

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: February 13, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB17-0129 a.k.a. HPB File No. 7132, **2740 North Bay Road.**

The applicant, Delphine Dray, is requesting modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation, and restoration of the existing 2-story home, including the construction new one and two story additions. Specifically, the applicant is requesting total demolition and reconstruction of the previously approved design at a higher finish floor elevation.

STAFF RECOMMENDATION

Approval of the application with conditions

BACKGROUND

On May 11, 2010, the Board reviewed and approved a request by the homeowner for the individual designation of the single-family property at 2740 North Bay Road as an historic structure.

At the same meeting, the Board reviewed and approved a Certificate of Appropriateness for the partial demolition, renovation, and restoration of the existing 2-story home, including the construction of new 1 and 2-story additions (HPB File No. 7132).

On September 14, 2010, the Board voted unanimously (7 to 0) in favor of recommending that the Mayor and City Commission approve a preconstruction application for Historic Ad Valorem Tax Exemption for qualifying improvements to the historically designated single-family residence at 2740 North Bay Road (HPB File No. 7186).

On November 17, 2010, the Mayor and City Commission adopted a resolution authorizing a Historic Ad Valorem Tax Exemption for qualifying improvements to the historically designated single-family residence at 2740 North Bay Road (Resolution 2010-27545).

On April 8, 2013, a full building permit was issued for the approved project.

Since the construction was not completed within 30 months from the date of City Commission approval, as required by Sec. 118-609 of the City Code, the preconstruction application for an Historic Ad Valorem Tax Exemption has expired.

On July 11, 2017, the Board reviewed and continued the subject application to a date certain of

October 10, 2017.

On October 10, 2017, the application was deferred and subsequently re-noticed for the December 18, 2017 meeting of the Historic Preservation Board at the request of the applicant.

On December 18, 2017, the Board reviewed and continued the subject application to a date certain of February 13, 2018.

EXISTING STRUCTURE

Status:	Individually designated historic single family residence
Original Construction Date:	1929
Original Architect:	August Geiger

SITE DATA

Legal Description:	Lot 10, Block 12, of "Amended Plat of Sunset Lake Subdivision", according to the Plat thereof, as recorded in Plat Book 8 at Page 52 of the Public Records of Miami-Dade County, Florida.
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Zoning:	RS-2, Residential Single Family
Future Land Use Designation:	RS-2, Residential Single Family
Lot Size:	26,184 S.F.
Existing Lot Coverage:	6,955 S.F. / 26.6%
Proposed Lot Coverage:	7,181 S.F. / 27.4%, as represented by the applicant
Existing Unit Size:	8,188 S.F. / 31.3%
Proposed Unit Size:	10,744 S.F. / 41.0%, as represented by the applicant
Existing Height:	20'-7" / 1 & 2-stories *measured from grade
Proposed Height:	26'-7" / 1 & 2-stories *measured from grade
	20'-7" measured from BFE + 1
Existing Use/Condition:	Single Family
Proposed Use:	Single Family

THE PROJECT

The applicant has submitted revised plans entitled "2740 North Bay Road", as prepared by Pacheco-Martinez & Associates LLC, undated.

The applicant is requesting additional demolition to the previously approved project in order to reconstruct the historic single family home and additions at the required Base Flood Elevation.

CONSISTENCY WITH 2025 COMPREHENSIVE PLAN

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

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the applicable sections City Code.

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.

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.
Satisfied
 - c. Texture and material and color.
Satisfied
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Not Applicable
The subject property is not located within an historic district
 - e. The purpose for which the district was created.
Not Applicable
The subject property is not located within an historic district
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Not Applicable
The subject property is not located within an historic district
 - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.

Satisfied

- 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.

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.

Satisfied

- 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.

Satisfied

- 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.

Satisfied

- 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.

Satisfied

- 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.

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 Applicable

- 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).

Satisfied

- 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

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

Section 118-564 (f)(4) of the Land Development Regulations of the Miami Beach Code provides criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. The following is an analysis of the request based upon these criteria:

- a. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code as a Historic Building, Historic Structure or Historic Site, Historic Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.

Satisfied

The existing structure is individually designated as an historic single family residence.

- b. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

Satisfied

The existing structure would be difficult and inordinately expensive to reproduce.

