

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: September 12, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB17-0109 a.k.a. HPB 7605, **3201 Collins Avenue.**

The applicant, 3201 Hotel, LLC, is requesting modifications to a previously issued after-the-fact Certificate of Appropriateness for the installation of a temporary art exhibit within the eastern portion of the property. Specifically, the applicant is requesting approval for permanent installation of the art exhibit and after-the-fact variances to reduce the required pedestal street side and sum of the side setbacks for the retention of air conditioning equipment and the construction of a new wall enclosure facing 32nd Street.

STAFF RECOMMENDATION

Approval of the modification to a previously issued Certificate of Appropriateness with conditions Denial of the variances.

BACKGROUND

On February 9, 2016, the Board approved an after-the-fact Certificate of Appropriateness for the installation of a temporary art exhibit within the southeast portion of the property.

EXISTING STRUCTURE

Local Historic District:	Collins Waterfront
Status:	Contributing
Original Construction Date:	1948
Original Architect:	Roy France

ZONING / SITE DATA

Legal Description:

All of Block 17 of Ocean Front Property on the Miami Beach Improvement Company's Subdivision according to the plat recorded in plat book 5, pages 7 & 8 of the Official Records of Miami-Dade County, and also all of that part of a strip of land formerly a public alley, which lies between lots 1, 2, 3, & 4 of Block 17 on the east side thereof and lots 5, 6, 7, & 8 on the west side thereof, together with all of lots 1, 2, 5, and 6 in block 19 of Ocean Front Property on the Miami Beach Improvement Company's Subdivision according to the plat recorded in plat book 5, pages 7 & 8 of the Official Records of Miami-Dade County.

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Zoning: RM-3, Residential Multi-Family, high intensity

THE PROJECT

The applicant has submitted plans entitled “Faena Hotel-permanent display of art exhibit “Gone But Not Forgotten”, as prepared by MCohen and Sons, and Geomantic Designs, Inc., dated July 17, 2017.

The applicant is requesting an after-the-fact Certificate of Appropriateness for the permanent installation of the art exhibit and after-the-fact variances to reduce the required pedestal street side and sum of the side setbacks for the retention of air conditioning equipment and the construction of a new wall enclosure facing 32nd Street.

The applicant is requesting the following variance(s):

1. An after the fact variance to reduce by 25'-10" the minimum required pedestal street side setback of 27'-11" in order to retain air conditioning equipment at 4'-8" and construct a new wall enclosure at 2'-1" from the property line facing 32nd Street.
 2. An after the fact variance to reduce by 35'-4" the minimum required pedestal sum of the side yards of 48'-1" in order to retain air conditioning equipment at 4'-8" and construct a new wall enclosure at 2'-1" from the property line facing 32nd Street.
- Variances requested from:

Sec. 142-247 Setback requirements.

(a) The setback requirements for the RM-3 residential multifamily, high intensity district are as follows:

Pedestal, Side Facing a Street — Sum of the side yards shall equal 16% of lot width.
Minimum — 7.5 feet or 8% of lot width, whichever is greater

The property previously obtained variances on two occasions (see attached final orders for BOA File Nos. 3547 and 3323) to reduce the required side and sum of the side setbacks in order to construct additions following the existing non-conforming street side setback of the Saxony hotel and to construct a new residential tower at the vacant north side of the property. The scope of these variances is associated with the retention of the hotel and the recently constructed improvements on the property.

On February 2016, the Historic Preservation Board granted an after-the fact Certificate of Appropriateness for the installation of a temporary art exhibit (HPB file No. 7605), consisting of a ten (10') foot tall woolly mammoth skeleton gilded in gold leaf. The skeleton is within a temperature controlled steel and glass enclosure. This approval expired and a permanent installation of the exhibit is now requested as part of this application, including the retention of related air conditioning equipment on the exterior of the building facing 32nd Street.

Staff is highly concerned with the applicant's request, as it is not consistent with the Certificate of Appropriateness criteria and negatively impacts the street side view of the property located along a prominent street end with beach access. Staff has consistently recommended to the applicant that the air conditioning equipment be relocated to a more internal area of the site.

