

**HISTORIC PRESERVATION BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: June 15, 2021

PROPERTY/FOLIO: 2100 Collins Avenue / 02-3226-001-0370

FILE NO: HPB21-0458

IN RE: The application by The Bass Museum of Art for modifications to a previously issued Certificate of Appropriateness for the installation of a work of art on the east façade of the Bass Museum. Specifically, the applicant is requesting to modify a condition of the final order to allow for the permanent installation of the work of art.

LEGAL: Blocks marked City Park between Ocean Ave & Park Ave of Miami Beach Improvement Company Subdivision, according to the plat thereof, as recorded in Plat Book 5, Page 7, of the Public Records, of Miami-Dade County, Florida.

**CONSOLIDATED ORDER**

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

**I. Certificate of Appropriateness**

- A. The subject site is located within the 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:

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1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:

a. ~~The art exhibit shall be approved for a period not to exceed thirty-six (36) months from May 8, 2018; any extension of this timeframe shall be subject to the review and approval of the Board.~~

b. a The art exhibit shall be temporarily removed and stored in the event that wind speeds during inclement weather of a storm event exceed the level that the structure was designed and permitted to withstand.

## II. Variance(s)

A. No Variances were requested as a part of this application.

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

A. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness approval as same as are contained herein, in the Order dated May 8, 2018 (HPB18-0187). Accordingly, this Order shall serve as the Final Order for the proposed project. In the event of a conflict between the provisions hereof and those of the previous Orders, the provisions hereof shall control.

A. B. 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.

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

C. D. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.

D. E. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

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

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F. G. 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.

G. H. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

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 "Eternity Now" as prepared by The Bass Museum of Art, dated February 12, 2018 and April 5, 2021, 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.

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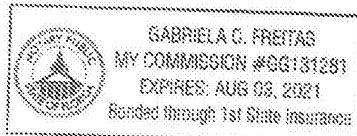
Dated this 23 day of June, 2021.

HISTORIC PRESERVATION BOARD  
 THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]  
 DEBORAH TACKETT  
 HISTORIC PRESERVATION & ARCHITECTURE OFFICER  
 FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of June, 2021 by Deborah Tackett, Historic Preservation & Architecture Officer, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.



[Signature]  
 NOTARY PUBLIC  
 Miami-Dade County, Florida  
 My commission expires: Aug. 3, 2021

Approved As To Form:  
 City Attorney's Office: [Signature] ( 6/22/2021 )

Filed with the Clerk of the Historic Preservation Board on June 24 ( 6/24/21 )

Strike-Thru denotes deleted language  
 Underscore denotes new language

[Signature]