- c. The Building, Structure, Improvement, or Site is one of the last remaining examples of its kind in the neighborhood, the country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

Satisfied

The subject structure is one of the last remaining examples of its kind and is a distinctive example of an architectural or design style which contributes to the character of the district.

- d. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

Not Applicable

The subject structure is not located within a local historic district.

- e. Retention of the Building, Structure, Improvement, Landscape Feature or Site promotes the general welfare of the City by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage.

Satisfied

The retention of the structure is critical to developing an understanding of an important Miami Beach architectural style.

- f. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district.

Not Applicable

The demolition proposed in the subject application is not for the purpose of constructing a parking garage.

- g. In the event an applicant or property owner proposes the total demolition of a contributing structure, historic structure or architecturally significant feature, there shall be definite plans presented to the board for the reuse of the property if the proposed demolition is approved and carried out.

Satisfied

The applicant has submitted plans for the reconstruction of the previously approved project at base flood elevation.

- h. The Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.

Not Applicable

The Dade County Unsafe Structures Board has not ordered the demolition of any part of the subject building.

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 Satisfied

A recycling or salvage plan has not been submitted; staff is recommending that a plan for salvage and recycling be submitted prior to the approval of a building permit for the subject application.

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

Satisfied

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

Satisfied

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

Satisfied

- (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.

Satisfied

Sea Level Rise projections were taken into account.

ESTIMATED from LIDAR and 1995 Partial Building Records indicates the following:

- Existing Crown of Road – 3.76 NGVD
- Future Crown of Road – 5.26 NGVD
- Existing Edge of Pavement – 2.86 NGVD
- Future Edge of Pavement – 5.06 NGVD
- Average Ground Elevation – 4.45 NGVD
- Existing Finish Floor Elevation – ~ 5.00 NGVD

At Mean High Water, Sea Level Rise is projected to be (NGVD Elevations):

- 2.31 to 2.64 by 2030 (near-term)
- 2.98 to 3.98 by 2060 (mid-term)
- 4.39 to 6.89 by 2100 (long-term)

- (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.

Satisfied

The ground floor and driveway have been designed in manner that will accommodate the future raising of North Bay Road.

- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

Satisfied

All critical mechanical and electrical systems will be located on the roof of the structure, including the air-conditioning units.

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

Satisfied

The applicant has provided a detailed structural analysis of the property. This analysis outlines the structural deficiencies and extreme challenges with regard to renovation of the building to meet current Building Code requirements. Based upon the evidence submitted, it is unlikely the building would survive being raised 4'-0" to meet current Base Flood Elevation requirements.

- (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.

Satisfied

Habitable space is not proposed below the base flood elevation.

- (10) Where feasible and appropriate, water retention systems shall be provided.

Satisfied

Water retention systems will be provided as required by Florida Building Code.

ANALYSIS

The existing single family home on the subject site, constructed in 1929, was voluntarily designated as an individual historic single family residence by the Board on May 11, 2010, at the request of the current owner. At the same meeting, the Board reviewed and approved an application for the renovation and restoration of the existing 1 and 2-story home, including the construction of a new single story garage, a new roof-top addition above the existing garage and a new single story loggia along the front of the home, connecting the new garage, new main entrance, and staff quarters.

As noted in the 'Background' section of this report, the Board reviewed the subject application on July 11, 2017 and requested the applicant provide additional information with regard to the existing structural conditions of the property. This information was presented to the Board on December 18, 2017. At the December 18th meeting, the Board reviewed and continued the application to a date certain of February 13, 2018 in order to give the applicant additional time to further develop the proposed design.

Since the December meeting, the applicant has submitted revised plans which include the following changes:

- The primary facades fronting onto North Bay Road, including the reconstructed portion of the original home as well as the new additions, have been further developed in a manner more consistent with the original 1929 design.
- The yard elevations have been raised in order to eliminate the need for additional steps up to the first floor of the home.

Staff believes that the currently proposed plan successfully addresses the concerns of the Board expressed at the December 18, 2017 meeting.

Additionally, due to the voluntary nature of the of the initial historic designation request, as well as the significant structural engineering challenges associated with the elevation of the existing home presented at the December meeting, staff has no objection to the proposed reconstruction of the project.

Finally, staff would note that the amount of demolition proposed exceeds 25% of the first floor slab and the building would not be permitted to retain the existing setbacks. However, if the Board finds that the project satisfies the criteria for the retention and restoration of the Contributing building, as outlined in Section 118-395 of the City Code below, a waiver can be granted.

