

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: July 14, 2020

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB20-0392, HPB20-0393, HPB20-0394, HPB20-0396 & HPB20-0397,
Citywide Distributed Antenna System (DAS) Nodes

Applications have been filed requesting Certificates of Appropriateness for the installation of Stealth Distributed Antenna System (DAS) nodes within the public rights-of-way at the following approximate locations: **213 67th Street, 210 19th Street, 109 9th Street 110 7th Street & 137 73rd Street.**

RECOMMENDATION

Approval of the Certificates of Appropriateness with conditions

SITE DATA

HPB20-0392 – 213 67th Street (North Beach Resort Historic District)

Legal Description: Latitude – North 25° 51' 02.5", Longitude – West 80° 07' 15.1";
X = 945289.59 Y = 552401.73

HPB20-0393 – 210 19th Street (Museum Historic District)

Legal Description: Latitude – North 25° 47' 42.0", Longitude – West 80° 07' 46.1";
X = 942592.52 Y = 532139.43

HPB20-0394 – 109 9th Street (Ocean Drive/Collins Avenue Historic District)

Legal Description: Latitude – North 25° 46' 45.2", Longitude – West 80° 07' 51.8";
X = 942104.81 Y = 526398.76

HPB20-0396 – 110 7th Street (Ocean Drive/Collins Avenue Historic District)

Legal Description: Latitude – North 25° 46' 36.1", Longitude – West 80° 07' 53.6";
X = 941951.09 Y = 525476.42

HPB20-0397 – 137 73rd Street (Harding Townsite/South Altos del Mar Historic District)

Legal Description: Latitude – North 25° 51' 30.6", Longitude – West 80° 07' 15.7";
X = 945210.00 Y = 555233.16

THE PROJECT

The applicant has submitted plans entitled "Crown Castle Small Wireless Facilities", as prepared by Crown Castle, dated April 6, 2020.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with all pertinent requirements of the City Code.

The above noted comments 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.

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
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
- (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
- (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
- (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
- (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
- (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

- (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
- (10) In all new projects, water retention systems shall be provided.
Not Applicable
- (11) Cool pavement materials or porous pavement materials shall be utilized.
Not Applicable
- (12) The project design shall minimize the potential for a project causing a heat island effect on site.
Not Applicable

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.
Not Applicable
 - h. The original architectural design or any subsequent modifications that have acquired significance.
Not Applicable
- 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
 - 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.
Not Applicable
 - 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.
Satisfied
- 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
- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Not Applicable
- 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
- 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
- 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

- 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).

Not Applicable

- 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

- 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

ANALYSIS

Staff has met with the applicant and has performed site inspections for each of the site locations proposed. Staff would note that due to conditions that vary in our City, such as historic properties, sidewalk width and existing street furniture, each site requires careful review and analysis so as not to negatively impact the quality of the architectural character or pedestrian experience. A joint effort between applicant and staff is required to ensure that the best location, in terms of aesthetic appropriateness and visibility, is achieved while still meeting the radiofrequency objectives by covering the areas that need to be covered.

As opposed to cellular companies locating antennas on large monopoles or lattice tower structures in and around the city, a DAS network creates a grid of smaller scale antennas distributed more evenly throughout the city, usually installed to satisfy a deficiency of coverage and/or capacity in a dense urban setting. The DAS system is intended to supplement existing wireless communications networks in the City by strengthening the signal between existing antenna towers providing cellular and digital communications signals to the modern digital network of smartphones, tablets and computers.

HPB20-0392 – 213 67th Street (FPL utility pole)

The applicant is proposing to install DAS utility equipment directly onto an existing FPL utility pole located on the north side of 67th Street. Additionally, a separate electrical meter is proposed to be installed in close proximity to the existing FPL pole. The meter will be located within a stealth designed metal post that is 6'-5 3/8" tall and 1'-3/4" in diameter. The meter cannot be placed directly on the utility pole per FPL regulations. Co-locating equipment onto single facilities whenever feasible (e.g. FPL poles) is permitted, with the minimizing (or "stealthing") of equipment to the greatest extent possible. Staff finds that the proposed location on the existing FPL pole is the most appropriate option for this location. Further, the introduction of the meter pole will not impede pedestrian movement along the approximately 20'-8" wide sidewalk.

