

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: November 6, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB19-0344 a.k.a. HPB16-0058, **6565 Collins Avenue.**

An application has been filed requesting modifications to a previously issued Certificate of Appropriateness for the total demolition of the existing rear cabana structures and the design of a new hotel amenity area including a new elevated pool deck and shade structures, including variances to reduce the required side setback for a driveway, to reduce the minimum drive aisle width for perpendicular parking, for the triple stacking of valeted vehicles, to reduce the required pedestal rear and both side setbacks, to exceed the maximum area allowed for decks, to reduce the required rear and both side setbacks within the Oceanfront Overlay district, and to exceed the maximum elevation and lot coverage allowed within the Oceanfront Overlay District. Specifically, the applicant is requesting approval for a phased development permit schedule and modifications to the pool deck design.

STAFF RECOMMENDATION

Approval of the modifications to a previously issued Certificate of Appropriateness with conditions

BACKGROUND

On March 12, 2018, the Board reviewed and approved a Certificate of Appropriateness for the total demolition of the existing rear cabana structures and the design of a new hotel amenity area including a new elevated pool deck and shade structures, including variances to reduce the required side setback for a driveway, to reduce the minimum drive aisle width for perpendicular parking, for the triple stacking of valeted vehicles, to reduce the required pedestal rear and both side setbacks, to exceed the maximum area allowed for decks, to reduce the required rear and both side setbacks within the Oceanfront Overlay district, and to exceed the maximum elevation and lot coverage allowed within the Oceanfront Overlay District.

EXISTING STRUCTURE

Local Historic District:	North Beach Resort
Classification:	Contributing
Original Construction Date:	1947
Original Architect:	Henry Hohauser

ZONING / SITE DATA

Legal Description:

Lots 40, 41 & 42, Block 1, of the Amended Plat of the Second Ocean Front Subdivision, as recorded in the Public Records of Miami-Dade County, According to the Plat Thereof, as Recorded in Plat Book 28, Page 28, of the Public Records of Miami-Dade County, Florida.

Zoning:

RM-3, Residential multi-family, high intensity

Future Land Use Designation:

RM-3, Residential multi-family, high intensity

THE PROJECT

The applicant has submitted plans entitled “Sherry Frontenac”, as prepared by Bellinson Gomez Architects, P.A., dated August 19, 2019.

COMPLIANCE WITH ZONING CODE

The application, as submitted appears to be consistent with the applicable requirements of the City Code.

This shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the existing **hotel use** appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable to the requested modifications
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable to the requested modifications
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable to the requested modifications
- (4) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.
Not Applicable to the requested modifications
- (5) The project applicant shall consider the 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. The applicant shall also

specifically study the land elevation of the subject property and the elevation of surrounding properties.

Not Applicable to the requested modifications

- (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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.

Not Applicable to the requested modifications

- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

Not Applicable to the requested modifications

- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Not Applicable to the requested modifications

- (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.

Not Applicable to the requested modifications

- (10) In all new projects, water retention systems shall be provided.

Not Applicable to the requested modifications

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

Not Applicable to the requested modifications

- (12) The project design shall minimize the potential for a project causing a heat island effect on site.

Satisfied

COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA

A decision on an application for a Certificate of Appropriateness shall be based upon the following:

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

- a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.

Satisfied

- b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.
Satisfied
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. Exterior architectural features.
Satisfied
 - b. General design, scale, massing and arrangement.
Satisfied
 - c. Texture and material and color.
Satisfied
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Satisfied
 - e. The purpose for which the district was created.
Satisfied
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied
 - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Satisfied
 - h. The original architectural design or any subsequent modifications that have acquired significance.
Satisfied
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Not Applicable to the requested modifications

- b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Satisfied
- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.
Satisfied
- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.
Satisfied
- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
Satisfied
- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.
Not Applicable to the requested modifications
- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.
Not Applicable to the requested modifications
- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Not Applicable to the requested modifications

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Not Applicable to the requested modifications
- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Satisfied
- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.
Not Applicable to the requested modifications
- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable to the requested modifications
- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Satisfied
- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.
Not Applicable to the requested modifications
- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable to the requested modifications

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

Section 118-564 (f)(4) of the Land Development Regulations of the Miami Beach Code provides criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. The following is an analysis of the request based upon these criteria:

- a. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code as a Historic Building, Historic Structure or Historic Site, Historic

Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.

