

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: June 11, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB18-0200, **340 23rd Street – Collins Park Garage.**

The applicant, City of Miami Beach, is requesting a Certificate of Appropriateness for the total demolition of an existing 1-story building and the construction of a 6-story parking garage with ground level commercial space.

STAFF RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions

BACKGROUND

On September 14, 2016, the City Commission approved the issuance of a Request for Proposals (RFP) No. 2016-204-KB for design/build services for a new parking garage facility and related infrastructure for the Collins Park Garage.

On December 14, 2016, the City Commission granted a waiver pursuant to Sections 142-425(d) and (e) of the City Code, in order to allow for a maximum building height of 75'-0" (Resolution No. 2016-29679).

On December 19, 2016, an Evaluation Committee appointed by the City Manager via LTC # 511-2016 convened to consider proposals received. The Committee was instructed to score and rank each proposal pursuant to the evaluation criteria established in the RFP.

On January 11, 2017, the City Commission adopted a resolution, authorizing the City Manager's recommendation that the four top ranked firms be considered in the evaluation process.

On June 29, 2017, the City received proposals in response to the RFP from three of the short-listed proposers.

On July 11, 2017, an Evaluation Committee appointed by the City Manager via LTC # 201-2017, convened to consider proposals received. The Committee was instructed to score and rank each proposal pursuant to the evaluation criteria established in the RFP.

On September 13, 2017, the City Commission adopted a resolution, accepting the recommendation of the City Manager to award an agreement for design/build services to KVC Constructors, Inc., for a new parking garage facility and related infrastructure for the Collins Park Garage.

EXISTING STRUCTURES

Local Historic District: Museum

340 23rd Street

Status: Non-Contributing
Original Construction Date: 1964
Original Architect: Not listed

2200 Liberty Avenue – Miami City Ballet

Status: Non-Contributing
Original Construction Date: 2000
Original Architect: Arquitectonica

ZONING / SITE DATA

Legal Description: Parcel 1:
Lots 1 thru 4 less the north 10 feet of lots 1 and 3 and lots 6, 8 & 10, Block 1, of the Miami Beach Improvement Company Subdivision, according to the plat thereof recorded in Plat Book 5, Page 7 of the public records of Miami Dade County, Florida.

Parcel 2:
Lot 5, Block 1, of the Miami Beach Improvement Company Subdivision, according to the plat thereof recorded in Plat Book 5, Page 7 of the public records of Miami Dade County, Florida.

Parcel 3:
Lots 7 and 9, Block 1, of the Miami Beach Improvement Company Subdivision, according to the plat thereof recorded in Plat Book 5, Page 7 of the public records of Miami Dade County, Florida.

Zoning: GU, Civic and government use
Future Land Use Designation: PF, Public facility, governmental
Lot Size: 64,800 S.F. / 2.75 Max FAR (CD-3)
Existing FAR: 64,982 S.F. / 1.01 FAR
Proposed FAR: 93,305 S.F. / 1.44 FAR
Existing Height: 46'-6" / 3-stories (Miami City Ballet)
Proposed Height: 69'-5" / 6-stories
Existing Use/Condition: Surface parking lots
Proposed Use: 513 space parking garage with ground level commercial

THE PROJECT

The applicant has submitted plans entitled "Collins Park Garage", as prepared by Shulman + Associates, dated April 6, 2018.

The applicant is requesting a Certificate of Appropriateness for the construction of a new 5-story

parking garage with accessory ground level commercial space. The demolition of the one-story non-contributing building was approved by the City Commission in 2013.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the applicable sections of the City Code, with the exception of the waiver to exceed the maximum permitted height granted by the City Commission on December 14, 2016.

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 **parking garage with ground level commercial** 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.
Not Satisfied
The proposed landscape plan does not satisfy the minimum landscape requirements outlined in Chapter 126 of the City Code; street trees have not been provided on all street frontages.
- 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.
Satisfied
 - 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.
Satisfied
 - h. The original architectural design or any subsequent modifications that have acquired significance.
Not Applicable
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 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.

Not Satisfied

Additional canopy shade trees will be required in order to enhance the pedestrian experience.