HPB20-0393 – 210 19th Street (new stand-alone)

The applicant is proposing to install a stand-alone DAS utility stealth designed pole within the existing sidewalk at the southwest corner of the intersection of Collins Avenue and 19th Street. Staff finds that the proposed location is the most appropriate option for this location and will not impede pedestrian movement along the approximately 6'-6" wide sidewalk. In order to be consistent with the City's initiative to enhance lighting throughout the City, staff recommends

that the applicant explore with the Public Works and Environment & Sustainability departments, the introduction of an integrated streetlight on the proposed pole.

HPB20-0394 – 109 9th Street (new pole with streetlight)

The applicant is proposing to install a DAS utility stealth designed pole with integrated streetlight within the existing sidewalk at the northwest corner of the intersection of Ocean Drive and 9th Street. Staff finds that the proposed location is the most appropriate option for this location and will not impede pedestrian movement along the approximately 5'-0" wide sidewalk.

HPB20-0396 – 110 7th Street (one-for-one)

The applicant is proposing to remove an existing 'cobra head' style street light and install a DAS utility pole with an integrated streetlight at the southwest corner of the intersection of Ocean Drive and 7th Street. At this particular location, the removal of the existing City light pole and installation of a DAS utility stealth designed pole approximately 12'-0" to the east of the existing pole will not result in a net increase of street furniture.

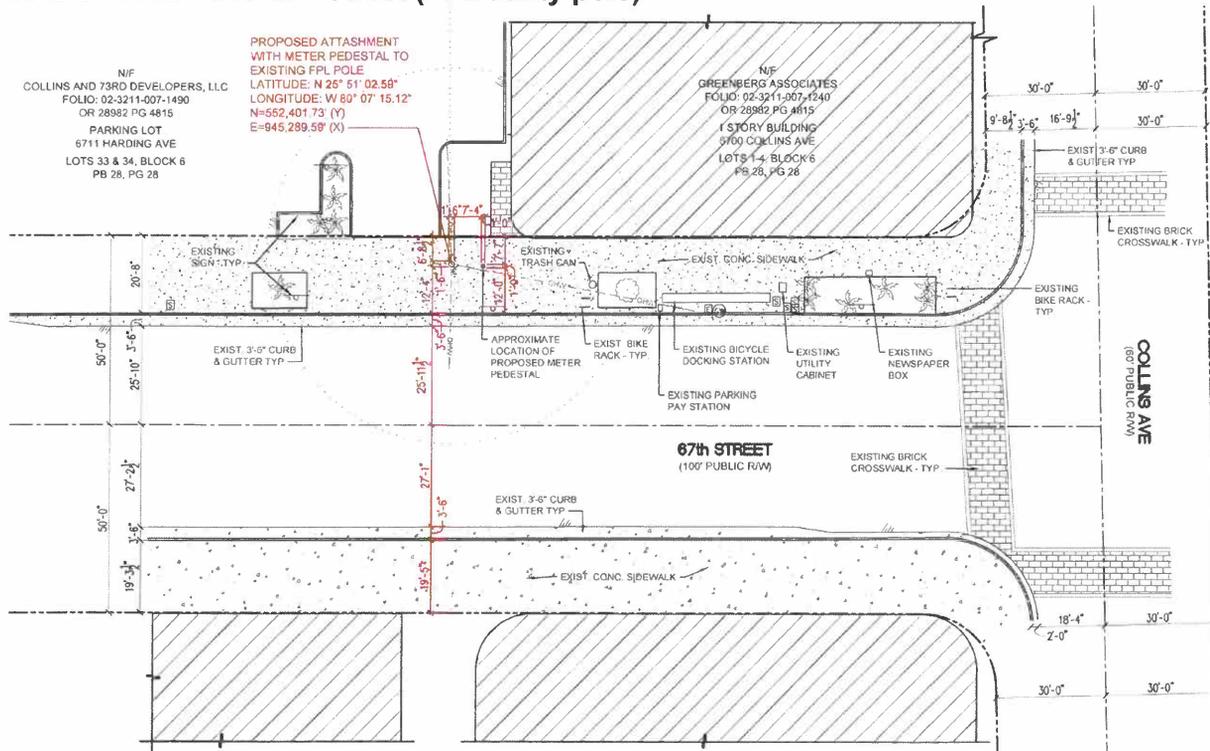
HPB20-0397 – 137 73rd Street (FPL utility pole)