The City Code does not allow air conditioning equipment visible from the street with the size, height and supportive brackets of the existing non-permitted equipment. The proposed addition of a 9'-0" wall to screen the equipment which would require the elimination of landscape areas on site is not an acceptable option from an appropriateness standpoint, as well as the hardship criteria. The previous side and sum of the side setback variances granted allowed the construction of the new multistory residential tower along with the retention of the hotel which constitutes a reasonable use of the property. The newly requested variances are self-imposed and lack any hardship or practical difficulties in complying with the code requirements. This is an enormous property and there are plenty of areas within the rear of the property to relocate the air conditioning equipment without a variance and without adding additional encroachments on the public street side. Based on the negative impact that the proposal has on the public street end and character of the historic district, as well as the lack of any practical difficulties or hardship in complying with the City Code requirements, staff recommends denial of the variances.

PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA

The applicant has submitted plans and documents with the application that **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents with the application **DO NOT** satisfy the following hardship criteria, 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.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the City Code, in addition to the requested variances:

1. Section 142-802(3). The existing deck where the art exhibit is located requires a variance from the setbacks requirements within the Oceanfront Overlay District. The applicant has filed a new application (under HPB17-0147) for a future meeting to review the existing conditions of the property within the Oceanfront and Dune Preservation Overlay Districts.

The above noted comments 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 2025 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed **hotel with accessory restaurant use** appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

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 118-564(a)(1) of the Miami Beach Code (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.
Satisfied
 - b. 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 Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (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.
Not Satisfied
The existing location of the equipment along the 32nd Street street-end, screened or unscreened, has an adverse impact of the pedestrian experience and the surrounding historic district.

- c. Texture and material and color.
Satisfied
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Not Satisfied
The existing location of the equipment along the 32nd Street street-end, screened or unscreened, has an adverse impact of the pedestrian experience and the surrounding historic district.
 - 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.
Satisfied
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code 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.
Not Applicable
 - 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
See 'The Project' section of this report
 - 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 118-503.
Satisfied

- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.
Not Satisfied
The existing location of the equipment along the 32nd Street street-end, screened or unscreened, has an adverse impact of the pedestrian experience and the surrounding historic district.
- 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 existing location of the equipment along the 32nd Street street-end, screened or unscreened, has an adverse impact of the pedestrian experience and the surrounding historic district.
- 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.
Satisfied
- 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.
Not Satisfied
The existing location of the equipment along the 32nd Street street-end, screened or unscreened, has an adverse impact of the pedestrian experience and the surrounding historic district.

- 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 existing location of the equipment along the 32nd Street street-end, screened or unscreened, has an adverse impact of the pedestrian experience and the surrounding historic district.
- 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.
Not Applicable
- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable
- 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 Satisfied
The existing location of the equipment along the 32nd Street street-end, screened or unscreened, has an adverse impact of the pedestrian experience and the surrounding historic district.
- 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.
Not Applicable
- 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.
Not Satisfied
The existing location of the equipment along the 32nd Street street-end, screened or unscreened, has an adverse impact of the pedestrian experience and the surrounding historic district.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development 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:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable

- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Not Applicable
- (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.
Not Applicable
- (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.
Not Applicable
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Satisfied
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
Not Applicable
- (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.
Not Applicable
- (10) Where feasible and appropriate, water retention systems shall be provided.
Not Applicable

STAFF ANALYSIS

On February 9, 2016 the Board approved a Certificate of Appropriateness for the temporary exhibition of a work of art within the rear yard of the Faena Hotel property. The applicant is currently requesting to permanently display the work of art entitled "Gone but Not Forgotten". Designed by internationally acclaimed artist, Damian Hirst, the exhibit consists of a 10' tall woolly mammoth skeleton glided in gold leaf. The skeleton is housed within a temperature controlled steel and glass vitrine which measures 21'-7" long, 13'-9" wide and 13'-3" tall.

Staff has no objection to the permanent display of this unique art exhibit. Due to the transparent nature of the skeleton and its housing, the artwork will not detract from or obscure the Postwar Modern architecture of the hotel site, and recommends approval of the project as proposed. Staff does have serious concerns however, with the proposed location that the mechanical

exhibit was installed. The location of the mechanical equipment facing the 32nd Street street-end was not indicated in the plans for the temporary art piece previously approval by the Board. The existing location of the equipment, screened or unscreened, has an adverse impact of the pedestrian experience and the surrounding historic district. As such, staff recommends that the equipment be relocated so as not to require variances.



