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VIA ELECTRONIC SUBMISSION

April 25, 2022

Rogelio A. Madan, AICP
Chief of Community Planning & Sustainability
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Request for Conditional Use Permit
Approval for a Private School Located at 245-251
Washington Avenue, Miami Beach

Dear Mr. Madan:

This firm represents 251 Washington, LLC (the "Applicant"), the owner of the property located at 245-251 Washington Avenue (the "Property") in the City of Miami Beach ("City"). Please consider this letter the Applicant's Letter of Intent supporting the request for Conditional Use Permit to allow a private school at the Property (the "Project").

Property Description. The Property is currently an undeveloped, vacant lot located on the east side of the Washington Avenue, and south of 3rd Street. See Figure 1 below, Aerial. The Miami-Dade County Property Appraiser identifies the Property with two Folio Nos. 02-4203-003-1090 and 02-4203-003-1080. See Exhibit A, Property Appraiser Summary Report. The total lot area is approximately 13,000 square feet (0.29 acres) in size. The two structures previously located on the northern lot were demolished in 1989, and the structure on the southern lot was demolished pursuant to an emergency demolition Order in 2003.

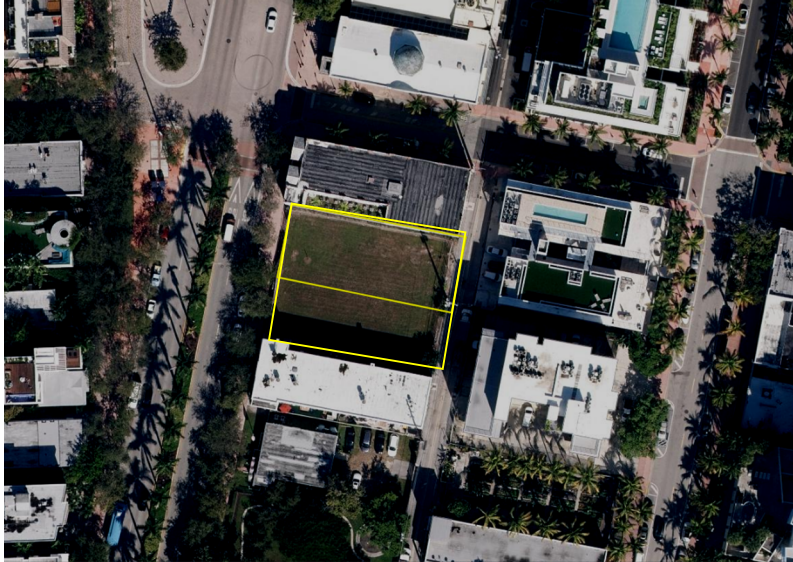


Figure 1, Aerial

The Property is zoned “Medium-High Density Residential Performance Standard” District (“RPS-3”), and is also located within the Ocean Beach Local Historic District. The Applicant has separately submitted a request to the Historic Preservation Board (“HPB”) for a Certificate of Appropriateness for design of a permanent new structure for the school.

Prior Approvals. On September 24, 2019, the Planning Board approved an application for condition use approval for a new education institution in the RPS-3 District. See Exhibit B, Final Order Final No. PB19-0304. The approval included a maximum of forty (40) students, operation from 7:00 AM to 3:00 PM, and various operational standards to ensure no negative impact on the abutting residential and commercial uses.

In 2019, the HPB also approved an after the fact Certificate of Appropriates for demolition of the structures previously located on the Property. See Exhibit C, Final Order Final No. HPB19-0336. The same day, the HPB approved a Certificate of Appropriates for the construction of a temporary structure to be used as a private school and variances to reduce the required school setbacks. See Exhibit D, Final Order Final No. HPB19-0316.

Applicant Proposal. It was always the Applicant’s intent to develop the Property with a beautiful, state-of-the-art private school south of Fifth Street to complement the school for lower grades at 224 2nd Street. As such, the Applicant is proposing to develop the idle land with a four-story permanent structure to house elementary and middle school grades (the “Project”).