Satisfied

The existing structure is designated as part of the North Beach Resort Local Historic District; this building is designated as a Contributing structure in the historic district.

- b. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

Satisfied

The existing structure would be difficult and inordinately expensive to reproduce.

- c. The Building, Structure, Improvement, or Site is one of the last remaining examples of its kind in the neighborhood, the country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

Satisfied

The subject structure is one of the last remaining examples of its kind and is a distinctive example of an architectural or design style which contributes to the character of the district.

- d. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

Satisfied

The subject structure is designated as a Contributing building in the Miami Beach Historic Properties Database.

- e. Retention of the Building, Structure, Improvement, Landscape Feature or Site promotes the general welfare of the City by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage.

Satisfied

The retention of this structure is critical to developing an understanding of an important Miami Beach architectural style.

- f. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district.

Satisfied

The demolition proposed in the subject application is partially for the purpose of constructing a parking garage.

- g. In the event an applicant or property owner proposes the total demolition of a contributing structure, historic structure or architecturally significant feature, there shall

be definite plans presented to the board for the reuse of the property if the proposed demolition is approved and carried out.

Not Applicable

The applicant is not proposing total demolition of the existing ‘Contributing’ building.

- h. The Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.

Not Applicable

The Miami-Dade County Unsafe Structures Board has not ordered the demolition of any part of the subject building.

ANALYSIS

The Sherry Frontenac Hotel, constructed in 1947 and designed by Henry Hohauser, is an excellent example of Post War Modern style architecture. In 2016, the Board reviewed and approved modifications to the window opening sizes along the north, south and east elevations and the introduction of balcony structures along the east elevation. Additionally, in 2018 the Board reviewed and approved the redevelopment of the rear yard including a raised amenity deck and partially below grade parking level.

The applicant is currently requesting minor modifications to the design previously approved C-shaped perforated concrete canopy structure proposed to be introduced at the pool deck level. Specifically, the center portion of the canopy is proposed to be extended an additional 10'-0" to the east for an overall width of 40'-0". Staff has no objection to this modification which will have no adverse impact on the existing Contributing building or the surrounding historic district.

Additionally, the applicant is requesting approval of a phased development permit, in order to complete the rear yard improvements in stages. As indicated by the applicant, a building permit for the first phase of construction will be issued no later than June 17, 2021 and a building permit for the second phase (the remainder of the rear yard improvements) will be issued no later than December 22, 2022. After the completion of each phase, the applicant is required to present a progress report to the Board. Staff has no objection to the proposed phased development schedule and looks forward to the completion of the renovation and restoration project.

RECOMMENDATION

In view of the foregoing analysis and the inconsistencies with the aforementioned Certificate of Appropriateness criteria, staff recommends the application be approved subject to the conditions enumerated in the attached draft Order.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: November 6, 2019

FILE NO: HPB19-0344 a.k.a. HPB16-0058

PROPERTY: 6565 Collins Avenue

APPLICANT: S. F. Land, LLC

LEGAL: Lots 40, 41 & 42, Block 1, of the Amended Plat of the Second Ocean Front Subdivision, as recorded in the Public Records of Miami-Dade County, According to the Plat Thereof, as Recorded in Plat Book 28, Page 28, of the Public Records of Miami-Dade County, Florida.

IN RE: An application has been filed requesting modifications to a previously issued Certificate of Appropriateness for the total demolition of the existing rear cabana structures and the design of a new hotel amenity area including a new elevated pool deck and shade structures, including variances to reduce the required side setback for a driveway, to reduce the minimum drive aisle width for perpendicular parking, for the triple stacking of valeted vehicles, to reduce the required pedestal rear and both side setbacks, to exceed the maximum area allowed for decks, to reduce the required rear and both side setbacks within the Oceanfront Overlay district, and to exceed the maximum elevation and lot coverage allowed within the Oceanfront Overlay District. Specifically, the applicant is requesting approval for a phased development permit schedule and modifications to the pool deck design.

CONSOLIDATED 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. The subject site is located within the North Beach Resort 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:
 - 1. Is consistent with Sea Level Rise and Resiliency Review Criteria in Section 133-50(a) of the Miami Beach Code.
 - 2. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.

