MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation — Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: May 14, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB23-0604, **1709 Jefferson Avenue**.

An application has been filed requesting a Certificate of Appropriateness for the construction of a new townhouse development to replace an existing surface parking lot, one or more waivers and a variance to exceed to the maximum permitted fence height.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions.
Approval of the variance with conditions.

BACKGROUND

On February 14, 2023, the Board approved a Certificate of Appropriateness for the construction of a multi-family residential building on an existing surface parking lot.

EXISTING SITE

Local Historic District:	Palm View

ZONING / SITE DATA

Folio:	02-3234-007-0400
Legal Description:	Lots 17 thru 19, Block 21, of the Golf Course Amended Plat, according to the plat thereof, as recorded in Plat Book 6, Page 26, of the public records of Miami-Dade County, Florida.
Zoning:	RM-1, Residential, multi-family, low intensity
Future Land Use Designation:	RM-1, Residential, multi-family, low intensity
Lot Size:	22,454 sq. ft. (45% Max Lot Coverage/1.25 Max FAR)
Proposed Lot Coverage:	9,014 sq. ft. / 40.1% Lot Coverage
Proposed FAR:	28,067 sq. ft. / 1.25 FAR
Proposed Height:	40'-0" as measured from B.F.E. +1'-0" freeboard (9.00' NGVD)
Existing Use:	Surface parking lot
Proposed Use:	Townhouse – 10 units

THE PROJECT

The applicant has submitted plans entitled "1709 Jefferson Avenue", as prepared by Kobi Karp Architecture and Interior Design Inc., February 4, 2024.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application appears to be consistent with the Land Development Regulations with the exception of the waiver and variance requested herein.

This shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

CONSISTENCY WITH 2040 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed townhouse use is **consistent** with the Future Land Use Map of the Comprehensive Plan.

VARIANCE CRITERIA

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.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 2.8.3(a) of the Land Development Regulations:

1. 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;

2. The special conditions and circumstances do not result from the action of the applicant;

3. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;

4. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

6. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

7. 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; and

8. 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 7, article I, as applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(1) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

A. A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable

B. Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable

C. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied

D. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.
Satisfied

E. The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
Satisfied

F. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Satisfied

G. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Satisfied

H. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
Not Applicable

I. 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 in General Ordinances.
Not Applicable

J. In all new projects, water retention systems shall be provided.
Satisfied

K. Cool pavement materials or porous pavement materials shall be utilized.
Satisfied

L. The project design shall minimize the potential for a project causing a heat island effect on site.
Satisfied

COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA

A decision on an application for a certificate of appropriateness shall be based upon the following:

I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to section 2.13.7(d)(ii)(1) of the Land Development Regulations (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.
Not Applicable

b. The Secretary of Interior’s Standards for Reconstruction as may be amended from time to time.
Not Applicable

c. Other guidelines/policies/plans adopted or approved by resolution or ordinance by the city commission.
Satisfied

II. In determining whether a particular application is compatible with surrounding properties the historic preservation board shall consider the following criteria pursuant to section 2.13.7(d)(ii)(2) of the Land Development Regulations (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

a. Exterior architectural features.
Satisfied

b. General design, scale, massing and arrangement.
Satisfied

c. Texture and material and color.
Satisfied

d. The relationship of subsections a., b., c., above, to other structures and features of the district.
Not Satisfied
The proximity of the proposed northern building to the adjacent single-family home has the potential to overwhelm the Contributing home. Further, the location and magnitude of the rooftop elements contribute to additional perceived building mass and height.

e. The purpose for which the district was created.
Satisfied

f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied

g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Not Applicable

h. The original architectural design or any subsequent modifications that have acquired significance.
Not Applicable

III. The examination of architectural drawings for consistency with the criteria pursuant to section 2.13.7(d)(ii)(3) of the Land Development Regulations and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied

b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied
The applicant is requesting a variance as part of this application.

c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 2.13.1(c).
Satisfied

d. The proposed structure, or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and enhance the appearance of the surrounding properties, or the purposes for which the district was created.
Not Satisfied
The proximity of the proposed northern building to the adjacent single-family home has the potential to overwhelm the Contributing home. Further, the location and magnitude of the rooftop elements contribute to additional perceived building mass and height.