The Property has functional dual-frontages off of Washington Avenue on the west and Collins Court on the east. It is essential to the well-being of the future students to provide as much outdoor learning space as possible. The strategic placement and circulation of the building will separate pedestrian and vehicular conflicts. All parking will be under the structure and accessible from separate ingress and egress from Collins Court. The front of the building will contain active, non-air conditioned porches for students and stairs to the main lobby. The lower level provides eighteen (18) parking spaces and ten (10) bicycle racks, as well as stairs and elevators to access the first floor. The first floor contains the main lobby, administration offices, flex space, kitchen, and access to the exterior raised play area. The play area is elevated over the parking level, open on three-sides, and is lined with plantings for safety and greenery. The second level has classrooms and a projecting balcony fronting Washington Avenue. The third level has additional classrooms and a vegetable garden for educational purposes. The top floor will have another projecting balcony fronting Washington Avenue and cafeteria space, and the rooftop will be accessible for additional plantings and mechanical equipment.

The new structure will be centrally located within the Property. The structure will be setback five (5) feet from Washington Avenue, and seven and a half (7.5) feet from the interior side setbacks. From the rear, the structure is setback thirteen (13) feet and the lower level parking is setback five (5) feet. Although there is an abundance of open space provided at each level of this urban school, the Applicant will comply with the remaining required open space through payment in lieu, pursuant to Section 142-704(b)(4) of the City's Code of Ordinances ("City Code"). The Project also complies with the City Code permitted height of fifty (50) feet, at fifty (50) feet NGVD with the finished floor at thirteen (13) feet NGVD.

The operational goal is that many of the teachers and students live in the south of Fifth Street neighborhood and will walk and bike with to school. This minimizes the need for extensive drop-off and pick-up coordination and prioritizes the pedestrian experience from Washington Avenue.

The maximum enrollment capacity projected for the school is forty (40) students. Drop-off and pick-up will occur within the Property off of Collins Court. Drop-off can occur any time after 7:00 AM and before 8:00 AM; and pick-up can occur any time between 2:00 PM and 3:00 PM. These large timeframes will alleviate queuing of vehicles on Washington Avenue or Collins Court. For

additional specifics relating to the day-to-day operations of the school, please see the Operations Plan included in the application materials.

Satisfaction of Review Criteria. The Applicant's request satisfies the review criteria and guidelines enumerated in Section 118-192(a) of the City Code as follows:

(1) The use is consistent with the comprehensive plan or neighborhood plan if one exists for the area in which the property is located.

The proposed school is consistent with the Comprehensive Plan, which permits the conditional uses specifically authorized in the land use category R-PS3, such as private schools. The Project is similarly intended to serve the existing residents with a high-level private school in walking distance from their home or work place.

(2) The intended use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the comprehensive plan.

A school at this site will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan. In fact, the hope for the school is to reduce traffic of the parents and guardians that previously needed to travel further distances to the limited number of schools located north of Fifth Street or on Fisher Island. Additionally, this site will serve as additional space for the main school located less than 500 feet away.

According to the Traffic Assessment Plan prepared by Kimley-Horn, the Project will generate on the weekdays twenty-two (22) A.M. peak hour trips and eleven (11) P.M. peak hour trips. Additionally, the queuing analysis found that there is sufficient vehicle storage on the Property to accommodate the expected vehicles during drop off and pick up operations.

(3) Structures and uses associated with the request are consistent with these land development regulations.

The structure and use associate with the Project are consistent with the Land Development Regulations. As mentioned, the Applicant has

submitted separate request to the HPB for design approval. Ultimately, the Project will be more in-line with the character of the neighborhood, activate vacant land, and complies with the Performance Standard regulations for height and FAR.

(4) The public health, safety, morals, and general welfare will not be adversely affected.

The public health, safety, morals, and general welfare will not be adversely affected with the introduction of a modern, environmentally resilient school. In fact, the Project will enhance the public health, safety, morals, and general welfare of the community. The use of the Property is consistent and compatible with the intent of the RPS-3 District, and will provide a needed service for the families that live south of 5th Street with young children. Approval of the Project will provide additional education opportunities in close proximity.

(5) Adequate off-street parking facilities will be provided.

Adequate off-street parking will be provided. The Project includes eighteen (18) off-street spaces under the structure, accessible off of Collins Court. Additionally, the Project will include at least ten (10) bicycle racks for staff and parents. The Applicant chose to invest and use this Property as an expansion location for a private school because of its existing location south of Fifth Street in close proximity to residences, businesses and City-owned parks. The expectation is that a number of parents and guardians will walk to drop-off and pick-up their children.