"Gone But Not Forgotten", photo 2016

VARIANCE REVIEW

The property has received multiple Certificate of Appropriateness approvals for the renovations to the historic Saxony Hotel and the construction of a new multistory residential tower at the north side of the property facing 34th Street. The scope of this application is related to a previously granted after-the fact certificate of appropriateness for the installation of a temporary art exhibit (HPB File No. 7605) at the rear southeast side of the property. The approval, which was granted for twelve (12) months, has expired and the applicant wishes to retain the structure permanently.

Four air conditioning units related to the glass enclosure were installed on the south wall of the site, facing 32nd Street. They were not part of the previous approval for the art sculpture and did not receive a Certificate of Appropriateness or a building permit. As part of the applicant's request to retain the art exhibit and the mechanical equipment, two setback variances are required to reduce the side and sum of the side setbacks for the property including the construction of a new wall to screen the air conditioning equipment from street view.

As noted in the project portion of this report, staff is unable to identify practical difficulties or hardship related to the variances requested and finds that the approval of these variances would negatively impact the street side of the property and the historic District. The applicant's request is not related to the retention of the historic hotel or its improvement. In summary, staff recommends denial of both variances and the relocation to the air conditioning equipment internal to the site in a manner to be reviewed and approved by staff.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the Certificate of Appropriateness for the pergola structures be approved and that variances #1 and #2 be **denied** subject to the

conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Practical Difficulty and Hardship criteria, as applicable.

BOA FILE NO. 3547 FINAL ORDER

**BEFORE THE
BOARD OF ADJUSTMENT
OF THE CITY OF MIAMI BEACH, FLORIDA**

CFN 2012R0068508
DR Bk 27980 Pgs 2176 - 2184; (9pgs)
RECORDED 01/31/2012 15:14:03
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

IN RE: The application of
3201 HOTEL, LLC AND TOWER 3315, LLC
3201-3315 COLLINS AVENUE, MIAMI BEACH,
MIAMI-DADE COUNTY, FLORIDA
(FOR LEGAL DESCRIPTION PLEASE SEE EXHIBIT A)

MEETING DATE: JANUARY 6, 2012
FILE NO. 3547

ORDER

The applicant, 3201 Hotel, LLC and Tower 3315, LLC, filed an application with the Planning Department for a modification to the approved site plans. The modification requires a new variance for the total height of the new construction and the modification of three (3) previously granted variances in order to permit the renovation of the existing Saxony Hotel and the construction of a new multifamily building, as follows:

1. A variance to waive ~~17'-11" 22'-11"~~ of the minimum required north side interior pedestal setback of 27' - 11", in order to place the pedestal at ~~10'-0" 5'-0"~~ from the north side property line.
2. A variance to waive ~~40'-4 1/2" 45'-4 1/2"~~ of the minimum required sum of the side yards at the pedestal level of 55' - 2" in order to provide a sum of the side yards of ~~44'-9 1/2" 9'-9 1/2"~~.
3. ~~A variance to waive all of the interior side pedestal setback in order to build new stairs from the existing nonconforming building line of 4'-9 1/2" to the south property line. A variance to waive 23'-1 1/2" of the required interior side pedestal setback of 27'-11" in order to build the pavilion, back of house rooms and garden terraces at 4'-9 1/2", following the existing south building line.~~
4. A variance to exceed by 3'-0" the maximum permitted height of 200'-0" as measured from grade in order to build the new residential tower at a height of 203'-0" from grade.

Notice of the request for variance was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS that the property in question is located in the RM-3 Zoning District.

*Board of Adjustment Order: Meeting of January 6, 2012
File No. 3547: 3201 Hotel, LLC and 3315 Tower, LLC
3201-3315 Collins Avenue, Miami Beach
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THE BOARD FURTHER FINDS, based upon evidence, testimony, information and documentation presented to the Board, and portions of the staff report and recommendations, as applicable, which are incorporated herein by this reference, that with regard to the requested variance when conditioned as provided for in this Order:

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.

