DocuSign Envelope ID: 30007D0B-EA50-471A-BB42-2389D9A0E0A0

CFN: 20230924154 BOOK 34025 PAGE 424
DATE:12/26/2023 10:28:20 AM
JUAN FERNANDEZ-BARQUIN
CLERK OF THE COURT & COMPTROLLER
MIAMI-DADE COUNTY, FL

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: December 12, 2023

PROPERTY/FOLIO: 100 Block of Lincoln Road Right-of-Way and 1 Lincoln Road / 02-3234-123-0001, 02-3234-123-0021, 02-3234-123-0030 & 02-3234-123-0010

FILE NO: HPB23-0575

APPLICANTS: Di Lido Beach Commercial Lessor, LLC, Di Lido Beach Commercial, LLC, Di Lido Beach Resort, LLC and Di Lido Beach Resort Land, LLC

IN RE: An application has been filed requesting a Certificate of Appropriateness for improvements to Lincoln Road between Collins Avenue and the Beachwalk.

LEGAL: That portion of the Lincoln Road right-of-way located east of Collins Avenue and Lots 1 thru 4, Lot 17 & South ½ of Lots 5 & 16, Block 29 and a strip of land described in DB 3781-543 and Lots 18-19 & 20, Block 29 and a portion of land being a being a part of the platted Lincoln Road right-of-way, according to the plat thereof recorded in Plat Book 2, Page 77 of the public records of Miami Dade County, Florida.

ORDER

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

I. Certificate of Appropriateness

A. The subject site is located within the Ocean Drive/Collins Avenue Local Historic District.

B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:

1. Is consistent with Sea Level Rise and Resiliency Review Criteria in Section 7.1.2.4(a)(i) of the Land Development Regulations.

2. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(1) of the Land Development Regulations.

3. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(2) of the Land Development Regulations.

4. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(3) of the Land Development Regulations.

DocuSign Envelope ID: 30007D0B-EA50-471A-BB42-2389D9A0E0A0

CFN: 20230924154 BOOK 34025 PAGE 425

C. The project would remain consistent with the criteria and requirements of sections 2.13.7(d) and 7.1.2.4(a) of Land Development Regulations 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 curb cut and driveway accessing the parking garage and loading area of the Ritz Carlton shall not exceed 30'-2" in width, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board and shall be subject to the review and approval of the Transportation Department and all other applicable departments.

   b. The final design and details of the roadway configuration and on street parking and loading spaces 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 and shall be subject to the review and approval of the Transportation and Parking Departments and all other applicable departments.

   c. The applicant shall revise the lane marking to remove the right-turn markings shown on the outside lane into the Decoplage Condominium to address maneuverability while keeping the traffic circle to the minimum radius and maximizing the pedestrian sidewalk width. In addition, the applicant shall modify the landscaping to minimize the deflection angle near the gateway, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board and all other applicable departments.

   d. The final design and details of the decorative paving shall be provided and the green quartzite shall be a mid to light neutral green color consistent with the physical material sample presented at the December 12, 2023 hearing, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board and subject to the review and approval of the Transportation and Public Works Departments and all other applicable departments. The paving material for the pedestrian portion shall be consistent with new pavers selected for the Lincoln Road Master Plan.

   e. The final design and details of the decorative art wall and sculptures 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.

   f. Signage shall be reduced to the greatest extent possible subject to all regulatory requirements, to be reviewed and approved by all applicable agencies and departments, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

   g. The pedestrian crosswalk signage shall be subject to the review and approval of the Transportation Department and all other applicable departments.

DocuSign Envelope ID: 30007D0B-EA50-471A-BB42-2389D9A0E0A0

h. 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. 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 project design shall minimize the potential for a project causing a heat island effect on site.

   c. Cool pavement materials or porous pavement materials shall be utilized, if applicable.

In accordance with section 2.2.4.8(c) of the Land Development Regulations the applicant, 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 magistrate appointed by the City Commission.

II. Variance(s)

A. No Variances have been requested as part of this application.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

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

A. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.

B. The 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

DocuSign Envelope ID: 30007D0B-EA50-471A-BB42-2389D9A0E0A0

CFN: 20230924154 BOOK 34025 PAGE 427

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

D. The applicant shall comply with the electric vehicle parking requirements, pursuant to section 5.1.13 of the land development regulations, as applicable.

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

I. 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.

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

L. 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. 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.

DocuSign Envelope ID: 30007D0B-EA50-471A-BB42-2389D9A0E0A0

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 "Lincoln Road – 100 Block", as prepared by Kobi Karp Architecture and Interior Design, Inc., dated November 13, 2023**, 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 section 2.13.7 of the Land Development Regulations; 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 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations. Failure to comply with this Order shall subject the application to chapter 2 of the Land Development Regulations, for revocation or modification of the application.

Dated this 12/18/2023 | 11:21 AM EST day of _____, 20___.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: DocuSigned by: Deborah Tackett
8BE910441D594AC...
DEBORAH TACKETT
HISTORIC PRESERVATION & ARCHITECTURE OFFICER
FOR THE CHAIR

CFN: 20230924154 BOOK 34025 PAGE 429

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

The foregoing instrument was acknowledged before me this 20 day of December 2023 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.

MIRIAM HERRERA
Notary Public - State of Florida
Commission # HH 470768
My Comm. Expires Dec 16, 2027
Bonded through National Notary Assn.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 12-16-27

Approved As To Form:
City Attorney's Office: DocuSigned by: Nick Kallergis 8D8CB88CCAB8460 (12/18/2023 | 10:50 AM EST

Filed with the Clerk of the Historic Preservation Board on DocuSigned by: Jessica Gonzalez 10F03F3E9D654A5 (12/18/2023 |)1:14 PM EST