- 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).

Satisfied

- 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

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.
Satisfied
- (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.
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

- (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
- (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.
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 structure proposed for total demolition is designated as part of the Museum Local Historic District; the building is classified as a 'Non-Contributing' structure in the historic district.
- 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.
Not Satisfied
The structure proposed for total demolition would not 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.
Not Satisfied

The structure proposed for total demolition is not a distinctive example of an architectural 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 Satisfied

The structure proposed for total demolition is classified as a ‘Non-Contributing’ building in the Miami Beach Historic Properties Database.

- 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.

Not Satisfied

The retention of the structure proposed for total demolition is not 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.

Satisfied

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.

- 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.

Not Applicable

The applicant is not proposing total demolition of a ‘Contributing’ building.

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

Not Applicable

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

STAFF ANALYSIS

The City is proposing to construct a new parking garage on surface parking lots north of the Miami City Ballet building located between Park Avenue to the west, Liberty Avenue to the East and 23rd Street to the North. The proposed parking garage will provide parking for the surrounding neighborhood, including Collins Park, The Bass Museum of Art and the Miami Beach Public Library, in addition to serving the students and staff of the Miami City Ballet.

The proposed 7-story parking garage consists of ground level retail and 513 parking spaces located on levels 2-6 and the roof. The approximately 15,000 square feet of retail space is proposed to front on to Park Avenue, Liberty Avenue and 23rd Street and pedestrian access to the garage has been provided for at the southeast and southwest corners of the building. Two options have been submitted for the location of the vehicular entrance due to ongoing discussions with Miami-Dade County regarding the potential impacts to 23rd Street which is a County controlled roadway. The preferred option, with the entrance along Park Avenue, includes the vehicular closure of Liberty Avenue between 22nd and 23rd Streets and the introduction of a pedestrian promenade connecting to Collins Park. Alternatively, in the event the Park Avenue entrance is not permitted by Miami-Dade County, the second option includes a vehicular entrance along Liberty Avenue with a partial street closure and smaller pedestrian promenade. While staff believes the Park Avenue option with large urban plaza along Liberty Avenue has greater urbanistic benefits to the City, we understand the complex multi-jurisdictional approval process required for this type of project and do not believe that either option will have any negative impact on the surrounding historic district.

In 2013, the City Commission, pursuant to Resolution 2013-28119, approved the total demolition of the existing 1-story Non-Contributing structure located at 340 23rd Street. This building was constructed in 1964 as part of a gas station that ceased operations in the early 1990's. Subsequently, the property was purchased by the City and converted to public parking. In order expedite the construction process, the City is requesting the Board waive the requirement to obtain Planning Department approval of a full building permit for new construction prior to the issuance of a building permit to demolish the 'Non-Contributing' structure, pursuant to City Code Chapter 118-564(f)(6). As noted above, a Certificate of Appropriateness for demolition previously granted by the City Commission, as such, staff has no objection to this request.

Staff is supportive of the overall contemporary design language of the proposed structure which has been developed in a manner that appropriately responds to the unique architectural character of the historic district. The proposed building is defined by a dynamic architectural screen wrapping the parking levels. The screen is composed of perforated metal panels in which the perforations form letters. The resulting design, inspired by the form of a crossword puzzle, will highlight terms important to the City's rich heritage. Sample words have been provided on sheet 27 of the submittal; however, staff would note that the final word selection will be determined by the City Commission. Additionally, in the evening hours, the words are proposed to be illuminated from behind the screen and the exterior of the screen is proposed to be illuminated from projecting lighting sources at the base of the screen.

Finally, staff is highly supportive of the proposal to construct a high quality structure on the existing surface parking lots. Over time, the existing parking lots have had an increasing negative impact on the urban context of 23rd Street, the Collins Park neighborhood as well as the surrounding historic district.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be approved as to the Certificate of Appropriateness request, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria.