3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
 4. Is not consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code.
 5. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would remain 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 and, at a minimum, such drawings shall incorporate the following:
 - a. The canopy structure shall comply with the required Oceanfront Overlay rear yard setback, 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. The accessory outdoor bar counter structures shall comply with the Oceanfront Overlay rear and side yard setbacks and the structures shall be screened from view from the public beach walk, 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.
 2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. The 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.
 - b. A minimum of 42" of soil depth and a minimum rooting area of 8'-0" x 8'-0" shall be provided for all proposed planters with clusia rosea trees to ensure the proper health and growth of the trees, in a manner to be reviewed and approved by staff.
 - c. The installation of artificial grass or sod shall be prohibited on any outdoor landscaped area of the property.

3. The phased development permit schedule shall be approved in accordance with the following timeframe:
 - a. First Phase – Building Permit issued by June 17, 2021.
 - b. Second Phase – Building Permit issued December 22, 2022.
4. The applicant shall return to the Board for a progress report after the completion of the First Phase and Second Phase of the project.

In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s):
 1. A variance to reduce by 11'-7" the required pedestal interior side setback of 18'-0" in order to construct a parking structure, elevated pool deck, planters and cabanas at 6'-5" from the north side property line.
 2. A variance to reduce by 11'-7" the required pedestal interior side setback of 18'-0" in order to construct a parking structure, elevated pool deck, planters and cabanas at 6'-5" from the south side property line.
 3. A variance to reduce by 59'-6" the required pedestal rear setback of 66'-6" in order to construct a parking structure, elevated pool deck and cabanas at a minimum of 7'-0" from the rear property line.
 4. A variance to eliminate all required subterranean side setback of 11'-3" in order to construct a driveway at zero setback from the north side property line.
 5. A variance to reduce by 8'-7" the required side setback of 15'-0" from the property line in order to construct a raised pool, deck and ramps at 6'-5" from the north side property line within the Oceanfront Overlay District.
 6. A variance to reduce by 8'-7" the required side setback of 15'-0" from the property line in order to construct a raised pool, deck and ramps at 6'-5" from the south side property line within the Oceanfront Overlay District.
 7. A variance to reduce by 5'-4" the required rear setback of 10'-0" from the Bulkhead Line in order to construct a raised pool walkway at a minimum of 4'-8" from the Bulkhead Line within the Oceanfront Overlay District.
 8. A variance to reduce by 11% (1,227 square feet) the minimum required lot coverage of 50% (5,627 square feet) in order to construct a raised pool and other miscellaneous structures and provide an open space of 39% (4,400 square feet) within the Oceanfront Overlay District.

9. A variance to exceed by 1'-0" the maximum height of 12'-10" NAVD for structures located in the Oceanfront Overlay District in order to construct planters up to 13'-10" NAVD in height.
 10. A variance to reduce 2'-0" from the minimum required width of 22'-0" interior drive aisle for 90° parking in order to provide parking spaces at 90° with an interior drive aisle of 20'-0".
 11. A variance to exceed by 64.5% (2,392 square feet) the maximum 30% (1,113 square feet) area for structures in the required rear yard in order to construct a raised pool, deck and cabanas with 94.5% (3,505 square feet) of area in the rear yard.
 12. A variance to allow the stacking of three vehicles for tandem parking in order to construct parking spaces for the existing hotel.
- 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 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.
2. A fully enclosed air conditioned trash room that is sufficiently sized to handle the entire trash load of the building at all times shall be required, located within the envelope of the building, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board
3. At least two loading spaces shall be provided on site, in a manner to be reviewed and approved by staff.

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. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness approval set forth, in the original Order dated March 12, 2018 and as modified herein. Accordingly, this Order shall serve as the Final Order for the proposed project and, in the event of a conflict between the provisions herein and those in the March 12, 2018 Order, the provisions herein shall control.
- B. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- C. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- D. All new construction over 7,000 square feet or ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area shall be required to be, at a minimum, certified as **LEED Gold by USGBC**. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.

- E. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- F. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- 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.
- H. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. 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.
- J. 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.
- K. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- L. 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 "Sherry Frontenac" as prepared by Bellinson Gomez Architects, P.A., dated August 19, 2019 and January 5, 2018, as 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 in accordance with the phased development permit schedule approved by the Board, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in 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 _____ day of _____, 20__.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
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 _____ day of _____ 20__ 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.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: _____

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HPB19-0344 a.k.a. HPB16-0058
Meeting Date: November 6, 2019

Approved As To Form:
City Attorney's Office: _____ ()

Filed with the Clerk of the Historic Preservation Board on _____ ()

~~Strike Thru~~ denotes deleted language
Underscore denotes new language