IT IS THEREFORE ORDERED, by the Board, that the variances be APPROVED as requested and set forth above; with the following conditions to which the applicant has agreed:

1. The applicant shall comply with all conditions imposed by the Historic Preservation File No. 5015.
2. Pursuant to the Escrow Agreement executed between the owner and the City, signed by both parties in March 2009, the owner has agreed to enter into a Streetscape Agreement for all public right-of-way improvements abutting the subject property, including 32nd Street between Collins Avenue and the Ocean, Collins Avenue, and 34th Street between Collins Avenue and the Ocean, inclusive of the City's public surface parking lot. The following conditions shall be required to be completed, as part of the Streetscape improvements, prior to the issuance of a Partial Certificate of Occupancy (P.C.O), Temporary Certificate of Occupancy (T.C.O.) or final Certificate of Occupancy (C.O.) for the new building.

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- a. 32nd Street: Pursuant to Condition 3.a.below, all right-of-way improvements along 32nd Street shall be completed by the owner, prior to the issuance of a C.O for the existing building.
 - b. 34th Street: The owner will install drainage structures and hardscape improvements (including sidewalks, A.D.A. ramps, and vehicular approaches, as described in the City right-of-way plans adjacent to the east side of Collins Avenue at 34th Street), or will provide funding for such work, at the discretion of the City's Capital Improvement Projects Department.
 - c. 34th Street Surface Parking Lot: The owner will provide landscape and irrigation, or will provide funding for such improvements at the discretion of the City's Capital Improvement Projects Department for the 34th Street surface lot.
 - d. Public Beach Access at 34th Street: The owner will construct the paved public beach access, including all associated hardscape, landscape, and irrigation, from Collins Avenue to the Ocean. This shall also include all landscape, hardscape, and irrigation located between the east end of the 34th Street parking lot and the Ocean.
 - e. Pursuant to Condition 3.d.i below, the owner shall provide lighting in all landscape areas constructed or funded by the owner, in a manner to be reviewed and approved by staff.
3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated; at a minimum, such plan shall incorporate the following:
 - a. The applicant shall provide a fully detailed streetscape plan for 32nd Street, subject to the review and approval of the CIP Department, which is consistent with the CIP Oceanfront Neighborhood Right-of-Way Project, and shall execute such plan at its sole expense prior to the issuance of a Final C.O. for the project; at a minimum, such plan shall include the following:
 - i. A streetscape plan shall include both sides of the street from Collins Avenue to the City of Miami Beach board walk.
 - ii. Street Trees shall be consistent with the approved streetscape plan.
 - iii. The existing Australian Pines at the end of 32nd Street shall be removed and replaced with plaza area and beach access

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3201-3315 Collins Avenue, Miami Beach
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consistent with the 'City of Miami Beach Proposed Neighborhood Capital Improvements Program' developed for this street.

- b. The applicant shall provide a fully detailed streetscape plan for Collins Avenue and shall execute such plan at its sole expense prior to the issuance of a C.O. for the project; at a minimum, such plan shall include the following:
 - i. Coconut Palm is the designated street tree for Collins Avenue as per CMB Master Street Tree Plan and should be the dominant species on all the fronts facing this avenue (Coconut Palms 'Green Malayan' is the recommended cultivar and shall have a minimum 12' of wood with a straight and heavy trunk at time of installation).
 - ii. Street trees shall be spaced a minimum of 18' on center and planted on 5' x 5' planting cut out when placed on paved pedestrian areas. Tree grates may be utilized. An effort shall be made to provide a continuous palm canopy on both sides of Collins Avenue while providing ample pedestrian circulation.
- c. The applicant shall provide a fully detailed landscape plan for the entire City of Miami Beach Parking Lot at 34th Street, and for both sides of 34th Street from Collins Avenue to the City of Miami Beach board walk, subject to the and approval of the CIP Department. At the discretion of the CIP Department, the applicant shall execute such plan at its sole expense, or fund the plan by posting a performance bond, in a manner to be approved by the City Attorney, prior to the issuance of a Final C.O. for the project; at a minimum, such plan shall include the following:
 - i. The existing Sabal Palms fronting the parking lot shall be replaced with Coconut Palms ('Green Malayan' is the recommended cultivar and shall have a minimum 12' of wood with a straight and heavy trunk at time of installation).
 - ii. Ample landscape setback shall be provided between the existing City Parking lot and the proposed development in order to allow for the planting of a row of Coconut Palm trees in conjunction with a paved public beach access.
 - iii. Additional landscape may be required to be placed in the transition area between the parking and the existing public board walk.
- d. General:

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- i. Landscape Up-lighting shall be provided in all landscape areas including planting islands on the street in a manner to be approved by staff.
- ii. Any existing overhead utility lines must be placed underground in a way that doesn't interfere with any planting area.
- iii. All landscape material shall be Florida number 1 or better.
- iv. An irrigation plan for the entire property shall be submitted for review as part of the landscape permit approval.
- v. No solid walls shall be permitted within the required rear yard setback; only open picket type fences shall be permitted.
- vi. No solid walls or structures other than landscape planters shall be permitted within the view corridor provided between the existing and proposed buildings.
- vii. The stone fountain feature fronting Collins Avenue shall be restored to its original condition, removing all paint.
- viii. Cabanas shall not be permitted to occupy greater than 50 percent of the linear frontage along the required rear yards facing 32nd Street and the city parking lot at the north of the site.
- ix. The location of all structures in the Ocean Front and Dune Preservation Overlay District shall fully meet the requirements of the Code.
- x. All exterior walkways and driveways shall consist of decorative pavers, set in sand or other equally semi-pervious material, subject to the review and approval of staff.
- xi. All landscape areas abutting driveways and parking areas shall be defined by decorative bollards.
- xii. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all post-indicator valves (PIV), fire department connections (FDC) and all other related devices and fixtures, which shall be clearly indicated on the site and landscape plans, and shall be subject to the review and approval of staff.
- xiii. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any

*Board of Adjustment Order: Meeting of January 6, 2012
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3201-3315 Collins Avenue, Miami Beach
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required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

- xiv. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
4. 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.
5. The applicant shall comply with all conditions imposed by the Public Works Department.
6. The applicant shall obtain a full building permit within eighteen months (18) months from the date of this hearing. If the full building permit is not obtained within the specified time limits, the applicant shall, prior to expiration of such period, apply to the Board for an extension of time. At the hearing on such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. Failure to comply with this order shall subject the variance to Section 118-356, City Code, for revocation or modification of the variance.
7. The conditions on this Order are binding on the applicant, the property's owners and all successors in interest and assigns.
8. 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.
9. 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, except to the extent of the variance granted herein.
10. This Order shall be recorded, at the expense of the applicant, in the Public Records of Miami-Dade County; the original or a certified copy shall be provided to the Planning Department prior to the issuance of a Building Permit.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Board of Adjustment, as determined by staff, entitled "Saxony Miami Beach Hotel

Board of Adjustment Order: Meeting of January 6, 2012
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3201-3315 Collins Avenue, Miami Beach
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and Residences ", as prepared by Foster + Partners, dated August 12, 2011, modified in accordance with the conditions set forth in this Order and staff review and approval.

The applicant shall have a full building permit for the work contemplated herein issued by the Building Department on or before July 6, 2013 (within eighteen months of the date of this hearing) as per the above conditions. If the full building permit is not obtained within the specified time limits, the applicant shall apply to the Board for an extension of time prior to expiration of such period; otherwise, this Order will expire, and become null and void, unless the issuance of such permit is stayed by an appeal of this Order to a court of competent jurisdiction.

This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning Department, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance with and pursuant to the ordinances of the City of Miami Beach.