RESOLUTION NO. 2016-29679

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, ON SECOND AND FINAL READING OF THIS RESOLUTION AND FOLLOWING A DULY NOTICED PUBLIC HEARING, GRANTING A WAIVER OF CERTAIN DEVELOPMENT REGULATIONS, PURSUANT TO SECTION 142-425(d) OF THE CITY'S ZONING ORDINANCE, FOR THE COLLINS PARK GARAGE, LOCATED ON 23RD STREET BETWEEN PARK AVENUE AND LIBERTY AVENUE AND COLLINS PARK ARTIST HOUSING, LOCATED ON THE NORTHEAST CORNER OF 23RD STREET AND LIBERTY AVENUE, WITHIN THE MUSEUM HISTORIC DISTRICT AND COLLINS PARK NEIGHBORHOOD; SAID WAIVERS REGARDING THE MAXIMUM BUILDING HEIGHT.

WHEREAS, on April 13, 2016, the Mayor and City Commission approved the issuance of Request for Qualifications No. 2016-124-KB (RFQ) for Architectural and Engineering Design Criteria Professional Services for mixed use parking garages, including the Collins Park Garage Project (Project); and

WHEREAS, the RFQ was issued on April 20, 2016, and on June 8, 2016, the City Commission approved Resolution No. 2016-29425, authorizing the City to negotiate with Desman, Inc., and if successful, execute an agreement with the Consultant; and

WHEREAS, on May 11, 2016, the City Commission approved to issue the Request for Qualifications (RFQ) No. 2016-097-KB for Consulting Services for Public-Private Partnerships (P3) for Workforce/Affordable Housing Projects and on May 16, 2016, the RFQ was issued; and

WHEREAS, on September 14, 2016, the City Commission adopted Resolution No. 2016-29547, authorizing the administration to enter into negotiations with the Concourse Group and to execute an agreement upon conclusion of successful negotiations by the Administration; and

WHEREAS, a Design Criteria Package (DCP) is being prepared and will be provided to the Design Build Team for the design development and subsequent construction of the Collins Park Garage Project; and

WHEREAS, the proposed parking garage will be constructed on the property currently occupied by two surface parking lots located on 23rd Street, immediately behind the Miami City Ballet building, between Park Avenue and Liberty Avenue; and

WHEREAS, the ground level of the proposed structure, between Park and Liberty Avenues, will provide approximately 7,300 sq. ft. of retail space, while the upper six (6) levels of the parking garage will accommodate approximately 521 parking spaces; and

WHEREAS, the required building height necessary to accommodate the retail spaces and upper parking deck levels is approximately 70 feet; and

WHEREAS, the required 70-foot height limit takes into account sufficient clearance for vans, mechanical services, future modifications to accommodate sea level rise and the potential conversion from parking use to affordable housing, artist housing, workforce housing or other uses, should parking decline in the future; and

WHEREAS, the firm selected for consulting services for Public Private Partnerships (P3) will assist the City in identifying and creating opportunities to partner with the private sector to develop workforce/affordable housing for the Collins Park Artist Housing Project; and

WHEREAS, the proposed Collins Park Artist Housing Project will be constructed on the property currently occupied by a surface parking lot located on 23rd Street, immediately behind the Miami Beach Regional Library building, and east of Liberty Avenue; and

WHEREAS, the ground level will incorporate commercial retail spaces, art studios or other permitted uses and the balance of the upper floors will accommodate workforce housing units that will target artist; and

WHEREAS, in order to provide the optimal clear height for the retail spaces and the required parking levels, and to allow for maximum capacity for artist housings, it is necessary to waive certain development regulations, pertaining to the maximum allowable building height within a local historic district, which has been determined to be fifty (50) feet, and allow a new maximum height up to seventy five (75) feet for the two buildings; and

WHEREAS, pursuant to Sections 142-425(d) and (e) of the City Code, the Mayor and City Commission may waive development regulations in the GU government use district, following a noticed public hearing advertised in the newspaper at least fifteen (15) days prior to the hearing.

