

May 3, 2022

City of Miami Beach
Historic Preservation Board

File Number: HPB21-0490
Property: 333 Jefferson Avenue
Folio: 02-4203-009-5250

RE: Progress Report

To Whom It May Concern:

We respectfully resubmit this Progress Report to the Historic Preservation Board (HPB) as requested at the March 8th, 2022, Board meeting.

BACKGROUND:

On September 14, 2021, Rafael A.Paz, Acting City Attorney in his memo to Mayor Dan Gelber. Members of the City Commission addressed the inquiries the Mayor and City Commission, and City Staff, have received from the public in connection with active permits to renovate and/or remodel existing apartment hotels in the South of Fifth Street neighborhood for the several addresses including 333 Jefferson Avenue.

On January 11, 2022, the Board discussed this request and recommended coming back to the March 8th meeting. In response to the Board's request, the property owner hired Heritage Architectural Associates to perform a Historic Resource Report. Additionally, the Board requested a list of permits (provided at the 3/8/22 meeting) and inspections log (provided at the 3/8/22 meeting), and correspondences with the City. Lastly, the Board approved moving forward with the roof installation at building 343. This was not possible because the week of January 11th the City terminated electrical services. In addition, a 20-day grace period was placed on the project following the HPB meeting. During this period no activity is permitted.

On March 8, 2022, the HPB approved the application with conditions (see attached "Consolidated Order). Additionally, the Board included a condition requiring the applicant to provide a construction progress report at the May 10th meeting.

The Applicant was informed, a week after the approval, that an appeal to the Board's decision was filed. Considering action taken, minimal progress on the project has been accomplished:

- Plumbing inspection performed – **PASS**
- Removed all rooted joist flooring
- Processing roof permit
- Processing structural repairs
- Fire alarm and sprinklers shop drawings for approval

We respectfully ask the Board to note the intentional roadblocks set before us. These buildings can potentially stay exposed to the elements for month to come. Inviting vandalism, homeless, and deterioration, in hope that the applicant will forfeit the rightful permitted use. This action is financially burdensome and an eyesore to the surrounding properties.

Regards,

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Leon Azicri

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

MEETING DATE: March 8, 2022

PROPERTY: 333 Jefferson Avenue / 02-4203-009-5250

FILE NO: HPB21-0490

IN RE: An application has been filed by Troy 333 LLC requesting an after-the-fact Certificate of Appropriateness for partial demolition of the buildings located at 333 and 343 Jefferson Avenue and modifications to the west (front) façade of 343 Jefferson Avenue.

LEGAL: Lots 13 & 14, Block 76, of the Ocean Beach Addition No. 3, According to the Plat Thereof, as Recorded in Plat Book 2, Page 81, 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 Ocean Beach 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 (1) 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 not consistent with Certificate of Appropriateness Criteria 'b' & 'h' 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.
 - 5. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of section 118-564 and 133-50(a) if the following conditions are met:



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1. Prior to the lifting of the stop work order at the subject property, revised elevation, site plan and floor plan drawings shall be submitted; at a minimum, such drawings shall incorporate the following:
 - a. The roof of the building located at 343 Jefferson Avenue, previously demolished, is approved to be reconstructed, 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. With the exception of the roof reconstruction on the 343 Jefferson Avenue building, the remaining after-the-fact demolition and façade modifications shall require the review and approval by the Historic Preservation Board at a future meeting. The plans shall include all 4 buildings on the subject site and shall be processed as a revision to the Building Permit (BC1704595).
 - c. The revised plans shall clearly note all after-the-fact work and all work approved by the Board, including, but not limited to all exterior and interior modifications, the demolition of structural elements and the introduction of all new interior structural elements, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or directions from the Board.
 - c. The after-the-fact alterations to the primary façade of the building located at 343 Jefferson Avenue shall not be permitted. The previously existing door and window configuration shall be reintroduced, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or directions from the Board.
 - d. Casement windows with a divided lite configuration, consistent with historical documentation, shall be required for the buildings located at 333 and 343 Jefferson Avenue, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or directions from the Board.
2. The applicant shall appear before the Historic Preservation Board for a progress report 60 days from the issuance of the Certificate of Appropriateness and shall provide the Board with a construction update.

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 magistrate appointed by the City Commission.

II. Variance(s)

- A. No variances have been applied for 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.



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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 set forth herein, including in the approval in the Order dated January 11, 2022. 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. 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. C. The issuance of a building permit is contingent upon meeting Public School Concurrency requirements, if applicable. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed. No building permit may be issued unless and until the applicant obtains a written finding from Miami-Dade County Public Schools that the applicant has satisfied school concurrency.
- C. D. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- D. E. The applicant shall comply with the electric vehicle parking requirements, pursuant to Sec. 130-39 of the City Code, as applicable.
- E. F. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- F. G. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- G. H. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.
- H. I. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- I. J. 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.



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- ~~J.~~ K. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- ~~K.~~ L. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- ~~L.~~ M. 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.
- ~~M.~~ N. 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 **"Jefferson Apartments/Hotel", as prepared by keytech design group, corp., dated November 8, 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



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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.

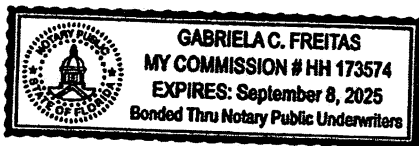
Dated this 11 day of March, 2022

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 11th day of March, 2022 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: Sept. 8, 2025

Approved As To Form:
City Attorney's Office: Nick Callegari (3/11/22)

Filed with the Clerk of the Historic Preservation Board on Jessica Gonzalez 3/11/2022 | 3:57 PM EST

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

[Signature]