MIAMIBEACH
PLANNING DEPARMTENT
City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139
Tel: (305) 673-7550, Fax: (305) 673-7559

April 5, 2021

Kristofer Machado
Akerman LLP
98 SE 7th Street, Suite 1100
Miami, FL 33131

Subject: **State Extension of Development Approval**
7409-7449 Collins Avenue and 7400-7450 Ocean Terrace
Miami Beach, Florida

Dear Mr. Machado:

This letter is in response to correspondence requesting confirmation of extension of the development approvals for the subject property.

The subject property received the following development approval from the City of Miami Beach:

- Historic Preservation Board Order No. HPB17-0150 – approved January 9, 2018

The applicant has submitted the required notice pertaining to the applicable state issued development approval extensions. Based upon the State of Emergency declaration due to Covid-19, the aforementioned development approval has the following expiration date:

- Historic Preservation Board Order No. HPB17-0150 – **January 20, 2023**

If you have any further questions, please do not hesitate to contact this department again.

Sincerely,

Steven Williams
Chief of Planning Services

Zone0321-0696

CFN: 20180040511 BOOK 30834 PAGE 4297
DATE:01/19/2018 12:11:15 PM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: January 9, 2018

FILE NO: HPB17-0150

PROPERTY: 7409-7449 Collins Avenue & 7400-7450 Ocean Terrace

APPLICANT: Ocean Terrace Holdings, LLC

LEGAL:

Parcel 1 (7409 Collins Avenue):
Lot 13, Block 1, of the Harding Townsite, According to the Plat thereof, as Recorded in Plat Book 34, Page 4, of the Public Records of Miami-Dade County, Florida.

Parcel 2 (7421 Collins Avenue):
Lot 12, Block 1, of the Harding Townsite, According to the Plat thereof, as Recorded in Plat Book 34, Page 4, of the Public Records of Miami-Dade County, Florida.

Parcel 3 (7433 Collins Avenue):
Lot 11, Block 1, of the Harding Townsite, According to the Plat thereof, as Recorded in Plat Book 34, Page 4, of the Public Records of Miami-Dade County, Florida.

Parcel 4 (7439 Collins Avenue):
Lot 10, Block 1, of the Harding Townsite, According to the Plat thereof, as Recorded in Plat Book 34, Page 4, of the Public Records of Miami-Dade County, Florida.

Parcel 5 (7441 Collins Avenue):
Lot 9, Block 1, of the Harding Townsite, According to the Plat thereof, as Recorded in Plat Book 34, Page 4, of the Public Records of Miami-Dade County, Florida.

Parcel 6 (7449 Collins Avenue):
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Parcel 7 (7400 Ocean Terrace):
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Parcel 8 (7410 Ocean Terrace):
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Parcel 9 (7420 Ocean Terrace):
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Parcel 11 (7436 Ocean Terrace):
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Parcel 12 (7450 Ocean Terrace):
Lots 1 & 2, Block 1, of the Harding Townsite, According to the Plat thereof, as Recorded in Plat Book 34, Page 4, of the Public Records of Miami-Dade County, Florida.

IN RE: The applicant Ocean Terrace Holdings, LLC, is requesting a Certificate of Appropriateness for the substantial demolition and partial restoration of eight existing structures, the total demolition of two existing structures, the partial demolition, renovation and partial restoration of two existing structures and the construction of a new 22-story ground level addition including one or more waivers and variances to reduce the required pedestal and tower front and street side setbacks and to exceed the maximum allowable projection into required yards.

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 not consistent with the Certificate of Appropriateness Criteria 'a' in Section 118-564(a)(1) of the Miami Beach Code.

2. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'd', 'e', 'f' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.

3. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'c', 'd', 'e', 'g', 'j', 'k', 'm' & 'n' in Section 118-564(a)(3) of the Miami Beach Code.