(6) Necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

Necessary safeguards will be provided for the protection of surrounding properties, persons, and neighborhood values. The Applicant hopes to immediately safeguard the Property will better lighting and fencing. Additionally, the Project has sufficient queuing for drop-off and pick-up, security gates, limited class sizes, and sufficient staffing. The Applicant will continue to implement all necessary tools to mitigate any potential harmful effects.

(7) The concentration of similar types of uses will not create a negative impact on the surrounding neighborhood. Geographic concentration of similar types of conditional uses should be discouraged.

The proposed use is not surrounded by similar types of uses. The Property's location in the RPS-3 District, is in close proximity to the GU District to the south, and a variety of residential zoning districts. Currently, there are a number of multi-family apartments and condominiums to the north and east, and a mixed-use hotel and ground floor retail to the south. The performance standards districts are designed to accommodate a range of residential uses, as well as mixed uses that complement and serve the residential uses.

Sea Level Rise and Resiliency Criteria. The proposed project advances the sea level rise and resiliency criteria in Section 133-50(a) as follows:

(1) A recycling or salvage plan for partial or total demolition shall be provided.

A recycling or salvage plan for demolition, if any, will be provided at permit.

(2) Windows that are proposed to be replaced shall be hurricane proof impact windows.

All new windows will be hurricane proof impact windows.

(3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.

Where feasible, passive cooling systems will be provided.

(4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.

Resilient, Florida-friendly landscaping will be provided.

(5) Whether 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, including a study of land elevation and elevation of surrounding properties were considered.

The Applicant has considered the adopted sea level rise projections and the land elevations of the subject property and surrounding properties.

(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.

The proposed design, including ground floor, driveways, and garage ramping will be adaptable to the raising of public rights-of-ways and adjacent land, and will provide sufficient height and space to ensure that entry ways and exits can be modified.

(7) Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

Critical mechanical and electrical systems are located well-above base flood elevation.

(8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

There are no existing buildings on the Property.

(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.

Habitable space will be located above base flood elevation plus Freeboard.

Stormwater retention systems will be provided where feasible.

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

Cool pavement material and porous pavement materials will be utilized.

(12) The design of each project shall minimize the potential for heat island effects on-site.

The Project design will minimize the potential for heat island effects on site with ample and lush greenspace and landscaping, and opportunities for non-air conditioned educational spaces.

Conclusion. Granting the requested Conditional Use Permit will be in harmony with the intent and purpose of the City's Comprehensive Plan and Land Development Regulations, and will not be injurious to the area involved or otherwise detrimental to the public welfare. Conditional Use Permit approval will provide the Applicant with a reasonable use of the Property and serve the needs of the surrounding community with a private school.

Based on these reasons, the Applicant respectfully requests your favorable review and recommendation of this application. If you have any questions or comments with regard to the application, please give me a call at (305) 377-6231.

Sincerely,



Michael W. Larkin

Enclosures

cc: John Marshall
Bernardo Fort-Brescia
Emily K. Balter, Esq.



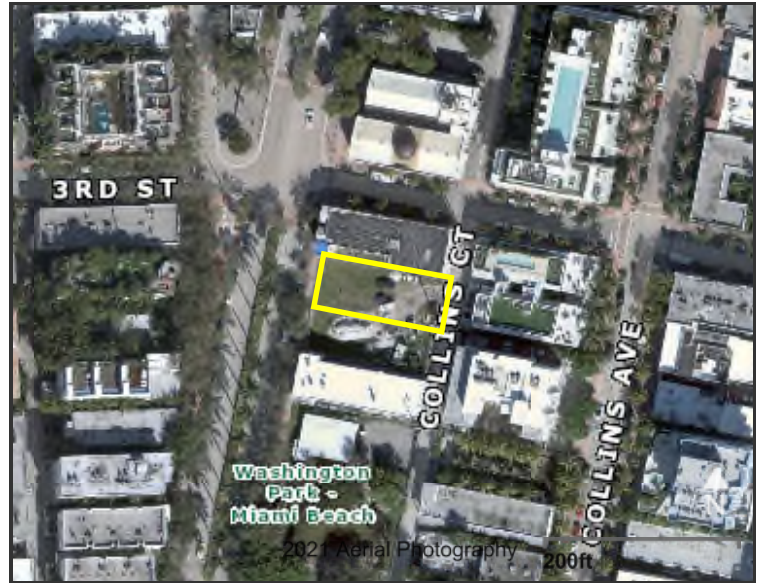
EXHIBIT A

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 3/21/2022

Property Information	
Folio:	02-4203-003-1090
Property Address:	251 WASHINGTON AVE Miami Beach, FL 33139-7115
Owner	251 WASHINGTON LLC
Mailing Address	120 OCEAN DR 1000 MIAMI BEACH, FL 33139 USA
PA Primary Zone	3003 MULTI-FAMILY
Primary Land Use	1081 VACANT LAND - COMMERCIAL : VACANT LAND
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	6,500 Sq.Ft
Year Built	0