The applicant is proposing to install DAS utility equipment directly onto an existing FPL utility pole located on the north side of 73rd Street. Additionally, a separate electrical meter is proposed to be installed in close proximity to the existing FPL pole. The meter will be located within a stealth designed metal post that is 6'-5 3/8" tall and 1'-3/4" in diameter. The meter cannot be placed directly on the utility pole per FPL regulations. Co-locating equipment onto single facilities whenever feasible (e.g. FPL poles) is permitted, with the minimizing (or "stealthing") of equipment to the greatest extent possible. Staff finds that the proposed location on the existing FPL pole is the most appropriate option for this location. Additionally, the introduction of the meter pole in line with the existing FPL pole will not further impede pedestrian movement along the sidewalk.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the applications be **approved**, subject to the conditions enumerated in the attached draft Orders.

HPB20-0392 – 213 67th Street (FPL utility pole)

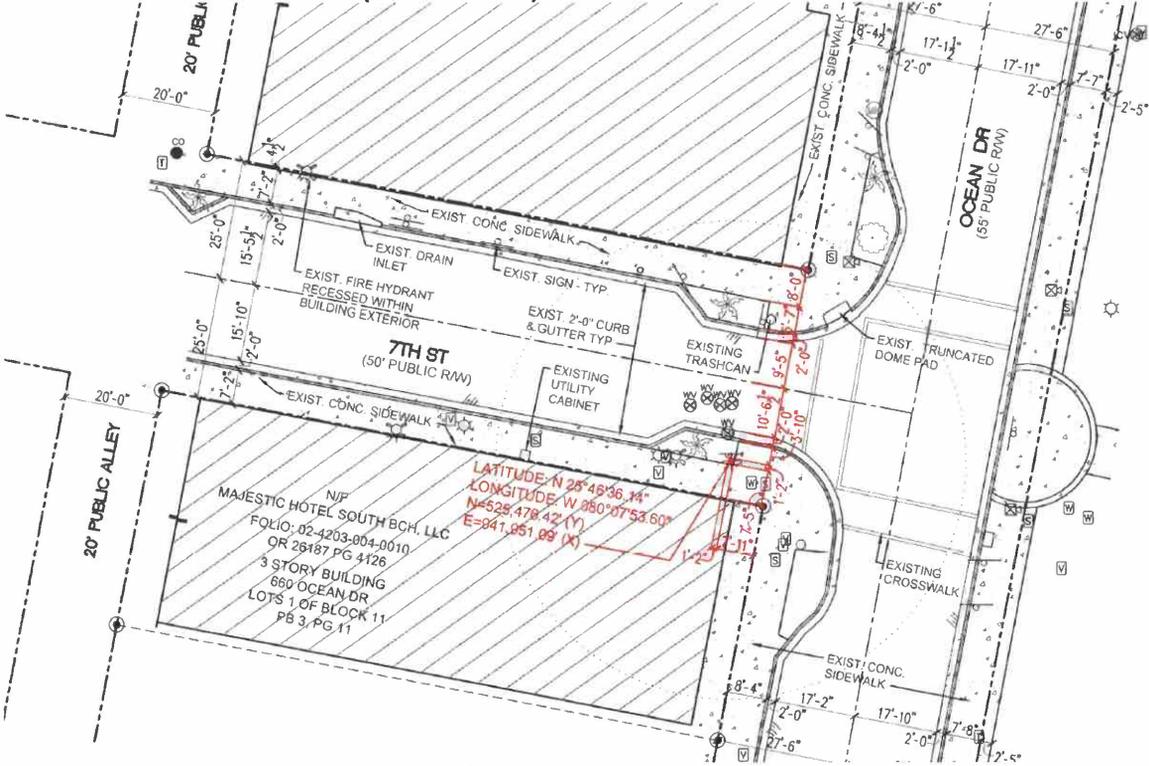


Proposed Plan



Photo Simulation

HPB20-0396 – 110 7th Street (one-for-one)



Proposed Location



Photo Simulation

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: July 14, 2020

PROPERTY/FOLIO: DAS Node: 213 67th Street / 02-3211-007-1240

FILE NO: HPB20-0392

IN RE: The Application for a Certificate of Appropriateness for the installation of a Stealth Distributed Antenna System (DAS) node facility within the public right-of-way at the following approximate location: 213 67th Street.

LEGAL: Latitude – North 25° 51'02.5", Longitude – West 80° 07'15.1";
X = 945289.59 Y = 552401.73

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 consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) 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. Final details of the proposed FPL pole attachment and stealth designed FPL meter pole shall be provided, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

2. The applicant shall submit a restrictive covenant agreeing to design, construct and maintain in perpetuity, the utility pole, including bearing all costs associated with its design, construction and maintenance, in a manner to be reviewed and approved by the Public Works Director and City Attorney. The covenant shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
3. In the event the City adopts a new lighting standard as part of a Neighborhood Streetscape Plan, the applicant shall replace the cobra head lighting fixture with the new City approved light fixture.
4. If applicable, Applicant shall obtain any and all required approvals from the Florida Department of Transportation ("FDOT") prior to obtaining a City Right-of-Way or Building Permit.