4. Is not consistent with Sea Level Rise and Resiliency Review Criteria (1), (8) & (10) in Section 133-50(a) 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 be consistent with the criteria and requirements of section 118-564 and 133-50(a) 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 fourth level elevated amenities deck of the new 16-story addition shall be setback a minimum of 12'-0" and an average of 15'-0" from the Ocean Terrace (east) property line and the profile of the deck edge shall be further developed in a manner which reduces the visual impact on the Contributing buildings, 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 existing structure located at 7450 Ocean Terrace (Broadmoor Hotel) shall be renovated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:

      i. The faux fireplace shall be retained and restored and no new openings above the fireplace shall be permitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

      ii. The etched glass panels located to either side of the faux fireplace shall be retained and restored and may be incorporated into new doors located to either side of the faux fireplace provided that the full extent of the etched glass panels can be accommodated into such doors without requiring a modification of the fireplace, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

      iii. The decorative columns located within the publicly accessible areas of the original lobby and dining room shall be retained and restored, consistent with the original microfilm permit plans, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

iv. The existing terrazzo flooring shall be retained and restored to the greatest extent possible. In the public areas of the proposed restaurant and bar, new neutral colored terrazzo flooring shall be provided in areas where no existing terrazzo flooring is present, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

v. The ground level raised terrace railings shall be restored consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

vi. The ground level lobby and dining room windows shall incorporate a muntin configuration consistent with the original microfilm permit plans, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

vii. The etched glass located within the phone booth doors shall be retained and incorporated into the new lobby design or a historical display, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

viii. A soffit shall be provided between columns in the location of the original west wall of the dining room, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

ix. The original 'Broadmoor' sign located above the main entrance door along Ocean Terrace shall be recreated, consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

x. Impact windows shall be provided and shall incorporate a muntin configuration that is consistent with the with the architectural style of the building, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

xi. Any existing through-the-wall or through-the window air conditioning units shall be removed; a new central system shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

c. The existing structure located at 7436 Ocean Terrace (Ocean Surf Hotel) shall be renovated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:

i. The four widows openings located in the center bay of the upper two floor along the primary (east) façade shall be restored to their original size, consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

ii. The existing faux fireplace shall be retained and restored, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

iii. The existing terrazzo flooring shall be retained and restored to the greatest extent possible. In the public areas of the ground floor, new neutral colored terrazzo flooring shall be provided in areas where no existing terrazzo flooring is present, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

iv. The original elevator door shall be retained and incorporated into the new lobby design or an historical display, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

v. The character of the new expanded lobby shall be consistent with the Art Deco time period, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

vi. The east wall and the eastern 10'-0" of the north and south walls of the rooftop penthouse structure inclusive of the projecting horizontal eyebrow features shall be retained and restored and no roof is required over this architectural feature, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

vii. The original 'Ocean Surf Hotel' sign shall be recreated, consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

viii. Impact windows shall be provided and shall incorporate a muntin configuration that is consistent with the with the architectural style of the building, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

ix. Any existing through-the-wall or through-the window air conditioning units shall be removed; a new central system shall be provided, in a manner to be

reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

d. The existing structure located at 7430 Ocean Terrace (Ocean Way Apartments) shall be renovated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:

   i. The primary façade and the side walls of the structure measured 12'-0" from the front property line westward, shall be retained and restored, consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   ii. The ground level projecting window surrounds shall be retained and restored and where new windows are proposed to be introduced below the existing window openings, the Board approves the installation of new mullions in the new full length windows that dimensionally adheres to the horizontal profile of the existing window surround, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   iii. The applicant shall explore reconstructing and reintroducing the neon projecting blade signage on the front façade as shown in historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

e. The existing structure located at 7410 Ocean Terrace (Ocean Terrace Apartments) shall be renovated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:

   i. The primary façade and the side walls of the structure measured 12'-0" from the front property line westward, shall be retained and restored, consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   ii. The articulated architectural details and stucco pattern(s) on the primary facade shall be accentuated through the use of paint color(s), in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   iii. The applicant shall explore reconstructing and reintroducing the neon projecting blade signage on the front façade as shown in historical documentation, in a manner to be reviewed and approved by staff consistent

with the Certificate of Appropriateness Criteria and/or the directions from the Board.