Board of Adjustment of
The City of Miami Beach, Florida

By:


Richard G. Lorber, AICP, LEED AP
Acting Planning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139


STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 18th day of January, 2012, by Richard G. Lorber, Acting Planning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



TERESA MARIA
MY COMMISSION # DD 923148
EXPIRES: December 2, 2013
Bonded Third Notary Public Services

[NOTARIAL SEAL]
My Commission Expires:


Notary:
Print Name: TERESA MARIA
Notary Public, State of Florida

Approved As To Form:
Legal Department (gfkld 1-13-2012)

Board of Adjustment Order: Meeting of January 8, 2012
File No. 3547 - 3201 Hotel, LLC and 3315 Tower, LLC
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Filed with the Clerk of the Board of Adjustment on 01/19/12 

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OR BK 27980 PG 2184
LAST PAGE

EXHIBIT "A"

LEGAL DESCRIPTION:

PARCELS A AND C ARE ALSO DESCRIBED AS:

PARCEL 1:

All of Block 17 of AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, according to the plat thereof as recorded in Plat Book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida and also all that part of a strip of land formerly a public alley, which lies between Lots 1, 2, 3 and 4, of said Block 17 on the East side thereof and Lots 5, 6, 7 and 8 on the West side thereof.

PARCEL 2:

Lots 1, 2, 5 and 6, in Block 19 of AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, according to the amended plat thereof, as recorded in Plat Book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida and also all of that part of a strip of land formerly a public alley, which lies between Lots 1 and 2 of said Block 19 on the East side thereof and Lots 5 and 6 on the West side thereof.

PARCEL 4:

A portion of Thirty-Third Street, per Resolution Vacating Thirty Third Street from Collins Avenue to the Atlantic Ocean, recorded in Official Records Book 3560, Page 115. Said portion of Thirty-Third Street being more particularly described as follows:

That portion of 33 Street lying adjacent and North of Lots 4 and 5, Block 17 and lying adjacent and South of Lots 1 and 6, Block 19 of AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY, according to the amended Plat thereof recorded in Plat book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida and being bound on the East by a line extending Northeasterly from the Northeast corner of Lot 4, Block 17 to the Southeast corner of Lot 1, Block 19 and being bounded on the West by a line extending Northwesterly from the Northwest corner of Lot 5, Block 17, to the Southwesterly corner of Lot 6, Block 19 of amended map of the Ocean Front Property of the Miami Beach Improvement Company's Subdivision recorded in Plat Book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida.

PARCEL 5:

A parcel of land being a portion of Section 26, Township 53 South, Range 42 East, lying within the City of Miami Beach, Miami-Dade County, Florida. Said parcel of land being more particularly described as follows:

Begins at the Southeast corner of Lot 1, Block 17 of the amended map of AMENDED MAP OF THE OCEAN FRONT PROPERTY OF THE MIAMI BEACH IMPROVEMENT COMPANY according to the plat thereof as recorded in Plat Book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida.

Thence N 18 DEGREES 40' 34" E, along the East line of Lots 1, 2, 3 and 4 of said Block 17, a distance of 199.32 feet to the Northeast corner of said Lot 4, Block 17.

Thence N 10 degrees 19' 30" E, a distance of 49.72 feet to the Southeast corner of Lot 1, Block 19 of said amended Map of the Ocean Front Property;

Thence continue N 10 degrees 19' 30" E, along the East line of said Lot 1, Block 19, a distance of 120.04 feet to the Northeast corner of said Lot 1, Block 19;

Thence N 07 degrees 49' 05" E, along the East line of Lot 2 of said Block 19, a distance of 49.67 feet to the northeast corner of said Lot 2, Block 19;

Thence S 82 degrees 30' 37" E, along the Easterly projection of the North line of said Lot 2, Block 19, a distance of 28.41 feet to a point on the Erosion Control Line, a state defined line, recorded in Plat Book 105, Page 62 of the Public Records of Miami-Dade County, Florida.

Thence S 05 degrees 56' 15" W, along said Erosion Control Line, a distance of 49.66 feet.

Thence S 11 degrees 49' 20" N, along said Erosion Control Line, a distance of 376.99 feet to a point on the Easterly Projection of the South line of said Lot 1, Block 17.

Thence N 69 degrees 58' 58" N, along said Easterly projection of the South line of Lot 1, Block 17 a distance of 49.87 feet to the Point of Beginning.

Said lands situate within the City of Miami Beach, Miami-Dade County, Florida.