5. Any signage currently located on an existing light pole that is proposed to be replaced by a new DAS pole, shall be reintroduced on the new DAS pole in a manner that does not obstruct the equipment panels or vents, subject to the review and approval by the applicable City Department. In the event the signage cannot be reinstalled on the DAS pole due to height or other technical restrictions, a new location for the signage shall be identified through coordination with the applicable City Department.

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)

1. No variances have been requested as part of this application.

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. 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.
- B. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- C. All improvements proposed to be located east of the Coastal Construction Control Line (CCCL) shall comply with all State of Florida Department of Environmental Protection

regulations, subject to the review of approval by the Environment and Sustainability Department.

- D. 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.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a permit.
- F. 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.
- G. 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.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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 Certificate of Appropriateness 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 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 a Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent

with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Right-of-Way Permit for the project is not issued within nine (9) 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 or Right-of-Way 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 _____ 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: _____

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

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

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: July 14, 2020

PROPERTY/FOLIO: DAS Node: 210 19th Street / 02-3234-019-0060

FILE NO: HPB20-0393

IN RE: The Application for a Certificate of Appropriateness for the installation of a Stealth Distributed Antenna System (DAS) node facility within the public right-of-way at the following approximate location: 210 19th Street.

LEGAL: Latitude – North 25° 47' 42.0", Longitude – West 80° 07' 46.1";
X = 942592.52 Y = 532139.43

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 Museum 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 consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) 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 applicant shall explore with the Public Works and Environment & Sustainability departments, the introduction of an integrated streetlight on the proposed pole.