f. The existing structure located at 7420 Ocean Terrace (Ocean Horizon Apartments) may be totally demolished, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; provided the following condition is met:

   i. The primary façade and approximately 5'-0" of the sidewalls westward of the primary facade are reconstructed in a manner consistent with available historical documentation including the reintroduction of original salvaged material to the greatest extent possible, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

g. The existing structure located at 7400 Ocean Terrace (Ocean Way Apartments) shall be renovated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:

   i. The primary façade and the first 12'-0" of the north side wall as measured from the front property line westward and the first approximately 83'-0" of the south side wall of the structure shall be retained and restored, consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   ii. The articulated architectural details and stucco pattern(s) on the retained portions of the facades shall be accentuated through the use of paint color(s), in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

h. The decorative screen elements located on the podium along Collins Avenue and 75th Street shall be concrete or similar masonry material (metal shall not be permitted as a primary façade material), in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

i. The exterior entry vestibules located at the ground level along Collins Avenue shall incorporate a terrazzo flooring material, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

j. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from any ground level of an exterior wall fronting a street, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This shall not prohibit moveable tables and chairs or

substantially transparent fixtures for display purposes only.

k. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. Intensive 'white' lighting shall not be permitted within the retail area, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

l. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. All proposed interior lighting located within the retail area shall be recessed or small pendant lighting.

m. 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.

n. The final location and details of all exterior ramp and railings systems, including materials, dimensions and finishes, shall be provided in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

o. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, 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. In accordance with Section 142-870.1(d) of the City Code, the requirement pertaining to an existing structure's floor area, setbacks and parking credits, is hereby waived.

3. In accordance with Section 142-870.1(d) of the City Code, the requirement pertaining to maximum floor plate size is hereby waived.

4. In accordance with Section 142-870.1(e) of the City Code, the requirement pertaining to building separation is hereby waived.

5. The final plan shall include enhancements to the crosswalk signage and markings for intersections of Ocean Terrace and 74 Street and 75 Street. Such enhancements are subject to the Transportation Department's approval during the permit process.

6. The mid-block crosswalk on Ocean Terrace between 74 Street and 75 Street shall be equipped with enhanced crosswalk markings and other safety devices subject to the review by the Transportation Department.

7. All loading and delivery operations shall utilize a flagman to ensure pedestrian safety.

8. A holistic TDM analysis shall be submitted within 6 months of the opening date of development.

9. 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. 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. The utilization of root barriers and Silva Cells as applicable, shall be clearly delineated on the revised landscape plan.

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 3'-5" the minimum required pedestal front setback of 5'-0" for the construction of a new canopy with vertical columns setback at 1'-7" from the front property line facing Ocean Terrace.

    2. A variance to reduce by 6'-0" the minimum required pedestal street side setback of 20'-0" for the construction of a new pool deck at 14'-0" from the property line facing 74th Street.

    3. A variance to reduce by 29'-10" the minimum required tower front setback of 55'-0" for the construction of a new mechanical room at 25'-2" from the property line facing Ocean Terrace.

    4. A variance to reduce by 18'-1" the minimum required tower street side setback of 25'-0" for the construction of a new mechanical room at 6'-11" from the property line facing 75th Street.

B. 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 **Approves** the requested variance(s) based on its authority in Section 118-354 of the Miami Beach City Code.

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. 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.

B. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.

C. 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.

D. 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.

E. 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.

F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

G. 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.

H. 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.

I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

J. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II,III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "Ocean Terrace" as prepared by Revuelta Architecture International, dated November 10, 2017, 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 within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in 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 16 day of January, 2018

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 16th day of January 2018 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.

GABRIELA C. FREITAS
MY COMMISSION #GG131281
EXPIRES: AUG 03, 2021
Bonded through 1st State Insurance

_____
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 8-3-21

Approved As To Form:
City Attorney's Office: _____ 1/16/2018)

Filed with the Clerk of the Historic Preservation Board on _____ (1/16/18)

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DATE:01/19/2018 12:11:15 PM
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: January 9, 2018

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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 not consistent with the Certificate of Appropriateness Criteria 'a' in Section 118-564(a)(1) of the Miami Beach Code.

2. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'd', 'e', 'f' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.

3. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'c', 'd', 'e', 'g', 'j', 'k', 'm' & 'n' in Section 118-564(a)(3) of the Miami Beach Code.

