West, intersects the concrete bulkhead on the Easterly shore of Lake Pancoast, for 80.0 feet to the Point of Beginning of the Easterly one-half of the lagoon (Lake Pancoast);
From said Point of Beginning, thence in a Southeasterly direction, along the Westerly line of the Easterly one-half of said lagoon, for 215.0 feet, more or less, to a point on the Northerly face of concrete bulkhead at the South end of said lagoon, this point being 33.0 feet West of the Westerly right-of-way of Collins Avenue; Thence run Easterly along face of concrete bulkhead or low water mark of said lagoon, to point on a line 217.0 feet South of and parallel to the South line of Hotel Place (now 24th Street); Thence run Northwesterly, meandering along Westerly face of concrete bulkhead on Easterly shoreline of said lagoon or the low water mark of said lagoon, to a point of intersection with South right-of-way line Hotel Place (now 24th Street) extended Westerly; Thence across Northerly portion of said lagoon, to the Point of Beginning.

Parcel V:
Condominium Units 838, 1436, 1634, 1635, 1637, PH-11 and Condominium Units CU-1 through CU-14, inclusive of THE RONEY PALACE, A CONDOMINIUM, according to the Declaration of Condominium thereof, as recorded in Official Records Book 17787, Page 1644, of the Public Records of Miami-Dade County, Florida; as amended by the First Amendment to Declaration of Condominium recorded in Official Records Book 19650, Page 1529; as further amended by Second Amendment to Declaration of Condominium recorded in Official Records Book 18631, Page 2583; as further amended by Third Amendment to Declaration of Condominium recorded in Official Records Book 20231, Page 3400, said amendment was re-recorded in Official Records Book 20297, Page 579; as further amended by that Fourth Amendment to Declaration of Condominium recorded in Official Records Book 21135, Page 1163; as further amended by Fifth Amendment to Declaration of Condominium recorded in Official Records Book 21434, Page 4207, all of the Public Records of Miami-Dade County, Florida, and any subsequent amendments thereto, together with an undivided share in the common elements.
AND TOGETHER WITH:
Easements and other rights to the extent such rights constitute real property rights under Florida law, as granted and reserved by that certain Declaration of Protective Covenants recorded in Official Records Book 17787, Page 1592 and as amended by First Amendment recorded in Official Records Book 20545, Page 3905, both in the Public Records of Miami-Dade County, Florida.

Parcel VI:
All of RONEY PALACE COMMERCIAL CONDOMINIUM, according to the Declaration of Condominium thereof, as recorded in Official Records Book 21816, Page 4877; and as amended by First Amendment to Declaration of Condominium recorded in Official Records Book 22662, Page 647; as further amended by Second Amendment to Declaration of Condominium recorded in Official Records Book 22662, Page 694; said Second Amendment was re-recorded in Official Records Book 22744, Page 2136, all of the Public Records of Miami-Dade County, Florida, and any subsequent amendments thereto.

AND TOGETHER WITH
Easements and other rights to the extent such rights constitute real property rights under Florida law, as granted and reserved by that certain Declaration of Protective Covenants recorded in Official Records Book 17787, Page 1592 and as amended by First Amendment recorded in Official Records Book 20545, Page 3905, both in the Public Records of Miami-Dade County, Florida.

Parcel VII:
All of PARADISO, according to the Declaration of Condominium thereof, as recorded in Official Records Book 26402, Page 2451, in the Public Records of Miami-Dade County, Florida, and any amendments thereto, less: Unit Numbers 934, 1022, 1106 and 1411

AND TOGETHER WITH
Easements and other rights to the extent such rights constitute real property rights under Florida law, as granted and reserved by that certain Declaration of Protective Covenants recorded in Official Records Book 17787, Page 1592 and as amended by First Amendment recorded in Official Records Book 20545, Page 3905, both in the Public Records of Miami-Dade County, Florida.

Bilzin Sumberg
ATTORNEYS AT LAW

October 28, 2014

Antoinette Stohl
City of Miami Beach
Planning Department
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Planning Board - File No. 1840
Property: 2377 Collins Avenue

Dear Antoinette:

In accordance with your request, enclosed is the original, recorded PB Order for File No. 1840 dated June 24, 2014 recorded in the Public Records of Miami-Dade County in OR Book 29233 at Page 4349-4358 on July 17, 2014.

As always, if you have any questions or need additional information, please do not hesitate to contact me at (305) 350-2355.

Very truly yours,

Ibis Diaz
Assistant to Carter N. McDowell

:id
Enclosure

MIAMI 4389113.1 79794/42069

10/28/14 3:25 PM