- b. Final details of the proposed DAS utility pole shall be provided, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
2. The applicant shall submit a restrictive covenant agreeing to design, construct and maintain in perpetuity, the utility pole, including bearing all costs associated with its design, construction and maintenance, in a manner to be reviewed and approved by the Public Works Director and City Attorney. The covenant shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
3. In the event the City adopts a new lighting standard as part of a Neighborhood Streetscape Plan, the applicant shall replace the cobra head lighting fixture with the new City approved light fixture.
4. If applicable, Applicant shall obtain any and all required approvals from the Florida Department of Transportation ("FDOT") prior to obtaining a City Right-of-Way or Building Permit.
5. Any signage currently located on an existing light pole that is proposed to be replaced by a new DAS pole, shall be reintroduced on the new DAS pole in a manner that does not obstruct the equipment panels or vents, subject to the review and approval by the applicable City Department. In the event the signage cannot be reinstalled on the DAS pole due to height or other technical restrictions, a new location for the signage shall be identified through coordination with the applicable City Department.

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)

1. No variances have been requested as part of this application.

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. 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.
- B. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.

- C. All improvements proposed to be located east of the Costal Construction Control Line (CCCL) shall comply with all State of Florida Department of Environmental Protection regulations, subject to the review of approval by the Environment and Sustainability Department.
- D. 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.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a permit.
- F. 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.
- G. 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.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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 Certificate of Appropriateness 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 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 a Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this

approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Right-of-Way Permit for the project is not issued within nine (9) 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 or Right-of-Way 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 _____ 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: _____

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

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

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: July 14, 2020

PROPERTY/FOLIO: DAS Node: 109 9th Street / 02-3234-008-0060

FILE NO: HPB20-0394

IN RE: The Application for a Certificate of Appropriateness for the installation of a Stealth Distributed Antenna System (DAS) node facility within the public right-of-way at the following approximate location: 209 9th Street.

LEGAL: Latitude – North 25° 46'45.2", Longitude – West 80° 07'51.8";
X = 942104.81 Y = 526398.76

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 Ocean Drive/Collins Avenue 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 consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) 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. Final details of the proposed DAS utility pole shall be provided, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

2. The applicant shall submit a restrictive covenant agreeing to design, construct and maintain in perpetuity, the utility pole, including bearing all costs associated with its design, construction and maintenance, in a manner to be reviewed and approved by the Public Works Director and City Attorney. The covenant shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
3. In the event the City adopts a new lighting standard as part of a Neighborhood Streetscape Plan, the applicant shall replace the cobra head lighting fixture with the new City approved light fixture.
4. If applicable, Applicant shall obtain any and all required approvals from the Florida Department of Transportation ("FDOT") prior to obtaining a City Right-of-Way or Building Permit.
5. Any signage currently located on an existing light pole that is proposed to be replaced by a new DAS pole, shall be reintroduced on the new DAS pole in a manner that does not obstruct the equipment panels or vents, subject to the review and approval by the applicable City Department. In the event the signage cannot be reinstalled on the DAS pole due to height or other technical restrictions, a new location for the signage shall be identified through coordination with the applicable City Department.

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)

1. No variances have been requested as part of this application.

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. 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.
- B. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- C. All improvements proposed to be located east of the Coastal Construction Control Line (CCCL) shall comply with all State of Florida Department of Environmental Protection

regulations, subject to the review of approval by the Environment and Sustainability Department.

- D. 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.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a permit.
- F. 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.
- G. 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.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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 Certificate of Appropriateness 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 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 a Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent

with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Right-of-Way Permit for the project is not issued within nine (9) 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 or Right-of-Way 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 _____ 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: _____

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

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

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: July 14, 2020

PROPERTY/FOLIO: DAS Node: 110 7th Street / 02-4203-004-0010

FILE NO: HPB20-0396

IN RE: The Application for a Certificate of Appropriateness for the installation of a Stealth Distributed Antenna System (DAS) node facility within the public right-of-way at the following approximate location: 110 7th Street.