Assessment Information			
Year	2021	2020	2019
Land Value	\$2,603,125	\$3,062,500	\$2,925,000
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$2,603,125	\$3,062,500	\$2,925,000
Assessed Value	\$2,603,125	\$3,062,500	\$2,860,000

Benefits Information				
Benefit	Type	2021	2020	2019
Non-Homestead Cap	Assessment Reduction			\$65,000

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
OCEAN BEACH FLA SUB PB 2-38 LOT 15 BLK 8 LOT SIZE 50 X 130 OR 18469-4345 0798 5 COC 22848-3487 11 2004 1

Taxable Value Information			
	2021	2020	2019
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,603,125	\$3,062,500	\$2,860,000
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,603,125	\$3,062,500	\$2,925,000
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,603,125	\$3,062,500	\$2,860,000
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,603,125	\$3,062,500	\$2,860,000

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
06/12/2019	\$6,125,000	31483-2015	Qual on DOS, multi-parcel sale
03/04/2015	\$8,250,000	29526-2117	Non-market financing or assumption of lease
02/28/2014	\$3,950,000	29055-4929	Qual on DOS, multi-parcel sale
11/01/2004	\$925,000	22848-3487	Sales which are qualified

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:

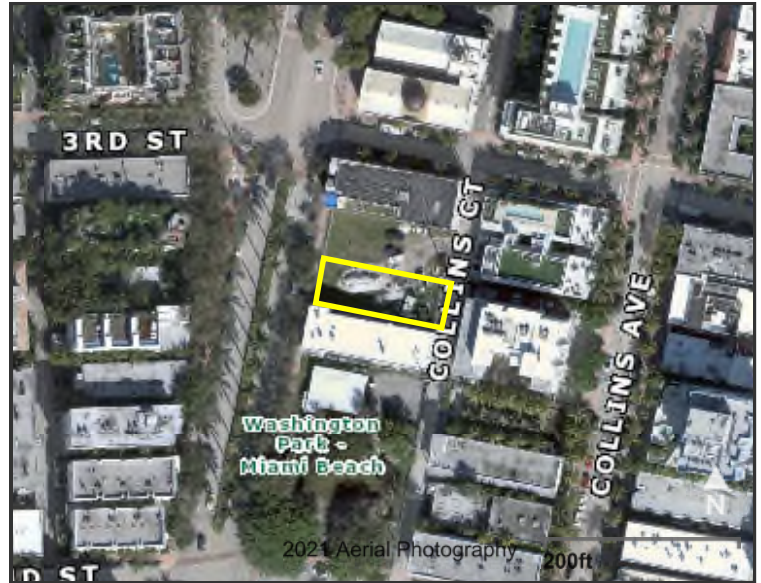


OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 3/21/2022

Property Information	
Folio:	02-4203-003-1080
Property Address:	
Owner	251 WASHINGTON LLC
Mailing Address	120 OCEAN DR 1000 MIAMI BEACH, FL 33139 USA
PA Primary Zone	3003 MULTI-FAMILY
Primary Land Use	1081 VACANT LAND - COMMERCIAL : VACANT LAND
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	6,500 Sq.Ft
Year Built	0



Assessment Information			
Year	2021	2020	2019
Land Value	\$2,603,125	\$3,062,500	\$2,925,000
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$2,603,125	\$3,062,500	\$2,925,000
Assessed Value	\$2,603,125	\$3,062,500	\$2,860,000

Benefits Information				
Benefit	Type	2021	2020	2019
Non-Homestead Cap	Assessment Reduction			\$65,000
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description
3 54 42 OCEAN BEACH FLA SUB PB 2-38 LOT 14 BLK 8 LOT SIZE 50,000 X 130 COC 25494-1959 03 2007 6