4. Is not consistent with Sea Level Rise and Resiliency Review Criteria (1), (8) & (10) in Section 133-50(a) 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 be consistent with the criteria and requirements of section 118-564 and 133-50(a) 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 fourth level elevated amenities deck of the new 16-story addition shall be setback a minimum of 12'-0" and an average of 15'-0" from the Ocean Terrace (east) property line and the profile of the deck edge shall be further developed in a manner which reduces the visual impact on the Contributing buildings, 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 existing structure located at 7450 Ocean Terrace (Broadmoor Hotel) shall be renovated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:

i. The faux fireplace shall be retained and restored and no new openings above the fireplace shall be permitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

ii. The etched glass panels located to either side of the faux fireplace shall be retained and restored and may be incorporated into new doors located to either side of the faux fireplace provided that the full extent of the etched glass panels can be accommodated into such doors without requiring a modification of the fireplace, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

iii. The decorative columns located within the publicly accessible areas of the original lobby and dining room shall be retained and restored, consistent with the original microfilm permit plans, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

iv. The existing terrazzo flooring shall be retained and restored to the greatest extent possible. In the public areas of the proposed restaurant and bar, new neutral colored terrazzo flooring shall be provided in areas where no existing terrazzo flooring is present, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

v. The ground level raised terrace railings shall be restored consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

vi. The ground level lobby and dining room windows shall incorporate a muntin configuration consistent with the original microfilm permit plans, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

vii. The etched glass located within the phone booth doors shall be retained and incorporated into the new lobby design or a historical display, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

viii. A soffit shall be provided between columns in the location of the original west wall of the dining room, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

ix. The original 'Broadmoor' sign located above the main entrance door along Ocean Terrace shall be recreated, consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

x. Impact windows shall be provided and shall incorporate a muntin configuration that is consistent with the with the architectural style of the building, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

xi. Any existing through-the-wall or through-the window air conditioning units shall be removed; a new central system shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

c. The existing structure located at 7436 Ocean Terrace (Ocean Surf Hotel) shall be renovated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:

i. The four widows openings located in the center bay of the upper two floor along the primary (east) façade shall be restored to their original size, consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

ii. The existing faux fireplace shall be retained and restored, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

iii. The existing terrazzo flooring shall be retained and restored to the greatest extent possible. In the public areas of the ground floor, new neutral colored terrazzo flooring shall be provided in areas where no existing terrazzo flooring is present, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

iv. The original elevator door shall be retained and incorporated into the new lobby design or an historical display, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

v. The character of the new expanded lobby shall be consistent with the Art Deco time period, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

vi. The east wall and the eastern 10'-0" of the north and south walls of the rooftop penthouse structure inclusive of the projecting horizontal eyebrow features shall be retained and restored and no roof is required over this architectural feature, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

vii. The original 'Ocean Surf Hotel' sign shall be recreated, consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

viii. Impact windows shall be provided and shall incorporate a muntin configuration that is consistent with the with the architectural style of the building, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

ix. Any existing through-the-wall or through-the window air conditioning units shall be removed; a new central system shall be provided, in a manner to be

reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

d. The existing structure located at 7430 Ocean Terrace (Ocean Way Apartments) shall be renovated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:

   i. The primary façade and the side walls of the structure measured 12'-0" from the front property line westward, shall be retained and restored, consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   ii. The ground level projecting window surrounds shall be retained and restored and where new windows are proposed to be introduced below the existing window openings, the Board approves the installation of new mullions in the new full length windows that dimensionally adheres to the horizontal profile of the existing window surround, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   iii. The applicant shall explore reconstructing and reintroducing the neon projecting blade signage on the front façade as shown in historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

e. The existing structure located at 7410 Ocean Terrace (Ocean Terrace Apartments) shall be renovated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:

   i. The primary façade and the side walls of the structure measured 12'-0" from the front property line westward, shall be retained and restored, consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   ii. The articulated architectural details and stucco pattern(s) on the primary facade shall be accentuated through the use of paint color(s), in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   iii. The applicant shall explore reconstructing and reintroducing the neon projecting blade signage on the front façade as shown in historical documentation, in a manner to be reviewed and approved by staff consistent

with the Certificate of Appropriateness Criteria and/or the directions from the Board.