BOA FILE NO. 3323 ORIGINAL FINAL ORDER

Recording Office Use Only

**BEFORE THE
BOARD OF ADJUSTMENT
OF THE CITY OF MIAMI BEACH, FLORIDA**

IN RE: The application of
PATRINELY GROUP, LLC.
3201-3315 COLLINS AVENUE
MIAMI BEACH, FLORIDA
(FOR COMPLETE LEGAL DESCRIPTION
SEE ATTACHED EXHIBIT "A")

MEETING DATE: AUGUST 3, 2007
FILE NO. 3323

ORDER

The applicant, Patrinely Group, LLC, filed an application with the Planning Department for variances in order to permit the renovation of the existing Saxony Hotel and the construction of a new 18-story, 67-unit multifamily building, as follows:

1. A variance to waive 17' - 11" of the minimum required north side interior pedestal setback of 27' - 11", in order to place the pedestal at 10' - 0" from the north side property line.
2. A variance to waive 17' - 11" of the minimum required north side interior tower setback of 47' - 11", in order to place the tower at 30' - 0" from the north side property line.
3. A variance to waive 40' - 4 ½" of the minimum required sum of the side yards at the pedestal level of 55' - 2" in order to provide a sum of the side yards of 14' - 9 ½".
4. A variance to waive all of the interior side pedestal setback in order to build new stairs from the existing nonconforming building line of 4' - 9 ½" to the south property line.
5. A variance to waive the parking pedestal design requirement that the first level along every façade facing a street, sidewalk or waterway shall incorporate residential use, in order to have a parking garage facing east.
6. A variance to waive 2' - 0" of the minimum required two-way interior drive aisle width of 22' - 0" in order to build drive aisles with a width of 20' - 0".
7. A variance to waive all of the minimum required setback dimension of 1' - 6" from the edge of the required interior drive to the face of a structural column.

Notice of the request for variance was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

*Board of Adjustment Order: Meeting of August 3, 2007
File No. 3323: Patrinely Group, LLC
3201-3315 Collins Avenue, Miami Beach, Florida
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THE BOARD FINDS that the property in question is located in the RM-3 Zoning District.

THE BOARD FURTHER FINDS, based upon evidence, testimony, information and documentation presented to the Board, and portions of the staff report and recommendations, as applicable, which are incorporated herein by this reference, that with regard to the requested variance when conditioned as provided for in this Order:

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.

IT IS THEREFORE ORDERED, by the Board, that the variances be APPROVED as requested and set forth above, with the following conditions to which the applicant has agreed:

1. The FAR shaded FAR drawings submitted as part of this application shall be revised to include areas noted on the plans.
2. An agreement providing for landscaping improvements for the entire adjacent City lot, as voluntarily proffered by the applicant, subject to the review and approval of the City Manager and City Attorney, shall be executed within 180 days of this approval, and the applicant shall provide the funding for such improvements prior to the issuance of a building permit for the project, or other schedule agreed to by the City Manager. The applicant shall discuss with the City ways to time the completion

*Board of Adjustment Order: Meeting of August 3, 2007
File No. 3323: Patrinely Group, LLC
3201-3315 Collins Avenue, Miami Beach, Florida
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- of the landscaping improvements prior to the issuance of a certificate of occupancy for the new tower.
3. Parking for construction workers shall not otherwise impact normal parking in the area.
 4. Any open violations shall be cleared prior to full permit approval.
 5. 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.
 6. A landscape plan prepared by a Professional Landscape Architect, for the entire site, inclusive of street trees as per the City of Miami Beach Master Street Tree Plan, shall be submitted to and approved by staff before a building permit is issued for construction.
 7. The applicant shall comply with all conditions imposed by the Public Works Department.
 8. The applicant shall obtain a full building permit within eighteen months (18) months from the date of this hearing and complete the project within two (2) years from the date of the full building permit issuance. If the building permit is not obtained or construction is not completed within the specified time limits, the applicant shall, prior to expiration of such period, apply to the Board for an extension of time. At the hearing on such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. In the event a proposed code amendment renders a project with a variance approval non-conforming, as more specifically set forth in sections 118-168 and 118-169 of this Code, then such project shall not be eligible to receive an extension of time granted by the board of adjustment for any reason. Failure to comply with this order shall subject the variance to Section 118-356, City Code, for revocation or modification of the variance.
 9. Should the applicant require additional time to obtain the full building permit or to complete construction, they may apply to the Board within the allowable time frames for extensions of time or modifications of the completion of the construction date one-time only, for one year extension of time or modification of completion date. The granting of such extension shall be at the Board's discretion.
 10. This Order shall be recorded, at the expense of the applicant, in the Public Records of Miami-Dade County; the original or a certified copy shall be provided to the Planning Department prior to the issuance of a Building Permit.