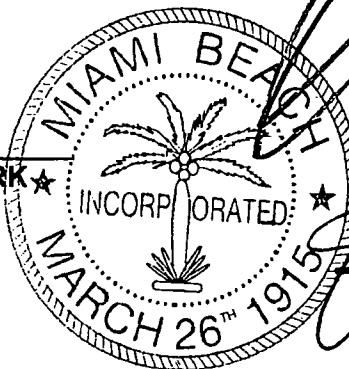
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission approve, on second and final reading of this Resolution and following a duly noticed public hearing, granting a waiver of certain development regulations, pursuant to section 142-425(d) of the city's zoning ordinance, for the Collins Park Garage, located on 23rd Street between Park Avenue and Liberty Avenue and Collins Park Artist Housing, located on the Northeast corner of 23rd Street and Liberty Avenue, within the Museum Historic District and Collins Park Neighborhood; said waivers regarding the maximum building height.

PASSED and ADOPTED this 14 day of December, 2016.

ATTEST:


PHILIP LEVINE, MAYOR


RAFAEL E. GRANADO, CITY CLERK



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

12/1/16
Date

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: June 11, 2018

FILE NO: HPB18-0200

PROPERTY: 340 23rd Street

APPLICANT: The City of Miami Beach

LEGAL: Parcel 1:
Lots 1 thru 4 less the north 10 feet of lots 1 and 3 and lots 6, 8 & 10, Block 1, of the Miami Beach Improvement Company Subdivision, according to the plat thereof recorded in Plat Book 5, Page 7 of the public records of Miami Dade County, Florida.

Parcel 2:
Lot 5, Block 1, of the Miami Beach Improvement Company Subdivision, according to the plat thereof recorded in Plat Book 5, Page 7 of the public records of Miami Dade County, Florida.

Parcel 3:
Lots 7 and 9, Block 1, of the Miami Beach Improvement Company Subdivision, according to the plat thereof recorded in Plat Book 5, Page 7 of the public records of Miami Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the total demolition of an existing 1-story building and the construction of a 6-story parking garage with ground level commercial space.

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 Museum 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 not consistent with the Certificate of Appropriateness Criteria 'b' 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 not consistent with Certificate of Appropriateness Criteria 'h' 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 not consistent with Certificate of Appropriateness Criteria 'b', 'c', 'd' & 'e' 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. All interior fixtures located within the ground floor commercial space, including, but not limited to, shelving, partitions, and checkout counters, shall be setback a minimum of ten (10') feet from glazed portion of an exterior wall, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. This shall not prohibit moveable tables and chairs or substantially transparent fixtures for display purposes only.
 - b. Interior lighting shall be designed in a manner to not have an adverse overwhelming impact upon the surrounding historic district. Intensive 'white' lighting shall not be permitted within the commercial space, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. The final design and details of all exterior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board. All proposed interior lighting located within the retail area shall be recessed or small pendant lighting.
 - d. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - e. All building signage shall require a separate permit. A uniform sign plan for the new ground level commercial spaces shall be required. Such sign plan shall be consistent in materials, method of illumination and sign location, in a manner to be reviewed and approved by the Board.

- f. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- 2. In accordance with Section 118-564(f)(6) of the City Code, the requirements set forth in Section 118-564(f)(6) are hereby waived.
- 3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
 - a. The applicant shall explore the removal of the 9 parking spaces fronting 23rd Street in order to provide additional canopy shade trees, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. The applicant shall explore relocating the native Green Buttonwood trees that are in good condition which are scheduled for removal to other city owned property, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. The 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.
 - d. A Silva Cell Rooting system or approved equivalent shall be provided with the required canopy shade trees in the public ROW subject to the review and approval of the City's Urban Forester. In the event that existing underground utilities prevent the installation of any of the required trees, a contribution to the Tree Trust Fund should be submitted equivalent to cost of material and installation inclusive of irrigation, landscape uplighting (two fixtures per tree), silva cell or approved equivalent, planting soil, trees, and bound aggregate.

II. Variance(s)

- A. No Variances were requested as a part of this application.

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, in a manner to be reviewed and approved by staff.

- B. 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.
- C. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- D. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- G. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
- J. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board, and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "Collins Park Garage", as prepared by Shulman + Associates, dated April 6, 2018, 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, Preservation and Design Manager,
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 _____ ()

F:\PLAN\HHPB\18HPB\06-11-2018\Draft Orders\HPB18-0200_340 23rd St.Jun18.FO.DRAFT.docx