Sec. 118-395. - Repair and/or rehabilitation of nonconforming buildings and uses.

- * * *
- (b) *Nonconforming buildings.* *
 - * * *
 - (2) Nonconforming buildings which are repaired or rehabilitated by more than 50 percent of the value of the building as determined by the building official shall be subject to the following conditions:
 - * * *
 - d. Development regulations for buildings located within a designated historic district or for an historic site:

1. The existing structure's floor area, height, setbacks and any existing parking credits may remain, if the following portions of the building remain substantially intact, and are retained, preserved and restored:
 - i. At least 75 percent of the front and street side facades;
 - ii. At least 75 percent of the original first floor slab;
 - iii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls; and
 - iv. All architecturally significant public interiors.
2. For the replication or restoration of contributing buildings, but not for noncontributing buildings, the historic preservation board may, at their discretion, waive the requirements of subsection(b)(2)d.1. above, and allow for the retention of the existing structure's floor area, height, setbacks or parking credits, if at least one of the following criteria is satisfied, as determined by the historic preservation board:
 - i. The structure is architecturally significant in terms of design, scale, or massing;
 - ii. The structure embodies a distinctive style that is unique to Miami Beach or the historic district in which it is located;
 - iii. The structure is associated with the life or events of significant persons in the City;
 - iv. The structure represents the outstanding work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
 - v. The structure has yielded or is likely to yield information important in prehistory or history; or
 - vi. The structure is listed in the National Register of Historic Places.

Staff has found that Criteria i., ii., v. & vi., above are satisfied.

At this point the building has remained vacant for several years, and expediting the property's return to active use will greatly benefit the quality of life and character of the surrounding residential district.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **approved** subject to the following conditions, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria.

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

MEETING DATE: February 13, 2018

FILE NO: HPB17-0129 a.k.a. HPB File No. 7132

PROPERTY: 2740 North Bay Road

APPLICANT: Delphine Dray

LEGAL: Lot 10, Block 12, of "Amended Plat of Sunset Lake Subdivision", according to the Plat thereof, as recorded in Plat Book 8 at Page 52 of the Public Records of Miami-Dade County, Florida

IN RE: The Application for modifications to a previously issued Certificate of Appropriateness for the partial demolition, renovation, and restoration of the existing 2-story home, including the construction new one and two story additions. Specifically, the applicant is requesting total demolition and reconstruction of the previously approved design at a higher finish floor elevation.

SUPPLEMENTAL 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 property is designated as an historic single family residence.

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 consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.
3. Is consistent with Certificate of Appropriateness Criteria 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.
5. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(f)(4) of the Miami Beach Code.

C. The project would remain consistent with the criteria and requirements of section 118-564 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. With the exception of the modifications approved and shown on the plans presented at the February 13, 2018 meeting, the exterior of the residence may be reconstructed and such reconstruction shall be in accordance with historical documentation, 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 118-395(b)(2) of the City Code, the requirement pertaining to an existing structure's setbacks, is hereby waived, to allow for the reconstruction.
3. A revised landscape plan, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. The land elevations of the lot shall be raised, in order to reestablish the existing relationship between the historic home and the site, eliminating the need for additional steps to the front entrance of the home, 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. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.

II. Variance(s)

- A. No request for variances has been filed with this application.

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

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

- A. A recycling/salvage plan shall be provided as part of the submittal for a demolition/building permit, as applicable, in a manner to be reviewed and approved by staff.
- B. All new FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- C. All new construction over 7,000 square feet or ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area shall be required to be, at a minimum, certified as LEED Gold by USGBC. In lieu of achieving LEED Gold certification, properties can elect to pay a sustainability fee, pursuant to Chapter 133 of the City Code. This fee is set as a percentage of the cost of construction.
- D. A copy of all pages of the recorded Supplemental 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 Supplemental Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- G. 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.
- H. The Supplemental 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.
- I. The previous Final Order dated May 11, 2010 shall remain in full force and effect, except to the extent modified herein.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. 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 "2740 North Bay Road", as prepared by Pacheco-Martinez & Associates LLC, dated 05-01-2017 and as revised and presented on February 13, 2018, as amended and 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-Through~~ denotes deleted language
Underscore denotes new language

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