LEGAL: Latitude – North 25° 46'36.1", Longitude – West 80° 07'53.6";
X = 941951.09 Y = 525476.42

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 Ocean Drive/Collins Avenue 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 consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) 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. Final details of the proposed DAS utility pole with integrated streetlight shall be provided, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

2. The applicant shall verify the status of the approved Order for HPB17-0123 and any pending or issued right-of-way permits for the project submitted by Hotwire Communications, LLC for the installation of a micro wireless communications facility along 7th Street. In the event there is an active HPB Order or an active Right-of-Way permit, the applicant shall be required to obtain and provide the City with a copy of the prior written approval of Hotwire Communications, LLC, prior to the installation, by the applicant, of the DAS utility pole.
3. The applicant shall submit a restrictive covenant agreeing to design, construct and maintain in perpetuity, the utility pole, including bearing all costs associated with its design, construction and maintenance, in a manner to be reviewed and approved by the Public Works Director and City Attorney. The covenant shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
4. In the event the City adopts a new lighting standard as part of a Neighborhood Streetscape Plan, the applicant shall replace the cobra head lighting fixture with the new City approved light fixture.
5. If applicable, Applicant shall obtain any and all required approvals from the Florida Department of Transportation ("FDOT") prior to obtaining a City Right-of-Way or Building Permit.
6. Any signage currently located on an existing light pole that is proposed to be replaced by a new DAS pole, shall be reintroduced on the new DAS pole in a manner that does not obstruct the equipment panels or vents, subject to the review and approval by the applicable City Department. In the event the signage cannot be reinstalled on the DAS pole due to height or other technical restrictions, a new location for the signage shall be identified through coordination with the applicable City Department.

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)

1. No variances have been requested as part of this application.

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. 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.

- B. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- C. All improvements proposed to be located east of the Costal Construction Control Line (CCCL) shall comply with all State of Florida Department of Environmental Protection regulations, subject to the review of approval by the Environment and Sustainability Department.
- D. 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.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a permit.
- F. 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.
- G. 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.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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 Certificate of Appropriateness 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 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 a Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Right-of-Way Permit for the project is not issued within nine (9) 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 or Right-of-Way 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 _____ 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: _____

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

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

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: July 14, 2020

PROPERTY/FOLIO: DAS Node: 137 73rd Street / 02-3202-003-1080

FILE NO: HPB20-0397

IN RE: The Application for a Certificate of Appropriateness for the installation of a Stealth Distributed Antenna System (DAS) node facility within the public right-of-way at the following approximate location: 137 73rd Street.

LEGAL: Latitude – North 25° 51'30.6", Longitude – West 80° 07'15.7";
X = 945210.00 Y = 555233.16

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 Harding Townsite/South Altos del Mar 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 consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) 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. Final details of the proposed FPL pole attachment and stealth designed FPL meter pole shall be provided, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

Meeting Date: July 14, 2020

2. The applicant shall submit a restrictive covenant agreeing to design, construct and maintain in perpetuity, the utility pole, including bearing all costs associated with its design, construction and maintenance, in a manner to be reviewed and approved by the Public Works Director and City Attorney. The covenant shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
3. In the event the City adopts a new lighting standard as part of a Neighborhood Streetscape Plan, the applicant shall replace the cobra head lighting fixture with the new City approved light fixture.
4. If applicable, Applicant shall obtain any and all required approvals from the Florida Department of Transportation ("FDOT") prior to obtaining a City Right-of-Way or Building Permit.
5. Any signage currently located on an existing light pole that is proposed to be replaced by a new DAS pole, shall be reintroduced on the new DAS pole in a manner that does not obstruct the equipment panels or vents, subject to the review and approval by the applicable City Department. In the event the signage cannot be reinstalled on the DAS pole due to height or other technical restrictions, a new location for the signage shall be identified through coordination with the applicable City Department.

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)

1. No variances have been requested as part of this application.

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. 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.
- B. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- C. All improvements proposed to be located east of the Costal Construction Control Line (CCCL) shall comply with all State of Florida Department of Environmental Protection

regulations, subject to the review of approval by the Environment and Sustainability Department.

- D. 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.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a permit.
- F. 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.
- G. 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.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. 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 Certificate of Appropriateness 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 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 a Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent

with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Right-of-Way Permit for the project is not issued within nine (9) 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 or Right-of-Way 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 _____ 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: _____

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

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