Taxable Value Information			
	2021	2020	2019
County			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,603,125	\$3,062,500	\$2,860,000
School Board			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,603,125	\$3,062,500	\$2,925,000
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,603,125	\$3,062,500	\$2,860,000
Regional			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$2,603,125	\$3,062,500	\$2,860,000

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
06/12/2019	\$6,125,000	31483-2015	Qual on DOS, multi-parcel sale
03/04/2015	\$8,250,000	29526-2117	Non-market financing or assumption of lease
02/28/2014	\$3,950,000	29055-4929	Qual on DOS, multi-parcel sale
03/01/2007	\$1,950,000	25494-1959	Other disqualified

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Version:

**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA****PROPERTY:** 251 Washington Avenue**FILE NO:** PB 19-0304**IN RE:** An application for conditional use approval for an educational institution in an RPS-3 zoning district, pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code.**LEGAL****DESCRIPTION:** Lot 14 and 15, Block 8, of the Ocean Beach Fla., according to the plat thereof, recorded in Plat Book 2, Page 38 of the public records of Miami Dade County, Florida.**MEETING DATE:** September 24, 2019**CONDITIONAL USE PERMIT**

The applicant, BaseCamp305, Inc., filed an application with the Planning Director for a Conditional Use Permit to operate an educational institution. Notice of the request for Conditional Use was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property upon which the application was made.

The Planning Board of the City of Miami Beach 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:

That the property in question is located in the RPS-3, Residential performance standard, medium-high density Zoning District;

That the intended Use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

That structures and Uses associated with the request are consistent with the Ordinance;

That the public health, safety, morals, and general welfare will not be adversely affected;

That necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values if the following conditions are met.

IT IS THEREFORE 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 is adopted herein, including the staff recommendation, that the Conditional Use Permit as requested and set forth above be **GRANTED**, subject to the conditions listed below:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall give a written Progress Report to the Board six (6) months from the date

of the issuance of a Certificate of Use for the school and at that time, the Board shall determine if further Progress Reports are necessary.

2. At the request of the Planning Director, if deemed necessary, the applicant shall provide a progress report to the Board. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).
3. This Conditional Use Permit is issued to BaseCamp305, Inc. Any change of management or ownership shall require review by the Planning Board as a modification to this Conditional Use Permit.
4. The maximum number of children in the facility shall be limited to the lesser of the number of students authorized by this CUP (40 students), or the number of students approved by the Department of Children and Families in accordance with applicable licensing requirements. Any increase of this number shall require a modification of this Conditional Use Permit.
5. The hours of operation shall be as proposed by the applicant, school days from 7:00 AM to 3:00 PM.
6. The applicant shall be responsible to instruct the staff and the parents to not double-park or block the street, sidewalks and the driveways.
7. School staff personnel shall ensure that student or parent behavior (noise or loitering) does not become a nuisance to residents in the area.
8. Any business identification signs shall be submitted to staff for review and approval before installation.
9. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
10. The applicant shall satisfy outstanding liens and past due City bills, if any, to the satisfaction of the City prior to the issuance of a business tax receipt.
11. This 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.
12. This Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County at the expense of the applicant, prior to the issuance of a modified certificate of use.
13. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement

procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.

14. 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.

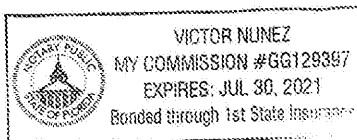
Dated this 25th day of OCTOBER, 2019.

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDA

BY: Michael Belush
Michael Belush, AICP,
Chief of Planning and Zoning
FOR THE CHAIRMAN

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 25th day of OCTOBER, 2019, by Michael Belush, AICP, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



{NOTARIAL SEAL}

Notary:

Print Name Victor Nunez

Notary Public, State of Florida

My Commission Expires: JULY 30, 2021

Commission Number: 66224397

Approved As To Form:
Legal Department

Filed with the Clerk of the Planning Board on 10/24/19 Jessie G. Gentry (10/25/19)

MB

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

MEETING DATE: September 9, 2019

FILE NO: HPB19-0336

PROPERTY: 245 Washington Avenue

APPLICANT: 251 Washington, LLC

LEGAL: Lot 14, Block 8, Ocean Beach Fla Subdivision, According to the Plat Thereof as Recorded in Plat Book 2, Page 38 of the Public Records of Miami-Dade County, Florida.