f. The existing structure located at 7420 Ocean Terrace (Ocean Horizon Apartments) may be totally demolished, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; provided the following condition is met:

   i. The primary façade and approximately 5'-0" of the sidewalls westward of the primary facade are reconstructed in a manner consistent with available historical documentation including the reintroduction of original salvaged material to the greatest extent possible, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

g. The existing structure located at 7400 Ocean Terrace (Ocean Way Apartments) shall be renovated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board; at a minimum, this shall include the following:

   i. The primary façade and the first 12'-0" of the north side wall as measured from the front property line westward and the first approximately 83'-0" of the south side wall of the structure shall be retained and restored, consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   ii. The articulated architectural details and stucco pattern(s) on the retained portions of the facades shall be accentuated through the use of paint color(s), in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

h. The decorative screen elements located on the podium along Collins Avenue and 75th Street shall be concrete or similar masonry material (metal shall not be permitted as a primary façade material), in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

i. The exterior entry vestibules located at the ground level along Collins Avenue shall incorporate a terrazzo flooring material, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

j. All interior fixtures, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from any ground level of an exterior wall fronting a street, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This shall not prohibit moveable tables and chairs or

substantially transparent fixtures for display purposes only.

k. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. Intensive 'white' lighting shall not be permitted within the retail area, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

l. The final design and details of all exterior and interior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. All proposed interior lighting located within the retail area shall be recessed or small pendant lighting.

m. 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.

n. The final location and details of all exterior ramp and railings systems, including materials, dimensions and finishes, shall be provided in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

o. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, 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. In accordance with Section 142-870.1(d) of the City Code, the requirement pertaining to an existing structure's floor area, setbacks and parking credits, is hereby waived.

3. In accordance with Section 142-870.1(d) of the City Code, the requirement pertaining to maximum floor plate size is hereby waived.

4. In accordance with Section 142-870.1(e) of the City Code, the requirement pertaining to building separation is hereby waived.

5. The final plan shall include enhancements to the crosswalk signage and markings for intersections of Ocean Terrace and 74 Street and 75 Street. Such enhancements are subject to the Transportation Department's approval during the permit process.

6. The mid-block crosswalk on Ocean Terrace between 74 Street and 75 Street shall be equipped with enhanced crosswalk markings and other safety devices subject to the review by the Transportation Department.

7. All loading and delivery operations shall utilize a flagman to ensure pedestrian safety.

8. A holistic TDM analysis shall be submitted within 6 months of the opening date of development.

9. 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. 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. The utilization of root barriers and Silva Cells as applicable, shall be clearly delineated on the revised landscape plan.

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 3'-5" the minimum required pedestal front setback of 5'-0" for the construction of a new canopy with vertical columns setback at 1'-7" from the front property line facing Ocean Terrace.

    2. A variance to reduce by 6'-0" the minimum required pedestal street side setback of 20'-0" for the construction of a new pool deck at 14'-0" from the property line facing 74th Street.

    3. A variance to reduce by 29'-10" the minimum required tower front setback of 55'-0" for the construction of a new mechanical room at 25'-2" from the property line facing Ocean Terrace.

    4. A variance to reduce by 18'-1" the minimum required tower street side setback of 25'-0" for the construction of a new mechanical room at 6'-11" from the property line facing 75th Street.

B. 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 **Approves** the requested variance(s) based on its authority in Section 118-354 of the Miami Beach City Code.

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. 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.

B. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, in a manner to be reviewed and approved by staff.

C. 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.

D. 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.

E. 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.

F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

G. 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.

H. 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.

I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

J. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II,III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "Ocean Terrace" as prepared by Revuelta Architecture International, dated November 10, 2017, 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 within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in 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 16 day of January, 2018

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 16th day of January 2018 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.

GABRIELA C. FREITAS
MY COMMISSION #GG131281
EXPIRES: AUG 03, 2021
Bonded through 1st State Insurance

_____
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 8-3-21

Approved As To Form:
City Attorney's Office: 1/16/2018)

Filed with the Clerk of the Historic Preservation Board on (1/16/18)

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