e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
Not Satisfied
The proximity of the proposed northern building to the adjacent single-family home has the potential to overwhelm the Contributing home. Further, the location and magnitude of the rooftop elements contribute to additional perceived building mass and height.

f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.
Not Applicable

g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a city master plan, where applicable.
Satisfied

h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Satisifed

i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Satisfied

j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Not Satisfied
The proximity of the proposed northern building to the adjacent single-family home has the potential to overwhelm the Contributing home. Further, the location and magnitude of the rooftop elements contribute to additional perceived building mass and height.

k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.
Satisfied

l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Satisfied

m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Applicable

n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.
Satisfied

o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Satisfied

p. In addition to the foregoing criteria, the requirements of chapter 104, of the General Ordinances, shall apply to the historic preservation board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Not Applicable

q. The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.
Satisfied
See Compliance with Sea Level Rise and Resiliency Review Criteria section of this report.

STAFF ANALYSIS

The subject development site is located at the northeast corner of the intersection of 17th Street and Jefferson Avenue, within the RM-1 zoning district, and is comprised of three platted lots. The site is surrounded by the RS-4 (single-family) zoning district to the north, the RM-2 (multi-family) zoning district to the east, the CD-3 (commercial) zoning district to the south and the RM-1 (multi-family) zoning district to the west.

The applicant is proposing a new 10-unit townhouse development consisting of twin 4-story buildings arranged around a central motor court on an existing 53-space surface parking lot. Each unit consists of a 2-car garage and bedroom at the ground level, living spaces at the upper three levels and a rooftop terrace.

Staff is generally supportive of the application and would commend the applicant for proposing to construct a high-quality structure to replace the existing surface parking lot. Over time, the parking lot has had an increasingly adverse impact on the context and character of 17th Street, as well as the surrounding Palm View neighborhood. The straight-forward design is accented by projecting balconies at the upper levels. Gold color screen elements at the balconies reference the Morris Lapidus designed building located at 1688 Meridian Avenue. Further, the distribution of architectural forms has resulted in a development that is highly compatible with the 17th Street built context.

Staff does, however, have some concern relative to the impact the northern building may have on the adjacent single-family home to the north. More specifically, although the northern building is setback 20'-9" from the north side property line (over 8'-0" in excess of the required 12'-0" setback), staff is concerned that the new 4-story building has the potential to overwhelm the adjacent Contributing single-family home. To this end, staff recommends that the motor court area be reduced in width to the greatest extent possible to allow for a greater north side setback. Further, staff recommends that the building plans be mirrored along the east-west axis so that the rooftop stair and elevator bulkheads are not located along to the 17th Street facades. This would effectively shift the interior stair and elevator from the west wall to the east wall of each unit minimizing the perceived mass and height from Jefferson Avenue. Additionally, staff recommends that the bulkhead structures be painted the same color as the main body of the building and that the overhangs be eliminated to lessen the visual impact of these rooftop elements.

Finally, the applicant is seeking approval of a waiver related to the height of the parking area at the ground level. The RM-1 zoning district requires a minimum height of 12'-0" above base flood elevation plus one foot when parking is located below the first habitable level; however, the Board may waive this requirement by up to 2'-0" in accordance with the Certificate of Appropriateness criteria. Staff is supportive of the requested 1'-10" waiver as this minor reduction in height helps to ensure greater compatibility with the adjacent single-family home neighborhood.

VARIANCE ANALYSIS

The applicant is requesting the following variance:

1. A variance to exceed by 10 ¼" the maximum permitted fence height of 7'-0" in order to provide a 7'-10 ¼" tall fence along the north property line. Variance requested from:

   Section 7.5.3.2 Allowable encroachments within required yards for districts other than single-family districts.

The following regulations shall apply to allowable encroachments in all districts except single-family residential districts, unless otherwise specified in this Code.
(h) Fences, walls, and gates. Regulations and requirements pertaining to materials and heights for fences, walls and gates, excluding for vacant parcels and construction sites, are as follows:
(1) All districts except I-1 and WD-2:
(B) Rear and side yard. Within the required rear or side yard, fences, walls and gates shall not exceed 7 feet, as measured from grade, except when such yard abuts a public right-of-way, waterway or golf course, in which case the maximum height shall not exceed 5 feet.