IN RE: An application has been filed requesting a Certificate of Appropriateness for the after-the-fact total demolition of the previously existing structure located at 245 Washington Avenue.

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 in Section 133-50(a) of the Miami Beach Code.
 - 2. Is not consistent with Certificate of Appropriateness Criteria 'b' for Demolition 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 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. A museum quality historic analysis and display of the existing structure, inclusive of a photographic and written description of the history and evolution of the original building and its changes of use over time, shall be submitted to and approved by staff, prior to the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy for the new structure constructed on the site; such historic analysis shall be displayed prominently, in a location to be determined by staff.



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Meeting Date: September 9, 2019

2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. The entire site shall be thoroughly cleaned, evenly leveled, and sodded and an aluminum picket fence shall be required at the front and rear of the property, 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 grass and landscape materials shall remain properly maintained, irrigated, and trimmed at all times, subject to periodic staff review, until such time as the entire site is redeveloped.
 - c. 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.

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. 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.

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. 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. 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

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 HPB19-0366
 Meeting Date: September 9, 2019

plans.

- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building 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.
- J. 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 '**245 Washington Avenue**', as prepared by **Touzet Studio**, dated **July 8, 2019**, and subject to the additional modifications as approved and required 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

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 HPB19-0366
 Meeting Date: September 9, 2019

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.

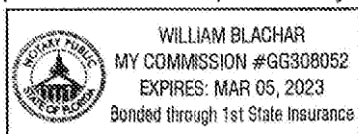
Dated this 10 day of September, 2019

HISTORIC PRESERVATION BOARD
 THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
 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 10th day of September, 2019 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.



William Blachar
 NOTARY PUBLIC
 Miami-Dade County, Florida
 My commission expires: March 5th, 2023

Approved As To Form: [Signature]
 City Attorney's Office: [Signature] (9/9/2019)

Filed with the Clerk of the Historic Preservation Board on [Signature] (9/10/19)

[Signature]

Page 5 of 5
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A handwritten signature or mark, possibly a stylized 'A' or a similar symbol, located in the bottom right corner of the page.

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

MEETING DATE: September 9, 2019

FILE NO: HPB19-0316

PROPERTY: 245 & 251 Washington Avenue

APPLICANT: 251 Washington, LLC

LEGAL: Lot 14, Block 8, of the Ocean Beach Fla Subdivision, according to the plat thereof, recorded in Plat Book 2, Page 38 of the public records of Miami Dade County, Florida.

and

Lot 15, Block 8, of the Ocean Beach Fla Subdivision, according to the plat thereof, recorded in Plat Book 2, Page 38 of the public records of Miami Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the construction of a temporary structure to be used as a private school and variances to reduce the required interior side yard setbacks for a school.

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 in Section 133-50(a) of the Miami Beach Code.
 - 2. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
 - 3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
 - 4. Is not consistent with Certificate of Appropriateness Criteria 'b' in Section 118-564(a)(3) of the Miami Beach Code.

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- 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. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 2. The temporary structure shall be approved for a period not to exceed three (3) years from September 9, 2019; any extension of this timeframe shall be subject to the review and approval of the Board.
 3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
 - b. 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. Right-of-way areas shall also be incorporated as part of the irrigation system.

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 42'-6" the required 50'-0" interior side setback for schools in order construct a new institution at 7'-6" from the north side property line.
 2. A variance to reduce by 42'-6" the required 50'-0" interior side setback for schools in order construct a new institution at 7'-6" from the south side property line.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

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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.

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 133, article II, as applicable.

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. Where one or more parcels are unified for a single development, the property owner shall

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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. 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 Building 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.
- J. 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 **"basecamp305" as prepared by Touzet Studio, dated July 8, 2019**, 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.

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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 17 day of September, 2019.

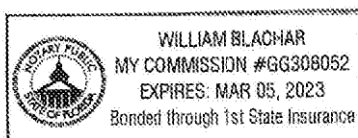
HISTORIC PRESERVATION BOARD
 THE CITY OF MIAMI BEACH, FLORIDA

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 17th day of September, 2019 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.



William Blachar
 NOTARY PUBLIC



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Meeting Date: September 9, 2019

Miami-Dade County, Florida

My commission expires: March 5th, 2023

Approved As To Form:

City Attorney's Office:

W. Kallez

(9/16/2019)

Filed with the Clerk of the Historic Preservation Board on

Jessica Gaudin

(9/17/19)