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HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: September 12, 2017

FILE NO: HPB17-0109

PROPERTY: 3201 Collins Avenue

APPLICANT: 3201 Hotel, LLC

LEGAL: All of Block 17 of Ocean Front Property on the Miami Beach Improvement Company's Subdivision according to the plat recorded in plat book 5, pages 7 & 8 of the Official Records of Miami-Dade County, and also all of that part of a strip of land formerly a public alley, which lies between lots 1, 2, 3, & 4 of Block 17 on the east side thereof and lots 5, 6, 7, & 8 on the west side thereof, together with all of lots 1, 2, 5, and 6 in block 19 of Ocean Front Property on the Miami Beach Improvement Company's Subdivision according to the plat recorded in plat book 5, pages 7 & 8 of the Official Records of Miami-Dade County.

IN RE: The application for modifications to a previously issued after-the-fact Certificate of Appropriateness for the installation of a temporary art exhibit within the eastern portion of the property. Specifically, the applicant is requesting approval for permanent installation of the art exhibit and after-the-fact variances to reduce the required pedestal street side and sum of the side setbacks for the retention of air conditioning equipment and the construction of a new wall enclosure facing 32nd Street.

CONSOLIDATED ORDER

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

I. Certificate of Appropriateness

- A. The subject site is located within the Collins Waterfront 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 the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
 - 2. Is not consistent with Certificate of Appropriateness Criteria 'b' & 'd' in Section 118-564(a)(2) of the Miami Beach Code.
 - 3. Is not consistent with Certificate of Appropriateness Criteria 'b', 'd', 'e', 'i', 'j', 'm' & 'o' in Section 118-564(a)(3) of the Miami Beach Code.

4. Is consistent with Sea Level Rise and Resiliency Review Criteria in Section 133-50(a) of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of section 118-564 and 133-50(a) if the following conditions are met:
 1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. Regular maintenance of the subject art installation shall be the sole responsibility of the property owner. A maintenance covenant subject to the review and approval of the City Attorney and the Planning Director shall be recorded in the Miami Dade public records. The art exhibit shall be approved for a period not to exceed twelve (12) months from February 9, 2016; any extension of this timeframe shall be subject to the review and approval of the Board.
 - b. The air conditioning units shall be relocated so as not to require any variance, screened from street 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.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s): No Variances were requested as a part of this application.
 1. An after the fact variance to reduce by 25'-10" the minimum required pedestal street side setback of 27'-11" in order to retain air conditioning equipment at 4'-8" and construct a new wall enclosure at 2'-1" from the property line facing 32nd Street. (Variance DENIED)
 2. An after the fact variance to reduce by 35'-4" the minimum required pedestal sum of the side yards of 48'-1" in order to retain air conditioning equipment at 4'-8" and construct a new wall enclosure at 2'-1" from the property line facing 32nd Street. (Variance DENIED)
- B. The applicant has submitted plans and documents with the application that the Board has concluded **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, the Board has concluded that the plans and documents submitted with the application **DO NOT** comply with the following hardship criteria 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;

Meeting Date: September 12, 2017

- 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 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. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness and Variance approval as same as are contained herein, in the original Order dated February 9, 2016. Accordingly, this Order shall serve as the Final Order for the proposed project and, in the event of conflict between the provisions hereof and those of the February 9, 2016 Order, the provisions hereof shall control.
- B. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, 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. 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.

Meeting Date: September 12, 2017

- 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.

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 "Saxony Hotel – temporary art installation, "Gone but not Forgotten", dated December 21, 2015 and July 24, 2017, as approved by the Historic Preservation Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting

date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this _____ day of _____, 20__.

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 _____ day of _____, 20__ 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.

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

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

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

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