The applicant is requesting a variance to exceed the maximum permitted height of a fence within the required north side yard. More specifically, a new 2'-0" tall screen element is proposed to be introduced on top of an existing 5'-10 ¼" tall site wall, resulting in a height of 7'-10 ¼" as measured from grade where a 7'-0" tall fence is otherwise permitted. The new screen element will provide additional privacy for residents of the adjacent Contributing single-family home to the north.

It is important to note that as part of the new development project, the applicant is required to raise the grade of the site over 3'-0" to 7.475' NGVD. However, the Land Development Regulations require that fence height be measured from the existing grade of 4.27' NGVD. this requirement results in a 7'-0" site wall/fence that appears to be approximately 3'-9" tall from within the subject site and approximately 7'-0" tall from the single-family home to the north. The requested 10 ¼" height variance would result in a fence that appears to be 4'-8" tall from within the property. Staff finds that practical difficulties exist due to the Land Development Regulations requirement to raise grade of the site. Further, the unique conditions in which the subject RM-1 multi-family zoning is located immediately adjacent to RS-4 single-family zoning contribute to the special conditions which warrant the granting of the variance.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the requests for a Certificate of Appropriateness and variance be **approved**, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness and practical difficulty and hardship criteria, as applicable.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: May 14, 2024

PROPERTY/FOLIO: 1709 Jefferson Avenue / 02-3234-007-0400

FILE NO: HPB23-0604

APPLICANT: Miami Beach Development Group, LLC

IN RE: An application has been filed requesting a Certificate of Appropriateness for the construction of a new townhouse development to replace an existing surface parking lot, one or more waivers and a variance to exceed to the maximum permitted fence height.

LEGAL: Lots 17 thru 19, Block 21, of the Golf Course Amended Plat, according to the plat thereof, as recorded in Plat Book 6, Page 26, of the public records of Miami-Dade County, Florida.

O R D E R

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 Palm View 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)(1) 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 not consistent with Certificate of Appropriateness Criteria ‘d’ in section 2.13.7(d)(ii)(2) of the Land Development Regulations.

4. Is not consistent with Certificate of Appropriateness Criteria ‘b’, ‘d’, ‘e’ & ‘j’ in section 2.13.7(d)(ii)(3) of the Land Development Regulations.

C. The project would be 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:

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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 motor court area shall be reduced in width to the greatest extent possible to allow for a greater north side setback, 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 building plans shall be mirrored along the east-west axis so that the rooftop stair and elevator bulkheads are recessed from Jefferson Avenue (the interior stair and elevator in each unit shall be shifted from the west wall to the east wall) 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 bulkhead structures shall be painted the same color as the main body of the building and the bulkhead overhangs shall be eliminated, 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. Final details of all exterior surface finishes and materials 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.

    e. 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 7.1.2.2(c)(2)(A) of the Land Development Regulations, the request pertaining to a reduction of 1’-10” of the minimum height of the ground floor parking area, is hereby waived.

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. 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.

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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. The applicant filed an application with the Planning Department for the following variance:

1. A variance to exceed by 10 ¼" the maximum permitted fence height of 7'-0" in order to provide a 7'-10 ¼" tall fence along the north 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.

The applicant has submitted plans and documents with the application that indicate the following, as they relate to the requirements of section 2.8.3(a) of the Land Development Regulations:

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 these land development regulations to other lands, buildings, or structures in the same zoning district.

That literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations 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 these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

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.

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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 7, article I, as applicable.

C. The Board finds that the application satisfies Article 1, Section 2 of the Related Special Acts and the requirements of section 2.8.3(a) of the Land Development Regulations, and hereby **approves** the requested variances; and imposes the following condition based on its authority in section 2.8.4 of the Land Development Regulations:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

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 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 5.2.12 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 main building setbacks with the exception of the valve (PIV) which may be visible and accessible from the street.

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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.

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 **"1709 Jefferson Avenue", as prepared by Kobi Karp Architecture and Interior Design Inc., February 4, 2024**, 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

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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 _____ day of _____, 20___.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY:_____
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 _____ day of _____ 20___ 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.

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

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Approved As To Form:
City Attorney's Office: _____ ( )

Filed with the Clerk of the Historic Preservation Board on _____ ( )

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